

DIVISION 5 WATER COURT- DECEMBER 2024 RESUME

SUBSTITUTE WATER SUPPLY PLAN AND PRODUCED NONTRIBUTARY GROUNDWATER NOTIFICATION LIST

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

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

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

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

24CW3167 MESA COUNTY. COLORADO RIVER. Name, address and telephone number of Applicant: Clark and Cristina Ashton Family Trust, 641 19½ Road, Grand Junction, CO 81507, (801) 209-9109. Name of attorney, address and telephone number: Frederick G. Aldrich, Esq., Aldrich Law Firm, LLC, 601A 28¼ Road, Grand Junction, Colorado 81506, (970) 245-7950. Name of Structure: Ashton Tail Ditch. Type of Application: Application for conditional surface water right. Location: The point of diversion is located at the Southwest corner of Lot 1 of the Walter's Minor Subdivision, Plat, recorded July 19, 1991 in Plat Book 13, Page 528 as Reception No. 1576059 of the Mesa County, Colorado Clerk and Recorder's Records, being 464.72 feet South and 512.51 feet West of the Northeast corner of the NE¼SW¼ Section 16, Township 11 South, Range 101 West, 6th P.M. Type of Use: Irrigation of 2.55 acres. Type of Structure: tail water ditch. Quantity: 0.7.8 gpm conditional. Additional information: Applicant seeks to capture tail water to supplement shares of water from Redlands Water and Power Company to irrigate turf and shrubs.

YOU ARE HEREBY NOTIFIED THAT YOU HAVE until the last day of FEBRUARY 2025 to file with the Water Clerk a verified Statement of Opposition setting forth facts as to why this application should not be granted or why it should be granted in part or on certain conditions. A copy of such statement of opposition must also be served upon the applicant or the applicant's attorney and an affidavit or certificate of such service shall be filed with the Water Clerk, as prescribed by Rule 5, CRCP. (Filing Fee: \$192.00) KATHY POWERS, Water Clerk, Water Division 5; 109 8th Street, Suite 104 Glenwood Springs, CO 81601.

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

24CW3168 CARL D. AND DEBORAH J. WOOD, 11792 County Road 33, Parshall, Colorado 80463, Telephone: (720) 899-2274, Email: Carlwood1179@gmail.com. Please direct all correspondence or inquiries regarding this matter to the attorneys for the Applicants: Carolyn F. Burr, James M. Noble, Matt C. Nadel, WELBORN SULLIVAN MECK & TOOLEY, P.C., 1401 Lawrence Street, Suite 1800, Denver, Colorado 80202, Telephone: (303) 830-2500. **APPLICATION FOR CONDITIONAL DIRECT FLOW AND STORAGE WATER RIGHTS IN GRAND COUNTY, COLORADO.** 2. **Background** The conditional storage rights for Travis Reservoir, Samuel Reservoir, and Carl Reservoir were originally decreed in Case No. 04CW70 on February 16, 2006, for a combined storage amount of 125 acre feet, with each of these and the Gustafson Reservoir as alternate places of storage. The decreed location and amount of storage for Travis Reservoir was changed in the decree entered in Division 5 Case No. 12CW29, entered on March 17, 2013. This Application seeks a decree approving 1) a conditional storage water right for a new reservoir, named the "Dunbar Reservoir," along with a conditional direct flow water right on Granger Creek, a tributary of the Williams Fork Reservoir, and 2) conditional direct flow water rights with points of diversion at the locations of the Travis, Carl, and Samuel Reservoirs. The locations of the structures were determined using the CDSS Map Viewer and are depicted on the map attached hereto as **Exhibit A**. 3. **Claim for Conditional Storage Water Right:** 3.1. **Name of Reservoir:** Dunbar Reservoir. 3.2. **Legal Description of Reservoir:** 3.2.1. **PLSS Location:** The Dunbar

Reservoir will be an on-stream reservoir located in the Northwest quarter of the Southeast quarter of Section 4, Township 1 South, Range 79 West, 6th P.M. 3.2.2. UTM Coordinates: Zone 13, Easting 394610, Northing 4427265. 3.3. Source: Granger Creek, a tributary of the Williams Fork River. 3.4. Amount Claimed: 30 acre feet, conditional. 3.5. Date of Appropriation: November 30, 2024. 3.6. How Appropriation was Initiated: the appropriation date is based on the filing of this application. 3.7. Date Water First Applied to Beneficial Use: Not applicable. 3.8. Uses: Recreation, wildlife uses, stock watering, and irrigation of approximately 12 acres located in the East 1/2 of Section 4, Township 1 South, Range 79 West, 6th P.M. 4. **Claim for Conditional Direct Flow Water Right**: 4.1. Name of Water Right: Dunbar Direct Flow Water Right. 4.2. Legal Description of Location of Point of Diversion: 4.2.1. PLSS Location: The point of diversion shall be located in the Northwest quarter of the Southeast quarter of Section 4, Township 1 South, Range 79 West, 6th P.M. 4.2.2. UTM Coordinates: Zone 13, Easting 394640, Northing 4427307. 4.3. Source: Granger Creek, a tributary of the Williams Fork River. 4.4. Rate Claimed: 1 cfs, conditional. 4.5. Date of Appropriation: November 30, 2024. 4.6. How Appropriation was Initiated: The appropriation date is based on the filing of this application. 4.7. Date Water First Applied to Beneficial Use: Not applicable. 4.8. Uses: Recreation, wildlife uses, stock watering, and irrigation of approximately 12 acres located in the East 1/2 of Section 4, Township 1 South, Range 79 West, 6th P.M. 5. **Claim for Conditional Direct Flow Water Right**: 5.1. Name of Water Right: Travis Direct Flow Water Right. 5.2. Legal Description of Location of Point of Diversion: 5.2.1. PLSS Location: The point of diversion shall be located in the Northeast quarter of the Northwest quarter of Section 8, Township 1 South, Range 79 West of the 6th P.M., Grand County, Colorado. 5.2.2. UTM Coordinates: Zone 13, Easting 392879, Northing 4426913. 5.3. Legal Description of Location of Alternate Point of Diversion: 5.3.1. PLSS Location: The point of diversion shall be located in the Northeast quarter of the Northwest quarter of Section 8, Township 1 South, Range 79 West of the 6th P.M., Grand County, Colorado. 5.3.2. UTM Coordinates: Zone 13, Easting 392826, Northing 4427000. 5.4. Source: An unnamed tributary of Granger Creek, a tributary of the Williams Fork River. 5.5. Rate Claimed: 1 cfs, conditional from both alternate points of diversion combined. 5.6. Date of Appropriation: November 30, 2024. 5.7. How Appropriation was Initiated: The appropriation date is based on the filing of this application. 5.8. Date Water First Applied to Beneficial Use: Not applicable. 5.9. Uses: Stock watering and irrigation of approximately 15 acres located in the Northwest quarter of the Northeast quarter of Section 8, and the Southwest quarter of the Southeast quarter of Section 5, both within Township 1 South, Range 79 West of the 6th P.M. 6. **Claim for Conditional Direct Flow Water Right**: 6.1. Name of Water Right: Samuel Direct Flow Water Right. 6.2. Legal Description of Location of Point of Diversion: 6.2.1. PLSS Location: The point of diversion shall be located in the Southeast quarter of the Southeast quarter of Section 5, Township 1 South, Range 79 West of the 6th P.M., Grand County, Colorado. 6.2.2. UTM Coordinates: Zone 13, Easting 393415, Northing 4427264. 6.3. Legal Description of Location of Alternate Point of Diversion: 6.3.1. PLSS Location: The point of diversion shall be located in the Southeast quarter of the Southeast quarter of Section 5, Township 1 South, Range 79 West of the 6th P.M., Grand County, Colorado. 6.3.2. UTM Coordinates: Zone 13, Easting 393411, Northing 4427170. 6.4. Source: An unnamed tributary of Granger Creek, a tributary of the Williams Fork River. 6.5. Rate Claimed: 1 cfs, conditional from both alternate points of diversion combined. 6.6. Date of Appropriation: November 30, 2024. 6.7. How Appropriation was Initiated: The appropriation date is based on the filing of this application. 6.8. Date Water First Applied to Beneficial Use: Not applicable. 6.9. Uses: Stock watering and irrigation of approximately 6 acres located in the Southeast quarter of the Southeast quarter of Section 5, Township 1 South, Range 79 West of the 6th P.M. 7. **Claim for Conditional Direct Flow Water Right**: 7.1. Name of Water Right: Carl Direct Flow Water Right. 7.2. Legal Description of Location of Point of Diversion: 7.2.1. PLSS Location: The point of diversion shall be located in Northeast quarter of the Northeast quarter of Section 8, Township 1 South, Range 79 West of the 6th P.M., Grand County, Colorado. 7.2.2. UTM Coordinates: Zone 13, Easting 393522, Northing 4426874. 7.3. Legal Description of Location of Alternate Point of Diversion: 7.3.1. PLSS Location: The point of diversion shall be located in Northeast quarter of the Northeast quarter of Section 8, Township 1 South, Range 79 West of the 6th P.M., Grand County, Colorado. 7.3.2. UTM Coordinates: Zone 13, Easting 393572, Northing 4426795. 7.4. Source: An unnamed tributary of Granger Creek, a tributary of the Williams Fork River. 7.5. Rate Claimed: 1 cfs, conditional from both alternate points of diversion combined. 7.6. Date of Appropriation: November 30, 2024. 7.7. How Appropriation was Initiated: The appropriation date is based on the filing of this application. 7.8. Date Water First Applied to Beneficial Use: Not applicable. 7.9. Uses: Stock watering and irrigation of approximately 12 acres located in the Northeast quarter of the Northeast quarter of Section 8, and the Southeast quarter of the Southeast quarter of Section 5, and the Southwest quarter of the Southwest quarter of Section 4, Township 1 South, Range 79 West of the 6th P.M. 8. **Name and Address of Landowner Upon which any New or Modified Diversion or Storage Structure is Located**. All of the subject structures will be located on land owned by the Hazel L. Wood-Palmer Family Partnership LLLP, of which Applicant, Carl D. Wood, is a general partner. No landowner notice is therefore required. WHEREFORE, Applicants respectfully request that the Water Court enter a decree granting a conditional storage water right, and conditional direct flow water rights described herein.

YOU ARE HEREBY NOTIFIED THAT YOU HAVE until the last day of FEBRUARY 2025 to file with the Water Clerk a verified Statement of Opposition setting forth facts as to why this application should not be granted or why it should be granted in part or on certain conditions. A copy of such statement of opposition must also be served upon the applicant or the applicant's attorney and an affidavit or certificate of such service shall be filed with the Water Clerk, as prescribed by Rule 5, CRCP. (Filing Fee: \$192.00) KATHY POWERS, Water Clerk, Water Division 5; 109 8th Street, Suite 104 Glenwood Springs, CO 81601.

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

24CW3169 GARFIELD COUNTY, BRUSH CREEK, ROAN CREEK, COLORADO RIVER. 3N Bar Ranch, Inc., 1067 CR 101, Rangely, CO 81648, 970-675-8382, c/o Kirsten M. Kurath, Kelly Clark #19046, McDONOUGH LAW GROUP, 300 Main Street, Suite 102, Grand Junction, CO 81501, (920) 776-3311, Kirsten@mcdonoughlawgroup.com, Kelly@mcdonoughlawgroup.com
APPLICATION FOR SURFACE WATER RIGHT AND WATER STORAGE RIGHT. Structure: Noel Spring. Legal Description: The spring is located in the SW1/4 NE of Section 6, Township 5 South, Range 99 West of the 6th Principal Meridian. The GPS coordinates for the point of diversion are as follows: Easting: 710801.0, Northing: 4391292.9, UTM Zone 12; Units: meters; NAD83; true North. See aerial attached to Application as Exhibit A and topo map attached to Application as Exhibit B. Source: A spring tributary to Brush Creek, tributary to Roan Creek, tributary to the Colorado River. Date of Appropriation: The spring has been used for the purposes claimed herein since the mid-1960s when Applicant's predecessor constructed the pond described below. Google Earth shows the pond filled by the spring in an aerial dated September 1993. Therefore, Applicant claims an appropriation date of June 15, 1993, when the spring was used to fill the pond. How Appropriation Was Initiated: Physical location and inspection of the spring, together with the formation of the intent to appropriate water as described herein and use of the water for stock and wildlife. Date Water Applied to Beneficial Use: June 12, 2017, is the date Applicant first put the water to beneficial use, but it has been beneficially used since the mid-1960s. Amount Claimed: 0.0111 c.f.s. (5 g.p.m.), absolute. The spring was measured using a bucket in June 2024. There was no call at the time the spring was measured and filled and refilled the pond (described in the Second Claim for Relief) in 2024. See CDSS Administrative Call Search for the Colorado River attached to the Application as Exhibit C. A CDSS Administrative Call search for Brush Creek and Roan Creek showed No Results for this time period. Uses: Stock watering and wildlife watering. The spring is used directly for these purposes described herein, and the water from the spring is also stored in Noel Pond for subsequent release and use for these purposes. Names and addresses of owners of the land: Applicant. Second Structure: Noel Pond. Legal Description: The pond is located in the SW1/4NE of Section 6, Township 5 South, Range 99 West of the 6th Principal Meridian. The GPS coordinates for the point of diversion are as follows: Easting: 710714.7, Northing: 4391256.9, UTM Zone 12; Units: meters; NAD83; true North. See Exhibit A and Exhibit B attached to Application. Sources: Noel Pond derives its source of supply from the Noel Spring. In addition, small springs and natural runoff occurring above the pond will flow into and be a source for the pond. All of the sources for the pond are tributary to Brush Creek, tributary to Roan Creek, tributary to the Colorado River. Names of ditches used to fill reservoir and capacity in cubic feet of water per second (c.f.s.): Noel Pond will be filled in part by Noel Spring at 0.0111 c.f.s., and from the other sources listed above. The pond is on-channel. Date of Appropriation: The pond has been used for the purposes claimed herein since the mid-1960s when Applicant's predecessor constructed the pond. Google Earth shows the pond filled by the spring in an aerial dated September 1993. Therefore, Applicant claims an appropriation date of June 15, 1993, when the spring was used to fill the pond. How appropriation was initiated: Construction of the subject pond, together with the formation of the intent to appropriate water as described herein and the storage of water used for stock and wildlife. Date water applied to beneficial use: June 12, 2017, is the date Applicant first put the water to beneficial use, but it has been beneficially used since the mid-1960s. Amount Claimed: 0.68 acre feet, absolute. Applicant also claims the right to fill and refill the pond when water is available in priority. Uses: The water in the Noel Pond is used for stock watering and wildlife watering. Surface area of highwater line: 0.2 acres. Vertical Height of Dam: 8 feet. Length of Dam: approximately 150 feet. Total Capacity: 0.68 acre feet. Active Capacity and Dead Storage: The pond has an outlet at 4 feet from the toe of the dam that is always open. All of the capacity is dead storage. Names and addresses of owners of the land: Applicant. Applicant requests that the Court grant the application for surface water right and water storage right set forth above. (8 pages)

