

DIVISION 5 WATER COURT- MARCH 2025 RESUME

(This publication can be viewed in its entirety on the Colorado State Judicial website at: 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 MARCH 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.*

25CW3037 GRAND COUNTY. APPLICATION FOR SIMPLE CHANGE IN SURFACE POINT OF DIVERSION PURSUANT TO C.R.S. §37-92-305(3.5). APPLICANT, Name, Address, Email address and telephone number: The Rector Family Limited Liability Limited Partnership, General Partner: Mike Rector; 5 Inverness Dr. East, Englewood, CO 80112; mhr@rimop.com; 303-570-5174. Copy of pleadings to be sent certified mail to Glenn & Michelle Hileman Family Trust at: PO Box 690, Grand Lake, CO 80447; and also to 1742 Ridge Point Dr., Bountiful, Utah 84010 Claim for a Simple Change in Surface Point of Diversion. DECREE WATER RIGHT FOR WHICH CHANGE IS SOUGHT: A. Name of Structure: Mulford Lateral Ditch B. Decree Information: July 27, 1970, Case No. W-37, In the District Court in and for Water Division 5, State of Colorado C. Legal Description: NE ¼ of the SW ¼ of Section 24, Township 4 North, Range 76 West, 6th Principal Meridian. See Ex. A, showing the location for the point of diversion as described in the 1970 Decree. D. Source: The source of supply of water for the Mulford Lateral Ditch is “an unnamed creek arising on Section 23, Township 4 North, Range 76 West of the 6th P.M. in Arapahoe National Forest, a tributary of the North Fork of the Colorado River, a tributary of the Colorado River” (Unnamed Creek). See 1970 Decree, cited above. E. Appropriation Date: June 17, 1968 (by survey) F. Amount: The amount of water claimed by actual diversion is 1.233 cubic feet per second of time, absolute. The Court decreed this water right for 1.233 cfs, absolute. DETAILED DESCRIPTION OF PROPOSED SIMPLE CHANGE IN SURFACE POINT OF DIVERSION A. Complete statement of change and compliance with C.R.S. §37-92-305(3.5): Since at least 1990, the decreed water right has been diverted to the Mulford Lateral Ditch immediately below the Oxbow, which is a natural feature of the Colorado River floodplain. This Actual Point of Diversion is identified on Exhibit A, and is north of the Point of Diversion identified in the 1970 Decree (Decreed Point of Diversion), which is also identified on Exhibit A. Both the Decreed and Actual Points of Diversion are fed by Source Water that flows from the Unnamed Creek identified above and in the 1970 Decree, through the Henry Ditch Diversion and into the Henry Ditch before arriving at the Decreed and Actual Points of Diversion to the Mulford Lateral Ditch. The Actual Point of Diversion, proposed by the Application, has functioned exclusively as the Point of Diversion since at least 2011 and likely since at least 1990, as demonstrated by aerial photographs of the Henry Ditch, Oxbow, and Decreed and Actual Points of Diversion. After the 2020 East Troublesome Fire, the Applicant has repaired the Mulford Lateral Ditch which delivers the decreed water right to the Applicant’s Ranch for purposes of irrigating hayfields on that Ranch, including by: Replacing the original 24in Mulford headgate with a 12in Agridrain headgate + 20ft culvert thus reducing diversion capacity ~82% (reference: www.ejprescott.com Comparison of Pipe Carrying Capacities, Engineering and Technical Data R-12). Mapping floodplains and upgrading the Oxbow outlet to Colorado River with 24in Agridrain headgate + 20ft culvert to better control flows into Mulford with low input Installing a Parshall flume with 9in throat capable of carrying a measured flow of 3.1cfs (reference: Openchannelflow.com 9-inch Parshall Flume Discharge Table for 1ft high flume) Replacing 7 culverts Reshaping ~1.1mi of irrigation ditch to improve irrigation efficiency (now shallower, lower profile per NRCS guidance to get better deliver flows into root zone) These improvements permit diversion amounts to be easily measured and to more efficiently irrigate the hayfields on the Applicant’s Ranch. The measurement apparatus enables the Applicant and Water Commissioners to always know the rate of the diverted water. Therefore, the amount the Applicant diverts can be managed appropriately into the Mulford Lateral Ditch without re-quantifying the water right, which is physically and legally available at the original 1970 Decreed Point of Diversion from which this change is being made. Consequently, the change in location will not cause injury to the owners of or persons entitled to use water under other vested water or decreed conditional water right. The water that flows through the Mulford Lateral Ditch from the Actual Point of Diversion that is unused is returned to the Colorado River by a return flow ditch. This same return flow was used to return water from the Mulford Lateral Ditch to the Colorado River when the Decreed Point of Diversion was in use. The Actual Point of Diversion is a more efficient way to deliver water for irrigation purposes to the Ranch because it is to the top of the hayfields and at an elevation approximately 5 feet higher than the Decreed Point of Diversion which is on very flat terrain. The historic irrigated acreage location and amount will not change. This Change request meets the definition of a simple change as defined in C.R.S. §37-92-305(3.5). It is only for a change in location of the point of diversion from the original decreed location to the Proposed Location, referred to herein as the Actual Point of Diversion. This Application is not combined with any other type of request, change otherwise. As demonstrated on Exhibit B, which like Exhibit A shows the Decreed Point of Diversion and the proposed Actual Point of Diversion, and also the Henry Diversion, Henry Ditch and the Oxbow, the Henry Ditch which delivers the Source Water to the Mulford Lateral Ditch at the Actual Point of Diversion does not have any other decreed diversion points, and does not have any inflow points including any tributary streams. As a result, there are no intervening surface diversion points or inflow. **OWNERSHIP OF LAND ON WHICH THE NEW POINT OF DIVERSION IS LOCATED.** The proposed “Actual Point of Diversion” is located on property owned by the Glenn and Michelle Hileman Family Trust, and Applicant will provide this entity and Glenn and Michelle Hileman the required notice of the filing of this Application, by certified mail, within 14 days of filing the Application. Attorney for Applicant: Valissa Tsoucaris, Registration 19619, 3000 Holly Street, Denver, CO 80207. (303)229-1090.

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

25CW3038 GARFIELD COUNTY – ROARING FORK RIVER OR ITS TRIBUTARIES. George S. Whipple, c/o Kevin Patrick, Esq. and John M. Sittler, Esq., Patrick, Miller & Noto, P.C., 229 Midland Ave, Basalt, CO 81621, (970) 920-1030. **First Claim: For Finding of Reasonable Diligence:** Name of structure: Hunt Well No. 1. Type: Well. Well permit no.: 89881-F. Date of original decree: June 12, 1990, Case No. 89CW199, District Court, Water Division 5. Subsequent diligence decrees: July 27, 1998, Case No. 96CW41; March 1, 2006, Case No. 04CW107; October 4, 2012, Case No. 12CW37, March 17, 2019, Case No. 18CW3145, all District Court, Water Division 5. Legal description: The Hunt Well No. 1 is located in the NE ¼ NE ¼ SE ¼ of Section 10, Township 7 South, Range 88 West of the 6th P.M., approximately 120 feet West of the East section line and 2,360 feet North of the South section line of said Section 10. A map is on file with the Court as Exhibit A. Source: Groundwater tributary to Cattle Creek, tributary to the Roaring Fork River, tributary to the Colorado River. Appropriation date: August 30, 1989. Amount: 0.033 c.f.s., conditional. Uses: Domestic, livestock, and irrigation. Note: This well was originally decreed with municipal use, but this use was dropped in Case NO. 04W107. Claim for finding of reasonable diligence: Applicant has exercised reasonable diligence towards completion of the Hunt Well 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 upon which the Hunt Well No. 1 is located and where water will be put to beneficial use. The subject well is a component part of an integrated water supply plan for Hunt Ranch decreed in Case No. 89CW199, District Court, Water Division 5.

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25CW3039 GARFIELD COUNTY; APPLICATION FOR CORRECTION TO AN ESTABLISHED BUT ERRONEOUSLY DESCRIBED POINT OF DIVERSION PURSUANT TO C.R.S. § 37-92-305(3.6) 1. Name, Address, and Telephone Number of Applicant: Nutrient Holdings LLC ("Nutrient Holdings" or "Applicant") c/o Andrew Bruno, P.O. Box 560, New Castle, Colorado 81647, (847) 754-1993. Please forward all pleadings, correspondence, and inquiries regarding this matter to the attorneys listed in the caption: Alan G. Hill, Ashley Pollock Zahedi, Nicoli R. Bowley, Andrea Bonato-Gach, CURTIS, JUSTUS, & ZAHEDI, LLC, 1333 W. 120th Ave., Suite 302, Westminster, Colorado 80234, Tele: (303) 595-9441. alanh@cjzwatlaw.com, ashleyz@cjzwatlaw.com, nicolib@cjzwatlaw.com, andib@cjzwatlaw.com. 2. Decreed Water Right for Which Correction is Sought: A. Name of Structure: Vulcan Ditch (WDID 3904725). i. Date of Original and All Relevant Decrees: 1. Original decree: September 14, 1908, Case No. CA1319, District Court, Garfield County. 2. First enlargement: September 5, 1952, Case No. CA4004, District Court, Garfield County. 3. Change decree: June 26, 1974, Case No. W-2127, District Court, Water Division No. 5. 4. Decreed alternate point of diversion: April 30, 1985, Case No. 84CW349, District Court, Water Division No. 5. ii. Legal Description of Structure: 1. Most recent decree that adjudicated the location containing erroneous description: Case No. W-2127 Decree, stating that the "actual point of diversion is and apparently always has been at a point on the West bank of Canyon Creek in the NW1/4 SW1/4 Section 25, Township 5 South, Range 90 West of the 6th P.M." 2. The most recent decree that adjudicated the location (Case No. 84CW349 Decree) correctly describes the point of diversion. iii. Decreed Source of Water: Canyon Creek, tributary to the Colorado River. iv. Appropriation Date: April 1, 1907; October 8, 1942 (first enlargement). v. Total Amount Decreed to Structure in Cubic Feet per Second ("cfs"): 10 cfs, of which Applicant owns 8.98 cfs. vi. Decreed Uses: Year-round municipal use (including commercial, industrial, domestic, irrigation incident thereto, and sewage treatment including land disposal), irrigation, recreation, fish and wildlife propagation, and all other beneficial purposes, including storage for each of the above purposes. 3. Detailed Description of Proposed Correction: A. Complete Statement of Bases for Proposed Correction: i. The existing location of the point of diversion for the Vulcan Ditch ("Vulcan Ditch headgate") was determined by Summit Water Engineers, Inc. on March 25, 2025, using the location described in the decree entered in Case No. CA1319, the Division of Water Resources' Location Converter, and ArcGIS Pro. See March 25, 2025 Summit Water Engineers, Inc. Preliminary Engineering Report as EXHIBIT A at Section 3. ii. The Vulcan Ditch headgate is physically located at the point described in the Decrees in Case Nos. CA1319 and 84CW349 and exists at this location to this day. The Vulcan Ditch headgate has never physically changed locations. See EXHIBIT A at pages 3-5. iii. The Vulcan Ditch headgate was erroneously described in the Case No. W-2127 Decree, and this Application seeks to correct this error. The location described in the Case No. W-2127 Decree is based on incorrect USGS mapping for the Vulcan Ditch. See EXHIBIT A at pages 3-5. iv. The existing location of the Vulcan Ditch headgate is approximately 3,014 feet from the location described by the Case No. W-2127 Decree. See EXHIBIT A at page 3. v. This Application also seeks confirmation that the description of the Vulcan Ditch headgate included in the Decree in Case No. CA4004 is deemed to be correct under C.R.S. §

37-92-305(3.6)(b) because (1) this location and the actual location of the Vulcan Ditch headgate are only 51 feet apart, and (2) no natural surface stream that is tributary to the diverted stream or another surface water right is located between the location decreed in Case No. CA4004 and the Vulcan Ditch headgate's physical location. See EXHIBIT A at footnote 1. B. Legal Description of the Corrected Point of Diversion: i. Source of PLSS Information: ArcGIS Pro, Decree in Case No. CA1319, and Colorado state PLSS datasets. ii. Existing Point of Diversion (PLSS): The existing point of diversion for the Vulcan Ditch off of Canyon Creek is located on the West bank of Canyon Creek at a point whence the corner common to Sections 23, 24, 25, and 26, Township 5 South, Range 90 West of the 6th P.M. bears South 89° 6' West 1,632.7 feet variation 15 degrees East. See EXHIBIT A at page 5; Decrees in Case Nos. CA1319 and 84CW349. iii. Existing Location in UTM Format: UTM Zone 13 N 289918m East 4385498m North. See EXHIBIT A at page 3. 4. Names and Addresses of Owners or Reputed Owners of Land Upon Which Structure is Located: A. Gaechter Family Trust. i. Physical Address: 1512 137 County Rd., Glenwood Springs, CO 81601. ii. Mailing Address: PO Box 159, Glenwood Springs, CO 81602. (5 Pages, 1 Exhibit)

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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 MARCH 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.*

25CW3040 PITKIN COUNTY – ROARING FORK RIVER OR ITS TRIBUTARIES. Abundant Acres LLC, c/o Paul L. Noto, Esq. and John M. Sittler, Esq., Patrick, Miller & Noto, P.C., 229 Midland Ave, Basalt, CO 81621, (970) 920-1030. APPLICATION TO MAKE WATER RIGHTS ABSOLUTE IN PART AND FOR FINDING OF REASONABLE DILIGENCE. **First Claim: To Make Water Right Absolute in Part and For Finding of Reasonable Diligence.** Name of structure: Abundant Acres Pond. Date of original decree: March 17, 2019, Case No. 17CW3245, Division 5 Water Court. Legal description: The pond is an off-channel structure with the crest of the dam located in Section 4, Township 9 S., Range 86 W. of the 6th P.M.; UTM coordinates: Easting 0327889, Northing 4352385 (Zone 13) (Pitkin County). A map is on file with the Court as Figure 1. Source: Capitol Creek, tributary to Snowmass Creek, tributary to the Roaring Fork River, tributary to the Colorado River, via deliveries from the Boram and White Ditch structure. The decreed location of the headgate of the Boram and White Ditch is on the west bank of Capitol Creek at a point about 3 ½ miles above the mouth of Capitol Creek in Pitkin County; UTM coordinates: Easting 0326230, Northing 4350204 (Zone 13). A map is on file with the Court as Figure 1. Fill rate: 1.083 c.f.s. Appropriation date: December 28, 2017. Amount: 1.5 acre-feet, conditional, with the right to fill and re-fill when water is physically and legally available. The re-fill right is limited to 2.5 acre-feet per year. Uses: Irrigation, recreation, aesthetic, fire protection, and piscatorial. Irrigated area: The decreed irrigation use is for supplemental irrigation of the approximately 33 acres on Applicant's property shown on the map on file with the Court as Figure 1 historically irrigated under Applicant's interest in the Boram and White Ditch senior irrigation water rights described in paragraph 3.I.ii, below. Surface area of high water line: 0.28 acre. Vertical height of dam: Less than 10 feet. Length of dam: Approximately 300 feet. Total capacity: 1.5 acre-feet. Active capacity: 1.25 acre-feet. Dead storage: 0.25 acre-feet. Remark: The Abundant Acres Pond is a component part of an integrated water supply project for Applicant's property, along with the Abundant Acres Pond Exchange, described in the Second Claim below, for purposes of later diligence cases and findings that Applicant has been reasonably diligent in its efforts to complete the appropriation under C.R.S. § 37-92-301(4)(b). Date water applied to beneficial use: October 17, 2018. Amount: 1.12 acre-feet. A stage-capacity table is on file with the Court as Exhibit A. Uses: Irrigation, recreation, aesthetic, fire protection, and piscatorial. 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 is put to beneficial use. **Second Claim: To Make Water Right Absolute.** Name of structure: Abundant Acres Pond Exchange. Date of original decree: March 19, 2019, Case No. 17CW3245, Division 5 Water Court. Location: A map of the exchange reach is on file with the Court as Figure 2. Downstream termini: The points of replacement on the Roaring Fork and/or Colorado Rivers of the Basalt Water Conservancy District's ("BWCD's") water rights listed in paragraph 21 of the decree in Case No. 17CW3245 and described with particularity as follows: For the exchange of Green Mountain Reservoir water: The confluence of the Roaring Fork and Colorado Rivers, located in the SE ¼ NW ¼ of Section 9, Township 6 S., Range 89 W. 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. For the exchange of Ruedi Reservoir and/or Troy and Edith Ditch water: The confluence of the Roaring Fork and Fryingpan Rivers, located in the SW ¼ SE ¼ of Section 7, Township 8 S., Range 86 W. of the 6th P.M., at a point 647 feet from the South section line and 1,475 feet from the East section line. For the exchange of Robinson Ditch water: The point of diversion for the Robinson Ditch on the Roaring Fork River, located in the NW ¼ SE ¼ of Section 11, Township 8 S., Range 87 W. of the 6th P.M., at a point 2,307 feet from the South section line and 2,309 feet from the East section line. Downstream terminus: The headgate of the Boram and White Ditch, described in paragraph 3.C.i, above. Sources: BWCD's marketing supplies described in paragraph 6 of the decree in Case No. 17CW3245. Appropriation date: December 28, 2017. Rate: 0.01 c.f.s., conditional. Volume: 1.0 acre-foot, per year. Date water applied to beneficial use: September 25, 2019. sAmount: 0.01 c.f.s. and 1.0 acre-foot. Use: Exchange to implement the plan for augmentation decreed in Case No. 17CW3245. To the extent the court does not make the Abundant Acres Pond Exchange water right absolute in full,

Applicant requests a finding of reasonable diligence. A detailed outline of the work performed towards completion of the appropriation, including expenditures, on file with the Court as Exhibit B.

