

DIVISION 5 WATER COURT- MAY 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 MAY 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.*

25CW3067 (19CW3010), (12CW127), (04CW234), Division 5. DISTRICT COURT, WATER DIVISION NO. 5, STATE OF COLORADO, 109 Eighth Street, Suite 104, Glenwood Springs, CO. 81601. CONCERNING THE APPLICATION FOR WATER RIGHTS OF LESLIE L. ROUBOS IN EAGLE COUNTY, COLORADO. APPLICATION TO MAKE WATER RIGHTS ABSOLUTE OR IN THE ALTERNATIVE OBTAIN A FINDING OF REASONABLE DILIGENCE AND TO CHANGE WATER RIGHT NAMES

1. Name and Address of Applicant: Leslie L. Roubos, P.O. Box 667, Wolcott, CO. 81655. Direct all pleadings to: Glenn E. Porzak, Porzak Law, LLC, 1111 Spruce Street, Suite 303, Boulder, Colorado 80302, (303) 589-0909. 2. Name of Structures: Waterford Ranch Spring Sp8-3, Widger Enlargement; Widger Spring No.2; and Waterford Ranch Pond P8-2, Widger Enlargement. 3. Description of Water Rights: (a) Waterford Ranch Spring Sp8-3, Widger Enlargement, (1) Date of Original Decree: August 3, 2006, Case No.: 04CW234, Court: District Court, Water Division No. 5. Subsequent decrees awarding findings of diligence: Dates of Decree: January 14, 2013 & May 26, 2019, Case Nos.: 12CW127 & 19CW3010 Court: District Court, Water Division No. 5, (2) Location: The spring is located on the NW1/4 of the SW1/4 of Section 8, Township 3 South, Range 83 West of the 6th P.M., at a point 850 feet from the West section line and 2,090 feet from the South section line of said Section 8. (3) Source: **An unnamed spring tributary to Alkali Creek, tributary to the Eagle River, tributary to the Colorado River.** (4) Appropriation Date: September 25, 1997. (5) Amounts: 0.11 cfs, absolute for wildlife propagation and pond filling, conditional for domestic, irrigation, stock watering and fire protection purposes. (6) Uses: wildlife propagation, pond filing, domestic (seasonal cabin), irrigation, stock watering and fire protection purposes. (7) Irrigation Uses: 4 acres located in the NW1/4 of the SE1/4 of Section 8, Township 3 South, Range 83 West of the 6th P.M. See attached Figure 1 map for general vicinity of irrigation. (b) Widger Spring No. 2, (1) Date of Original Decree: August 3, 2006, Case No.: 04CW234, Court: District Court, Water Division No. 5. Subsequent decrees awarding findings of diligence: Dates of Decree: January 14, 2013 & May 26, 2019, Case Nos.: 12CW127 & 19CW3010, Court: District Court, Water Division No. 5. (2) Location: The spring is located on the NW1/4 of the SW1/4 of Section 8, Township 3 South, Range 83 West of the 6th P.M., at a point 1,315 feet from the West section line and 2,110 feet from the South section line of said Section 8. (3) Source: An unnamed spring tributary to Alkali Creek, tributary to the Eagle River, tributary to the Colorado River. (4) Appropriation Date: September 25, 1997. (5) Amounts: Amounts: 0.11 cfs, absolute for wildlife propagation, conditional for domestic, irrigation, stock watering and fire protection purposes. (6) Uses: wildlife propagation, domestic (seasonal cabin), irrigation, stock watering and fire protection purposes. (7) Irrigation Uses: 4 acres located in the NW1/4 of the SE1/4 of Section 8, Township 3 South, Range 83 West of the 6th P.M. See attached Figure 1 map for general vicinity of irrigation. (c) Waterford Ranch Pond P8-2, Widger Enlargement, (1) Date of Original Decree: August 3, 2006, Case No.: 04CW234, Court: District Court, Water Division No. 5. Subsequent decree awarding findings of diligence: Date of Decrees: January 14, 2013 & May 26, 2019, Case Nos.: 12CW127 & 19CW3010, Court: District Court, Water Division No. 5. (2) Location: the dam is located in the NW1/4 of the SW1/4 of Section 8, Township 3 South, Range 83 West of the 6th P.M., at a point 910 feet from the West section line and 2,000 feet from the South section line of said Section 8. (3) Source: An unnamed spring tributary to Alkali Creek, tributary to the Eagle River, tributary to the Colorado River, and the Waterford Ranch Spring Sp8-3, Widger Enlargement, identified above. (4) Appropriation Date: September 25, 1997. (5) Amounts: 2.5 acre feet absolute for wildlife propagation, stock watering and piscatorial uses, and conditional for irrigation and fire protection purposes, (i) Surface area of high-water line: 0.5 acre, (ii) Height of dam in feet measured vertically from the elevation of the lowest point of the nature surface of the ground where the point occurs along the longitudinal centerline of the dam up to the crest of the emergency spillway of dam: 9.0 feet, (iii) Length of dam: 90 feet, (iv) Total capacity of reservoir: 2.5 acre feet active. (6) Uses: wildlife propagation, stock watering, piscatorial, irrigation and fire protection purposes. (7) Irrigation Uses: 1 acre located in the NW1/4 of the SW1/4 of Section 8, Township 3 South, Range 83 West of the 6th P.M. See attached Figure 1 map for general vicinity of irrigation. 4. Claim to make portions of the Conditional Rights Absolute or in the alternative to obtain a finding of reasonable diligence: By this Application, Applicant seeks to make all of the conditional portions and uses of the above-described water rights absolute. In support of this claim, Applicant submits that the springs have been used for all of the decreed uses since her November 2020 purchase of the water rights and associated property depicted on the attached Figure 1 map. Moreover, since the pond has been constructed to its full decreed capacity and has been made absolute for certain uses, it can now be made absolute for all decreed purposes. Alternatively, in the event any portions of these water rights are not made absolute, Applicant seeks to obtain a finding of reasonable diligence. 5. Change of Structure Names: Applicant seeks to change the names of the subject water rights as follows: Widger Spring No. 2 to Lazy RJ Ranch Spring No. 2, Waterford Ranch Spring Sp8-3, Widger Enlargement to Lazy RJ Ranch Spring No. 1, Waterford Ranch Pond P8-2, Widger Enlargement” to Lazy RJ Ranch Pond. 6. Land Ownership: Applicant is the owner of the land on which the subject water rights described above are located. WHEREFORE, Applicant requests that the Court enter a decree which makes absolute the above described water rights for all of the decreed amounts and purposes; changes the names of the subject water rights as set forth in paragraph 5 above; in the alternative obtains a finding of reasonable diligence for any portions of the above described water rights not made absolute; and for such other and further relief as the Court may deem appropriate.

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

25CW3068 GRAND COUNTY. Winter Park Water and Sanitation District, c/o Kent Bosshard, Manager, P.O. Box 7, Winter Park, CO 80482. Applicant is represented by Katie Randall and Kent Whitmer, The Whitmer Law Firm, LLC, P.O. Box 38, Hot Sulphur Springs, CO 80451, (970) 725-3460. APPLICATION FOR FINDING OF REASONABLE DILIGENCE. Name of Structure: Winter Park Water and Sanitation District Water Storage Reservoir No. 2. Original Decree: July 6, 2006, Case No. 03CW291, Water Division No. 5. Subsequent Decrees: November 18, 2012 (12CW116); May 5, 2019 (18CW3180); both in Water Division No. 5. Legal Description: The structure is located in the unsurveyed portions of Section 3, Township 2 South, Range 75 West, 6th P.M. The respective center points of the structure are located approximately 5,000 feet South of South line of Section 34, Township 1 South, Range 75 West of the 6th P.M. and 2,200 feet East from line extended South from West line of Section 34, Township 1 South, Range 75 West, 6th P.M. Legal description of each point of diversion: Alternate points of diversion for diversion structures and ditches to fill this storage structure are described as follows: (i) The Fraser River upstream of its confluence with Jim Creek, near a point the location of which is in the SW 1/4 of suspended Section 11, Township 2 South, Range 75 West, 6th P.M., Grand County, Colorado, more particularly described as follows: Beginning at Corner No. 10, ES367, thence South 62°02' East a distance of 660.0 feet. The basis for bearings is the line between Corner Nos. 10 and 14, ES 367, which has a record bearing of South 66°12' East. (ii) The Fraser River upstream of its confluence with Cooper Creek, downstream of the WPWSD sewage treatment plant aerated lagoon discharge, near a point the location of which is in the SW1/4 of suspended Section 3, Township 2 South, Range 75 West, 6th P.M., Grand County, Colorado, more particularly described as follows: Beginning at Corner No 1, HES 117, thence North 45°15' West a distance of 1,073 feet. The basis for bearings is the line between Corner Nos. 1 and 2, HES 117, which has a record bearing of North 90° East. (iii) Cooper Creek upstream of its confluence with the Fraser River in unsurveyed or suspended Section 3, Township 2 South, Range 75 West, 6th P.M. at a point 5,100 feet from South line of Section 34, Township 1 South, Range 75 West, 6th P.M. and 1,800 feet from a line extended due South from the West Section line of Section 34, Township 1 South, Range 75 West, 6th P.M. Source: Cooper Creek and Fraser River, tributary to the Colorado River. Appropriation Date: November 12, 2003. Amount: 15 acre-feet, conditional. Use: Water stored in the Storage Reservoir will be used for all beneficial purposes including without limitation all municipal uses, augmentation, exchange, piscatorial, aesthetic and recreation. Water will be used within the District's service area and the return flows from such use shall occur above the USGS Fraser River measuring gauge located on the Fraser River just below where U.S. Highway 40 crosses the Fraser River in Winter Park. Owner of Land Where Structure is Located: Applicant. Additional Information: The application and attached exhibit contain additional information and a detailed outline of the work performed during the diligence period (7 pages).

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

25CW3069 GRAND COUNTY, Application for Finding of Reasonable Diligence. 1. Applicant: Valley at Winter Park Water District ("District"), c/o Sarah Shepherd, District Manager, P.O. Box 359, Littleton, Colorado 80160, Phone: (303) 482-1002, Email: sees@ccrider.us. Please direct all information concerning this matter to the District's legal counsel, Beth Van Vurst, Van Vurst Law, LLC, 6400 S. Fiddlers Green Circle, Suite 250, Greenwood Village, CO 80111, Telephone: (720) 642-6442, Email: beth@vanvurst-law.com. 2. Name of Structure: Valley at Winter Park Pond (WDID 5103624). 3. Description of Water Storage Right: i. Date of Original Decree, Case Number and Court: The Valley at Winter Park Pond conditional water right was originally decreed in Case No. 16CW3036 on May 27, 2019 in Water Division 5. ii. Subsequent Decrees Awarding Finding of Diligence: Not applicable; this is the first diligence proceeding. iii. Legal Description: In the NE1/4 SE1/4 of Section 9, Township 1 South, Range 76 West of the 6th P.M., the center of the dam being located at a point further described as follows: Easting: 423,916.6 meters, Northing: 4,425,077.4 meters, UTM Zone 13 North. The location of the Valley at Winter Park Pond is depicted on Exhibit 1. iv. Surface Area of High Water Line: 0.6 acres. v. Total Capacity of Reservoir: 3.5 acre-feet. vi. Source: Local surface inflow occurring in the Skunk Creek watershed, a tributary of Pole Creek. The Valley at Winter Park Pond is an off-channel lined pond which does not intercept groundwater. vii. Appropriation Date: July 23, 2012. viii. Amount: 3.5 acre-feet, conditional, with the right to fill and refill when in-priority. ix. Uses: Wildlife, fire protection, and recreation, and evaporation for the above described purposes. 4. Request for Finding of Reasonable Diligence: Through the filing of this Application, the District requests a finding that it has exercised reasonable diligence in the development of the Valley at Winter Park

Pond conditional water right and that said conditional water right be continued in full force and effect in its entirety. 5. Detailed outline of what has been done toward completion of the appropriation and application of water to beneficial use during the diligence period: a. The District owns and operates a municipal water supply system which, at full build out, is anticipated to serve up to 48 single family residences and open space located within the community. The Valley at Winter Park Pond was decreed as part of an integrated system of water rights and structures for the District in Case No. 16CW3036. Pursuant to C.R.S. § 37-92-301(4)(b), work on one feature of the system shall be considered in finding that reasonable diligence has been shown in the development of water rights for all features of the entire system. b. The District has undertaken significant work to maintain and further develop its integrated water supply system during the diligence period. This includes, but is not limited to, replacing the pump in its existing well, drilling a new groundwater well to increase system redundancy, routinely monitoring water quality, installing a SCADA alarm system, maintaining and repairing its well site and water treatment facility, as well as designing and engineering a new water treatment system. c. With regard to work performed specifically at the Valley at Winter Park Pond, the District has developed and maintained the pond so that it is available for its decreed purposes. This work included, among other things, meeting with the Fire Department and installing a dry hydrant at the pond so that the pond may be used for fire protection purposes. The District also purchased and installed a staff gage to provide data to calculate the evaporation for monthly accounting to the Division Engineer. d. The District's water resource engineers and geologists performed several site visits over the diligence period to assist with drilling a new well, installing a staff gage on the Valley at Winter Park Pond and collecting water quality samples from the new well. e. The District regularly monitors the water court filings of other water users to ensure its water rights will not be adversely affected and has incurred legal and engineering costs in connection with such applications. f. During the diligence period, the District incurred at least \$90,000 in legal, engineering and other consulting fees associated with work related to operating and maintaining its integrated water supply system, including costs related to protecting its water rights from injury and preparing this application. g. The activities and costs identified in this application are not all inclusive and the District reserves the right to provide more specific evidence related to the work described above or evidence of other work done and costs incurred during the diligence period as part of the proceedings in this case. 6. Names and addresses of landowners: The Valley at Winter Park Pond is located on land owned by The Valley at Winter Park Homeowners Association, P.O. Box 308, Tabernash, Colorado 80478-0308. WHEREFORE, the District respectfully requests entry of a decree finding that it has proceeded with reasonable diligence in the development of the Valley at Winter Park Pond conditional water right decreed in Case No. 16CW3036, continuing this conditional right for another diligence period in its entirety, and granting such other and further relief as deemed appropriate. (7 pages).

