

## DIVISION 5 WATER COURT- JANUARY 2025 RESUME

(This publication can be viewed in its entirety on the Colorado State Judicial website at: [www.coloradojudicial.gov](http://www.coloradojudicial.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 JANUARY 2025. *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.***

**25CW3000** (18CW3102), (12CW2), (05CW98), (98CW82), (90CW277). DISTRICT COURT, WATER DIVISION NO. 5, STATE OF COLORADO, 109 8<sup>th</sup> Street, Suite 104, Glenwood Springs, CO 81601. CONCERNING THE APPLICATION FOR WATER RIGHTS OF THE TOWN OF BRECKENRIDGE IN THE BLUE RIVER AND ITS TRIBUTARIES IN **SUMMIT COUNTY, COLORADO. APPLICATION FOR FINDING OF REASONABLE DILIGENCE.** 1. Name, address, and telephone number of Applicant: Town of Breckenridge ("Town"), c/o Town Manager, PO Box 168, Breckenridge, CO. 80424, (970) 453-3181. Direct all pleadings to: Glenn E. Porzak (#2793), Porzak Law, LLC, 1111 Spruce Street, Suite 303, Boulder, CO. 80302, (303) 589-0909. 2. Name of Structure: Barton Creek Diversion. 3. Description of Conditional Water Right: (a) Original Decree: May 5, 1992, Case No. 90CW277, by the District Court in and for Water Division No. 5, State of Colorado (the "Water Court"). (b) Prior Diligence Decrees: Previous decrees confirming the exercise of reasonable diligence were entered by the Water Court in Case Nos. 98CW82 on June 8, 1999, 05CW98 on January 30, 2006, 12CW2 on July 22, 2012, and 18CW3102 on January 27, 2019. (c) Decreed Location: The Barton Creek Diversion is located in the NE1/4 SW1/4 of Section 26, Township 6 South, Range 78 West of the 6<sup>th</sup> P.M., Summit County, Colorado, at a point in the South Barton Creek alluvium whence the SE corner of Section 35, Township 6 South, Range 78 West bears South 21° East 8,250 feet. This point is 2,360 feet from the South section line and 2,150 feet from the West section line of said Section 26, as shown on Exhibit A hereto. Without changing the decreed location, the UTM Coordinates are NAD 83, Zone 13, Northing: 4372732, Easting: 407120. See **Exhibit A.**(d) Source: South Barton Creek, tributary to the Blue River, tributary to the Colorado River. (e) Appropriation Date: July, 10 1990.(f) Amount: 0.85 cfs (380 gpm), conditional. (g) Uses: Domestic, storage, municipal, and commercial water uses, including the irrigation of approximately 2 acres of lawn and garden. 4. Detailed outline of work done to complete the project and apply water to beneficial use: The Town provides water service to customers in the upper Blue River Valley. The subject water rights are necessary to meet the Town's demands for domestic, irrigation, recreation, and other municipal uses within its service area, as that area continues to expand. The Town's needs for water, including the subject water right is especially critical during the winter ski season when peak demands necessitate providing water for the tourists, day skiers, second homeowners, and the workers who commute into the Town. As determined by the Water Court in Case No. 05CW98 and confirmed in Case No. 12CW2, the subject water right is part of the Town's integrated water supply system. Therefore, work completed on any part of the Town's water supply system shall be considered evidence of diligence toward the perfection of the subject water right. Evidence of the Town's diligence activities during the diligence period includes, but is not limited to, the following: a. The Barton Creek Diversion point is located near the Town's Peak 7 Water Treatment Plant. The Town has spent approximately \$34,530.00 to maintain the Peak 7 Water Treatment Plant in operating condition to ensure it is available in case of emergency. The expenses incurred this far include utilities, building maintenance, and preventative maintenance. b. The Town repaired the Barton Creek Diversion's concrete intake structure at a cost of \$36,082.00 c. The Town has spent approximately \$32,732,518.00 on the development and construction of its new North Water Treatment Plant, which is essential to the Town's ability to provide enough water for future growth at full build-out. The expenses incurred included costs for designing, engineering, surveying, environmental testing, permitting, excavating, and constructing this treatment plant, together with associated legal fees. The North Water Treatment Plan became fully operational in 2020. d. The Town spent approximately \$26,017,229.00 on repairs and improvements to Goose Pasture Tarn, which is the Town's primary source of storage water. e. The Town spent approximately \$2,437,765.00 on the rehabilitation of its water tank. f. The Town spent approximately \$1,065,904.00 on water capacity projects, a chlorine monitoring station, upgrade of its telemetry, fire flow analysis, fire hydrant replacement, water lab equipment, and water main replacement design. g. The Town spent approximately \$142,528.00 on the design, engineering, legal, and other fees associated with the development of an agreement with Colorado Springs Utilities and the Board of County Commissioners of Summit County concerning the Lower Blue Reservoir that will be owned jointly by the Town and Summit County. h. The Town has regularly monitored the filings of other water users and has filed statements of opposition to and has incurred legal and engineering costs in connection with a number of cases to protect its water rights. All of the foregoing work expenditures are necessary prerequisites to applying the subject conditional water right to the beneficial use for which it is decreed. 5. Ownership: The Barton Creek Diversion structure is located in the White River National Forest on land owned by the United States of America, whose address as provided by the U.S. Department of Agriculture website is c/o Forest Supervisor Scott Fitzwilliams at 900 Grand Avenue, Glenwood Springs, CO 81601. The local address for the USDA Forest Service White River National Forest provided by the Forest Service is Dillion Ranger District, 680 Blue River Parkway, Silverthorne, CO 80498. WHEREFORE, the Town seeks a finding that it has exercised reasonable diligence with respect to the Barton Creek Diversion identified in paragraphs 2 & 3 above, and such other and further relief as this Court deems just and proper.

**YOU ARE HEREBY NOTIFIED THAT YOU HAVE until the last day of MARCH 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 JANUARY 2025.** *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.*

**25CW3001 GRAND COUNTY.** Jaylene and Eric Kunze, 2495 Spruce Meadows Dr., Broomfield, CO 80023. Applicants are 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: July 22, 2012 (11CW52); January 27, 2019 (18CW3100); both in Water Court Division No. 5. Appropriation Date: January 12, 2011. Underground Water Rights: Structures: Dethmers Well Nos. 1 and 2. Legal Descriptions: Dethmers Well No. 1: Grand County, SE1/4SE1/4 Section 22, Township 3 North, Range 76 West, 6<sup>th</sup> P.M. 330 feet from South Section line and 990 feet from East Section line. Dethmers Well No. 2: Grand County, SE1/4SE1/4 Section 22, Township 3 North, Range 76 West, 6<sup>th</sup> P.M. 166 feet from South Section line and 853 feet from East Section line. Source: Groundwater tributary to Soda Creek, tributary to Granby Reservoir, tributary to Colorado River. Depth of Wells: Dethmers Well No. 1: 235 feet (Permit No. 267927); Dethmers Well No. 2 has not yet been drilled. Use: In-house use only limited to 2 single family residences. Amount: 15 gallons per minute (g.p.m.), conditional, each well, annual diversion limited to 0.784 acre-foot. Appropriative Right of Exchange: Upstream Terminus: Soda Creek: A location in Section 23, Township 3 North, Range 76 West of the 6<sup>th</sup> P.M., 190 feet from the South Section line and 690 feet from the West Section line. Downstream Terminus: The confluence of Muddy Creek and the Colorado River: A location in Section 19, Township 1 North, Range 80 West of the 6<sup>th</sup> P.M., 81 feet from the North Section line and 1,963 feet from the East Section line. Augmentation/Exchange Source: Applicants have entered into a Water Allotment Contract with Middle Park Water Conservancy District to augment the uses contemplated herein. Augmentation water will be provided from Granby Reservoir or Wolford Mountain Reservoir. Rate of Exchange: The total exchange rate per year shall be limited to the annual calculated depletions of 0.2 acre-foot, conditional, which represents a continuous flow rate of about 0.00005 c.f.s. with a maximum rate of exchange of 0.003 acre-foot per month. Additional Information: Applicants request a finding of diligence for the conditional water rights described herein. The previous decrees set forth additional terms and conditions, including a plan for augmentation, that continue to be in effect for the water rights of this application. The application and attached exhibits contain a detailed outline of the work performed during the diligence period (22 pages).

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**3. PURSUANT TO C.R.S., §37-92-302, AS AMENDED, YOU ARE NOTIFIED THAT THE FOLLOWING PAGES COMPRISE A RESUME OF THE APPLICATIONS AND AMENDED APPLICATIONS FILED WITH THE WATER CLERK FOR WATER DIVISION 5 DURING THE MONTH OF JANUARY 2025.** *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.*

**25CW3002 PITKIN COUNTY – ROARING FORK RIVER OR ITS TRIBUTARIES.** Molly Matheson Brooks, c/o Kevin L. Patrick, Esq. and John M. Sittler, Esq., Patrick, Miller & Noto, P.C., 229 Midland Ave, Basalt, CO 81621, (970) 920-1030. APPLICATION TO MAKE WATER RIGHT ABSOLUTE IN PART AND FOR FINDING OF REASONABLE DILIGENCE. **First Claim: To Make Absolute in Part and For Finding of Reasonable Diligence.** Name of structure: MMB Enlargement of Brush Creek Ditch. Date of original decree: January 27, 2019, Case No. 18CW3110, Division 5 Water Court. Legal description: UTM NAD83 Z13: Northing – 4347470.8, Easting – 337114.7. PLSS: The point of diversion for the Brush Creek Ditch is located in the NE ¼ of the NW ¼ of Section 21, Township 9 South, Range 85 West of the 6<sup>th</sup> P.M., at a point approximately 445 feet from the north section line and 2665 feet from the west section line of Section 21 (Pitkin County). A map of the point of diversion is on file with the Court as Exhibit A. Supplemental: The point of diversion for the Brush Creek Ditch is located in the median of Highway 82, at a point approximately 108 feet north of the intersection of Highway 82 and Smith Way/Juniper Hill Road and 38 feet west of the northbound lane of Highway 82 (Pitkin County). **Source: Brush Creek, tributary to the Roaring Fork River, tributary to the Colorado River.** Appropriation date: May 28, 2018. Amount: 0.20 c.f.s., conditional. Uses: Irrigation of up to 1 acre and power generation. Claim to make absolute: Date water applied to beneficial use: May 9, 2019. Amount: 0.20 c.f.s. Use: Irrigation. Claim for finding of reasonable diligence: Applicant has exercised reasonable diligence towards completion of the MMB Enlargement of the Brush Creek Ditch water right. A detailed outline of the work performed towards completion of the appropriation, including expenditures, is on file with the Court as Exhibit B. The headgate is located in the Highway 82 median, owned by the Colorado Department of Transportation, 2829 W. Howard Pl., Denver, CO 80204. The water is put to beneficial use on Applicant's property.

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

**4. 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 JANUARY 2025.** *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.*

**25CW3003 EAGLE COUNTY. COLORADO RIVER OR ITS TRIBUTARIES, TWO RIVERS INVESTMENT HOLDINGS, LLC, c/o Kevin L. Patrick, Esq. and John M. Sittler, Esq., Patrick, Miller & Noto, P.C., 229 Midland Ave, Basalt, CO 81621, (970) 920-1030. APPLICATION FOR FINDINGS OF REASONABLE DILIGENCE.** First Claim: For Finding of Reasonable Diligence: Name of structure: Landmark Pond No. 1. Date of original decree: February 20, 1998, Case No. 97CW213, Division 5 Water Court. Subsequent diligence decrees: January 11, 2006, Case No. 04CW25; July 8, 2012, Case No. 12CW10; January 27, 2019, Case No. 18CW3113, all Division 5 Water Court. Legal description: NE ¼ of the NE ¼, Section 5, Township 8 South, Range 84 West of the 6th P.M., at a distance of 820 feet from the North section line and 880 feet from the East section line. A map is on file with the Court as Exhibit A. Note: The legal description was changed and decreed in Case No. 04CW25. Source: Smith Creek, tributary to the Fryingpan River, tributary to the Roaring Fork River, tributary to the Colorado River. Appropriation date: September 20, 1997. Amount: 4.0 acre-feet, conditional. Uses: Livestock and wildlife watering, fire protection, piscatorial, wetlands creation, with the right to fill and refill when in priority. Total capacity: 4.0 acre-feet. Active capacity: 4.0 acre-feet. Dead storage: 0. Maximum dam height: 15 feet. Length of dam: 150 feet. Surface area of high water line: 0.50 acre. Claim for finding of reasonable diligence: Applicant has exercised reasonable diligence towards completion of the Landmark Pond No. 1 conditional water right. A detailed outline of the work performed towards completion of the appropriation, including expenditures, is on file with the Court as Exhibit B. Applicant owns the land on which the water right is located and where water will be put to beneficial use. Second Claim: For Finding of Reasonable Diligence: Name of structure: Landmark Pond No. 2. Date of original decree: February 20, 1998, Case No. 97CW213, Division 5 Water Court. Subsequent diligence decrees: January 11, 2006, Case No. 04CW25; July 8, 2012, Case No. 12CW10; January 27, 2019, Case No. 18CW3113, all Division 5 Water Court. Legal description: NE ¼ of the NE ¼, Section 5, Township 8 South, Range 84 West of the 6th P.M., at a distance of 1100 feet from the North section line and 600 feet from the East section line. A map is on file with the Court as Exhibit A. Source: Smith Creek, tributary to the Fryingpan River, tributary to the Roaring Fork River, tributary to the Colorado River. Appropriation date: September 20, 1997. Amount: 4.0 acre-feet, conditional. Uses: Livestock and wildlife watering, fire protection, piscatorial, wetlands creation, with the right to fill and refill when in priority. Total capacity: 4.0 acre-feet. Active capacity: 4.0 acre-feet. Dead storage: 0. Maximum dam height: 15 feet. Length of dam: 150 feet. Surface area of high water line: 0.50 acre. Claim for finding of reasonable diligence: Applicant has exercised reasonable diligence towards completion of the Landmark Pond No. 2 conditional water right. A detailed outline of the work performed towards completion of the appropriation, including expenditures, is on file with the Court as Exhibit B. Applicant owns the land on which the water right is located and where water will be put to beneficial use. Third Claim: For Finding of Reasonable Diligence: Name of structure: Landmark Pond No. 3. Date of original decree: February 20, 1998, Case No. 97CW213, Division 5 Water Court. Subsequent diligence decrees: January 11, 2006, Case No. 04CW25; July 8, 2012, Case No. 12CW10; January 27, 2019, Case No. 18CW3113, all Division 5 Water Court. Legal description: NE ¼ of the NE ¼, Section 5, Township 8 South, Range 84 West of the 6th P.M., at a distance of 480 feet from the North section line and 500 feet from the East section line. A map is on file with the Court as Exhibit A. Source: Smith Creek, tributary to the Fryingpan River, tributary to the Roaring Fork River, tributary to the Colorado River. Appropriation date: September 20, 1997. Amount: 4.0 acre-feet, conditional. Uses: Livestock and wildlife watering, fire protection, piscatorial, wetlands creation, with the right to fill and refill when in priority. Total capacity: 4.0 acre-feet. Active capacity: 4.0 acre-feet. Dead storage: 0. Maximum dam height: 15 feet. Length of dam: 150 feet. Surface area of high water line: 0.50 acre. Claim for finding of reasonable diligence: Applicant has exercised reasonable diligence towards completion of the Landmark Pond No. 3 conditional water right. A detailed outline of the work performed towards completion of the appropriation, including expenditures, is on file with the Court as Exhibit B. Applicant owns the land on which the water right is located and where water will be put to beneficial use. Fourth Claim: For Finding of Reasonable Diligence: Name of structure: Landmark Pond No. 4. Date of original decree: February 20, 1998, Case No. 97CW213, Division 5 Water Court. Subsequent diligence decrees: January 11, 2006, Case No. 04CW25; July 8, 2012, Case No. 12CW10; January 27, 2019, Case No. 18CW3113, all Division 5 Water Court. Legal description: SE ¼ of the NE ¼, Section 5, Township 8 South, Range 84 West of the 6th P.M., at a distance of 1540 feet from the North section line and 660 feet from the East section line. A map is on file with the Court as Exhibit A. Source: Smith Creek, tributary to the Fryingpan River, tributary to the Roaring Fork River, tributary to the Colorado River. Appropriation date: September 20, 1997. Amount: 4.0 acre-feet, conditional. Uses: Livestock and wildlife watering, fire protection, piscatorial, wetlands creation, with the right to fill and refill when in priority. Total capacity: 4.0 acre-feet. Active capacity: 4.0 acre-feet. Dead storage: 0. Maximum dam height: 15 feet. Length of dam: 150 feet. Surface area of high water line: 0.50 acre. Claim for finding of reasonable diligence: Applicant has exercised reasonable diligence towards completion of the Landmark Pond No. 4 conditional water right. A detailed outline of the work performed towards completion of the appropriation, including expenditures, is on file with the Court as Exhibit B. Applicant owns the land on which the water right is located and where water will be put to beneficial use. Fifth Claim: For Finding of Reasonable Diligence: Name of structure: Landmark Pond No. 5. Date of original decree: February 20, 1998, Case No. 97CW213, Division 5 Water Court. Subsequent diligence decrees: January 11, 2006, Case No. 04CW25; July 8, 2012, Case No. 12CW10; January 27, 2019, Case No. 18CW3113, all Division 5 Water Court. Legal description: SE ¼ of the NE ¼, Section 5, Township 8 South, Range 84 West of the 6th P.M., at a distance of 1400 feet from the North section line and 350 feet from the East section line. A map is on file with the Court as Exhibit A. Source: Smith Creek, tributary to the Fryingpan River, tributary to the Roaring Fork River, tributary to the Colorado River. Appropriation date: September 20, 1997. Amount: 4.0 acre-feet, conditional. Previously decreed absolute (12CW10): 0.75 acre-foot for wildlife watering, fire protection, and wetlands creation. Remaining conditional: 3.25 acre-feet for wildlife watering, fire protection, and wetlands creation, with the right to fill and refill when in priority. 4.0 acre-feet for livestock watering and piscatorial, with the right

to fill and refill when in priority. Uses: Livestock and wildlife watering, fire protection, piscatorial, wetlands creation, with the right to fill and refill when in priority. Total capacity: 4.0 acre-feet. Active capacity: 4.0 acre-feet. Dead storage: 0. Maximum dam height: As built, 9 feet. Length of dam: 150 feet. Surface area of high water line: 0.50 acre. Claim for finding of reasonable diligence: Applicant has exercised reasonable diligence towards completion of the Landmark Pond No. 5 conditional water right. A detailed outline of the work performed towards completion of the appropriation, including expenditures, is on file with the Court as Exhibit B. Applicant owns the land on which the water right is located and where water will be put to beneficial use. Sixth Claim: For Finding of Reasonable Diligence: Name of structure: Landmark Pond No. 6. Date of original decree: February 20, 1998, Case No. 97CW213, Division 5 Water Court. Subsequent diligence decrees: January 11, 2006, Case No. 04CW25; July 8, 2012, Case No. 12CW10; January 27, 2019, Case No. 18CW3113, all Division 5 Water Court. Legal description: SE ¼ of the NE ¼, Section 5, Township 8 South, Range 84 West of the 6th P.M., at a distance of 1680 feet from the North section line and 570 feet from the East section line. A map is on file with the Court as Exhibit A. Note: The legal description was changed and decreed in Case No. 04CW25. Source: Smith Creek, tributary to the Fryingpan River, tributary to the Roaring Fork River, tributary to the Colorado River. Appropriation date: September 20, 1997. Amount: 4.0 acre-feet, conditional. Previously decreed absolute (12CW10): 0.50 acre-foot for wildlife watering, fire protection, and wetlands creation. Remaining conditional: 3.50 acre-feet for wildlife watering, fire protection, and wetlands creation, with the right to fill and refill when in priority. 4.0 acre-feet for livestock watering and piscatorial, with the right to fill and refill when in priority. Uses: Livestock and wildlife watering, fire protection, piscatorial, wetlands creation, with the right to fill and refill when in priority. Total capacity: 4.0 acre-feet. Active capacity: 4.0 acre-feet. Dead storage: 0. Maximum dam height: As built, 8 feet. Length of dam: 150 feet. Surface area of high water line: 0.50 acre. Claim for finding of reasonable diligence: Applicant has exercised reasonable diligence towards completion of the Landmark Pond No. 6 conditional water right. A detailed outline of the work performed towards completion of the appropriation, including expenditures, is on file with the Court as Exhibit B. Applicant owns the land on which the water right is located and where water will be put to beneficial use. Seventh Claim: For Finding of Reasonable Diligence: Name of structure: Landmark Pond No. 7. Date of original decree: February 20, 1998, Case No. 97CW213, Division 5 Water Court. Subsequent diligence decrees: January 11, 2006, Case No. 04CW25; July 8, 2012, Case No. 12CW10; January 27, 2019, Case No. 18CW3113, all Division 5 Water Court. Legal description: SE ¼ of the NE ¼, Section 5, Township 8 South, Range 84 West of the 6th P.M., at a distance of 2490 feet from the North section line and 80 feet from the East section line. A map is on file with the Court as Exhibit A. Source: Smith Creek, tributary to the Fryingpan River, tributary to the Roaring Fork River, tributary to the Colorado River. Appropriation date: September 20, 1997. Amount: 4.0 acre-feet, conditional. Uses: Livestock and wildlife watering, fire protection, piscatorial, wetlands creation, with the right to fill and refill when in priority. Total capacity: 4.0 acre-feet. Active capacity: 4.0 acre-feet. Dead storage: 0. Maximum dam height: 15 feet. Length of dam: 150 feet. Surface area of high water line: 0.50 acre. Claim for finding of reasonable diligence: Applicant has exercised reasonable diligence towards completion of the Landmark Pond No. 7 conditional water right. A detailed outline of the work performed towards completion of the appropriation, including expenditures, is on file with the Court as Exhibit B. Applicant owns the land on which the water right is located and where water will be put to beneficial use. Eighth Claim: For Finding of Reasonable Diligence: Name of structure: Landmark Pond No. 8. Date of original decree: February 20, 1998, Case No. 97CW213, Division 5 Water Court. Subsequent diligence decrees: January 11, 2006, Case No. 04CW25; July 8, 2012, Case No. 12CW10; January 27, 2019, Case No. 18CW3113, all Division 5 Water Court. Legal description: SW ¼ of the NW ¼, Section 4, Township 8 South, Range 84 West of the 6th P.M., at a distance of 2250 feet from the North section line and 400 feet from the West section line. A map is attached as Exhibit A. Source: Smith Creek, tributary to the Fryingpan River, tributary to the Roaring Fork River, tributary to the Colorado River. Appropriation date: September 20, 1997. Amount: 4.0 acre-feet, conditional. Uses: Livestock and wildlife watering, fire protection, piscatorial, wetlands creation, with the right to fill and refill when in priority. Total capacity: 4.0 acre-feet. Active capacity: 4.0 acre-feet. Dead storage: 0. Maximum dam height: 15 feet. Length of dam: 150 feet. Surface area of high water line: 0.50 acre. Claim for finding of reasonable diligence: Applicant has exercised reasonable diligence towards completion of the Landmark Pond No. 8 conditional water right. A detailed outline of the work performed towards completion of the appropriation, including expenditures, is on file with the Court as Exhibit B. Applicant owns the land on which the water right is located and where water will be put to beneficial use.