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25CW3041 (17CW3229) PITKIN COUNTY, COLORADO. JCH, LLC, c/o Scott Miller and Lauren Hoover, 229 Midland Ave., Basalt, CO 81621, (970) 920-1030. **First Claim: Finding of Reasonable Diligence.** Name of structure: Smart Well No. 2. Date of original decree: March 17, 2019; Case No. 17CW3229. Legal description: The well is located in the SE ¼ SE ¼ of Section 23, Township 10 S., Range 85 W. of the 6th P.M., at a point approximately 465 feet from the South section line and 1120 feet from the East section line (Pitkin County) (UTM X = 340634.36; UTM Y = 4336288.78). A map is on file with the Court as Exhibit A. **Source: The Maroon Formation, tributary to Castle Creek and the Roaring Fork and Colorado Rivers.** Proposed depth: Approximately 270 feet. Date of appropriation: November 30, 2017. Amount: 0.033 c.f.s. (15 g.p.m.) conditional with an annual volumetric limit of 3.0 acre-feet. Uses: Domestic/residential purposes associated with one single family residence and one accessory dwelling unit, and landscape irrigation of lawns and gardens. Proposed irrigated area: Up to 10,000 square feet of lawns and gardens on Applicant's property located generally in the SE ¼ SE ¼ of Section 23, Township 10 S., Range 85 W. of the 6th P.M. Applicant owns the land upon which the structures are located and where the water will be placed to beneficial use. A detailed outline of the work done to complete the appropriation is on file with the Court as Exhibit B. Applicant shall replace out-of-priority depletions at the Smart Well No. 2 pursuant to the plan for augmentation decreed in Case No. 17CW3229. Applicant requests a finding of reasonable diligence for the Smart Well No. 2 described above. **Second Claim: For Finding of Reasonable Diligence** Name of structure: JCH Augmentation Tank. Date of original decree: March 17, 2019; Case No. 17CW3229. Legal description: One or more storage tanks located on Applicant's property within 200 feet of a point in the NE ¼ NE ¼ of Section 26, Township 10 S., Range 85 W. of the 6th P.M., approximately 1090 feet from the North section line and 1110 feet from the East section line (Pitkin County) (UTM X = 340564.78, UTM Y = 4335819.84). A map is on file with the Court as Exhibit A. **Source:** Queen's Gulch, tributary to Castle Creek and the Roaring Fork and Colorado Rivers, via deliveries from the Mosher Ditch and Pipeline structure. Legal description: The point of diversion of the Mosher Ditch and Pipeline, as recited in Case No. 01CW53 when the Court decreed the water right as absolute, is the SW ¼ NE ¼ of Section 26, Township 10 S., Range 85 W. of the 6th P.M. at a point approximately 2118 feet from the North section line and 860 feet from the East section line (Pitkin County). A map is on file with the Court as Exhibit A. Date of appropriation: November 30, 2017. Amount claimed: 0.38 acre-foot conditional. Fill rate: 0.25 c.f.s. Proposed use: Augmentation and replacement. Total capacity of tank(s) (all active): 0.38 acre-foot. Remarks: Applicant shall fill the augmentation tank(s) under the 2017 priority and during free river conditions. The tank(s) will be completely enclosed and therefore not create any evaporation depletions. Applicant shall use water stored in the tank(s) for replacement purposes pursuant to the plan for augmentation decreed in Case No. 17CW3229. The JCH Augmentation Tank will be located and put to beneficial use on Applicant's property. The point of diversion of the Mosher Ditch and Pipeline is located on land owned by the United States Forest Service. A detailed outline of the work done, including expenditures, towards completion of the appropriation is on file with the Court as Exhibit B. Applicant requests a finding of reasonable diligence for the JCH Augmentation Tank described above. **Third Claim: For Finding of Reasonable Diligence.** Name of structure: JCH Exchange. Date of original decree: March 17, 2019; Case No. 17CW3229. Location: A map is on file with the Court as Exhibit C. Downstream Termini: The points of replacement on the Roaring Fork and/or Colorado Rivers of the BWCD's water rights described in Paragraph 7.B. of the Decree in Case No. 17CW3229 and described with particularity as follows: For the exchange of Green Mountain Reservoir water: The confluence of the Roaring Fork and Colorado Rivers, located in the SE ¼ NW ¼ of Section 9, Township 6 S., Range 89 W. 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 (Summit County); For the exchange of Ruedi Reservoir and/or Troy and Edith Ditch water: The confluence of the Roaring Fork and Frying Pan Rivers located in the SW ¼ SE ¼ of Section 7, Township 8 S., Range 86 W. of the 6th P.M., at a point 647 feet from the South section line and 1,475 feet from the East section line (Eagle and Pitkin Counties); and For the exchange of Robinson Ditch water: The point of diversion for the Robinson Ditch on the Roaring Fork River, located in the NW ¼ SE ¼ of Section 11, Township 8 S., Range 87 W. of the 6 P.M., at a point 2,307 feet from the South section line and 2,309 feet from the East section line (Eagle County). Upstream Terminus: The uppermost point of depletion on Castle Creek from the Smart Well Nos. 1 and 2 located in the NW ¼ NE ¼ of Section 23, Township 10 S., Range 85 W. of the 6th P.M. at a point approximately 695 feet from the North section line and 1900 feet from the East section (UTM X = 340325.14, UTM Y = 4335941.68). A map is on file with the Court as Exhibit A. **Sources:** JCH Augmentation Tank, described above, and Applicant's Basalt Water Conservancy District ("BWCD") Water Allotment Contract for 0.65 acre-feet of BWCD's water marketing supplies described in Paragraph 7.B. of the Decree in Case No. 17CW3229. Date of appropriation: November 30, 2017. Rate: 0.0023 c.f.s. conditional. Volume: 0.59 acre-foot conditional. Plan of operation: The plan for augmentation decreed in Case No. 17CW3229. includes an appropriative right of exchange of the augmentation water released pursuant to a BWCD Water Allotment Contract,

extending from the lower termini to the upper terminus. Applicant shall operate the exchange only when it is in priority. A detailed outline of the work done towards completion of the appropriation, including expenditures, is on file with the Court as Exhibit B. Applicant requests a finding of reasonable diligence for the JCH Exchange described above. The subject water rights are components of an integrated water supply project for Applicant's property under C.R.S. § 37-92-301(4)(b).

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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 MARCH 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.*

25CW3042 EAGLE COUNTY, COLORADO RIVER OR ITS TRIBUTARIES. Application for Findings of Reasonable Diligence. Town of Minturn ("Applicant" or "Minturn"), c/o, William H. Caile, Esq. and Mark E. Hamilton, Esq., Holland & Hart LLP, 600 E. Main St., Ste. 104, Aspen, CO, 81611, 970-925-3476, whcaile@hollandhart.com, mehamilton@hollandhart.com. Background: Through this application, the Applicant seeks findings of reasonable diligence regarding the conditional Minturn Well Field Nos. 1 and 2 water rights that were originally decreed in Case No. 05CW263, Water Division No. 5 ("Subject Water Rights") (although Case No. 05CW263 was consolidated with Case No. 05CW262, separate decrees were entered in the cases and Case No. 05CW262 is not at issue here). Name of structures: Minturn Well Field Nos. 1 and 2 (collectively, the "Minturn Well Fields"). Prior decree information: A. Original Decree: 05CW263, Water Div. 5, dated July 6, 2010. B. Subsequent Decree: 16CW3059, Water Div. 5, dated March 17, 2019. C. Legal Descriptions: The Minturn Well Fields are depicted generally on Exhibit A of the Application. Portions of the Minturn Well Fields are in areas where the section lines, township and range have not been mapped by the United States Geological Survey ("USGS"). Any new wells in the Minturn Well Fields will be constructed in the alluvium within 100 feet of Cross Creek (Minturn Well Field No. 1) or the Eagle River (Minturn Well Field No. 2) within the following stream reaches, which are described using the Universal Transverse Mercator ("UTM") coordinate system, NAD83 datum. **Minturn well Field No. 1:** in the alluvium within 100 feet on either side of a reach of Cross Creek commencing at a point described as 1,177 feet south and 1,440 feet west of the southwest corner of Section 36, Township 5 South, Range 81 West and continuing downstream along Cross Creek (100 feet on either side), to a point near the confluence of Cross Creek and the Eagle River described as 1,174 feet north and 1,965 feet east of the southwest corner of Section 36, Township 5 South, Range 81 West. Minturn Well Field No. 1 is located in areas where the Section lines, Township and Range have not been mapped by the USGS. Thus, the location of Well Field No. 1 is described above in terms of distances from the nearest mapped Section lines on the USGS Minturn Quadrangle map dated 1987. The Well Field No. 1 may also be described as beginning at a point with UTM coordinates approximately 378118 Easting and 4380283 Northing, and continuing downstream along Cross Creek to the confluence with the Eagle River with UTM coordinates approximately 379172 Easting and 4381014 Northing. **Minturn Well Field No. 2:** in the alluvium within 100 feet on either side of a reach of the Eagle River commencing at a point described as 1,580 feet south and 1,727 feet west of the southeast corner of Section 36, Township 5 South, Range 81 West and continuing downstream along the Eagle River (100 feet on either side), to a point 7,325 feet south and 2,677 feet west of the southeast corner of Section 36, Township 5 South, Range 81 West. Minturn Well Field No. 2 is located in areas where the Section lines, Township and Range have not been mapped by the USGS. Thus, the location of Well Field No. 2 is described above in terms of distances from the nearest mapped Section lines on the USGS Minturn Quadrangle map dated 1987. The Well Field No. 2 may also be described as beginning at a point with UTM coordinates approximately 379329 Easting and 4378407 Northing, and continuing downstream along the Eagle River to a point with UTM coordinates approximately 379652 Easting and 4380103 Northing. Remarks: The Minturn Well Fields may include some lands managed by the United States Forest Service ("USFS"). Applicant does not intend to appropriate a water right on USFS lands and will not construct a well on USFS lands. Any wells constructed in the Minturn Well Fields will be located more than 600 feet from any wells that are owned by any other party, unless consent by the owner has been provided, or unless the well is otherwise permitted by the State Engineer, in accordance with C.R.S. § 37-90-137(2)(b). Any well constructed in one of the Minturn Well Fields within 100 feet of either Cross Creek or the Eagle River shall be deemed to be a headgate well with the depletions being instantaneous. Such well shall be administered as a headgate well. D. Source: Minturn Well Field No. 1: ground water tributary to Cross Creek. Minturn Well Field No. 2: ground water tributary to the Eagle River. E. Appropriation Date: December 20, 2005. F. Amount: 2.5 cfs, conditional. Pursuant to the 05CW263 Decree, Minturn may develop only as many wells as are necessary in the Minturn Well Fields for cumulative maximum diversions of 2.5 cfs under the 2005 priority decreed in Case No. 05CW263. So long as Minturn complies with the terms and conditions of the 05CW263 Decree and obtains a well permit, amendment of the 05CW263 Decree will not be required each time a new well location is determined. Minturn is entitled to have as many wells as are necessary to divert a cumulative maximum diversion of 2.5 cfs under the 2005 priority of the underground water rights for the Minturn Well Fields, and to be issued well permits by the State Engineer to construct and use ground water under the priority of the Minturn Well Fields, so long as the well permit applications confirm that operation of the wells will be subject to the terms and conditions of the 05CW263 Decree. G. Uses: Municipal. The Minturn Well Fields may be used for municipal purposes consistent with these terms and conditions, including the irrigation of plants, parks, cemeteries and gardens; provided, however, such water rights may not be used for snowmaking. Diversions may be used directly or stored within

municipal system storage tanks for subsequent release and use. Expansion of Minturn's population is anticipated to continue to occur in the future within Minturn's current and anticipated water service area, including its annexed areas and other lands within the 2003 Three Mile Plan as shown on Exhibit B of the Application, and such expansion may be served, in part, by diversions at the Minturn Well Fields under the 05CW263 Decree. i) Diversions from the Minturn Well Fields under the 05CW263 Decree shall be administered in priority as surface diversions under the 2005 priority decreed therein and may continue to divert when out-of-priority under the terms and conditions set forth in the final decree in Minturn's Case No. 07CW225 ("07CW225 Decree") or pursuant to a court approved plan for augmentation or exchange which provides for the replacement of out-of-priority depletions from the Minturn Well Fields. ii). Consistent with the requirements of the Minturn Municipal Code, Minturn agrees that, prior to the authorization of the sale of any lot in any phase of any development of the Battle Mountain Planned Unit Development or other project on Battle Mountain Annexation Parcels Nos. 1 through 9 and any other Battle Mountain Property annexed into Minturn, the source for augmentation, including without limitation Bolts Lake, will be physically and legally available or otherwise constructed to and be operable with a capacity sufficient to provide augmentation water to support the water service for such phase pursuant to the provisions of the 07CW225 Decree. **Integrated System:** The Minturn Well Fields are individual components of Minturn's integrated water supply system, which provides for Minturn's current level of municipal water service and for a reasonable expectancy of expanded municipal water service over time. Consequently, work on any one feature of Minturn's supply system shall be considered in finding that reasonable diligence has been shown in the development of the subject water rights and for all features of the water supply system. See C.R.S. § 37-92-301(4)(b); 05CW263 Decree ¶ 13. A detailed outline of activity during the diligence period is included in the Application. **Terms and Conditions:** The terms and conditions set forth in the 05CW263 Decree will be incorporated into any decree in this case. **Name and address of owner or reputed owner of the land upon which any new diversion or storage structure, or modification to any existing diversion or storage structure is or will be constructed or upon which water is or will be stored, including any modification to the existing storage pool.** Minturn is not proposing to construct any new diversion or storage structure, or modification to an existing diversion or storage structure, but provides the names of the landowners for completeness. **Minturn Well Field No. 1:** Eagle County School District RE-50J, PO Box 740, Eagle, CO 81631; Ginn Battle North, LLC, PO Box 56, Minturn, CO 81645; and United States of America, PO Box 25127, Lakewood, CO 80225. **Minturn Well Field No. 2:** Ginn Battle North, LLC, PO Box 56, Minturn, CO 81645; Ginn-LA Battle One LTD LLLP, PO Box 56, Minturn, CO 81645; and United States of America, PO Box 25127, Lakewood, CO 80225. (8 pages).

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

25CW3043 EAGLE COUNTY, COLORADO RIVER OR ITS TRIBUTARIES. Application for Findings of Reasonable Diligence and To Make Absolute. Town of Minturn ("Applicant" or "Minturn"), c/o, William H. Caile, Esq. and Mark E. Hamilton, Esq., Holland & Hart LLP, 600 E. Main St., Ste. 104, Aspen, CO, 81611, 970-925-3476, whcaile@hollandhart.com, mehamilton@hollandhart.com. **Background:** Through this Application, Minturn seeks findings of reasonable diligence for the conditional water rights associated with the Minturn Municipal Diversion (the "MMD Water Right"), and the Augmentation, Effluent, Eagle River Contract, and Colorado River Contract Exchanges, described below (the "Subject Exchange Rights", and together with the MMD Water Right, the "Subject Water Rights"), all of which were originally decreed in Case No. 07CW225, Water Division No. 5. Although Case No. 07CW225 was consolidated with Case No. 06CW264, Water Division No. 5 for specific purposes, separate decrees were entered in the cases and Case No. 06CW264 is not at issue in this matter. Certain direct flow water rights were conditionally decreed in Case No. 06CW264 and collectively are referred to in this application as the "Battle Mountain Water Rights." The Battle Mountain Water Rights were transferred to the Upper Eagle Regional Water Authority and the Eagle River Water and Sanitation District in 2022. **Name of structures:** The structures associated with the Subject Water Rights are further described below, and include the following: the Minturn Water System Ditch, the Minturn Water System Ditch Diversion Structure No. 2, the Bolts Ditch Headgate, the Maloit Park Diversion Structure, the Lower Cross Creek Diversion Structure, the Minturn Well No. 3 Enlargement, the Minturn Well No. 4 Enlargement, the Eagle River Pumpback, the Dowd Junction Pumpback, the Ginn Eagle River Diversion Nos. 2 and 3, and Bolts Lake. **Prior decree information:** Original decree: 07CW225, Water Div. 5, dated Nov. 11, 2011 (entered nunc pro tunc Oct. 5, 2010). Subsequent decree: 16CW3125, Water Div. 5, dated March 17, 2019. **Appropriation date:** Dec. 19, 2007. **The MMD Water Right:** The MMD Water Right was originally decreed in the 07CW225 Decree to divert water at the alternate points of diversion described below (the "MMD APODs"). The MMD APODs are depicted generally on **Exhibit A**, which is attached to the Application. The MMD APODs described below in paragraphs 5.A.i through 5.A.vii are referred to as the "Cross Creek APODs", and the MMD APODs described below in paragraphs 5.A.viii and 5.A.ix are referred to as the "Pumpback APODs." **Legal Description:** i) **Minturn water System Ditch:** The existing point of diversion for the Minturn Water System Ditch is decreed at a point on the Westerly bank of Cross Creek from whence the section corner common to Sections 35 and 36 of Township 5 South, Range 81 West of the 6th P.M. bears North 38°43'20" East a distance of 2531.38 feet. A supplemental description for this location is the following GPS Coordinates: Lat. 39.561318 N, Long. 106.419787 W.