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24CW3170 GRAND COUNTY. The DeRoeck Revocable Trust, 7492 Routt Ln. Arvada, CO 80005. Applicant is represented by Katie Randall and Kent Whitmer, The Whitmer Law Firm, LLC, P.O. Box 38, Hot Sulphur Springs, CO 80451, (970) 725-3460. **APPLICATION FOR FINDING OF REASONABLE DILIGENCE.** Prior Decrees: November 18, 1986 (85CW164); April 11, 1991 (90CW237); July 23, 1999 (96CW305); April 7, 2006 (05CW120); October 2, 2012 (12CW53); April 7, 2019 (18CW3137); all in Water Court Division No. 5. Name of Structure: Ski Ranch Estates Well #1. Type of Structure: Well. Legal Description: The N1/2 of the SE1/4 of the NW1/4 and the E1/2 of the SW1/4 of the NW1/4 of Section 24, Township 1 South, Range 76 West of the 6th P.M., with one well decreed for each of the five lots within the Ski Ranch Estates Subdivision, which Subdivision is set forth on the final plat thereof recorded in the Grand County real property records with this well being allocated to Lot 1 thereof which is owned by the Applicant. Source: Groundwater tributary to St. Louis Creek, tributary to the Fraser River, tributary to the Colorado River. Appropriation Date: June 19, 1985. Depth of Well: Ski Ranch Estates Well #1 has not yet been drilled. Amount: 0.31 acre-foot per year, conditional. Uses: Domestic in-house use and fire protection. Name of owner of land where structure is located: Applicant. Additional Information: Applicant requests a finding of diligence for the conditional water rights for Ski Ranch Estates Well # 1. The previous decrees set forth additional terms and conditions, including a plan for augmentation, that continue to be in effect for the water rights of

this application. The application and attached exhibits contain a detailed outline of the work performed during the diligence period (8 pages).

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24CW3171 EAGLE COUNTY. COLORADO RIVER OR ITS TRIBUTARIES, CASTEEL CREEK RANCH PROPERTY OWNERS ASSOCIATION, c/o Paul L. Noto, Esq. and John M. Sittler, Esq., Patrick, Miller & Noto, P.C., 229 Midland Ave, Basalt, CO 81621, (970) 920-1030. APPLICATION FOR SURFACE WATER RIGHT, UNDERGROUND WATER RIGHT, STORAGE WATER RIGHT, PLAN FOR AUGMENTATION, AND APPROVAL OF SUPPLEMENTAL PLAN FOR AUGMENTATION INCLUDING EXCHANGE PROJECT. Summary of application: Applicant recently purchased property and water rights on Casteel Creek, including the water rights and plan for augmentation decreed in Case No. 01CW235. Applicant wishes to add supplemental augmentation sources and an exchange project to augment the water rights decreed in Case No. 01CW235. Applicant also includes a claim for a surface water right, the Cozzens Pump and Pipeline, and an underground water right, the Cozzens Well, which will be augmented through the plan for augmentation described below. The application also includes a claim for a storage water right, the Casteel Creek Ranch Pond No. 3, to add augmentation use. **First Claim: For Surface Water Right.** Name of structure: Cozzens Pump and Pipeline. Legal description: The Cozzens Pump and Pipeline is located in the NE ¼ NE ¼ of Section 30, Township 5 South, Range 82 West of the 6th P.M. (Eagle County). UTM NAD83 Z13 coordinates: Northing – 4383811, Easting – 361619. A map is on file with the Court as Figure 1. Source: West Lake Creek, tributary to Lake Creek, tributary to the Eagle River, tributary to the Colorado River. Appropriation date: December 31, 2024. How appropriation was initiated: Formulation of intent to apply water to beneficial use and filing of this application. Date water applied to beneficial use: N/A. Amount: 0.1 c.f.s., conditional. Uses: Irrigation. Number of acres historically irrigated: 0. Number of acres proposed to be irrigated: 0.5. The general location of the irrigated acreage is shown on the map on file with the Court as Figure 1. Sean and Jinger Cozzens own the land on which the structure is located and where water will be put to beneficial use. **Second Claim: For Storage Water Right.** Name of structure: Casteel Creek Ranch Pond No. 3. Legal description: On the channel of West Lake Creek in Sec. 30, T. 5 S., R. 82 W., 6th P.M., at a point 350 feet from the North line and 900 feet from the East line of said Sec. 30. A map is on file with the Court as Figure 1. **Source: West Lake Creek, tributary to Lake Creek, tributary to the Eagle River, tributary to the Colorado River.** Appropriation date: December 31, 2024. Amount: 1.0 acre-foot, conditional. Uses: Augmentation. Surface area of high water line: 0.20 acre. Vertical height of dam: Less than 10 feet. Length of dam: Less than 100 feet. Total capacity: Active capacity: 1.0 acre-foot. Dead storage: 0. Sean and Jinger Cozzens own the land on which the structure is located and where water will be put to beneficial use. **Third Claim: For Underground Water Right** Name of structure: Cozzens Well. Legal description: The Cozzens Well is located in the NE ¼ NE ¼ of Section 30, Township 5 South, Range 82 West of the 6th P.M. (Eagle County). UTM NAD83 Z13: Northing – 4383868, Easting – 361595. A map is on file with the Court as as Figure 1. Source: Groundwater tributary to West Lake Creek, tributary to Lake Creek, tributary to the Eagle River, tributary to the Colorado River. Depth: 150 feet. Appropriation dates: September 10, 1990 for domestic use inside one single-family home and domestic animals watering. December 31, 2024 for domestic use inside one ADU and fire protection. Amount: 10 g.p.m., absolute for domestic use inside one single-family home and domestic animal watering; 10 g.p.m., conditional, for domestic use inside one ADU and fire protection. Uses: Domestic use inside one single-family home and one ADU, domestic animals watering, and fire protection. Remarks: A water right for this structure, called “Well No. 158084 (Parker/Gatehouse)” was decreed in Case No. 01CW235, Division 5 Water Court. Applicant agrees to abandon that water right and only operate the Cozzens Well under the water right and plan for augmentation applied for in this case and the subsequent well permit. However, the well will continue to operate under the existing exempt permit until such time as the ADU is built and receives water service from the well. Applicant will re-permit the well under the plan for augmentation applied for in this case before using the well to serve the ADU. Sean and Jinger Cozzens own the land on which the structure is located and where water is put to beneficial use. **Fourth Claim: For Approval of Plan for Augmentation and Supplemental Plan for Augmentation.** Name and description of structures to be augmented: Cozzens Pump and Pipeline, as described in paragraph 4 of the application; Well No. 92410-A (Levine Guest House Well), Scherer Replacement Well, Well No. 169911 (Brereton/Laetsch “Coyote Lodge”), Well No. 162080 (Bell/Ridge), Well No. 206413 (Levine Main House Well), CCR Well #1, CCR Well #2/Car Barn Well, CCR Well #3, CCR Well #4, CCR Well #5, and CCR Well #6, all as described in Case No. 01CW235; and Cozzens Well, as described in paragraph 10 of the application. Water rights to be used for augmentation: Colorado River District Contract from the sources described in paragraph 14.A of the application, and Casteel Creek Ranch Pond #3, as described in paragraph 7 of the application. Complete statement of plan for augmentation: Background: The water rights described in paragraph 13.B-L, above, are currently augmented through the plan for augmentation decreed in Case No. 01CW235. That plan utilizes Applicant’s water rights in the Brereton Pump and Pipeline No. 1, Brereton Pump and Pipeline No. 2, Brereton Pump and Pipeline No. 1 Enlargement, Brereton Pump and Pipeline No. 2 Enlargement, and Casteel Creek Ranch Pond System as augmentation sources. Applicant desires to add additional augmentation sources, through a