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**25CW3004 GARFIELD COUNTY - COLORADO RIVER;** United Companies of Mesa County; c/o John R. Pierce, DUFFORD WALDECK, 744 Horizon Court, Suite 300, Grand Junction, CO 81506, (970) 248-5865; APPLICATION TO MAKE CONDITIONAL RIGHT ABSOLUTE AND REQUEST FOR FINDING OF REASONABLE DILIGENCE; Name, address, and telephone number of applicant: Oldcastle SW Group, Inc.; dba United Companies of Mesa County; 2273 River Road; Grand Junction, CO 81505; (970) 243-4900; Request for finding of diligence: Name of structure: Casey Pit; Describe conditional water right: Original Decree: Case No. 2003CW186, February 17, 2005, Water Division 5; Subsequent decrees awarding diligence: 2011CW28, 2018CW3084; Legal

**description:** In Garfield County in the S/2 of Section 11, Township 6 South, Range 93 West of the 6<sup>th</sup> P.M. The centers of the Casey Ponds were decreed in Case Nos. 2003CW186 and 2011CW28 as follows:

Casey Pond No. 1	830 feet north of the south section line	1,810 feet east of the west section line
Casey Pond No. 2	1,000 feet north of the south section line	2,450 feet east of the west section line
Casey Pond No. 3	1,350 feet north of the south section line	2,360 feet west of the east section line
Casey Pond No. 4	1,550 feet north of the south section line	1,900 feet west of the east section line
Casey Pond No. 5	1,950 feet north of the south section line	1,310 feet west of the east section line

However, in Case No. 2011CW47 the Casey Pond Nos. 1-5 were combined into one structure renamed the Casey Pit, the approximate centroid of which will be in the S/2 of Section 11, Township 6 South, Range 93 West, of the 6<sup>th</sup> P.M., at a point 1,120 feet from the south section line and 2,200 feet from the west section line; Source of water: Groundwater tributary to the Colorado River; Appropriation Date: For Casey Pond No. 1, November 29, 1978. For Casey Pond Nos. 2-5, April 26, 1989; Amount: For the Casey Pit, 53.15 a.f. conditional, 3.53 a.f. absolute; Use: Industrial, including, but not limited to, evaporation, dewatering, product moisture losses, dust suppression and aggregate washing all in connection with the mining of sand, gravel, and related products; recreation, wildlife, aquatic habitat; Depth: 37 feet; Outline of work toward completion of the appropriation and application of water to a beneficial use as conditionally decreed, including expenditures, during the previous diligence period: Applicant operates five gravel mining operations in the vicinity of the Casey Pit, which will be developed in phases depending on market conditions. Applicants have mined a total of 4,663 tons from the Casey Pit during the diligence period and in 2019 had an exposed surface area of 2.6 acres, resulting in 7.8 a.f. of evaporative depletions. Additionally, Applicant has continued to use a dewatered area within the Casey Pit for storage of material mined from the North Bank. The Casey Pit is a critical part of Applicant's mining plan and Applicant intends to increase mining activity at the Casey Pit once demand increases or when the North Bank is mined out; Request to make absolute: In Case No. 2011CW0028, Applicant made 3.53 a.f. absolute for industrial use. During the diligence period in this case (2019), 2.6 acres of surface water were exposed, resulting in evaporative depletions of 7.8 a.f. In that year, material losses equaled 0.03 a.f., resulting in a total depletion from industrial use of 7.83 a.f. Accordingly, Applicant requests to make an additional 4.3 a.f. absolute, for a total absolute amount of 7.83 a.f. This will leave 48.85 a.f. conditional for industrial use; Request for finding of diligence: Name of structure: Casey Pit, First Enlargement; Describe conditional water right: Original Decree: Case No. 2011CW47, July 22, 2012, Water Division 5; Subsequent decrees awarding diligence: 2018CW3084; Legal description: The centroid of the Casey Pit, First Enlargement, will be in the S/2 of Section 11, Township 6 South, Range 93 West of the 6<sup>th</sup> P.M., Garfield County, Colorado, at a point 1,890 feet from the south section line and 1,610 feet from the east section line; Source of water: Groundwater tributary to the Colorado River; Appropriation Date: June 29, 2009; Amount: During mining, additional consumptive use from the Casey Pit, First Enlargement, will result from an increase to the proposed production rate from the original 120,000 tons per year to the enlarged rate of 250,000 tons per year. That increase of 130,000 tons per year will result in an additional 3.82 a.f. of depletions per year. After mining has concluded, the Casey Pit, First Enlargement, will expose an additional 11.7 acres of groundwater beyond the 18.7 acres included in the original Casey Pit appropriation. The evaporation associated with the additional 11.7 acres will equal 35.48 a.f. per year with an estimated gross evaporation rate equal to 48 gpm; Use: Industrial, including but not limited to, evaporation, dewatering, product moisture losses, dust suppression, and aggregate washing all in connection with the mining of sand, gravel, and related products; recreation; wildlife; aquatic habitat; Depth: 37 feet; Outline of work toward completion of the appropriation and application of water to a beneficial use as conditionally decreed, including expenditures, during the previous diligence period: Applicant operates five gravel mining operations in the vicinity of the Casey Pit, which will be developed in phases depending on market conditions. Applicant has mined a total of 4,663 tons from the Casey Pit during the diligence period and has created a maximum exposed surface area of 2.6 acres. Additionally, Applicant has continued to use a dewatered area within the Casey Pit for storage of material mined from the North Bank. Under Applicant's mining plan, mining activity and the exposed surface water will eventually exceed the amounts approved under the original Casey Pit water right, at which time Applicant will rely on the Casey Pit, First Enlargement. The Casey Pit, First Enlargement, is a critical part of Applicant's mining plan. (5 pages)

**YOU ARE HEREBY NOTIFIED THAT YOU HAVE until the last day of MARCH 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 JANUARY 2025. 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.**

**25CW3005 WINTER PARK RECREATIONAL ASSOCIATION, c/o Ferd Belz, President Fulenwider 1125 17th Street Denver, CO 80202; (303) 295-3071; ferd@fulenwider.com. Direct all pleadings to: Peggy E. Montano Michael A. Kopp Trout Raley 1120 Lincoln Street, Suite 1600 Denver, CO 80203; Phone: 303-861-1963; E-Mail: pmontano@troutlaw.com; mkopp@troutlaw.com. APPLICATION FOR FINDING OF REASONABLE DILIGENCE IN GRAND COUNTY. 2. Overview:** In this Application, the Applicant seeks a finding of reasonable diligence for all conditional water rights originally decreed in Case No. 92CW333, Water Division 5: conditional ground water rights for twelve wells (the "Vasquez Wells"); the right to divert water known as the Bypass Water to which the Applicant is entitled by virtue of contractual agreements with the City and County of Denver, acting by and through Its

Board of Water Commissioners ("Denver Water"); and a conditional right of exchange decreed as part of the plan for augmentation approved in Case No. 92CW333 by which the Applicant will replace out of priority depletions associated with the Vasquez Wells and Bypass Water diversions. Note that, in Case No. 24CW3177, Water Division No. 5, the Applicant applied, among other things, to change the location of the following Vasquez Wells: T1, T2, B1, B2, B3, and B4. As relevant here, the 24CW3177 application also seeks to amend the augmentation plan decreed in Case No. 92CW333. Because the application in Case No. 24CW3177 is still pending, this Application lists the original points of diversion for the above wells as decreed in Case No. 92CW333.

3. Names, Locations and Description of Conditional Water Rights. A. Vasquez Wells. See Figure 1. (1) Vasquez Well No. B1 claimed for 25 gpm conditional for domestic, sanitary, and commercial purposes, the source of which is groundwater tributary to Little Vasquez Creek and Vasquez Creek, with an appropriation date of October 15, 1992. This water right is located at 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. (2) Vasquez Well No. B2 claimed for 25 gpm conditional for domestic, sanitary and commercial purposes, the source of which is groundwater tributary to Little Vasquez Creek and Vasquez Creek, with an appropriation date of October 15, 1992. This water right is located at 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. (3) Vasquez Well No. B3 claimed for 25 gpm conditional for domestic, sanitary and commercial purposes, the source of which is groundwater tributary to Little Vasquez Creek and Vasquez Creek, with an appropriation date of October 15, 1992. This water right is located at 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. (4) Vasquez Well No. B4 claimed for 25 gpm conditional for domestic, sanitary and commercial purposes, the source of which is groundwater tributary to Little Vasquez Creek and Vasquez Creek, with an appropriation date of October 15, 1992. This water right is located at 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. (5) Vasquez Well No. B5 claimed for 25 gpm conditional for domestic, sanitary and commercial purposes, the source of which is groundwater tributary to Little Vasquez Creek and Vasquez Creek, with an appropriation date of October 15, 1992. This water right is located at a point S. 54°38'24" W., 16,230 feet from the SE Corner of Section 34, T. 1 S., R. 75 W. of the 6th P.M. (6) Vasquez Well No. B6 claimed for 25 gpm conditional for domestic, sanitary and commercial purposes, the source of which is groundwater tributary to Little Vasquez Creek and Vasquez Creek, with an appropriation date of October 15, 1992. This water right is located at a point S. 54°18'42" W., 15,946 feet from the SE Corner of Section 34, T. 1 S., R. 75 W. of the 6th P.M. (7) Vasquez Well No. M1 claimed for 25 gpm conditional for domestic, sanitary and commercial purposes, the source of which is groundwater tributary to Little Vasquez Creek and Vasquez Creek, with an appropriation date of October 15, 1992. This water right is located at a point S. 45°45'48" W., 20,458 feet from the SE Corner of Section 34, T. 1 S., R. 75 W. of the 6th P.M. (8) Vasquez Well No. M2 claimed for 25 gpm conditional for domestic, sanitary and commercial purposes, the source of which is groundwater tributary to Little Vasquez Creek and Vasquez Creek, with an appropriation date of October 15, 1992. This water right is located at a point S. 46°25'03" W., 20,429 feet from the SE Corner of Section 34, T. 1 S., R. 75 W. of the 6th P.M. (9) Vasquez Well No. M3 claimed for 25 gpm conditional for domestic, sanitary and commercial purposes, the source of which is groundwater tributary to Little Vasquez Creek and Vasquez Creek, with an appropriation date of October 15, 1992. This water right is located at a point S. 46°26'56" W., 20,151 feet from the SE Corner of Section 34, T. 1 S., R. 75 W. of the 6th P.M. (10) Vasquez Well No. T1 claimed for 25 gpm conditional for domestic, sanitary and commercial purposes, the source of which is groundwater tributary to Little Vasquez Creek and Vasquez Creek, with an appropriation date of October 15, 1992. This water right is located at 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. (11) Vasquez Well No. T2 claimed for 25 gpm conditional for domestic, sanitary and commercial purposes, the source of which is groundwater tributary to Little Vasquez Creek and Vasquez Creek, with an appropriation date of October 15, 1992. This water right is located at 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. (12) Vasquez Well No. T3 claimed for 25 gpm conditional for domestic, sanitary and commercial purposes, the source of which is groundwater tributary to Little Vasquez Creek and Vasquez Creek, with an appropriation date of October 15, 1992. This water right is located at a point S. 36°28'01" W., 21,889 feet from the SE Corner of Section 34, T. 1 S., R. 75 W. of the 6th P.M. The wells described in Paragraphs 2.A.(1) - 2.A.(12) are hereinafter collectively referred to as the "Vasquez Wells."

B. Bypass Water/Moffat System Water Rights. (1) Background. Pursuant to the terms of paragraph 4 of the Clinton Reservoir-Fraser River Water Agreement dated July 21, 1992 (the "Clinton Agreement"), between the City and County of Denver, acting by and through its Board of Water Commissioners ("Denver"), Winter Park Recreational Association ("WPRA") and numerous other parties, Denver agreed to annually bypass at its intakes or make available from other components of its "Moffat System," as that term is defined in the following paragraph, for the use of certain Grand County water users, including WPRA, or their designees, 920 acre feet of water (the "Bypass Water"). Under paragraph 4(e) of the Clinton Agreement, the Bypass Water is to be available between September 15 of any year and May 15 of the following year; provided, however, that up to 30 acre feet may be delivered for the benefit of WPRA from May 16 through September 14 of any year. In the Grand County Water Users' Operating Plan, attached to the Clinton Agreement as Exhibit B, WPRA acquired the right to 74 acre feet of Bypass Water annually. (2) Fraser and Williams Fork Points of Diversion. Bypass Water will be diverted under a 1992 priority at Denver Water's existing points of diversion which were decreed in the Fraser River and Williams Fork River drainages and their tributaries in Grand County District Court, Civil Action No. 657 (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. Diversions at the points listed in paragraphs 3.B.(2)(a) 1, 2, 5, and 8 - 12 above will be limited to uses at the Winter Park Mountain base area facilities. (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, La Plata 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. (3) Appropriation date. July 21, 1992. (4) Sources. The Fraser River and the Williams Fork River and their tributaries located above the diversion points described in paragraphs 3.B.(2)(a) and (b) above. (5) Amount. The amount decreed for the Bypass Water is 1.34 cfs, with 0.67 cfs associated with the Vasquez Wells decreed as conditional and 0.67 cfs used at Winter Park Base Diversion Point Nos. 1 and 2 decreed as absolute. Total annual diversions of the Bypass Water are limited to 74 acre feet. (6) Uses. Bypass Water will be diverted for domestic, sanitary, commercial, irrigation and firefighting uses. In addition, the Bypass Water will be used for augmentation, substitution and exchange purposes in connection with the use of the Vasquez Wells. (7) Rediversion Points/Alternate Points. WPRA may redivert a portion of its Bypass Water from Denver's Moffat System at one or more of the following points: (a) Winter Park Base Diversion Point No. 1 is located in the NE 1/4 of the SE 1/4 Section 10, T. 2 S., R. 75 W., 6th P.M. in Grand County, Colorado, S. 12°15' W a distance of 8,000 feet from the Southeast corner of Section 34, T. 1 S., R. 75 W., 6th P.M. The diversion is a tap in Denver's Siphon No. 1, a component of the Moffat System. (b) Winter Park Base Diversion Point No. 2 is located in the SE 1/4 of the SE 1/4 Section 10, T. 2 S. R. 75 W., 6th P.M. in Grand County, Colorado, S. 11°00' W a distance of 8,260 feet from the Southeast corner of Section 34, T. 1 S., R. 75 W., 6th P.M. The diversion is a tap in Denver's Siphon No. 1-A, a component of the Moffat System. (c) 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 Vasquez Well Nos. B. 1 through B.6, further described in paragraphs 2.A.(1) through 2.A.(6) above. C. Exchange Right. WPRA has an appropriative right of exchange to replace its out- of-priority depletions with a priority date of July 21, 1992, the effective date of the Clinton Agreement. The exchange reaches involved are from the confluence of the Williams Fork and Colorado Rivers upstream on the Colorado and Fraser Rivers to the augmented structures identified in paragraphs 3.A. and 3.B.(2)(a) above, or as to Bypass Water diverted at the Williams Fork River Diversion Points, from the confluence of the Williams Fork and Colorado Rivers upstream on the Williams Fork River to the points identified in paragraph 3.B.(2)(b) above. The rate of flow of the exchange was decreed for 1.34 cfs, with 0.67 cfs absolute and 0.67 cfs conditional. The exchange is limited to the amounts diverted and depleted under the plan for augmentation decreed in Case No. 92CW333. 4. Original Decree. A Ruling of Referee and Judgment and Decree was entered on April 2, 1996, in Case No. 92CW333, Water Division No. 5. In that case, WPRA was granted conditional water rights for the Vasquez Wells, Bypass Water and the Exchange Right as set forth more particularly above. In addition, WPRA was granted absolute water rights in 0.67 cfs of the Bypass Water for use at the Winter Park Base area. 5. Diligence Decrees. A finding of reasonable diligence for the conditional water rights was entered on May 20, 2003 in Case No. 02CW104; on April 13, 2012 in Case No. 09CW47; and on January 27, 2019 in Case No. 18CW3052, all in Water Division No. 5. The Decree in Case No. 09CW47 provides that out of priority diversions from the Vasquez Wells are not to exceed an amount which is capable of being replaced by 7.82 acre-feet of Middle Park Contract Water. Upon notification and provision of a revised Middle Park Water Contract reflecting the Applicant's acquisition of an additional 1.45 acre-feet of augmentation water to replace the full 9.27 acre-feet of out-of-priority depletions contemplated under the plan for augmentation originally approved in Case No. 92CW333, Applicant may operate the plan for augmentation as originally approved. As of the filing of this Application, the Applicant has not yet executed a new or amended contract with Middle Park Water to obtain additional augmentation water for the augmentation plan approved in Case No. 92CW333. However, the Applicant does not intend by this filing to waive its right to acquire additional augmentation water as provided in the Decree entered in Case No. 09CW47. 6. Detailed Description of Work Performed to Complete the Application of Water to a Beneficial Use. During the most recent diligence period, the Applicant took steps to diligently develop the water rights that are the subject of this Application including, without limitation, the activities described below. This list is not intended to be all-inclusive and may be supplemented by additional evidence. a. The Applicant updated its Master Development Plan ("MDP") at the request of the U.S. Forest Service at a cost of approximately \$75,000. The MDP includes additional details on the planned expansion at Vasquez Mountain, where the subject water rights will be used to supply water to planned new facilities. The Applicant submitted the MDP to the Forest Service on June 28, 2022, and the Forest Service



accepted the updated MDP on September 9, 2022. b. In 2023, the Applicant submitted several proposed projects to the U.S. Forest Service for environmental review, including the planned Vasquez Mountain expansion. The Applicant spent approximately \$5,000 developing this proposal. The Forest Service is currently reviewing the Applicant's proposal. c. During the diligence period, the Applicant commissioned environmental studies of the Vasquez Mountain expansion area, including a carnivore study for Lynx and other species. Applicant spent approximately \$56,000 on these studies. d. The Applicant developed and filed the Application in Case No. 24CW3177 to adjust the subject water rights to conform to changes in the Applicant's master plan. This primarily includes changing the location of certain wells to match the changed location of certain facilities in the master plan, as well as to amend the augmentation plan to ensure depletions from the wells in their new locations are replaced in time, place and amount. e. During the diligence period, the Applicant incurred in excess of \$21,000 in legal fees and \$19,000 in engineering consultant fees related to work on development of the subject water rights. This also included work to negotiate an operating agreement with Denver Water governing the use of water, including the subject rights, at Winter Park Resort; and to oppose water court applications with the potential to impact the subject rights. All of the above activities were undertaken to protect Applicant's water rights, including the subject water rights, from injury. 7. Name(s) and address(es) of owner(s) or reputed owners of the land upon which any new diversion structure or storage structure, or modification to an existing diversion nor 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. WHEREFORE, Winter Park Recreational Association respectfully requests that the Court enter a finding of reasonable diligence with respect to the conditional water rights referenced herein, and order that such rights continue in full force and effect for an additional six-year diligence period or until such time as a determination is made that such water rights have been made absolute. Applicant does not intend to abandon any of the water rights decreed in Case Nos. 18CW3052, 09CW47, 02CW104, and 92CW333 and requests in this Application a finding of diligence for all water rights decreed in these cases. (10 Pages and 1 Exhibit).

**YOU ARE HEREBY NOTIFIED THAT YOU HAVE until the last day of MARCH 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 JANUARY 2025. *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.***

**25CW3006 SUMMIT COUNTY, THE BLUE RIVER OR ITS TRIBUTARIES.** APPLICATION FOR FINDING OF REASONABLE DILIGENCE AND TO MAKE ABSOLUTE IN PART. Applicant: McCullough Gulch Reserve Lot Owners' Association; c/o Wilton W. Cogswell III; 155 Lake Avenue, Suite 200 Colorado Springs, CO 80906; Phone Number: 719-473-1448. Direct all pleadings to: Peggy E. Montano, Michael A. Kopp; Trout Raley; 1120 Lincoln Street, Suite 1600 Denver, CO 80203; Phone Number: 303-861-1963; E-Mail: pmontano@troutlaw.com; mkopp@troutlaw.com. 2. Names, Locations and Description of Conditional Water Rights. A. McCullough Gulch Reserve Well No. 5 i. Original Decree: Case No. 04CW171, Water Division No. 5 (February 22, 2006). ii. Diligence Decree(s): Case No. 18CW3099, Water Division No. 5 (January 27, 2019); Case No. 12CW14, Water Division No. 5 (July 8, 2012). iii. Legal description: McCullough Gulch Reserve Well No. 5 has been constructed and issued Permit No. 81294-F. It is located in the NE1/4 SE1/4 of Section 25, Township 7 South, Range 78 West of the 6th P.M., at UTM coordinates (Zone 13) 409632 Easting, 4362820 Northing. As decreed in Case No. 04CW171, the legal description of the lot on which this well has been installed and used is depicted in the attached Figure 1 and described as follows: A tract of land located primarily in the NW1/4 SW1/4 of unsurveyed Section 30, T7S, R77W, Sixth P.M. in the Town of Blue River, Summit County, Colorado, being a portion of the Dot Placer, USMS No. 13358, said tract being more particularly described as follows: Beginning at a point on the 4-1 line of said Dot Placer, whence corner 1 bears N19°07'40"E 80.70 feet distant; thence S64°08'08"E a distance of 1245.18 feet to a point on the Westerly right-of-way line of Colorado State Highway 9; thence S29°59'10"W along said right-of-way line a distance of 526.03 feet; thence continuing along said Westerly right-of-way line 39.97 feet along the arc of a curve to the right, having a central angle of 00°25'34" and a radius of 5374.21 feet; thence N70°55'53"W a distance of 1129.69 feet to a point on said 4-1 line of the Dot Placer; thence N19°07'40"E along said 4-1 line a distance of 703.00 feet the point of beginning, containing 17.19 acres, more or less. This location can also be described as: Lot 5, McCullough Gulch Reserve, according to the Plat filed June 28, 2005, under Reception No. 793405, County of Summit, State of Colorado. iv. Source: Groundwater tributary to the Blue River, tributary to the Colorado River. v. Appropriation date: December 18, 2001. vi. Amount: 15 gpm instantaneous production, 0.33 acre-feet per year total production, and 0.04 acre-feet per year consumptive use (conditional) vii. Use: In-house domestic purposes only. Domestic wastewater is processed in an on-site septic/leach field system. viii. Depth: 292 feet B. McCullough Gulch Reserve Well No. 6 i. Original Decree: Case No. 04CW171, Water Division No. 5 (February 22, 2006). ii. Diligence Decree(s): Case No. 12CW14, Water Division No. 5 (July 8, 2012). iii. Legal description: McCullough Gulch Reserve Well No. 6 has not been completed. As decreed in Case No. 04CW171, the legal description of the lot on which this well will be installed and used is depicted in the attached Figure 1 and described as follows: A tract of land being a portion of the Dot Placer and a portion of the '97 Placer, both USMS 13358, located primarily in the NW1/4 SW1/4 of unsurveyed Section 30, T7S, R77W, Sixth P.M., in the Town of Blue River, Summit County, Colorado, said tract being more particularly described as follows: Beginning at Corner No. 1 of said Dot and '97 Placers, thence N17°55'35"E along the 1-4 line of said '97 Placer a distance of 162.30 feet; thence



S72°18'56"E a distance of 1321.41 feet to a point on the Westerly right-of-way line of Colorado State Highway 9; thence S29°59'10"W along said Westerly right-of-way line a distance of 430.00 feet; thence N64°08'08"W a distance of 1245.18 feet to a point on the 4-1 line of said Dot Placer; thence N19°07'40"E along said 4-1 line a distance of 80.70 feet to the point of beginning, containing 9.81 acres, more or less. This location can also be described as: Lot 6, McCullough Gulch Reserve, according to the Plat filed June 28, 2005 under Reception No. 793405, County of Summit, State of Colorado. iv. Source: Groundwater tributary to the Blue River, tributary to the Colorado River. v. Appropriation date: December 18, 2001. vi. Amount: 15 gpm instantaneous production, 0.33 acre-feet per year total production, and 0.04 acre-feet per year consumptive use (conditional) vii. Use: In-house domestic purposes only. Domestic wastewater shall be processed in on-site septic/leach field systems. viii. Depth: McCullough Gulch Reserve Well No. 6 has not been completed. C. McCullough Gulch Reserve Well No. 7 i. Original Decree: Case No. 04CW171, Water Division No. 5 (February 22, 2006). ii. Diligence Decree(s): Case No. 12CW14, Water Division No. 5 (July 8, 2012). iii. Legal description: McCullough Gulch Reserve Well No. 7 has not been completed. As decreed in Case No. 04CW171, the legal description of the lot on which this well will be installed and used is depicted in the attached Figure 1 and described as follows: A tract of land being a portion of the '97 Placer, USMS 13358 located primarily in NW1/4 SW1/4 of unsurveyed Section 30, T7S, R77W, Sixth P.M., in the Town of Blue River, Summit County, Colorado, said tract being more particularly described as follows: Beginning at a point on the 1-4 line of said '97 Placer, whence corner 1 of said Placer bears S17°55'35"W 162.30 feet distant; thence N17°55'35"E along said 1-4 line a distance of 53.52 feet to the Southwest corner of Lot 9 of the 97' South Subdivision a platted subdivision in said Town of Blue River; thence S72°04'25"E a distance of 401.65 feet to the SE corner of said Lot 9; thence N29°02'03"W a distance of 291.12 feet to the NE corner of said Lot 9, also being a point on the right-of-way line of Aspen Meadow Circle a platted right-of-way; thence 157.08 feet along said right-of-way line and along the arc of a curve to the left, having a central angle of 180°00'00", a radius of 100.00 feet and a chord which bears N21°00'00"E 100.00 feet distant; thence N21°00'00"E continuing along said right-of-way line a distance of 1.46 feet to the SW corner of Lot 8, said '97 South Subdivision; thence S72°04'25"E along the South line extended of said Lot 8, 97' South Subdivision a distance of 1188.09 feet to a point on the Westerly right-of-way line of Colorado State Highway 9; thence Southerly along said right-of-way line 122.53 feet along the arc of a curve to the right, having a central angle of 12°13'50", a radius of 574.01 feet and a chord which bears S23°52'15"W 122.30 feet distance; thence S29°59'10"W continuing along said right-of-way line a distance of 231.36 feet; thence N72°18'56"W a distance of 1321.41 feet to the point of beginning, containing 8.83 acres, more or less. This location can also be described as: Lot 7, McCullough Gulch Reserve, according to the Plat filed June 28, 2005 under Reception No. 793405, County of Summit, State of Colorado. iv. Source: Groundwater tributary to the Blue River, tributary to the Colorado River. v. Appropriation date: December 18, 2001. vi. Amount: 15 gpm instantaneous production, 0.33 acre-feet per year total production, and 0.04 acre-feet per year consumptive use (conditional) vii. Use: In-house domestic purposes only. Domestic wastewater shall be processed in on-site septic/leach field systems. viii. Depth: McCullough Gulch Reserve Well No. 7 has not been completed. 3. Claim to Make Absolute. During the diligence period, the Applicant completed Well No. 5 and diverted up to 0.18 gpm, or 0.0004 cfs, with an annual volume of 0.138 AF in 2022. Accordingly, the Applicant requests to make 0.18 gpm/0.0004 cfs and 0.138 AF of the right for Well No. 5 absolute. 4. Detailed Description of Work Performed to Complete the Appropriation and Application of Water to a Beneficial Use: Applicant also seeks a finding of reasonable diligence for the rights for Well Nos. 6 and 7, and for any portion of the right for Well No. 5 that is not made absolute. During the most recent diligence period, the Applicant took steps to diligently develop the water rights for Well Nos. 5, 6 and 7 including, without limitation, the activities described below. This list is not intended to be all-inclusive and may be supplemented by additional evidence. A. The owners of Lot 5 finished constructing a residence on Lot 5 on 10/9/19 and began occupying the residence. They also constructed Well No. 5, Permit No. 81294-F, and began pumping water from the well to place to decreed uses at the Lot 5 residence. They expended approximately \$2,400,000 during the diligence period to complete the Lot 5 residence and well. B. The owners of Lot 5 pumped an average of 3,200 gallons per month from the Lot 5 well and placed it to beneficial use. C. During the diligence period, the LOA expended approximately \$16,700 to maintain water leases with the Vidler Water Company to provide augmentation water for the wells in this application. D. In December 2024, the LOA purchased the water rights used for as a source of water for augmentation of wells depletions on Lots 5, 6 and 7, as well as Lots 1 through 4, which are covered by a separate augmentation plan and decree, from Vidler Water Company at a cost of approximately \$18,500, with a credit of \$2,632 for lease payments made in 2024, for a total purchase price of \$15,868. The LOA closed on the purchase on December 10, 2024. E. During the diligence period, the LOA members took monthly meter readings from constructed wells and submitted these records to the Division Engineer's Office and Vidler Water Company. F. Undeveloped lots in the McCullough Gulch Reserve subdivision were marketed and sold during the diligence period. Most recently, Lot 6 of McCullough Gulch Reserve was sold in January 2023. Lot 2 of McCullough Gulch Reserve was also sold in December 2024. 5. Name(s) and address(es) of owner(s) or reputed owners of the land upon which any new diversion structure or storage structure, or modification to an 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. Lot 5: Peter J. Stein and Pauline L. Stein 200 Hollywood Drive Coppell, Texas 75019 Lot 6: Peter J. Stein and Pauline L. Stein 200 Hollywood Drive Coppell, Texas 75019 Lot 7: Stephen Wayne Grant, Jr. 747 Arlington Street Houston, Texas 77007 WHEREFORE, McCullough Gulch Reserve Lot Owners' Association respectfully requests that the Court enter a finding that 0.0004 cfs/0.18 gpm and 0.138 AF of the Well No. 5 right be made absolute, enter a finding of reasonable diligence with respect to the remaining conditional water rights referenced herein, including any portion of the right for Well No. 5 not made absolute, and order that such rights continue in full force and effect for an additional six-year diligence period or until such time as a determination is made that such water rights have been made absolute. Applicant does not intend to abandon any of the water rights decreed in Case Nos. 04CW171, 12CW14 and 18CW3099 and requests in this application a finding of diligence for all water rights decreed in Case Nos. 04CW171, 12CW14 and 18CW3099. (8 Pages, 1 Exhibit).