ii) **Minturn Water System Ditch Diversion Structure No. 2:** The decreed point of diversion is located on the right (east) bank of Cross Creek at a point approximately 9,748 feet west of the line common to Range 80 and 81 West and 1,967 feet South of the line common to Townships 5 and 6 South of the 6th P.M. A supplemental description for this location is the following GPS Coordinates: Lat 39.561356 N, Long. 106.419239 W. iii) **Bolts Ditch Headgate:** The existing point of diversion is located at a point on Cross Creek as confirmed in Case No. 16CW3125 as the applicable legal description is Lat 39.550483 N, Long. 106.421317 W. iv) **Maloit Park Diversion Structure:** The decreed point of diversion is located within 500 feet upstream or downstream of a point on the right bank of Cross Creek that is approximately 9,131 feet west of the line common to Range 80 and 81 West and 1,238 feet south of the line common to Townships 5 and 6 South of the 6th P.M. v) **Lower Cross Creek Diversion Structure:** The decreed point of diversion is located within 500 feet upstream or downstream of a point on the right bank of Cross Creek that is approximately 357 feet east of the West section line and 93 feet north of the South section line of Section 36, Township 5 South, Range 81 West of the 6th P.M. vi) **Minturn Well No. 3 Enlargement:** The decreed point of diversion is located in the NW1/4 of the NW1/4, Section 2, Township 6 South, Range 81 West of the 6th P.M., at a point 950 feet from the North line and 1200 feet from the West line. Well No. 3 is currently in existence and permitted as Well Permit No. 47794-F. vii) **Minturn Well No. 4 Enlargement:** The decreed point of diversion is located in the SE1/4 of the SE1/4, Section 35, Township 5 South, Range 81 West of the 6th P.M., at a point 66 feet from the South line and 430 feet from the East line. Well No. 4 is currently in existence and permitted as Well Permit No. 13700-F-R. viii) **Eagle River Pumpback:** The decreed point of diversion is located within a reach of the Eagle River within 1000 feet downstream of a point described as located in the SE1/4 of the SW1/4 of Section 36, Township 5 South, Range 81 West of the 6th P.M., at a point 1,328 feet from the South section line and 2,193 feet from the West section line. The legal description of the location of the diversion structure will be provided to the Division Engineer upon construction of the diversion structure. ix) **Dowd Junction Pumpback:** The decreed point of diversion is located within a reach of the Eagle River within 1000 feet downstream or upstream of a point described as located in the NW1/4 of the NW1/4 of Section 22, Township 5 South, Range 81 West of the 6th P.M., at a point 1,415 feet from the North section line and 2,011 feet from the West section line. The legal description of the location of the diversion structure will be provided to the Division Engineer upon construction of the diversion structure. **Source:** i) Cross Creek APODs: Cross Creek, tributary to the Eagle River, tributary to the Colorado River. ii) Pumpback APODs: Eagle River, tributary to the Colorado River. **Amount:** i) A maximum of 8 cubic feet per second ("cfs"), (0.63 cfs, absolute; 7.37 cfs, conditional), at any one or combination of the MMD APODs described above, and in combination with any diversions under the Battle Mountain Water Rights decreed for direct flow uses. ii) **Cross Creek APODs:** Notwithstanding the limitation in Paragraph 5.C.i., above, diversions at any one or combination of the Cross Creek APODs or in combination with the Battle Mountain Water Rights diverting from Cross Creek may occur at a combined peak daily diversion of 12 cfs and a maximum daily total of 16 acre feet ("af"). When diversions are occurring on both the Eagle River and Cross Creek, the combined diversions are limited to a maximum daily average of 8 cfs, as set forth in Paragraph 5.C.i, above. Diversions for the first direct use may be made through Bolts Lake to Minturn's water treatment plant(s) or other locations of direct use, but no storage of water shall occur under the first use of this direct flow right. iii) **Pumpback APODs:** Water diverted from the Pumpback APODs for recirculation use may be diverted at a maximum rate of 12 cfs and shall not be subject to the limitations set forth in Paragraphs 5.C.i. and ii, above. iv) **Minturn Well Nos. 3 and 4 Enlargements:** 225 gpm, conditional, for each of the Minturn Well Nos. 3 and 4 Enlargements. Such diversions shall be included in the maximum cumulative diversions described in Paragraph 5.C.i and 5.C.ii, above. **Uses:** i) **Cross Creek APODs:** Aesthetics, piscatorial, recreational, domestic, irrigation, commercial, industrial, and municipal. Return flows from the MMD Water Right may be used for augmentation credits, and excess return flows from the MMD Water Right may be used for exchange pursuant to the Subject Exchange Rights. Diversions of water under the MMD Water Right shall be placed to beneficial consumptive use directly. To the extent that the depletions from any such consumptive use are out of priority, then such depletions will be accounted for and replaced under the augmentation plan granted in the 07CW225 Decree (the "07CW225 Augmentation Plan"). The place of use of water diverted under the MMD Water Right is depicted on **Exhibit B** attached to the Application, and shall be within the Town's current and anticipated water service area, which includes the Town, the Town's annexed areas, other lands within the Town's 2003 Three Mile Plan, and those lands that are the subject of the project known as the Battle Mountain Project. ii) **Pumpback APODs:** Diversions of water at the Pumpback APODs may be delivered via a closed pipeline system to Cross Creek above the points of diversion of the Augmented Water Rights (as defined below), the Eagle River above the points of diversion of the Augmented Water Rights (as defined below), or the Eagle River near the Cross Creek and Eagle River confluence or any combination thereof. Such diversions may be used to enhance stream flows in Cross Creek and the Eagle River, including without limitation the replacement of out-of-priority depletions or out-of-priority diversions, as appropriate, to ensure that minimum instream flows decreed to the Colorado Water Conservation Board on Cross Creek and the Eagle River in the reaches where Minturn may divert water are not injured. iii) **Reuse and successive use of return flows:** The Pumpback APODs may divert water for direct use or for storage in Bolts Lake for later use any excess return flows derived from the in priority or fully augmented diversion and use of the Augmented Water Rights (as defined below) or excess augmentation water released from storage in Bolts Lake or under Minturn's Eagle River Contract Water. Such diversions of excess return flows derived from the in priority or fully augmented diversion and use of the Augmented Water Rights (as defined below) or excess augmentation water may be released from storage in Bolts Lake for re-diversion for direct reuse or successive use by the Augmented Water Rights (as defined below) and may be diverted into storage in Bolts Lake directly or by exchange for later release and use. **Conditional Rights of Exchange.** **Background:** Minturn's 07CW225 Augmentation Plan includes use of the Subject Exchange Rights to augment, by exchange, out-of-priority depletions resulting from diversions at any one or combination of the alternate point of diversions of the Augmented Water Rights and to recapture fully consumable return flow credits into storage. **Augmented Water Rights:** Any reference to the "Augmented Water Rights" refers to those water rights that are augmented under the 07CW225 Augmentation Plan, which are the following: i) the MMD Water Rights; ii) the Minturn Well Feld Nos. 1 and 2 water rights (originally decreed in Case No. 05CW263, Water Division No.

5); and a) The decreed point of diversion for the Minturn Well Field No. 1 water right is in the alluvium within 100 feet on either side of a reach of Cross Creek commencing at a point described as 1,177 feet south and 1,440 feet west of the southwest corner of Section 36, Township 5 South, Range 81 West and continuing downstream along Cross Creek (100 feet on either side), to a point near the confluence of Cross Creek and the Eagle River described as 1,174 feet north and 1,965 feet east of the southwest corner of Section 36, Township 5 South, Range 81 West. Minturn Well Field No. 1 is located in areas where the Section lines, Township and Range have not been mapped by the United States Geological Service ("USGS"). Thus, the location of Well Field No. 1 is described above in terms of distances from the nearest mapped Section lines on the USGS Minturn Quadrangle map dated 1987. The Well Field No. 1 may also be described as beginning at a point with UTM coordinates approximately 378118 Easting and 4380283 Northing, and continuing downstream along Cross Creek to the confluence with the Eagle River with UTM coordinates approximately 379172 Easting and 4381014 Northing. b) The decreed point of diversion for the Minturn Well Field No. 2 water right is in the alluvium within 100 feet on either side of a reach of the Eagle River commencing at a point described as 1,580 feet south and 1,727 feet west of the southeast corner of Section 36, Township 5 South, Range 81 West and continuing downstream along the Eagle River (100 feet on either side), to a point 7,325 feet south and 2,677 feet west of the southeast corner of Section 36, Township 5 South, Range 81 West. Minturn Well Field No. 2 is located in areas where the Section lines, Township and Range have not been mapped by the USGS. Thus, the location of Well Field No. 2 is described above in terms of distances from the nearest mapped Section lines on the USGS Minturn Quadrangle map dated 1987. The Well Field No. 2 may also be described as beginning at a point with UTM coordinates approximately 379329 Easting and 4378407 Northing, and continuing downstream along the Eagle River to a point with UTM coordinates approximately 379652 Easting and 4380103 Northing. iii) the direct flow water rights that were conditionally decreed in Case No. 06CW264, which have the same alternate points of diversion as the MMD Water Right, and also include the two additional alternate points of diversion described in detail below: a) Ginn Eagle River Diversion No. 2: a proposed diversion to be located on or adjacent to the Eagle River in an unsurveyed portion of Eagle County that, when surveyed, will likely be in the NE 1/4 of NE 1/4 of Section 11 of Township 6 South, Range 81 West, of the 6th P.M. Eagle County, Colorado, at a point 5465 feet West of the line common to Range 80 and 81 West, and 7265 feet South of the line common to Townships 5 and 6 South. b) Ginn Eagle River Diversion No. 3: a proposed diversion to be located on or adjacent to the Eagle River in an unsurveyed portion of Eagle County that, when surveyed, will likely be in the NW 1/4 of SW 1/4 of Section 1 of Township 6 South, Range 81 West, of the 6th P.M. Eagle County, Colorado, at a point 4000 feet from the North section line and 4465 feet from the East section line. **Augmentation Water Rights:** Any reference to the "Augmentation Water Rights" refers to those water rights decreed to replace out-of-priority depletions from the diversion of water under the Augmented Water Rights under the 07CW225 Augmentation Plan. The Augmentation Water Rights are the following: i) the Bolts Lake water right (originally decreed in Case No. 96CW324); a) Location of dam: Bolts Lake is located in Homestead Entry Survey No. 40, Homestead Entry No. 021, containing a portion of the W½ of Section 1, and the E½ of Section 2, Township 6 South, Range 81 West of the 6th P.M. Eagle County, Colorado, and in Homestead Entry Survey No. 41, Homestead Entry No. 022, containing a portion of the SW¼ of Section 1, S½ of Section 2, N½ of Section 11, and NW¼ of Section 12, Township 6 South, Range 81 West of the 6th P.M. Eagle County, Colorado. All sections and portions of sections are projected, as this area is unsurveyed. ii) the 2006 Bolts Lake Storage Right (originally decreed in Case No. 06CW264); iii) the 2007 Bolts Lake Storage Right (decreed in Case Nos. 06CW264 and 07CW225); iv) up to 100 af per year or more (pursuant to the terms of the 07CW225 Decree) of fully-consumable water made available to Minturn pursuant to a contract with the Colorado River Water Conservation District (the "River District") from storage in Wolford Mountain Reservoir or Reudi Reservoir or both (the "Colorado River Contract Water"), and v) up to 90 af per year or more (pursuant to the terms of the 07CW225 Decree) of fully-consumable water made available from storage in the Eagle Park Reservoir Project to Minturn pursuant to a lease with the Eagle River Water and Sanitation District ("ERWSD"), and/or contracts with the River District or other appropriate entity from the Eagle Park Reservoir Project (the "Eagle River Contract Water"). **Exchange Reach:** An exchange matrix showing the lower-most exchange-from and upper-most exchange-to points for the Subject Exchange Rights as well as the exchange rate for each exchange reach is attached as **Exhibit C**, attached to the Application, and incorporated herein. The exchange reaches will vary, depending on: (i) the location of the delivery of augmentation water to the stream and the location of the accrual to the stream of return flows (from system loss, irrigation, and snowmaking) resulting from diversion and use of the Augmented Water Rights and (ii) the location of the point of diversion of the Augmented Water Rights. **Augmentation Exchanges:** The "Augmentation Exchanges," described in detail in this section, will exchange water released from the Augmentation Water Rights to the points of diversion for the Augmented Water Rights and/or the Augmentation Water Rights. i) **Legal Description:** **Downstream Termini:** The most downstream termini are the points of release of the Augmentation Water Rights, and the points at which the return flows set forth in Paragraph 5.D accrue to the stream. **Upstream Termini:** The most upstream termini are the Bolts Ditch Headgate on Cross Creek, and the Ginn Eagle River Diversion No. 2 on the Eagle River. **Source:** The sources of water for the Augmentation Exchanges include the following: (a) the Augmentation Water Rights; (b) stream accretions attributable to return flows from system losses and irrigation resulting from the in-priority or fully-augmented diversion and use of the Augmented Water Rights; (c) stream accretions attributable to snowmaking return flows resulting from the snowmaking use of Bolts Lake water under the Battle Mountain Water Rights; and (d) wastewater discharges attributable to the in-priority or fully-augmented diversion and use of the Augmented Water Rights. **Amount:** The maximum combined instantaneous rate of exchange is 12 cfs, conditional, for any combination of Augmented Water Rights augmented by exchange by any combination of the Augmentation Exchanges. **Remarks:** The Applicant may divert water at any point within the exchange reach, including the points of diversion of the Augmented Water Rights. The exchange reach is located on Cross Creek and the Eagle River between the upstream termini and the downstream termini. As set forth in the 07CW225 Decree, one example of use of the Augmentation Exchanges could be the use of the augmented MMD Water Right diverting from Cross Creek at the Minturn Water System Ditch structure. Considering for this example only the use of the out-of-priority diversion within the Town's current service area, three exchanges would comprise the Augmentation

Exchanges. The first exchange could be that from the release of augmentation water from Bolts Lake to the Eagle River in the vicinity of its confluence with Cross Creek. This exchange could run from said confluence upstream along Cross Creek to the Minturn Water System Ditch structure. The second exchange could run from the Eagle River shortly above its confluence with Gore Creek, upstream along the Eagle River to its confluence with Cross Creek, then upstream along Cross Creek to the Minturn Water System Ditch structure. The source of water for this exchange could be the accruals to the Eagle River of system loss and irrigation return flows resulting from the diversion and use of water from any of the Augmented Water Rights. The third exchange that could occur would run from the Eagle River at the outfall of the existing Avon wastewater treatment plant upstream along the Eagle River to its confluence with Cross Creek, then upstream along Cross Creek to the Minturn Water System Ditch structure. The source of water for this exchange (the Effluent Exchange) could be the treated wastewater resulting from the Town's in-priority or fully-augmented diversion and use of the MMD Water Right. In this example, these three exchanges would comprise the totality of the Augmentation Exchanges. Only those return flows that exceed those return flows otherwise allocated to and accounted for as credits for purposes of determining the augmentation requirements under the 07CW225 Decree may be exchanged into storage, subject to the provisions set forth in the 07CW225 Decree and herein. **Effluent Exchanges:** The "Effluent Exchanges," described in detail below, will exchange treated water released from the wastewater treatment plant or plants that provide treatment service for water distributed in the Town's municipal water system (the "Municipal Effluent") to the points of diversion for the Augmented Water Rights and/or the Augmentation Water Rights. **Legal Description:** **Downstream Termini:** The most downstream terminus of the Effluent Exchanges is the outfall of the wastewater treatment plant operated by the ERWSD in Avon, located in the NW1/4 of Section 12, Township 5 South, Range 82 West, 6th P.M. ("Avon WWTP"). Other downstream termini for the Effluent Exchanges may include any other upstream wastewater treatment plant(s) utilized by the Town for treatment of municipal wastewater and located upstream from the Avon WWTP (including without limitation any wastewater treatment plant permitted and located in the future at the previously identified Dowd Junction site, a Cross Creek site or other site within the Battle Mountain annexation lands). **Upstream Termini:** The most upstream termini are the Bolts Ditch Headgate on Cross Creek, and the Ginn Eagle River Diversion No. 2 on the Eagle River. **Source:** The Municipal Effluent. **Amount:** Up to a maximum of 5 cfs, and a projected maximum combined instantaneous exchange rate of 12 cfs, in combination with the Augmentation Exchanges, described above. **Remarks:** The Applicant may divert water at any point within the exchange reach, including the points of diversion of the Augmented Water Rights. The exchange reach is located on Cross Creek and the Eagle River between the upstream termini and the downstream termini. To the extent that Minturn has augmentation credits in excess of the need for actual augmentation under the 07CW225 Augmentation Plan, Minturn may exchange such unused augmentation credits upstream into Bolts Lake from appropriate exchange-from points identified under Augmentation Exchanges, subject to transit losses to be assessed by the Division Engineer as such excess augmentation water travels to the designated exchange-from point. **Eagle River Contract Exchanges:** The Eagle River Contract Exchanges will exchange the Eagle River Contract Water into storage in Bolts Lake. **Legal Description:** **Downstream Termini:** The most downstream terminus is the confluence of the Eagle River and Cross Creek, which is located in the SE1/4 of the SW1/4 of section 36, T5S, R81W, in the 6th P.M. at a point 3175 feet from the east section line, and 1300 feet from the south section line. **Upstream Termini:** The most upstream terminus on Cross Creek is the Bolts Ditch Headgate, and the most upstream terminus on the Eagle River is the Ginn Eagle River Diversion No. 2. **Source:** Eagle River Contract Water. **Amount:** 20 cfs, conditional. **Remarks:** Applicant may divert water at any point within the exchange reach, including the points of diversion of the Augmented Water Rights. The exchange reach is located on Cross Creek between the most upstream terminus and the most downstream terminus. The Eagle River Contract Exchanges are separate from the Augmentation Exchanges using water from the Eagle Park Reservoir Project. **Colorado River Contract Exchanges:** The Colorado River Contract Exchanges will exchange the Colorado River Contract Water into storage in Bolts Lake. **Legal Description:** **Downstream Termini:** The most downstream termini of the Colorado River Contract Exchanges are described below. i) *Releases from Wolford Mountain Reservoir:* the confluence of the Eagle River and the Colorado River, which is located in the SW1/4 of the NE1/4 of section 5, T5S, R86W, in the 6th P.M. at a point 2100 feet from the east section line, and 2880 feet from the south section line. ii) *Releases from Ruedi Reservoir:* the confluence of the Roaring Fork River and Colorado River, which is located in the SE1/4 of the NW1/4 of section 9, T6S, R89W, in the 6th P.M. at a point 2940 feet from the east section line, and 3150 feet from the south section line. **Downstream Termini:** The most upstream termini are the Bolts Ditch Headgate on Cross Creek, and the Ginn Eagle River Diversion No. 2 on the Eagle River. **Source:** Colorado River Contract Water. **Amount:** 20 cfs, conditional. **Remarks:** Applicant may divert water at any point within the exchange reach, including the points of diversion of the Augmented Water Rights. The exchange reach is located on Cross Creek, the Eagle River, and the Colorado River between the upstream termini and the downstream termini. The Colorado River Contract Exchanges are separate from the Augmentation Exchanges using water from Wolford Mountain Reservoir and/or Ruedi Reservoir. **Integrated System:** In paragraph 22 of the 07CW225 Decree and in paragraph 12 of the decree entered in Case No. 16CW3125, the Water Court made a finding that the MMD Water Right and the Subject Exchange Rights are individual components of Minturn's integrated water supply system. Consequently, in subsequent diligence proceedings, work on any one feature of Minturn's municipal supply system shall be considered in determining whether reasonable diligence has been shown in the development of water rights for all features of Minturn's water supply system, see C.R.S. § 37-92-301(4)(b). **Claim to make absolute:** **Augmentation Exchanges.** **Date water applied to beneficial use:** Aug. 22, 2020. **Amount claimed as absolute:** 0.30 cfs. **Uses claimed as absolute:** On August 22, 2020, water was diverted out-of-priority in an amount of 0.30 cfs under the Minturn Well No. 4 Enlargement and beneficially used for domestic, irrigation, commercial, industrial, municipal and augmentation purposes. This out-of-priority diversion was augmented by Augmentation Exchanges of various sources, including wastewater effluent, municipal return flows, and Colorado River District Contract Water. A detailed outline of activity during the diligence period is included in the Application. **Terms and Conditions:** The terms and conditions set forth in the 05CW263 Decree will be incorporated into any decree in this case. **Names and addresses of owners or reputed owners of the land upon which any new diversion or storage structure,**