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25CW3070 EAGLE and GARFIELD COUNTIES, Application for Conditional Water Storage Right. Applicant: Stirling Management; *please direct all correspondence to Applicant's attorneys:* Mary Elizabeth Geiger, Garfield & Hecht, P.C., 910 Grand Avenue, Suite 201, Glenwood Springs, CO 81601, (970)947-1936. The Applicant requests confirmation of a conditional water right: **Purple Pond No. 2:** *Original decreed legal description:* In the SE ¼ of the SW ¼ of Section 4, Township 7 South, Range 87 West of the 6th P.M., Garfield County, at a point that is 1,155 feet from the South section line and 1,906 feet from the West section line of said Section 4, the UTM coordinates of which are: Easting: 317919.64; Northing: 4371300.42, Zone 13. This point is depicted on the map attached hereto as **Figure 1. Source: Cattle Creek, tributary to the Roaring Fork River, tributary to the Colorado River. Name and capacity of ditch used to fill reservoir:** C&L Highline Ditch, with an estimated capacity of 4 c.f.s. *Legal description of point of diversion:* In the SE ¼ of the NW ¼ of Section 10, Township 7 South, Range 87 West of the 6th P.M., Eagle County, at a point that is 2,693 feet from the South section line and 2,167 feet from the West section line of said Section 10, the UTM coordinates of which are: Easting: 319609.00; Northing: 4370052.00, Zone 13. This point is depicted on the map attached to the Application as **Figure 1. Appropriation date:** December 17, 2016. *How appropriation was initiated:* Formation of intent to store water and field survey of site. *Amount:* 9.0 acre feet, conditional, with the right to fill and refill in priority, not to exceed 18.0 acre feet annually. *Rate of diversion for filling the reservoir:* 2.0 c.f.s. *Use:* Irrigation, stockwatering, wildlife watering, commercial, and fire protection. *Number of acres proposed to be irrigated:* Approximately 10 acres cumulatively between Purple Ponds Nos. 1 and 2, a portion of which may occur within greenhouses (Purple Pond No. 1 decreed as absolute in Case No. 16CW3183). *Legal description of irrigated acreage:* Within Applicant's property, which is located in the SW ¼ of Section 4, Township 7 South, Range 87 West of the 6th P.M., in both Garfield and Eagle Counties, and which is described as Tracts 4 and 11, Pleasant Valley Ranch, according to the plat thereof recorded at Reception No. 625692 in the records of the Clerk & Recorder of Garfield County, Colorado. The property is depicted on the map attached to the Application as **Figure 1. Surface area of high water line:** 1.5 acres. *Vertical height of dam:* 10.0 feet. *Length of dam in feet:* 780 feet. *Total capacity of pond:* 9.0 acre feet. *Activity capacity:* 9.0 acre feet. *Dead storage:* 0 acre feet. *Owner of land upon which conditional storage right will be located:* 251 Ten Peaks Mesa LLC, 5990 NE 6th Court, Miami, FL 33137. *Remarks:* Irrigation will not be limited to the traditional agricultural irrigation season. *Additional remarks:* A water right at this location was originally decreed by this Court as the Purple Pond No. 2 in Case No. 16CW3183 by Applicant's predecessor in interest. An application for filings of reasonable

diligence was due April 30, 2025, but such application was not filed. By this Application, Applicant re-applies for the exact same water right without any changes thereto. All terms and conditions concerning the confirmation of a water right for the Purple Pond No. 2 as set forth in the decree entered by this Court in Case No. 16CW3183: Applicant shall install interceptor ditches or other similar devices as necessary to prevent irrigation return flows from flowing into Purple Pond Nos. 1 and 2 when said ponds are subject to a valid call administered by the Division of Water Resources. During the pendency of a valid call administered by the Division of Water Resources against the water storage rights for Purple Pond Nos. 1 and 2, Applicant agrees to cease filling of Purple Pond Nos. 1 and 2 unless a plan for augmentation is adjudicated that allows for out-of-priority diversions to fill the Purple Pond Nos. 1 and 2. Applicant agrees to install all structures that are necessary to ensure no pond filling occurs during a valid call administered by the Division of Water Resources. The water commissioner may administer Purple Pond Nos. 1 and 2 and pond filling past the headgate of the C&L Highline Ditch, if necessary to administer the decree entered herein and ponds' water right priorities. Applicant shall not divert its senior water rights that divert at the C&L Highline Ditch into the ponds for storage, under any circumstance, unless Applicant pursues a change case for such use. Applicant recognizes that the TP Enlargement of the C&L Highline Ditch and the Ten Peaks Pond decreed in Case Nos. 96CW379 and 96CW381 also utilize the C&L Highline Ditch for conveyance purposes and are senior in priority to the water right decreed herein. Integrated System: Purple Pond Nos. 1 and 2, C & L Highline Ditch Priority No. 199, HC&L Ditch Priority Nos. 85 and 131, and Heuschkel and Chapman Ditch Priority Nos. 97 and 193 are all components of an integrated water supply system to serve Applicant's property as decreed in Case No. 16CW3183. (5 pages).

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25CW3071 SUMMIT COUNTY. Application for Findings of Reasonable Diligence and to Make Absolute a Portion of a Conditional Water Right. Applicant: Town of Dillon, 275 Lake Dillon Drive P.O. Box 8 Dillon, CO 80435 (970) 468-2403. Please send pleadings to: Steven P. Jeffers, Madoline Wallace-Gross, Casey J. Weaver, Lyons Gaddis, PC, 950 Spruce Street, Suite 1B Louisville, CO 80027 (720) 726-3671 2. Names of conditional exchanges: Collectively the three subject exchanges are referred to as the "2017 Dillon Exchanges." 2.1. 2017 Dillon Exchange to Dillon Blue River Intake; 2.2. 2017 Dillon Exchange to Laskey Gulch Diversion; and 2.3. 2017 Dillon Exchange to Dillon Ditch. 3. Description of the 2017 Dillon Exchanges: 3.1. Original decree: Case No. 2017CW3244, District Court, Water Division No. 5 ("Court"), entered on May 5, 2019. 3.2. Subsequent diligence decree: Not applicable. 3.3. Legal description: All structures and exchange reaches are located in Summit County, Colorado. A map showing the general location of the structures and exchange reaches is attached as EXHIBIT A. 3.3.1. 2017 Dillon Exchange to Dillon Blue River Intake: The exchange will be located on the Blue River. Water may be delivered from Old Dillon Reservoir to Salt Lick Gulch and then to the Blue River. 3.3.1.1. Exchange-from point/downstream terminus: The confluence of the Blue River and Salt Lick Gulch, which is located in the SW ¼ SE ¼ of Section 12, T5S, R78W, 6th P.M., at a point approximately 1,017 feet from the south line and 2,946 feet from the west line of Section 12. 3.3.1.2. Exchange-to points/upstream termini: Dillon Blue River Intake, decreed at a point or points within the high waterline of Dillon Reservoir as the Blue River passes through Dillon Reservoir in the S ½ SE ¼ of Section 7, T5S, R77W, or the S ½ SW ¼ of Section 8, T5S, R77W, or the N ½ NE ¼ of Section 17, T5S, R77W, or the N ½ NE ¼ of Section 18, T5S, R77W, all of the 6th P.M. 3.3.1.3. Applicant may also release water directly to the Blue River at Dillon Reservoir. No exchange is decreed for such diversions at the Dillon Blue River Intake because the water may be used for direct diversion of that water. 3.3.2. 2017 Dillon Exchange to Laskey Gulch Diversion: The exchange will be located on the Blue River, Straight Creek and Laskey Gulch. Water will be delivered from Old Dillon Reservoir to Salt Lick Gulch and then to the Blue River, or delivered directly to the Blue River, or released from Clinton Gulch Reservoir or Dillon Reservoir to the Blue River. 3.3.2.1. Exchange-from point/downstream terminus: The confluence of the Blue River and Salt Lick Gulch, as described in paragraph 3.3.1.1. above. 3.3.2.2. Exchange-to points/upstream termini: 3.3.2.2.1. The Town of Dillon Laskey Gulch Diversion, located at a point on the right bank of Laskey Gulch, a tributary of Straight Creek, whence the W ¼ corner of Section 4, T5S, R77W of the 6th P.M., in Summit County, Colorado, bears S43°46' 55" W a distance of 1,457.90 feet. This point is also described as being in the SW ¼ NW ¼ of Section 4, T5S, R77W of the 6th P.M., approximately 1,587 feet from the north line and 1,009 feet from the west line of Section 4. 3.3.2.2.2. The Town of Dillon Straight Creek Diversion Point located at a point on the south bank of Straight Creek, whence the SW corner of Section 4, T5S, R77W, 6th P.M., bears S18°30'W a distance of 2,650 feet. This diversion is also described as being in the SW ¼ NW ¼ of Section 4, T5S, R77W of the 6th P.M., at a point approximately 2,327 feet from the north line and 913 feet from the west line. 3.3.3. 2017 Dillon Exchange to Dillon Ditch: The exchange will be located on Salt Lick Gulch. Water will be released from Clinton Gulch Reservoir and Dillon Reservoir into the Blue River and exchanged up Salt Lick Gulch for diversion through the Dillon Ditch. 3.3.3.1. Exchange-from point/downstream terminus: The confluence of the Blue River and Salt Lick Gulch, as described in paragraph 3.3.1.1. 3.3.3.2. Exchange-to point/upstream terminus: The headgate of the Dillon Ditch, located on the south or right bank of Salt Lick Creek at a point whence the SE corner of Section 14, T5S, R78W of the 6th P.M. bears S81°58'E 1,832 feet. The headgate is also described as being in the SW ¼ SE ¼ of Section 14, T5S, R78W of the 6th P.M., at a