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

**8. PURSUANT TO C.R.S., §37-92-302, AS AMENDED, YOU ARE NOTIFIED THAT THE FOLLOWING PAGES COMPRISE A RESUME OF THE APPLICATIONS AND AMENDED APPLICATIONS FILED WITH THE WATER CLERK FOR WATER DIVISION 5 DURING THE MONTH OF JANUARY 2025.** *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.*

**25CW3007 GARFIELD COUNTY.** Wooden Deer Homeowners Association c/o Ryan Jarvis and Laurel Quinto of JVAM PLLC; 305 Gold Rivers Ct, Ste 200, Basalt CO 81621, (970) 922-2122. Application for Findings of Reasonable Diligence. Structures: Wooden Deer Wells Nos. 2, 3, 4, 5, and 6. Original Decree (all Wells): 91CW189, Div 5, entered on 10/18/1992. Subsequent Decrees (all Wells): 18CW3105, 11CW168, 05CW65, and 98CW182, Div 5. Legal Descriptions: Wooden Deer Well No. 2: SW1/4 SW1/4 of Sec 24 T7S R88W 6th PM, 770 ft from the S line and 4,750 ft from the E line of Sec 24. Wooden Deer Well No. 3: SW1/4 SW1/4 of Sec 24 T7S R88W 6th PM, 380 ft from the S line and 4,200 ft from the E line of Sec 24. Wooden Deer Well No. 4: SW1/4 SW1/4 of Sec 24 T7S R88W 6th PM, 100 ft from the S line and 4,800 ft from the E line of Sec 24. Wooden Deer Well No. 5: NW1/4 NW1/4 of Sec 25 T7S R88W 6th PM, 4,810 ft from the S line and 4,600 ft from the E line of Sec 25. Wooden Deer Well No. 6: NW1/4 of the NW1/4 of Sec 25 T7S R88W 6th PM, at a point 5,050 ft from the S line and 4,050 ft from the E line of Sec 25. **Source (all Wells): Groundwater trib. to Crystal Springs Creek, trib. to the Roaring Fork River, trib. to the Colorado River.** Appropriation Date (all Wells): 9/19/1991. Amount (all Wells): 50 gpm, conditional. The combined max pumping rates of Wooden Deer Well Nos. 1-6 shall not exceed 100 gpm. The combined average annual amount of groundwater to be appropriated from Wooden Deer Well Nos. 1-6 shall not exceed 15.434 af. Uses (all Wells): Domestic and irrigation. The combined use of Wooden Deer Nos. 1-6 limited to fire protection, ordinary household purposes inside 22 single-family dwellings and attached caretaker units, and the irrigation of not more than 44,000 sq ft of lawns and gardens. Land to be Irrigated (all Wells): SW1/4 SW1/4 of Sec 24 and NW1/4 of Sec 25 T7S R88W of the 6th PM. Depth (all Wells): 350 ft. Owner of land: Applicant is the homeowner's association for the Property on which the Wells are or will be located. Application on file with court includes a list of activities demonstrating diligence. (6 pages, 1 exhibit.)

**YOU ARE HEREBY NOTIFIED THAT YOU HAVE** until the last day of MARCH 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 JANUARY 2025.** *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.*

**25CW3008 GRAND COUNTY – FRASER RIVER OR ITS TRIBUTARIES.** Cornerstone Winter Park Holdings, LLC, c/o Kevin Patrick and Jason Groves, Patrick, Miller & Noto, P.C., 229 Midland Ave., Basalt, CO 81621, (970) 920-1030. APPLICATION FOR FINDINGS OF REASONABLE DILIGENCE. **First Claim:** CWP-FM Reservoir. Original decree: July 8, 2012, Case No. 2005CW287, Water Division 5. Subsequent diligence decree: January 27, 2019, Case No. 2018CW3107, Water Division 5. Legal description: NW¼ NW¼ of Section 29, Township 1 South, Range 75 West of the 6<sup>th</sup> P.M., approximately 1,050 feet from the North section line and 170 feet from the West section line. Source: Elk Creek, tributary to Fraser and Colorado Rivers, via deliveries from CWP-FM Pump and Pipeline. Appropriation date: July 27, 2005. Amount: 25.0 acre-feet, conditional with right to fill and refill; fill rate of 1.0 c.f.s. Uses: Irrigation, piscatorial, aesthetic, recreation, and augmentation. Surface area: 2.0 acres; Max dam height: under 10 ft; Dam length: 550 ft; capacity: 25.0 acre-feet (all active). **Second Claim:** CWP-FM Pump and Pipeline. Original decree: July 8, 2012, Case No. 2005CW287, Water Division 5. Subsequent diligence decree: January 27, 2019, Case No. 2018CW3107, Water Division 5. Legal description: NW¼ NW¼ of Section 29, Township 1 South, Range 75 West of the 6<sup>th</sup> P.M., approximately 1,185 feet from the North section line and 35 feet from the West section line. Source: Elk Creek, tributary to Fraser and Colorado Rivers. Appropriation date: July 27, 2005. Amount: 1.0 c.f.s., conditional. Use: Fill and refill CWP-FM Reservoir for its decreed uses. Applicant owns the land where the structures are located and where water is or will be put to beneficial use. Remarks applicable to all claims: The subject water rights are components of an integrated water supply project. C.R.S. § 37-92-301(4)(b). Maps and detailed outline of diligence activities are on file with the court.

**YOU ARE HEREBY NOTIFIED THAT YOU HAVE** until the last day of MARCH 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 JANUARY 2025. *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.***

**25CW3009 SUMMIT COUNTY. Application for Findings of Reasonable Diligence and to Confirm Absolute, In Part.** Applicant: Powdr – Copper Mountain LLC, c/o Scott A. Grosscup & Blake C. Peterson, Balcomb & Green, P.C., P.O. Drawer 790, Glenwood Springs, CO 81602; (970) 945-6546; <https://balcombgreen.com>. Applicant requests the Ct. find it has exercised reasonable diligence in the development of the Tenmile Creek Pipeline, First Enlargement conditional water right (the “SWR”). Applicant further requests the Ct. confirm the SWR as absolute, in part. First Claim for Findings of Reasonable Diligence. Structure: Tenmile Creek Pipeline, First Enlargement. Original Decree: 98CW308, on 7/26/1999, Dist. Ct., Water Div. 5. Subsequent Findings of Reasonable Diligence: 05CW132 on 12/29/2005, 11CW179 on 7/8/2012, and 18CW3101 on 1/27/2019. Legal Description: NE1/4 NW1/4 Sec. 32, T. 6 S., R. 78 W. of the 6th P.M., at a point whence the NW corner of said Sec. 32 bears N. 87°0’ W. a distance of 2,220 ft. That point also can be described as located in the NE1/4 NW1/4 of Sec. 32, T. 6 S., R. 78 W. of the 6th P.M. at a point 2,196.3 ft from the W. Sec. Line and 139.4 ft from the N. Sec. Line. The location is shown in Exh. A on file with the Water Ct. Source: **Ten Mile Creek, tributary of Blue River, tributary to Colorado River**. Date of Approp.: 9/30/1998. Amt.: 4.92 c.f.s., conditional. A total of 7.5 c.f.s.; 1.4 c.f.s. is absolute, as decreed in 98CW308 and 1.18 c.f.s. absolute as decreed in 18CW3101. Uses: Snowmaking at the Copper Mountain Ski Resort. A list of diligence activities performed in the six years preceding the filing of this Application is on file with this Ct. Second Claim for Confirmation of Absolute Water Right, in Part. Summary of Claim: Applicant requests that the Ct. confirm the Tenmile Creek Pipeline, First Enlargement, be made absolute, in part, by Applicant’s application to beneficial use as follows. Water Right: Tenmile Creek Pipeline, First Enlargement, as described above. Date of Beneficial Use: 11/22/2024. Amt. Claimed Absolute: 1.38 c.f.s. additional, 3.96 c.f.s. total absolute. Amt. and Uses Remaining Conditional: 3.54 c.f.s., conditional. Use: Snowmaking. Place of Use: Copper Mountain Ski Resort. Description of Beneficial Use: Exh. B shows the Summary Diversion records maintained by the Applicant. Applicant submits monthly accounting reports to the DE. Name of owner of the land upon which structures are located and where water has been applied to beneficial use: Tenmile Creek Pipeline - United States of America, White River National Forest, Water Rights Department, 900 Grand Ave., Glenwood Springs, CO 81601. (5 pages of original application, Exhs. A & B)

**YOU ARE HEREBY NOTIFIED THAT YOU HAVE until the last day of MARCH 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 JANUARY 2025. *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.***

**25CW3010 SUMMIT COUNTY. Application for Findings of Reasonable Diligence and to Confirm Absolute, In Part.** Applicant: Powdr – Copper Mountain LLC, c/o Scott A. Grosscup & Blake C. Peterson, Balcomb & Green, P.C., P.O. Drawer 790, Glenwood Springs, CO 81602; (970) 945-6546; <https://balcombgreen.com>. First Claim for Findings of Reasonable Diligence. Summary of Application: Applicant requests the Ct. find it has exercised reasonable diligence in the development in the appropriative right of exchange utilizing Williams Fork Reservoir releases decreed in 10CW115 (the “SWR”). Applicant further requests the Ct. confirm the SWR as absolute, in part. The Williams Fork exchange begins at the outlet of Williams Fork Reservoir and extends downstream on the Williams Fork River to its confluence with the Colorado River, the Colorado River from its confluence with the Williams Fork River to its confluence with the Blue River, the Blue River from its confluence with the Colorado River upstream to the outlet of Dillon Reservoir, through Dillon Reservoir to the inlet of Tenmile Creek, Tenmile Creek from its inlet to Dillon Reservoir upstream to the Applicant’s Tenmile Creek Pipeline. See Exh. A on file with the Water Ct. Original Decree: 10CW115, on 9/19/2012, and Amended on 3/23/2014, Dist. Ct., Water Div. 5. Subsequent Findings of Reasonable Diligence: 18CW3134 on 1/27/2019. Downstream Terminus: The confluence of the Blue and Colorado Rivers, located in the NW1/4 NE1/4 of Sec. 19, T. 1 N., R. 80 W. 6th P.M. Upstream Terminus: The Tenmile Creek Pipeline is located, as changed in 98CW308, the structure diverts from Tenmile Creek at a point located in the NE1/4 NW1/4, Sec. 32, T. 6 S., R. 78 W. 6th P.M. at a point whence the NW corner of said Sec. 32 bears N. 87°0’ W. a distance of 2,200 ft. Also described as located in the NE1/4 NW1/2 of Sec. 32, T. 6 S., R. 78 W. 6th P.M. at a point 2,196.3 ft from the W. Sec. line and 139.4 ft from the N. Sec. line. Amt: 4.56 c.f.s., conditional, 6.14 c.f.s. was made absolute in 18CW3134, up to 10.7 c.f.s. and 187 AF per snowmaking season, conditional. Approp. Date: 7/31/2003. A list of diligence activities performed in the six years preceding the filing of this Application is on file with this Ct. Second Claim for Confirmation of Absolute Water Right, in Part. Summary of Claim: Applicant requests that the Ct. confirm the appropriative right of exchange utilizing Williams Fork Reservoir releases decreed in 10CW115 and as described above, be made absolute, in part, by Applicant’s application to beneficial use as follows: Date of Beneficial Use: 11/22/2024. Amt. Claimed Absolute: 1.02 c.f.s. additional, 7.16 c.f.s. total absolute. Amt. and Uses Remaining Conditional: 3.54 c.f.s., conditional. Use: Snowmaking. Place of Use: Copper Mountain Ski Resort. Description of Beneficial Use: Exh. B shows the

Summary Diversion records maintained by the Applicant. Applicant submits monthly accounting reports to the Div. Engineer. Name of owner of the land upon which structures are located and where water has been applied to beneficial use: Tenmile Creek Pipeline - United States of America, White River National Forest, Water Rights Department, 900 Grand Ave., Glenwood Springs, CO 81601. (5 pages of original application, Exhs. A & B).

**YOU ARE HEREBY NOTIFIED THAT YOU HAVE until the last day of MARCH 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 JANUARY 2025. *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.***

**25CW3011 GUNNISON COUNTY, CRYSTAL RIVER, ROARING FORK RIVER, COLORADO RIVER.** Marble Airfield, LLC, c/o Anne Marie McPhee, Oates, Knezevich, Gardenswartz, Kelly & Ticsay, P.C., 533 E. Hopkins Avenue, 3<sup>rd</sup> Floor, Aspen, CO 81611, (970) 920-1700. **Claim for Finding of Reasonable Diligence.** Conditional water right: Gallegos Pond #1. Information regarding Original Decree: Date of Decree: 3/8/2012; Case No. 11CW11; Court: Water Division 5. Legal description: NW 1/4 NW 1/4, Sect. 27, Township 11 S, Range 88 W of the 6th P.M., 950 ft from N section line and 450 ft from the W section line. Source: Seeps and springs tributary to the Crystal River, tributary to the Roaring Fork River, tributary to the Colorado River. Approp. Date: 9/6/2008. Decreed Amt: 2.5 af, conditional. Decreed Use: fish culture, wildlife and stock watering. If claim to make absolute: N/A. A detailed description of the work performed towards developing the subject water right and map with the location of the subject water right are on file with the Court. Owner of land where the structure is located and will be used: Applicant. (5 pages of original application, including map).

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

**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 JANUARY 2025. *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.***

**25CW3013 (2018CW3106, 2011CW186, 2002CW235) EAGLE COUNTY – EAGLE RIVER OR ITS TRIBUTARIES.** The Town of Gypsum, c/o Kevin Patrick and Jason Groves, Patrick, Miller & Noto, P.C., 229 Midland Ave., Basalt, CO 81621, (970) 920-1030. **APPLICATION FOR FINDINGS OF REASONABLE DILIGENCE. First Claim:** Eye Lake-LEDE Reservoir Exchange. Original decree: December 14, 2005, Case No. 2002CW235, Water Division 5. Subsequent diligence decrees: January 27, 2019, Case No. 2018CW3106; July 8, 2012, Case No. 2011CW186, Water Division 5. Legal description: Upper terminus: LEDE Reservoir. The center of the dam is located 128 feet south of the north line, and 2,110 feet east of the west line of Section 9, Township 7 South, Range 84 West of the 6th P.M. The inlet of the LEDE reservoir is located 1,530 feet south of the north line, and 2,475 feet east of the west line of Section 9, Township 7 South, Range 84 West of the 6th P.M. Note: legal descriptions for unsurveyed Section 9 are based on section lines projected from the monumented Southwest Corner of Section 1, Range 84 West, Township 7 South of the 6th P.M. Lower terminus: Confluence of Red Creek and Gypsum Creek, located 2,580 feet south of the north section line and 4,113 feet east of the west section line, Section 32, Township 6 South, Range 84 West of the 6th P.M. General place of use: Within Town's water service area as may be changed from time to time. **Source: Gypsum Creek, tributary to the Eagle and Colorado Rivers.** Appropriation date: September 4, 2002. Amount: 20.0 c.f.s., conditional, with a volumetric limit of 600 acre-feet. Use: Exchange of water into LEDE Reservoir for subsequent municipal, industrial, commercial, domestic, piscatorial, recreational, augmentation, and exchange use. **Second Claim:** Wolcott-LEDE Reservoir Exchange. Original decree and subsequent diligence decrees: Same as First Claim. Legal description: Upper terminus: Same as First Claim. Lower terminus: Confluence of Gypsum Creek and Eagle River located 1,354 feet south of the north section line, and 1,119 feet east of the west section line, Section 5, Township 5 South, Range 85 West of the 6th P.M. General place of use: Within Town's water service area may be changed from time to time. Source: Gypsum Creek, tributary to the Eagle and Colorado Rivers. Appropriation date: September 4, 2002. Amount: 20.0 c.f.s., conditional, with a volumetric limit of 600 acre-feet. Uses: Exchange of water into LEDE Reservoir for subsequent municipal, industrial, domestic, irrigation, stock watering, augmentation and exchange, electric power generation, recreational, and all other associated municipal uses and purposes. **Third Claim:** Eye Lake Supply Ditch-LEDE Reservoir Exchange. Original decree and subsequent diligence decrees: Same as First Claim. Legal description: Upper terminus: A point on an unnamed stream tributary to an unnamed tributary within the Gypsum Creek drainage, which delivers water into LEDE Reservoir described as 1,530 feet south of the north line, and 2,475 feet east of the west line of Section 9, Township 7 South, Range 84 West of the 6<sup>th</sup> P.M. Note: legal descriptions for unsurveyed Section 9 are based on section lines projected from the

monumented Southwest Corner of Section 1, Range 84 West, Township 7 South of the 6th P.M. Lower terminus: Confluence of Red Creek and Gypsum Creek, located 2,580 feet south of the north section line, and 4,113 feet east of the west section line of Section 32, Township 6 South, Range 84 West of the 6th P.M. General place of use: Within Town's water service area as may be changed from time to time. Source: Gypsum Creek, tributary to the Eagle and Colorado Rivers. Appropriation date: September 4, 2002. Amount: 20.0 c.f.s., conditional, with a volumetric limit of 600 acre-feet. Use: Exchange of water into LEDE Reservoir for subsequent municipal, industrial, commercial, domestic, piscatorial, recreational, augmentation, and exchange use. Remarks for all claims: The decree in Case No. 2002CW235 confirms Gypsum's right to divert and store its Eye Lake, Wolcott Reservoir, and Eye Lake Supply Ditch water rights at the LEDE Reservoir as an alternate place of storage. The decree requires that the diversions be administered as appropriative rights of exchange. Landowner information for all claims: The land upon which the Eye Lake Supply Ditch, Eye Lake, and L.E.D.E. Reservoir are located is owned by the United States Forest Service, 900 Grand Ave., Glenwood Springs, CO 81601. Applicant holds a Special Use Permit issued by the U.S. Forest Service for the L.E.D.E Facility and all water rights decreed for use at the Facility. Map of the water rights and outline of diligence activities are on file with the court.

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

**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 JANUARY 2025. *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.***

**25CW3014** (2018CW3049, 10CW59, 02CW278, 96CW135, 96CW136, 96CW137, 96CW138) IN **PITKIN COUNTY** - APPLICATION FOR FINDINGS OF REASONABLE DILIGENCE Board of County Commissioners of Pitkin County, Colorado, c/o Jennifer M. DiLalla, Molly K. Haug-Rengers, Moses, Wittemyer, Harrison and Woodruff, P.C., 2595 Canyon Blvd, Suite 240, Boulder, CO 80302 1. Name, mailing address, email address, and telephone number of applicant: Board of County Commissioners of Pitkin County, Colorado ("Pitkin County"), c/o Richard Y. Neiley, County Attorney, 530 E. Main St., Suite 301, Aspen, CO 81611 2. Conditional water rights: Corral Spring; Clementine Ditch No. 2, First Enlargement; Kohner Pipeline; and Kohner Pond ("Subject Water Rights"). All of the Subject Water Rights were decreed in the District Court for Water Division No. 5. A map showing the approximate locations of the Subject Water Rights is attached as Exhibit A; the map was attached to the most recent diligence decree for the Subject Water Rights, in Case No. 18CW3049, as Figure 1. 3. Pitkin County's ownership: Pitkin County acquired the Subject Water Rights by deed dated July 7, 2020, and recorded in the real property records of Pitkin County on July 9, 2020, at Reception No. 665808. 4. Corral Spring: 4.1 Original decree: Case No. 89CW287, entered July 5, 1990. 4.2 Subsequent decrees awarding findings of diligence: Case No. 96CW135, entered November 6, 1996 ("96CW135 Decree"); Case No. 02CW278, entered March 1, 2004 ("02CW278 Decree"); Case No. 10CW59, entered April 12, 2012 ("10CW59 Decree"); Case No. 2018CW3049, entered January 27, 2019 ("18CW3049 Decree"). 4.3 Legal description: In the SE1/4 of the SW1/4 of Section 29, Township 8 South, Range 89 West of the 6th P.M. at a point 50 feet North of the South line and 2450 feet East of the West line of said Section 29. 4.4 Source of water: **Spring tributary to an unnamed tributary to Thompson Creek, tributary to the Crystal River, tributary to the Roaring Fork River.** 4.5 Appropriation date: July 29, 1989. 4.6 Amount: 0.10 cfs absolute for livestock watering purposes and 0.1 cfs conditional for domestic purposes. 4.7 Use: Domestic and livestock watering purposes. 5. Clementine Ditch No. 2, First Enlargement: 5.1 Original decree: Case No. 89CW288, entered August 2, 1990. 5.2 Subsequent decrees awarding findings of diligence: 96CW135 Decree; 02CW278 Decree; 10CW59 Decree; 18CW3049 Decree. 5.3 Legal description: On the West bank of Clementine Creek at point whence the SE corner of Section 29, Township 8 South, Range 89 West of the 6th P.M. bears South 45 degrees 15 minutes East, a distance of 1,996.66 feet. This location may also be described as being in the NW1/4 SE1/4 of Section 29, Township 8 South, Range 89 West of the 6th P.M. at a point 1,380 feet north of the south line and 1,430 feet west of the east line of said Section 29. 5.4 Source of water: Clementine Creek, tributary to Thompson Creek, tributary to the Crystal River, tributary to the Roaring Fork River. 5.4.1 Alternate point of diversion: The decree entered in Case No. 10CW59 changed 0.1 cfs of the 1.31 cfs decreed to the Clementine Ditch First Enlargement to the Corral Spring located in the SE1/4 of the SW1/4, Section 29, Township 8 South, Range 89 West of the 6th P.M., at a point 820 feet North of the South Section line and 2,570 feet East of the West Section line of said Section 29. 5.5 Appropriation date: July 29, 1989. 5.6 Amount: 1.21 cfs conditional. 5.7 Use: Irrigation of 3 acres and to fill Kohner Pond, as described in paragraph 7 below. 6. Kohner Pipeline: 6.1 Original decree: Case No. 89CW289, entered June 26, 1990. 6.2 Subsequent decrees awarding findings of diligence: Case No. 96CW135 (Consolidated Case Nos. 96CW136, 96CW137, 96CW138) (Case Nos. 89CW287 through 89CW290), November 6, 1996; Case No. 02CW278, March 1, 2004; Case No. 10CW59, April 12, 2012; Case No. 2018CW3049, January 27, 2019; all in Division 5. 6.3 Legal description: On the left bank of Clementine Creek in the SW1/4 SE1/4 of Section 29, Township 8 South, Range 89 West of the 6th P.M. at a point 670 feet North of the South line and 1,630 feet West of the East line of said Section 29. 6.4 Source of water: Clementine Creek, tributary to Thompson Creek, tributary to the Crystal River, tributary to the Roaring Fork River. 6.5 Appropriation date: July 29, 1989. 6.6 Amount: 0.195 cfs. 6.7 Use: Domestic use in nine cabins, stock watering, and the irrigation of lawn and landscaped areas. 7. Kohner Pond: 7.1 Original decree: In the Matter of the Application for Water Rights of Ellen Kohner, in the Roaring Fork River, or Its Tributaries, Tributary Involved: Clementine Creek, in Pitkin County, Case No. 89CW290, entered June

26, 1990, District Court, Water Division 5, Colorado. 7.2 Subsequent decrees awarding findings of diligence: 96CW135 Decree; 02CW278 Decree; 10CW59 Decree; 18CW3049 Decree. 7.3 Legal description: The NW abutment of the Pond embankment is located in the NW1/4 SE1/4 of Section 29, Township 8 South, Range 89 West of the 6th P.M. at a point 3,100 feet South of the North line and 1,600 feet West of the East line of said Section 29. 7.3.1 Alternate storage locations: The decree entered in Case No. 10CW59 approved alternate locations of storage of 0.72 acre-feet for irrigation, piscatorial, and augmentation uses, as follows: 7.3.1.1 0.06 acre feet at the Cabin Pond No. 1: The center line of the dam at the spillway is located in the NE1/4 of the SE1/4 of Section 29, Township 8 South, Range 89 West of the 6th P.M. at a point 2270 feet North of the South section line and 950 feet West of the East Section line of said Section 29. 7.3.1.2 0.1 acre feet at the Cabin Pond No. 2: The center line of the dam at the spillway is located in the NE1/4 of the SE1/4 of Section 29, Township 8 South, Range 89 West of the 6th P.M. at a point 2340 feet North of the South section line and 930 feet West of the East Section line of said Section 29. 7.3.1.3 0.04 acre feet at the Cabin Pond No. 3: The center line of the dam at the spillway is located in the NE1/4 of the SE1/4 of Section 29, Township 8 South, Range 89 West of the 6th P.M. at a point 2390 feet North of the South section line and 980 feet West of the East Section line of said Section 29. 7.3.1.4 0.52 acre feet at the Corral Pond: The center line of the dam at the outlet pipe is located in the SE1/4 of the SW1/4 of Section 29, Township 8 South, Range 89 West, of the 6th P.M., at a point approximately 820 feet North of the South Section line, and 2570 feet East of the West section line of said Section 29. 7.4 Source of water: Clementine Creek, tributary to Thompson Creek, tributary to the Crystal River, tributary to the Roaring Fork River. 7.5 Appropriation date: July 29, 1989. 7.6 Conditional amount: 0.72 acre-feet absolute for all purposes and 9.28 acre-feet conditional for all purposes. 7.7 Use: Irrigation of 3 acres, aesthetics, piscatorial, and augmentation purposes. 8. Detailed outline of work and expenditures toward completion of the appropriations and application of the water to beneficial use: 8.1 Diligence period: The diligence period for the Subject Water Rights is January 2019 to January 2025 ("Diligence Period"). During the Diligence Period, the County acquired and then worked diligently to develop the Subject Water Rights, complete the appropriations, and place the water to beneficial use, as demonstrated by the following representative but non-exhaustive list of activities and expenditures. 8.1.1 Pitkin County spent approximately \$4 million to acquire the land on which the Subject Water Rights are decreed to be used, along with the Subject Water Rights themselves. The property is now known as the "TD Ranch Preserve." 8.1.2 As described in Exhibit B, Pitkin County worked with the Aspen Valley Land Trust ("AVLT") and Great Outdoors Colorado to obtain funding for the TD Ranch Preserve acquisition. AVLT subsequently finalized and recorded a conservation easement on the TD Ranch Preserve. 8.1.3 Since acquiring the Subject Water Rights in July 2020, Pitkin County leased the water rights for active agricultural production. A copy of the 2023-2024 lease is attached as Exhibit C; and an aerial photo showing the place of use is attached as Exhibit D. Paragraph 9 of the lease describes the lessee's obligation to place the Subject Water Rights to beneficial use. 8.1.4 Since 1983, the owner of the Subject Water Rights has maintained a Special Use Permit from the United States Forest Service (USFS) for a ten-foot right-of-way for the operation and maintenance of a buried pipeline for water transmission on the TD Ranch Preserve. Pitkin County pays the USFS an annual Special Use Fee of approximately \$160 to maintain the permit. 9. 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: Pitkin County. Based on the foregoing, Pitkin County respectfully requests that the Court enter a decree (i) granting this Application; (ii) finding that Pitkin County has exercised reasonable diligence in developing and completing the appropriations of the Subject Water Rights during the Diligence Period; and (iii) continuing those conditional water rights in full force and effect for six years from the month in which a final decree is entered in this case.