or modification to existing diversion or storage structure is or will be constructed or upon which water is or will be stored, including any modifications to an existing storage pool. Minturn is not proposing to construct any new diversion or storage structure, or modification to an existing diversion or storage structure, but provides the names of the landowners for completeness. **Bolts Lake:** Battle North, LLC; Battle South, LLC; Battle One Developer, LLLP; and Battle One A Developer, LLC (the “Battle Mountain Entities”), PO Box 56, Minturn, CO 81645. **Ginn Eagle River Diversion No. 2:** The Battle Mountain Entities (see above); and Union Pacific Railroad Co., C/O Property Tax Dept., 1400 Douglas St. Stop 1640, Omaha, NE 68179, (Union Pacific Railroad R.O.W.). **Ginn Eagle River Diversion Structure No. 3:** The Battle Mountain Entities (see above); U.S. Forest Service (“USFS Minturn”), 24747 US Highway 24, PO Box 190, Minturn, CO 81645; U.S. Forest Service (“USFS Glenwood”), PO Box 948, Glenwood Springs, CO 81602; and Colorado Department of Transportation (“CDOT”), 4201 E. Arkansas Ave., Denver, CO 80222 (CDOT Right of Way). **Bolts Ditch Headgate, Minturn Water System Ditch and Minturn Well No. 4 Enlargement:** United States of America (“USA”), PO Box 25127, Lakewood, CO 80225; USFS Minturn (see above); and USFS Glenwood (see above). **Minturn Water System Ditch Diversion Structure No. 2:** USA (see above); USFS Minturn (see above); USFS Glenwood (see above); and Eagle County School District RE 50-J (“Eagle County School District”), 948 Chambers Avenue, PO Box 740, Eagle, CO 81631. **Lower Cross Creek Diversion Structure:** The Battle Mountain Entities (see above); and Eagle County School District (see above). **Maloit Park Diversion Structure and Minturn Well No. 3 Enlargement:** Eagle County School District (see above). **Eagle River Pumpback:** USFS Minturn (see above); USFS Glenwood (see above); CDOT (see above); Jeffrey F. Gruener Trust, 11309 Pembroke Cir., Bentonville, AR 72712; Riverbend Cabin Trust, 3835 Harrison St. NW, Washington DC 20015; Chakradhar Kotaru & Susan Kotake, 2779 Syracuse Ct., Denver, CO 80238; Blumberg Family LLC, 3026 N. Bay Rd., Miami Beach, FL 33140; John E. & Joanie E. Mankus, 4600 S. Vine Way, Englewood, CO 80113; Heather B. Mulvihill, 3700 Willamette Ln, Littleton, CO 80121; Robin Berry Etal, 195 High St., Denver, CO 80218; David Hodes & Jolie Schwab, 143 E. 83rd St. Apt. 11E, New York, NY 10028; Duke Family LLC, 4 E. Bellview Pl., Eaglewood, CO 80113; Nhu Lam & David W. Agostine, 8 Buell Mansion Pkwy, Cherry Hills Village, CO 80113; Daniel J & Eileen S. McCallin, 5725 County Road 154, Elizabeth, CO 80170; Gregory, Betty S., Scot, Cheryl, Michael, Michelle, and Jennifer Martin, 7415 Panorama Dr., Boulder, CO 80303; Mary M. Sullivan-Etal, 40 Cherry Street, Denver, CO 80220; and Stuart & Laurie Leitner, 16 Rober Dr. Short Hills, NJ 07078. **Dowd Junction Pumpback:** USA (see above); USFS Minturn (see above); USFS Glenwood (see above); and CDOT (see above). **Minturn Well Field No. 1:** Eagle County School District (see above); The Battle Mountain Entities (see above); and USA (see above). **Minturn Well Field No. 2:** USA (see above); and The Battle Mountain Entities (see above). (19 pages).

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

25CW3044 (18CW3005) (14CW3035) (06CW275) – GRAND COUNTY – APPLICATION TO MAKE WATER RIGHTS ABSOLUTE AND FOR A FINDING OF REASONABLE DILIGENCE - Applicant, Steve Reynolds (“Applicant”), by and through undersigned counsel, respectfully submits this Application to Make Water Rights Absolute and for a Finding of Reasonable Diligence, and as grounds therefore states as follows: 1. **Name and Address of Applicant.** Steve Reynolds, 730 17th Street, Suite 250, Denver, Colorado 80202. Copies of all pleadings to: Stephen C. Larson and Cameron C. Frazier, Johnson & Repucci LLP, 850 West South Boulder Road, Suite 100, Louisville, Colorado 80027. 2. **Original and Subsequent Decrees.** By decree entered on May 19, 2008 in Case No. 06CW275, Widdfield Spring No. 1 was decreed absolute for 30 gallons per minute (“gpm”) or 0.067 cfs for irrigation purposes, with a total demand of 3.85 acre-feet per year, and awarded a conditional right of exchange of the replacement of the irrigation depletions of not more than 3.1 acre-feet per year for irrigation (the “Spring Exchange”). The decree entered on September 9, 2014 in Case No. 14CW3035 found reasonable diligence towards the development of the Spring Exchange. In Case No. 18CW3005, entered March 17, 2019, Applicant was granted an additional conditional exchange right of not more than 1.4 acre-feet per year to replace evaporative depletions from Reynolds Pond (the “Pond Exchange”). Additionally, the decree in Case No. 18CW3005 found that reasonable diligence had been shown towards the development of the Spring Exchange water right and that future diligence filings could be coupled with the Pond Exchange water right and granted diligence for both exchange rights through March of 2025. 3. **Description of Conditional Rights of Exchange.** a. **Spring Exchange Decreed in Case No. 06CW275.** i. **Downstream Terminus.** Colorado River to a point where releases from Wolford Mountain Reservoir meet the Colorado River (confluence of Muddy Creek with the Colorado River). Releases from Wolford Mountain Reservoir meet the Colorado River in the NW1/4 NE1/4 of Section 19, T1N, R80W, of the 6th P.M., at a point approximately 2,000 feet from the East line of said Section 19 and 200 feet from the North line of said Section 19. ii. **Upstream Terminus.** Widdfield Spring No. 1 [WDID 5101081], located in the SW1/4 SW1/4 of Section 25, T3N, R76W of the 6th P.M., 1,100 feet from the South line of said Section 25 and 1,100 feet from the West line of said Section 25, (UTM coordinate: X: 426794.8 and Y: 4448886.0, Zone 13N, NAD 1983), on Parcel A, Widdfield Outright Exemption, according to the plat thereof recorded at Reception No. 2007009055 in the Grand County real property records. Maps depicting the Widdfield Spring No. 1 and its irrigated lands are attached hereto as Figure 1 and Figure 2 at **Exhibit A.** iii. **Exchange Supply.** Applicant is approved for two Water Allotment

Contracts with the Middle Park Water Conservancy District ("MPWCD"), one for 3.1 acre-feet and one for 1.4 acre-feet per year, for a total of 4.5 acre feet of water per year (the "MPWCD Contracts"), which is the amount of the total depletions under this plan. The MPWCD Contracts represent a portion of the 3,000 acre feet produced from Municipal Subdistrict, Northern Colorado Water Conservancy District, water supplies which the Municipal Subdistrict has agreed to dedicate and set aside annually in Granby Reservoir, which is located upstream of the confluence of the Fraser and Colorado Rivers, on the Colorado River, Grand County, Colorado, pursuant and subject to the terms and conditions to the Agreement Concerning the Windy Gap Project and the Azure Reservoir and Power Project, Dated and Signed April 30, 1980 and approved by Water Court, Water Division 5, Civil Action 1768, by Interlocutory Decree dated October 27, 1980, and Supplement to Agreement of April 30, 1980, duly decreed in Case No. 85CW135. As an alternate source of supply under its MPWCD Contracts, Applicant may utilize water stored in Wolford Mountain Reservoir. The water is a portion of the storage right located at Wolford Mountain Reservoir, as adjudicated in Case No. 97CW283, decree entered November 20, 1989, District Court, Water Division 5. MPWCD has an interest in 3,000 acre-feet of this Wolford Mountain water virtue of an agreement between the Colorado River Water Conservation District, the Board of County Commissioners of Grand County, and the Middle Park Water Conservancy District, dated December 17, 1992. The legal description of the place of storage is: Wolford Mountain Reservoir, the dam of which is located in SW1/4 NE1/4 of Section 25, Township 2 North, Range 81 West of the 6th P.M. iv. Exchange Rate. Up to 0.05 cfs, conditional with a total exchange volume of not more than 3.1 acre-feet per year. v. Appropriation Date. December 29, 2006. b. Pond Exchange Decreed in Case No. 18CW3005. i. Downstream Terminus. Colorado River to a point where releases from Wolford Mountain Reservoir meet the Colorado River (confluence of Muddy Creek with the Colorado River). Releases from Wolford Mountain Reservoir meet the Colorado River in the NW1/4 NE1/4 of Section 19, T1N, R80W, of the 6th P.M., at a point approximately 2,000 feet from the East line of said Section 19 and 200 feet from the North line of said Section 19. ii. Upstream Terminus. The upstream terminus is Reynolds Pond [WDID 5101081], which dam centerline is located at UTM coordinate: X: 426772.6 and Y: 4448845.0, Zone 13N, NAD 1983. A map depicting the Reynolds Pond is attached hereto as Figure 1 at Exhibit A. iii. Exchange Supply. The exchange supply is described in section 3.a.iii above. iv. Exchange Rate. 0.01 cfs, conditional, with a total exchange volume of not more than 1.4 acre-feet per year. v. Appropriation Date. November 22, 2017, the date Applicant applied for 1.4 acre-feet of augmentation water from MPWCD. 4. **Claim to Make Water Rights Absolute in Part**. Applicant seeks by this application to decree 1.64 acre-feet per year of the Spring Exchange and 0.77 acre-feet per year of the Pond Exchange as absolute as set forth below. a. The Spring Exchange Decreed in Case No. 06CW275. i. Description. The Spring Exchange is described in section 3.a above. ii. Amount to Make Absolute. 1.64 acre-feet per year out of the 3.1 acre-feet per year. iii. Uses to make Absolute. Replacement of depletions arising from direct use of Widdifield Spring No. 1 for irrigation (directly or following storage in Reynolds Pond). First Beneficial Use. April 1, 2021. Water was first used to replace out-of-priority depletions from the irrigation use of water diverted pursuant to the plan for augmentation approved by the decree in Case No. 06CW275. iv. Date of Appropriation. June 1, 2000. v. Remarks. An engineering report prepared by Applicant's water consultants, BBA Water Consultants, Inc. ("BBA"), supporting this claim is attached hereto as Exhibit B. As shown in Applicant's accounting, a total of 1.64 acre-feet per year, out of the 3.1 acre-feet per year decreed for the Spring Exchange, were used for augmentation and replacement of out-of-priority depletions from the irrigation use of water from April 1, 2021 through October 31, 2021. In section 5 below, Applicant seeks a finding of reasonable diligence with respect to the remaining 1.46 acre-feet per year portion of this water right for which absolute rights are not sought. b. The Pond Exchange Decreed in Case No. 18CW3005. i. Description. The Pond Exchange is described in section 3.b above. ii. Amount to Make Absolute. 0.77 acre-feet per year out of the 1.4 acre-feet per year. iii. Uses to make Absolute. Storage (filling of Reynolds Pond, including the replacement of evaporative loss), fire protection, fish and wildlife, recreation. iv. First Beneficial Use. April 1, 2021. Water was used to replace evaporative losses to Reynolds Pond pursuant to the plan for augmentation approved by the decree in Case No. 18CW3005. v. Date of Appropriation. August 13, 2007. vi. Remarks. An engineering report prepared by BBA supporting this claim is attached hereto as Exhibit B. As shown in Applicant's accounting, a total of 0.77 acre-feet per year, out of the 1.41 acre-feet per year decreed for the Spring Exchange, were used for augmentation and replacement of out-of-priority depletions occurring at the Reynolds Pond from April 1, 2021 through October 31, 2021. In section 5 below, Applicant seeks a finding of reasonable diligence with respect to the remaining 0.63 acre-feet per year portion of this water right for which absolute rights are not sought. 5. **Claim for Reasonable Diligence**. Applicant seeks to continue as conditional the remaining 1.46 acre-feet per year portion of the Spring Exchange and the remaining 0.63 acre-feet per year portion of the Pond Exchange which are not sought to be made absolute by this application. Activities have been performed to put the subject water rights to beneficial use during the subject diligence period, as well as to show that Applicant continues to have the need for the conditional water rights, including but not limited to the following: a. Applicant, with the assistance of BBA, regularly conferred and coordinated with MPWCD concerning administrative conditions and the out-of-priority replacements for the Spring Exchange and Pond Exchange. b. Applicant, with the assistance of BBA, prepared the required accounting form and completed annual accounting reports, which reports are submitted to the Division of Water Resources. Applicant also assisted the Division of Water Resources in clarifying that the accounting reports and former diligence deadlines associated with Case Nos. 06CW275 and 14CW3035 are no longer required. c. Applicant, with the assistance of BBA, installed a staff gauge on the Reynolds Pond outlet and replaced certain irrigation pump equipment. d. Applicant, with the Assistance of BBA, completed a survey and prepared a Stage Area Capacity table for Reynolds Pond, as required by the decree in Case No. 18CW3005. e. Applicant continues to use and enjoy the water resources decreed for this property and completed regular maintenance for continued operation. f. Applicant incurred several thousand dollars in water resource consulting costs in completing the above referenced diligence activities. g. Applicant also incurred several thousand dollars in legal fees by engaging legal counsel to coordinate with BBA regarding the contents and preparation of this diligence application. 6. **Name and Address of Landowner Upon which any New or Modified Diversion Structure is Located**. All of the structures are located on land owned by Applicant. WHEREFORE, Applicant respectfully requests that the Court enter a decree finding that: A. The Spring Exchange has been made absolute in the amount

of 1.64 acre-feet per year for augmentation and replacement of irrigation uses; B. The Pond Exchange has been made absolute in the amount of 0.77 acre-feet per year for the augmentation and replacement of evaporative losses at Reynolds Pond; and C. Applicant has been reasonably diligent in its efforts to develop the remaining portions of the Spring Exchange and Pond Exchange water rights which have not yet been made absolute based upon the activities set forth in this application. 1.46 acre-feet per year of the Spring Exchange and 0.63 acre-feet per year of the Pond Exchange are continued as conditional rights of exchange for the uses set forth in original decrees, for an additional six-year diligence period or until such time as a determination is made that the rights have been made absolute in their entirety. (7 pages plus exhibits)