point approximately 260 feet from the south line and 1,910 feet the east line of Section 14. 3.3.3.3. Water may be delivered through the Dillon Ditch for direct use or for storage in Old Dillon Reservoir, including any enlargements. 3.4. Decreed sources of water for exchanges: The sources of water available to Applicant for the 2017 Dillon Exchanges are limited to the following: 3.4.1. Old Dillon Reservoir Third Enlargement: The Old Dillon Reservoir Third Enlargement was decreed for 30 acre-feet, conditional, in Case No. 08CW201, District Court, Water Division No. 5 on December 29, 2011. Applicant owns 26.25% of this water right, which is 7.875 acre-feet, pursuant to a deed dated July 2, 2012. The decreed filling rate is 10 cfs through the Dillon Ditch. The reservoir is located in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ and SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 13, T5S, R78W of the 6th P.M. The approximate location of the SW end of Dam No. 1 is a point whence the South quarter corner of said Section 13 bears South 27 degrees 30' East a distance of 600 feet, approximately 528 feet from the South section line and 2,346 feet from the West section line of said Section 13. The approximate location of the SW end of Dam No. 2 is at a point whence the South quarter corner of said Section 13 bears South 64 degrees 30' West a distance of 250 feet, approximately 2,397 feet from the East section line and 111 feet from the South section line of said Section 13. The source of water is Salt Lick Gulch, a/k/a Salt Lick Creek, and precipitation and runoff flowing into Old Dillon Reservoir. The appropriation date is December 16, 2008. The decreed uses are municipal, domestic, commercial, irrigation, industrial, snowmaking, augmentation, replacement, exchange, recreation, piscatorial, and wildlife watering, with the right of reuse, successive use, and disposition to extinction. Use of the water rights for augmentation shall only occur pursuant to a substitute supply plan approved by the State Engineer or a plan for augmentation approved by the Water Court. 3.4.2. Old Dillon Reservoir Fourth Enlargement: Old Dillon Reservoir Fourth Enlargement was decreed for 17.27 acre-feet, conditional, in Case No. 12CW171, District Court, Water Division No. 5 on August 19, 2013. Applicant owns 26.25% of this water right, which is 4.534 acre-feet, pursuant to decree in Applicant's name and agreement with Summit County and the Town of Silverthorne. The decreed filling rate is 10 cfs through the Dillon Ditch. The location of Old Dillon Reservoir is described in paragraph 3.4.1 above. The source of water is Salt Lick Gulch, aka, Salt Lick Creek, and precipitation and runoff flowing into the reservoir. The appropriation date is October 15, 2010. The decreed uses are described in paragraph 3.4.1 above. 3.4.3. Old Dillon Reservoir Refill: Old Dillon Reservoir Refill was decreed for 45 acre-feet, conditional, in Case No. 08CW201, District Court, Water Division No. 5 on December 29, 2011. Applicant owns 26.25% of this water right, which is 11.8125 acre-feet, pursuant to a deed dated July 2, 2012. The decreed filling rate is 10 cfs through the Dillon Ditch. The location of Old Dillon Reservoir is described in paragraph 3.4.1 above. The source of water is Salt Lick Gulch, a/k/a Salt Lick Creek, and precipitation and runoff flowing into the reservoir. The appropriation date is December 16, 2008. The decreed uses are the same as those described in paragraph 3.4.1 above. 3.4.4. Clinton Gulch Reservoir: Clinton Gulch Reservoir was decreed in Case No. W-2559, District Court, Water Division No. 5 for 4,250 acre-feet, conditional, from Clinton Creek, with an appropriation date of June 25, 1946, for industrial, domestic, irrigation, recreation, and fish and wildlife purposes. The water right was decreed absolute in Case No. 79CW049, District Court, Water Division No. 5. A use enlargement and second filling for Clinton Gulch Reservoir was decreed in Case No. 92CW065, District Court, Water Division No. 5 in the amount of 4,250 acre-feet, conditional, from Clinton Creek, with an appropriation date of March 1, 1990, for domestic, municipal, irrigation, industrial, snowmaking, recreation, fish and wildlife propagation, and augmentation. Applicant is entitled to delivery of up to 24.45 acre-feet of water pursuant to its shares in the Clinton Gulch Reservoir Company, 4.45 acre-feet of which is included in this exchange. Clinton Gulch Reservoir is located in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 25, T7S, R79W, 6th P.M., at a point whence the north quarter corner of Section 25 bears N33°51'50"E 2,840.44 feet. That location is 2,260 feet from the north line and 900 feet from the west line of Section 25. 3.4.5. Dillon Reservoir: Pursuant to the Colorado River Cooperative Agreement ("CRCA") with the City and County of Denver acting by and through its Board of Water Commissioners ("Denver Water"), Applicant is entitled to delivery of up to 150 acre-feet of water per year from Dillon Reservoir under certain terms and conditions. Dillon Reservoir was decreed by the District Court of Summit County, Water District No. 36, in Civil Action Nos. 1805 and 1806, dated March 10, 1952, and confirmed by the United States District Court for the District of Colorado in Consolidated Case Nos. 2782, 5016, and 5017, dated October 12, 1955, for 252,678 acre-feet for irrigation and municipal uses, including domestic use, mechanical use, manufacturing use, fire protection, street sprinkling, and watering of parks, lawns, and grounds. The sources of Dillon Reservoir are the Blue River, the Snake River, and Ten Mile Creek, all tributaries of the Colorado River. A refill right for Dillon Reservoir was adjudicated in Case No. 87CW376, District Court, Water Division No. 5, dated February 13, 1997, in the amount of 175,000 acre-feet for all municipal uses, including domestic use, mechanical use, manufacturing use, fire protection, street sprinkling, watering of parks, lawns, and grounds, and flood control. Dillon Dam is located generally in portions of the NE $\frac{1}{4}$ Section 13, T5S, R78W, and NW $\frac{1}{4}$ Section 18, T5S, R77W, of the 6th P.M. Applicant is required to provide Denver Water with replacement water for 105 acre-feet of the water as described in Articles III.A.4 and III.B.14 of the CRCA. The other 45 acre-feet does not require replacement. 3.5. Decreed amounts: Each of the 2017 Dillon Exchanges is decreed at a rate up to 5 cfs, conditional. The total combined annual volumetric limit is 178.6715 acre-feet. The annual volume for each exchange is as follows: 3.5.1. 2017 Dillon Exchange to Blue River Intake: 24.2215 acre-feet. 3.5.2. 2017 Dillon Exchange to Laskey Gulch Diversion: 178.6715 acre-feet. 3.5.3. 2017 Dillon Exchange to Dillon Ditch: 154.45 acre-feet. 3.6. Appropriation date: December 19, 2017, for each of the 2017 Dillon Exchanges. 3.7. Decreed uses: 3.7.1. The water diverted pursuant to the 2017 Dillon Exchanges may be used for all municipal purposes, including domestic, commercial, irrigation, industrial, fire protection, recreation, piscatorial, wildlife watering, lake level maintenance, augmentation, replacement, exchange, and all other municipal uses. Use of the water rights decreed herein for augmentation shall only occur pursuant to a substitute supply plan approved by the State Engineer or a plan for augmentation approved by the Water Court. 3.7.2. The water diverted pursuant to the 2017 Dillon Exchange to the Dillon Ditch may be used for all municipal purposes, including reuse, successive use, and lease to other water users to full extinction. 4. Evidence of reasonable diligence: The 2017 Dillon Exchanges are part of an integrated system for supplying the water demands for the Town of Dillon decreed in Case Nos. 1806, W-12, W-13 and W-402 (consolidated), 86CW329, 86CW330, 87CW392, 93CW288, 95CW77, 07CW232, 08CW201 and 12CW71. During the diligence period, Applicant spent nearly \$518,000 on the following

projects and work in furtherance of the development of these conditional water rights and its integrated water system: 4.1. Prior to the current diligence period, Applicant acquired water supply contracts from the U.S. Bureau of Reclamation for water in Green Mountain Reservoir and an alternative source contract from the Colorado River Water Conservation District for water in Wolford Mountain Reservoir. Applicant has regularly made all required payments pursuant to those contracts. These contract water supplies provide Applicant with security for its storage of water in and exchanges from Old Dillon Reservoir. 4.2. Applicant is a member of the Old Dillon Reservoir Water Authority, which maintains, operates, and accounts for diversions from Salt Lick Creek and storage in and releases from Old Dillon Reservoir, including exchanges into and out of the reservoir. The Authority has provided regular accounting reports to the Division Engineer for Water Division No. 5 and the U.S. Bureau of Reclamation on behalf of Applicant and the other members and works with both entities on accounting procedures. 4.3. As a member of the Old Dillon Reservoir Water Authority, Applicant has paid its share of the continued operation, maintenance, and repairs for the Dillon Ditch and Old Dillon Reservoir between 2019 and 2025. Total assessments paid by Applicant during that time was \$219,500. More specifically, Applicant has spent the following amounts on the following capital projects and maintenance in connection with Old Dillon Reservoir: 4.3.1. In 2019, Applicant completed the first five-year annual Facility Performance Report and filed it with the State Engineer's office at a cost of \$6,000. 4.3.2. In 2020, Applicant spent \$10,000 to obtain a 401 certification. 4.3.3. In 2021, Applicant spent \$36,000 on riprap repair and grading to the north outlet and to add riprap to the south dam embankment; \$15,000 for tree removal from the north outlet drainage channel; \$12,000 in connection with an emergency closure and repair of the south outlet valve; \$14,500 for permanent valve stem repairs on the south outlet valve; \$500 for a survey; and \$5,500 for evaluation of the south blanket drain and developing as-builts drawings for the drain. 4.3.4. In 2022, Applicant spent \$4,000 to reseed the north outlet drainage area and tree removal area and \$5,000 for engineering in connection with the south outlet blanket drain catch basin and weir. 4.3.5. In 2023, Applicant spent \$35,000 for permanent repair of the south outlet valve and valve stem and \$24,000 to install a headgate on the south outlet valve. 4.3.6. In 2024, Applicant spent \$500 for a survey and \$2,000 to install a new security box over the new, larger outlet valve. 4.3.7. In 2025, to date, Applicant has spent \$2,000 for services performed to maintain Old Dillon Reservoir. 4.4. Between 2019 and 2025, Applicant spent the following amounts on capital projects and maintenance in connection with the Straight Creek Diversion: 4.4.1. Between 2019 and 2025, Applicant spent \$3,000 on the annual cleanings of the diversion pond, performed by a Colorado Department of Transportation contractor, and \$7,000 on supplies and utilities for the diversion structure. 4.4.2. In 2021, Applicant spent \$4,000 to install a new hydro-ranger flow meter and level transmitter. 4.4.3. In 2023, Applicant spent \$20,000 for forestry work around the diversion structure; \$1,200 to install a gutter on the diversion structure; and \$2,000 for legal counsel in connection with a Source Water Protection Ordinance. 4.4.4. In 2024, Applicant spent \$10,000 to replace serial communications radios and \$3,000 for legal counsel in connection with the Source Water Protection Ordinance. 4.4.5. In 2025, to date, Applicant has spent \$10,000 for channel decking and replacement of the mud valve. 4.5. Applicant, along with Summit County and Silverthorne, adjudicated findings of reasonable diligence for an enlargement of Old Dillon Reservoir in Case No. 21CW3001, and Applicant obtained diligence decrees for other conditional water rights in Case Nos. 18CW3174, 18CW3175, 18CW3176, and 24CW3150 (pending). 4.6. Applicant has participated as an objector in water court applications that could adversely affect the yield, feasibility, and utility of these conditional water rights, including Case Nos. 16CW3040 and 21CW3090. 5. Claim to make absolute: 5.1. 2017 Dillon Exchange to Dillon Blue River Intake- NA. 5.2. 2017 Dillon Exchange to Laskey Gulch Diversion- NA. 5.3. 2017 Dillon Exchange to Dillon Ditch 5.3.1. Rate: 3.34 c.f.s., ABSOLUTE; 1.66 c.f.s., CONDITIONAL. 5.3.2. Date of Operation: May 23, 2022 6. Names and addresses of the owners of the land on which the structures are or will be located: 6.1. Dillon Blue River Intake: City and County of Denver, Denver Water Board 1600 W. 12th Avenue Denver, CO 80204 6.2. Old Dillon Reservoir, Town of Dillon Laskey Gulch Diversion, Town of Dillon Straight Creek Diversion and Dillon Ditch: United States Forest Service, Rocky Mountain Region, 1617 Cole Blvd., Bldg. 17, Lakewood, CO 80401; United States Forest Service, Dillon Range District, PO Box 620, Silverthorne, CO 80498; 6.3 Clinton Gulch Reservoir: Clinton Ditch & Reservoir Company c/o Summit County Board of Commissioners, PO Box 68, Breckenridge, CO 80424. 6.4 Dillon Reservoir: United States Forest Service, Rocky Mountain Region, 1617 Cole Blvd., Bldg. 17, Lakewood, CO 80401; United States Forest Service, Dillon Range District, PO Box 620, Silverthorne, CO 80498; City and County of Denver, Denver Water Board 1600 W. 12th Avenue Denver, CO 80204; Summit County Board of Commissioners, PO Box 68, Breckenridge, CO 80424; Summit School District RE-1, PO Box 7, Frisco, CO 80443-0007. WHEREFORE, Applicant requests that the Court enter a decree: 1. finding that Applicant has made absolute 3.34 c.f.s. of the 2017 Dillon Exchange to Dillon Ditch; 2. finding that Applicant has exercised reasonable diligence for the remaining 1.66 c.f.s. of the 2017 Dillon Exchange to Dillon Ditch; 3. finding that Applicant has exercised reasonable diligence on the 2017 Dillon Exchange to Dillon Blue River Intake and the 2017 Dillon Exchange to Laskey Gulch Diversion; and 4. continuing all conditional water rights for another 6 year period. (11 pages, Exhs A1 & A2)

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

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

25CW3072 (18CW3175, 12CW5, 05CW125, 99CW005, and 86CW330) SUMMIT COUNTY. APPLICATION FOR FINDING OF REASONABLE DILIGENCE. Applicant: Town of Dillon, 275 Lake Dillon Drive P.O. Box 8 Dillon, CO 80435 (970) 468-2403. Please send pleadings to: Steven P. Jeffers, Madoline Wallace-Gross, Casey J. Weaver, Lyons Gaddis, PC, 950 Spruce Street, Suite 1B Louisville, CO 80027 (720) 726-3671

2. Name of conditional water right: Old Dillon Reservoir to Dillon Blue River Intake Exchange. A map showing the general location of the structure is attached as **EXHIBIT A.**

3. Description of the conditional water right:

3.1. Original decree: Case No. 86CW330, District Court, Water Division No. 5, entered January 5, 1993.

3.2. Subsequent diligence decree: The Court made findings of reasonable diligence by the decrees entered in: Case No. 99CW005 on July 19, 1999; Case No. 05CW125 on February 1, 2006; Case No. 12CW5 on November 14, 2012; and Case No. 18CW3175 on May 26, 2019.

3.3. Decreed locations:

3.3.1. Old Dillon Reservoir: Water will be released from Old Dillon Reservoir, located in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ and SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 13, Township 5 South, Range 78 West of the 6th P.M., in Summit County, to the Blue River at or above the confluence of the Blue River and Salt Lick Gulch.

3.3.2. Exchange-from point/downstream terminus: The confluence of the Blue River and Salt Lick Gulch, which is located in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 12, Township 5 South, Range 78 West, 6th P.M, at a point approximately 1,017 feet from the south line and 2,946 feet from the west line of Section 12.

3.3.3. Exchange-to point/upstream terminus: The Blue River Intake, which will be located within the high waterline of Dillon Reservoir as the Blue River passes through Dillon Reservoir in the S $\frac{1}{2}$ SE $\frac{1}{4}$ of Section 7, Township 5 South, Range 77 West, or the S $\frac{1}{2}$ SW $\frac{1}{4}$ of Section 8, Township 5 South, Range 77 West, or the N $\frac{1}{2}$ NE $\frac{1}{4}$ of Section 17, Township 5 South, Range 77 West, or the N $\frac{1}{2}$ NE $\frac{1}{4}$ of Section 18, Township 5 South, Range 77 West, of the 6th P.M., all in Summit County.

3.4. Decreed appropriation date: May 6, 1986.

3.5. Decreed amount: 3.5 cfs and a maximum annual diversion of 250 acre-feet, CONDITIONAL.

3.6. Decreed use: Municipal.

3.7. Decreed source: Water stored in Old Dillon Reservoir as originally decreed in Civil Action 1803 by the District Court, Summit County on March 10, 1952, with an appropriation date of January 9, 1939, in the amount of 46.14 acre-feet.