River District contract, to augment against a Colorado mainstem or Eagle River call and allow its augmentation ponds to remain full during those times. The Cozzens Pump and Pipeline and Cozzens Well will be augmented through the River District contract, Casteel Creek Ranch Pond No. 3, and plan for augmentation described below. Water requirements: As described in Case No. 01CW235, the estimated annual depletion from the wells described in paragraphs 13.B-L, above, is 3.44 acre-feet. The estimated annual diversion from the Cozzens Pump and Pipeline is 1.07 acre-feet, and the estimated annual depletion is 0.86 acre-feet. The estimated annual diversion from the Cozzens Well is 0.78 acre-feet and the estimated annual depletion is 0.078 acre-feet. Call operation: If the calling water right is below the confluence of Lake Creek and the Eagle River Applicant will augment out-of-priority depletions by using water rights owned or controlled by the River District, as described above. Applicant is in the process of obtaining a River District Contract for 4.3 acre-feet of water, annually, including 1.1 acre-feet from Eagle Park Reservoir. The contract covers all depletions from the 01CW235 wells, Cozzens Well, and Cozzens Pump and Pipeline. Applicant's engineer conservatively assumed a call period on the Colorado River of 53 percent of April, 25 percent of May, 50 percent of June, and all of July through March. The assumed call period on the Eagle River is 16 percent of July, 84 percent of August, all of September, and 6 percent of December. The augmentation will be administered through the Casteel Creek Exchange Project, applied for below. Table 1, on file with the Court, outlines depletions and augmentation for the 01CW235 wells, along with depletions and augmentation for the Cozzens Well and Cozzens Pump and Pipeline. If Applicant's River District contract water is not sufficient to fully replace depletions, or the contract water cannot be used because the Casteel Creek Exchange Project is out-of-priority, Applicant will augment the 01CW235 wells with releases as described in the Case No. 01CW235 plan for augmentation. However, the Case No. 01CW235 plan does not augment the Cozzens Pump and Pipeline or the Cozzens Well. In the event of a local call Applicant will curtail all diversions from the Cozzens Pump and Pipeline. Applicant will replace out-of-priority depletions from the Cozzens Well through releases from the Casteel Creek Ranch Pond #3. A local call is not expected, but the Casteel Creek Ranch Pond #3 has sufficient augmentation supplies to fully replace all out-of-priority depletions from the Cozzens Well. The following parties own the land on which the augmented water rights are located and where the water is placed to beneficial use: Cozzens Pump and Pipeline: Sean and Jinger Cozzens. Well No. 92410-A (Levine Guest House Well): Casteel Creek LLC. Scherer Replacement Well: Casteel Creek LLC. Well No. 169911 (Brereton/Laetsch "Coyote Lodge"): Casteel Creek LLC. Well No. 162080 (Bell/Ridge): Casteel Creek LLC. Well No. 206413-A (Levine Main House Well): Casteel Creek LLC. CCR Well #1: BSLN-CO-4 Casteel Creek – Lower Meadow LLC. CCR Well #2/Car Barn Well: Casteel Creek LLC. CCR Well #3: Casteel Creek LLC. CCR Well #4: BSLN-CO-4 Casteel Creek – Bear Trap LLC. CCR Well #5: Casteel Creek LLC. CCR Well #6: Casteel Creek LLC. Cozzens Well: Sean and Jinger Cozzens. **Fifth Claim: For Exchange Project.** Name of structure: Casteel Creek Upper Colorado River Exchange. Description of water right: Location of downstream terminus: The confluence of the Colorado and Eagle Rivers, located in the NW ¼ SE ¼ of Section 5, Township 5 South, Range 86 West of the 6th P.M. (Eagle County; UTM NAD83 Z13 coordinates: Northing – 4390469, Easting – 323396). Location of upstream terminus: The point of depletion of CCR Well No. 6, described in paragraph 6.L.ii, above. A map is on file with the Court as Exhibit 1. Source: The water rights on the Colorado River owned or controlled by the River District for which Applicant is in the process of applying for an allotment contract for the use of, as described in paragraph 14.A. Appropriation date: December 31, 2024. How appropriation was initiated: Formulation of intent to apply water to beneficial use, application to the River District for an Allotment Contract, and filing this Application. Date water applied to beneficial use: N/A. Amount: 0.0076 c.f.s., conditional, up to 3.75 acre-feet per year, cumulative between all Casteel Creek Exchanges. Remarks: All Casteel Creek Exchanges utilize the same River District Contract, include a portion of the Eagle River, Lake Creek, West Lake Creek, and Casteel Creek, and have an upstream terminus at the point of depletion for CCR Well No. 6. Operation of the Exchange may be considered operation of the Casteel Creek Eagle River Exchange for the specific uses and replacement specified in the operation of the plan for augmentation applied in this case for all contemplated water sources that are available during operation of the exchange. When filing a claim to make the exchange project right absolute, Applicant will provide evidence that the individual sources of replacement water associated with each exchange were available on the claimed date of beneficial use. Name of structure: Casteel Creek Lower Colorado River Exchange. Description of water right: Location of downstream terminus: The confluence of the Roaring Fork and Colorado Rivers, located in the SE ¼ NW ¼ of Section 9, Township 6 South, Range 89 West of the 6th P.M. (Garfield County, UTM NAD83 Z13 coordinates: Northing – 4380346, Easting – 299776). Location of upstream terminus: The point of depletion of CCR Well No. 6, described in paragraph 6.L.ii, above. A map is on file with the Court as Exhibit 1. Source: The water rights on the Colorado River owned or controlled by the River District for which Applicant is in the process of applying for an allotment contract for the use of, as described in paragraph 14.A. Appropriation date: December 31, 2024. How appropriation was initiated: Formulation of intent to apply water to beneficial use, application to the River District for an Allotment Contract, and filing this Application. Date water applied to beneficial use: N/A. Amount: 0.0076 c.f.s., conditional, up to 3.75 acre-feet per year, cumulative between all Casteel Creek Exchanges. Remarks: All Casteel Creek Exchanges utilize the same River District Contract, include a portion of the Eagle River, Lake Creek, West Lake Creek, and Casteel Creek, and have an upstream terminus at the point of depletion for CCR Well No. 6. Operation of the Exchange may be considered operation of the Casteel Creek Eagle River Exchange for the specific uses and replacement specified in the operation of the plan for augmentation applied in this case for all contemplated water sources that are available during operation of the exchange. When filing a claim to make the exchange project right absolute, Applicant will provide evidence that the individual sources of replacement water associated with each exchange were available on the claimed date of beneficial use. Name of structure: Casteel Creek Eagle River Exchange. Description of water right: Location of downstream terminus: The confluence of the Eagle River and Lake Creek, located in the NE ¼ NE ¼ of Section 6, Township 5 South, Range 82 West of the 6th P.M. (Eagle County; UTM NAD83 Z13 coordinates: Northing – 4390301, Easting – 362007). Location of upstream terminus: The point of depletion of CCR Well No. 6, described in paragraph 6.L.ii, above. A map is on file with the Court as Exhibit 1. Source: The water rights on the Colorado River owned or controlled by the River District for which Applicant is in the process of applying for an allotment contract for the use of, as described in paragraph

14.A. Appropriation date: December 31, 2024. How appropriation was initiated: Formulation of intent to apply water to beneficial use, application to the River District for an Allotment Contract, and filing this Application. Date water applied to beneficial use: N/A. Amount: 0.0076 c.f.s., conditional, up to 3.75 acre-feet per year, cumulative between all Casteel Creek Exchanges. Remarks: All Casteel Creek Exchanges utilize the same River District Contract, include a portion of the Eagle River, Lake Creek, West Lake Creek, and Casteel Creek, and have an upstream terminus at the point of depletions for CCR Well No. 6. Operation of the Exchange may be considered operation of the Casteel Creek Colorado River Exchange for the specific uses and replacement specified in the operation of the plan for augmentation applied in this case for all contemplated water sources that are available during operation of the exchange. When filing a claim to make the exchange project right absolute, Applicant will provide evidence that the individual sources of replacement water associated with each exchange were available on the claimed date of beneficial use.

YOU ARE HEREBY NOTIFIED THAT YOU HAVE until the last day of FEBRUARY 2025 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.

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

24CW3172 ROUTT COUNTY, Application for Absolute and Conditional Water Rights (Storage and Surface Springs). Applicant: Rancho Afortunado, LLC, a Colorado limited liability company c/o Leon Cisneros, c/o Stephanie J. Neitzel, NeitzelWater, LLC, 5369 East Weaver Dr., Centennial, CO 80121; (720) 822-3108; and Claire E. Sollars, Colorado Water Matters, PLLC, P.O. Box 773474, Steamboat Springs, CO 80477; (970) 875-337. **WATER STORAGE RIGHT: 2. Name of Reservoir:** Long Park Reservoir. **3. Location of Reservoir Structure:** E½ of SW¼ of Section 27, Township 1 North, Range 83 West of 6th P.M., in Routt County, Colorado, as depicted on Map A attached as an exhibit hereto. **4. Point of Diversion:** The UTM Coordinates (meters): Easting 4431327.7; Northing 356160.2. The UTM coordinates (Zone 13, NAD83) were obtained by Will Myers, P.E. when conducting the field survey. See Affidavit of Will Myers, P.E., attached as an exhibit. **5. Source:** Unnamed tributary to Rock Creek, tributary to the Colorado River. The Long Park Reservoir is filled with direct inflow from the unnamed tributary and also supplied with flows from Long Park Spring 2 and Long Park Spring 3 whose source is the same unnamed tributary. Long Park Springs 2 and 3 are described below. **6. Date of Appropriation and When Water was Applied to Beneficial Use:** April 15, 1981. **7. How Appropriation was Initiated and Water Applied to Beneficial Use:** Based on aerial photography, previous owners of the property constructed the Long Park Reservoir sometime between 1975 and 1981 and impounded between 12 and 15 acre-feet of water. The property is adjacent to US forest lands and the Reservoir provides wildlife habitat for waterfowl and aquatic species, as well as for elk, deer, lynx and other wildlife. The continuous flow of water through the Reservoir provides habitat for fish, permitting recreational fishing. The Reservoir also provides water for summer livestock grazing for local cattle producers. The Reservoir is close to an existing cabin so that water from the Reservoir has been available for fire protection. **8. Amount Claimed:** 13.5 acre-feet, absolute, with the right to fill and continuously refill to maintain full volume for all beneficial uses. **9. Uses:** Livestock watering, wildlife habitat, piscatorial, recreation, fire protection. **10. Surface Area of High Water Line:** 4.8 acres. **11. Vertical Height of Dam:** 7.8 feet, as measured vertically from the elevation of the lowest point of the natural surface of the ground where the point occurs along the longitudinal centerline of the dam up to the crest of the emergency spillway of the dam. **12. Length of Dam:** 160 feet. **13. Total Capacity of reservoir:** 13.5 acre-feet. This amount consists of Active capacity: 8.5 acre-feet, Dead storage: 5 acre-feet. **SURFACE SPRING WATER RIGHTS: 14. Name and Location of Springs:** All located in Routt County, Colorado, as depicted on Map A, attached as an exhibit hereto. Long Park Spring 1: SE¼ of SW¼ of Section 22, Township 1 North, Range 83 West, of the 6th P.M. Long Park Spring 2: NE¼ of SW¼ of Section 27, Township 1 North, Range 83 West of the 6th P.M. Long Park Spring 3: NW¼ of SW¼ of Section 27, Township 1 North, Range 83 West of the 6th P.M. Long Park Spring 4: NE¼ of SE¼ of Section 28, Township 1 North, Range 83 West of the 6th P.M. Long Park Spring 5: NW¼ of NE¼ of Section 27, Township 1 North, Range 83 West of the 6th P.M. **15. Points of Diversion:** The UTM coordinates (Zone 13, NAD83) were obtained by Will Myers, P.E. when conducting the field survey. See Affidavit of Will Myers, P.E., attached as exhibit. UTM Coordinates (meters) Easting/Northing: Long Park Spring 1: 356299.2/4432943.8; Long Park Spring 2: 355944.4/4431611.8; Long Park Spring 3: 355902.0/4431548.6; Long Park Spring 4: 355357.3/4431751.6; Long Park Spring 4: 355357.3/4431751.6; Long Park Spring 5: 356390.2/4432439.7. **16. Source:** Springs emanating in Rock Creek, a tributary to the Colorado River. **17. Amounts and uses claimed:** Long Peak Spring 1: 0.007 cfs conditional for livestock and wildlife watering/habitat, domestic; Long Park Spring 2: 0.22 cfs conditional for livestock and wildlife watering/habitat, domestic, storage and flows in Long Park Reservoir; Long Park Spring 3: 0.22 cfs absolute for livestock and wildlife watering/habitat, domestic, storage and flows in Long Park Reservoir; Long Park Spring 4: 0.007 cfs conditional for livestock and wildlife watering/habitat, domestic; Long Peak Spring 5: 0.007 cfs absolute for livestock and wildlife watering, domestic. **18. Absolute Water Rights:** Applicant claims absolute water rights for Long Park Spring 3 and Long Park Spring 5 in the amounts shown in Paragraph 17, above. a. Date of Appropriation and Date Water Applied to Beneficial Use: April 15, 1981. b. How appropriation was Initiated: Long Park Springs 3 and 5 are each located close to existing cabins on the property and have been used as domestic water supplies for those structures. Long Park Spring 5 also supplied water to the Long Park Reservoir which is close to the cabin and was constructed between 1975 and 1981 based on aerial photography. The Rancho Afortunado property is adjacent to

US forest lands and these springs provide wildlife habitat for waterfowl, elk, deer, lynx and other wildlife, as well as water and vegetation for summer livestock grazing by local cattle producers. 19. **Conditional Water Rights:** Applicant requests conditional water rights for Long Park Spring 1, Long Park Spring 2 and Long Park Spring 4, in the amounts shown in Paragraph 17, above. a. Date of Appropriation: September 3, 2024. b. How Appropriation was Initiated: Field Inspection and Survey. See Affidavit of Will Myers, P.E., attached as an exhibit hereto. **ADDITIONAL INFORMATION:** 22. **Name and address of owner 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:** United States of America, United States Forest Service, Yampa Ranger District, 300 Roselawn Ave, Yampa, CO 80483; Applicant. 23. **Remarks or any other Pertinent Information:** a. The Rancho Afortunado property boundary shown on Map A attached as an Exhibit hereto, is from Routt County GIS data and is approximate. This places the dam and emergency spillway of Long Park Reservoir and the Long Park Spring 5 on land managed by the United States Forest Service. However, Applicant has conferred with the Forest Service and based upon his understanding and belief, the actual property boundary may place the entire Long Park Reservoir, dam and emergency spillway, as well as Long Park Spring 5 within the property owned by Rancho Afortunado. The actual location of the Rancho Afortunado property boundary is pending legal survey. b. On October 7, 2022, Applicant purchased the property where the water rights that are the subject of this application were used. The property currently consists of 320 acres outlined on Map A that Applicant has committed to place into a conservation easement. Previous owners of the property constructed the Long Park Reservoir and the 2 existing cabin structures on the property. The Long Park Springs 3 and 5 and Long Park Reservoir provide water for livestock and wildlife watering and habitat, piscatorial, recreation, as well as domestic use and fire protection for the cabins since at least April 15, 1981. These uses as well as the requested conditional uses for Long Park Springs 1, 2 and 4 compliment and facilitate the intended purpose of the conservation easement. Application (6 pages and 2 Exhibits)

YOU ARE HEREBY NOTIFIED THAT YOU HAVE until the last day of FEBRUARY 2025 to file with the Water Clerk a verified Statement of Opposition setting forth facts as to why this application should not be granted or why it should be granted in part or on certain conditions. A copy of such statement of opposition must also be served upon the applicant or the applicant's attorney and an affidavit or certificate of such service shall be filed with the Water Clerk, as prescribed by Rule 5, CRCP. (Filing Fee: \$192.00) KATHY POWERS, Water Clerk, Water Division 5; 109 8th Street, Suite 104 Glenwood Springs, CO 81601.