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

**15. PURSUANT TO C.R.S., §37-92-302, AS AMENDED, YOU ARE NOTIFIED THAT THE FOLLOWING PAGES COMPRISE A RESUME OF THE APPLICATIONS AND AMENDED APPLICATIONS FILED WITH THE WATER CLERK FOR WATER DIVISION 5 DURING THE MONTH OF JANUARY 2025. *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.***

**25CW3015 GARFIELD COUNTY, ROARING FORK AND COLORADO RIVERS.** Christine McGovern c/o Ryan Jarvis and Laurel Quinto of JVAM PLLC; 305 Gold Rivers Ct, Ste 200, Basalt CO 81621, (970) 922-2122. Application for Findings of Reasonable Diligence. First Claim: Applicant requests a finding of reasonable diligence regarding the conditional water right described as follows: Structure: BB Lot No. 6 Well. Original Decree: 01CW185, entered on 8/4/2003, Div 5. Subsequent decrees: 09CW99 Part 2 of 2 and 18CW3065, Div 5. Location: Anywhere within Lot 6A, Baby Beans Subdivision, as described at Rec. No. 631262 of the Garfield County real estate records. Depth: Approx. 200 ft. Source: groundwater trib. to Cattle Creek, trib. to the Roaring Fork River, trib. to the Colorado River. Appropriation date: 6/15/2001. Amount: 15 gpm (0.033 cfs), conditional (1.2 af, annually). Decreed Uses: domestic purposes inside two single family dwellings, lawn and garden irrigation and stockwatering on Lot 6 of the Baby Beans subdivision as it is described in the records of the Garfield County Clerk and Recorder at Rec. No. 303003 and as it was amended to Lot 6A, Baby Beans subdivision, as described at Rec. No. 631262. The area proposed to be irrigated is 3,000 sq ft on Lot 6, now known as Lot 6A. Second Claim: Applicant requests a finding of reasonable diligence with regard to the conditional water right described as follows Structure: BB Lot 6 Ditch. Original Decree: 01CW185, entered on 8/4/2003, Div 5. Subsequent Decrees: 09CW99 Part 2 of 2 and 18CW3065, Div 5. Location: the point of diversion is decreed to be located in the NW1/4 SE1/4 of Sec 11 T7S R88W 6th PM, approx. 3750 ft from

the N sec line and 1800 ft from the E sec line of said Sec 11, Garfield County, CO. **Source: Cattle Creek, trib. to the Roaring Fork River, trib. to the Colorado River.** Appropriation date: 6/18/2001. Amount: 0.50 cfs, conditional. Decreed Uses: to fill BB Lot 6 Pond for stockwatering, wildlife, aesthetic, piscatorial, augmentation and recreational purposes. Third Claim: Applicant requests a finding of reasonable diligence the conditional water right described as follows: Structure: BB Lot 6 Pond. Original Decree: 01CW185, entered on 8/4/2003, Div 5. Subsequent Decrees: 09CW99 Part 2 of 2 and 18CW3065, Div 5. Location: the pond will be located in the NW1/4 SE1/4 of Sec 11 T7S R88W 6th PM, approx. 1900 ft from the E Sec line and 3650 ft from the N Sec line in Sec 11, on Lot 6 of the Baby Beans Subdivision as set forth at Rec. No. 303003 of the real estate records of Garfield County, CO, as amended to Lot 6A Rec. No. 631262. Source: the pond will be filled with the BB Lot 6 Ditch, and local runoff trib. to Cattle Creek, trib. to the Roaring Fork River, trib. to the Colorado River. Appropriation date: 6/18/2001. Amount: 0.5 af, conditional, with the right to fill and refill in priority (fill rate: 0.5 cfs, conditional). Uses: recreation, piscatorial, aesthetic, wildlife, stockwatering and augmentation. Pond/Dam information: Surface area at high water line: 5000 sq ft. Max height of dam: 10 ft. Length of dam: 50 ft. Total capacity of pond: 0.5 af. Owner of Land: Applicant. Application on file with court includes a list of activities demonstrating diligence. (6 pages, 1 exhibit.)

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**16. PURSUANT TO C.R.S., §37-92-302, AS AMENDED, YOU ARE NOTIFIED THAT THE FOLLOWING PAGES COMPRISE A RESUME OF THE APPLICATIONS AND AMENDED APPLICATIONS FILED WITH THE WATER CLERK FOR WATER DIVISION 5 DURING THE MONTH OF JANUARY 2025. *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.***

**25CW3016 (17CW3125) (10CW102) (03CW36) (93CW288) APPLICATION FOR FINDINGS OF REASONABLE DILIGENCE IN SUMMIT AND GRAND COUNTIES** 1. Name and address of Applicants: Board of County Commissioners of Summit County ("Summit County") c/o David Rossi, County Manager Post Office Box 68, Breckenridge, Colorado 80424 copies of all pleadings to: Thomas W. Korver, Esq. Hayes Poznanovic Korver LLC, 700 17th Street, Suite 1800, Denver, CO 80202, (303) 825-1980 2. Names of conditional water right: Windy Gap, Old Dillon Reservoir Exchange (the "Exchange"). 3. Description of conditional water rights: A. Date of original decree: The original decree for the Exchange was issued on February 10, 1997 in Case No. 93CW288, District Court, Water Division No. 5. B. Subsequent diligence decrees were entered in Case No. 03CW36, Water Division No. 5 on March 9, 2004, in Case No. 10CW102, Water Division No. 5 on May 10, 2011, and in Case No. 17CW3125, Water Division No. 5 on January 27, 2019. C. Water Rights to be Exchanged: 53.4 acre-feet out of the 3,000 acre-feet of water per year produced from the Windy Gap Project and stored in Granby Reservoir pursuant to paragraph 17 of the April 30, 1980 Agreement between the Municipal Subdistrict of the Northern Colorado Water Conservancy District and among other parties, the Middle Park Water Conservancy District ("Windy Gap Water"). D. Description of Exchange: The decree in Case No. 93CW288 adjudicated to Summit County the right to annually store by exchange 53.4 acre-feet of Windy Gap Water in Old Dillon Reservoir. The reach of the exchange extends from the confluence of the Blue and Colorado Rivers to the headgate of the Dillon Ditch, as described in paragraph 3(A)(iii)(b) above. E. Legal descriptions: i. The Windy Gap Project diverts at a point on the North bank of the Colorado River whence the NW corner of Section 25, T. 2N., R. 77W. of the 6th P.M. bears North 17° 30' West a distance of 2,380 feet, at a point 2,320.3 feet from the North section line and 701.9 feet from the West section line of said Section 25. ii. 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.3N., R.76W.; Sections 29, 30 and 32, T.3N., R.75W.; Sections 1, 2, 3, 10, 11, 12, 13 and 15, T.2N., R.76W.; and Sections 5, 6, 7, 8, 9, 14, 15, 16, 17, 18, 21, 22 and 23, T.2N., R.75W. of the 6th P.M., Grand County, Colorado. The point where the SE corner of the dam meets the spillway outlet is located in the NE ¼ of the SE ¼ of Section 11, Township 2 North, Range 76 West of the 6th P.M., Grand County, Colorado, at a point 2,587.5 feet from the South section line and 359.1 feet from the East section line of said Section 11. iii. The confluence of the Blue River and the Colorado River is located in the NW1/4 NE1/4 of Section 19, T.1 N., R.80 W. of the 6th P.M., Grand County, Colorado, at a point approximately 2,040 feet from the east section line, and 4,830 feet from the South section line. F. Appropriation Date: December 23, 1993. G. Amount: The rate of the exchange is 10 c.f.s. with a total volumetric limit on the exchange of 53.4 acre-feet per year, conditional. H. Remarks: Case No. 93CW288 also decreed a conditional water right for the Old Dillon Reservoir, First Enlargement, which conditional water is owned in various undivided interests by Summit County, the Town of Dillon, and the Town of Silverthorne. The Old Dillon Reservoir, First Enlargement water right was decreed absolute in its full decreed amount for all decreed purposes on January 27, 2019 in Case No. 17CW3125. Summit County is the sole owner of the conditional water right for the Windy Gap, Old Dillon Reservoir Exchange that is the subject of this Application. 4. Evidence of Reasonable Diligence : The Exchange is part of an integrated system for supplying the water demands of Summit County. Other elements of the integrated system include the water sources described in paragraph 3.D above, associated water rights and contract rights, and the other water rights and conditional water rights associated with Old Dillon Reservoir, as decreed in Case Nos. 07CW223, 07CW226, 08CW201, 08CW202, and 12CW171. The application contains a summary of specific projects and work undertaken during the diligence period in furtherance of the Exchange and is available for inspection at the office of the Water Clerk or via CCE. The list is not intended to be all inclusive and may be supplemented by additional evidence at any hearing in this matter. 5. 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: Old Dillon Reservoir and the Dillon Ditch are located on land owned by the United States Forest Service, Dillon Ranger District, P.O. Box 620, Silverthorne, CO 80498. WHEREFORE, Summit County respectfully requests that this Court enter Findings of Fact, Conclusions of Law, and a Judgment and Decree: (1) finding that the Applicants have been reasonably diligent in the development of the conditional water rights for the Windy Gap, Old Dillon Reservoir Exchange as described in paragraphs 2-3; (2) continuing in full force and effect the conditional water right for the Windy Gap, Old Dillon Reservoir Exchange; and (3) granting such other relief as may be appropriate.

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**17. PURSUANT TO C.R.S., §37-92-302, AS AMENDED, YOU ARE NOTIFIED THAT THE FOLLOWING PAGES COMPRISE A RESUME OF THE APPLICATIONS AND AMENDED APPLICATIONS FILED WITH THE WATER CLERK FOR WATER DIVISION 5 DURING THE MONTH OF JANUARY 2025. *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.***

**25CW3017 PITKIN COUNTY. COLORADO RIVER OR ITS TRIBUTARIES, ROARING FORK LAND & CATTLE CO., LLC,** c/o Paul L. Noto, Esq. and Lauren N. Hoover, Esq., Patrick, Miller & Noto, P.C. 229 Midland Ave, Basalt, CO 81621, (970) 920-1030. APPLICATION FOR FINDING OF REASONABLE DILIGENCE AND TO MAKE WATER RIGHT ABSOLUTE. First Claim: To Make Water Right Absolute. Name of structure: Maroon Ranch Spring. Date of original decree: June 28, 2011, Case No 08CW181, Division 5 Water Court. Subsequent diligence decree: January 27, 2019, Case No. 17CW3144, Division 5 Water Court. Legal description of point of diversion: The spring consists of a seep/spring area, approximately 200 feet in diameter, with the center point located in the SE ¼ SW ¼ of Section 15, Township 10 South, Range 85 West of the 6<sup>th</sup> P.M., approximately 356 feet from the South section line and 1858 feet from the West section line (Pitkin County). A map is on file with the Court as Exhibit A. **Source: Seepage and a spring tributary to Maroon Creek and the Roaring Fork and Colorado Rivers.** Date of appropriation: July 30, 2008. Amount: 0.2 c.f.s., conditional. Uses: Irrigation and fire protection. Number of proposed acres: Up to 5.5 acres. Legal description of proposed irrigated acreage: Within the property boundaries shown on the map on file with the Court as Exhibit A, and generally located in the South ½ of Section 15 and the North ½ of Section 22, Township 10 South, Range 85 West, of the 6<sup>th</sup> P.M. A detailed description of the work performed by Applicant to complete the appropriation, including expenditures, is on file with the Court as Exhibit B. Claim to make absolute: Date applied to beneficial use: June 1, 2023. Amount: 0.2 c.f.s. Uses: Irrigation and fire protection. Applicant owns the land where the diversion structure is located and where the water has been placed to beneficial use. Applicant requests a finding that the Maroon Ranch Spring has been made absolute for the above amounts and uses. The Court finds that Applicant has not perfected any of the conditional amounts or uses, Applicant alternatively requests a finding of reasonable diligence on remaining amounts and uses. Second Claim: For Finding of Reasonable Diligence: Name of structure: Maroon Ranch Pond. Date of original decree: June 28, 2011, Case No. 08CW181, Division 5 Water Court. Subsequent diligence decree: January 27, 2019, Case No. 17CW3144, Division 5 Water Court. Legal description of reservoir: The centerline of the dam is located in the NE ¼ NW ¼ of Section 22, Township 10 South, Range 85 West of the 6<sup>th</sup> P.M., at appoint approximately 93 feet from the North section line and 1899 from the West section line (Pitkin County). A map is on file with the Court as Exhibit A. Sources: Willow Creek, tributary to Maroon Creek and the Roaring Fork and Colorado Rivers, via diversion from the Willow Creek Ditch, Maroon Ranch Enlargement; Maroon Creek, tributary to the Roaring Fork and Colorado Rivers, via diversions from the Herrick Dithc, Maroon Ranch Enlargement; and local runoff captured by the Willow Creek and Herrick Ditches and Maroon Ranch Pond. Date of appropriation: July 30, 2008. Amount: 0.18 acre-feet, conditional, with the right to fill and refill when water is physically and legally available. Use of the refill right is limited to replacing storage lost to evaporation and seepage. Note the court decreed the Maroon Ranch Pond absolute for 3.02 acre-feet in Case no. 17CW3144 for all decreed uses. Fill rate for off-channel reservoir: 0.5 c.f.s. Uses: recreation, aesthetic, piscatorial, wildlife propagation, irrigation purposes, and augmentation. Number of irrigated acres: approximately 5.5 Legal description of irrigated acres: See first claim. Surface area of high water line: 0.58 acres. Maximum height of dam: 10 feet. Length of dam: 360 feet. Total capacity: 3.2 acre-feet (2.44 acre-feet active capacity and 0.76 acre-feet dead storage). A detailed description of the work performed by Applicant to complete the appropriation, including expenditures, is on file with the Court as Exhibit B. Applicant owns the land where the structure is located and where water is stored. Applicant requests a finding of reasonable diligence for the 0.18 acre-feet amount remaining conditional for the Maroon Ranch Pond water right. In Case No. 08CW181, the Court decreed the above water rights as components of an integrated water supply plan along with the other water rights decreed in that case and the plan for augmentation and appropriative right of exchange decreed in Case No. 08CW179.

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**18. PURSUANT TO C.R.S., §37-92-302, AS AMENDED, YOU ARE NOTIFIED THAT THE FOLLOWING PAGES COMPRISE A RESUME OF THE APPLICATIONS AND AMENDED APPLICATIONS FILED WITH THE WATER CLERK FOR WATER DIVISION 5 DURING THE MONTH OF JANUARY 2025. *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.***

**25CW3018 ROARING FORK AND COLORADO RIVERS, GARFIELD COUNTY.** Pinyon Peaks Homeowners Association c/o Ryan Jarvis and Benjamin Monarch of JVAM PLLC; 305 Gold Rivers Ct, Ste 200, Basalt CO 81621, (970) 922-2122. Application for Finding of Reasonable Diligence. Structure: CLDC Well No. 6. Original decree: 79CW96, Div. 5 entered on 10/15/1980. Subsequent decrees: 84CW259, 88CW282, 89CW248, 94CW363, 01CW290, 11CW169, 18CW3104, Div 5. Location: in the SW¼NE¼ Sec 14 T7S R88W 6th PM at a point whence the NW corner of said Sec 14 bears N 67°39'04" W 3,814.65 ft. This point may also be described as being in the SW¼NE¼, Sec 14 T7S R88W 6th PM at a point 1,450 ft from the N section line and 2,120 ft from the E section line of said Sec 14. **Source: Underground water tributary to Cattle Creek, tributary to the Roaring Fork River, tributary to the Colorado River.** Appropriation date: 4/20/1979. Amount: 0.044 cfs, conditional. Uses: Domestic, irrigation, piscatorial, and fish and wildlife propagation. Depth: Approx. 350 ft. Owner of land: Mark VonderHaar, 100 Cains Lane, Carbondale, CO 81623. Application on file with court includes a list of activities demonstrating diligence. (4 pages, 1 exhibit).

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**25CW3019 (2014CW3179) PITKIN, EAGLE, & GARFIELD COUNTIES. MAROON CREEK, ROARING FORK RIVER, COLORADO RIVER.** Application to Make Water Rights Absolute and For Finding of Reasonable Diligence. Applicant: Maroon Creek Limited Liability Company, 10 Club Cir., Aspen, CO 81611. Please direct all pleadings and correspondence to Garfield & Hecht, P.C., 910 Grand Avenue, Suite 201, Glenwood Springs, CO 81601, (970) 947-1936. Name and Description of Conditional Water Rights: Water Storage Exchange. Original Decree: Entered on January 27, 2019 in Case No. 2014CW3179, District Court, Water Division No. 5. Location: The affected stream reaches of the exchange include the Roaring Fork River from the confluence with the Colorado River or the Fryingpan River (downstream termini) and Maroon Creek and/or Willow Creek up to the points of diversion of the Herrick Ditch and Willow Creek Ditch (upstream termini). A location map is filed with the Application. Downstream termini: Confluence of the Roaring Fork and Colorado Rivers: located in the SE¼ of the NW¼ of Section 9, Township 6 South, Range 89 West of the 6<sup>th</sup> P.M., at a point 2200 feet from the north section line and 2350 feet from the west section line. Confluence of the Roaring Fork and Fryingpan Rivers: located in the SW¼ of the SE¼ of Section 7, Township 8 South, Range 86 West of the 6<sup>th</sup> P.M. at a point 750 feet from the south section line, and 1440 feet from the east section line. Upstream termini: The Herrick Ditch point of diversion: located in the NW¼ of the NW¼ of Section 33, Township 10 South, Range 85 West of the 6<sup>th</sup> P.M., at a point 1000 feet from the north section line and 230 feet from the west section line of said Section 33, Pitkin County, Colorado. Legal: PLSS based on BLM Section Lines. NAD 83 UTM Coordinates: Easting-336270 Northing-4334312. The Willow Creek Ditch point of diversion: located in the SW¼ of the NE¼ of Section 21, Township 10 South, Range 85 West of the 6<sup>th</sup> P.M., at a point 2240 feet from the north section line and 1690 feet from the east section line of said Section 21, Pitkin County, Colorado. Legal: PLSS based on BLM Section Lines. NAD 83 UTM Coordinates: Easting-337293 Northing-4337116. Date of Appropriation: June 24, 2013. Rate of Exchange: 0.05 c.f.s., conditional. Volume of Exchange: 14.33 acre-feet. Uses: Augmentation of refill to replace evaporation for recreation and fish and wildlife purposes. Name: Stapleton Brothers' Ditch Exchange. Original Decree: Entered on January 27, 2019 in Case No. 2014CW3179, District Court, Water Division No. 5. Location: The affected stream reaches of the exchange include Maroon Creek from the Stapleton Brothers' Ditch headgate (downstream terminus) and/or Willow Creek up to the points of diversion of the Herrick Ditch and Willow Creek Ditch (upstream termini). Downstream terminus: Stapleton Brothers' Ditch headgate, located in the NE¼ of the NW¼, Section 14, Township 10 South, Range 85 West, 6<sup>th</sup> P.M., at a point 990 feet from the north section line and 1330 feet from the west section line of said Section 14, Pitkin County, Colorado. Legal: PLSS based on BLM Section Lines. NAD 83 UTM Coordinates: Easting-339841 Northing-4339097. Upstream termini: The Herrick Ditch point of diversion: located in the NW¼ of the NW¼, Section 33, Township 10 South, Range 85 West, 6<sup>th</sup> P.M., at a point 1000 feet from the north section line and 230 feet from the west section line of said Section 33, Pitkin County, Colorado. Legal: PLSS based on BLM Section Lines. NAD 83 UTM Coordinates: Easting-336270 Northing-4334312. The Willow Creek Ditch point of diversion: located in the SW¼ of the NE¼, Section 21, Township 10 South, Range 85 West, 6<sup>th</sup> P.M., at a point 2240 feet from the north section line and 1690 feet from the east section line of said Section 21, Pitkin County, Colorado. Legal: PLSS based on BLM Section Lines. NAD 83 UTM Coordinates: Easting-337293 Northing-4337116. Date of Appropriation: October 28, 2014. Rate of Exchange: 0.05 c.f.s., conditional. Volume of Exchange: 14.33 acre-feet. Uses: Augmentation of refill to replace evaporation for recreation and fish and wildlife purposes. Claim to Make Absolute. Applicant requests the Court to determine and decree that the appropriative rights of exchange have been made absolute as set forth below. To the extent the Court determines that the exchange

rights have not been made absolute, the Applicant requests a decree finding reasonable diligence in the development of the appropriative rights of exchange and continuing them in full force and effect. Stapleton Brothers' Ditch Exchange. Date applied to beneficial use: July 11, 2021. The exchange operated during a valid administered water right call placed on the Colorado River at the Grand Valley Canal from July 11, 2021 to October 20, 2021. There was no senior downstream call on Willow Creek, Maroon Creek, or the Roaring Fork River during operation of the exchange. Amount: 0.05 c.f.s. (based on average daily evaporation depletion of 0.098 acre-foot in July pursuant to Table 2 of decree in Case No. 2014CW3179). Uses: Augmentation of refill to replace pond evaporation for recreation and fish and wildlife purposes. Description of place of use: The exchange operated throughout the entire exchange reach from the headgate of the Stapleton Brothers' Ditch on Maroon Creek up to the headgate of the Willow Creek Ditch on Willow Creek and the headgate of the Herrick Ditch on Maroon Creek. Water Storage Exchange. Date applied to beneficial use: October 1, 2021. Augmentation releases were made from Wolford Mountain Reservoir pursuant to Applicant's Water Supply Contract No. CW13004 with the Colorado River Water Conservation District during a valid administered water right call placed on the Colorado River at the Grand Valley Canal in 2021. The exchange operated during August, September, and October of the call. There was no senior downstream call on Willow Creek, Maroon Creek, or the Roaring Fork River during operation of the exchange. Amount: 0.02 c.f.s. (based on average daily evaporation depletion of 0.035 acre-foot in October pursuant to Table 3 of the 2014CW3179 decree). Uses: Augmentation of refill to replace pond evaporation for recreation and fish and wildlife purposes. Description of place of use: The exchange operated throughout the entire exchange reach from the confluence of the Roaring Fork and Colorado Rivers up to the headgate of the Willow Creek Ditch on Willow Creek and the headgate of the Herrick Ditch on Maroon Creek. Claim for Finding of Reasonable Diligence. The Application includes a detailed outline of what has been done toward completion of the appropriations and application of water to beneficial use as conditionally decreed, including expenditures. Applicant requests the court to adjudge and decree that: (A) the Stapleton Brothers' Ditch Exchange has been made absolute at the rate of 0.05 c.f.s. for augmentation of refill to replace pond evaporation for recreation and fish and wildlife purposes; (B) the Water Storage Exchange has been made absolute at the rate of 0.02 c.f.s. for augmentation of refill to replace pond evaporation for recreation and fish and wildlife purposes; and (C) the Applicant has shown reasonable diligence in the development of the remaining conditional amount of the Water Storage Exchange, at the rate of 0.03 c.f.s., and continuing such conditional portion in full force and effect.

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**20. PURSUANT TO C.R.S., §37-92-302, AS AMENDED, YOU ARE NOTIFIED THAT THE FOLLOWING PAGES COMPRISE A RESUME OF THE APPLICATIONS AND AMENDED APPLICATIONS FILED WITH THE WATER CLERK FOR WATER DIVISION 5 DURING THE MONTH OF JANUARY 2025. *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.***

**25CW3020 GRAND COUNTY.** Grand County Water and Sanitation District No. 1, c/o William Borrás, Manager P.O. Box 3077 Winter Park, CO 80482. 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 A FINDING OF REASONABLE DILIGENCE.** Names of Structures: GCWSD Water Storage Reservoir No. 1 and GCWSD Water Storage Reservoir No. 2. Decrees: Case Nos. 02CW367 (February 28, 2005); 11CW15 (May 28, 2012); 18CW3070 (January 27, 2019, corrected by Order of the Court on January 20, 2022); all in Water Court Division No. 5. Legal Descriptions: The GCWSD Water Storage Reservoir No. 1 is generally located Northeasterly of U.S. Highway No. 40 within the S1/2 SE1/4 of Section 20 and the NE1/4 NE1/4 of Section 29, Township 1 South, Range 75 West of the 6<sup>th</sup> P.M. The GCWSD Water Storage Reservoir No. 2 is generally located Northeasterly of U.S. Highway No. 40 within the S1/2 SE1/4 of Section 20, Township 1 South, Range 75 West of the 6<sup>th</sup> P.M. The GCWSD Water Storage Reservoir Nos. 1 and 2 are connected by a pond transfer structure consisting of an inlet pipeline, a gate valve, a manhole or vault and an outlet pipeline. Length and Maximum Height of Dams: The GCWSD Water Storage Reservoir No.1 has an earthen berm on its east and north sides the height of which has a maximum height of approximately fourteen feet from the ground surface to the top of the berm and twelve feet from the ground surface to the crest of the spillway. The length of the earthen berm is approximately 1,300 feet. The GCWSD Water Storage Reservoir No. 2 has an earthen berm on its East and North sides the height of which has a maximum height of approximately sixteen feet from the ground surface to the top of the berm and fourteen feet from the ground surface to the crest of the spillway. The length of the earthen berm is approximately 1,400 feet. Point of Diversion: located in the NW1/4 NW1/4 of Section 28, Township 1 South, Range 75 West, 6<sup>th</sup> P.M., at a point on the West bank of the Fraser River approximately 270 feet East of the West line of Section 28 and 195 feet South of the North line of Section 28. **Source: The source of the water right is the Fraser River, a tributary of the Colorado River, and all tributaries of the Fraser River upstream of the point of diversion.** Appropriation Date: December 4, 2002. Amount: GCWSD Water Storage Reservoir No. 1: 71.4 acre-feet absolute and 86.6 acre-feet conditional, subject to the right to fill and refill the Reservoir. GCWSD Water Storage Reservoir No. 2: 70 acre-feet absolute and 10 acre-feet conditional, subject to the right to fill and refill the Reservoir. Rate of Diversion: 6.0 c.f.s. total for GCWSD Water Storage Reservoir No. 1 and GCWSD Water Storage Reservoir No. 2. Uses: Municipal, irrigation, augmentation, piscatorial, aesthetic and recreation. Applicant claims the right to fill and refill the GCWSD Water Storage Reservoir Nos. 1 and 2 so long as they are in priority for the purposes of replacing water applied to the beneficial uses decreed herein and to replace evaporative losses. Names and Addresses of Landowners: Town of Fraser, c/o Michael Brack, Town

Manager, P.O. Box 370, Fraser, CO 80442; Rendezvous Colorado, LLC, c/o Koelbel & Company, 5291 E. Yale Ave., Denver, CO 80222-6998. Additional Information: Applicant requests that the Court make a finding of reasonable diligence as to the conditional portions of the water rights described herein. The application and attached exhibits contain additional information and a detailed outline of the work performed during the diligence period (10 pages).