4. Claim for reasonable diligence, including expenditures: The Old Dillon Reservoir to Dillon Blue River Intake Exchange is part of an integrated system for supplying the water demands for the Town of Dillon decreed in Case Nos. 1806, W-12, W-13 and W-402 (consolidated), 86CW329, 87CW392, 93CW288, 95CW77, 07CW232, 08CW201, 12CW71, and 17CW3244. During the diligence period, Applicant spent nearly \$518,000 on the following projects and work in furtherance of the development of this conditional water right and its integrated water system:

4.1. Prior to the current diligence period, Applicant acquired water supply contracts from the U.S. Bureau of Reclamation for water in Green Mountain Reservoir and an alternative source contract from the Colorado River Water Conservation District for water in Wolford Mountain Reservoir. Applicant has regularly made all required payments pursuant to those contracts. These contract water supplies provide Applicant with security for its storage of water in and exchanges from Old Dillon Reservoir.

4.2. Applicant is a member of the Old Dillon Reservoir Water Authority, which maintains, operates, and accounts for diversions from Salt Lick Creek and storage in and releases from Old Dillon Reservoir, including exchanges into and out of the reservoir. The Authority has provided regular accounting reports to the Division Engineer for Water Division No. 5 and the U.S. Bureau of Reclamation on behalf of Applicant and the other members and works with both entities on accounting procedures.

4.3. As a member of the Old Dillon Reservoir Water Authority, Applicant has paid its share of the continued operation, maintenance, and repairs for the Dillon Ditch and Old Dillon Reservoir between 2019 and 2025. Total assessments paid by Applicant during that time was \$219,500. More specifically, Applicant has spent the following amounts on the following capital projects and maintenance in connection with Old Dillon Reservoir:

4.3.1. In 2019, Applicant completed the first five-year annual Facility Performance Report and filed it with the State Engineer's office at a cost of \$6,000.

4.3.2. In 2020, Applicant spent \$10,000 to obtain a 401 certification.

4.3.3. In 2021, Applicant spent \$36,000 on riprap repair and grading to the north outlet and to add riprap to the south dam embankment; \$15,000 for tree removal from the north outlet drainage channel; \$12,000 in connection with an emergency closure and repair of the south outlet valve; \$14,500 for permanent valve stem repairs on the south outlet valve; \$500 for a survey; and \$5,500 for evaluation of the south blanket drain and developing as-builts drawings for the drain.

4.3.4. In 2022, Applicant spent \$4,000 to reseed the north outlet drainage area and tree removal area and \$5,000 for engineering in connection with the south outlet blanket drain catch basin and weir.

4.3.5. In 2023, Applicant spent \$35,000 for permanent repair of the south outlet valve and valve stem and \$24,000 to install a headgate on the south outlet valve.

4.3.6. In 2024, Applicant spent \$500 for a survey and \$2,000 to install a new security box over the new, larger outlet valve.

4.3.7. In 2025, to date, Applicant has spent \$2,000 for services performed to maintain Old Golden Reservoir.

4.4. Between 2019 and 2025, Applicant spent the following amounts on capital projects and maintenance in connection with the Straight Creek Diversion:

4.4.1. Between 2019 and 2025, Applicant spent \$3,000 on the annual cleanings of the diversion pond, performed by a Colorado Department of Transportation contractor, and \$7,000 on supplies and utilities for the diversion structure.

4.4.2. In 2021, Applicant spent \$4,000 to install a new hydro-ranger flow meter and level transmitter.

4.4.3. In 2023, Applicant spent \$20,000 for forestry work around the diversion structure; \$1,200 to install a gutter on the diversion structure; and \$2,000 for legal counsel in connection with a Source Water Protection Ordinance.

4.4.4. In 2024, Applicant spent \$10,000 to replace serial communications radios and \$3,000 for legal counsel in connection with the Source Water Protection Ordinance.

4.4.5. In 2025, to date, Applicant has spent \$10,000 for channel decking and replacement of the mud valve.

4.5. Applicant, along with Summit County and Silverthorne, adjudicated findings of reasonable diligence for an enlargement of Old Dillon Reservoir in Case No. 21CW3001, and Applicant obtained diligence decrees for other conditional water rights in Case Nos. 18CW3174 and 24CW3150 (pending).

4.6. Applicant has participated as an objector in water court applications that could adversely affect the yield, feasibility, and utility of these conditional water rights, including Case Nos. 16CW3040 and 21CW3090.

5. No claim to make absolute: Not Applicable.

6. Names and addresses of the owners of the land on which the structures are or will be located:

6.1. Dillon Blue River Intake: City and County of Denver, Denver Water Board, 1600 W. 12th Avenue, Denver, CO 80204

6.2. Old Dillon Reservoir: United States Forest Service, Rocky Mountain Region, 1617 Cole Blvd., Bldg. 17, Lakewood, CO 80401; United States Forest Service, Dillon Ranger District, PO Box

620, Silverthorne, CO 80498. WHEREFORE, Applicant requests that the Court enter a decree finding that Applicant has exercised reasonable diligence for the conditional water right and continuing the conditional water right for another six years. (6 pages, Exh. A) **YOU ARE HEREBY NOTIFIED THAT YOU HAVE until the last day of JULY 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 MAY 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.*

25CW3073 SUMMIT COUNTY. Application for Finding of Reasonable Diligence. Applicant: Town of Dillon, 275 Lake Dillon Drive P.O. Box 8 Dillon, CO 80435 (970) 468-2403. Please send pleadings to: Steven P. Jeffers, Madoline Wallace-Gross, Casey J. Weaver, Lyons Gaddis, PC, 950 Spruce Street, Suite 1B Louisville, CO 80027 (720) 726-3671. **2. Name of conditional water right for which finding of reasonable diligence is sought:** Dillon Blue River Intake. A map showing the general location of the structure is attached as **EXHIBIT A**. **3. Description of the conditional water right:** 3.1. **Original decree:** Case No. 86CW329, District Court, Water Division No. 5, entered January 5, 1993. 3.2. **Subsequent diligence decrees:** The Court made findings of reasonable diligence by the decrees entered in: Case No. 99CW006 on July 19, 1999; Case No. 05CW126 on February 1, 2006; Case No. 12CW6 on November 14, 2012; and Case No. 18CW3176 on May 26, 2019. 3.3. **Decreed location:** Within the high waterline of Dillon Reservoir as the Blue River passes through Dillon Reservoir in the S ½ SE ¼ of Section 7, T5S, R77W, or the S ½ SW ¼ of Section 8, T5S, R77W, or the N ½ NE ¼ of Section 17, T5S, R77W, or the N ½ NE ¼ of Section 18, T5S, R77W, all of the 6th P.M., Summit County, Colorado. 3.4. **Decreed source:** Blue River. 3.5. **Decreed appropriation date:** December 16, 1986. 3.6. **Decreed amount:** 5 cfs, **CONDITIONAL**. 3.7. **Decreed use:** Municipal year-round use within the Town of Dillon. **4. Claim for reasonable diligence, including expenditures:** The Dillon Blue River Intake is part of an integrated system for supplying the water demands for the Town of Dillon decreed in Case Nos. 1806, W-12, W-13 and W-402 (consolidated), 86CW330, 87CW392, 93CW288, 95CW77, 07CW232, 08CW201, 12CW71, and 17CW3244. During the diligence period, Applicant spent nearly \$518,000 on the following projects and work in furtherance of the development of this conditional water right and its integrated water system: 4.1. Prior to the current diligence period, Applicant acquired water supply contracts from the U.S. Bureau of Reclamation for water in Green Mountain Reservoir and an alternative source contract from the Colorado River Water Conservation District for water in Wolford Mountain Reservoir. Applicant has regularly made all required payments pursuant to those contracts. These contract water supplies provide Applicant with security for its storage of water in and exchanges from Old Dillon Reservoir. 4.2. Applicant is a member of the Old Dillon Reservoir Water Authority, which maintains, operates, and accounts for diversions from Salt Lick Creek and storage in and releases from Old Dillon Reservoir, including exchanges into and out of the reservoir. The Authority has provided regular accounting reports to the Division Engineer for Water Division No. 5 and the U.S. Bureau of Reclamation on behalf of Applicant and the other members and works with both entities on accounting procedures. 4.3. As a member of the Old Dillon Reservoir Water Authority, Applicant has paid its share of the continued operation, maintenance, and repairs for the Dillon Ditch and Old Dillon Reservoir between 2019 and 2025. Total assessments paid by Applicant during that time was \$219,500. More specifically, Applicant has spent the following amounts on the following capital projects and maintenance in connection with Old Dillon Reservoir: 4.3.1. In 2019, Applicant completed the first five-year annual Facility Performance Report and filed it with the State Engineer's office at a cost of \$6,000. 4.3.2. In 2020, Applicant spent \$10,000 to obtain a 401 certification. 4.3.3. In 2021, Applicant spent \$36,000 on riprap repair and grading to the north outlet and to add riprap to the south dam embankment; \$15,000 for tree removal from the north outlet drainage channel; \$12,000 in connection with an emergency closure and repair of the south outlet valve; \$14,500 for permanent valve stem repairs on the south outlet valve; \$500 for a survey; and \$5,500 for evaluation of the south blanket drain and developing as-builts drawings for the drain. 4.3.4. In 2022, Applicant spent \$4,000 to reseed the north outlet drainage area and tree removal area and \$5,000 for engineering in connection with the south outlet blanket drain catch basin and weir. 4.3.5. In 2023, Applicant spent \$35,000 for permanent repair of the south outlet valve and valve stem and \$24,000 to install a headgate on the south outlet valve. 4.3.6. In 2024, Applicant spent \$500 for a survey and \$2,000 to install a new security box over the new, larger outlet valve. 4.3.7. In 2025, to date, Applicant has spent \$2,000 for services performed to maintain Old Dillon Reservoir. 4.4. Between 2019 and 2025, Applicant spent the following amounts on capital projects and maintenance in connection with the Straight Creek Diversion: 4.4.1. Between 2019 and 2025, Applicant spent \$3,000 on the annual cleanings of the diversion pond, performed by a Colorado Department of Transportation contractor, and \$7,000 on supplies and utilities for the diversion structure. 4.4.2. In 2021, Applicant spent \$4,000 to install a new hydro-ranger flow meter and level transmitter. 4.4.3. In 2023, Applicant spent \$20,000 for forestry work around the diversion structure; \$1,200 to install a gutter on the diversion structure; and \$2,000 for legal counsel in connection with a Source Water Protection Ordinance. 4.4.4. In 2024, Applicant spent \$10,000 to replace serial communications radios and \$3,000 for legal counsel in connection with the Source Water Protection Ordinance. 4.4.5. In 2025, to date, Applicant has spent \$10,000 for channel decking and replacement of the mud valve. 4.5. Applicant, along with Summit County and Silverthorne, adjudicated findings of reasonable diligence for an enlargement of Old Dillon Reservoir in Case No. 21CW3001, and Applicant obtained diligence decrees for other conditional water rights in Case Nos. 18CW3174 and 24CW3150 (pending). 4.6. Applicant has participated as an objector in water court applications that could adversely affect the yield, feasibility, and utility of these

conditional water rights, including Case Nos. 16CW3040 and 21CW3090. 5. **No claim to make absolute:** Not applicable. 6. **Name and address of the owner of the land on which the Dillon Blue River Intake is or will be located:** City and County of Denver, Denver Water Board, 1600 W. 12th Avenue, Denver, CO 80204 WHEREFORE, Applicant requests that the Court enter a decree finding that Applicant has exercised reasonable diligence for the conditional water right and continuing the conditional water right for another six years. (6 pages, Exh A)

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

25CW3074 GRAND COUNTY APPLICATION FOR FINDING OF REASONABLE DILIGENCE AND TO MAKE ABSOLUTE.