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

24CW3173 PITKIN COUNTY. ROARING FORK RIVER OR ITS TRIBUTARIES, JONATHAN GOODING, 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 ABSOLUTE AND CONDITIONAL STORAGE WATER RIGHT. First Claim: For Absolute and Conditional Storage Water Right. Name of structure: Gooding Pond. Legal Description: The Gooding Pond is located in the NE ¼, NE ¼ of Section 36, Township 8 South, Range 87 West of the 6th P.M. (Pitkin County). UTM NAD83 Z13: Northing – 4354049, Easting – 323031. A map is on file with the Court as Exhibit A. Source: Snowmelt, drainage, runoff, fill from two unnamed gulleys, and precipitation tributary to East Sopris Creek, tributary to Sopris Creek, tributary to the Roaring Fork River, tributary to the Colorado River. Fill Ditch: Legal description: SW ¼ NE ¼ of Section 36, Township 8 South, Range 87 West of the 6th P.M. (Pitkin County). UTM NAD83 Z13: Northing – 4353852, Easting – 322829. A map is on file with the Court as Exhibit A. Flow rate: 2 c.f.s. Appropriation dates: May 1, 2005 for fire protection, wildlife watering, recreation, and aesthetic uses; December 31, 2024 for irrigation and piscatorial use. How appropriation was initiated: Construction of the pond, application of water to beneficial use, formulation of intent to apply water to beneficial use, and filing the application in this case. Date water applied to beneficial use: May 1, 2005 for fire protection, wildlife watering, recreation, and aesthetic uses; N/A for irrigation and piscatorial use. Amount: 1.25 acre-feet, absolute, with the right to fill and refill when in priority for fire protection, wildlife watering, recreation, and aesthetic uses; 1.25 acre-feet, conditional, with the right to fill and refill when in priority for irrigation and piscatorial use. Uses: fire protection, wildlife watering, recreation, aesthetic, irrigation, and piscatorial. Irrigation: Approximately 1 acre on Applicant's property. Surface area of highwater line: 0.25 acre. Vertical height of dam: N/A (the pond is excavated). Length of dam: N/A (the pond is excavated). Total capacity: Active capacity: 1.25 acre-feet. Dead storage: 0 acre-feet. Applicant owns the land on which the water right is located and where water is placed to beneficial use. To the extent the Court finds any portion of the Gooding Pond is not proven absolute for the amounts and uses claimed in the application, Applicant claims a conditional water right for those amounts and uses.

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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.

24CW3174 GARFIELD COUNTY. Application for Water Storage and Surface Rights. Applicant: Bear Pen Ranch, LLC, 1225 County Road 226, Rifle, Colorado 81650. Attorney for Applicant: John T. Howe, Hoskin, Farina & Kampf, Professional Corporation, Post Office Box 40, Grand Junction, Colorado 81502; (970) 986-3400. Summary of Application: Applicant seeks a conditional water storage right for the Herbig Pond in the amount of 13.0 acre feet for irrigation use. The Herbig Pond will be filled by the Genier Stephens Ditch, Bear Pen Enlargement in the amount of .835 c.f.s. conditional, applied for in this Application. Name of Reservoir: Herbig Pond. **Source: June Creek, tributary to East Divide Creek, tributary to Divide Creek, tributary to the Colorado River.** Ditch used to fill the reservoir: the Herbig Pond will be filled by the Genier Stephens Ditch, Bear Pen Enlargement, applied for in this Application, in the amount of .835 c.f.s., with an appropriation date of July 9, 2024. Location: UTM Coordinates: Northing 4367546, Easting 279562, Zone 13, NAD 83; PLSS: NE¼ SW¼ of Section 21, T 7 S, R 91 W of the 6th P.M. Use: Irrigation. Appropriation Date: July 9, 2024. Quantity: 13.0 acre feet conditional. Name of Structure: Genier Stephens Ditch, Bear Pen Enlargement. **Source: June Creek, tributary to East Divide Creek, tributary to Divide Creek, tributary to the Colorado River.** Location: UTM Coordinates: Northing 4366832, Easting 279288, Zone 13, NAD 83; PLSS: NW¼ NW¼ of Section 28, T 7 S, R 91 W of the 6th P.M. Use: Irrigation, by filling Herbig pond. Appropriation Date: July 9, 2024. Quantity: .835 c.f.s. Landowner: Applicant. Additional Information: Applicant will fill the Herbig Pond using the Genier Stephens Ditch, Bear Pen Enlargement, during spring high water and then release water for irrigation use later in the year. No modifications to the Genier Stephens Ditch diversion structure are necessary for the Bear Pen Enlargement. The Herbig Pond was constructed prior to filing this Application, but water has not been stored in the reservoir.

YOU ARE HEREBY NOTIFIED THAT YOU HAVE until the last day of FEBRUARY 2025 to file with the Water Clerk a verified Statement of Opposition setting forth facts as to why this application should not be granted or why it should be granted in part or on certain conditions. A copy of such statement of opposition must also be served upon the applicant or the applicant's attorney and an affidavit or certificate of such service shall be filed with the Water Clerk, as prescribed by Rule 5, CRCP. (Filing Fee: \$192.00) KATHY POWERS, Water Clerk, Water Division 5; 109 8th Street, Suite 104 Glenwood Springs, CO 81601.

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

24CW3175 Water Division: 5. DISTRICT COURT, WATER DIVISION NO. 5, STATE OF COLORADO, Garfield County Courthouse, 109 8th Street, Suite 104, Glenwood Springs, CO 81601, (970) 928-3065. IN THE MATTER OF THE APPLICATION FOR WATER RIGHTS OF: MARK KNAUER 2002 DECLARATION OF TRUST and JANE BRENTON-KNAUER 2002 DECLARATION OF TRUST, IN EAGLE COUNTY, COLORADO. **APPLICATION FOR GROUNDWATER RIGHT, PLAN FOR AUGMENTATION, AND APPROPRIATIVE RIGHT OF EXCHANGE.** 1. Name, Mailing Address, Telephone Number, and Email Address of Applicants: Mark Knauer 2002 Declaration of Trust and Jane Brenton-Knauer 2002 Declaration of Trust (collectively, the "Applicants") c/o Mark Knauer and Jane Brenton-Knauer, 226 Green Bay Road, Highwood, IL 60040, (847) 682-0727, mknauer@knauerinc.com; jbknauer1@gmail.com Direct All Pleadings to: Steven J. Bushong, Cassidy L. Woodard, Bushong & Holleman PC, 1966 13th Street, Suite 270, Boulder, CO 80302, sbushong@BH-Lawyers.com; cwoodard@BH-Lawyers.com 2. Overview: Applicants own 24.65 acres of land in Eagle County located at 2700 Squaw Creek Road, Edwards, CO, 81632 (the "Property"). The Property is currently served by a permitted exempt well under Well Permit No. 159617. Applicants plan to remodel the existing home and construct an accessory dwelling unit, which will increase the use of the well beyond the limitations of the existing well permit. Additionally, Applicants seek to use the well for outdoor irrigation, water features, livestock watering, and fire protection as further described below. By this Application, Applicants request a conditional underground water right and a plan for augmentation, including an exchange project, to augment the well's out-of-priority depletions. **Part I: Claim for Underground Water Right** 3. Description of Groundwater Right: 3.1. Name of Structure: Lodgepole Ridge Well, 3.2. Legal Description: 3.2.1. Location Described in Well Permit No. 159617: in the SW1/4 of the SW1/4 of Section 12, Township 5 South, Range 83 West of the 6th P.M., at a point approximately 450 feet from the south line and 600 feet from the west line of said Section 12, in the County of Eagle, State of Colorado. UTM Coordinates: NAD 83, Zone 13, Easting: 358612.8, Northing: 4387477.3. (Source of UTM: Colorado Decision Support System.), 3.2.2. Actual Location: in the SW1/4 of the SW1/4 of Section 12, Township 5 South, Range 83 West of the 6th P.M. UTM Coordinates: NAD 83, Zone 13, Easting: 358625.7, Northing: 4387451.2. (Source of UTM: Colorado Decision Support System) **See Exhibit A.** 3.3. **Source:** groundwater tributary to Squaw Creek, tributary to the Eagle River, tributary to the Colorado River, 3.4. Appropriation Date: December 31, 2024, 3.4.1. How Appropriation was Initiated: The appropriation date is based upon the date the Application was filed with the Water Court, 3.4.2. Date Water First Applied to Beneficial Use: Not applicable, 3.5. Amount: 15 gallons per minute, conditional, 3.6. Uses: domestic use inside two single-family dwellings, irrigation of 8,000 square feet of lawn and gardens, evaporation from up to 186 square feet of water features, livestock watering, and fire protection, 3.7. Remarks: 3.7.1. The Lodgepole Ridge Well currently operates under Well Permit No. 159617, which is limited to ordinary household purposes inside a single-family dwelling and the watering of non-commercial domestic animals. Prior to applying the well to any additional decreed uses being appropriated here, Applicants will file an application to amend the well permit to operate pursuant to the claims requested herein upon entry of a final decree in this case, 3.7.2. Applicants will replace out-of-priority depletions associated with the use of the Lodgepole Ridge Well pursuant to the plan for augmentation and exchange project described below. **Part II: Claim for Plan for Augmentation** 4. Description of Plan

for Augmentation: 4.1. Structure to be Augmented: the Lodgepole Ridge Well as more particularly described in Paragraph 3 above. The Lodgepole Ridge Well will cause depletions to Squaw Creek at a point more particularly described in Paragraph 5.2.2 below, 4.2. Water Rights to be Used for Augmentation: water available from the Eagle River pursuant to water supply Contract No. CW24008 from the Colorado River Water Conservation District ("CRWCD") in the amount of 0.6 acre-feet of annual augmentation water releases. The water rights available under CRWCD Contract No. CW24008 in the Eagle Park Reservoir, Homestake Project, and Camp Hale Project are described in the attached **Exhibit B** (the "Eagle River Supply"), 4.3. Water Demands: The water demand for the Lodgepole Ridge Well for purposes of this augmentation plan was estimated at 1.281 acre-feet of total annual groundwater pumping, on average, of which 0.532 acre-feet will be consumed. The uses to be augmented and the demand and consumptive use assumptions are described as follows: 4.3.1. Two (2) dwelling units, including one home and one accessory dwelling unit with a full-sized kitchen, for a total demand of 0.78 acre-feet per year. Indoor domestic uses are assumed to be 10% consumptive for a total consumptive demand of 0.078 acre-feet per year. An on-site wastewater treatment system will be used for the treatment of wastewater from the dwelling units with return flows to Squaw Creek; 4.3.2. Irrigation of 8,000 square-feet of pasture grass and landscaped area, which is assumed to be 90% consumptive, for a total demand of 0.430 acre-feet per year of which 0.387 acre-feet per year is consumptive; 4.3.3. Evaporation from one (1) pool, one (1) hot tub, and (1) outdoor water feature, which is calculated based on the gross annual evaporation obtained from NOAA Technical Report NWS 33, for a total consumptive use of 0.014 acre-feet per year; and 4.3.4. Watering of four head of livestock, which is assumed to be 100% consumptive, for a total consumptive use of 0.054 acre-feet per year, 4.4. Augmentation Requirements: Total net depletions associated with the demands of the Lodgepole Ridge Well are estimated at 0.532 acre-feet a year. The CWRCD contract provides adequate augmentation water to replace the estimated depletions assuming a year-round call, along with transit losses assessed on deliveries. A Glover analysis will be used to determine the timing of depletions to Squaw Creek associated with the consumptive use of groundwater pumped from the Lodgepole Ridge Well, 4.5. Plan Operation: The Lodgepole Ridge Plan for Augmentation will allow for monthly releases of augmentation water from the Eagle River Supply. When a valid call is placed on the Eagle River or the Colorado River downstream of its confluence with the Eagle River, water will be released on a monthly basis from the Eagle River Supply for direct replacements to the Eagle River or Colorado River. When a valid call is placed on Squaw Creek, the Lodgepole Ridge Exchange Project, described in Paragraph 5 will be used for replacements to the point of depletion on Squaw Creek via exchange. When there is no downstream call on Squaw Creek, the Eagle River, or the Colorado River below its confluence with the Eagle River, the Lodgepole Ridge Well will operate under its junior water right as claimed in Paragraph 3 above. **Part III: Claim for Exchange Project** 5. Description of Exchange Project: the Lodgepole Ridge Exchange Project, 5.1. Summary: The Lodgepole Ridge Plan for Augmentation, described in Paragraph 4 above, will operate by exchanging the Eagle River Supply from the confluence of Squaw Creek and the Eagle River up Squaw Creek to the point of depletion for the Lodgepole Ridge Well, 5.2. Exchange Reach: the Lodgepole Ridge Exchange will operate on Squaw Creek as follows: 5.2.1. Exchange-From Point: the confluence of Squaw Creek and the Eagle River. *See Exhibit A*, 5.2.2. Exchange-To Point: The point of depletion resulting from the Lodgepole Ridge Well, which is a point along Squaw Creek in the SW1/4 of the SW1/4 of Section 12, Township 5 South, Range 83 West of the 6th P.M. UTM Coordinates: NAD 83, Zone 13, Easting: 358436.9, Northing: 4387454.1. *See Exhibit A*, 5.3. Exchange Rate: 15 gallons per minute, conditional, up to 0.532 acre-feet per year, 5.4. Date of Appropriation: December 31, 2024, 5.4.1. How Appropriation was Initiated: The appropriation date is based upon the date the Application was with the Water Court, 5.4.2. Date Water First Applied to Beneficial Use: not applicable, 5.5. Uses: domestic use inside two single-family dwellings, irrigation of 8,000 square feet of lawn and gardens, evaporation from up to 186 square feet of water features, livestock watering, and fire protection, 5.6. Sources of Substitute Supply: water from the Eagle River Supply pursuant to Applicants' Contract No. CW24008 with the CRWCD as described in Paragraph 4.2 above. 6. Land Ownership: Applicants. WHEREFORE, Applicants respectfully request that the court enter an order (1) granting Applicants' request for an underground water right for the Lodgepole Ridge Well as claimed in Paragraph 3 above; (2) approving the Lodgepole Ridge Well Plan for Augmentation described in Paragraph 4 above; (3) granting Applicants' request for the exchange project described in Paragraph 5 above; and (4) granting such other and further relief as deemed appropriate. (6 pages + Exhibits)

YOU ARE HEREBY NOTIFIED THAT YOU HAVE until the last day of FEBRUARY 2025 to file with the Water Clerk a verified Statement of Opposition setting forth facts as to why this application should not be granted or why it should be granted in part or on certain conditions. A copy of such statement of opposition must also be served upon the applicant or the applicant's attorney and an affidavit or certificate of such service shall be filed with the Water Clerk, as prescribed by Rule 5, CRCP. (Filing Fee: \$192.00) KATHY POWERS, Water Clerk, Water Division 5; 109 8th Street, Suite 104 Glenwood Springs, CO 81601.