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

25CW3045 (Case No. 2015CW3119) PITKIN, EAGLE AND GARFIELD COUNTIES. Application to Make Water Right Absolute and for Finding of Reasonable Diligence. Applicant: City of Aspen, c/o Steve Hunter, Utilities Resource Manager, 130 South Galena Street, Aspen, Colorado 81611, (970) 920-5110, steve.hunter@aspen.gov, c/o Andrea L. Benson and Gilbert Y. Marchand, Jr., Alperstein & Covell, P.C., 2299 Pearl Street, Suite 400-C, Boulder, CO 80304. 1. Name of Structures: Riverside Ditch Aspen Enlargement, Snyder Pond, and Aspen Ruedi Reservoir Exchange. 2. Information from Prior Decree: Original decree entered on March 13, 2019, in Case No. 2015CW3119, Water Court, Water Division 5 ("Original Decree"). This is the first diligence case filed since the Original Decree entered. 3. Name of Structure: Riverside Ditch Aspen Enlargement. a. Legal Description of Point of Diversion: The Riverside Ditch headgate is located on the north bank of the Roaring Fork River, in Pitkin County, Colorado, at a point from whence the southeast corner of Section 18, Township 10 South, Range 84 West of the Sixth P.M., bears South 39° 00' East 3360 feet. See Figure 1. b. Source: Roaring Fork River, tributary to the Colorado River. c. Date of Appropriation: December 31, 2015. d. Amount claimed: The total combined diversion rate of the Riverside Ditch Aspen Enlargement is 0.65 cfs and is apportioned as follows: i) 0.15 cfs, conditional, is decreed for the purposes of providing freshening flows to Snyder Pond; ii) 0.25 cfs, conditional, is decreed for irrigation of Prockter Open Space, Herron Park and Newbury Park; iii) 0.25 cfs, conditional, is decreed for baseflow at Prockter Open Space for passive stormwater treatment. e. Number of acres to be irrigated: Up to 0.25 cfs of the Riverside Ditch Aspen Enlargement will be used to irrigate approximately 4.5 acres at Prockter Open Space, Herron Park and Newbury Park. f. Legal Description of Irrigated Acreage: i) Prockter Open Space is located in the SE ¼ of the SW ¼ of Section 7, Township 10 South, Range 84 West of the 6th P.M. in Pitkin County. The center of the Prockter Open Space is approximately 110 feet north of the South section line and 2,400 feet east of the West section line of said Section 7. Prockter Open Space area is approximately 0.57 acres. ii) Herron Park is located in the SE ¼ of the SW ¼ of Section 7, Township 10 South, Range 84 West, of the 6th P.M., in Pitkin County, Colorado. The center of Herron Park is approximately 340 feet north of the south section line and 2,230 feet east of the west section line of said Section 7. Herron Park area is approximately 1.9 acres. iii) Newbury Park is located in the SE ¼ of the SW ¼ of Section 7, Township 10 South, Range 84 West, of the 6th P.M., in Pitkin County, Colorado. The center of Newbury Park is approximately 660 feet north of the south section line and 2,130 feet east of the west section line of said Section 7. Newbury Park area is approximately 2.02 acres. The Prockter Open Space, Herron Park and Newbury Park are shown on Figure 1. 1. Name of Structure: Snyder Pond. a. Legal Description: Snyder Pond is located in the NW1/4 NE1/4 of Section 18, Township 10 South, Range 84 West of the 6th P.M. in Pitkin County. The center of the pond is approximately 580 feet south of the North section line and 1,730 feet west of the East section line of said Section 18. See Figure 1. b. Source: Roaring Fork River, tributary to the Colorado River, via the Riverside Ditch, and inflows accruing to Snyder Pond. c. Name of Ditch: Riverside Ditch at the rate of 0.15 cfs, to fill Snyder Pond under this storage right. d. Legal description of point of diversion: The headgate of the Riverside Ditch is described in paragraph 4 above and shown on Figure 1. e. Date of appropriation: December 31, 2015. f. Amount claimed: The amount claimed is 1.5 acre-feet, conditional, with a right to fill and refill in priority, with a maximum annual volumetric limit of 5.4 acre-feet. g. Uses: The water stored in the Snyder Pond under this decreed water storage right may be used for municipal uses as described below. ii) Irrigation uses: Water stored pursuant to the water storage right for the Snyder Pond herein decreed may be used as a supplemental irrigation supply for approximately 2.8 acres irrigated by Aspen's interest in the Senior Riverside Right. Such lands are described as follows: NW1/4 of the NE1/4 of Section 18, Township 10 South, Range 84 West of the 6th P.M. in Pitkin County. The center of the irrigated acreage is approximately 650 feet south of the North section line and 1,590 feet west of the East section line of said Section 18. See Figure 1. ii) Non-irrigation uses: The primary non-irrigation uses of water stored under the Snyder Pond storage right herein decreed are municipal purposes, including fire protection, wildlife, recreation, incidental aesthetic uses, and augmentation of the City's municipal uses. Augmentation uses will be made only pursuant to a separate decree, approved substitute water supply plan or other applicable administrative approval process. h. Surface area: The surface area of the Snyder Pond at high water line is approximately 0.5 acres. Water is impounded by a control structure that is less than 10' high. 6. Name and Description of Exchange: Aspen Ruedi Reservoir Exchange. a. Exchange Reaches: The exchange will operate on the Roaring Fork River and Castle Creek. A map showing the exchange reaches and vicinity map is attached as Figure 4. i. Upstream termini. 1. Headgates

of the Holden and Marolt Ditches on Castle Creek. The decreed headgate of the Holden Ditch is located at a point on the westerly bank of Castle Creek whence the northwest corner of Section 13, Township 10 South, Range 85 West of the 6th P.M. bears North 39°52' West a distance of 1923.4 feet. The headgate of the Marolt Ditch is located on the west bank of Castle Creek at point whence the West quarter corner of Section 12, Township 10 South, Range 85 West of the 6th P.M. bears North 26°36' West 3542 feet. Both are shown on Figure 2. 2. Headgate of the Riverside Ditch on the Roaring Fork River. The decreed location of the headgate of the Riverside Ditch is described in paragraph 4 above. ii. Downstream terminus. Confluence of the Roaring Fork and Fryingpan Rivers, generally located in the SW1/4 SE1/4 of Section 7, T. 8 S., R. 86 W. of the 6th P.M. at a point 1,440 feet from the east section line and 750 feet from the south section line of said Section 7. iii. Exchanges within the exchange reaches. In addition to the specifically described upstream termini, the exchange may be operated to the Aspen Reuse Water Diversion and Aspen Reuse Pond (the Aspen Reuse Pond is filled from the Aspen Reuse Water Diversion and from Castle Creek by diversions at the headgates of the Holden and Marolt Ditches described above), and the Electric Art Ditch (located in the NE1/4SW1/4 and NW1/4SW1/4 of Section 7, Township 10 South, Range 84 West of the 6th P.M. at a point 1500 feet from the West line and 1580 feet from the South line of said Section 7, Pitkin County, Colorado, shown on Figure 3). b. Source of substitute supply for exchanges. Water supplied from Ruedi Reservoir pursuant the Ruedi Contract. c. Summary of Exchanges:

Exchange-From Point	Exchange-To Point	Exchange Rate (cond.) and Annual Volume
Confluence of Roaring Fork and Fryingpan Rivers	Holden Ditch headgate (Castle Creek)	0.016 cfs (Aspen Reuse Pond evaporation); 4.79 acre-feet
Confluence of Roaring Fork and Fryingpan Rivers	Marolt Ditch headgate (Castle Creek)	0.016 cfs (Aspen Reuse Pond evaporation); 4.79 acre-feet
Confluence of Roaring Fork and Fryingpan Rivers	Aspen Reuse Water Diversion (Roaring Fork River)	3.00 cfs; 400 acre-feet
Confluence of Roaring Fork and Fryingpan Rivers	Electric Art Ditch (Roaring Fork River)	0.001 cfs; 0.44 acre-feet
Confluence of Roaring Fork and Fryingpan Rivers	Riverside Ditch Headgate (Roaring Fork River)	s; 9.98 acre-feet

The maximum simultaneous rate of exchange under this decreed exchange will not exceed 3.058 cfs, and the volume of water exchanged will not exceed 400 acre-feet per year. d. Appropriation date: December 31, 2015. e. Use. The water diverted by exchange may be used for any purpose for which the water decreed to the “exchange to” structure is decreed, and at any place of use for which the water decreed to the “exchange to” structure is decreed. 2. Provide a detailed outline of what has been done toward completion or for completion of the appropriation and application of water to a beneficial use as conditionally decreed, including expenditures: The City has conducted ongoing maintenance and repairs on the Riverside Ditch, Snyder Pond and Prockter Open Space, including ongoing ditch maintenance checks, and reporting annually. The City has incurred approximately \$117,000 worth of internal staff hours on these projects. In addition, as more fully described in paragraph 7 below, the City has diverted some of the subject water rights and placed them to beneficial use during the last diligence period. Furthermore, the City operates an integrated water supply system, currently consisting of diversion structures, wells, water mains, lines and distribution systems for both raw and treated water, pump systems, an operational reservoir, treatment plants and related infrastructure. The subject water rights are a component of this integrated water supply system, as confirmed in Paragraph 21 of the Original Decree. Pursuant to C.R.S. § 37-92-301(4)(b), when an integrated water supply system is composed of several features, as is the case here, work on one feature of the system is considered in finding that reasonable diligence has been shown in the development of water rights for all features of the entire system. During this diligence period, City has continued to improve, operate and maintain its integrated water supply system, of which these conditional water rights are a part. In particular, the City has spent approximately \$1.9 million in the construction, repair and improvement of its water system infrastructure and related infrastructure and projects that are part of the efficiency, operation and maintenance of its integrated water supply system, to enable the City to more effectively provide water service to its existing and future customers. These efforts have allowed the City to continue to provide an efficient and reliable service to the City’s customers. The City has defended its water rights, including these conditional water rights, against applications filed by others in cases where the City has determined that injury to its water rights could occur in the absence of appropriate terms and conditions. During this diligence period, the City has expended approximately \$300,000 in attorney fees, of which a portion was expended specifically in opposition to water court applications in order to protect and defend the City’s water rights, and applications to maintain Aspen’s other conditional water rights. 3. Claim to Make Absolute: a. Riverside Ditch Aspen Enlargement: i. Date water applied to beneficial use: July 2, 2019, July 22, 2019, and August 4, 2019. ii. Amount: 0.51 c.f.s. iii. Use: Freshening flows to Snyder Pond, irrigation of Prockter Open Space and baseflow at Prockter Open Space for passive stormwater treatment. iv. Diversion records and call records are attached as Exhibit A. b. Snyder Pond: i. Date water applied to beneficial use: Snyder Pond was topped off and freshening flows passed through on the following dates: June 6, 2019, May 8, 2020, May 15, 2021, May 12, 2022, May 18, 2023, and May 10, 2024. ii. Amount: 5.4 acre-feet. iii. Use: All decreed uses described in paragraph 2.6 above. iv. Diversion records and call records are attached as Exhibit A. A map depicting the locations of Riverside Ditch, Snyder Pond and Prockter Open Space is attached as Figure 1. c. Aspen Ruedi Reservoir Exchange: N/A. WHEREFORE, Applicant, having demonstrated that it has completed appropriation of the Riverside Ditch Aspen Enlargement up to

0.51 c.f.s and the Snyder Pond storage right up to 5.4 acre-feet, requests those water rights be made absolute in those amounts for all decreed uses, and for a finding of reasonable diligence as to the remaining conditional water rights described herein.

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

25CW3046 (18CW3168, 11CW55, 04CW26, 97CW19, 85CW621) IN PITKIN COUNTY - APPLICATION FOR FINDING 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, III, County Attorney, 530 E. Main St., Suite 301, Aspen, CO 81611 2. Names of structure: Dump Pool No. 2. 3. Description of conditional water right: 3.1 Original decree: Case No. 85CW621, District Court for Water Division No. 5 ("Division 5 Water Court"), January 3, 1991. 3.2 Subsequent decrees awarding findings of diligence: Case No. 97CW19, February 20, 1998; Case No. 04CW26, April 7, 2005; Case No. 11CW55, July 8, 2012 ("11CW55 Decree"); Case No. 18CW3168, March 17, 2019; all in the Division 5 Water Court. 3.3 Legal description: SW1/4 NW1/4, Section 8, T9S, R85W, 6th P.M., Pitkin County, Colorado, at a point approximately 900 feet east of the West section line and 1,480 feet south of the North section line, as shown on the map attached as **Exhibit A**. The as-built legal description was approved in the 11CW55 Decree. 3.4 Source: **Unnamed springs and runoff tributary to an unnamed tributary of the Roaring Fork River, tributary to the Colorado River.** 3.5 Appropriation date: December 31, 1983. 3.6 Conditional amount: 0.6 acre-feet. 3.7 Conditional use: Industrial. 4. Outline of work and expenditures during the diligence period towards completion of the appropriation and application of water to beneficial use: The diligence period for Dump Pool No. 2 is March 2019 through March 2025 ("Diligence Period"). The Pitkin County Landfill/Solid Waste Center and the water rights that Pitkin County uses to supply it, including Dump Pool No. 2, constitute a single project or integrated system for purposes of C.R.S. § 37-92-301(4)(b). "When a project or integrated system is comprised of several features, work on one feature of the project or system shall be considered in finding that reasonable diligence has been shown in the development of water rights for all features of the entire project or system." *Id.* During the Diligence Period, Pitkin County worked diligently to develop the conditional water right, complete the appropriation, and place the water to beneficial use, as demonstrated by the following activities and expenditures: 4.1 Planning for development of scalehouse campus: The Pitkin County Landfill/Solid Waste Center, which is the decreed place of use for Dump Pool No. 2, is in the design process for the development of a new scalehouse campus. The cost for design consultants was approximately \$122,000. 4.2 Well installation and new operations and maintenance building: The Pitkin County Landfill/Solid Waste Center installed a new well to serve the site's new operations and maintenance building. Together, these improvements cost more than \$7,300,000. 4.3 Installation of a water filtration system: The Pitkin County Landfill/Solid Waste Center installed a new water filtration system at a cost of \$17,000. 4.4 Legal fees: Pitkin County spent approximately \$150,000 in legal fees related to development and protection of its water rights, including without limitation the water rights used at the Pitkin County Landfill/Solid Waste Center. 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: Pitkin County. WHEREFORE, Pitkin County requests that the Court enter a decree (i) granting this application, (ii) finding that Pitkin County has exercised reasonable diligence toward the completion of the conditional appropriation, (iii) continuing the conditional water right in full force and effect for an additional diligence period, and (iv) and granting any other relief the Court deems appropriate.

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

25CW3047 GARFIELD COUNTY. APPLICATION TO MAKE ABSOLUTE. Applicants: Timothy G. Smith and Shannon L. Lochnikar-Smith, 1225 County Road 226, Rifle, Colorado 81650. Attorney for Applicant: John T. Howe, Hoskin, Farina & Kampf, Professional Corporation, Post Office Box 40, Grand Junction, Colorado 81502; (970) 986-3400. Original Decree: Case No. 2011CW189, July 8, 2012. Subsequent diligence decree: Case No. 2018CW3098, March 17, 2019. Name of Structure: Whiskey Gulch

Spring. Source: an unnamed tributary to Dry Rifle Creek, tributary to East Rifle Creek, tributary to Rifle Creek, tributary to the Colorado River. Location: NE¼SE¼ of Section 3, Township 5 South, Range 92 West of the 6th P.M.; UTM: Zone 13, Easting 268417, Northing 4391606. Uses: irrigation (3 acres direct irrigation and 6 acres supplemental irrigation), stock watering, wildlife use consistent with a pond and piscatorial purposes. Appropriation Date: September 15, 2009. Quantity: .200 c.f.s. Applicants request that the Whiskey Gulch Spring be made absolute for the decreed purposes, except for the piscatorial use. Applicants are not seeking a finding of reasonable diligence for or to make absolute the piscatorial use of the Whiskey Gulch Spring. The application contains a detailed description of the work performed during the diligence period and placement of the water from Whiskey Gulch Spring to beneficial use as of August 1, 2019.