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**25CW3021 (17CW3127) (08CW201) APPLICATION FOR FINDINGS OF REASONABLE DILIGENCE IN SUMMIT AND GRAND COUNTIES**

**1. Name and address of Applicants:** Board of County Commissioners of Summit County ("Summit County") c/o David Rossi, County Manager, Post Office Box 68, Breckenridge, Colorado 80424; Town of Silverthorne, c/o Town Administrator, P.O. Box 1309, Silverthorne, CO 80498; Town of Dillon, 275 Lake Dillon Drive, P.O. Box 8, Dillon, CO 80435; copies of all pleadings to: Thomas W. Korver, Esq., Hayes Poznanovic Korver LLC, 700 17<sup>th</sup> Street, Suite 1800, Denver, CO 80202; Peter J. Ampe, No. 23452, Hill & Robbins, P.C., 3401 Quebec St., Suite 3400, Denver, CO 80207; Steven P. Jeffers, No. 17858, Lyons Gaddis, 950 Spruce Street, Suite 1B, Louisville, CO 80027. **2. Name of conditional water right:** Old Dillon Reservoir, Refill. **A. Date of original decree:** The original decree for the Old Dillon Reservoir, Refill was issued on December 28, 2011, in Case No. 08CW201, District Court, Water Division No. 5. **B. Subsequent diligence decrees:** A subsequent diligence decree was entered in Case No. 17CW3127, Water Division No. 5 on January 27, 2019. **C. Legal description:** Old Dillon Reservoir is located in the SW1/4 SE1/4 and SE1/4 SW1/4 of Section 13, T.5 S., R.78 W. of the 6<sup>th</sup> P.M., in Summit County, Colorado, as depicted on Exhibit A attached to the application and available for inspection at the office of the Water Clerk or CCE. i. The approximate location of the SW end of Dam No. 1 is at a point whence the South quarter corner of said Section 13 bears South 27°30' East a distance of 600 feet, approximately 528 feet from the South section line and 2,346 feet from the West section line of said Section 13. ii. The approximate location of the SW end of Dam No. 2 is at a point whence the South quarter corner of said Section 13 bears South 64°30' West a distance of 250 feet, approximately 2,397 feet from the East section line and 111 feet from the South section line of said Section 13. **D. Filling Structure:** Old Dillon Reservoir is an off-channel structure. The Reservoir will be filled from precipitation and runoff into the Reservoir and from the Dillon Ditch, which has a capacity of 10 c.f.s. The Dillon Ditch is located on the south bank of Salt Lick Gulch at a point whence the SE corner of Section 14, T.5 S., R.78 W. of the 6<sup>th</sup> P.M. bears South 81 degrees 58' East 1832 feet, also described as a point located in the SW ¼ of the SE ¼ of Section 14, T.5 S., R.78 W. of the 6<sup>th</sup> P.M., approximately 260 feet from the South section line and 1,910 feet from the East section line of said Section 14. **E. Source:** Salt Lick Gulch (a/k/a Salt Lick Creek), a tributary of the Blue River; tributary to the Colorado River; and precipitation and runoff flowing into Old Dillon Reservoir, tributary to the Blue River, tributary to the Colorado River. **F. Appropriation Date:** December 16, 2008. **G. Amount:** Old Dillon Reservoir, Refill: 45 acre-feet, conditional, to replace gross evaporative loss, with a 10 c.f.s. rate of diversion for filling. In Case No. 17CW3127, the Old Dillon Reservoir, Refill conditional water right was made absolute in the amount of 24.92 acre-feet for all decreed purposes, with 20.08 acre-feet remaining conditional for all decreed purposes. **H. Accounting Year:** The accounting year for administration of the water rights decreed herein shall be April 1 through March 31 of the following year, unless modified by agreement of the Applicant and the Division Engineer. **I. Use:** Municipal, domestic, commercial, irrigation, industrial, snowmaking, augmentation, replacement, exchange, recreation, piscatorial, and wildlife watering, with the right of reuse, successive use, and disposition to extinction. **J. Ownership:** By virtue of Bargain and Sale Deeds dated July 2, 2012, Summit County conveyed undivided interests in the Old Dillon Reservoir Third Enlargement and Refill conditional water rights as follows: 26.25% interest to the Town of Dillon, and 8.39 % interest to the Town of Silverthorne. Summit County retains ownership of an undivided 65.36% interest in these conditional water rights. **K. Remarks:** Case No. 08CW201 also decreed a conditional water right for the Old Dillon Reservoir, Third Enlargement, which conditional water is also owned in the undivided interests specified in paragraph 3.J above. The Old Dillon Reservoir, Third Enlargement water right was decreed absolute in its full decreed amount for all decreed purposes on January 27, 2019, in Case No. 17CW3127. **4. Evidence of Reasonable Diligence:** The Old Dillon Reservoir is part of an integrated system for supplying water demands in Summit County. The application contains a summary of specific projects and work undertaken during the diligence period in furtherance of the development of these conditional water rights, and is available for inspection at the office of the Water Clerk or via CCE. The list is not intended to be all inclusive and may be supplemented by additional evidence at any hearing in this matter. **5. 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:** Old Dillon Reservoir and the Dillon Ditch are located on land owned by the United States Forest Service, Dillon Ranger District, P.O. Box 620, Silverthorne, CO 80498. WHEREFORE, the Applicants respectfully request that this Court enter Findings of Fact, Conclusions of Law, and a Judgment and Decree: (1) finding that the Applicants have been reasonably diligent in the development of the conditional water rights for the Old Dillon Reservoir, Refill as described in paragraphs

2-3; (2) continuing in full force and effect the 20.08 acre-feet of the Old Dillon Reservoir, Refill water right that remains conditional; and (3) granting such other relief as may be appropriate.

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**22. PURSUANT TO C.R.S., §37-92-302, AS AMENDED, YOU ARE NOTIFIED THAT THE FOLLOWING PAGES COMPRISE A RESUME OF THE APPLICATIONS AND AMENDED APPLICATIONS FILED WITH THE WATER CLERK FOR WATER DIVISION 5 DURING THE MONTH OF JANUARY 2025. *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.***

**25CW3022 EAGLE COUNTY (98CW134; 08CW78; 18CW3096) KOLORADO RIVER RANCH, LLC** ("Applicant"), 7240 W. 98th Terrace Overland Park, Kansas 66212 Telephone: (970) 524-9854 Please direct all correspondence or inquiries regarding this matter to the attorneys for the Applicants: Carolyn F. Burr, Esq., James M. Noble, Esq., Matthew C. Nadel, Esq., 1401 Lawrence Street, Suite 1800 Denver, Colorado 80202 Telephone: (303) 830-2500 **APPLICATION FOR REASONABLE DILIGENCE FOR CONDITIONAL WATER RIGHTS II. Introduction:** This is an application for a finding of reasonable diligence for the conditional water rights originally decreed in Division 5 Case No. 98CW134, which are all water rights associated with the Kolorado River Ranch (the "Ranch") owned by the Applicant. All of the structures that are the subject of this application are shown on the maps attached hereto as **Figure 1** and **Figure 2**. **III. Previous Decrees:** A. Original Decree: Concerning the Application for Water Rights of White Hawk Investments, Inc. Case No. 98CW134, Water Division No. 5, decreed June 24, 2002 (the "98CW134 Decree"). B. Subsequent diligence decrees: 1. Case No. 08CW78, Water Division No. 5, decreed June 20, 2012. 2. Case No. 18CW3096, Water Division No. 5, decreed January 27, 2019. C. Subsequent change decree: In Case No. 23CW3075, the Division 5 Water Court entered a decree on June 4, 2024, changing the water right for the "River Ranch Golf Course Pond No. 3," which is one of the conditional water rights decreed in the 98CW134 Decree. **IV. Description of the conditional water rights:** A. Description of Structures, appropriation dates, and amounts: 1. Nottingham Pump No. 1 Enlargement. a. Legal Description: At the existing location of the Nottingham Pump No. 1 (a/k/a Nottingham Pump), in the NE ¼ of Section 23, T. 3 S., R. 86 W., 6th P.M., at a point 1180 feet west from the east line and 342 feet south from the north line of said Section 23. b. Appropriation Date: July 30, 1998. c. Amount: A combined total of 10 c.f.s., conditional (with Nottingham Pump No. 2 Enlargement). 2. Nottingham Pump No. 2 Enlargement. a. Legal Description: At the existing location of the Nottingham Pump No. 2, in the SW ¼ of Section 23, T. 3 S., R. 86 W., 6th P.M., at a point 2362 feet east from the west line and 297 feet north from the south line of said Section 23. b. Appropriation Date: July 30, 1998. c. Amount: A combined total of 10 c.f.s., conditional (with Nottingham Pump No. 1 Enlargement) 3. River Ranch Pump. a. Legal Description: At a point on the right bank of the Colorado River in Section 23, T. 3 S., R. 86 W., 6th P.M. located 3800 feet north of the south section line and 2210 feet west of the east section line of said Section 23. b. Appropriation Date: August 21, 2000. c. Amount: 5 c.f.s., conditional. 4. Enlargement of the Nelson Ditch. a. Legal Description: At the existing headgate of the Nelson Ditch on the left bank of Horse Creek whence the south quarter corner of Section 6, T. 3 S., R. 86 W., 6th P.M. bears S. 12° 08' W. 1838 feet. The Nelson Ditch diverts water from Horse Creek into Willow Creek. Water diverted into Willow Creek is rediverted from Willow Creek at the existing headgate of the Willow Creek Ditch No. 4, described below. b. Appropriation Date: July 30, 1998. c. Amount: 3 c.f.s., conditional. 5. Enlargement of the Willow Creek No. 4 Ditch. a. Legal Description: At the existing headgate of the Willow Creek No. 4 Ditch on the right bank of Willow Creek whence Angle Point No. 6 of Tract 43, Section 23, T. 3 S., R. 86 W., 6th P.M. bears N. 82° 40' W. 268 feet. b. Appropriation Date: July 30, 1998. c. Amount: 2 c.f.s., conditional. 6. Enlargement of the Wilson and Doll Ditch. a. Legal Description: At the actual existing headgate of the Wilson and Doll Ditch at a point on Red Dirt Creek 2,400 feet north from the south section line and 1,650 feet west from the east section line of Section 12, T. 3 S., R. 86 W., 6th P.M. This is different from the decreed location of the Ditch, which is on the south bank of Red Dirt Creek whence the east quarter corner of Section 12, T. 3 S., R. 86 W., 6th P.M. bears S. 57° 0' 40" E. 3618.7 feet. b. Appropriation Date: July 30, 1998. c. Amount: 4 c.f.s., conditional. 7. Westside Water Feature. a. Legal Description: At the headgate of the Willow Creek No. 4 Ditch, or the following alternate points of diversion: the Nottingham Pump No. 2, and the River Ranch Pump. b. Appropriation Date: August 21, 2000. c. Amount: 3.0 c.f.s., conditional. 8. North Water Feature. a. Legal Description: At the point of diversion of the River Ranch Pump, or the following alternate points of diversion: the Nottingham Pump No. 1, and the headgate of the Wilson and Doll Ditch. b. Appropriation Date: August 21, 2000. c. Amount: 3.0 c.f.s., conditional. 9. South Water Feature. a. Legal Description: At the point of diversion of the Nottingham Pump No. 2, or the following alternate point of diversion: the headgate of the Wilson and Doll Ditch. b. Appropriation Date: August 21, 2000. c. Amount: 3.0 c.f.s., conditional. 10. River Ranch Pond. a. Legal Description: The existing pond is located at a point in the NE ¼ of Section 23, T. 3 S., R. 86 W., 6th P.M., 180 feet south from the north line and 770 feet west from the east line of said section. b. Appropriation Date: December 31, 1997. c. Amount: 11.47 acre-feet, conditional for irrigation, domestic, commercial, replacement and augmentation purposes. 11. River Ranch Golf Course Pond No. 1. a. Legal Description: At a point in the NW ¼ of Section 23, T. 3 S., R. 86 W., 6th P.M., 2020 feet south from the north line and 1590 feet east from the west line of said section. b. Appropriation Date: July 30, 1998. c. Amount: 5.85 acre-feet, conditional. 12. River Ranch Golf Course Pond No. 2. a. Legal Description: At a point in the SW ¼ of Section 23, T. 3 S., R. 86 W., 6th P.M., 780 feet north from the south line and 1420 feet east from the west line of said section. b. Appropriation Date: July 30, 1998. c. Amount: 83.55 acre-feet, conditional. 13. River Ranch Golf Course Pond No. 3. a. Legal Description: In the NW ¼ of the SE ¼ of Section 23, T. 3 S., R. 86 W.,

6th P.M., approximately 2,420 feet north from the south line and 1,800 feet west from the east line of said section. b. Appropriation Date: July 30, 1998. c. Amount: 16 acre-feet, conditional. 14. River Ranch Golf Course Pond No. 4. a. Legal Description: At a point in the NW ¼ of Section 23, T. 3 S., R. 86 W., 6th P.M., 2450 feet south from the north line and 2540 feet east of the west line of said section. b. Appropriation Date: August 21, 2000. c. Amount: 6.98 acre-feet, conditional. 15. River Ranch Golf Course Pond No. 5. a. Legal Description: At a point in the NE ¼ of Section 23, T. 3 S., R. 86 W., 6th P.M., 590 feet south from the north line and 940 feet west of the east line of said section. b. Appropriation Date: August 21, 2000. c. Amount: 2.78 acre-feet, conditional. 16. River Ranch Golf Course Pond No. 6. a. Legal Description: At a point in the NE ¼ of Section 23, T. 3 S., R. 86 W., 6th P.M., 1510 feet south from the north line and 1100 feet west of the east line of said section. b. Appropriation Date: August 21, 2000. c. Amount: 40.28 acre-feet, conditional. 17. River Ranch Golf Course Pond No. 7. a. Legal Description: At a point in the SW ¼ of Section 23, T. 3 S., R. 86 W., 6th P.M., 280 feet north from the south line and 2470 feet east of the west line of said section. b. Appropriation Date: August 21, 2000. c. Amount: 3.30 acre-feet, conditional. 18. River Ranch Golf Course Pond No. 8. a. Legal Description: At a point in the NW ¼ of Section 26, T. 3 S., R. 86 W., 6th P.M., 1050 feet south from the north line and 1480 feet east of the west line of said section. b. Appropriation Date: August 21, 2000. c. Amount: 24.45 acre-feet, conditional. 19. River Ranch Well No. 1. a. Legal Description: Section 23, T. 3 S., R. 86 W., 6th P.M., 4880 feet from the south section line and 1320 feet from the east section line. b. Appropriation Date: February 4, 1963. c. Amount: 20 g.p.m. (0.0445 c.f.s.), conditional. d. Depth: 28 feet. 20. River Ranch Well No. 2. a. Legal Description: Section 23, T. 3 S., R. 86 W., 6th P.M., 4960 feet from the south section line and 620 feet from the east section line. b. Appropriation Date: June 16, 1987. c. Amount: 15 g.p.m. (0.0334 c.f.s.), conditional. d. Depth: 50 feet. 21. River Ranch Well No. 3. a. Legal Description: Section 23, T. 3 S., R. 86 W., 6th P.M., 1470 feet from the south section line and 2250 feet from the east section line. b. Appropriation Date: March 16, 1987. c. Amount: 15 g.p.m. (0.0334 c.f.s.), conditional. d. Depth: 39 feet. 22. River Ranch Well No. 4. a. Legal Description: Section 26, T. 3 S., R. 86 W., 6th P.M., 3320 feet from the south section line and 3660 feet from the east section line. b. Appropriation Date: November 25, 1991. c. Amount: 15 g.p.m. (0.0334 c.f.s.), conditional. d. Depth: 48.5 feet. 23. Corral Well. a. Legal Description: Section 23, T. 3 S., R. 86 W., 6th P.M., 2270 feet from the south section line and 1190 feet from the east section line. b. Appropriation Date: November 6, 1998. c. Amount: 30 g.p.m. (0.067 c.f.s.), conditional. d. Depth: 60 feet. 24. Westside Well. a. Legal Description: Section 23, T. 3 S., R. 86 W., 6th P.M., 2080 feet from the south section line and 2370 feet from the east section line. b. Appropriation Date: November 6, 1998. c. Amount: 30 g.p.m. (0.067 c.f.s.), conditional. d. Depth: 35 feet. 25. Double-wide Well. a. Legal Description: Section 23, T. 3 S., R. 86 W., 6th P.M., 410 feet from the south section line and 1280 feet from the east section line. b. Appropriation Date: November 6, 1998. c. Amount: 30 g.p.m. (0.067 c.f.s.), conditional. d. Depth: 260 feet. 26. Clubhouse Well. a. Legal Description: Section 23, T. 3 S., R. 86 W., 6th P.M., 1690 feet from the south section line and 1820 feet from the east section line. b. Appropriation Date: July 30, 1998. c. Amount: 30 g.p.m. (0.067 c.f.s.), conditional. 27. Cabin Well No. 1. a. Legal Description: Section 23, T. 3 S., R. 86 W., 6th P.M., 3440 feet from the south section line and 2300 feet from the east section line. b. Appropriation Date: July 30, 1998. c. Amount: 30 g.p.m. (0.067 c.f.s.), conditional. 28. Cabin Well No. 2. a. Legal Description: Section 26, T. 3 S., R. 86 W., 6th P.M., 4520 feet from the south section line and 3450 feet from the east section line. b. Appropriation Date: July 30, 1998. c. Amount: 30 g.p.m. (0.067 c.f.s.), conditional. 29. Cabin Well No. 3. a. Legal Description: Section 23, T. 3 S., R. 86 W., 6th P.M., 350 feet from the south section line and 2810 feet from the east section line. b. Appropriation Date: July 30, 1998. c. Amount: 30 g.p.m. (0.067 c.f.s.), conditional. d. Depth: 46 feet. 30. Cabin Well No. 4. a. Legal Description: Section 23, T. 3 S., R. 86 W., 6th P.M., 1050 feet from the south section line and 2590 feet from the east section line. b. Appropriation Date: July 30, 1998. c. Amount: 30 g.p.m. (0.067 c.f.s.), conditional. 31. River Ranch North Supply Well No. 1. a. Legal Description: Section 23, T. 3 S., R. 86 W., 6th P.M., 3810 feet from the south section line and 2310 feet from the east section line. b. Appropriation Date: July 30, 1998. c. Amount: 30 g.p.m. (0.067 c.f.s.), conditional. 32. River Ranch East Supply Well No. 1. a. Legal Description: Section 23, T. 3 S., R. 86 W., 6th P.M., 2630 feet from the south section line and 1950 feet from the east section line. b. Appropriation Date: July 30, 1998. c. Amount: 30 g.p.m. (0.067 c.f.s.), conditional. 33. River Ranch East Supply Well No. 2. a. Legal Description: Section 26, T. 3 S., R. 86 W., 6th P.M., 3540 feet from the south section line and 4000 feet from the east section line. b. Appropriation Date: July 30, 1998. c. Amount: 30 g.p.m. (0.067 c.f.s.), conditional. 34. Comfort Station Well No. 1. a. Legal Description: Section 23, T. 3 S., R. 86 W., 6th P.M., 4960 feet from the south section line and 750 feet from the east section line. b. Appropriation Date: July 30, 1998. c. Amount: 30 g.p.m. (0.067 c.f.s.), conditional. d. Depth: 58 feet. 35. Comfort Station Well No. 2. a. Legal Description: Section 23, T. 3 S., R. 86 W., 6th P.M., 1740 feet from the south section line and 4270 feet from the east section line. b. Appropriation Date: July 30, 1998. c. Amount: 30 g.p.m. (0.067 c.f.s.), conditional. 36. Range Building Well. a. Legal Description: Section 23, T. 3 S., R. 86 W., 6th P.M., 2030 feet from the south section line and 1900 feet from the east section line. b. Appropriation Date: July 30, 1998. c. Amount: 30 g.p.m. (0.067 c.f.s.), conditional. 37. Maintenance Building Well. a. Legal Description: Section 26, T. 3 S., R. 86 W., 6th P.M., 4840 feet from the south section line and 2220 feet from the east section line. b. Appropriation Date: July 30, 1998. c. Amount: 30 g.p.m. (0.067 c.f.s.), conditional. B. Decreed Sources of Water: 1. Enlargements of Nottingham Pump Nos. 1 and 2 and River Ranch Pump: Colorado River. 2. Enlargement of Nelson Ditch: Horse Creek and Willow Creek, tributaries of the Colorado River. 3. Enlargement of Willow Creek No. 4 Ditch: Willow Creek, tributary of the Colorado River. 4. Enlargement of the Wilson and Doll Ditch: Red Dirt Creek, tributary of the Colorado River. 5. Westside Water Feature: Horse Creek, Willow Creek, and the Colorado River. 6. North Water Feature and South Water Feature: Colorado River and Red Dirt Creek. 7. All Ponds: Colorado River, Horse Creek, Willow Creek, and Red Dirt Creek, tributaries of the Colorado River (except the River Ranch Golf Course Pond No. 3, for which the only sources are Red Dirt Creek and the Colorado River). C. Uses of Water: 1. All structures except wells and water features: Irrigation, domestic, livestock, and commercial purposes. 2. Additional uses for all ponds: Recreational, fishery, aesthetic purposes, and replacement and augmentation of out of priority depletions. River Ranch Golf Course Pond No. 3 also includes geothermal use. 3. Wells: Irrigation, domestic, livestock, and commercial purposes. 4. Water features: Recreational, fishery, and aesthetic purposes. D. Remarks: 1. All ponds were decreed to be filled and

refilled continuously to their respective decreed capacities as necessary to replace seepage and evaporation loss and releases for beneficial use. The maximum volume of such successive refills shall be limited for each pond to the amount listed above for the initial storage right. 2. The Enlargements of the Nottingham Pump Nos. 1 and 2 and the River Ranch Pump were decreed to be operated as alternate points of diversion for each other and for the enlargements of the Nelson Ditch, Willow Creek Ditch No. 4, and the Wilson and Doll Ditch, provided that the total instantaneous rate of flow from these structures does not exceed the sum of their decreed rates of flow. 3. The Enlargement of the Nottingham Pump Nos. 1 and 2 and the River Ranch Pump are decreed as alternate points of diversion for the water rights described in Paragraph C.19.a of the decree entered in Case No. 98CW134. 4. Each of the ponds is decreed as an alternate place of storage for the other ponds. 5. Each of the wells is decreed as an alternate point of diversion for the other wells, provided that the total instantaneous flow rate from the wells does not exceed the sum of their decreed rates of flow. Wells with no depth indicated have not been drilled. 6. All of the water rights described above have been decreed as components of an integrated water supply system for Applicant's property, as provided in paragraph 18 of the 98CW134 Decree. V Evidence of Reasonable Diligence Towards Completing Appropriations. Applicant acquired the Ranch and water rights from the prior owner by deeds dated October 23, 2020. Since that time, Applicant has engaged in significant efforts to rehabilitate the irrigation and other water related infrastructure at the Ranch. During the diligence period, Applicant undertook the following activities to develop the integrated water supply system that includes these conditional water rights: A. Applicant applied to the Division 5 Water Court for a change of water right for the River Ranch Golf Course Pond No. 3 and obtained a decree approving the change in Division 5 Case No. 23CW3075. B. Applicant's engineering consultants designed the River Ranch Golf Course Pond No. 3, and Applicant constructed the pond. C. Applicant's engineering consultants conducted a survey of the Ranch's existing irrigation systems and construction in preparation for implementing improvements to the system throughout the Ranch. Applicant's engineering consultants designed improved water delivery systems and irrigation systems throughout the Ranch. D. Applicant rehabilitated and installed pump stations and water pipelines for delivery of water to fields on the Ranch, regraded some of the irrigated fields, installed new water lines for stock watering infrastructure, installed new sprinkler irrigation systems, and installed stormwater management systems throughout the Ranch. E. Applicant's engineering consultants designed rehabilitation work on the Wilson & Doll Ditch, and Applicant improved the ditch throughout its length within the Ranch. F. Applicant's engineering consultants prepared proposed water rights accounting for operation of the augmentation plan decreed in the 98CW134 Decree and met with the Division of Water Resources regarding implementing the accounting. G. Applicant applied for and obtained a contract with the Colorado River Water Conservation District for replacement water to be used under the terms of the augmentation plan decreed in the 98CW134 Decree. H. Applicant expended approximately \$400,000 on engineering services for its water rights and water infrastructure projects as described above. Applicant expended approximately \$72,000 on legal services for water rights advice and obtaining the 23CW3075 decree described above. Applicant expended approximately \$12,870,000 on construction services for the improvements to the water systems described above. VI. Names and Addresses of Owners of the Lands Upon Which Any New Diversion or Storage Structure, or Modification to an Existing Diversion or Storage Structure, is or will be Constructed or upon Which Water is or will be Stored, Including any Modification to the Existing Storage Pool. A. United States Bureau of Land Management. Upper Colorado River District Office 2815 H Road Grand Junction, CO 81506 Respectfully submitted this 31st day of January 2025.