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

24CW3176 GARFIELD COUNTY, MITCHELL CREEK, TRIBUTARY TO THE COLORADO RIVER. Application for Absolute Surface Water Right and Plan for Augmentation with Conditional Exchange Project Right. Charles C. Ramsey c/o Ryan Jarvis and Laurel Quinto of JVAM PLLC, 305 Gold Rivers Ct., Ste 200, Basalt CO 81621, (970) 922-2122. First Claim: Absolute Surface Water Right. Name of structure: Ramsey Pump & Pipeline. Legal desc. of point of diversion: SW1/4 SW1/4 of Sec 27 T5S R89W 6th PM, 115 ft from the S Sec line and 900 ft from the W Sec line. UTM Coordinates: Zone 13S NAD83, Easting 296433m, Northing 4383867m. Source: Mitchell Creek, tributary to the Colorado River. Approp. Date: 10/24/2022. Amount and uses: 250 gpm (0.56 cfs), abs., for irrigation and fire protection. Location of irrigated acreage: Applicant's property located in the SW1/4 SW1/4 of Secs 27 and

33, T5S R89W 6th PM. Date of beneficial use: 8/1/2024. How appropriation was initiated: diversion of water and application to beneficial use. Owner of land: Applicant. Second Claim: Approval of Plan for Augmentation. Augmented structures: Ramsey Pump & Pipeline, as claimed herein. Water rights to be used for augmentation: Up to 1.4 af of water annually from sources per water allotment contract with West Divide Water Conservancy District. Additional augmentation sources: In accordance with CRS 37-92-305(8), Applicant may use additional or alternative sources of water for augmentation, substitution, replacement, and exchange if use of the sources is allowed under a substitute water supply plan approved under CRS 37-92-308, or if the sources are decreed for such purposes. Applicant may also use any additional or alternative sources of water if use is allowed under an interruptible water supply agreement approved under CRS 37-92-309. Statement of plan for augmentation: The plan will replace out-of-priority depletions resulting from diversions at the Ramsey Pump & Pipeline. The Ramsey Pump and Pipeline will operate under its decreed priority at times when there is no downstream call on the Colorado River or Mitchell Creek. When a valid call is placed and administered on the Colorado River below the confluence of Mitchell Creek, water will be released from West Divide's Colorado River sources to directly replace out-of-priority depletions. When conditions permit, West Divide contract water will be exchanged from the confluence of Mitchell Creek and the Colorado River to the point of diversion of the Ramsey Pump & Pipeline, pursuant to the Ramsey Exchange Project Right. In the event there is a call on Mitchell Creek, Applicant will cease diversions at the Ramsey Pump and Pipeline. Third Claim: Conditional Exchange Project Right. Name of exchange project right: Ramsey Exchange Project Right. Upstream terminus: point of diversion of the Ramsey Pump & Pipeline described above. Downstream terminus: Confluence of the Colorado River and Mitchell Creek, which is located in Lot 10, SW1/4 of 6 T6S R89W 6th PM, 1,693 ft from the N Sec line and 3,744 ft from the W Sec line. UTM Coordinates: Zone 13S NAD83, Easting 296593m, Northing 4381711m. Source: The water to be exchanged is the West Divide supplies. Appropriation date: 10/29/2022. How appropriation was initiated: formation of intent to appropriate the exchange and filing application for approval of administrative exchange. Maximum exchange rate: 0.005 cfs, cond. Use: Augmentation. Max annual volume of exchange: 1.29 af. (5 Pages, 5 Exhibits)

YOU ARE HEREBY NOTIFIED THAT YOU HAVE until the last day of FEBRUARY 2025 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 DECEMBER 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.*

24CW3177 GRAND COUNTY, Application to Change Points of Diversion and Amend Plan for Augmentation. Applicant: Winter Park Recreational Association ("WPRA" or "Applicant"), c/o Ferd Belz, President, Fulenwider; 1125 17th Street, Denver, CO 80202; (303) 295-3071; ferd@fulenwider.com. Please direct all correspondence to Applicant's Counsel: Michael A. Kopp, Vanya Akrahoff; Trout Raley; 1120 N Lincoln St, Suite 1600, Denver, Colorado, 80203; 303-861-1963; mkopp@troutlaw.com, vakrahoff@troutlaw.com.

2. Overview: In this Application, the Applicant seeks to change the points of diversion for six of the twelve conditional ground water rights ("Vasquez Wells") decreed in Case No. 92CW333. These well rights were decreed to provide potable water supplies at various locations in the Vasquez Mountain area of Winter Park Resort. This Application also seeks to amend the augmentation plan decreed in Case No. 92CW333 to reflect changes in the distribution of depletions from the Vasquez Wells at the new points of diversion and to incorporate an existing exempt commercial well into the augmentation plan. Finally, it seeks to adjudicate a water right for the existing exempt commercial well. This Application does not propose to make any changes to any of the other wells or water rights decreed in Case No. 92CW333 except as specifically stated herein. As described in prior decrees and diligence applications, these conditional water rights are associated with ongoing development plans for the Winter Park Ski Area. **FIRST CLAIM: CHANGE IN POINT OF DIVERSION**

3. Decreed Water Rights for Which New Points of Diversion Are Sought: A. Name of structures: Vasquez Wells Nos. T1, T2, B1, B2, B3, and B4. The wells have not yet been constructed as of the date of this Application. B. Original Decree: i. Case No.: 92CW333. ii. Date of decree: April 2, 1996. iii. Court: Water Division No. 5. C. Subsequent Findings of Diligence: i. Case No.: 02CW104. ii. Date of Decree: May 20, 2003. iii. Court: Water Division No. 5. iv. Case No.: 09CW47. v. Date of Decree: April 13, 2012. vi. Court: Water Division No. 5. vii. Case No.: 18CW3052. viii. Date of Decree: January 27, 2019. ix. Court: Water Division No. 5. D. Legal description of decreed well locations (see also the map attached as Figure 1): i. T1: A point S. 34°17'19" W., 21,645 feet from the SE Corner of Section 34, T. 1 S., R. 75 W. of the 6th P.M. ii. T2: A point S. 35°30'00" W., 21,677 feet from the SE Corner of Section 34, T. 1 S., R. 75 W. of the 6th P.M. iii. B1: A point S. 54°50'20" W., 15,737 feet from the SE Corner of Section 34, T. 1 S., R. 75 W. of the 6th P.M. iv. B2: A point S. 55°23'04" W., 15,961 feet from the SE Corner of Section 34, T. 1 S., R. 75 W. of the 6th P.M. v. B3: A point S. 55°28'59" W., 16,242 feet from the SE Corner of Section 34, T. 1 S., R. 75 W. of the 6th P.M. vi. B4: A point S. 55°24'01" W., 16,435 feet from the SE Corner of Section 34, T. 1 S., R. 75 W. of the 6th P.M. E. Decreed appropriation dates, amounts and uses: The decreed appropriation dates, amounts and uses for each of the subject Vasquez Wells (T1, T2, B1, B2, B3, and B4) are as follows: i. Appropriation Date: October 15, 1992. ii. Amount: 25 gpm, conditional. iii. Uses: domestic, sanitary, and commercial purposes. iv. Source: groundwater tributary to Little Vasquez Creek and Vasquez Creek, the Fraser River, and the Colorado River. F. Bypass Water: The decree in Case No. 92CW333 approves the use up to 0.67 cfs of Bypass Water in association with the Vasquez Wells. Bypass Water is defined in paragraph 4 of the Clinton Reservoir-Fraser River Water Agreement dated July 21, 1992, as amended (the "Clinton

Agreement”) between Denver Water, WPRA and numerous other parties, as 920 AF of water Denver Water agreed to annually bypass at its intakes or make available from other components of its Moffat System for the use of certain Grand County water users, including WPRA. Under Paragraph 4(e) of the Clinton Agreement, Bypass Water is available between September 15 of any year and May 15 of the following year, except that up to 30 acre-feet may be delivered for the benefit of WPRA from May 16 through September 14 of any year. Pursuant to Exhibit B of the Grand County Water Users’ Operating Plan, WPRA acquired the right to 74 AF of Bypass Water annually. i. Bypass water is decreed in Case No. 92CW333 to be diverted under a 1992 priority at Denver’s existing points of diversion, which were decreed in Civil Action No. 657, in the Fraser River and Williams Fork River drainages (the “Moffat System”) as follows: a. Fraser River Diversion Points: 1. West Canal Line intake from the Fraser River at a point on the East bank of said river whence the Southeast corner of Section 33, T. 1 S., R. 75 W., 6th P.M., bears N. 22° 22' W. 18,656 feet; 2. Jim Creek feeder at a point on the North bank of said creek whence the Southeast corner of Section 33, T. 1 S., R. 75 W., 6th P.M., bears N. 41° 50' W. 13,863 feet; 3. Little Vasquez Creek feeder at a point on the East bank of said creek whence angle point No. 2 of Tract 37, T. 2 S., R. 75 W., 6th P.M., bears S. 63° 48' 03" W. 526.84 feet; 4. West Canal Line intake from Vasquez Creek at a point on the East bank of said creek whence angle point No. 2 of Tract 37, T. 2 S., R. 75 W., 6th P.M., bears N. 37° 58' E. 11,416.58 feet; 5. West Canal Line intake from Cooper Creek at a point where said canal crosses said creek whence angle point No. 1 of Tract 37, T. 2 S., R. 75 W., 6th P.M., bears S. 80° 56' W. 729.10 feet; 6. West Canal Line intake from St. Louis Creek at a point on the East bank of said creek whence the Southeast corner of Section 33, T. 1 S., R. 75 W., 6th P.M., bears N. 69° 47' E. 36,547 feet; 7. West Canal Line intake from West St. Louis Creek at a point on the East bank of said creek whence the Southeast corner of Section 33, T. 1 S., R. 75 W., 6th P.M., bears N. 79° 01' E. 36,009 feet; 8. East Canal Line intake from Buck Creek at a point on the South bank of said creek where said canal crosses the creek 957 feet approximately due North of the mouth of the intake shaft of the Moffat Water Tunnel; 9. East Canal Line intake from Faun Creek at a point on the West bank of said creek whence the Southeast corner of Section 33, T. 1 S., R. 75 W., 6th P.M., bears S. 61° 35' W. 7,801 feet; 10. East Canal Line intake from South Ranch Creek at a point on the West bank of said creek whence the Southeast corner of Section 33, T. 1 S., R. 75 W., 6th P.M., bears S. 45° 37' W. 13,221 feet; 11. East Canal Line intake from Ranch Creek at a point on the West bank of said creek whence the Southeast corner of Section 33, T. 1 S., R. 75 W., 6th P.M., bears S. 40° 22' W. 16,151 feet; 12. East Canal Line intake from North Ranch Creek at a point on the South bank of said creek whence the Southeast corner of Section 33, T. 1 S., R. 75 W., 6th P.M., bears S. 33° 0' W. 19,000 feet; 13. Tributary drainage above the canal line divertible by the Fraser River diversion project. 14. Diversions at the points listed in Paragraphs 3.F(i)(a)1, 2, 5, 8, 9, 10, 11 and 12 may only be used at the Winter Park Mountain base area facilities, which are not the subject of this application. b. Williams Fork River Diversion Points: 1. North Canal Line, Section 1, from McQueary Creek at a point on the South bank of said creek whence the United States Location Monument Wilson near Minnehaha Gulch, LaPlata Mining District Grand County, Colorado (hereinafter referred to as the “Wilson Monument”) bears S. 31° 56' 15" E. 8,333.32 feet; 2. North Canal Line, Section 2, from Jones Creek at a point on the South bank of said creek whence the Wilson Monument bears S. 66° 29' 40" E. 1,983.49 feet; 3. North Canal Line, Section 3 receives its water through Sections 1 and 2 and from tributary drainage and has no independent point of diversion on any stream; 4. South Canal Line, Section 1, from Bobtail Creek at a point on the East bank of said creek whence the Wilson Monument bears N. 65° 34' 50" E. 2,007.47 feet; 5. South Canal Line, Section 2, from Steelman Creek at a point on the East bank of said creek whence Wilson Monument bears N. 78° 46' 45" E. 9,525.25 feet; 6. South Canal Line, Section 3, receives its water through Sections 1 and 2 and has no independent point of diversion on any stream. ii. Appropriation Date: July 21, 1992 iii. Source: The Fraser River and Williams Fork River, which are tributaries of the Colorado River, and their tributaries located above the points of diversion described in paragraphs 3.F(i)(a) and (b), above. iv. Amount: 0.67 cfs, conditional, associated with the Vasquez Wells. An additional 0.67 cfs, absolute, is associated with diversion points at the Winter Park Base Area and is not the subject of this application. v. Uses: Bypass Water may be diverted for domestic, sanitary, commercial, irrigation and firefighting uses at the Winter Park Base and for augmentation, substitution and exchange purposes in connection with the use of the Vasquez Wells. vi. Points of Rediversion: WPRA may red divert a portion of its Bypass Water from Denver’s Moffat System at one or more of the following points: a. Vasquez Mountain Canal Diversion Point: This diversion point is located at a point S. 65°15' W., 12,100 feet from the Southeast Corner of Section 34, T. 1 S., R. 75 W. of the 6th P.M. The Vasquez Mountain Canal Diversion Point may be used as an alternate point of diversion for the structures set forth in paragraphs 3.D.iii through 3.D.vi, above. b. Winter Park Base Area Diversion Points: Additional rediversion points at the Winter Park Base Area are listed in the Decree in Case No. 92CW333 in Paragraph 4.B(7) and are not the subject of this application. G. Description of New Points of Diversion: The new points of diversion for the subject wells are listed in Table 1, below, and also are depicted on Figure 1.