1. Applicant: 440-808, LLC, P.O. Box 86, Golden, CO 80402 c/o Hayes Poznanovic Korver LLC, John D. Buchanan #45191, 700 Seventeenth Street, Suite 1800, Denver, Colorado 80202, 303-825-1980 john@hpkwaterlaw.com. DESCRIPTION OF CONDITIONAL WATER RIGHTS 2. 440-808, LLC Well No. 1 Ground Water Right: a. Structure Name: 440-808, LLC Well No. 1, Permit No. 175304. b. Original Decree: Case No. 18CW3120 entered by the District Court, Water Division 5 on May 5, 2019 ("18CW3120 Decree"). C. Location: SW1/4 NE1/4 of Section 21, T1S, R75W of the 6th P.M., Grand County, Colorado, lying 2,398 feet from the North Section Line and 1,324 feet from the East Section Line. The Well is located on Lot 16 of the Frosty Acres Subdivision. The GPS location in UTM format is as follows: Map Datum: NAD83; UTM: Zone 13; Easting 433378, Northing 4421981.6. The Well is located within the boundaries of Applicant's property, which is described as Lot 16 of the Frosty Acres Subdivision as amended by the Amended Final Plat for Urban Filing Third Amendment of Frosty Acres a.k.a. 440 Jack Frost Dr. (County Rd. 808), Fraser, CO 80442 ("Property"). The 440-808 LLC Well No. 1 and the Property are shown on the attached map marked as Exhibit 1, pp. 1. d. Uses: Domestic use in a single-family house, outdoor hot tub, landscape irrigation, fire protection, and commercial use in an attached caretaker/commercial rental unit. The following uses are absolute: single-family house, 200 square feet of irrigation, and fire protection. The following uses are conditional: outdoor hot tub use, commercial, and irrigation in excess of 200 square feet. e. Rate of Diversion: 15 g.p.m. absolute. f. Depth of Well: 250 feet. g. Source: Groundwater tributary to Ranch Creek, tributary to the Fraser River and Colorado River. h. Annual Amount of Diversion: Approximately 0.826 acre-feet per year. i. Appropriation Dates: July 31, 1968, for domestic uses (single family house, up to 200 square feet of irrigation, and fire protection); May 19, 1993, for attached indoor caretaker/commercial rental unit and outdoor hot tub; and July 31, 2018, for irrigation in excess of 200 square feet. 3. Appropriative Right of Exchange a. Original Decree: 18CW3120 Decree. b. Exchange Rate: 0.00015 c.f.s., conditional, limited to 0.1 a.f./yr. c. Exchange Priority Date: July 31, 2018. d. 440-808 LLC Exchange No. 1: i. Upstream Exchange Point – Exchange to Points: The location of depletion of the 440-808 LLC Well No. 1 on Ranch Creek, located in the NE ¼ NE ¼, Sec. 21, T1S, R75W, 6th P.M., Grand County, Colorado, approximately, 266 ft. west of the east section line and 652 ft. south of the north section line of section 36. Northing: 4422536m, Easting 433692m (NAD83 UTM Zone 13N). ii. Downstream Exchange from Points: Confluence of the Colorado and Fraser Rivers, located in the SW1/4 SW1/4 of Section 25, T2N, R77W, 6th P.M. Grand County, Colorado. iii. Exchange Reach: Water released from the outlet of Granby Reservoir will flow down the Colorado River to its confluence with the Fraser River, then be exchanged upstream to the confluence of the Fraser River with Ranch Creek, then upstream on Ranch Creek to approximately the intersection of Ranch Creek and the East Section Line of Section 21 in the NE1/4 NE1/4 of Section 21, T1N, R75W of the 6th P.M., Grand County, Colorado, to the location of depletions from pumping the 440-808 LLC Well No. 1. e. 440-808 LLC Exchange No. 2: i. Upstream Exchange Point – Exchange to Points: The location of depletion of the 440-808 LLC Well No. 1 on Ranch Creek, located in the NE ¼ NE ¼, Sec. 21, T1S, R75W, 6th P.M., Grand County, Colorado, approximately, 266 ft. west of the east section line and 652 ft. south of the north section line of section 36. Northing: 4422536m, Easting 433692m (NAD83 UTM Zone 13N). ii. Downstream Exchange from Points: Confluence of Muddy Creek and the Colorado River, located in the NW1/4 NE1/4 of Section 19, T1N, R80W, 6th P.M. Grand County, Colorado. iii. Exchange Reach: Water released from the outlet of the Wolford Mountain Reservoir will flow down Muddy Creek to its confluence with the Colorado River, then be exchanged upstream on the Colorado River to its confluence with the Fraser River, then upstream to the confluence of the Fraser River with Ranch Creek, then up stream on Ranch Creek to approximately the intersection of Ranch Creek and the East Section Line of Section 21 in the NE1/4 NE1/4 of Section 21, T1N, R75W of the 6th P.M., Grand County, Colorado, the location of depletions from pumping the 440-808 LLC Well No. 1. The exchange reaches are depicted on Exhibit 1, p. 2. CLAIM TO MAKE ABSOLUTE. 4. During the diligence period, Applicant has used the 440-808, LLC Well No. 1 Ground Water Right for commercial use via use in an attached caretaker/commercial rental unit, which has been rented and occupied during the diligence period; outdoor hot tub use; and irrigation in excess of 200 square feet at the full decreed rate of 15 gpm. Applicant thus requests to make all uses absolute. 5. Applicant has agreements with the Middle Park Water Conservancy District to release up to 0.1 acre-foot of water to replace depletions under the 440-808 LLC Exchange Nos. 1 and 2. During the diligence period, this water has been released by the District to replace depletions from the 440-808, LLC Well No. 1 pursuant to the conditional exchanges described herein. Applicant thus requests to make both exchanges absolute. Copies of the agreements and Applicant's accounting are included as Exhibit 2. CLAIM FOR FINDING OF

REASONABLE DILIGENCE. 6. To the extent that the conditional water rights are not made absolute in full, Applicant requests the court enter findings of diligence for the water rights. During the diligence period, Applicant has continued to divert and beneficially use water under the 440-808, LLC Well No. 1 Ground Water Right and has fulfilled its obligations under the District agreements to ensure delivery of replacement water under the conditional exchange rights, as set forth in the 18CW3120 Decree. 7. Names and addresses of owners of land upon which any new diversion or storage structure or modification to any existing diversion or storage structure or existing storage pool is or will be constructed or upon which water is or will be stored: Applicant. WHEREFORE, Applicant requests that this court enter a decree making the conditional water rights absolute, or to the extent that such water rights are not made fully absolute, finding that Applicant has exercised reasonable diligence in the development of the conditional water rights and continuing the water rights for an additional diligence period, and for such other and further relief as this Court deems just and proper in the premises.

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

25CW3075 MESA COUNTY - COLORADO RIVER; A & G Partnership; c/o John R. Pierce, DUFFORD WALDECK, 744 Horizon Court, Suite 300, Grand Junction, CO 81506, (970) 248-5865; APPLICATION TO MAKE CONDITIONAL WATER RIGHT ABSOLUTE AND FOR FINDING OF REASONABLE DILIGENCE; Name, address, and telephone number of Applicant: A & G Partnership; 710 South 15th Street; Grand Junction, CO 81501; (970) 255-2098; Request to make absolute or for finding of reasonable diligence: Name of structure: Orchard Grove Industrial Park Pit (Well Permit No. 38095-F); Describe conditional water right: Date of Original Decree: February 18, 1993; Case No.: 90CW257; Subsequent decrees awarding diligence: Case No. 99CW30; Case No. 05CW204; Case No. 12CW78, 18CW3219; Legal description: SE 1/4 SW 1/4 of Section 5 and NE 1/4 NW 1/4 of Section 8, Township 1 South, Range 1 West, Ute Principal Meridian. The center of the Orchard Grove Industrial Park Pit is located approximately 600 feet west of the South 1/4 Corner of Section 5; Source of water: Groundwater tributary to the Colorado River; Appropriation Date: November 20, 1990; Amount: 22.99 a.f. per year conditional. (In Case No. 99CW30, 59.86 a.f. per year of the total 82.85 a.f. per year was made absolute); Use: De-watering of pit during mining, evaporation, dust suppression and losses through aggregate removal and processing, all in connection with the mining of sand, gravel and related products, and with the reclamation of the land during and after completion of such mining; Depth: 22 feet; Outline of work toward completion or for completion of the appropriation and application of water to a beneficial use as conditionally decreed, including expenditures, during the previous diligence period: During the most recent diligence period, Applicant's lessee, Kilgore Companies, LLC (dba Elam Construction), continued to remove overburden and to mine material from the Orchard Grove Industrial Park Pit. Production from the Orchard Grove Industrial Park Pit was 163,159 tons in 2019, resulting in operational depletions of 7.7 a.f. from dust suppression and 4.8 a.f. from material losses. The highest total depletion occurred in 2024, when total depletions from all industrial uses was 94.01 a.f. (86.29 a.f. evaporation, 7.7 a.f. dust suppression, and 0.02 a.f. material losses); If claim to make absolute: Date water applied to beneficial use: August 1, 2024; Amount: 22.99 a.f., for a total absolute amount of 82.85 a.f.; Use: Industrial, including evaporation, dust suppression and losses through aggregate removal and processing. WHEREFORE, Applicant respectfully requests the Court make absolute the amount requested above. With regard to any conditionally decreed amount not made absolute in this case, Applicant requests a finding of reasonable diligence. (4 pages)

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

25CW3076 EAGLE COUNTY – IN THE EAGLE RIVER OR ITS TRIBUTARIES. APPLICATION FOR FINDING OF REASONABLE DILIGENCE: The Town of Gypsum c/o Kevin L. Patrick and Jason M. Groves, Patrick, Miller & Noto, P.C., 229 Midland Ave., Basalt, CO 81621. First Claim: For Finding of Reasonable Diligence: Structure Name: Gypsum Eagle River Pumping Pipeline. Original Decree: Case No. 91CW256, Water Division 5, April 13, 1993. Subsequent diligence decrees: Case No. 99CW70, October 18, 1999; Case No. 05CW200, April 3, 2006; Case No. 12CW55, October 2, 2012; Case No. 18CW3149. Legal: NW ¼, NW ¼, Section 5, Township 5 South, Range 85 West of the 6th P.M. at a point whence the Northwest Corner of Section 5 bears North 37°30'

West a distance of 1730 feet. **Source: Eagle River, tributary to Colorado River.** Appropriation date: August 23, 1991. Amount: 5.0 c.f.s. conditional. Uses: Municipal, domestic, irrigation, commercial, industrial, fire protection, augmentation and exchange. Place of use: Within the Town's service area including those by contract, as may be enlarged from time to time. Map and detailed outline of diligence activities are on file with the court. Landowner information: Pilas-Rodriguez LLC, P.O. Box 187 Eagle, CO 81631. Applicant owns an easement for the Gypsum Eagle River Pumping Pipeline at the decreed location. Remarks: Under C.R.S. § 37-92-301(4)(b), the subject water right is a component of the Applicant's integrated water supply system. Decree 18CW3149, ¶7.

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

25CW3077 EAGLE COUNTY – IN THE EAGLE RIVER OR ITS TRIBUTARIES. APPLICATION FOR FINDING OF REASONABLE DILIGENCE. The Town of Gypsum c/o Kevin L. Patrick and Jason M. Groves, Patrick, Miller & Noto, P.C., 229 Midland Ave., Basalt, CO 81621. First Claim: For Finding of Reasonable Diligence: Structure Name: Norgaard Ditch, Town Enlargement. Original Decree: Case No. 91CW255, Water Division 5, April 13, 1993. Prior diligence decree: 18CW3151, May 5, 2019. Legal: NW ¼, NW ¼, Section 8, Township 5 South, Range 85 West of the 6th P.M. on the East bank of Gypsum Creek at a point whence the Northwest corner of Section 8, Township 5 South, Range 85 West of the 6th P.M. bears North 79°30' West a distance of 1510 feet. 1550 feet from the West section line and 250 feet from the North section line of said Section 8, Eagle County. **Source: Gypsum Creek, tributary to Eagle and Colorado Rivers.** Appropriation date: August 23, 1991. Amount: 3.0 c.f.s. conditional. Uses: Municipal, domestic, irrigation, commercial, industrial, fire protection. Place of use: Within the Town's service area including by contract, as may be enlarged from time to time. Map and detailed outline of the work done toward completion of the appropriation, including expenditures, are on file with the Court. Landowner information: Vicki Nycum, P.O. Box 1057, Gypsum, CO 81637. Remarks: Under C.R.S. § 37-92-301(4)(b), the subject water right is a component of the Applicant's integrated water supply system. Decree 18CW3151, ¶7.

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

25CW3078 (96CW063) (05CW185) (10CW157) (12CW99) (18CW3201) – EAGLE COUNTY – APPLICATION FOR FINDING OF REASONABLE DILIGENCE – 1. Name, Mailing Address, Phone Number, and E-Mail Address of Applicant. The Piney Valley Ranches Trust, c/o Marcus Lindholm, Trustee, P.O. Box 9429, Avon, Colorado 81620; Phone: (970) 748-4995; E-mail: marcuslindholm@traercreek.com. Direct all pleadings to: Richard A. Johnson, David F. Bower, Michael S. Davidson, Johnson & Repucci LLP, 850 W. South Boulder Road #100, Louisville, Colorado 80027; Phone (303) 442-1900; E-mail: dfbower@j-rlaw.com. 2. **Original and Subsequent Decrees.** The conditional water rights that are the subject of this application were originally decreed in Case No. 96CW063, Water Division 5, dated September 7, 1999. Subsequent decrees making findings of diligence were entered in Case No. 05CW185, Water Division 5, dated May 1, 2006, in Case No. 12CW99, Water Division 5, dated December 16, 2012, and in Case No. 18CW3201, Water Division 5, dated May 5, 2019. Additionally, a change of the decreed sources for filling Horse Mountain Reservoir No. 1 was decreed in Case No. 10CW157, Water Division 5, dated April 27, 2012. 3. **Description of Conditional Underground Water Rights.** (a) **Name and Legal Description of Structures.** (i) Well CW-7. NE1/4 SE1/4 of Section 18, Township 3 South, Range 83 West of the 6th P.M., at a point 250 feet from the east section line and 1,600 feet from the south section line of said Section 18. (ii) Well CW-3. NE1/4 NE1/4 of Section 7, Township 3 South, Range 83 West of the 6th P.M. at a point 600 feet from the east section line and 600 feet from the north section line of said Section 7. (iii) Well CW-6. SE1/4 SE1/4 of Section 18, Township 3 South, Range 83 West of the 6th P.M. at a point 400 feet from the east section line and 1,150 feet from the south section line of said Section 18. A map showing the location of the structures is attached hereto as Exhibit A. (b) **Decreed Sources.** **Sands of the Pierre Shale tributary to Alkali Creek, tributary to the Eagle River, tributary to the Colorado River.** (c) **Amounts.** (i) Well CW-7. 3 gpm, or approximately 4.8 acre-feet per year, conditional. (ii) Well CW-3. 1 gpm, or approximately 1.6 acre-feet per year, conditional. (iii) Well CW-6. 20 gpm, or approximately 32 acre-feet per year, conditional. (d) **Appropriation Date.** April 17, 1995. (e) **Uses.** Domestic, irrigation, fire protection,