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

**23. PURSUANT TO C.R.S., §37-92-302, AS AMENDED, YOU ARE NOTIFIED THAT THE FOLLOWING PAGES COMPRISE A RESUME OF THE APPLICATIONS AND AMENDED APPLICATIONS FILED WITH THE WATER CLERK FOR WATER DIVISION 5 DURING THE MONTH OF JANUARY 2025. 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.**

**25CW3023 EAGLE COUNTY**, *Application for Findings of Reasonable Diligence*. Applicant: Town of Eagle; please direct all correspondence to Applicants' attorneys: Mary Elizabeth Geiger, Garfield & Hecht, P.C., 910 Grand Avenue, Suite 201, Glenwood Springs, CO 81601, (970)947-1936. Applicant requests a finding of reasonable diligence with regard to the water right decreed to: **Hat Creek Feeder Canal**. Prior decrees: Civil Action No. 1529, District Court in and for Water Division No. 5, originally entered by this Court on July 9, 1979. Subsequent findings of reasonable diligence: Case Nos. 10CW216, 03CW239, 95CW49 and 88CW85, District Court in and for Water Division No. 5. Location: the point of diversion is at a headgate located at a point on the right bank of Hat Creek whence the South one quarter corner of Section 22, Township 6 South, Range 83 West of the 6<sup>th</sup> P.M. bears South 87°01' East a distance of 1,442 feet. Such location is also described as a point in the SW ¼ SW ¼ of Section 22, Township 6 South, Range 83 West of the 6<sup>th</sup> P.M. approximately 60 feet from the South section line and 1190 feet from the West section line. *Appropriation Date*: June 10, 1996. *Source*: **Hat Creek, tributary to East Brush Creek, tributary to the Eagle River, tributary to the Colorado River**. Amount: 27.0 c.f.s., conditional, reduced to 10 c.f.s. combined with the Nolan Creek Feeder Canal described below, by decree of this Court in Case No. 17CW3242. *Uses*: to supply water for storage in the Yeoman Park Reservoir for irrigation, domestic, municipal, industrial and other beneficial uses and purposes. *Name and address of owner of land upon which point of diversion will be located*: U.S.F.S., White River National Forest, 900 Grand Ave., Glenwood Springs, CO 81601. Applicant requests a finding of reasonable diligence with regard to the water right decreed to: **Nolan Creek Feeder Canal**. Prior Decrees: Civil Action No. 1529, District Court in and for Water Division



No. 5, originally entered by this Court on July 8, 1979. Subsequent findings of reasonable diligence: Case Nos. 10CW216, 03CW239, 95CW49 and 88CW85, District Court in and for Water Division No. 5. *Location*: the Nolan Creek Feeder Canal has two alternate points of diversion and two headgates, located as follows: Headgate No. 1, located at a point on the left bank of Nolan Creek whence the Southwest corner of Section 15, Township 6 South, Range 83 West of the 6<sup>th</sup> P.M. bears South 88°25' West a distance of 1,810 feet. Such location is also described as a point in the SE ¼ SW ¼, Section 15, Township 6 South, Range 83 West of the 6<sup>th</sup> P.M. approximately 70 feet from the South section line and 1810 feet from the West section line. Headgate No. 2, located at a point on the left bank of an unnamed tributary of East Brush Creek whence the South one quarter corner of Section 22, Township 6 South, Range 83 West of the 6<sup>th</sup> P.M. bears South 50°12' West a distance of 1,087 feet. Such location is also described as a point in the SW ¼ SE ¼, Section 22, Township 6 South, Range 83 West of the 6<sup>th</sup> P.M. approximately 710 feet from the South section line and 1810 feet from the East section line *Source*: Nolan Creek and an unnamed tributary to East Brush Creek, both tributary to East Brush Creek, tributary to Brush Creek, tributary to the Eagle River, tributary to the Colorado River. *Appropriation date*: June 10, 1966. *Amount*: 38.0 c.f.s., conditional, reduced to 10 c.f.s. in combination with the Hat Creek Feeder Canal described above, by decree entered by this Court in Case No. 17CW3242. *Uses*: to divert water for storage in the Yeoman Park Reservoir for irrigation, domestic, municipal, industrial and other beneficial uses and purposes. *Owner of land upon which point of diversion will be located*: U.S.F.S., White River National Forest, 900 Grand Ave., Glenwood Springs, CO 81601. *Applicant requests a finding of reasonable diligence with regard to the water right decreed to: Yeoman Park Reservoir. Prior decrees*: Case No. 81CW348, District Court in and for Water Division No. 5, originally entered by this Court on June 18, 1986. *Subsequent findings of reasonable diligence*: Case Nos. 11CW99, 02CW303, and 96CW164, District Court in and for Water Division No. 5. *Location*: the dam intersects the right abutment at a point whence the N ¼ corner of Section 27, Township 6 South, Range 83 West of the 6<sup>th</sup> P.M. bears North 35°45' West 1652 feet also being described as 1318 feet from the North section line and 1649 feet from the East section line of said Section 27. *Appropriation Date*: July 29, 1981. *Source*: the direct flow of East Brush Cree and tributaries of the same upstream from said damsite, diverted flow from Nolan Creek and unnamed tributaries of East Brush Creek through the Nolan Feeder Canal and Hat Creek through the Hat Creek Feeder Canal, tributary to the Eagle River, tributary to the Colorado River. *Amount*: 6700 acre feet, conditional, reduced to 450 acre feet by decree of this Court entered in Case No. 17CW3242. *Proposed uses*: irrigation, recreation, municipal, domestic and industrial purposes. *Name and address of owner of land upon which point of diversion will be located*: U.S.F.S., White River National Forest, 900 Grand Ave., Glenwood Springs, CO 81601. The Application includes a detailed description of activities undertaken during the diligence period toward the application of the remaining subject conditional water rights to beneficial use. (6 pages).

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

**24. PURSUANT TO C.R.S., §37-92-302, AS AMENDED, YOU ARE NOTIFIED THAT THE FOLLOWING PAGES COMPRISE A RESUME OF THE APPLICATIONS AND AMENDED APPLICATIONS FILED WITH THE WATER CLERK FOR WATER DIVISION 5 DURING THE MONTH OF JANUARY 2025. *The water right claimed by this application may affect in priority any water right claimed or heretofore adjudicated within this division and owners of affected rights must appear to object and protest within the time provided by statute or be forever barred.***

**24CW3093 IN EAGLE COUNTY, COLORADO, THE COLORADO RIVER. SECOND AMENDED APPLICATION FOR WATER STORAGE RIGHT, UNDERGROUND WATER RIGHT, SURFACE WATER RIGHTS, AND APPROVAL OF PLAN FOR AUGMENTATION, INCLUDING WATER EXCHANGE PROJECT. Applicant's contact information**: Fleeger Family First Limited Partnership, 6640 Spring Valley Road, Dallas, Texas 75254. Please direct all correspondence, motions, and pleadings to Michael J. Sawyer or Danielle T. Skinner, KARP NEU HANLON, P.C., 201 14th Street, Suite 200, P.O. Drawer 2030, Glenwood Springs, CO 81602, (970) 945-2261. **FIRST CLAIM: FOR WATER STORAGE RIGHT. Name of Reservoir**: *Rocking F Pond System. Legal description*: The Rocking F Pond System consists of a series of two lined ponds with an interconnecting lined water feature on Applicant's property. The Rocking F Pond System is located in the SE1/4 NW1/4 of Section 8, Township 2 South, Range 83 West of the 6<sup>th</sup> P.M., within the upper and lower termini, described as: Upper Pond System Terminus: UTM NAD83 Zone 13 Easting 353550, Northing 4417613. Lower Pond System Terminus: UTM NAD83 Zone 13 Easting 353573, Northing 4417556. Source: Colorado River. If filled from a Ditch: Name of ditch used to fill reservoir and capacity in c.f.s.: Bailey Bottom Ditch, Rocking F Enlargement, 1.3 c.f.s. Legal description of point of diversion: The point of diversion is in the NE1/4 NW1/4 of Section 8, Township 2 South, Range 83 West of the 6<sup>th</sup> P.M., at the following UTM Coordinates: Easting 353546, Northing 4417957, Zone 13, NAD 83. Name of ditch used to fill reservoir and capacity in c.f.s.: Orndoff Diversion Point No. 1, Rocking F Enlargement, 1.3 c.f.s. Legal description of point of diversion: The Orndoff Diversion Point No. 1 is located in the NW1/4 SE1/4 of Section 8, Township 2 South, Range 83 West of the 6<sup>th</sup> P.M. at a point 2,400 feet West of the East line and 2,000 feet North of the South line of said Section 8, at the following UTM coordinates: Easting 353651, Northing 4417300, Zone 13, NAD 83. Appropriation: Date of Appropriation: June 1, 2023. How appropriation was initiated: Construction of the Pond System. Amount claimed: 6.08 acre-feet, conditional, with the right to fill and refill in priority or as augmented. Rate of diversion for filling the reservoir: 1.3 c.f.s. Uses: Aesthetic, fire protection, piscatorial, and recreation. Surface area of high water line of Pond System: 0.87 acre. Maximum height of Upper Pond dam: Less than 10 feet. Length of Upper Pond dam: 290 feet. Maximum height of Lower Pond dam: Less than 10 feet. Length of Lower Pond dam: 280 feet. Total capacity of Pond System: 6.08 acre-feet. Active capacity: 6.08 acre-feet. Dead storage: 0 acre-feet. Applicant owns the land on which

the Pond System is located and where the water is put to beneficial use. **SECOND CLAIM: FOR UNDERGROUND WATER RIGHT.** Name of Structure: *Rocking F Well.* Legal description: The well is located in the SE1/4 NW1/4 of Section 8, Township 2 South, Range 83 West of the 6th P.M., at the following UTM coordinates: Easting 353415, Northing 4417627, Zone 13, NAD 83. Source: groundwater tributary to the Colorado River. Appropriation: Date of Appropriation: May 9, 2023. How appropriation was initiated: Application for Monitoring Well Permit. Amount claimed: 3.23 acre-feet, conditional. Uses: Irrigation and domestic uses inside two single family residences and at a pavilion with kitchen and comfort facilities, to maintain one pool and two hot tubs full (initial fill for pool and hot tubs will occur with hauled water on an annual basis). Depth: 140 feet. Applicant owns the land on which the Well is located and where the water will be put to beneficial use. Remarks: This well has been operating pursuant to Monitoring Well Permit No. 330606. In the future, this well will operate pursuant to the plan for augmentation described herein and a new well permit to be obtained following entry of the decree requested herein. **THIRD CLAIM: FOR SURFACE WATER RIGHT.** Name of Diversion: *Orndoff Diversion Point No. 1, Rocking F Enlargement.* Legal description: The Orndoff Diversion Point No. 1 is located in the NW1/4 SE1/4 of Section 8, Township 2 South, Range 83 West of the 6th P.M. at a point 2,400 feet West of the East line and 2,000 feet North of the South line of said Section 8, at the following UTM coordinates: Easting 353651, Northing 4417300, Zone 13, NAD 83. Source: Colorado River. Appropriation: Date of Appropriation: June 1, 2023. How appropriation was initiated: Installation of new pump with increased capacity. Amount claimed: 1.3 c.f.s., conditional. Uses: Irrigation, storage and replacement of evaporation which will occur in the Rocking F Pond System, and dust suppression. Applicant owns the land on which the Orndoff Diversion Point No. 1 is located and where the water will be put to beneficial use. **FOURTH CLAIM: FOR SURFACE WATER RIGHT.** Name of Diversion: *Bailey Bottom Ditch, Rocking F Enlargement.* Legal description: The point of diversion is in the NE1/4 NW1/4 of Section 8, Township 2 South, Range 83 West of the 6th P.M., at the following UTM Coordinates: Easting 353546, Northing 4417957, Zone 13, NAD 83. Source: Colorado River. Appropriation Date: June 1, 2023. How appropriation was initiated: Installation of new pump with increased capacity. Amount claimed: 1.3 c.f.s., conditional. Uses: Irrigation, storage and replacement of evaporation which will occur in the Rocking F Pond System, and dust suppression. Applicant owns the land on which the Bailey Bottom Ditch is located and where the water will be put to beneficial use. **FIFTH CLAIM: FOR APPROVAL OF PLAN FOR AUGMENTATION, INCLUDING WATER EXCHANGE PROJECT.** The Applicant requests approval of a plan for augmentation, including water exchange project, as more fully described herein. Names of structures to be augmented: Rocking F Pond System: See First Claim for Relief. Rocking F Well: See Second Claim for Relief. Orndoff Diversion Point No. 1, Rocking F Enlargement: See Third Claim for Relief. Bailey Bottom Ditch, Rocking F Enlargement: See Fourth Claim for Relief. Water rights to be used for augmentation: Colorado River Water Conservancy District ("River District") Allotment Contract: Pursuant to Applicant's water allotment contracts, 12.0 acre-feet of the River District's Colorado River Supply Sources will be made available to Applicant for augmentation. River District's Colorado River Supply Sources: Wolford Mountain Reservoir. The River District owns and operates Wolford Mountain Reservoir (f/k/a Gunsight Pass Reservoir) which has the following water rights. (1) Case No. 87CW283: Decree Date: November 20, 1989. Name of Structure: Gunsight Pass Reservoir. Legal description of place of storage: The dam is located in the SW1/4 of the NE1/4 of Section 25, T. 2 N., R. 81 W., 6th P.M. The intersection of the dam axis with the right abutment will occur at a point which bears S. 54°54'20" E. a distance of 3,716.46 feet from the NW Corner of said Section 25. Source: Muddy Creek and its tributaries, all tributary to the Colorado River. Amount: 59,993 acre feet conditional; of this amount, 32,986 acre feet were made absolute for piscatorial and recreational uses by decree entered in Water Court Case No. 95CW251, and the full amount was made absolute for all purposes by decree entered in Water Court Case No. 02CW107. Appropriation Date: December 14, 1987. Use: All beneficial uses, including but not limited to domestic, municipal, agricultural and recreational uses, which uses satisfy the requirements of the Windy Gap Settlement made with the Municipal Subdistrict of the Northern Colorado Water Conservancy District; use to meet the water requirements of the inhabitants of the River District for all uses, including uses in the Middle Park area; and use to meet the terms of a lease agreement executed March 3, 1987 between the River District and the City and County of Denver. (2) Case No. 95CW281: Decree Date: August 26, 1997. Name of Structure: Wolford Mountain Reservoir Enlargement. Legal description of place of storage: The dam is located in the SW1/4 of the NE1/4 of Section 25, T. 2 N., R. 81 W., 6th P.M. The as-built intersection of the dam axis (Sta. D19+35.61) with the West Access Road (Sta. WR50+55.05), as shown on the Colorado River Water Conservation District, Wolford Mountain Project, Ritschard Dam construction drawing "Dimensional Dam Layout" sheet 8 of 94, occurs at a point which bears S. 53°24'56" E. a distance of 3,395.51 feet from the NW Corner of said Section 25; the bearing of said dam axis from Sta. 19+35.61 to Sta. 0+00 being S. 75° 28' 29" E. Source: Muddy Creek and its tributaries, all tributary to the Colorado River. Amount: 6,000 acre feet, conditional. Appropriation Date: January 16, 1995. Use: All beneficial uses by and for the benefit of the inhabitants of the Colorado River Water Conservation District, including but not limited to domestic, municipal, industrial, irrigation, agricultural, piscatorial and recreational; such uses will include environmental mitigation, including environmental mitigation requirements associated with the Wolford Mountain Project; such uses will be made directly or by substitution, augmentation, or exchange. None of the water stored in the exercise of the right will be delivered directly or by exchange, substitution, or otherwise for use outside of Colorado Water Division No. 5. (3) Case No. 98CW237: Decree Date: July 6, 2000. Name of Structure: Wolford Mountain Reservoir. Legal Description of place of storage: Same as for 95CW281. Source: Muddy Creek and its tributaries, all tributary to the Colorado River. Amount: 30,000 acre feet conditional, with 15,895 acre feet being absolute for recreational and piscatorial and flood control. Appropriation Date: November 17, 1998. Use: Certain of the beneficial uses previously adjudicated for Wolford Mountain Reservoir in Case No. 87CW283, District Court for Colorado Water Division No. 5 (November 20, 1989 Judgment and Decree), and Case No. 95CW281, District Court for Colorado Water Division No. 5 (August 26, 1997 Judgment and Decree). 87CW283: The reservoir will be used to satisfy the requirements of the Windy Gap Settlement made with the Municipal Subdistrict of the Northern Colorado Water Conservancy District. This will involve all uses, including but not limited to domestic, municipal, agricultural, and recreational uses. The reservoir will also be used to meet the water requirements of the inhabitants of the River District for all uses, including uses in the

Middle Park area. 95CW281: All beneficial uses by and for the benefit of the inhabitants of the Colorado River Water Conservation District, including but not limited to domestic, municipal, industrial, irrigation, agricultural, piscatorial and recreational; such uses will include environmental mitigation, including environmental mitigation requirements associated with the Wolford Mountain Reservoir Project; such uses will be made directly or by substitution, augmentation, or exchange. Remarks: The Refill Right described herein will be exercised to provide supply for the Western Slope uses of water from Wolford Mountain Reservoir described above, including flood control, other operational purposes, and environmental mitigation and enhancement for the benefit of uses within the District. The Refill Right will not be used in conjunction with the Reservoir capacity (24,000 a.f.) which is allocated for the supply of water to the Denver Board of Water Commissioners under Applicant's contractual relationship with Denver, or the Reservoir capacity (6,000 AF) which is allocated for Colorado River endangered fish releases. (4) Case No. 03CW302: Decree Date: October 19, 2014. Name of Structure: Wolford Mountain Reservoir Second Enlargement. Legal description of place of storage: The dam is located in the SW1/4 of the NE1/4 of Section 25, T. 2 N., R. 81 W., 6th P.M. The as-built intersection of the dam axis (Sta. D19+35.61) with the West Access Road (Sta. WR50+55.05), as shown on the Colorado River Water Conservation District, Wolford Mountain Project, Ritschard Dam construction drawing "Dimensional Dam Layout" sheet 8 of 94, occurs at a point which bears S. 53°24'56" E. a distance of 3,395.51 feet from the NW Corner of said Section 25; the bearing of said dam axis from Sta. 19+35.61 to Sta. 0+00 being S. 75°28'29" E. Source: Muddy Creek and its tributaries, all tributary to the Colorado River. Amount: The amount is 9,775 acre feet, for the initial fill, with the right to refill when in priority subject to a maximum amount of 9,775 acre feet, conditional. Appropriation Date: November 17, 2003. Uses: a. The WMR Second Enlargement storage right may be used for the purposes previously decreed to the Wolford Mountain Reservoir, including uses consistent with the Windy Gap Settlement made with the Municipal Subdistrict of the Northern Colorado Water Conservancy District; meeting the water requirements of the inhabitants of the River District for all uses; and uses consistent with the terms of a lease agreement executed March 3, 1987, between the River District and the City and County of Denver, as amended. b. The WMR Second Enlargement storage right also may be used for all beneficial uses, including but not limited to municipal, commercial, industrial, domestic, irrigation, agricultural, livestock, hydro-power production, evaporation, piscatorial and recreational (including in-reservoir and in-river fish habitat and river flow maintenance and enhancement uses, and uses in furtherance of the Upper Colorado River Basin Fishes Recovery Program) with the right to reuse and successively use the water to extinction; such uses will include environmental mitigation, including environmental mitigation requirements associated with the Wolford Mountain Reservoir Project; such uses will be made directly or by substitution, augmentation, replacement or exchange in Water Divisions 1, 2, and/or 5. c. Agreed Constraints on Use. Pursuant to the February 12, 2014, stipulation entered in this case between the River District and the GVWUA, the UWCD, and the OMID, the River District agrees that it will make water stored pursuant to the WMR Second Enlargement storage right available for uses within or to facilitate the diversion of water from Water Division No. 5 into Water Division No. 1 or Water Division 2 only pursuant to, and subject to the terms, of the express written consent of the GVWUA, the UWCD, and the OMID. Pursuant to paragraph III.E.19 of the CRCA, any use of the WMR Second Enlargement storage right for the benefit of Denver Water will require the prior approval of the Grand County Commissioners and the River District. (5) PLSS: The dam is located in the SW1/4 of the NE1/4 of Section 25, T. 2 N., R. 81 W., 6th P.M. The as-built intersection of the dam axis (Sta. D19+35.61) with the West Access Road (Sta. WR50+55.05), as shown on the Colorado River Water Conservation District, Wolford Mountain Project, Ritschard Dam construction drawing "Dimensional Dam Layout" sheet 8 of 94, occurs at a point 1,940 feet South of North section line and 2,760 feet East of the West section line of said Section 25. Ruedi Reservoir. The River District holds Contracts No. 009D6C0111 (500 AF), 009D6C0118 (700 AF), 039F6C0011 (530 AF), 079D6C0106 (5,000 AF), and 139D6C0101 (4,683.5 AF) from the United States Bureau of Reclamation for 11,413.5 acre feet of annual supply from Ruedi Reservoir. This water will be used in addition to and substitution for Wolford Mountain Reservoir water in appropriate circumstances where Ruedi water is physically equivalent to Wolford water. Legal description of place of storage: Ruedi Reservoir is located in Sections 7, 8, 9, 11 and 14 through 18, T. 8 S., R. 84 W., 6th P.M., in Eagle and Pitkin Counties. The dam axis intersects the right abutment at a point whence the SW corner of Section 7, T. 8 S., R. 84 W. of the 6th P.M. bears N. 82°10'W. a distance of 1,285 feet. Source: Fryingpan River. Previous storage decrees: Civil Action No. 4613: Decree Date: June 20, 1958. Court: Garfield County District Court. Amount: 140,697.3 acre feet, reduced to 102,369 acre feet pursuant to order of the Water Court in Case No. W-789-76. The full amount was made absolute in Case No. 88CW85. Appropriation Date: July 29, 1957. Use: Domestic, municipal, irrigation, industrial, generation of electrical energy, stock watering and piscatorial. (b) Case No. 81CW34: Decree Date: April 8, 1985. Court: District Court, Water Div. No. 5. Amount: 101,280 acre feet (refill); of this amount, 44,509 acre feet were made absolute in Case No. 95CW95 and 25,257 acre feet were made absolute in Case No. 01CW269, for a total of 69,766 acre feet absolute. Appropriation Date: January 22, 1981. Use: Irrigation, domestic, municipal, generation of electrical energy, stock watering, industrial, piscatorial, recreation and maintenance of sufficient storage reserves to fulfill contractual obligations and provide stored water for recreation in times of drought. (4) PLSS: Ruedi Reservoir is located in Sections 7, 8, 9, 11 and 14 through 18, T. 8 S., R. 84 W., 6th P.M., in Eagle and Pitkin Counties. The dam axis intersects the right abutment at a point 130 feet South of the North section line and 1,280 feet East of the West section line of Section 7, T. 8 S., R. 84 W. of the 6th P.M. Complete statement of plan for augmentation: Background: Applicant owns property on the Colorado River near Bond, Colorado, in Eagle County. The property has been historically irrigated using senior irrigation rights via the Bailey Bottom Ditch and Orndoff Diversion Point No. 1. Applicant's senior irrigation rights are not a part of this Application. This augmentation plan will replace the out-of-priority depletions from new water uses on the property including domestic uses from an onsite well, irrigation, pond evaporation, and dust suppression uses from junior surface water rights. Water requirements: Table 1, attached to the Application, presents the total water demands and depletions covered by the plan for augmentation. Demands and depletions were estimated for all water uses and separated between the surface water supply and the well water supply. Applicant's consulting engineer calculated the annual evaporation rate using the annual gross surface water evaporation of 39 inches per year from the NOAA Technical Report NWS 33 methodology as incorporated in the Division

of Water Resources' Map Viewer website. Using this methodology, the annual gross unit evaporation was found to be 3.25 acre-feet of evaporation per acre. Irrigation is assumed to have a 75% efficiency and a consumptive use of 2.34 acre feet per acre per year. The demands and depletions (including lagged depletions) for the water uses covered by the plan are described on Table 1. Total out-of-priority depletions are 9.94 acre feet with an available Colorado River Water Conservation District contract supply of 12.0 acre feet. Call operation: Column (16) of Table 1 presents the potential downstream call scenario that requires augmentation. Out-of-priority depletions will be augmented using water supplies that are upstream of the calling water right. When an administrative call originating downstream of the Property is being enforced, water stored in Wolford Mountain can be released to replace out-of-priority depletions during a Shoshone or Cameo Call, and water in Ruedi Reservoir can be released to replace out-of-priority depletions during a Cameo Call. Table 1, Column (17) shows the timing of the out-of-priority depletions and how reservoir contract water from the Colorado River Water Conservation District can be used to augment these depletions. Replacement water released from Ruedi Reservoir to augment a Cameo Call can be exchanged up to Applicant's Property pursuant to the appropriate rights of exchange when in priority. Remarks: Applicant owns the land on which the augmented water rights will be located and where the water will be put to beneficial use. **SIXTH CLAIM: FOR WATER EXCHANGE PROJECT.** The Applicant requests confirmation of a conditional Water Exchange Project, as more fully described herein. Lower Terminus: The confluence of the Roaring Fork River and the Fryingpan River located in the SW ¼ SE ¼ of Section 7, Township 8 South, Range 86 West, of the 6<sup>th</sup> P.M., at a point 647 feet from the South section line and 1,475 feet from the East section line (Eagle and Pitkin Counties), UTM Zone 13 NAD 83 coordinates: Northing 4359437, Easting 324739. Upper Terminus: Orndoff Diversion Point No. 1. Bailey Bottom Ditch. Rocking F Well. Source: Water attributable to the River District's interest in Ruedi Reservoir, as described in paragraph 12.D above. Date of appropriation: June 28, 2024. How appropriation was initiated: Application to River District. Maximum volume and rate: 12.0 acre-feet, annually, at a maximum rate of 0.034 c.f.s., conditional. Use: Exchange to implement the plan for augmentation requested in the Fifth Claim above. Remarks: Applicant will operate the exchange when it is in priority. The following exhibits are on file with the Water Court: map depicting the location of the Applicant's structures (Exhibit A), and a table (Table 1) outlining demands and depletions. (pp. 15 with exhibits).