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

25CW3048 GARFIELD COUNTY. Application for Findings of Reasonable. Applicant: Silt Water Conservancy Dist., c/o Sara M. Dunn & Andrea J. Hall, Balcomb & Green, P.C.; P.O. Drawer 790, Glenwood Springs, CO 81602; (970) 945-6546; balcombgreen.com. Applicant requests the Ct. find it has exercised reasonable diligence in the development of the Silt Pump Canal, First Enlargement conditional water right ("SWR"). Claim for Findings of Reasonable Diligence. Structure: Silt Pump Canal, First Enlargement. Original Decree: 92CW14 on 11/5/1992, Dist. Ct., Water Div. 5. Subsequent Findings of Reasonable Diligence: 98CW212 on 08/23/1999; 05CW155 on 01/05/2006; 12CW13 on 07/08/2012, and 18CW3108 on 3/17/2019. By decree in 01CW47 an alternate point of diversion was approved on 10/03/2001. Dist. Ct., Water Div. 5. Legal Description: The intake or headgate of said canal is located in Garfield Cty., CO, at a point on the northerly bank of the CO River, whence the Sec. corner common to Secs. 2, 3, 10 and 11, T. 6 S., R. 92 W. of the 6th P.M. bears N. 69°55' W. 7,455 ft. The alternate POD approved in 01CW47 is located at a point which bears S. 00°47'54" E., 2,679.96 ft. from the N1/4 corner of Sec. 12, T. 6 S., R. 92 W. of the 6th P.M. The line from the N. 1/4 corner to the NE corner of said Sec. 12 is considered to bear N. 89°45'00" E. and is the bearing basis of this structure location in Garfield Cty., CO. See location map as Exh. A, on file with the Water Ct. Source: Colorado River. Date of Approp.: 2/13/1992. Amts. and Uses: Industrial, Irr., and dom.: 10 c.f.s., conditional. Muni.: 9.89 c.f.s., conditional. In 18CW3108, 0.11 c.f.s. was confirmed absolute for Muni. use. Integrated System: As decreed in 12CW13, the SWR is a component of an integrated water supply system operated by the Applicant that provides water for the purposes of conserving, developing, and stabilizing supplies of water for Dom., Irr., sewer, manufacturing and other beneficial uses within the boundaries of the Dist. A list of diligence activities performed in the six years preceding the filing of this Application is on file with this Ct. Owner of the land upon which structures are located: Silt Pump Canal, First Enlargement Original Point of Diversion: United States Bureau of Reclamation, 2764 Compass Dr., Suite 106, Grand Junction, CO 81506, Silt Pump Canal First Enlargement Alternate Point of Diversion: Brent Peterson and Sandra Hannigan, P.O. Box 965, New Castle, CO 81647-0965. (5 Pages of original application, Exhibit. A)

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

25CW3049(18CW3161, 12CW45, 04CW190, 98CW81, 90CW328) GARFIELD COUNTY, DISTRICT COURT, WATER DIVISION NO. 5, STATE OF COLORADO, Garfield County Courthouse 109 8th Street, Suite 104, Glenwood Springs, CO 81601. CONCERNING THE APPLICATION FOR WATER RIGHTS OF SCOTT AND CAPPIE GREEN, IN GARFIELD COUNTY, COLORADO. APPLICATION TO MAKE PORTION OF WATER RIGHT ABSOLUTE AND FOR FINDING OF REASONABLE DILIGENCE. 1. Name, Address, and Telephone Number of Applicant: Scott and Cappie Green ("Applicants"), 600 Cottonwood Pass Rd., Gypsum, CO 81637, (970) 376-4080, Direct All Pleadings to: Steven J. Bushong, Cassidy L. Woodard, Bushong & Holleman PC, 1966 13th Street, Suite 270, Boulder, CO 80302, sbushong@BH-Lawyers.com; cwoodard@BH-Lawyers.com 2. Overview: The Upper McLean Reservoir was originally decreed a water storage right for 20 acre-feet of which 9.3 acre-feet were made absolute and 10.7 acre-feet were conditional. Applicants obtained a change in water right for alternate places of storage to allow 3.58 acre-feet of the remaining 10.7 acre-feet conditional to be stored in Green Pond Nos. 1 and 2. This Application requests (1) to make

portions of the remaining conditional water right absolute as such portions were stored in Green Pond Nos. 1 and 2 and (2) a finding of reasonable diligence on the remaining conditional portion of the water right not otherwise made absolute herein. 3. **Names of Structures:** 3.1. Upper McLean Reservoir; 3.2. Green Pond No. 1; and 3.3. Green Pond No. 2. Collectively, the Upper McLean Reservoir, Green Pond No. 1, and Green Pond No. 2 will be referred to herein as the "Structures." 4. **Description of Conditional Water Right:** 4.1. **Decrees:** The Upper McLean Reservoir water right was originally decreed in Case No. 90CW328 (1 of 3) by the District Court, Water Division No. 5 (the "Water Court") on May 5, 1992. Subsequent decrees confirming the exercise of reasonable diligence on the remaining conditional water right were entered by the Water Court in Case Nos. 98CW81 on November 9, 1998, 04CW190 on March 3, 2006, 12CW45 on October 2, 2012, and 18CW3161 on March 17, 2019. In Water Court Case No. 21CW3172, decreed on March 26, 2023 (the "21CW3172 Decree"), 1.82 acre-feet and 1.76 acre-feet (3.58 acre-feet total) of the conditional water right were changed to be alternately stored in Green Pond No. 1 and Green Pond No. 2, respectively. 4.2. **Decreed Locations:** See **Exhibit A**, 4.2.1. **Upper McLean Reservoir:** The legal description of the dam is located in the NW1/4 SW1/4 and the SW1/4 NW1/4 of Section 27, Township 3 South, Range 87 West of the 6th P.M. Its outlet is located 2,810 feet South of the North section line and 820 feet East of the West section line of said Section 27 (Eagle County). Without changing the decreed location, the UTM Coordinates of the outlet are UTM Coordinates NAD 83, Zone 13, Northing: 4403846.05, Easting: 315415.52. (Source of UTM: Aerial Image, Google Earth.), 4.2.2. **Green Pond No. 1:** The legal description of the approximate center of Green Pond No. 1 is in the SW1/4 of the NW1/4 of Section 27, Township 3 South, Range 87 West of the 6th P.M. UTM Coordinates NAD 83, Zone 13, Northing: 4403798.23128, Easting: 315457.70900. (Source of UTM: Colorado Decision Support System MapViewer.), 4.2.3. **Green Pond No. 2:** The legal description of the approximate center of Green Pond No. 2 is in the SW1/4 NW1/4 of Section 27, Township 3 South, Range 87 West of the 6th P.M. UTM Coordinates NAD 83, Zone 13, Northing: 4403769.11439, Easting: 315497.24122. (Source of UTM: Colorado Decision Support System MapViewer.), 4.3. **Sources:** The source of water for the Upper McLean Reservoir water right is Lake, Darnell, Grunner, Cease, and Riland Creeks, all of which are tributary to Sweetwater Creek, which is tributary to the Colorado River, 4.4. **Appropriation Date:** December 31, 1984, 4.5. **Amounts:** 9.3 acre-feet, absolute, with 10.7 acre-feet remaining conditional of which 1.82 acre-feet was changed to be alternately stored in Green Pond No. 1 and 1.76 acre-feet was changed to be alternately stored in Green Pond No. 2., 4.6. **Uses:** piscatorial and irrigation, 4.7. **Remarks:** 4.7.1. Per the decree entered by the Water Court in Case No. 90CW329 (2 of 2) on June 10, 1991, the Horse Meadow Ditch, Four Creek Enlargement, is also a decreed filling structure for the Upper McLean Reservoir. Subsequently, in Water Court Case No. 91CW257, decreed on June 15, 1992 (the "91CW257 Decree"), the water right decreed to the Horse Meadow Ditch, Four Creek Enlargement, was changed to be diverted at the Four Creek Ditch. However, Water Court Case No. 95CW185, decreed on July 13, 1999 (the "95CW185 Decree"), clarified that the intent of the 91CW257 Decree was to transfer the Horse Meadow Ditch, Four Creek Enlargement, to reflect the historical practice of diverting at the points of diversion for the Four Creek Ditch, which are described in the Case No. 95CW185 decree. The change of the Upper McLean Reservoir water right to allow alternative storage in Green Pond No. 1 and Green Pond No. 2 in the 21CW3172 Decree included the Horse Meadow Ditch, Four Creek Enlargement, 4.7.2. Per the 21CW3172 Decree, the Green Spring is a source for junior storage rights for Green Pond No. 1, First Enlargement, and Green Pond No. 2, First Enlargement, which rights are the subject of a separate diligence cycle that will end in March 2029. 5. **Request to Make Absolute:** Applicants request that the Water Court make absolute an additional 3.58 acre-feet under the Upper McLean Reservoir water right (for a total of 12.88 acre-feet absolute) by making the following alternate places of storage absolute: (A) Green Pond No. 1 absolute for 1.82 acre-feet for all decreed uses of piscatorial and irrigation; and (B) Green Pond No. 2 absolute for 1.76 acre-feet for all decreed uses of piscatorial and irrigation. Green Pond No. 1 and Green Pond No. 2 were constructed by Applicants in Summer 2021. Immediately thereafter, both ponds filled using the Upper McLean Reservoir water right, and both ponds have remained full since such time. Using the Structure Call Analysis feature on Colorado Decision Support System, between September 1, 2021, and February 28, 2025, the Upper McLean Reservoir water right (as such would be stored in Green Pond Nos. 1 and 2) was out of priority 51.68% of the time. This means that for 48.32% of the time during this forty-two-month span of time, Green Pond Nos. 1 and 2 stored water in priority under the Upper McLean Reservoir water right. 6. **Request for Finding of Reasonable Diligence:** For the remaining conditional portion of the Upper McLean Reservoir water right (including any remaining conditional portions of Green Pond No. 1 and Green Pond No. 2) not made absolute as requested above in Paragraph 5, Applicants request a finding that they have exercised reasonable diligence in the development of the remaining conditional amounts and that said conditional portions continue in full force and effect. 7. **Diligence Activities:** Pursuant to C.R.S. § 37-92-301(4)(b), "[t]he measure of diligence is the steady application of effort to complete the appropriation in a reasonably expedient and efficient manner under all the facts and circumstances. When a project or integrated system is comprised of several features, work on one feature of the project or system shall be considered in finding that reasonable diligence has been shown in the development of water rights for all features of the entire project or system." Upper McLean Reservoir, Green Pond No. 1, and Green Pond No. 2 are part of an integrated water supply system used by Applicants for piscatorial and irrigation uses on their property. As such, work done on any component of the system advances the whole. See C.R.S. § 37-92-301(4)(b). During the diligence period, Applicants performed the following activities that demonstrate they have exercised reasonable diligence in the development of the remaining conditional portion of the Upper McLean Reservoir water right: 7.1. Applicants constructed Green Pond No. 1 and Green Pond No. 2 as alternate places of storage for the Upper McLean Reservoir water right and filled the ponds, 7.2. Applicants recently drained Upper McLean Reservoir in anticipation of performing extensive work on the structure in Summer 2025. Applicants intend to clean out built-up sediment deposits and enlarge the structure to a capacity where it can store the remaining conditional 7.12 acre-feet decreed to the Upper McLean Reservoir storage right, 7.3. Applicants routinely clean the infrastructure associated with the Structures from built-up debris. This includes annual cleaning of the agro-drain on Green Pond No. 1 and the pipe that connects and delivers water between the Structures, 7.4. During the diligence period, Applicants replaced the rip-rap material around the outlet of Green Pond No. 1. Subsequently, Applicants utilized water from the Upper McLean Reservoir water right

to irrigate areas around the replaced rip-rap material, 7.5. Applicants regularly utilize the Upper McLean Reservoir water right for its decreed irrigation use on the property. This includes using such water to irrigate areas of the property that were revegetated after being disturbed by the construction of Green Pond Nos. 1 and 2, 7.6. The Structures have been stocked with fish, and Applicants intent to restock the Upper McLean Reservoir once it is refilled after its cleaning and enlargement in Summer 2025. 8. Land Ownership: Applicants. WHEREFORE, Applicants respectfully request that the Court enter a decree (1) granting Applicants' request to make water rights absolute for a portion of the Upper McLean Reservoir water right at its decreed alternative places of storage in Green Pond Nos. 1 and 2 as described in Paragraph 5 above; (2) granting Applicants' request for a finding of reasonable diligence on the remaining conditional portions of the Upper McLean Reservoir water right (including Green Pond No. 1 and Green Pond No. 2) not made absolute, as described in Paragraph 6 above; and (3) granting such other and further relief as the Court deems appropriate.(6 pages + Exhibits)

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

25CW3050 GARFIELD COUNTY, COLORADO, TRIBUTARY TO THE ROARING FORK RIVER, COLORADO RIVER.

Spring Valley Sanitation District, Berkeley Family Limited Partnership, Colorado Mountain College, Spring Valley Holdings, LLC. Direct all correspondence to Michael J. Sawyer and Danielle T. Skinner of Karp Neu Hanlon, P.C., P. O. Drawer 2030, Glenwood Springs, CO 81602, (970) 945-2261, counsel for Spring Valley Sanitation District, to Ryan M. Jarvis and Charles N. Simon of JVAM PLLC, 305 Gold Rivers Court, Suite 200, Basalt, CO 81621, (970) 922-2122, counsel for Berkeley and CMC, and to Craig V. Corona, CORONA WATER LAW, 218 E. Valley Rd., Ste. 104, PMB 166, Carbondale, CO 81623 (970) 948-6523, counsel for Spring Valley Holdings, LLC. **APPLICATION FOR FINDING OF REASONABLE DILIGENCE.** *Spring Valley Sanitation District Pipeline.* Date of original decree: Case No. 00CW21, entered on June 1, 2004, by the District Court in and for Water Division 5. Subsequent decrees awarding findings of diligence: Case No. 10CW187, entered on March 27, 2012, and Case No. 18CW3037 entered on March 17, 2019, by the District Court in and for Water Division 5. Legal description: In the NW¼ of the SW¼ of Section 4, Township 7 South, Range 88 West of the 6th P.M., at a point 861 feet east of the West section line and 3,184 feet south of the North section line of said Section 4. Source: Wastewater collected within the District's service area, as designated in the District's Amended Service Plan dated April 1999 and treated by the District at the District's wastewater treatment plant, tributary to the Roaring Fork River, tributary to the Colorado River. Appropriation date: February 28, 2000. Amount and uses: 3.327 c.f.s., conditional, for irrigation; 3.48 c.f.s., conditional, for recycled use of treated wastewater for the following beneficial purposes: irrigation of open space, parks, recreational and agricultural lands including soccer fields and golf courses, domestic, commercial including sod or turf farming, fish and wildlife propagation, aesthetic, winter storage, exchange, replacement, and uses to achieve wastewater treatment standards that may hereafter be required or recommended by federal, state, or local governments or agencies, such uses to occur in the Spring Valley basin; and 0.153 c.f.s., absolute for irrigation purposes (decreed in Case No. 18CW3037). Remarks: The point of diversion described in the Application was approved by the Decree in Case No. 10CW187. Pursuant to the Decree in Case No. 00CW21, this water right can be used in conjunction with the plans for augmentation decreed for the benefit of Co-Applicants Berkeley, CMC, and SVH, and as such, the subject water right is an alternate point of diversion under those plans for augmentation. Those plans for augmentation and the Water Division No. 5 cases in which they were approved are as follows: Berkeley, Case No. W-3571; CMC, Case No. 99CW99; and SVH, Case No. 98CW254, as approved for SVH's predecessor-in-interest Spring Valley Development, Inc. Outline of activities undertaken toward completion of this appropriation: The subject water right was found in previous cases to be a component part of each of the Co-Applicant's integrated water supply systems, within the meaning of C.R.S. §37-92-301. As such, work performed with respect to any component part of the Co-Applicants' water supply systems constitutes diligence toward development of the subject water right. Specific activities undertaken by the Co-Applicants following entry of the decree in Case No. 18CW3037 are summarized in Exhibit B to the Application. Claim for Reasonable Diligence: Applicants request a finding of diligence for 3.327 c.f.s., conditional, for irrigation, and 3.48 c.f.s., conditional, for irrigation of open space, parks, recreational and agricultural lands including soccer fields and golf courses, domestic, commercial including sod or turf farming, fish and wildlife propagation, aesthetic, winter storage, exchange, replacement, and uses to achieve wastewater treatment standards that may hereafter be required or recommended by federal, state, or local governments or agencies, such uses to occur in the Spring Valley basin. See Exhibit B for a detailed outline of what has been done towards the development of the conditional water right, including expenditures. Name and address of owner of land on which structure are located: All existing and planned structures are located on in-District lands owned by Co-Applicants Berkeley Family Limited Partnership, CMC, or Spring Valley Holdings, LLC. The following exhibits are on file with the Water Court: a map depicting the location of structures (Exhibit A) and a list of diligence activities (Exhibit B) (pp. 12 with exhibits).