and stockwatering purposes on up to 105 home sites within the Horse Mountain Ranch development and for filling Horse Mountain Reservoir No. 1 and Alkali Reservoir HM-1. Irrigation on each home site is limited to no more than 2,000 square feet per lot. 4. Description of Conditional Water Storage Rights. (a) Names and Legal Descriptions of Structures. (i) Horse Mountain Reservoir No. 1. SE1/4 NW1/4 of Section 8, Township 3 South, Range 83 West of the 6th P.M., the left abutment of which will be 2,600 feet from the west section line and 1,350 feet from the north section line of said Section 8. (ii) Alkali Reservoir HM-1. NW1/4 NW1/4 of Section 20, Township 3 South, Range 83 West of the 6th P.M., the left abutment of which will be 1,200 feet from the west section line and 1,250 feet from the north section line of said Section 8. A map showing the general location of the subject water rights is attached as Exhibit A. (b) Decreed Sources. (i) Horse Mountain Reservoir No. 1. Willow Creek, tributary to Alkali Creek, tributary to the Eagle River, tributary to the Colorado River, and Springs SP7-1, SP8-1, SP8-2, and SP7-3, all of which are tributary to the Eagle River, tributary to the Colorado River, as decreed Case No. 94CW224 (consolidated with Case No. 95CW182), Water Division 5. (ii) Alkali Reservoir HM-1. An unnamed tributary to Alkali Creek, tributary to the Eagle River, tributary to the Colorado River, and Springs SP17-1, SP17-2, and SP17-3, all of which are tributary to the Eagle River, tributary to the Colorado River, as decreed Case No. 94CW224 (consolidated with Case No. 95CW182), Water Division 5. (c) Amounts. (i) Horse Mountain Reservoir No. 1. 18 acre-feet, conditional, with refill rights and a filling rate of 1.0 cfs. (ii) Alkali Reservoir HM-1. 18 acre-feet, conditional, with refill rights and a filling rate of 1.0 cfs. (d) Appropriation Date. February 5, 1996. (e) Uses. Irrigation, domestic, augmentation, storage for augmentation and replacement of evaporation losses, recreation, and stock watering. 5. Claim for Finding of Reasonable Diligence. PVRT seeks to continue as conditional the water rights originally decreed in Case No. 96CW3063 as described above. During the subject diligence period, the following activities were performed proving PVRT's intention to put the subject water rights to beneficial use and the actions taken by PVRT to do so: (a) Marketing Activities. PVRT has continued to evaluate the marketing of its residential lots within the Horse Mountain Ranch development. The domestic and irrigation water demands for these lots are decreed to be served by the subject water rights. (b) Livestock Grazing. PVRT continues to graze between sheep and cows (up to 6,000 ewes and up to 1,000 cows) annually on and across the Horse Mountain Ranch and remainder of PVRT property, and the subject springs and pond continue to serve as a water supply for the stock. PVRT has also maintained its grazing leases with the Bureau of Land Management and the State Land Board on adjacent properties, with livestock moved between the leased and fee lands across the Horse Mountain Ranch. PVRT has also improved fields for grazing in the vicinity of Horse Mountain Ranch, and continues to explore other ways to improve pastureland for grazing and other agricultural purposes. (c) Water Rights Survey. Beginning in the fall of 2023, PVRT undertook a detailed investigation of its water rights portfolio. As part of this process, PVRT has begun prioritizing the capital expenditures required to develop its remaining conditional water rights, while also protecting and preserving its other water rights. (d) Integrated System Diligence Filing. PVRT also obtained a decree in Case No. 24CW3080 for the spring rights decreed in Case No. 94CW224 (consolidated with Case No. 95CW182), Water Division 5, which springs are decreed to be utilized as filling sources for Horse Mountain Reservoir No. 1 and Alkali Reservoir HM-1. All of the subject structures are components of an integrated water supply system, along with the structures decreed in Case No. 94CW224 (consolidated with Case No. 95CW182), Water Division 5, as recognized by the Water Court at paragraph 6.C of the decree entered in Case No. 05CW185. (e) General Legal Fees and Expenses. PVRT has also incurred legal fees associated with maintaining and developing the subject conditional water rights, as well as monitoring other applications in Water Division 5 that could potentially injure its interests. 6. Names and Addresses of Landowners upon which any New or Modified Diversion or Storage Structure are Located. Pursuant to the real property records of Eagle County, the subject water rights are located on land owned by the following individuals or entities: Well CW-7 - Michael & Carol Leach, 3713 Mill Creek Rd., Hockessin, Delaware 19707-9725; Well CW-3 - Rishi Singh Grewal, 18250 Highway 133, Somerset, Colorado 81434-9736; Well CW-6 - Jason Leach, P.O. Box 2754, Avon, Colorado 81620-2754; Horse Mountain Reservoir No. 1 - BOXWR LLC, P.O. Box 9429, Avon, Colorado 81620-9401; Alkali Reservoir HM-1 - Laure F. & Charles O. Gongaware, P.O. Box 197, Wolcott, Colorado 81655-0197. WHEREFORE, PVRT respectfully requests that the Court enter a decree finding that it has been reasonably diligent in its efforts to develop the conditional water rights originally decreed in Case No. 96CW063 based upon the activities set forth in this application, and continue those rights for their full decreed conditional amounts and uses for an additional six-year diligence period or until such time as a determination is made that the rights have been made absolute in their entirety or are otherwise disposed of. (6 pages plus Exhibits)

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

25CW3079 EAGLE COUNTY. APPLICATION TO MAKE CONDITIONAL WATER RIGHTS ABSOLUTE: LD Development Holdings, LLLP, c/o Scott C. Miller and Lauren N. Hoover, Patrick, Miller & Noto, P.C., 229 Midland Ave., Basalt, CO 81621. First Claim: To Make Water Rights Absolute: Structure: LD Well Field. Original Decree: May 27, 2019, Case No. 17CW3235. Legal: Up to four wells generally located in the S ½ SE ¼ of Section 19, Township 4 S., Range 84 W. of the 6th P.M. (Eagle County). A map is on file with the Court as Exhibit A. The wells have been drilled at the following locations and at the following depths: LD Well No. 1

(Permit No. 82386-F): Legal: SE ¼ SE ¼ Section 19 Township 4 S., Range 84 W. of the 6th P.M.; UTM coordinates (Zone 13): Easting: 341530.0; Northing: 4394471 (Eagle County). Well depth: 240 ft. LD Well No. 2 (Permit No. 82387-F): Legal: SW ¼, SE ¼ Section 19, Township 4 S., Range 84 W. of the 6th P.M.; UTM Coordinates: Easting: 341452.0; Northing: 4394302.0 (Eagle County). Well depth: 161 ft LD Well No. 3 (Permit No. 82388-F): Legal: SW ¼ SE ¼ of Section 19, Township 4 S., Range 84 W. of the 6th P.M.; UTM Coordinates: Easting: 341489.0; Northing: 4394377.0 (Eagle County). Well depth: 179 ft. LD Well No. 4 (Permit No. 82389-F): Legal: SE ¼ SE ¼ Section 19, Township 4 S., Range 84 W. of the 6th P.M.; UTM Coordinates: Easting: 341571; Northing: 4394361 (Eagle County). Well depth: 235 ft. **Source: Groundwater tributary to Neilson Gulch, tributary to the Eagle and Colorado River.** Date of appropriation: October 18, 2016. Amount: 15 g.p.m. per well with a 90 g.p.m. cumulative maximum conditional pumping rate and a 10.5 acre-feet per year cumulative maximum conditional volume. Uses: Irrigation, fire protection, and livestock watering purposes, and to fill, refill, and provide freshening flows to the LD Pond for subsequent irrigation, fire protection, livestock watering, aesthetic, and piscatorial purposes. The LD Pond is described in the Second Claim below. Proposed irrigated area: Up to 3.5 acres on Applicant's property. A map is on file with the Court as Exhibit A. Claims to Make Absolute: LD Well No. 1: Date of beneficial use: June 1, 2019. Amount: 15 g.p.m. Uses: Irrigation of 3.5 acres, fire protection, and livestock watering purposes, and to fill, refill, and provide freshening flows to the LD Pond for subsequent irrigation, fire protection, livestock watering, aesthetic, and piscatorial purposes. LD Well No. 2: Date of beneficial use: June 1, 2019. Amount: 15 g.p.m. Uses: Irrigation of 3.5 acres, fire protection, and livestock watering purposes, and to fill, refill, and provide freshening flows to the LD Pond for subsequent irrigation, fire protection, livestock watering, aesthetic, and piscatorial purposes. LD Well No. 3: Date of beneficial use: June 1, 2019. Amount: 15 g.p.m. Uses: Irrigation of 3.5 acres, fire protection, and livestock watering purposes, and to fill, refill, and provide freshening flows to the LD Pond for subsequent irrigation, fire protection, livestock watering, aesthetic, and piscatorial purposes. LD Well No. 4: Date of beneficial use: June 1, 2019. Amount: 15 g.p.m. Uses: Irrigation of 3.5 acres, fire protection, and livestock watering purposes, and to fill, refill, and provide freshening flows to the LD Pond for subsequent irrigation, fire protection, livestock watering, aesthetic, and piscatorial purposes. Remark: The LD Well Field is a component part of an integrated water supply project for Applicant's property that includes the other conditional water rights decreed in Case No. 17CW3235. Name and address of the owner of land upon which any new diversion or storage structure, or modification to any existing diversion or storage structure, is or will be constructed or upon which water is or will be stored and put to beneficial use: Applicant. Applicant requests that the Court confirm the LD Well Nos. 1-4 as absolute for the amounts and uses described in Paragraph 2.G. above. To the extent the Court does not grant the request to make absolute as applied for herein, Applicant requests the Court issue a finding of reasonable diligence for all uses and amounts not made absolute. A detailed description of the activities Applicant undertook towards completing the appropriation, including expenditures, is on file with the Court as Exhibit B. Second Claim: To Make Water Right Absolute: Structure: LD Pond. Date of original decree: May 27, 2019; Case No. 17CW3235. Legal: The pond is an off-channel structure with the spillway located in the SW1/4 SE1/4 of Section 19, Township 4 S., Range 84 W. of the 6th P.M., at a point approximately 990 feet from the South section line and 1,415 feet from the East section line of said Section 19 (Eagle County). Sources: Eby Creek, tributary to the Eagle and Colorado Rivers via deliveries from the Castle No. 2 Ditch. Legal: The decreed location of the headgate of the Castle No. 2 Ditch is on the left bank of Eby Creek at a point at or near the center of the North lines of Section 20, Township 4 South, Range 84 West of the 6th P.M. The PLSS location is the SE1/4 SW1/4 of Section 17, Township 4 S., Range 84 W. of the 6th P.M., at a point approximately 330 feet from the South section line and 2580 feet from the West section line (UTM X = 342719, UTM Y = 4395781) (Eagle County). A map is on file with the Court as Exhibit A. Groundwater tributary to Nielson Gulch, tributary to the Eagle and Colorado Rivers, via the LD Well Field described under the First Claim above. Springs, seepage, local runoff, and return flows within the Neilson Gulch drainage, tributary to Nielson Gulch, tributary to the Eagle and Colorado Rivers. Date of appropriation: October 18, 2016. Amount: 5.75 acre-feet, conditional, with the right to fill and re-fill when water is physically and legally available. Fill rates: The rates of diversion for filling the pond will vary according to fill source and are equal to the fill capacity of each source. From Eby Creek: 4.705 c.f.s. From groundwater tributary to Neilson Gulch: 90 g.p.m. cumulative maximum conditional pumping rate; 10.5 acre-feet per year cumulative maximum conditional volume. Uses: Fire protection, irrigation, livestock watering, aesthetic, and piscatorial. Proposed irrigated area: Up to 3.5 acres on Applicant's property. A map is on file with the Court as Exhibit A. Surface area of high water line: 0.63 acre. Vertical height of dam: Less than 10 feet. Length of dam: Approximately 460 feet. Total capacity: 5.75 acre-feet. (all active capacity). Claim to Make Absolute: Date of beneficial use: June 1, 2019. Amount: 5.75 acre-feet. Uses: Fire protection, irrigation of 3.5 acres, livestock watering, aesthetic, and piscatorial. Remark: The LD Pond is a component part of an integrated water supply project for Applicant's property that includes the other conditional water rights decreed in Case No. 17CW3235. Name and address of the owner of land upon which any new diversion or storage structure, or modification to any existing diversion or storage structure, is or will be constructed or upon which water is or will be stored and put to beneficial use: Applicant. Applicant requests that the Court confirm that the LD Pond has been made absolute for the above amounts and uses. To the extent the Court does not grant the request to make absolute as applied for herein, Applicant requests the Court issue a finding of reasonable diligence for all uses and amounts not made absolute. Third Claim: To Make Water Right Absolute: Structure: LD Exchange. Date of original decree: May 27, 2019, Case No. 17CW3235. Location: Downstream Termini: The points of replacement on the Eagle River of the River District's water rights listed above and described with particularity as follows: For exchange of Eagle Park Reservoir water: The confluence of Neilson Gulch and the Eagle River located in the SE1/4 NE1/4 of Section 6, Township 5 S., Range 84 W. of the 6th P.M. at a point approximately 1,670 feet from the North section line and 325 feet from the East section of line. For exchange of Wolford Reservoir water: The confluence of the Eagle and Colorado Rivers located in the SW1/4 NE1/4 of Section 5, Township 5 S., Range 86 W. of the 6th P.M. at a point approximately 2,400 feet from the North section line and 1,900 feet from the East section line. Upstream Terminus: The upper terminus of the LD Well Field, described in paragraph 4.B. above, as the furthest upstream location on Neilson where depletions will occur. A map is on file with the Court as Exhibit C. Sources: The Colorado River District's Eagle River marketing

supplies described in Paragraph 7.B. of the Decree in Case No. 17CW3235. Date of appropriation: October 18, 2016. Rate: 0.007 c.f.s. conditional. Volume: 3.62 acre-feet conditional. Claim to Make Absolute: Date of beneficial use: July 1, 2018. Amount: 0.007 c.f.s. Uses: Augmentation and exchange. Remark: The LD Exchange is a component part of an integrated water supply project for Applicant's property that includes the other conditional water rights decreed in Case No. 17CW3235. Applicant requests this Court confirm that the LD Exchange has been made absolute for augmentation and exchange uses. To the extent the Court does not grant the request to make absolute as applied for herein, Applicant requests the Court issue a finding of reasonable diligence for all uses and amounts not made absolute.