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

**25. PURSUANT TO C.R.S., §37-92-302, AS AMENDED, YOU ARE NOTIFIED THAT THE FOLLOWING PAGES COMPRISE A RESUME OF THE APPLICATIONS AND AMENDED APPLICATIONS FILED WITH THE WATER CLERK FOR WATER DIVISION 5 DURING THE MONTH OF JANUARY 2025. *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.***

**22CW3044 IN PITKIN COUNTY, COLORADO, THE ROARING FORK RIVER, TRIBUTARY TO THE COLORADO RIVER. AMENDMENT TO FIRST AMENDED APPLICATION FOR WATER STORAGE RIGHTS, CHANGE OF WATER RIGHTS, AND APPROVAL OF PLAN FOR AUGMENTATION, INCLUDING WATER EXCHANGE PROJECT.** Applicants' contact information: Patrick T. Lally and Valerie Lally, PO Box 2546, Aspen, Colorado 81612; George I. Hodor and Ellen Hodor, PO Box 1026, Aspen, Colorado 81612; EWG Aspen, LLC, 2229 San Felipe St., #1200, Houston, Texas 77019. Please direct all pleadings and correspondence to Michael J. Sawyer or Danielle T. Skinner, KARP NEU HANLON, P.C., 201 14<sup>th</sup> Street, Suite 200, P.O. Drawer 2030, Glenwood Springs, CO 81602, (970) 945-2261. **FIRST CLAIM: FOR WATER STORAGE RIGHT.** Name of reservoir: Lally Pond No. 1. Legal description: The pond is located in the SE1/4 of the SW1/4 of Section 15, Township 9 South, Range 85 West of the 6<sup>th</sup> P.M. at the following UTM coordinates: Easting 338471, Northing 4347905, Zone 13, NAD 83. Source: Applicants will divert the Storage Right for the Lally Pond No. 1 from the Roaring Fork River, tributary to the Colorado River and deliver that water through the Salvation Ditch and an existing lateral pipeline that provides water to the White Star Ranches subdivision. Name of ditch used to fill reservoir and capacity in c.f.s.: Salvation Ditch, with a decreed capacity of 58 c.f.s. Legal description of point of diversion: The decreed point of diversion for the Salvation Ditch is on the north bank of the Roaring Fork River at a point from whence the East quarter corner of Section 7 in Township 10 South, Range 84 West of the 6<sup>th</sup> Principal Meridian bears North 2°48' West 5,633.4 feet. Appropriation: Date of Appropriation: May 31, 2022. How appropriation was initiated: Filing of the Application. Amount claimed: 0.0695 acre-feet, conditional. Rate of diversion for filling the reservoir: The combined rate of fill for Lally Ponds Nos. 1 – 2 is 0.38 c.f.s. No flow-through right is claimed herein, but Applicants may have return flows from the changed water rights in this case flow through the pond. Uses: Aesthetic, fire protection, piscatorial, and recreation. Lally Pond No. 1 will also be used as a head stabilization pond to allow for pressurized irrigation of water diverted from the Salvation Ditch. Irrigation water may be delivered to Lally Pond No. 1 from the Salvation Ditch associated with shares owned by the White Star Ranches Homeowners Association. Lawn and garden irrigation will occur on the property of Applicants Patrick T. Lally and Valerie Lally so long as the total irrigation on the Lally, Hodor, and EWG Aspen properties does not exceed 40.836 acres (44.15 acres of historic irrigation less 3.314 acres of dry up). Applicants shall place all such water temporarily stored in the pond to beneficial use for irrigation purposes within 72 hours. Applicants shall not use the junior Storage Right for irrigation use and will measure and account for water made available under its senior Salvation Ditch rights for irrigation through the pond as required by the Division Engineer and by the terms and conditions decreed herein. Surface area of high water line: 0.035 acres. Maximum height of dam: Less than 10 feet. Length of dam: 75 feet. Total capacity of reservoir: 0.0695 acre-feet. Active capacity: 0.0695 acre-feet. Dead storage: 0 acre-feet. Remark: Salvation Ditch water that historically benefitted other

properties in White Star Ranches will not be stored for any purpose in Lally Pond No. 1 and consistent with historic operations will flow through Lally Pond No. 1 unconsumed for subsequent irrigation use on other properties. The name and address of the owner of the land upon which the pond is built: Applicants Patrick T. Lally and Valerie Lally. **SECOND CLAIM: FOR WATER STORAGE RIGHT.** Name of reservoir: Lally Pond No. 2. Legal description: The pond is located in the SE1/4 of the SW1/4 of Section 15, Township 9 South, Range 85 West of the 6th P.M. at the following UTM coordinates: Easting 338452, Northing 4347867, Zone 13, NAD 83. Source: Applicants will divert the Storage Right for the Lally Pond No. 2 from the Roaring Fork River, tributary to the Colorado River and deliver that water through the Salvation Ditch and an existing lateral pipeline that provides water to the White Star Ranches subdivision. Name of ditch used to fill reservoir and capacity in c.f.s.: Salvation Ditch, See FIRST CLAIM. Appropriation: Date of Appropriation: May 31, 2022. How appropriation was initiated: Filing of the Application. Amount claimed: 0.7809 acre-feet, conditional. Rate of diversion for filling the reservoir: The combined rate of fill for Lally Ponds Nos. 1 – 2 is 0.38 c.f.s. No flow-through right is claimed herein, but Applicants may have return flows from the changed water rights in this case flow through the pond. Uses: Aesthetic, fire protection, piscatorial, and recreation. Lally Pond No. 2 will also be used as a head stabilization pond to allow for pressurized irrigation of water diverted from the Salvation Ditch. Irrigation water may be delivered to Lally Pond No. 2 from the Salvation Ditch associated with shares owned by the White Star Ranches Homeowners Association. Lawn and garden irrigation will occur on the property of Applicants Patrick T. Lally and Valerie Lally so long as the total irrigation on the Lally, Hodor, and EWG Aspen properties does not exceed 40.836 acres (44.15 acres of historic irrigation less 3.314 acres of dry up). Applicants shall place all such water temporarily stored in the pond to beneficial use for irrigation purposes within 72 hours. Applicants shall not use the junior Storage Right for irrigation use and will measure and account for water made available under its senior Salvation Ditch rights for irrigation through the pond as required by the Division Engineer and by the terms and conditions decreed herein. Surface area of high water line: 0.234 acres. Maximum height of dam: Less than 10 feet. Length of dam: 200 feet. Total capacity of reservoir: 0.7809 acre-feet. Active capacity: 0.7809 acre-feet. Dead storage: 0 acre-feet. Remark: Salvation Ditch water that historically benefitted other properties in White Star Ranches will not be stored for any purpose in Lally Pond No. 2 and consistent with historic operations will flow through Lally Pond No. 2 unconsumed for subsequent irrigation use on other properties. The name and address of the landowner upon which the pond will be built: Applicants Patrick T. Lally and Valerie Lally. **THIRD CLAIM: FOR WATER STORAGE RIGHT.** Name of reservoir: Hodor Pond No. 1. Legal description: The pond is located in the NE1/4 of the NW1/4 of Section 22, Township 9 South, Range 85 West of the 6th P.M. at the following UTM coordinates: Easting 338747, Northing 4347417, Zone 13, NAD 83. Source: Applicants will divert the Storage Right for the Hodor Pond No. 1 from: (a) the Roaring Fork River, tributary to the Colorado River and deliver that water through the Salvation Ditch and an existing lateral pipeline that provides water to the White Star Ranches subdivision; and (b) the Frantz Spring, a natural spring tributary to the Roaring Fork River, tributary to the Colorado River. Names of structures used to fill reservoir and capacities in c.f.s.: (a) Salvation Ditch, with a decreed capacity of 58 c.f.s.; and (b) Frantz Spring, with a decreed capacity of 0.5 c.f.s. Legal description of point of diversion of Salvation Ditch: See FIRST CLAIM. Legal description of point of diversion of Frantz Spring: The spring is located in the NW1/4 of the NE1/4, Section 22, Township 9 South, Range 85 West of the 6<sup>th</sup> P.M., 1167 feet south of the North section line and 1552 feet west of the East section line of said Section 22 (Pitkin County). Appropriation: Date of Appropriation: May 31, 2022. How appropriation was initiated: Filing of the Application. Amount claimed: 0.0088 acre-feet, conditional. Rate of diversion for filling the reservoir: The combined rate of fill for Hodor Ponds Nos. 1 – 4 is 0.38 c.f.s. from the Salvation Ditch and 0.5 c.f.s. from the Frantz Spring. No flow-through right is claimed herein, but Applicants may have return flows from the changed water rights in this case flow through the pond. Uses: Aesthetic, fire protection, piscatorial, and recreation. Hodor Pond No. 1 will also be used as a head stabilization pond to allow for pressurized irrigation of water diverted from the Salvation Ditch. Irrigation water may be delivered to Hodor Pond No. 1 from the Salvation Ditch associated with shares owned by the White Star Ranches Homeowners Association. Lawn and garden irrigation will occur on the property of Applicants George I. Hodor and Ellen Hodor so long as the total irrigation on the Hodor, Lally and EWG Aspen properties does not exceed 40.836 acres (44.15 acres of historic irrigation less 3.314 acres of dry up). Applicants shall place all such water temporarily stored in the pond to beneficial use for irrigation purposes within 72 hours. Applicants shall not use the junior Storage Right for irrigation use, and will measure and account for water made available under its senior Salvation Ditch rights for irrigation through the pond as required by the Division Engineer and by the terms and conditions decreed herein. Surface area of high water line: 0.007 acres. Maximum height of dam: Less than 10 feet. Length of dam: 12 feet. Total capacity of reservoir: 0.0088 acre-feet. Active capacity: 0.0088 acre-feet. Dead storage: 0 acre-feet. Remarks: At times of a local call, including a call from the Colorado Water Conservation Board's instream flow rights, not replaced by releases from Ruedi Reservoir, flows at the Frantz Spring will be bypassed to prevent Frantz Spring water from entering the Hodor Ponds. Salvation Ditch water that historically benefitted other properties in White Star Ranches will not be stored for any purpose in Hodor Pond No. 1 and consistent with historic operations will flow through Hodor Pond No. 1 unconsumed for subsequent irrigation use on other properties. Water from the Frantz Spring used to fill the Hodor Pond No. 1 is overflow water arising on a neighboring parcel. This source of fill shall be administered as a wastewater right with the owner of the Hodor property having no right to place an administrative call on the Frantz Spring. The name and address of the landowner upon which the pond will be built: Applicants George I. Hodor and Ellen Hodor. Landowner upon which the Frantz Spring is located is Lisa Maria Swalm Trust. **FOURTH CLAIM: FOR WATER STORAGE RIGHT.** Name of reservoir: Hodor Pond No. 2. Legal description: The pond is located in the NE1/4 of the NW1/4 of Section 22, Township 9 South, Range 85 West of the 6th P.M. at the following UTM coordinates: Easting 338775, Northing 4347416, Zone 13, NAD 83. Source: Applicants will divert the Storage Right for the Hodor Pond No. 2 from: (a) the Roaring Fork River, tributary to the Colorado River and deliver that water through the Salvation Ditch and an existing lateral pipeline that provides water to the White Star Ranches subdivision; and (b) the Frantz Spring, a natural spring tributary to the Roaring Fork River, tributary to the Colorado River. Name of structures used to fill reservoir and capacities in c.f.s.: (a) Salvation Ditch, with a decreed capacity of 58 c.f.s.; and (b) Frantz Spring, with a decreed capacity of 0.5 c.f.s. Legal

description of point of diversion of Salvation Ditch: See FIRST CLAIM. Legal description of point of diversion of Frantz Spring: See THIRD CLAIM. Appropriation: Date of Appropriation: May 31, 2022. How appropriation was initiated: Filing of the Application. Amount claimed: 0.0150 acre-feet, conditional. Rate of diversion for filling the reservoir: The combined rate of fill for the Hodor Ponds Nos. 1 – 4 is 0.38 c.f.s. from the Salvation Ditch and 0.5 c.f.s. from the Frantz Spring. No flow-through right is claimed herein, but Applicants may have return flows from the changed water rights in this case flow through the pond. Uses: Aesthetic, fire protection, piscatorial, and recreation. Hodor Pond No. 2 will also be used as a head stabilization pond to allow for pressurized irrigation of water diverted from the Salvation Ditch. Irrigation water may be delivered to Hodor Pond No. 2 from the Salvation Ditch associated with shares owned by the White Star Ranches Homeowners Association. Lawn and garden irrigation will occur on the property of Applicants George I. Hodor and Ellen Hodor so long as the total irrigation on the Hodor, Lally and EWG Aspen properties does not exceed 40.836 acres (44.15 acres of historic irrigation less 3.314 acres of dry up). Applicants shall place all such water temporarily stored in the pond to beneficial use for irrigation purposes within 72 hours. Applicants shall not use the junior Storage Right for irrigation use, and will measure and account for water made available under its senior Salvation Ditch rights for irrigation through the pond as required by the Division Engineer and by the terms and conditions decreed herein. Surface area of high water line: 0.007 acres. Maximum height of dam: Less than 10 feet. Length of dam: 35 feet. Total capacity of reservoir: 0.0150 acre-feet. Active capacity: 0.0150 acre-feet. Dead storage: 0 acre-feet. Remarks: At times of a local call, including a call from the Colorado Water Conservation Board's instream flow rights, not replaced by releases from Ruedi Reservoir, flows at the Frantz Spring will be bypassed to prevent Frantz Spring water from entering the Hodor Ponds. Salvation Ditch water that historically benefitted other properties in White Star Ranches will not be stored for any purpose in Hodor Pond No. 2 and consistent with historic operations will flow through Hodor Pond No. 2 unconsumed for subsequent irrigation use on other properties. Water from the Frantz Spring used to fill the Hodor Pond No. 2 is overflow water arising on a neighboring parcel. This source of fill shall be administered as a wastewater right with the owner of the Hodor property having no right to place an administrative call on the Frantz Spring. The name and address of the landowner upon which the pond will be built: Applicants George I. Hodor and Ellen Hodor. Landowner upon which the Frantz Spring is located is Lisa Maria Swalm Trust. FIFTH CLAIM: FOR WATER STORAGE RIGHT. Name of reservoir: Hodor Pond No. 3. Legal description: The pond is located in the NE1/4 of the NW1/4 of Section 22, Township 9 South, Range 85 West of the 6th P.M. at the following UTM coordinates: Easting 338720, Northing 4347391, Zone 13, NAD 83. Source: Applicants will divert the Storage Right for the Hodor Pond No. 3 from: (a) the Roaring Fork River, tributary to the Colorado River and deliver that water through the Salvation Ditch and an existing lateral pipeline that provides water to the White Star Ranches subdivision; and (b) the Frantz Spring, a natural spring tributary to the Roaring Fork River, tributary to the Colorado River. Name of structures used to fill reservoir and capacities in c.f.s.: (a) Salvation Ditch, with a decreed capacity of 58 c.f.s.; and (b) Frantz Spring, with a decreed capacity of 0.5 c.f.s. Legal description of point of diversion of Salvation Ditch: The decreed point of diversion for the Salvation Ditch is on the See FIRST CLAIM. Legal description of point of diversion of Frantz Spring: See THIRD CLAIM. Appropriation: Date of Appropriation: May 31, 2022. How appropriation was initiated: Filing of the Application. Amount claimed: 0.4488 acre-feet, conditional. Rate of diversion for filling the reservoir: The combined rate of fill for Hodor Ponds Nos. 1 – 4 is 0.38 c.f.s. from the Salvation Ditch and 0.5 c.f.s. from the Frantz Spring. No flow-through right is claimed herein, but Applicants may have return flows from the changed water rights in this case flow through the pond. Uses: Aesthetic, fire protection, piscatorial, and recreation. Hodor Pond No. 3 will also be used as a head stabilization pond to allow for pressurized irrigation of water diverted from the Salvation Ditch. Irrigation water may be delivered to Hodor Pond No. 3 from the Salvation Ditch associated with shares owned by the White Star Ranches Homeowners Association. Lawn and garden irrigation will occur on the property of Applicants George I. Hodor and Ellen Hodor so long as the total irrigation on the Hodor, Lally and EWG Aspen properties does not exceed 40.836 acres (44.15 acres of historic irrigation less 3.314 acres of dry up). Applicants shall place all such water temporarily stored in the pond to beneficial use for irrigation purposes within 72 hours. Applicants shall not use the junior Storage Right for irrigation use, and will measure and account for water made available under its senior Salvation Ditch rights for irrigation through the pond as required by the Division Engineer and by the terms and conditions decreed herein. Surface area of high water line: 0.168 acres. Maximum height of dam: Less than 10 feet. Length of dam: 200 feet. Total capacity of reservoir: 0.4488 acre-feet. Active capacity: 0.4488 acre-feet. Dead storage: 0 acre-feet. Remarks: At times of a local call, including a call from the Colorado Water Conservation Board's instream flow rights, not replaced by releases from Ruedi Reservoir, flows at the Frantz Spring will be bypassed to prevent Frantz Spring water from entering the Hodor Ponds. Salvation Ditch water that historically benefitted other properties in White Star Ranches will not be stored for any purpose in Hodor Pond No. 3 and consistent with historic operations will flow through Hodor Pond No. 3 unconsumed for subsequent irrigation use on other properties. Water from the Frantz Spring used to fill the Hodor Pond No. 3 is overflow water arising on a neighboring parcel. This source of fill shall be administered as a wastewater right with the owner of the Hodor property having no right to place an administrative call on the Frantz Spring. The name and address of the landowner upon which the pond will be built: Applicants George I. Hodor and Ellen Hodor. Landowner upon which the Frantz Spring is located is Lisa Maria Swalm Trust. SIXTH CLAIM: FOR WATER STORAGE RIGHT. Name of reservoir: Hodor Pond No. 4. Legal description: The northwest edge of the pond is located in the NW1/4 of the NE1/4 of Section 22, Township 9 South, Range 85 West of the 6th P.M. at the following UTM coordinates: Easting 338790, Northing 4347304, Zone 13, NAD 83. Source: Applicants will divert the Storage Right for the Hodor Pond No. 4 from: (a) the Roaring Fork River, tributary to the Colorado River and deliver that water through the Salvation Ditch and an existing lateral pipeline that provides water to the White Star Ranches subdivision; and (b) the Frantz Spring, a natural spring tributary to the Roaring Fork River, tributary to the Colorado River. Name of structures used to fill reservoir and capacities in c.f.s.: (a) Salvation Ditch, with a decreed capacity of 58 c.f.s.; and (b) Frantz Spring, with a decreed capacity of 0.5 c.f.s. Legal description of point of diversion of Salvation Ditch: The decreed point of diversion for the Salvation Ditch See FIRST CLAIM. Legal description of point of diversion of Frantz Spring: See THIRD CLAIM. Appropriation: Date of Appropriation: May 31, 2022. How appropriation

was initiated: Filing of the Application. Amount claimed: 0.2537 acre-feet, conditional. Rate of diversion for filling the reservoir: The combined rate of fill for Hodor Ponds Nos. 1 – 4 is 0.38 c.f.s. from the Salvation Ditch and 0.5 c.f.s. from the Frantz Spring. No flow-through right is claimed herein, but Applicants may have return flows from the changed water rights in this case flow through the pond. Uses: Aesthetic, fire protection, piscatorial, and recreation. Hodor Pond No. 4 will also be used as a head stabilization pond to allow for pressurized irrigation of water diverted from the Salvation Ditch. Irrigation water may be delivered to Hodor Pond No. 4 from the Salvation Ditch associated with shares owned by the White Star Ranches Homeowners Association. Lawn and garden irrigation will occur on the property of Applicants George I. Hodor and Ellen Hodor so long as the total irrigation on the Hodor, Lally and EWG Aspen properties does not exceed 40.836 acres (44.15 acres of historic irrigation less 3.314 acres of dry up). Applicants shall place all such water temporarily stored in the pond to beneficial use for irrigation purposes within 72 hours. Applicants shall not use the junior Storage Right for irrigation use, and will measure and account for water made available under its senior Salvation Ditch rights for irrigation through the pond as required by the Division Engineer and by the terms and conditions decreed herein. Surface area of high water line: 0.095 acres. Maximum height of dam: Less than 10 feet. Length of dam: 160 feet. Total capacity of reservoir: 0.2537 acre-feet. Active capacity: 0.2537 acre-feet. Dead storage: 0 acre-feet. Remarks: At times of a local call, including a call from the Colorado Water Conservation Board's instream flow rights, not replaced by releases from Ruedi Reservoir, flows at the Frantz Spring will be bypassed to prevent Frantz Spring water from entering the Hodor Ponds. Salvation Ditch water that historically benefitted other properties in White Star Ranches will not be stored for any purpose in Hodor Pond No. 4 and consistent with historic operations will flow through Hodor Pond No. 4 unconsumed for subsequent irrigation use on other properties. Water from the Frantz Spring used to fill the Hodor Pond No. 4 is overflow water arising on a neighboring parcel. This source of fill shall be administered as a wastewater right with the owner of the Hodor property having no right to place an administrative call on the Frantz Spring. The name and address of the landowner upon which the pond will be built: Applicants George I. Hodor and Ellen Hodor. Landowner upon which the Frantz Spring is located is Lisa Maria Swalm Trust. SEVENTH CLAIM: FOR WATER STORAGE RIGHT. Name of reservoir: Galtney Pond No. 1. Legal description: The pond is located in the SW1/4 of the NE1/4 of Section 22, Township 9 South, Range 85 West of the 6th P.M. at the following UTM coordinates: Easting 339137, Northing 4346951, Zone 13, NAD 83. Source: Applicant will divert the Storage Right for the Galtney Pond No. 1 from the Roaring Fork River, tributary to the Colorado River and deliver that water through the Salvation Ditch and an existing lateral pipeline that provides water to the White Star Ranches subdivision. Name of ditch used to fill reservoir and capacity in c.f.s.: Salvation Ditch, with a decreed capacity of 58 c.f.s. Legal description of point of diversion: See FIRST CLAIM. Appropriation: Date of Appropriation: May 31, 2022. How appropriation was initiated: Filing of the Application. Amount claimed: 0.0359 acre-feet, conditional. Rate of diversion for filling the reservoir: The combined rate of fill for Galtney Ponds Nos. 1 – 3 is 0.38 c.f.s. No flow-through right is claimed herein, but Applicants may have return flows from the changed water rights in this case flow through the pond. Uses: Aesthetic, fire protection, piscatorial, and recreation. Galtney Pond No. 1 will also be used as a head stabilization pond to allow for pressurized irrigation of water diverted from the Salvation Ditch. Irrigation water may be delivered to Galtney Pond No. 1 from the Salvation Ditch associated with shares owned by the White Star Ranches Homeowners Association. Lawn and garden irrigation will occur on the property of Applicant EWG Aspen, LLC so long as the total irrigation on the EWG Aspen, Lally and Hodor properties does not exceed 40.836 acres (44.15 acres of historic irrigation less 3.314 acres of dry up). Applicants shall place all such water temporarily stored in the pond to beneficial use for irrigation purposes within 72 hours. Applicants shall not use the junior Storage Right for irrigation use, and will measure and account for water made available under its senior Salvation Ditch rights for irrigation through the pond as required by the Division Engineer and by the terms and conditions decreed herein. Surface area of high water line: 0.027 acres. Maximum height of dam: Less than 10 feet. Length of dam: 55 feet. Total capacity of reservoir: 0.0359 acre-feet. Active capacity: 0.0359 acre-feet. Dead storage: 0 acre-feet. Remark: Salvation Ditch water is run through Galtney Pond No. 1 for use off property. Salvation Ditch water that historically benefitted other properties in White Star Ranches will not be stored for any purpose in Galtney Pond No. 1 and consistent with historic operations will flow through Galtney Pond No. 1 unconsumed for subsequent irrigation use on other properties. The name and address of the landowner upon which the pond will be built: Applicant EWG Aspen, LLC. EIGHTH CLAIM: FOR WATER STORAGE RIGHT. Name of reservoir: Galtney Pond No. 2. Legal description: The pond is located in the SW1/4 of the NE1/4 of Section 22, Township 9 South, Range 85 West of the 6th P.M. at the following UTM coordinates: Easting 339049, Northing 4346982, Zone 13, NAD 83. Source: Applicant will divert the Storage Right for the Galtney Pond No. 2 from the Roaring Fork River, tributary to the Colorado River and deliver that water through the Salvation Ditch and an existing lateral pipeline that provides water to White Star Ranches subdivision. Name of ditch used to fill reservoir and capacity in c.f.s.: Salvation Ditch, with a decreed capacity of 58 c.f.s. Legal description of point of diversion: The decreed point of diversion for the Salvation Ditch See FIRST CLAIM. Appropriation: Date of Appropriation: May 31, 2022. How appropriation was initiated: Filing of the Application. Amount claimed: 0.0100 acre-feet, conditional. Rate of diversion for filling the reservoir: The combined rate of fill for Galtney Ponds Nos. 1 – 3 is 0.38 c.f.s. No flow-through right is claimed herein, but Applicants may have return flows from the changed water rights in this case flow through the pond. Uses: Aesthetic, fire protection, piscatorial, and recreation. Galtney Pond No. 2 will also be used as a head stabilization pond to allow for pressurized irrigation of water diverted from the Salvation Ditch. Irrigation water may be delivered to Galtney Pond No. 2 from the Salvation Ditch associated with shares owned by the White Star Ranches Homeowners Association. Lawn and garden irrigation will occur on the property of Applicant EWG Aspen, LLC so long as the total irrigation on the EWG Aspen, Lally and Hodor properties does not exceed 40.836 acres (44.15 acres of historic irrigation less 3.314 acres of dry up). Applicants shall place all such water temporarily stored in the pond to beneficial use for irrigation purposes within 72 hours. Applicants shall not use the junior Storage Right for irrigation use, and will measure and account for water made available under its senior Salvation Ditch rights for irrigation through the pond as required by the Division Engineer and by the terms and conditions decreed herein. Surface area of high water line: 0.008 acres. Maximum height of dam: Less than 10 feet. Length of dam: 11 feet. Total capacity of reservoir: 0.0100