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

25CW3051 SUMMIT COUNTY. Application for Findings of Reasonable 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; balcombgreen.com. Applicant requests the Ct. find it has exercised reasonable diligence in developing the appropriative rights of exchange associated with its Tenmile Creek Snowmaking System water rights. The exchanges utilize the Williams Fork Reservoir and the Clinton Gulch Reservoir. As decreed in 16CW3169, the Williams Fork exchange (“Williams Fork Exchanges”) begins at the confluence of the Blue River with the Colorado River extending upstream along the Blue River 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 either Applicant’s Tenmile Creek Pipeline, or to the confluence with West Tenmile Creek, then upstream along West Tenmile Creek to the Copper Mountain West Lake Well, West Lake Pipeline No. 1, or Wheeler Gulch Pipeline. The Clinton Gulch Reservoir Exchange (“Clinton Gulch Reservoir Exchanges”) begins at the confluence of Tenmile Creek and West Tenmile Creek extending upstream along West Tenmile Creek to Applicant’s Copper Mountain West Lake Well, West Lake Pipeline No. 1, or Wheeler Gulch Pipeline. The Williams Fork Exchanges and the Clinton Gulch Reservoir Exchanges (“SWRs”). Water released from Clinton Gulch Reservoir for the benefit of the Tenmile Creek Pipeline is not considered part of the Clinton Gulch Reservoir Exchanges. As allowed by the Clinton Reservoir-Fraser River Water Agreement dated 7/21/1992, water released from Clinton Gulch Reservoir into Tenmile Creek can be subsequently rediverted at the Tenmile Creek Pipeline on a 1-for-1 basis for snowmaking purposes. First Claim for Findings of Reasonable Diligence. All SWRs originally decreed in 16CW3169, Dist. Ct., Water Div. 5, entered on 3/17/2019. Exchange: Williams Fork Exchanges. Downstream Terminus for All Williams Fork Exchanges: The confluence of the Blue and Colorado Rivers, located NW1/4 NE1/4 of Sec. 19, T. 1 N., R. 80 W. of the 6th P.M. 4,830 ft from S. Sec. line and 2,040 ft from E. Sec. line. The location of the Downstream Terminus is shown in Exhibit A on file with the Water Ct. (All exhibits mentioned herein are incorporated by reference and may be inspected at the office of the clerk of this Ct.) Upstream Termini, the location of the Upstream Termini is shown in Exhibit A. Tenmile Creek Pipeline: As changed in 98CW308, Water Div. 5, the structure diverts from Tenmile Creek at a point 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 2,200 ft. Also described as NE1/4 of the NW1/2 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. Further described as UTM Zone 13, NAD83, Easting 402408.69 and Northing 4372019.47. Copper Mountain West Lake Well: SE1/4 NW1/4, Sec. 30, T. 6 S., R. 78 W. of the 6th P.M. at a point whence the E1/4 Corner of Sec. 30 bears S. 79°30’ E. a distance of 3,700 ft, 2,544 ft from the N. line and 1,539 ft from the W. line of Sec. 30. Further described as UTM Zone 13, NAD83, Easting 400635.42 and Northing 4373049.32. W. Lake Pipeline No. 1: SE1/4 NW1/4, Sec. 30, T. 6 S., R. 78 W. of the 6th P.M. at a point whence the E1/4 Corner of Sec. 3 bears S. 79°30’ E. a distance of 3,960 ft. Further described as UTM Zone 13, NAD83, Easting 400563.89 and Northing 4373068.23. Wheeler Gulch Pipeline: SE1/4 NW1/4, Sec. 30, T. 6 S., R. 78 W. of the 6th P.M., at a point whence the E1/4 Corner of said Sec. 30 bears N. 90°00’ E. a distance of 3,270 ft. Further described as UTM Zone 13, NAD83, Easting 400740.31 and Northing 4372839.03. Amts: Tenmile Creek Pipeline: 10.7 c.f.s., conditional, when diverting by exchange at the Tenmile Creek Pipeline. Copper Mountain West Lake Well: 5.6 c.f.s., conditional, when diverting by exchange at the Copper Mountain West Lake Well. West Lake Pipeline No. 1: 12.9 c.f.s., conditional, when diverting by exchange at the West Lake Pipeline No. 1. Wheeler Gulch Pipeline: When diverting by exchange at the Wheeler Gulch Pipeline, 3.2 c.f.s., conditional. Source of Substitute Supply: Williams Fork Reservoir as described in the decree entered in 16CW3169. Approp. Date: 12/29/2016. Exchange: Clinton Gulch Reservoir Exchanges. Legal Descriptions: Downstream Terminus for All Clinton Gulch Reservoir Exchanges: The confluence of Tenmile Creek and West Tenmile Creek, SW1/4 SW1/4 of Sec. 20, T. 6 S., R. 78 W. of the 6th P.M. at a point 853 ft from the S. Sec. line and 457 ft from the W. Sec. line (Based on BLM Sec. lines, UTM X: 401817, UTM Y: 4373977 Zone 13) The location of the Downstream Terminus is shown in Exhibit B. Upstream Termini, the location of the Upstream Termini is shown in Exhibit B.: Copper Mountain West Lake Well: SE1/4 NW1/4, Sec. 30, T. 6 S., R. 78 W. of the 6th P.M. at a point whence the E1/4 Corner of Sec. 30 bears S. 79°30’ E. a distance of 3,700 ft, which is 2,544 ft from the N. line and 1,539 ft from the W. line of Sec. 30. Further described as UTM Zone 13, NAD83, Easting 400635.42 and Northing 4373049.32. West Lake Pipeline No. 1: SE1/4 NW1/4, Sec. 30, T. 6 S., R. 78 W. of the 6th P.M. at a point whence the E1/4 Corner of Sec. 3 bears S. 79°30’ E. a distance of 3,960 ft. Further described as UTM Zone 13, NAD83, Easting 400563.89 and Northing 4373068.23. Wheeler Gulch Pipeline: SE1/4 NW1/4, Sec. 30, T. 6 S., R. 78 W. of the 6th P.M., at a point whence the E1/4 Corner of said Sec. 30 bears N. 90°00’ E. a distance of 3,270 ft. Further described as UTM Zone 13, NAD83, Easting 400740.31 and Northing 4372839.03. Amts: Copper Mountain West Lake Well: 5.6 c.f.s., conditional, when diverting by exchange at the Copper Mountain West Lake Well. West Lake Pipeline No. 1: 12.9 c.f.s., conditional, when diverting by exchange at the West Lake Pipeline No. 1. Wheeler Gulch Pipeline: 3.2 c.f.s., conditional, when diverting by exchange at the Wheeler Gulch Pipeline. Source of Substitute Supply: Clinton Gulch Reservoir as described in the decree entered in 16CW3169. Approp. Date: 12/26/2016. Remarks: Total cumulative amts that may be diverted under the SWRs shall not exceed 245.5 AF per snowmaking season, conditional. The total cumulative instantaneous rate of exchange to the Copper Mountain West Lake Well, West Lake Pipeline No. 1, or Wheeler Gulch Pipeline under the Williams Fork Reservoir Exchange or the Clinton Gulch Reservoir Exchange will not exceed 5.6

c.f.s. The total cumulative instantaneous rate of exchange to the Tenmile Creek Pipeline under the Williams Fork Reservoir Exchange and the exchange decreed in 10CW115 will not exceed 10.7 c.f.s. The total cumulative instantaneous rate of exchange to the Copper Mountain West Lake Well, West Lake Pipeline No. 1, Wheeler Gulch Pipeline, and Tenmile Creek Pipeline under the Williams Fork Reservoir Exchange, the Clinton Gulch Reservoir Exchange, and the exchange decreed in 10CW115 will not exceed 16.3 c.f.s. Terms and Conditions: The SWRs are subject to the terms and conditions described in paragraph 10 of the decree entered in 16CW3169. Integrated System: Applicant requests the Ct. confirm the SWRs, the Tenmile Creek Pipeline, First Enlargement, the appropriative right of exchange utilizing Williams Fork Reservoir releases decreed in 10CW115, Copper Mountain Well Nos. 1A, 2, 3, 4, and 5, Copper Mountain Union Lake Well, Copper Mountain Beeler Lake Well, Copper Mountain McKenzie Lake Well, Copper Mountain East Lake Well, Copper Mountain Guller Lake Well, Copper Mountain Stafford Lake Well, Union Bowl Well Nos. 1 and 2, L-Lift Restaurant Well Nos. 1 and 2, West Lake Pipeline No. 2, Beeler Lake Pipeline, McKenzie Lake Pipeline, Stafford Lake Pipeline, Restaurant Well No. 1, Restaurant Well Standby Well, and Copper Mountain CB-2 Well are water rights within its integrated water supply system. These water rights are interrelated components that operate together to benefit the Applicant's ski resort. C.R.S. § 37-92-301(4)(b). A list of diligence activities performed in the six years preceding the filing of this Application is on file with this Water Ct. Second Claim for Confirmation of Absolute Water Right, in Part. Applicant requests the Ct. confirm the Williams Fork Exchanges' appropriative right of exchange to Tenmile Creek Pipeline, as described above, be made absolute, in part, by Applicant's application to beneficial use as follows: Date of Beneficial Use: 12/16/2024. Amt Claimed Absolute: 5.07 c.f.s. Amt and Uses Remaining Conditional: 5.63 c.f.s. Use: Snowmaking. Place of Use: Applicant holds a special use permit from the U.S. Forest Service for the operation of a ski resort located generally in Secs. 29, 30, 31, and 32 of T. 6 S., R. 78 W., 6th P.M. The boundaries of the permitted area are shown in Exhibit C. Applicant is working with the U.S. Forest Service to expand its snowmaking operations from 530 AF to 775.5 AF of diversion annually. Of this diversion amt, approximately 343 AF is augmented under the terms of the aug. plan previously decreed in 92CW292, and 187 AF of snowmaking diversions are augmented by the plan decreed in 10CW115. Description of Beneficial Use: On 12/16/2024, water was released from Williams Fork Reservoir and exchanged to the Tenmile Creek Pipeline for snowmaking pursuant to the aug. plan approved in 16CW3169. 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: Copper Mountain West Lake Well and West Lake Pipeline No. 1: Applicant. Wheeler Gulch Pipeline & Tenmile Creek Pipeline: White River National Forest, Water Rights Dept., PO Box 948, Glenwood Springs, CO 81602. Clinton Gulch Reservoir: Clinton Ditch & Reservoir Company, PO Box 712, Frisco, CO 80443. Williams Fork Reservoir: Denver Water Dept., 1600 W. 12th Ave., Denver, CO 80204. (9 pages of original application, Exhs. A-B)

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

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 MARCH 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.*

25CW3052 Div. 5 DISTRICT COURT WATER DIVISION NO. 5, STATE OF COLORADO, 109 8th Street, Suite 104 Glenwood Springs, CO 81601 CONCERNING THE APPLICATION FOR WATER RIGHTS OF THE EAGLE RIVER WATER & SANITATION DISTRICT AND UPPER EAGLE REGIONAL WATER AUTHORITY IN EAGLE COUNTY, COLORADO APPLICATION FOR FINDING OF REASONABLE DILIGENCE 1. Names and address of Applicants: Eagle River Water & Sanitation District ("District") Upper Eagle Regional Water Authority ("Authority") c/o General Manager 846 Forest Road Vail, Colorado 81657 *Please direct all pleadings to the District/Authority's counsel at the contact information provided in the caption.* 2. Conditional water rights: 2.1. Surface water rights: 2.1.1. 2006 Cross Creek Direct Flow Water Right 2.1.2. 2007 Cross Creek Direct Flow Water Right 2.1.3. 2006 Eagle River Direct Flow Water Right 2.2. Storage water rights: 2.2.1. 2006 Bolts Lake Storage Right 2.2.2. 2007 Bolts Lake Storage Right 3. Description of surface water rights: 3.1. 2006 Cross Creek Direct Flow Water Right: 3.1.1. Decrees: Case No. 06CW264, District Court in Water Division No. 5, State of Colorado, entered October 5, 2010 (06CW264 Decree); Case No. 16CW3122, District Court in Water Division No. 5, State of Colorado, entered March 17, 2019 (16CW3122 Decree). 3.1.2. Alternate points of diversion: 3.1.2.1. Bolts Ditch Headgate (WDID: 3700514): 3.1.2.1.1. Legal description: The decreed point of diversion is located at a point on Cross Creek whence the SW corner of Section 35, Township 5 South, Range 81 West of the 6th P.M. bears north 28° est 6,350 feet. The GPS coordinates for the point of diversion have been confirmed to be Lat. 39.550483 N, Long. 106.421317 W. 3.1.2.2. Minturn Water System Ditch (WDID: 3700715): 3.1.2.2.1. Legal description: an existing intake located on the bank of Cross Creek from whence the section corner common to the Section 35 and 36 of Township 5 South, Range 81 West of the 6th P.M. Eagle County, Colorado, bears north 38°43'20" east 2,531.38 feet. A supplemental description for this location is the following GPS Coordinates: Lat. 39.561318 N, Long. 106.419787 W. 3.1.3. Appropriation date: December 28, 2006. 3.1.4. Source: **Cross Creek, tributary to the Eagle River, tributary to the Colorado River.** 3.1.5. Amount: 8 cubic feet per second ("cfs"), conditional, at any one or combination of the alternate points of diversion described above, or in combination with diversions under the direct flow water rights in paragraphs 8(B) and 9 of the 06CW264 Decree and the Minturn Municipal Diversion direct flow water right decreed in Case No.

07CW225; provided, however, such diversions from Cross Creek shall be allowed to divert at a combined peak daily diversion of 12 cfs and a maximum daily total of 16 acre-feet. When diversions are occurring on both the Eagle River and Cross Creek, the combined diversions are limited to a maximum daily average of 8 cfs. 3.1.6. Use: Domestic, municipal, irrigation (including watering of lawns, landscaping, parks and grounds), snowmaking, wetlands and habitat purposes, recreation, industrial, commercial, fire protection, construction, street sprinkling, piscatorial, aesthetic, augmentation, replacement, substitution and exchange, including reuse and successive use to extinction as approved in the 06CW264 Decree, including reuse and successive use by re-diversion or exchange for direct uses or to storage for later release to meet augmentation obligations or any other use decreed in the 06CW264 Decree. Irrigation and snowmaking are limited as described in paragraph 14 of the 06CW264 Decree. Diversion for the first direct use may be made through Bolts Lake to Minturn's water treatment plant(s) or other locations of direct use, but no storage of water shall occur under the first use of this direct flow right. 3.2. 2007 Cross Creek Direct Flow Water Right: 3.2.1. Decrees: 06CW264 Decree; 16CW3122 Decree. 3.2.2. Alternate points of diversion: 3.2.2.1. Minturn Water System Ditch Diversion Structure No. 2 (WDID: 3701318): 3.2.2.1.1. Legal description: The Minturn Water System Ditch diverts water from the left (west) bank of Cross Creek at a point described above in paragraph 3.1.2.2.1. An additional diversion structure is proposed at this location on the right (east) bank of Cross Creek at a point approximately 9,748 feet West of the line common to Range 80 and 81 West and 1,967 feet South of the line common to Townships 5 and 6 South of the 6th P.M. A supplemental description for this location is the following GPS coordinates: Lat. 39.561356 N, Long. 106.419239 W. 3.2.2.2. Maloit Park Diversion Structure (WDID: 3700540): 3.2.2.2.1. Legal description: A diversion structure to be located within 500 feet upstream or downstream of a point on the right bank of Cross Creek that is approximately 9,131 feet West of the line common to Range 80 and 81 West and 1,238 feet South of the line common to Townships 5 and 6 South of the 6th P.M. in Eagle County. 3.2.2.3. Lower Cross Creek Diversion Structure (WDID: 3700767): 3.2.2.3.1. Legal description: A diversion structure to be located within 500 feet upstream or downstream of a point on the right bank of Cross Creek that is approximately 357 feet east of the West section line and 93 feet north of the South section line of Section 36, Township 5 South, Range 81 West of the 6th P.M. in Eagle County. 3.2.3. Appropriation date: December 19, 2007. 3.2.4. Source: Cross Creek, tributary to the Eagle River, tributary to the Colorado River. 3.2.5. Amount: 8 cfs, conditional, at any one or combination of the alternate points of diversion described above, or in combination with diversions under the direct flow water rights in paragraphs 8(A) and 9 of the 06CW264 Decree and the Minturn Municipal Diversion direct flow water right decreed in Case No. 07CW225; provided however, such diversions from Cross Creek shall be allowed to divert at a combined peak daily diversion of 12 cfs and a maximum daily total of 16 af. When diversions are occurring on both the Eagle River and Cross Creek, the combined diversions are limited to a maximum daily average of 8 cfs. 3.2.6. Use: Domestic, municipal, irrigation (including watering of lawns, landscaping, parks and grounds), snowmaking, wetlands and habitat purposes, recreation, industrial, commercial, fire protection, construction, street sprinkling, piscatorial, aesthetic, augmentation, replacement, substitution and exchange, reuse and successive use to extinction as approved in the 06CW264 Decree, including reuse and successive use by re-diversion or exchange for direct uses or to storage for later release to meet augmentation obligations or any other uses decreed in the 06CW264 Decree. Irrigation and snowmaking are limited as described in paragraph 14 of the 06CW264 Decree. Diversion for the first direct use may be made through Bolts Lake to Minturn's water treatment plant(s) or other locations of direct use, but no storage of water shall occur under the first use of this direct flow right. 3.3. 2006 Eagle River Direct Flow Water Right: 3.3.1. Decrees: 06CW264 Decree; 16CW3122 Decree. 3.3.2. Alternate points of diversion: 3.3.2.1. Ginn Eagle River Diversion No. 2 (WDID: 3701321): 3.3.2.1.1. Legal description: A proposed diversion to be located on or adjacent to the Eagle River in an unsurveyed portion of Eagle County that, when surveyed, will likely be in the NE1/4 of NE1/4 of Section 11 of Township 6 South, Range 81 West, of the 6th P.M. Eagle County, Colorado, at a point 5,465 feet West of the line common to Range 80 and 81 West, and 7,265 feet South of the line common to Townships 5 and 6 South. 3.3.2.2. Ginn Eagle River Diversion No. 3 (WDID: 3701336): 3.3.2.2.1. Legal description: a proposed diversion to be located on or adjacent to the Eagle River in an unsurveyed portion of Eagle County that, when surveyed, will likely be in the NW1/4 of SW1/4 of Section 1 of Township 6 South, Range 81 West, of the 6th P.M., Eagle County, Colorado, at a point 4,000 feet from the North section line and 4,465 feet from the East section line. 3.3.3. Appropriation date: October 13, 2006. 3.3.4. Source: Eagle River, tributary to the Colorado River. 3.3.5. Amount: 8 cfs, conditional, at any one or combination of the alternate points of diversion described above for the 2006 Eagle River Direct Flow Water Right, but limited to a total of 8 cfs in combination with diversions under the direct flow water rights in paragraph 8 of the 06CW264 Decree (2006 and 2007 Cross Creek Direct Flow Water Rights) and the Minturn Municipal Diversion water right decreed in Case No. 07CW225. When diversions are occurring on both the Eagle River and Cross Creek, the combined diversions are limited to a maximum daily average of 8 cfs. 3.3.6. Use: Domestic, municipal, irrigation (including watering of lawns, landscaping, parks and grounds), snowmaking, wetlands and habitat purposes, recreation, industrial, commercial, fire protection, construction, street sprinkling, piscatorial, aesthetic, augmentation, replacement, substitution and exchange, reuse and successive use to extinction as approved in the 06CW264 Decree, including reuse and successive use by re-diversion or exchange for direct uses or to storage for later release to meet augmentation obligations or any other decreed uses in Case No. 06CW264. Irrigation and snowmaking are limited as described in paragraph 14 of the 06CW264 Decree. Diversion for the first direct use may be made through Bolts Lake to Minturn's water treatment plant(s) or other locations of direct use, but no storage of water shall occur under the first use of this direct flow right. 3.4. A general location map depicting the location of the surface water rights described in paragraph 3 is attached as Exhibit A. 4. Description of storage water rights: 4.1. 2006 Bolts Lake Storage Right: 4.1.1. Decrees: 06CW264 Decree; 16CW3122 Decree. 4.1.2. Legal description: The existing off-channel reservoir known as Bolts Lake is located in Homestead Entry Survey No. 40, Homestead Entry No. 021, containing a portion of the W1/2 of Section 1 and the E1/2 of Section 2, Township 6 South, Range 81 West of the 6th P.M. Eagle County, Colorado, and in Homestead Entry Survey No. 41, Homestead Entry No. 022, containing a portion of the SW1/4 of Section 1, S1/2 of Section 2, N1/2 of Section 11 and NW1/4 of Section 12, Township 6 South, Range 81 West of the 6th P.M., Eagle County, Colorado. The enlarged Bolts Lake will be located in the E1/2 of Section 2, Township 6 South, Range