Table 1: New Points of Diversion

Well Name	New Point of Diversion	UTMx	UTMy
T1	A	431145.1	4412441.1
T2	B	431195.9	4412432.9
B1	C	431291.7	4414820.3
B2	D	431613.6	4414678.8
B3	E	432891.3	4415879
B4	F	432908.7	4415924

SECOND CLAIM: GROUNDWATER RIGHT 4. Overview: The Sundance Restaurant Well is an existing exempt commercial well permitted for indoor commercial use. By this Application, the Applicant seeks to adjudicate a right for the Sundance Restaurant Well and to increase its rate of withdrawal and annual volumetric limit. 5. Name of Structure: Sundance Restaurant Well, aka Vasquez Ridge Well No. 1 A. Permit Number: 155932 B. Location: SE ¼ of the SW ¼ of Section 16, Township 2 South, Range 75 West in the 6th P.M., at UTM coordinates. UTMx 432561.0 , UTM My 4413672.0. C. Source: Groundwater tributary to an unnamed tributary of Little

Vasquez Creek and groundwater tributary to Little Vasquez Creek, tributary to Vasquez Creek, tributary to the Fraser River, tributary to the Colorado River. D. Sundance Restaurant Well Senior Priority i. Date of Appropriation: December 23, 1989. ii. How Appropriation Was Initiated: Pumping well and applying water to beneficial use. iii. Rate of Withdrawal: 14 gpm, absolute. a. The maximum rate of withdrawal from the Sundance Restaurant Well will be 28 gpm for all priorities, combined. iv. Volume: 0.19 AF/year, absolute. v. Use: Indoor commercial and sanitary purposes associated with a ski area facility and restaurant. vi. Pursuant to C.R.S. § 37-92-602(4), the Applicant claims the date of appropriation as the priority date for water withdrawn from the Sundance Restaurant Well pursuant to Permit No. 155932, as a well exempt from administration under C.R.S. § 37-92-602(1)(c). E. Sundance Restaurant Well Junior Priority i. Overview: Applicant intends to expand the ski area facility and restaurant served by the Sundance Restaurant Well. Once this expansion is complete, Applicant will need to withdraw additional water from the Sundance Restaurant Well. At that time, Applicant will apply to repermit the Sundance Restaurant Well as a non-exempt commercial well. Applicant is also seeking a new, junior conditional priority for the Sundance Restaurant Well for amounts in excess of the Sundance Restaurant Well Senior Priority and seeks to add the Sundance Restaurant Well to the augmentation plan decreed in Case No. 92CW333. ii. Date of Appropriation: December 31, 2024. iii. How appropriation was initiated: The filing of this application. iv. Rate of Withdrawal: 14 gpm, conditional. a. The maximum rate of withdrawal from the Sundance Restaurant Well will be 28 gpm for all priorities, combined. v. Volume: 10.03 AF/year, conditional. vi. Use: Indoor commercial and sanitary purposes associated with a ski area facility and restaurant. **THIRD CLAIM: AUGMENTATION PLAN AMENDMENT** 6. Plan for Augmentation: The Applicant seeks to amend the augmentation plan decreed in Case No. 92CW333 to reflect a change in the distribution of depletions associated with diversions from the Vasquez Wells due to the changed points of diversion and to replace depletions associated with the Sundance Restaurant Well. A. Augmentation Water Rights: Up to 7.82 AF annually from the following sources: i. A portion of the 3,000 acre-feet produced by the Windy Gap Project and stored in Granby Reservoir pursuant to paragraph 17 of the Agreement Concerning the Windy Gap Project and the Azure Reservoir and Power Project dated April 30, 1980 and the Supplement dated March 29, 1985, to the extent water is available under WPRA's agreement with the Middle Park Water Conservancy District. The Windy Gap Project diverts at a point on the North bank of the Colorado River whence the NW corner of Section 25, T. 2 N., R. 77 W. of the 6th P.M. bears S. 17°30' W. a distance of 2,380 feet. Granby Reservoir is located on the Colorado River upstream of its confluence with the Fraser River, in all or parts of Sections 25, 26, 27, 34, 35 and 36, T. 3 N., R. 76 W.; Sections 29, 30 and 32, T. 3 N., R. 75 W.; Sections 1, 2, 3, 10, 11, 12, 13 and 15, T. 2 N., R. 76 W.; and Sections 5, 6, 7, 8, 9, 14, 15, 16, 17, 18, 21, 22 and 23, T. 2 N., R. 75 W. of the 6th P.M., Grand County, Colorado. i. Williams Fork Reservoir, previously decreed on November 5, 1937, in Civil Action No. 657 in the District Court in and for Grand County for 93,637 acre feet with an appropriation date of November 10, 1935, and also decreed on November 7, 1974, nunc pro tunc May 30, 1972 in Civil Action No. 1430 in the District Court in and for Water Division No. 5, for 93,637 acre feet, with an appropriation date of October 9, 1956. The source of water stored in the reservoir is the Williams Fork River and the streams and tributary drainage entering said reservoir. The location of the reservoir is described as located in the channel of the Williams Fork River upstream from a dam located thereon, said dam more particularly described, to-wit: the initial point of survey for said dam is located at a point from which the Southeast corner of Section 23, T. 1 N., R. 79 W., of the 6th P.M., bears S. 24°53' E. a distance of 2,175 feet. B. Diversion Limitations: Pursuant to Paragraph 7.A(1) of the 92CW333 Decree, total diversions from the Vasquez Wells are limited to 66.5 AF, which represents a portion of the 74 AF of Bypass Water to which Applicant is entitled. These diversion limits apply as follows, however, the 92CW333 Decree acknowledged that the final allocation may vary based on future development considerations: i. Vasquez Wells B1 through B6: 46.5 AF ii. Vasquez Wells M1 through M3: 10 AF. iii. Vasquez Wells T1 through T3: 10 AF. C. Season of Use: The Decree in Case No. 92CW333 permits diversions from Vasquez Wells B1 through B6 to occur year-round but projected that diversions from Vasquez Wells M1 through M3 and T1 through T3 would occur during the ski season, generally October through April. By this Application, the Applicant seeks to remove any express or implied season limitation on Vasquez Wells M1 through M3 and T1 through T3 and provide notice that water may be diverted from these wells year-round. Water may also be diverted from the Sundance Restaurant Well year-round. D. Sundance Restaurant Well: The Applicant seeks to amend the augmentation plan decreed in Case No. 92CW333 to replace depletions associated with the Sundance Restaurant Well, as described in Paragraph 5 herein. E. Depletions: Diversions from the Vasquez Wells and the Sundance Restaurant Well are considered to be 100% depletive between the points of diversion and points where return flows from the wells are discharged to the Fraser River, as described below. The Case No. 92CW333 Decree established depletion percentages for the Vasquez Wells as follows: **Table 2: Original Vasquez Well Depletions (Case No. 92CW333 Decree)**

Place of Use	Annual Stream Depletions (af/y)	
	Vasquez Creek	Little Vasquez Creek
Vasquez Mountain Base Facilities (Well Nos. B1 - B6)	16.7 (36%)	29.8 (64%)
Mid-Mountain Facilities (Well Nos. M1 - M3)	5.6 (56%)	4.4 (44%)
Mountain Top Facilities (Well Nos. T1 - T3)	3.7 (37%)	6.3 (63%)
Total Well Depletions	26.0	40.5

The relocation of Wells B1-B4, and T1-T2, and the addition of the Sundance Restaurant Well to the plan for augmentation alters the distribution of depletions from pumping the Vasquez Wells as follows: **Table 3: New Vasquez Well and Sundance Restaurant Well**

Place of Use	Annual Stream Depletions (af/y)			
	Vasquez Creek	Little Vasquez Creek	Cooper Creek	Unnamed Trib. to Little Vasquez Creek

Vasquez Mountain Base Facilities (B1, B2, B5, B6)	5.68 (37%)	9.70 (63%)	0 (0%)	0 (0%)
Top of Gondola (B3, B4)	0 (0%)	12.03 (50%)	12.02 (50%)	0 (0%)
Mid-Mountain Facilities (M1 - M3)	0.57 (57%)	0.43 (43%)	0 (0%)	0 (0%)
Mountain Top Facilities (T1 - T3) on sanitary sewer	6.52 (41%)	9.52 (59%)	0 (0%)	0 (0%)
Mountain Top Facilities (T1 - T3) on septic	0.652 (41%)	0.952 (59%)	0 (0%)	0 (0%)
Sundance Restaurant Well (Vasquez Ridge/VR #1)	0 (0%)	4.78 (48%)	0 (0%)	5.25 (52%)
Total Well Depletions (Mountain Top on Sanitary Sewer)	12.77	36.46	12.02	5.25
Total Well Depletions (Mountain Top on Septic)	6.902	27.892	12.02	5.25

F. **Depletions to Denver Water:** The Case No. 92CW333 Decree further apportions depletions from pumping the Vasquez Wells between those impacting Denver Water and those impacting other water users. To the extent depletions impact Denver Water, Denver agreed that no replacement is required and that, instead, it will reduce WPRA's entitlement to Bypass Water on a one-for-one basis. To the extent depletions impact other water users, Denver Water agreed to release WPRA Bypass Water to Vasquez or Little Vasquez Creeks to replace depletions on those streams. Depletions to Denver Water calculated in the 92CW333 Decree are as follows: **Table 4: Original Denver Water Depletions (Case No. 92CW333 Decree)**

Place of Use	Annual Stream Depletions (af/y)		
	Depletions to Other Water Users	Depletions to Denver Water	
	Vasquez Creek	Vasquez Creek	Little Vasquez Creek
Vasquez Mountain Base Facilities (Well Nos. B1-B6)	16.7 (36%)	0 (0%)	29.8 (64%)
Mid-Mountain Facilities (Well Nos. M1-M3)	5.6 (56%)	0 (0%)	4.4 (44%)
Mountain Top Facilities (Well Nos. T1-T3)	1.85 (18.5%)	1.85 (18.5%)	6.3 (63%)
Total Well Depletions	24.15	42.35	

Relocation of Wells B1 to B4, and T1 to T2 and the addition of the Sundance Restaurant Well to the plan for augmentation as described herein changes this distribution and also adds depletions to Cooper Creek. To the extent depletions impact Denver Water, Denver has agreed that no replacement is required and that, instead, it will reduce WPRA's entitlement to Bypass Water on a one-for-one basis. To the extent depletions impact other water users, Denver Water has agreed to release WPRA Bypass Water to Vasquez or Little Vasquez Creeks to replace depletions on those streams and to release WPRA Bypass Water to the Fraser River upstream of its confluence with Cooper Creek to replace depletions from the Top of Gondola wells as necessary. WPRA may also release water stored in Discovery Park Pond as provided Paragraph 6.H, below. The new depletions to Denver Water are as follows: **Table 5: New Denver Water Depletions**