acre-feet. Active capacity: 0.0100 acre-feet. Dead storage: 0 acre-feet. Remark: Salvation Ditch water is run through Galtney Pond No. 2 for use off property. Salvation Ditch water that historically benefitted other properties in White Star Ranches will not be stored for any purpose in Galtney Pond No. 2 and consistent with historic operations will flow through Galtney Pond No. 2 unconsumed for subsequent irrigation use on other properties. The name and address of the landowner upon which the pond will be built: Applicant EWG Aspen, LLC. NINTH CLAIM: FOR WATER STORAGE RIGHT. Name of reservoir: Galtney Pond No. 3. Legal description: The northwest edge of the pond is located in the SW1/4 of the NE1/4 of Section 22, Township 9 South, Range 85 West of the 6th P.M. at the following UTM coordinates: Easting 338996, Northing 4346944, Zone 13, NAD 83. Source: Applicant will divert the Storage Right for the Galtney Pond No. 3 from the Roaring Fork River, tributary to the Colorado River and deliver that water through the Salvation Ditch and an existing lateral pipeline that provides water to the White Star Ranches subdivision. Name of ditch used to fill reservoir and capacity in c.f.s.: Salvation Ditch, with a decreed capacity of 58 c.f.s. Legal description of point of diversion: The decreed point of diversion for the Salvation Ditch See FIRST CLAIM. Appropriation: Date of Appropriation: May 31, 2022. How appropriation was initiated: Filing of the Application. Amount claimed: 2.5307 acre-feet, conditional. Rate of diversion for filling the reservoir: The combined rate of fill for Galtney Ponds Nos. 1 – 3 is 0.38 c.f.s. No flow-through right is claimed herein, but Applicants may have return flows from the changed water rights in this case flow through the pond. Uses: Aesthetic, fire protection, piscatorial, and recreation. Galtney Pond No. 3 will be used as a head stabilization pond to detain water diverted from a lateral of the Salvation Ditch. Irrigation water may be delivered to Galtney Pond No. 3 from the Salvation Ditch associated with shares owned by the White Star Ranches Homeowners Association. Lawn and garden irrigation will occur on the property of Applicant EWG Aspen, LLC so long as the total irrigation on the EWG Aspen, Lally and Hodor properties does not exceed 40.836 acres (44.15 acres of historic irrigation less 3.314 acres of dry up). Applicants shall place all such water temporarily stored in the pond to beneficial use for irrigation purposes within 72 hours. Applicants shall not use the junior Storage Right for irrigation use, and will measure and account for water made available under its senior Salvation Ditch rights for irrigation through the pond as required by the Division Engineer and by the terms and conditions decreed herein. Surface area of high water line: 0.759 acres. Maximum height of dam: Less than 10 feet. Length of dam: 380 feet. Total capacity of reservoir: 2.5307 acre-feet. Active capacity: 2.5307 acre-feet. Dead storage: 0 acre-feet. Remark: Salvation Ditch water is run through Galtney Pond No. 3 for use off property. Salvation Ditch water that historically benefitted other properties in White Star Ranches will not be stored for any purpose in Galtney Pond No. 3 and consistent with historic operations will flow through Galtney Pond No. 3 unconsumed for subsequent irrigation use on other properties. The name and address of the landowner upon which the pond will be built: Applicant EWG Aspen, LLC. TENTH CLAIM: FOR CHANGE OF WATER RIGHTS. Applicants request approval of a change of water right, as more fully described herein. Name of structure: Salvation Ditch. Case number, court, and date of original and relevant subsequent decrees: Case No.: CA 1130. Appropriation Date: August 2, 1902. Adjudication Date: January 21, 1905. Absolute Amount Decreed: 32.7 c.f.s. Amount Used on Applicants' Properties: 0.6486 c.f.s. Applicants' Amount Changed in Plan: 0.0487 c.f.s.; and Priority: 218A. Case No.: CA 1221. Appropriation Date: August 2, 1902. Adjudication Date: January 21, 1905. Absolute Amount Decreed: 25.3 c.f.s. Amount Used on Applicants' Properties: 0.5018 c.f.s. Applicants' Amount Changed in Plan: 0.0377 c.f.s. Total Amount Used on Applicants' Properties: 1.1504 c.f.s. (or 1.983% of total decreed amount). Applicants' Total Amount Changed in Plan: 0.0863 c.f.s. (or 7.5% of amount used on Applicants' properties). Legal description of structure as described in the most recent decree: The decreed point of diversion for the Salvation Ditch is located on the north bank of the Roaring Fork River at a point from whence the east quarter corner of Section 7, Township 10 South, Range 84 West of the 6th P.M. bears North 2°48' West 5633.4 feet. Decreed source of water: Roaring Fork River. Date of appropriation: August 2, 1902. Total amount decreed: 58.0 c.f.s., absolute. Decreed use: Irrigation. Amount of water that Applicants intend to change: 0.0863 c.f.s. which is represented by 18 shares in the Salvation Ditch. Complete statement of change: The Salvation Ditch water rights are allocated through 12,100 shares of ownership. The White Star Ranches Homeowners Association ("Association"), of which the Applicants are members, owns 1,595 shares that are associated with the White Star Ranches subdivision and used on properties within the White Star Ranches subdivision. The original White Star Ranches subdivision, in which the Applicants' properties were platted, was irrigated with 1,595 shares of the Salvation Ditch. The White Star Ranches Homeowners Association today owns 1,895 shares in the Salvation Ditch. The Application uses 1,595 shares, as opposed to 1,895 shares, as the basis for dry up calculations because these were the original number of shares associated with irrigation of the Applicants' properties. Applicants are the beneficial users of 1.1504 c.f.s., which has been historically used to irrigate approximately 44.15 acres on Applicants' properties. Based upon the 12,100 shares currently outstanding, Applicants have used approximately 1.983 percent of the Salvation Ditch's historical diversions to irrigate 44.15 acres on Applicants' properties. As a result of buildings, ponds, and driveways on the Applicants' properties, the Applicants have dried up approximately 3.314 historically irrigated acres on Applicants' properties. Applicants' consulting engineer has determined that 0.0863 c.f.s. of water was diverted, and after ditch losses, 0.0682 c.f.s. was used to historically irrigate the 3.314 acres of land being permanently dried up. The 0.0863 c.f.s. represents 7.5 percent (3.314 acres of dry up divided by 44.15 historically irrigated acres) of the 1.1504 c.f.s. of Salvation Ditch water historically used on Applicants' properties. Applicants' claim for change of water rights associated with the dry up of 3.314 acres is for lands irrigated by the Association's Salvation Ditch shares and not for any other water rights owned by the Association. Dry up of the 3.314 acres of historically irrigated land results in a consumptive use credit of 3.68 acre-feet of water per year (Table 1) based on a Blaney-Criddle analysis adjusted for altitude. Accordingly, the change of water right will result in 3.68 acre-feet of consumptive use credits per year. Applicants intend to store the consumptive use credits in the ponds and to use such consumptive use credits to augment evaporative depletions from the ponds as described the plan for augmentation requested in the Eleventh Claim below. Applicants request approval of a change of use of 0.0863 c.f.s., or 18 shares, of the Salvation Ditch water rights to include aesthetics, fire protection, piscatorial, recreational and augmentation of pond evaporation as decreed uses. Water will be diverted to storage for subsequent aesthetic, piscatorial, recreational, and pond evaporation uses occurring in the Lally Ponds Nos. 1 – 2, Hodor Ponds Nos. 1 – 4, and Galtney Ponds

Nos. 1 – 3. In order to prevent an expansion of use of Applicants' senior Salvation Ditch rights, Applicants will only use said senior Salvation Ditch rights for irrigation of 40.836 acres (44.15 acres of historic irrigation less 3.314 acres of dry up) on the parcels.

**ELEVENTH CLAIM: FOR APPROVAL OF PLAN FOR AUGMENTATION, INCLUDING WATER EXCHANGE PROJECT.** The Applicants request approval of a plan for augmentation, including water exchange project, as more fully described herein. Names of structures to be augmented: Lally Pond No. 1: See First Claim for Relief. Lally Pond No. 2: See Second Claim for Relief. Hodor Pond No. 1: See Third Claim for Relief. Hodor Pond No. 2: See Fourth Claim for Relief. Hodor Pond No. 3: See Fifth Claim for Relief. Hodor Pond No. 4: See Sixth Claim for Relief. Galtney Pond No. 1: See Seventh Claim for Relief. Galtney Pond No. 2: See Eighth Claim for Relief. Galtney Pond No. 3: See Ninth Claim for Relief. Water rights to be used for augmentation: Salvation Ditch consumptive use credits: See Tenth Claim for Relief. Amount to be included in this plan: 0.0863 c.f.s., with an annual volume limitation of 3.68 acre-feet. Colorado River Water Conservancy District ("River District") Allotment Contract: Pursuant to three allotment contracts, 2.0 acre-feet of the River District's Colorado River Supply Sources will be made available to Applicants for augmentation: River District's Colorado River Supply Sources: Wolford Mountain Reservoir. The River District owns and operates Wolford Mountain Reservoir (f/k/a Gunsight Pass Reservoir) which has the following water rights. (1)Case No. 87CW283: Decree Date: November 20, 1989. Name of Structure: Gunsight Pass Reservoir. Legal description of place of storage: The dam is located in the SW1/4 of the NE1/4 of Section 25, T. 2 N., R. 81 W., 6th P.M. The intersection of the dam axis with the right abutment will occur at a point which bears S. 54°54'20" E. a distance of 3,716.46 feet from the NW Corner of said Section 25. Source: Muddy Creek and its tributaries, all tributary to the Colorado River. Amount: 59,993 acre feet conditional; of this amount, 32,986 acre feet were made absolute for piscatorial and recreational uses by decree entered in Water Court Case No. 95CW251, and the full amount was made absolute for all purposes by decree entered in Water Court Case No. 02CW107. Appropriation Date: December 14, 1987. Use: All beneficial uses, including but not limited to domestic, municipal, agricultural and recreational uses, which uses satisfy the requirements of the Windy Gap Settlement made with the Municipal Subdistrict of the Northern Colorado Water Conservancy District; use to meet the water requirements of the inhabitants of the River District for all uses, including uses in the Middle Park area; and use to meet the terms of a lease agreement executed March 3, 1987 between the River District and the City and County of Denver. (2)Case No. 95CW281: Decree Date: August 26, 1997. Name of Structure: Wolford Mountain Reservoir Enlargement. Legal description of place of storage: The dam is located in the SW1/4 of the NE1/4 of Section 25, T. 2 N., R. 81 W., 6th P.M. The as-built intersection of the dam axis (Sta. D19+35.61) with the West Access Road (Sta. WR50+55.05), as shown on the Colorado River Water Conservation District, Wolford Mountain Project, Ritschard Dam construction drawing "Dimensional Dam Layout" sheet 8 of 94, occurs at a point which bears S. 53°24'56" E. a distance of 3,395.51 feet from the NW Corner of said Section 25; the bearing of said dam axis from Sta. 19+35.61 to Sta. 0+00 being S. 75° 28' 29" E. Source: Muddy Creek and its tributaries, all tributary to the Colorado River. Amount: 6,000 acre feet, conditional. Appropriation Date: January 16, 1995. Use: All beneficial uses by and for the benefit of the inhabitants of the Colorado River Water Conservation District, including but not limited to domestic, municipal, industrial, irrigation, agricultural, piscatorial and recreational; such uses will include environmental mitigation, including environmental mitigation requirements associated with the Wolford Mountain Project; such uses will be made directly or by substitution, augmentation, or exchange. None of the water stored in the exercise of the right will be delivered directly or by exchange, substitution, or otherwise for use outside of Colorado Water Division No. 5. (3) Case No. 98CW237: Decree Date: July 6, 2000. Name of Structure: Wolford Mountain Reservoir. Legal Description of place of storage: Same as for 95CW281. Source: Muddy Creek and its tributaries, all tributary to the Colorado River. Amount: 30,000 acre feet conditional, with 15,895 acre feet being absolute for recreational and piscatorial and flood control. Appropriation Date: November 17, 1998. Use: Certain of the beneficial uses previously adjudicated for Wolford Mountain Reservoir in Case No. 87CW283, District Court for Colorado Water Division No. 5 (November 20, 1989 Judgment and Decree), and Case No. 95CW281, District Court for Colorado Water Division No. 5 (August 26, 1997 Judgment and Decree). 87CW283: The reservoir will be used to satisfy the requirements of the Windy Gap Settlement made with the Municipal Subdistrict of the Northern Colorado Water Conservancy District. This will involve all uses, including but not limited to domestic, municipal, agricultural, and recreational uses. The reservoir will also be used to meet the water requirements of the inhabitants of the River District for all uses, including uses in the Middle Park area. 95CW281: All beneficial uses by and for the benefit of the inhabitants of the Colorado River Water Conservation District, including but not limited to domestic, municipal, industrial, irrigation, agricultural, piscatorial and recreational; such uses will include environmental mitigation, including environmental mitigation requirements associated with the Wolford Mountain Reservoir Project; such uses will be made directly or by substitution, augmentation, or exchange. Remarks: The Refill Right described herein will be exercised to provide supply for the Western Slope uses of water from Wolford Mountain Reservoir described above, including flood control, other operational purposes, and environmental mitigation and enhancement for the benefit of uses within the District. The Refill Right will not be used in conjunction with the Reservoir capacity (24,000 a.f.) which is allocated for the supply of water to the Denver Board of Water Commissioners under Applicant's contractual relationship with Denver, or the Reservoir capacity (6,000 AF) which is allocated for Colorado River endangered fish releases.(4) Case No. 03CW302: Decree Date: October 19, 2014. Name of Structure: Wolford Mountain Reservoir Second Enlargement. Legal description of place of storage: The dam is located in the SW1/4 of the NE1/4 of Section 25, T. 2 N., R. 81 W., 6th P.M. The as-built intersection of the dam axis (Sta. D19+35.61) with the West Access Road (Sta. WR50+55.05), as shown on the Colorado River Water Conservation District, Wolford Mountain Project, Ritschard Dam construction drawing "Dimensional Dam Layout" sheet 8 of 94, occurs at a point which bears S. 53 24'56" E. a distance of 3,395.51 feet from the NW Corner of said Section 25; the bearing of said dam axis from Sta. 19+35.61 to Sta. 0+00 being S. 75 28' 29" E. Source: Muddy Creek and its tributaries, all tributary to the Colorado River. Amount: The amount is 9.775 acre feet, for the initial fill, with the right to refill when in priority subject to a maximum amount of 9,775 acre feet, conditional. Appropriation Date: November 17, 2003. Uses: a. The WMR Second Enlargement storage right may be used for the purposes previously decreed to the Wolford Mountain Reservoir,

including uses consistent with the Windy Gap Settlement made with the Municipal Subdistrict of the Northern Colorado Water Conservancy District; meeting the water requirements of the inhabitants of the River District for all uses; and uses consistent with the terms of a lease agreement executed March 3, 1987, between the River District and the City and County of Denver, as amended. b. The WMR Second Enlargement storage right also may be used for all beneficial uses, including but not limited to municipal, commercial, industrial, domestic, irrigation, agricultural, livestock, hydro-power production, evaporation, piscatorial and recreational (including in-reservoir and in-river fish habitat and river flow maintenance and enhancement uses, and uses in furtherance of the Upper Colorado River Basin Fishes Recovery Program) with the right to reuse and successively use the water to extinction; such uses will include environmental mitigation, including environmental mitigation requirements associated with the Wolford Mountain Reservoir Project; such uses will be made directly or by substitution, augmentation, replacement or exchange in Water Divisions 1, 2, and/or 5. c. Agreed Constraints on Use. Pursuant to the February 12, 2014, stipulation entered in this case between the River District and the GVVUA, the UWCD, and the OMID, the River District agrees that it will make water stored pursuant to the WMR Second Enlargement storage right available for uses within or to facilitate the diversion of water from Water Division No. 5 into Water Division No. 1 or Water Division 2 only pursuant to, and subject to the terms, of the express written consent of the GVVUA, the UWCD, and the OMID. Pursuant to paragraph III.E.19 of the CRCA, any use of the WMR Second Enlargement storage right for the benefit of Denver Water will require the prior approval of the Grand County Commissioners and the River District. (5)PLSS: The dam is located in the SW1/4 of the NE1/4 of Section 25, T. 2 N., R. 81 W., 6th P.M. The as-built intersection of the dam axis (Sta. D19+35.61) with the West Access Road (Sta. WR50+55.05), as shown on the Colorado River Water Conservation District, Wolford Mountain Project, Ritschard Dam construction drawing "Dimensional Dam Layout" sheet 8 of 94, occurs at a point 1,940 feet South of North section line and 2,760 feet East of the West section line of said Section 25. Ruedi Reservoir. The River District holds Contracts No. 009D6C0111 (500 AF), 009D6C0118 (700 AF), 039F6C0011 (530 AF), 079D6C0106 (5,000 AF), and 139D6C0101 (4,683.5 AF) from the United States Bureau of Reclamation for 11,413.5 acre feet of annual supply from Ruedi Reservoir. This water will be used in addition to and substitution for Wolford Mountain Reservoir water in appropriate circumstances where Ruedi water is physically equivalent to Wolford water. Legal description of place of storage: Ruedi Reservoir is located in Sections 7, 8, 9, 11 and 14 through 18, T. 8 S., R. 84 W., 6th P.M., in Eagle and Pitkin Counties. The dam axis intersects the right abutment at a point whence the SW corner of Section 7, T. 8 S., R. 84 W. of the 6th P.M. bears N. 82°10'W. a distance of 1,285 feet. Source: Fryingpan River. Previous storage decrees: Civil Action No. 4613: Decree Date: June 20, 1958. Court: Garfield County District Court. Amount: 140,697.3 acre feet, reduced to 102,369 acre feet pursuant to order of the Water Court in Case No. W-789-76. The full amount was made absolute in Case No. 88CW85. Appropriation Date: July 29, 1957. Use: Domestic, municipal, irrigation, industrial, generation of electrical energy, stock watering and piscatorial. (b) Case No. 81CW34: Decree Date: April 8, 1985. Court: District Court, Water Div. No. 5. Amount: 101,280 acre feet (refill); of this amount, 44,509 acre feet were made absolute in Case No. 95CW95 and 25,257 acre feet were made absolute in Case No. 01CW269, for a total of 69,766 acre feet absolute. Appropriation Date: January 22, 1981. Use: Irrigation, domestic, municipal, generation of electrical energy, stock watering, industrial, piscatorial, recreation and maintenance of sufficient storage reserves to fulfill contractual obligations and provide stored water for recreation in times of drought. (4)PLSS: Ruedi Reservoir is located in Sections 7, 8, 9, 11 and 14 through 18, T. 8 S., R. 84 W., 6th P.M., in Eagle and Pitkin Counties. The dam axis intersects the right abutment at a point 130 feet South of the North section line and 1,280 feet East of the West section line of Section 7, T. 8 S., R. 84 W. of the 6th P.M. Complete statement of plan for augmentation: Background: Applicants own properties in the White Star Ranches Subdivision which is irrigated with Salvation Ditch water. Applicants have constructed nine ponds, which are filled with water from the Salvation Ditch via ditch laterals and augmented under this plan. The Hodor Ponds are also filled by the Frantz Spring. Water requirements: Pond Evaporation. Applicants' consulting engineer calculated the annual evaporation rate for the ponds using the SEO method outlined in the General Guidelines for Substitute Water Supply Plans for Sand and Gravel Pits and SEO Policy 2004-3 and calculated the gross free water surface evaporation based on NOAA Technical Report NWS 33, with consideration for no evaporation when recorded average daily temperatures are less than 32° F and consideration for zero effective precipitation. The evaporation associated with ponds on Applicants' properties and the evaporation rate is shown in Table 2. Annual pond evaporation for 1.341 acres of total surface area for all ponds is 3.88 acre-feet. Evaporation demands are 100 percent consumptive. Lally Ponds Nos. 1 – 2 and Galtney Ponds Nos. 1 – 3 will only fill and have evaporative depletions replaced during times that the Salvation Ditch is diverting, which is assumed to be May through mid-October. When the Salvation Ditch is not diverting, pond levels are lowered by evaporation, which is not replaced under this plan for augmentation. The Hodor Ponds Nos. 1 – 4 are filled by the Salvation Ditch and the Frantz Spring. When the Salvation Ditch is not filling Hodor Ponds Nos. 1 – 4, the Frantz Spring may continue to fill the Hodor Ponds Nos. 1 – 4 so long as a local call is not in effect. Evaporation from Hodor Ponds Nos. 1 – 4 is replaced year round under this plan for augmentation. Replacement of Evaporative Depletions. Evaporative depletions from all ponds during the irrigation season are replaced with historic consumptive use credits from the Salvation Ditch or by exchange with water from the River District contract supplies. A summary by month of the availability of historic consumptive use credits, historic surface and groundwater return flows, and net accretions and depletions to the stream are described in Table 3. Applicants have historic consumptive use credits available May through October. In November through April lagged return flows to the stream are a depletion to the system. Applicants' consulting engineer assumed a Colorado River "mainstem call" will be on the number of days in certain months as specified by Division Resources as described on Table 4 at Row (6). Under that call period, total out-of-priority evaporative depletions are 2.71 acre-feet per year, as shown on Row (8) of Table 4. During months when a Colorado River mainstem call might occur, Applicants will have consumptive use credits in excess of the out-of-priority depletions from the ponds during May through September, but consumptive use credits will be insufficient to replace out-of-priority depletions during October, November and April. In October, November and April, when consumptive use credits alone are insufficient to augment out-of-priority depletions, Applicants will replace depletions with River District contract releases (Table 4 Row (19)). Applicants' consulting engineer

reviewed streamflow conditions above the confluence of the Roaring Fork River and the Frying Pan River and included a safety factor in determining potential “local call” call period (Table 5 Row (6)). Under that “local call” call period, total out-of-priority evaporative depletions are 1.44 acre-feet per year, as shown on Row (8) of Table 5. During months when a local call might occur, Applicants will have consumptive use credits in excess of the out-of-priority depletions (Table 5 Rows (8) and (15)). Maintenance of historic surface and groundwater regime. Applicants may continue to take delivery of the historical “farm delivery” amounts associated with the dried up acreage as shown on Table 3 Row (4). At times when the Salvation Ditch is diverting, Applicants shall maintain historic surface flows by bypassing the amounts described on Table 4 Row (12) from the pond outlets of Lally Pond No. 2, Hodor Pond No. 3 and Galtney Pond No. 3 into adjoining drainage swales. At times when the Salvation Ditch is diverting, Applicants shall maintain historic lagged groundwater return flows by releasing the amounts described on Table 4 Row (10) from the pond outlet of Lally Pond No. 2, Hodor Pond No. 3 and Galtney Pond No. 3 into the infiltration galleries constructed at the locations depicted on Exhibit 4. Call operation: Lally and Galtney Ponds. Applicants will fill the Lally Ponds Nos. 1 – 2 and Galtney Ponds Nos. 1 – 3 during free river conditions each spring starting no earlier than May 1. Applicants will cease filling the ponds and replacing evaporative depletions for the Lally Ponds Nos. 1 – 2 and Galtney Ponds Nos. 1 – 3 in priority or with consumptive use credits when the Salvation Ditch is not diverting. At times when consumptive use credits may be insufficient to augment out-of-priority depletions caused by Lally Ponds Nos. 1 – 2, and Galtney Ponds Nos. 1 – 3 when the Salvation Ditch is diverting, evaporative depletions will be augmented by exchange through releases from the River District contract supplies or diversions into the pond will be curtailed as provided herein. Evaporation occurring in the Lally Ponds Nos. 1 – 2 and Galtney Ponds 1 – 3 are not augmented for the period when the Salvation Ditch is not diverting. Hodor Ponds. The Hodor Ponds Nos. 1 – 4 may be filled by the Salvation Ditch and the Frantz Spring year-round. Evaporative depletions from the Hodor Ponds Nos. 1 – 4 will be augmented year-round. At times when consumptive use credits may be insufficient to augment out-of-priority depletions caused by Hodor Ponds Nos. 1 – 4, evaporative depletions will be augmented by exchange through releases from the River District contract supplies or diversions into the pond will be curtailed as provided herein. Administration of Local Call. At times when the Salvation Ditch is diverting, when a call from a water right located on the Roaring Fork River above the confluence of the Roaring Fork River and Frying Pan River would otherwise prevent Applicants from filling the ponds and replacing evaporative depletions, Applicants will (a) divert into the ponds the farm delivery amounts described on Table 5 for subsequent discharge into the infiltration galleries and release to adjoining drainage swales as described on Table 5 Rows (10) and (12) and draw down one or more of the ponds commensurate with the un-augmented out-of-priority depletion, or (b) cease diverting water into the ponds to replace evaporative depletions and allow the pond levels to drop with evaporation. Applicants may continue to use the ponds as irrigation stabilization ponds to utilize Applicants’ Salvation Ditch water rights for irrigation purposes. At times when the Salvation Ditch is not diverting, Lally Ponds Nos. 1 and 2, and Galtney Ponds Nos. 1. 2 and 3 will not receive water and therefore will not need to be administered. The Hodor Ponds Nos. 1-4 will continue to receive water from the Frantz Spring. In the event of a local call at times when the Salvation Ditch is not diverting, water from the Frantz Spring will be bypassed around the Hodor Ponds Nos. 1-4. The owner of the Hodor ponds will maintain a bypass structure to allow water from the Frantz Spring to be bypassed around the Hodor Ponds Nos. 1-4 as depicted on Exhibit 4. The ponds’ capture of local runoff is not augmented and will be curtailed or released during a call. Remarks: Applicants own the land where the ponds are located. The Frantz Spring is located on land owned by the Lisa Marie Swalm Trust. Terms and Conditions: Applicants shall not cause un-replaced depletions (including by exchange) to any reach of the Roaring Fork River that is: a) above the confluence of the Roaring Fork River with the Fryingpan River and b) affected by this plan for augmentation, when any decreed instream flow right held by the Colorado Water Conservation Board in such reach has a valid call in effect, nor shall Applicants cause un-replaced depletions to such reaches of the Roaring Fork River if doing so will diminish the amount of water released to the Roaring Fork River by the City of Aurora that is the subject of Case No. 19CW3159. Applicants shall limit their total diversions from the Salvation Ditch for use on their properties to the amounts of Applicants’ historical diversions from the Salvation Ditch. Applicants do not seek a right to divert more water than is permitted under their rights to use water made available under the White Star Ranches Homeowners’ Association Salvation Ditch Company shares. Applicants will reduce the irrigation use of their Salvation Ditch direct flow water rights by the amount of water they divert into the ponds to fill the ponds, replace evaporative depletions, discharge water into infiltration galleries, or bypass water to replace surface flows as described in Table 4 and Table 5. To further prevent an expansion of use, Applicants agree that water made available under Salvation Ditch direct flow water rights will be used to irrigate the Lally, Hodor, and EWG Aspen properties so long as irrigated acreage does not exceed 40.836 acres (44.15 acres of historic irrigation less 3.314 acres of dry up) or in changed locations that may be confirmed by a future decree. Applicants shall only divert Salvation Ditch water rights into the ponds at times that those water rights are being used to fill the ponds, replace evaporative depletions, maintain historic return flows, for irrigation or are being transported for use at locations down-gradient of the ponds. Applicants shall install measuring devices as approved or required by the Division Engineer. TWELFTH CLAIM: FOR WATER EXCHANGE PROJECT. The Applicants request confirmation of a conditional Water Exchange Project, as more fully described herein. Lower Termini: For exchange of Wolford Mountain Reservoir water: The confluence of the Roaring Fork River and the Colorado River, located in the SE ¼ NW ¼ of Section 9, Township 6 South, Range 89 West of the 6th P.M., at a point approximately 2,200 feet from the North section line and 2,350 feet from the West section line (Garfield County), UTM Zone 13 NAD 83 coordinates: Northing 4380346, Easting 299776. For exchange of Ruedi Reservoir water: The confluence of the Roaring Fork River and the Fryingpan River located in the SW ¼ SE ¼ of Section 7, Township 8 South, Range 86 West, of the 6th P.M., at a point 647 feet from the South section line and 1,475 feet from the East section line (Eagle and Pitkin Counties), UTM Zone 13 NAD 83 coordinates: Northing 4359437, Easting 324739. Upper Termini: The point in the Roaring Fork River where groundwater return flow depletions accrue located in Section 21, Township 9 South, Range 85 West, of the 6th P.M., at a point 2,073 feet from the North section line and 1,133 feet from the East section line (Pitkin Counties), UTM Zone 13 NAD 83 coordinates: Northing 337608, Easting 4346969. The point in Woody Creek where surface and groundwater

return flow depletions accrue. The headgate of the Salvation Ditch as described in Section 2.B.ii. The Frantz Spring as described in Section 4.C.ii. Source: Water attributable to the River District's interest in Wolford Mountain Reservoir and Ruedi Reservoir, as described above. Date of appropriation: May 31, 2022. How appropriation was initiated: Filing of the Application. Volume and rate: 2.0 acre-feet, annually, at a maximum rate of 0.01 c.f.s., conditional. Use: Exchange to implement the plan for augmentation requested in the Eleventh Claim above. Remarks: Applicants will operate the exchange when it is in priority. The following exhibits are on file with the Water Court: Tables 1 – 5 and Exhibits 1, 2, 3.1, 3.2, 3.3, 4 and 5 (pp. 45 with exhibits)

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