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

25CW3080 GARFIELD COUNTY, COLORADO, GRIZZLY CREEK, A TRIBUTARY OF THE COLORADO RIVER. City of Glenwood Springs, 101 West 8th Street, Glenwood Springs, CO 81601. Direct all correspondence to Karl J. Hanlon and Danielle T. Skinner of Karp Neu Hanlon, P.C., P.O. Drawer 2030, Glenwood Springs, CO 81602, (970) 945-2261, counsel for the Applicant. **APPLICATION FOR FINDING OF REASONABLE DILIGENCE. *Grizzly Creek Reservoir.*** Date of original decree: September 13, 1967, in Civil Action No. 1416, District Court, Eagle County, Colorado. Subsequent decrees awarding findings of diligence: Case No. 84CW117 entered on March 26, 1987, Case No. 92CW87 entered on September 11, 1992, Case No. 98CW287 entered on May 13, 1999, Case No. 05CW89 entered on November 23, 2005, Case No. 11CW155 entered on October 3, 2012, and Case No. 2018CW3147 entered on May 12, 2019. Legal description: Grizzly Creek Reservoir is situated in a portion of Section 12, Township 4 South, Range 89 West of the 6th P.M., and Section 7, Township 4 South, Range 88 West of the 6th P.M. The point of intersection of the centerline of the proposed dam axis with the left abutment at high water line is located at a point whence the northeast corner of Section 12, Township 4 South, Range 89 West of the 6th P.M. bears North 00°25' West at a distance of 1,435.5 feet. Source: Grizzly Creek, a tributary of the Colorado River. Appropriation date: July 9, 1960. Amount: 3,879.8 acre-feet, conditional. Uses: Storage for municipal purposes. Place of Use: Within Applicant's potential municipal water service area. Claim for diligence: Applicant requests a finding of diligence in the amount of 3,879.8 acre-feet, conditional, for the Grizzly Creek Reservoir for storage for municipal purposes in the Applicant's potential municipal water service area. A detailed outline of what has been done by Applicant during the diligence period toward or for completion of the appropriation and application of the conditional Grizzly Creek Reservoir water right to beneficial use as decreed, including expenditures, is presented in an exhibit to the application. Names and addresses of owners of land upon which structures are located: U.S. Forest Service, White River National Forest, 900 Grand Avenue, Glenwood Springs, CO 81601. Rifle Ranger District, White River National Forest, 0094 County Road 244, Rifle, CO 81650. Integrated Water System. The Grizzly Creek Reservoir water right is part of the integrated water system of the City of Glenwood Springs. Pursuant to C.R.S. §37-92-301(4)(b), when an integrated water system is composed of several features, work on one feature of the system is considered in finding of reasonable diligence has been shown in the development of water rights for all features of the entire system. The following exhibits are on file with the Water Court: a map depicting the location of structures (Exhibit A), a map of Applicant's potential municipal water service area (Exhibit B) and a list of diligence activities (Exhibit C) (pp. 7 with exhibits).

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

25CW3081 MESA COUNTY - COLORADO RIVER; Christopher J. Snow; c/o John R. Pierce, DUFFORD WALDECK, 744 Horizon Court, Suite 300, Grand Junction, CO 81506, (970) 248-5865; **APPLICATION TO MAKE CONDITIONAL WATER RIGHTS ABSOLUTE OR FOR FINDING OF REASONABLE DILIGENCE,** Name, address, and telephone number of applicant: Christopher J. Snow, 1123 Q Road, Mack, CO 81525, (970) 589-6753; Request to make conditional right absolute or for finding of diligence: Name of structure: CS Pump No. 2, Commercial Enlargement; Describe conditional water right: Legal description: In Mesa County in the SW/4 NW/4 of Section 17, Township 2 North, Range 3 West, Ute P.M. at a point 2,160 feet from the north section line and 222 feet from the west section line; Source of water: **Mack Wash, tributary to the Colorado River;** Appropriation Date: October 29, 2017;

Amount claimed: 1.0 c.f.s. conditional; Use: Commercial; Outline of work toward completion or for completion of the appropriation and application of water to a beneficial use as conditionally decreed, including expenditures, during the previous diligence period: Applicant has installed a pump and placed the CS Pump No. 2, Commercial Enlargement, to beneficial use by selling water to third parties, as decreed; If claim to make absolute in whole or in part: Date water applied to beneficial use: On or before May 21, 2025; Amount: 1.0 c.f.s.; Use: Commercial. (3 pages)

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

25CW3082 (Former Cases No. 18CW3079, 11CW13) APPLICATION FOR FINDING OF REASONABLE DILIGENCE AND TO MAKE ABSOLUTE OF ANCHOR HIGHWAY FORTY, LLC, IN GRAND COUNTY, COLORADO. 1. Name, address, and email address of Applicant: Anchor Highway Forty, LLC, c/o Marti Page, 2314 N. Broadway, Denver, CO 80205; Email: marti@tagapartments.com. Please send all correspondence and pleadings to counsel for Applicant: CARLSON, HAMMOND & PADDOCK, L.L.C., Mason H. Brown, Reg. No. 44831, Matthew Navarrette, Reg. No. 59557, 1900 N. Grant Street, Suite 1200, Denver, Colorado 80203, Phone Number: (303) 861-9000, E-Mail: mbrown@chp-law.com, mnavarrette@chp-law.com. 2. Name of Structures and description of water rights: 2.1. Elk Valley Well No. 1: 2.1.1. Date of Original Decree: May 29, 2012, Case No. 11CW13, District Court in and for Water Division No. 5, Colorado. 2.1.2. Subsequent decrees awarding findings of diligence: May 5, 2019, Case No. 18CW3079, District Court in and for Water Division No. 5, Colorado. 2.1.3. Well Permit: 65123-F-R. 2.1.4. Legal Description: Located in the SW ¼ of the SE ¼ of Section 30, approximately 1,080 feet north of the South section line and 1,360 feet west of the East section line of said Section 30, Township 1 North, Range 76 West of the 6th P.M. Elk Valley Well No. 1 is located within 100 feet of the thalweg of Tenmile Creek. 2.1.5. Source: Groundwater tributary to Tenmile Creek, tributary to the Fraser River, tributary to the Colorado River. 2.1.6. Appropriation Date: November 1, 2010. 2.1.7. Amount: 50 gpm, of which 35 gpm is absolute and 15 gpm is conditional. Elk Valley Well No. 1, Elk Valley Well No. 2, and Elk Valley Gallery are cumulatively limited to pump 5.55 acre-feet annually. 2.1.8. Use: Domestic, commercial, irrigation, and fire protection. 2.2. Elk Valley Well No 2: 2.2.1. Date of Original Decree: May 29, 2012, Case No. 11CW13, District Court in and for Water Division No. 5, Colorado. 2.2.2. Subsequent decrees awarding findings of diligence: May 5, 2019, Case No. 18CW3079, District Court in and for Water Division No. 5, Colorado. 2.2.3. Well Permit: 65124-F. 2.2.4. Legal Description: Located in the SW ¼ of the SE ¼ of Section 30, approximately 880 feet north of the South section line and 1,360 feet west of the East section line of said Section 30, Township 1 North, Range 76 West of the 6th P.M. Elk Valley Well No. 2 is located within 100 feet of the thalweg of Tenmile Creek. 2.2.5. Source: Groundwater tributary to Tenmile Creek, tributary to the Fraser River, tributary to the Colorado River. 2.2.6. Appropriation Date: November 1, 2010. 2.2.7. Amount: 50 gpm, conditional. Elk Valley Well No. 1, Elk Valley Well No. 2, and Elk Valley Gallery are cumulatively limited to pump 5.55 acre-feet annually. 2.2.8. Uses: Domestic, commercial, irrigation, and fire protection. 2.3. Elk Valley Gallery: 2.3.1. Date of Original Decree: May 29, 2012, Case No. 11CW13, District Court in and for Water Division No. 5, Colorado. 2.3.2. Subsequent decrees awarding findings of diligence: May 5, 2019, Case No. 18CW3079, District Court in and for Water Division No. 5, Colorado. 2.3.3. Legal Description: Located in the SE ¼ of the SE ¼ of Section 30, approximately 320 feet north of the South section line and 1,280 feet west of the East section line of said Section 30, Township 1 North, Range 76 West of the 6th P.M. Elk Valley Gallery is located within 100 feet of the thalweg of Tenmile Creek. 2.3.4. Source: Groundwater tributary to Tenmile Creek, tributary to the Fraser River, tributary to the Colorado River. 2.3.5. Appropriation Date: February 14, 2011. 2.3.6. Amount: 250 gpm, conditional. Elk Valley Well No. 1, Elk Valley Well No. 2, and Elk Valley Gallery are cumulatively limited to pump 5.55 acre-feet annually. 2.3.7. Uses: Domestic, commercial, irrigation, and fire protection. 2.3.8. Depth: 15 feet. 2.4. Elk Valley Pond: 2.4.1. Date of Original Decree: May 29, 2012, Case No. 11CW13, District Court in and for Water Division No. 5, Colorado. 2.4.2. Subsequent decrees awarding findings of diligence: May 5, 2019, Case No. 18CW3079, District Court in and for Water Division No. 5, Colorado. 2.4.3. Legal Description: Off-channel reservoir located in the SW ¼ of the SE ¼ of Section 30, with the center point of the reservoir located approximately 920 feet north of the South section line and 1,360 feet west of the East section line of said Section 30, Township 1 North, Range 76 West of the 6th P.M. 2.4.4. Point of Diversion: The diversion point of the filling ditch from Tenmile Creek is located in the SW ¼ of the SE ¼ of Section 30, at a point 810 feet north of the South section line and 1,280 feet west of the East section line of said Section 30, Township 1 North, Range 76 West of the 6th P.M. 2.4.5. Source: Tenmile Creek, tributary to the Fraser River, tributary to the Colorado River. 2.4.6. Appropriation Date: February 14, 2011. 2.4.7. Amount: 10 acre-feet conditional, with a right to one refill annually for a total fill and refill of 20 acre-feet annually. 2.4.8. Uses: Domestic, commercial, irrigation, recreation, piscatorial, and fire protection. 2.5. Ecker Pond Refill: 2.5.1. Date of Original Decree: May 29, 2012, Case No. 11CW13, District Court in and for Water Division No. 5, Colorado. 2.5.2. Subsequent decrees awarding findings of diligence: May 5, 2019, Case No. 18CW3079, District Court in and for Water Division No. 5, Colorado. 2.5.3. Legal Description: The first fill for Ecker Pond was decreed in Case No. 83CW195. The location, as described in the 83CW195 Decree is in the SE¼ of the SE¼ of Section 30, Township 1 North, Range 76 West of the 6th P.M. at a point 1,205 feet west of the East section line and 280 feet north of the South section line of said Section 30.