Place of Use	Annual Stream Depletions (af/y)					
	Depletions to Other Water Users		Depletions to Denver Water			
	Vasquez Creek	Little Vasquez Creek	Vasquez Creek	Little Vasquez Creek	Cooper Creek	Unnamed Trib. To Little Vasquez Creek

Vasquez Mountain Base Facilities (B1, B2, B5, B6)	5.68 (37%)	0 (0%)	0 (0%)	9.70 (63%)	0 (0%)	0 (0%)
Top of Gondola (B3, B4)	0 (0%)	12.03 (50%)	0 (0%)	0 (0%)	12.02 (50%)	0 (0%)
Mid-Mountain Facilities (M1-M3)	0.57 (57%)	0 (0%)	0 (0%)	0.43 (43%)	0 (0%)	0 (0%)
Mountain Top Facilities (T1-T3) on sanitary sewer	0 (0%)	0 (0%)	6.52 (41%)	9.52 (59%)	0 (0%)	0 (0%)
Mountain Top Facilities (T1-T3) on septic	0 (0%)	0 (0%)	0.652 (41%)	0.952 (59%)	0 (0%)	0 (0%)
Sundance Restaurant Well (Vasquez Ridge/VR #1)	0 (0%)	0 (0%)	0 (0%)	4.78 (48%)	0 (0%)	5.25 (52%)
Total Well Depletions (Mountain Top on Sanitary Sewer)	18.28		48.22			
Total Well Depletions (Mountain Top on Septic)	18.28		33.78			

G. Consumptive Use: i. Location of Wastewater Return Flows: The 92CW333 Decree provides that all waste disposal will occur through Grand County Water and Sanitation District's ("GCWSD") wastewater treatment plant and assumes 5% of the water diverted and treated is consumed. All wastewater from the Vasquez Mountain Base Facilities (Wells B1, B2, B5, and B6) and Mid-Mountain Facilities (Wells M1, M2, and M3) will still be treated at the GCWSD wastewater treatment plant. By this Application, Applicant seeks to add the option for wastewater from the Top of Gondola Facilities (Wells B3, B4) to be treated at the Winter Park Water and Sanitation District No. 1 ("WPWSD") wastewater treatment plant. Water from the Sundance Restaurant Well is currently treated via a septic system, but before Applicant begins pumping the well at the greater rate of withdrawal specific herein, Applicant intends to construct the facilities necessary to treat water from the Sundance Restaurant Well at the WPWSD wastewater treatment plant. Losses from both wastewater treatment plants will continue to be 5%. By this Application, Applicant also seeks to add the ability for wastewater from the Mountain Top Facilities (Wells T1, T2 and T3) to be treated via septic system tributary to Vasquez and/or Little Vasquez Creeks. If septic treatment for wastewater from the Mountain Top Facilities is used, consumptive use from the septic system will be assumed to be 10%. Due to local treatment and release of return flows, depletions to tributaries impacted by the Mountain Top wells will be less than with sanitary sewer treatment, as reflected in Tables 3 and 5, above, but overall depletions to the Fraser River will be 10% from these wells only instead of 5%. WPRA will obtain separate agreements from GCWSD and/or WPWSD, as appropriate, for any wastewater treatment that occurs. ii. Irrigation Use: The 92CW333 Decree also augments diversions at the Winter Park Mountain base area for irrigation use from the W.P. Base Diversion Point Nos. 1 and 2. The area irrigated is approximately 4.1 acres. Total consumptive use from irrigation use is decreed to be 1.45 AF/acre, for a total of 5.94 AF/year. Diversions at the W.P. Base Diversion Point Nos. 1 and 2 are not the subject of this application. iii. Total Consumptive Use: Total consumptive use under the augmentation plan decreed in Case No. 92CW333 may not exceed 7.82 AF/year (or 9.27 AF/year following the Applicant's acquisition of additional augmentation supplies and compliance with the procedures in the Case No. 09CW47 Decree). This limit on total consumptive use will continue to apply to depletions covered by the Case No. 92CW333 augmentation plan, including depletions from the Sundance Restaurant Well. H. Replacement. i. To augment depletions below the GCWSD and WPWSD wastewater treatment plant points of discharge, WPRA will cause the release of water from one or more of the sources identified in Paragraph 4.A. ii. In addition, to replace out-of-priority depletions above the GCWSD and WPWSD wastewater treatment plant points of discharge to water users other than Denver Water, Applicant will cause the release of a corresponding amount of Bypass Water from the following structures: a. Vasquez Creek Bypass Structure: The Vasquez Creek Bypass Structure is decreed in the 92CW333 Decree at the following location: The point of discharge of the metered bypass in Denver's Moffat System being approximately located in the SE 1/4 of protracted Section 18, T. 2 S., R. 75 W., of the 6th P.M. from which the SE corner of T. 1 S., R. 76 W., also being the SE corner of Section 36, T. 1 S., R. 76 W. bears N 10° 36' W, 15,800 feet more or less. The basis of bearing is the south line of the SE 1/4 of Section 36 being S. 88° 56' E. Based on modern mapping, the location of the Vasquez Creek Bypass Structure is as follows: The point of discharge is located in the NW 1/4 NE 1/4 of Section 19, Township 2 South, Range 75 West at the following UTM coordinates (Zone 13N): 429836.2m, 4413173.1m b. Siphon. 3: Located at UTM Northing (meters) 4415788.431, UTM Easting (meters) 430379.744 c. Little Vasquez Creek Bypass Structure aka Siphon 2A: At a point on

Siphon 2A between the specified upstream point and downstream point: 1. Upstream Point UTM Northing (meters) 4416298.948, UTM Easting (meters) 431935.697. 2. Downstream Point: UTM Northing (meters) 4416393.841, UTM Easting (meters) 432202.672. d. Fraser River Diversion Dam: UTM Northing (meters) 4412677.50, UTM Easting (meters) 435906.22 Jim Creek Bypass Structure: From the 11CW152 decree, the Jim Creek Bypass/Pipeline is described as: Jim Creek Bypass/Pipeline: A point of diversion on the East Canal being part of Denver Water's Moffat System, the location of which is in the SW1/4 of suspended Sec. 11 T2S, R75W, 6th P.M., Town of Winter Park, County of Grand, State of Grand County, Colorado, more particularly described as follows: Beginning at Corner No. 3 of Exchange Survey No. 367, whence Corner No. 13 of Exchange Survey No. 367 bears South 13°14'44" East, said line forming the basis of bearing for this legal description; Thence North 83°18' West a distance of 867.8 feet more or less to said Point of Diversion. e. Fraser River Pump and Pipeline: A point of diversion from the Fraser River located at a point in the NE1/4 of the SE1/4 of Section 10, T. 2 S, R. 75 W., of the 6th P.M., bearing S 9°15'W, a distance of 7,960 feet from the SE corner of Section 34, T. 1 S., R. 75 W. of the 6th P.M., also described as UTM coordinates (NAD83 datum, Zone 13, meters): 434866.56 Easting, 4415481.49 Northing. WPRa can also cause the release of sources of water other than Bypass Water from the Discovery Park Pond via the Fraser River Pump and Pipeline to replace out of priority depletions to the Fraser River. Such sources must be separately approved for augmentation and replacement use. This application does not seek to add augmentation or replacement use to any water rights currently decreed for storage in Discovery Park Pond. A. Exchange Right. WPRa has an appropriate right of exchange to replace its out- of-priority depletions under the Case No. 92CW333 augmentation plan. In this Application, WPRa seeks to add the new points of depletion for the Vasquez Wells as upstream termini for this exchange. i. Appropriation Date: July 21, 1992. ii. Exchange Reach: a. Williams Fork Exchange: The confluence of the Williams Fork and Colorado Rivers, up the Colorado River to the confluence of the Colorado and Fraser Rivers, then up the Fraser River to the points of depletion for the structures augmented in the Case No. 92CW333 augmentation plan. b. Lake Granby Exchange: The confluence of the Colorado and Fraser Rivers, then up the Fraser River to the points of depletion for the structures augmented in the Case No. 92CW333 augmentation plan. c. This Application seeks to add the new points of depletion for the new configuration of wells shown in Table 3 as upstream termini for the exchange as follows: 1. A point on Cooper Creek at UTMx 433702, UTM y 4415658 in the NW SW Sec. 10, T2S, R75W. 2. A point on Little Vasquez Creek at UTMx 432165, UTM y 4412142 in the SW SW Sec. 21, T2S, R75W. 3. A point on Vasquez Creek at UTMx 429720, UTM y 4412468 in the NW SE Sec. 19, T2S, R75W 4. A point on an unnamed tributary to Little Vasquez Creek at UTMx 432897, UTM y 4413938 in the NW SE Section 16, T2S, R75W. iii. Rate of Exchange: 1.34 cfs, of which 0.67 cfs is absolute and 0.67 cfs is conditional. iv. Uses: The same as the augmented structures. For the subject wells in this case, the uses are domestic, sanitary, and commercial purposes. 7. **A list of names and addresses of owners or reputed owners of the land upon which any new diversion or storage structure, or modification to any existing diversion or storage structure is or will be constructed or upon which water is or will be stored, including any modification to the existing storage pool**: United States Forest Service, Forest Supervisor's Office, 2150 Centre Avenue, Building E, Fort Collins, Colorado 80526. (19 pages.)

YOU ARE HEREBY NOTIFIED THAT YOU HAVE until the last day of FEBRUARY 2025 to file with the Water Clerk a verified Statement of Opposition setting forth facts as to why this application should not be granted or why it should be granted in part or on certain conditions. A copy of such statement of opposition must also be served upon the applicant or the applicant's attorney and an affidavit or certificate of such service shall be filed with the Water Clerk, as prescribed by Rule 5, CRCP. (Filing Fee: \$192.00) KATHY POWERS, Water Clerk, Water Division 5; 109 8th Street, Suite 104 Glenwood Springs, CO 81601.

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

24CW3178 PITKIN COUNTY, ROARING FORK AND COLORADO RIVERS. Application for Approval of Plan for Augmentation and Conditional Exchange Project Rights. Warden LLC, c/o Ryan Jarvis and Laurel Quinto of JVAM PLLC, 305 Gold Rivers Ct., Ste 200, Basalt CO 81621, (970) 922-2122. First Claim: Approval of Plan for Augmentation. Augmented structures: Lemond Ditch, WarDen Enlargement and WarDen Pond. Lemond Ditch, WarDen Enlargement: Decreed in Case No. 20CW3188. Location: headgate located in the NW¼NW¼ Sec 32 T9S R85W 6th, UTM Coordinates NAD 83, Zone 13N, Northing: 4,344,044, Easting: 334,677. Source: Brush Creek. Approp. Date: 10/9/2020. Amount: 0.65 cfs, cond. Uses: Irrigation, including outdoor irrigation of up to 10 acres and delivery of water to WarDen Pond for indoor irrigation in a greenhouse on Applicant's Property with approx. 1700 sq ft of irrigated area. The following water rights are decreed to divert at the Lemond Ditch: Priority No. 37, CA132, adjudicated 5/11/1889; Priority No. 187, CA132, adjudicated 5/11/1889; Priority No. 446, CA3723, adjudicated 8/25/1949. WarDen Pond: Decreed in Case No. 20CW3188. Location: SE¼NE¼ Sec 29 T9S R85W 6th PM, UTM Coordinates NAD 83, Zone 13N, Northing: 4,345,255, Easting: 336,331. Source: Brush Creek. Date: 10/9/2020. Amount: 10 af, cond. Uses: Irrigation (including year-round irrigation in a greenhouse), piscatorial, fire protection, recreational, wildlife, and aesthetic. Water right to be used for Aug.: Up to 9.8 af of water annually pursuant to a Basalt Water Conservancy District (BWCD) contract. Augmentation sources summarized as: Ruedi Reservoir, an on-channel reservoir located in Secs 7, 8, 9, 11 & 14 through 18, T8S R84W 6th PM in portions of Eagle and Pitkin counties, which diverts and stores waters of Fryingpan River, a trib. of Roaring Fork and Colorado Rivers, under water rights decreed in CA 4613, Garfield County, and Case Nos. W-789-76, 81CW34 and 01CW269, Div 5; Green Mountain Reservoir, located in all or parts of Secs 11, 12, 13, 14, 15 & 24 of T2S R80W and in Secs 17, 18, 19, 20, 21, 28, 29 & 34, T2S R79W 6th PM, Summit County and which diverts and store waters of the Blue River, a trib. of Colorado River, under water rights decreed in Case Nos. 2782, 5016 & 5017, U.S. District Court for the