81 West and the W1/2 of Section 1, Township 6 South, Range 81 West of the 6th P.M., Eagle County, Colorado. All sections and portions are projected, as this area is unsurveyed. The approximate coordinates of the center of the proposed Bolts Lake dam is Lat. 39d 33m 22.828s N, Long. 106d 24m 11.831s W. 4.1.3. Alternate points of diversion: 4.1.3.1. Bolts Ditch Headgate, legal description of this Cross Creek diversion point is described above in paragraph 3.1.2.1.1. 4.1.3.2. Minturn Water System Ditch, legal description of this Cross Creek diversion point is described above in paragraph 3.1.2.2.1. 4.1.3.3. Ginn Eagle River Diversion No. 2, legal description described above in paragraph 3.3.2.1.1. 4.1.3.4. Ginn Eagle River Diversion No. 3, legal description described above in paragraph 3.3.2.2.1. 4.1.4. Fill rate: 30 cfs, conditional, at any one or combination of the alternate points described above for diversion from Cross Creek; 50 cfs, conditional, at any one or combination of the alternate points described above for diversion from the Eagle River. 4.1.5. Appropriation date: December 28, 2006. 4.1.6. Amount: 100 acre-feet, conditional. 4.1.7. Use: Domestic, municipal, irrigation (including watering of lawns, landscaping, parks and grounds), snowmaking, wetlands and habitat purposes, recreation, industrial, commercial, fire protection, construction, street sprinkling, piscatorial, aesthetic, augmentation, replacement, substitution and exchange, with the right for reuse and successive use to extinction as approved in the 06CW264 Decree. Irrigation and snowmaking are limited as described in paragraph 14 of the 06CW264 Decree. 4.2. 2007 Bolts Lake Storage Right: 4.2.1. Decrees: 06CW264 Decree; 16CW3122 Decree. 4.2.2. Legal description: Described in paragraph 4.1.2. 4.2.3. Cross Creek alternate points of diversion: 4.2.3.1. Bolts Ditch Headgate, legal description described above in paragraph 3.1.2.1.1. 4.2.3.2. Minturn Water System Ditch, legal description described above in paragraph 3.1.2.2.1. 4.2.3.3. Minturn Water System Ditch Diversion Structure No. 2, legal description described above in paragraph 3.2.2.1.1. 4.2.3.4. Maloit Park Diversion Structure, legal description described above in paragraph 3.2.2.2.1. 4.2.3.5. Lower Cross Creek Diversion Structure, legal description described above in paragraph 3.2.2.3.1. 4.2.3.6. Minturn Well No. 3 Enlargement (WDID: 3705623): Located in the NW1/4 of the NW1/4, Section 2, Township 6 South, Range 81 West of the 6th P.M., at a point 950 feet from the North line and 1,200 feet from the West line, as described in the decree in Case No. 07CW225. Well No. 3 is currently in existence and permitted as Well Permit No. 83889-F. 4.2.3.7. Minturn Well No. 4 Enlargement (WDID 3705624): Located in the SE1/4 of the SE1/4, Section 35, Township 5 South, Range 81 West of the 6th P.M., at a point 66 feet from the South line and 430 feet from the East line, as described in the decree in Case No. 07CW225. Well No. 4 is currently in existence and permitted as Well Permit No. 83890-F. 4.2.4. Eagle River alternate points of diversion: 4.2.4.1. Ginn Eagle River Diversion No. 2, legal description described above in paragraph 3.3.2.1.1. 4.2.4.2. Ginn Eagle River Diversion No. 3, legal description described above in paragraph 3.3.2.2.1. 4.2.4.3. Eagle River Pumpback (WDID: 3701319): Located within a reach of the Eagle River within 1,000 feet downstream of a point described as located in the SE1/4 of the SW1/4 of Section 36, Township 5 South, Range 81 West of the 6th P.M., at a point 1,328 feet from the South section line and 2,193 feet from the West section line, as described in the decree in Case No. 07CW225. 4.2.4.4. Dowd Junction Pumpback (WDID: 3701320): Located within a reach of the Eagle River within 1,000 feet downstream or upstream of a point described as located in the NW1/4 of the NW1/4 of Section 22, Township 5 South, Range 81 West of the 6th P.M., at a point 1,415 feet from the North section line and 2,011 feet from the West section line, as described in the decree in Case No. 07CW225. 4.2.5. Fill rate: 30 cfs, conditional, at any one or combination of the alternate points described above for diversions from Cross Creek; 50 cfs, conditional, at any one or combination of the alternate points described above for diversion from the Eagle River. 4.2.6. Appropriation date: December 19, 2007. 4.2.7. Amount: 790 acre-feet, conditional, with the right to refill in the amount of 600 acre-feet for recreation and aesthetic purposes only within the year of refill. Any carryover of water stored under the first fill or the refill under this water right will be booked over in the following year to the first fill under this water right and as such can be used for all purposes listed below. 4.2.8. Use: Domestic, municipal, irrigation (including watering of lawns, landscaping, parks and grounds), snowmaking, wetlands and habitat purposes, recreation, industrial, commercial, fire protection, construction, street sprinkling, piscatorial, aesthetic, augmentation, replacement, substitution and exchange, with the right for reuse and successive use to extinction as approved in the 06CW264 Decree. Irrigation and snowmaking uses are limited as described in paragraph 14 of the 06CW264 Decree. 4.3. The total of 890 acre-feet of first-fill conditional water rights decreed for the 2006 Bolts Lake Storage Right and the 2007 Bolts Lake Storage Right, combined with the previously decreed 320 acre-feet, conditional (Case No. 96CW324), will result in a total reservoir storage capacity of 1,210 acre-feet. 4.4. A general location map depicting the location of the storage water rights described in paragraph 4 is attached as Exhibit A. 5. Detailed outline of work done to complete the project and apply water to a beneficial use: 5.1. The District/Authority purchased the 41.29-acre Bolts Lake redevelopment site and the and the conditional surface and storage water rights described in paragraphs 3 and 4 for \$7,500,000 in 2022. 5.2. During the diligence period, the District/Authority have expended approximately \$1,538,937 in professional services and design work associated with the Bolts Lake redevelopment, including the following: 5.2.1. The District/Authority hired Shannon & Wilson, Inc., to complete a feasibility study to confirm that a 1,200 acre-foot reservoir can be constructed at the decreed location. 5.2.2. Shannon & Wilson, Inc., and LRE Water completed the preliminary design of Bolts Lake, including geotechnical studies, grading plans, groundwater modeling, soil borrow investigations, water diversions analysis, headgate assessment, cost estimating, and permitting guidance. 5.2.3. In 2024, the District/Authority hired Black and Veatch to serve as the program manager for the Bolts Lake redevelopment. Accordingly, Black and Veatch will oversee and manage the project to completion, including final design, permitting, and construction. This role involves coordinating all aspects of the construction process, ensuring the contractor adheres to the schedule, stays within budget, and meets quality and safety standards. 5.2.4. In October 2024, the District/Authority hired AECOM to develop the preliminary 30 percent design package, which outlines major design elements, refines the project's scope, evaluates liner systems and diversion scenarios, and estimates additional costs. 5.3. The District/Authority have obtained ownership of easement agreements that pertain to the acquisition and construction of Bolts Lake. 5.4. The District/Authority and the Town of Minturn have entered an Intergovernmental Agreement for the permitting of Bolts Lake. 5.5. The District/Authority filed and are currently prosecuting applications for new conditional water rights associated with the redevelopment of Bolts Lake in Case Nos. 21CW3039 and 21CW3030. 5.6. The District/Authority have also incurred legal fees from Somach Simmons & Dunn and engineering fees from Helton & Williamsen associated with Bolts Lake. 6. Names and

addresses of owners of land upon which the subject water rights are or will be located: 6.1. Bolts Lake Eagle River Water & Sanitation District 846 Forest Road Vail, CO 81657 6.2. Ginn Eagle River Diversion No. 2 Battle North LLC P.O. Box 56 Minturn, CO 81645 Union Pacific Railroad Co. C/O Property Tax Dept. 1400 Douglas St. Stop 1640 Omaha, Nebraska 68179 6.3. Ginn Eagle River Diversion Structure No. 3 Battle North LLC P.O. Box 56 Minturn, CO 81645 6.4. Bolts Ditch Headgate; Minturn Water System Ditch United States of America P.O. Box 25127 Lakewood, CO 80225 U.S. Forest Service 24747 U.S. Highway 24 P.O. Box 190 Minturn, CO 81645 U.S. Forest Service P.O. Box 948 Glenwood Springs, CO 81602 6.5. Minturn Water System Ditch Diversion Structure No. 2; Minturn Well No. 4 Enlargement United States of America P.O. Box 25127 Lakewood, CO 80225 U.S. Forest Service 24747 U.S. Highway 24 P.O. Box 190 Minturn, CO 81645 U.S. Forest Service P.O. Box 948 Glenwood Springs, CO 81602 Eagle County School District RE 50-J 948 Chambers Avenue P.O. Box 740 Eagle, CO 81631 6.6. Lower Cross Creek Diversion Structure Battle North LLC P.O. Box 56 Minturn, CO 81645 Eagle County School District RE 50-J 948 Chambers Avenue P.O. Box 740 Eagle, CO 81631 6.7. Maloit Park Diversion Structure; Minturn Well No. 3 Enlargement Eagle County School District RE 50-J 948 Chambers Avenue P.O. Box 740 Eagle, CO 81631 Town of Minturn P.O. Box 309 Minturn, Colorado 81645 6.8. Eagle River Pumpback U.S. Forest Service 24747 U.S. Highway 24 P.O. Box 190 Minturn, CO 81645 U.S. Forest Service P.O. Box 948 Glenwood Springs, CO 81602 Colorado Department of Transportation 2829 W. Howard Place Denver, Colorado 80204 Ziminco, Inc. 1701 John F. Kennedy Blvd Philadelphia, PA 19103 6.9. Dowd Junction Pumpback United States of America P.O. Box 25127 Lakewood, CO 80225 U.S. Forest Service 24747 U.S. Highway 24 P.O. Box 190 Minturn, CO 81645 U.S. Forest Service P.O. Box 948 Glenwood Springs, CO 81602 Colorado Department of Transportation 2829 W. Howard Place Denver, Colorado 80204 WHEREFORE, the Applicants request that the Court enter a finding of reasonable diligence with respect to all of the conditional water rights described in paragraphs 3 and 4, and continue said conditional water rights for all decreed uses in the full decreed amounts for an additional diligence period.

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

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 MARCH 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.*

25CW3053 PITKIN COUNTY. Application for Findings of Reasonable. Applicant: Aspen Community School, c/o Christopher L. Geiger & Blake C. Peterson, Balcomb & Green, P.C.; P.O. Drawer 790, Glenwood Springs, CO 81602; (970) 945-6546; balcombgreen.com. Applicant requests a finding of reasonable diligence in the development of the conditional water right for Aspen Community School Pond ("SWR"). Claim for Finding of Reasonable Diligence. Name of Structure: Aspen Community School Pond. Original Decree: 97CW222, on 2/20/1998, Dist. Ct., Water Div. 5. Subsequent Diligence Decrees: 04CW30 on 12/15/2005, 11CW197 on 7/8/2012, and 18CW3115 on 3/17/2019, Dist. Ct., Water Div. 5. Legal Description: A pond with an embankment in the NW1/4 of Sec. 15, T. 9 S., R. 85 W. of the 6th P.M., whence the N1/4 corner of Sec. 15 bears N. 77°08'59" E. 474.06 ft. The pond can be plotted approx. 104 ft. S. of the N. Sec. line and 2,269 ft. E. of the W. Sec. line. See Exh. A for a map depicting the pond's location, on file with the Water Ct. **Source: The pond is an off-channel reservoir filled using the Clavel Ditch, First Enlargement (1.0 c.f.s.), which diverts from Little Woody Creek, tributary to Woody Creek, tributary to Roaring Fork River, tributary to the Colorado River,** and is located in the NE1/4 NE1/4, Sec. 10, T. 9 S., R. 85 W. of the 6th P.M. at a point whence the NE corner of said Sec. bears N. 16°45' E., a distance of 760 ft. Date of Approp.: 4/28/1997. Amt.: 3.0 AF, conditional. Surface Area of High Water Line: 0.5 acres. Max Height of Dam: 10 ft. Length of Dam: 250 ft. Uses: Dom., fire protection, rec., aug., and irr. of 0.46 acres of lawns and gardens. Location of Irrigated Land: NW1/4 of Sec. 15 and SW1/4 of Sec. 10, T. 9 S., R. 85 W. of the 6th P.M. Remarks: Applicant has constructed a structure to store 0.263 AF of the SWR but does not claim any amount stored therein as absolute in this application. *See the Aspen Community School Pond Volume Survey and Stage Area Capacity Table attached as Exh. B. In 04CW020, the Ct. confirmed that the SWR is a component of an integrated water supply system for Applicant, together with the Aspen Community School Well and Clavel Ditch, First Enlargement. C.R.S. § 37-92-301(4)(b). A list of diligence activities performed in the six years preceding the filing of this Application is on file with this Water Ct. Name and address of the owner of the land upon which the above-described water rights are located: Applicant. (5 pages of original application, Exhs. A & B)*

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

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 MARCH 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.

25CW2 MESA COUNTY – POLK DRAIN TRIBUTARY TO THE COLORADO RIVER. Jonathan Long; 1224 Q ½ Rd.; Loma, CO 81524. (719)221-2597. Polk Drain- Application for Conditional Water Rights (Surface). Location: SW1/4NW1/4 of Sec. 9, T.2S, R.3W. of the Ute P.M. UTM: E687458.5 N4347794.1 Z13. Appropriation date: 3/4/2025. Amount: 0.75 c.f.s., conditional. Uses: irrigation, fire mitigation and wildlife.

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

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

25CW3 (18CW3089) GARFIELD COUNTY- EAST RIFLE CREEK, TRIBUTARY TO RIFLE CREEK, TRIBUTARY TO THE COLORADO RIVER. Albert Sampson & Tina Rochowiak; 125 C.R. 167; Glenwood Springs, CO 81601. (248)318-1168. East Rifle Spring and Pipeline No. 1, East Rifle Spring and Pipeline No. 2 and East Rifle Spring and Pipeline No. 3- Application to Make Absolute in Whole or in Part. Locations: East Rifle Spring and Pipeline No. 1-SE¼SE¼ of Sec. 11, T.4S., R.92W. of the 6th P.M. at a point whence the southeast Corner of said Sec. 11, bears south 29 degrees 30' East 1,080 ft. East Rifle Spring and Pipeline No. 2-SE¼SE¼ of Sec. 11, T.4S., R.92W. of the 6th P.M. at a point whence the southeast Corner of said Sec. 11, bears south 33 degrees 15' East 1,330 ft.. East Rifle Spring and Pipeline No. 3-SW¼SE¼ of Sec. 11, T.4S., R.92W. of the 6th P.M. at a point whence the southeast Corner of said Sec. 11, bears south 54 degrees 30' East 2,110 ft. Appropriation Date for all Structures: June 26, 2003. Amounts and Uses: East Rifle Spring and Pipeline No. 1- 0.008 c.f.s., absolute for domestic use of the cabin as well as fire protection, wildlife watering, livestock watering, irrigation and piscatorial use. Irrigation will be limited to 10,000 sq.ft./0.008 c.f.s., conditional for recreation purposes. East Rifle Spring and Pipeline No. 2- 0.005 c.f.s., absolute for irrigation up to 10,000 sq.ft., livestock watering, wildlife watering and fire protection/0.005 c.f.s., conditional for domestic, piscatorial and recreation purposes. East Rifle Spring and Pipeline No. 3- 0.003 c.f.s., absolute for livestock and wildlife watering and fire protection./0.003 c.f.s., conditional for domestic, piscatorial, recreation and irrigation purposes. Irrigation will be limited to 10,000 sq.ft. A detailed outline of work performed during the diligence period is included in the application.

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