District of Colorado; Troy and Edith Ditch, decreed for diversion from Fryingpan River, a trib. of Roaring Fork and Colorado Rivers, in Case Nos. 3082 & 4613, Garfield County, and Case No. W- 2281, Div. 5; and Robinson Ditch, located on the N bank of the Roaring Fork River 1/2 mile below mouth of Sopris Creek in Sec 11 T8S R87W 6th PM, which diverts waters of the Roaring Fork River pursuant to decrees in Case Nos. 132, 1061 & 3082, Garfield County, and Case No. 93CW319 Div 5. Statement of plan for augmentation: Applicant intends to irrigate up to 5.5 acres with the Lemond Ditch, Warden Enlargement and construct the Warden Pond with a surface area of 1 acre to be used for uses described above. The plan uses water available under the BWCD Contract, which will be used by exchange to address senior calls downstream of the Augmented Structures. Augmented Structures will operate under the decreed water rights described above so long as they are in priority. Out-of-priority depletions caused by the exercise of the Augmented Structures will be replaced by exchange. If downstream calls cannot be met by exchange Applicant will cease diversions at Lemond Ditch to the Augmented Structures until the administrative call has been lifted. Applicant may use additional or alternative sources of water for Aug., substitution, replacement, and exchange if use of the sources is allowed under a substitute water supply plan approved under CRS 37-92-308, or if the sources are decreed for such purposes. Applicant may also use any additional or alternative sources of water if use is allowed under an interruptible water supply agreement approved under CRS 37-92-309. If Applicant proposes to use additional or alternative sources under CRS 37-92-308 or -309, Applicant shall comply with the procedures provided therein. Second Claim: Exchange Project Right. Structure: WarDen Fryingpan Exchange Project Right. Downstream termini: Confluence of Frying Pan and Roaring Fork Rivers, described as being in the SW¹/₄SE¹/₄ Sec 7 T8S R86W 6th PM, UTM coordinates: Easting 324744, Northing 4359432, Zone 13 (NAD 83). Upstream termini: Lemond Ditch, described above. Water delivered to the stream at the downstream termini is derived from the BWCD Contract including the sources described above. Date of approp.: 12/31/2024. Approp. initiated by formation of intent to appropriate water coupled with the filing app. Amount: 0.05 cfs, cond. Use: Augmentation. Max annual vol.: 8.78 af. Third Claim: Exchange Project Right: Structure: WarDen Robinson Ditch Exchange Project Right. Downstream termini: The point of diversion for Robinson Ditch, decreed location of which is on N bank of Roaring Fork River 1/2 mile below mouth of Sopris Creek in Sec 11 T8S R87W 6th PM and at UTM coordinates: Easting 321622, Northing 4359863, Zone 13 (NAD83). Upstream termini: Lemond Ditch, described above. Source: Water delivered to the stream at the downstream termini is derived from the BWCD Contract including the sources described above. Date of approp.: 12/31/2024. Approp. initiated by formation of intent to appropriate water coupled with the filing application. Amount: 0.05 cfs, cond. Use: Augmentation. Max annual volume of exchange: 8.78 af. Fourth Claim: Exchange Project Right. Structure: WarDen Colorado Exchange Project Right. Downstream termini: confluence of Roaring Fork and Colorado Rivers, which is located in SE¹/₄NW¹/₄ Sec 9 T6S R89W 6th PM, at a point approx. 2,200 ft from the N Sec line and 2,350 ft from the W Sec line and at UTM coordinates: Easting 299744, Northing 4380368, Zone 13 (NAD83). Upstream termini: Lemond Ditch, described above. Source: Water delivered to the stream at the downstream termini is derived from the BWCD Contract including the sources described above. Date of approp.: 12/31/2024. Approp. initiated by formation of intent to appropriate water coupled with filing application. Amount: 0.05 cfs, cond. Use: Augmentation. Max annual volume of exchange: 8.78 af. The exchange rates for the exchange project rights are based on the assumption that contract water is released at constant rates during a call. If any of exchange project rights are deemed not to be included in the 3000 af of water rights deemed senior to the Pitkin County RICD as decreed in Case No. 10CW305, Applicant may exercise them outside of daylight hours at a higher exchange rate as necessary to fully exercise the exchange(s) and operate the augmentation plan (9 pages, 2 Exhibits).

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

24CW10 GARFIELD COUNTY – EAST DIVIDE CREEK TRIBUTARY TO DIVIDE CREEK TRIBUTARY TO THE COLORADO RIVER. Hilary Duchein/Hawkeye Springs Ranch, LLC; 522 Vine St., Aspen, CO 81611 (225) 937-6798 and John Werning; 229 McSkimming Rd., Aspen, CO 81611 (970)379-9478. Shiloah Spring f/k/a Olson Spring – Application for Conditional Water Rights (Surface). Location: UTM: Easting 284358.19m and Northing-4366518.82m Z13, SE¹/₄NW¹/₄ of Sec. 25, T.7S, R.91W. of the 6th P.M. Appropriation Date: Mar. 25, 2024. Amount: 5.0 g.p.m., conditional. Uses: irrigation of 1 acre of pasture/garden, domestic and livestock water.

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14. PURSUANT TO C.R.S., §37-92-302, AS AMENDED, YOU ARE NOTIFIED THAT THE FOLLOWING PAGES COMPRISE A RESUME OF THE APPLICATIONS AND AMENDED APPLICATIONS FILED WITH THE WATER

CLERK FOR WATER DIVISION 5 DURING THE MONTH OF DECEMBER 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.*

24CW3156 SHADOW MOUNTAIN ESTATES 1ST SUBDIVISION EXEMPTION HOMEOWNERS ASSOCIATION, PO Box 1289, Grand Lake, CO 80447. Matthew S Poznanovic, John D Buchanan, Hayes Poznanovic Korver LLC, 700 17th Street, Suite 1800, Denver, CO 80202. Application to Make Conditional Water Rights Absolute and for Finding of Reasonable Diligence in **GRAND COUNTY**. Structures/Conditional Water Rights: Carroll Well No. 1; Moore Well No. 1; Moore Well No. 2; Moore Well No. 3. Decrees: Carroll Well No. 1: The conditional water right for this well originally decreed in Case No. 84CW228, entered May 15, 1989 ("84CW228 Decree"). Subsequent decrees: Case No. 94CW275 entered April 2, 1996 (94CW275 Decree"); Case No. 02CW90, March 27, 2005; Case No. 11CW33, May 29, 2012; and Case No. 18CW3068, November 25, 2018. Moore Well Nos. 1, 2 and 3: Conditional water rights for each of these three wells originally decreed in the 94CW275 Decree. Subsequent decrees: Case No. 02CW90, March 27, 2005; Case No. 11CW33, May 29, 2012; and Case No. 18CW3068, November 25, 2018. Description of conditional water rights: Carroll Well No. 1. Location: SW ¼ NE ¼ of Section 23, Township 3 North, Range 76 West of the 6th P.M., 2,400 feet south of the north section line and 1,450 feet west of the east section line of said Section 23. Source: Aquifers tributary to Colorado River. Use: In-house domestic. The well may serve up to 170 residential units. Amount: 205 gpm, conditional. Appropriation Date: March 18, 1984. Total Depth of Well: 270 feet. Moore Well Nos. 1, 2 and 3. Locations: Moore Well No. 1: SW ¼ NE ¼ of Section 23, Township 3 North, Range 76 West of the 6th P.M., 1,600 feet from the north section line and 1,600 feet from the east section line of said Section 23. Moore Well No. 2: SW ¼ NE ¼ of Section 23, Township 3 North, Range 76 West of the 6th P.M., 1,700 feet from the north section line and 1,985 feet from the east section line of said Section 23. Moore Well No. 3 Location: SW ¼ NE ¼ of Section 23, Township 3 North, Range 76 West of the 6th P.M., 1,690 feet from the north section line and 2,400 feet from the east section line of said Section 23. Source for each well: Aquifers tributary to Colorado River. Use for each well: In-house domestic. Each well may serve one residential unit. Amounts for each well: Moore Well No. 1: 15 gpm, conditional. Moore Well Nos. 2 and 3: 15 gpm per well. 10 gpm for Moore Wells Nos. 2 and 3 were made absolute in Case No. 18CW3068; the remaining 5 gpm per well are conditional. Annual amount that may be pumped by each well: 0.36 acre-feet per year. Appropriation Date for each well: October 1, 1995. Total depth of each well. Moore Well No. 1: 351 feet. Moore Well No. 2: 400 feet. Moore Well No. 3: 275 feet. All wells are subject to the Plan for Augmentation decreed in Case No. 84CW228. **APPLICATION TO MAKE ABSOLUTE.** Absolute Claims. Moore Well No. 1: Since October 14, 2019, water was diverted from Moore Well No. 1 at a rate of up to 10.75 gpm and beneficially used for in-house domestic use in a residential unit. Applicant therefore requests the court make absolute 10.75 gpm of the decreed 15 gpm for in-house domestic use. 5.2 Moore Well No. 2: Continuously during the diligence period, water was diverted from Moore Well No. 2 at a rate of up to 15 gpm and beneficially used for in-house domestic use in a residential unit. Applicant therefore requests the court make absolute the full 15 gpm decreed for in-house domestic use for Moore Well No. 2. In the alternative, and if these amounts are not made absolute, Applicant requests that a diligence finding also be made to continue these amounts pursuant to the activity described below. In addition, Applicant may seek to abandon any portion of the water rights associated with Moore Wells Nos. 1-3 that are not made absolute in this diligence period, while retaining the full right to divert at the rate of up to 15 gpm per well as allowed under the plan for augmentation adjudicated in the 84CW228 Decree, as amended in the 94CW275 Decree. **APPLICATION FOR FINDING OF REASONABLE DILIGENCE.** This Application to Make Absolute and for Finding of Reasonable Diligence is filed in a timely manner pursuant to the Water Right Determination and Administration Act of 1969, Sec. 37-92-302, C.R.S. During this diligence period, in continuing the development of the conditional water rights, Applicant has been diligent in the continued use and development of the water rights involved. These activities were performed by owners of lots located within the Shadow Mountain Estates 1st Subdivision Exemption where the conditional water rights for the wells are located, which include, but are not limited to, the following: A request was filed for renewal of the United States Bureau of Reclamation contract for Green Mountain Reservoir water pursuant to the requirements of the augmentation plan decreed in Case No. 84CW228, as amended in Case No. 94CW275 to provide augmentation water for Carroll Well No. 1 and Moore Wells Nos. 1-4. On January 19, 2021, the contract between the United States of America and Shadow Mountain Estates First Subdivision Exemption Homeowners' Association, a Colorado NonProfit Corporation for Water Service from Green Mountain Reservoir was renewed (Contract No. 209E650054). Annual payments of \$250.00 were made for augmentation water supplied according to the Green Mountain Reservoir contract. Measuring devices have been installed on all wells, and annual meter readings have been recorded. The accounting for the operation of the wells has been provided annually to Sue Avre, Water Commissioner, District 51. On February 21, 2019, a residential water well permit application was filed for Moore Well No. 1. On March 7, 2019, the Colorado Division of Water Resources issued well permit number 82995-F for Moore Well No. 1. On July 24, 2019, James Drilling Co. drilled Moore Well No. 1 to a depth of 351 feet at a cost of approximately \$15,645.30. On August 5, 2019, James Drilling Company filed a Well Construction and Yield Estimate Report for Moore Well No. 1 with the Office of the State Engineer. On October 24, 2019, Ricks Pump Service Inc. installed a pump on Moore Well No. 1 at a cost of approximately \$4,187.80. On November 19, 2019, Ricks Pump Service filed a Pump Installation and Production Equipment Test Report with the Office of the State Engineer for Moore Well No. 1. A water meter was installed to measure water usage of Moore Well No. 1. Construction of the residence served by Moore Well No. 1 was completed in March 2021 and has been occupied by the owners full-time since then. The well pump for Carroll Well No. 1 was pulled and replaced with a new pump on December 28, 2018. The buffer tank to Carroll Well No. 1 was replaced with a new buffer tank on September 14, 2021. On October 20, 2023, the manhole cover which covered the wellhead on Carroll Well No. 1 was reworked to prevent future runoff from flooding the wellhead. Water was diverted in priority and beneficially used under the conditional water rights described above. The work and expenditures listed above are illustrative and not exhaustive. Additional work and additional or revised expenditures may be claimed in support of this application. The owner of the land upon which any new

diversion or storage structure or modification to any existing diversion or storage structure or existing storage pool is or will be constructed or upon which water is or will be stored: N/A. WHEREFORE, Applicant requests that this Court enter a decree finding that: (1) 10.75 gpm of the Moore Well No. 1 water right has been diverted and beneficially used and making such amount absolute for in-house domestic use; (2) 15 gpm of the Moore Well No. 2 water right has been diverted and beneficially used and making such amount absolute for in-house domestic use; and (3) Applicant has exercised reasonable diligence in the development of the remaining conditional water rights, continuing the remaining conditional water rights, and for such other and further relief as this Court deems just and proper in the premises. 8 Pages.

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