Ecker Pond has been reconstructed as an off-channel reservoir located in the SE¼ of Section 30, the center point of the reservoir located approximately 1,300 feet west of the East section line and 560 feet north of the South section line of said Section 30, Township 1 North, Range 76 West of the 6th P.M. 2.5.4. Point of Diversion: The diversion point of the filling ditch from Tenmile Creek is located in the SW ¼ of the SW ¼ of Section 30, at a point 435 feet north of the South section line and 1,280 feet west of the East section line of said Section 30, Township 1 North, Range 7 West of the 6th P.M. 2.5.5. Source: Tenmile Creek, tributary to the Fraser River, tributary to the Colorado River. 2.5.6. Appropriation Date: February 14, 2011. 2.5.7. Amount: 7 acre-feet conditional, which is in addition to the Ecker Pond first fill right decreed in Case No. 83CW195. 2.5.8. Uses: Domestic, commercial, livestock, irrigation, recreation, piscatorial, fire protection, and augmentation, for use directly or by exchange. 2.6. The water rights that are the subject of this application, as described in sections 2.1, 2.2, 2.3, 2.4, and 2.5, above, are hereafter referred to as the "Subject Water Rights." 2.7. A map depicting the location of the Subject Water Rights is attached as Exhibit 1. 2.8. Integrated System: The Subject Water Rights comprise an integrated system of water rights and structures under § 37-92-301(4)(b), C.R.S. Accordingly, reasonable diligence in the development of one component of the system comprises reasonable diligence in the development of all components. 3. 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: 3.1. Background: Applicant owns and operates the Olympic Village apartment complex which is located on approximately twenty-four (24) acres in the SE1/4 of Section 30, Township 1 North, Range 76 West of the 6th P.M. The Olympic Village apartment complex currently consists of five buildings and which are supplied by the Subject Water Rights. Out-of-priority depletions, if any, resulting from exercise of the Subject Water Rights are replaced by the plan for augmentation decreed in Case No. 95CW202. 3.2. During the diligence period in June of 2021, Applicant purchased the Olympic Village property, including the Subject Water Rights and related structures. On July 29, 2021, Applicant filed Notice of Change of Ownership of the Subject Water Rights and Entry of Appearance in Case No. 18CW3079, the most recent proceeding in which the Court determined diligence for the Subject Water Rights. 3.3. Applicant operates Olympic Village to promote full occupancy. Since continued occupancy of the apartment complex is a necessary prerequisite to the development and use of the Subject Water Right, Applicant's efforts to promote and increase occupancy constitutes diligence in the development of the Subject Water Rights. 3.4. Prior to Applicant's purchase of the Olympic Village property and the Subject Water Rights, Applicant's predecessors-in-interest obtained a permit for and drilled a replacement well for Elk Valley Well No. 1. The well was drilled on November 4, 2020, and equipped with a pump on April 13, 2021. Because Elk Valley Well No. 1 is necessary for the operation of the Subject Water Rights, the replacement of the Elk Valley Well No. 1 structure constitutes diligence in the development of the Subject Water Rights. Expenses associated with these activities were incurred during the diligence period. 3.5. Prior to Applicant's purchase of the Olympic Village property and the Subject Water Rights, Applicant's predecessors-in-interest maintained the Elk Valley Well No. 1, the Elk Valley Well No. 2, and Ecker Pond. Applicant has continued to maintain these structures since its purchase in June 2021. Because these structures are necessary for the operation of the Subject Water Rights, maintenance of these structures constitutes diligence in the development of the Subject Water Rights. Expenses associated with these activities were incurred during the diligence period. 3.6. The decree in Case No. 95CW202 approved a plan for augmentation that provides for replacement of out-of-priority depletions, if any, resulting from exercise of the Subject Water Rights. During the diligence period, Applicant continued to operate the plan for augmentation approved in Case No. 95CW202, including, but not limited to, augmentation of depletions associated with the Subject Water Rights. Since the Subject Water Rights are part of a unified and integrated water supply system, of which the augmentation plan forms a part, the Applicant's efforts in compliance with the augmentation plan constitute diligence with regard to the subject conditional water right. Expenses associated with these activities were incurred during the diligence period. 3.7. During the diligence period, Applicant's predecessor in interest increased the capacity of the Onsite Wastewater Treatment System (OWTS). Since operation of the OWTS is a necessary component of Applicant's plan for augmentation and operation of the Subject Water Rights, the increased capacity of the OWTS constitutes diligence with regard to the Subject Water Rights. Expenses associated with these activities were incurred during the diligence period. 3.8. During the diligence period, Elk Valley Well No. 1 and Elk Valley Well No. 2 were used to supply water for domestic use on the Olympic Village property pursuant to the decree in Case No. 11CW13. All pumping from Elk Valley Well No. 1 and Elk Valley Well No. 2 during the diligence period has been augmented pursuant to the decrees in Cases No. 95CW202. Expenses associated with these activities were incurred during the diligence period. 4. If Claim to Make Absolute in whole or in part: 4.1. During the diligence period, including between October 2024 and the filing of this Application, Applicant diverted water at Elk Valley Well No. 2, Permit No. 65124-F, for use at the Olympic Village at a rate of 33 g.p.m. These diversions were made in priority during times of free river or augmented pursuant to the 95CW202 plan for augmentation and allocated to Elk Valley Well No. 2. As a result, Applicant seeks to make an amount of 33 g.p.m. absolute as to the Elk Valley Well No. 2 water right. A summary of the diversions made between October 2024 and May 2025 is attached as Exhibit 2. 5. Name(s) and address(es) of owner(s) or reputed owners of the land upon which any new diversion or storage structure, or modification to any existing diversion or storage structure is or will be constructed or upon which water is or will be stored, including any modification to the existing storage pool: Anchor Highway Forty, LLC, c/o Marti Page, 2314 N. Broadway, Denver, CO 80205 WHEREFORE, Applicant respectfully requests the Court enter its decree and ruling as follows: A. To issue a finding that up to 33 g.p.m. of the Elk Valley Well No. 2 water right has been made absolute by reason of diversion in priority or pursuant to the 95CW202 plan for augmentation and application of the resulting water to beneficial use at the Olympic Village and a finding of reasonable diligence with respect to the remaining conditional amounts of the Elk Valley Well No. 2 water right; B. To make a finding of reasonable diligence with respect to the remaining conditional Subject Water Rights originally decreed in Case No. 11CW13 and providing that a subsequent showing of diligence be made six years from the date of entry of a decree of diligence.

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

25CW3083 (18CW3074) PITKIN COUNTY – ROARING FORK RIVER OR ITS TRIBUTARIES. APPLICATION FOR FINDING OF REASONABLE DILIGENCE. Copies of all pleadings to Ramsey L. Kropf and Ryan J. Mitchell, Somach Simmons & Dunn, 1155 Canyon Blvd., Suite 110, Boulder, CO 80302, 303-449-2834. 1. Name and address of Applicant: Sunnyside Property LLC, c/o Douglas Becker, 111 Powderbowl Drive, Aspen CO 81611. 2. Background. Mary and David Solomon (the "Solomons") owned Stein Lots 1 and 2, with appurtenant water rights, including certain Little Red Butte Spring Ditch water rights. On August 31, 2020, after the entry of the previous diligence decree in Case No. 18CW3074, the Solomons sold Stein Lot 2 (Lot 2, Stein Lot Split Subdivision, according to the Final Plat thereof recorded December 28, 2000 in Plat Book 55 at Page 48, County of Pitkin, State of Colorado) to Applicant (hereafter the "Property"). The Solomons also sold a portion of their Little Red Butte Spring Ditch water rights to Applicant, as described in the below paragraph 3.1.6. The Solomons also sold Stein Lot 1, and a separate portion of their Little Red Butte Spring Ditch water rights, to THSMLI, LLC ("THSMLI"). This Application only provides information to support the claim of diligent development of Applicant's interest in the Little Red Butte Spring water rights for use on the Property, as described in more detail below. 3. Name and Description of Conditional Water Right: 3.1. Little Red Butte Spring Ditch ("subject water right") (WDID 3801181) 3.1.1. Decrees: District Court in and for Water Division No. 5 ("Water Court") original decree Case No. 81CW508 (July 19, 1982); subsequent diligence decrees were entered in the following cases: 86CW145 (September 26, 1986); 89CW204 (February 21, 1990); 96CW56 (November 28, 1997); 03CW241 (April 23, 2005); 11CW63 (May 30, 2012); 18CW3074 (May 19, 2019). Subsequent change decrees were entered into the following cases: 95CW366 (February 25, 1998) (changed 0.359 cfs to augmentation use); 11CW63 (May 30, 2012) (changed point of diversion). (FN: In 01CW63, applicants sought to change the Little Red Butte Spring Ditch's point of diversion from the originally decreed point to the as-built location. However, the decree entered in 01CW63 includes a clerical error as to the legal description for the changed point of diversion. The 18CW3074 decree identifies that clerical error and corrects the legal description, which is listed herein at paragraph 3.1.2.) 3.1.2. Legal Description: SW1/4 NW1/4 of Section 1, Township 10 South, Range 85 West of the 6th P.M., approximately 2,059 feet from the north section line and 665 feet from the west section line (Pitkin County); UTM coordinates: Zone 13, NAD 83 X:341328, Y: 4341980. A map showing the location of the subject water right is attached as **Figure 1**. 3.1.3. Source: Slaughterhouse Gulch, tributary to the Roaring Fork River and the Colorado River. 3.1.4. Appropriation Date: June 1, 1946. 3.1.5. Total Amounts and Uses Decreed to the Subject Water Rights: 3.1.5.1. Irrigation: 2.7641 cfs total; 0.9941 cfs absolute; 1.77 cfs conditional. 3.1.5.2. Livestock: 2.5 cfs total; 0.67 cfs absolute; 1.83 cfs conditional. 3.1.5.3. Domestic and Piscatorial: 2.5 cfs total and conditional. 3.1.5.4. Augmentation: 0.0359 cfs total and absolute. 3.1.6. Amounts Owned by Applicant and Subject to this Application: 3.1.6.1. Irrigation: 0.29 cfs total; 0.096 cfs absolute; 0.194 cfs conditional. 3.1.6.2. Livestock: 0.2375 cfs total and conditional. 3.1.6.3. Domestic and Piscatorial: 0.2375 cfs total and conditional. 3.1.6.4. Augmentation: 0.0 cfs. 3.1.7. Water Rights Owned by Others. The Red Butte Ranch Homeowners Association ("RBR") and THSMLI, also own interests in the subject water rights for the decreed purposes, as further described in paragraph 6. 4. Outline of Work Done to Complete the Project and Apply Water to Beneficial Use: During the diligence period, the Applicant has engaged in the following specific activities to diligently develop the water right, and to ultimately construct and apply the subject conditional water right to its decreed uses: 4.1. Applicant purchased the Property and the subject portions of the Little Red Butte Spring Ditch water right, described in paragraph 3.1.6 and subject to this application, on August 31, 2020, as shown on the Warranty Deed and Bargain and Sale Deed attached as **Exhibit A**. 4.2. Since purchasing the Property, Applicant obtained Administrative Decision No. 20-2022 ("AD 20-2022") on April 20, 2022, from Pitkin County that permits the construction of various elements on Applicant's property, which include: (1) a single-family residence up to 12,500 square feet; (2) a Caretaker Dwelling Unit; (3) two greenhouses; (4) an agricultural barn; (5) an agricultural equipment barn; (6) two loafing sheds; (7) a hay storage barn; (8) two ponds; and (9) a tennis court. The AD 20-2022 is attached as **Exhibit B**. 4.3. Applicant engaged the services of a general contractor to construct various elements approved under AD 20-2022. This current phase of construction generally includes the various elements outlined in AD 20-2022. Later phases are anticipated, which will result in full build out under AD 20-2022. 4.4. The Building Plan for this phase of construction contemplates irrigation up to 201,805 (4.6 acres) square feet. Historical irrigation on the Property is shown on the map attached as **Figure 2**. The location of proposed area to be irrigated is shown on the map attached as **Figure 3**. 4.5. Applicant has incurred the following construction related expenses: (1) temporary shoring and mass evacuation of home site and placement of the soils for structural development of the lined pond site for \$1,610,000; (2) grading of new ditch alignment for \$46,000; (3) installation of ditch diversion box, pond bypass piping, and outflow flume for \$62,500; and (4) installing 20,000 gallon water tank and associated infrastructure for wildfire suppression system and domestic water system for \$225,000. 4.6. Applicant engaged the services of Zancanella and Associates, Inc., to assist with assessing the water right applied for herein and other related engineering work, including but not limited to, water supply infrastructure designs. Water related engineering costs incurred by Applicant during the diligence period are approximately \$114,000. 5. Ownership: RBR and THSMLI also own interests in the subject water right for use on neighboring properties. The below table outlines each party's ownership interest:

Little Red Butte Spring Ditch

Uses	THSMLI		Sunnyside		RBR		Combined		
	Abs.	Con.	Abs.	Con.	Abs.	Con.	Abs.	Con.	Total
Irr.	.144 cfs	.316 cfs	.096 cfs	.194 cfs	.9341 cfs	1.08 cfs	1.1741 cfs	1.59 cfs	2.7641 cfs
Stock.	0 cfs	.3875 cfs	0 cfs	.2375 cfs	.67 cfs	1.205 cfs	.67 cfs	1.83 cfs	2.5 cfs
Dom.	0 cfs	.3875 cfs	0 cfs	.2375 cfs	0 cfs	1.875 cfs	0 cfs	2.5 cfs	2.5 cfs
Pisc.	0 cfs	.3875 cfs	0 cfs	.2375 cfs	.25 cfs	1.625 cfs	.25 cfs	2.25 cfs	2.5 cfs
Aug.	0 cfs	0 cfs	0 cfs	0 cfs	.0359 cfs	0 cfs	.0359 cfs	0 cfs	.0359 cfs

6. Name and address 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 on upon which water is or will be stored. Applicant. WHEREFORE, the Applicant respectfully requests that the Court enter a decree (i) making a finding that Applicant has exercised reasonable diligence with respect to the water rights identified in paragraph 3.1.6, above; (ii) that the Little Red Butte Spring Ditch conditional portion of the water right is continued the same in full force and effect; and (iii) that grants any further relief to Applicant as the Court deems appropriate.

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

25CW3084 (18CW3207) IN EAGLE, GRAND, AND ROUTT COUNTIES, COLORADO. APPLICATION FOR FINDINGS OF REASONABLE DILIGENCE

1. Name and address of applicant: Eagle River Water and Sanitation District (the "Applicant" or "District") c/o General Manager 846 Forest Road Vail, CO 81657 *Please direct all pleadings to:* Kristin H. Moseley Michael W. Daugherty Somach Simmons & Dunn, P.C. 1155 Canyon Blvd., Suite 110 Boulder, CO 80302

2. Description of the Conditional Water Rights:

2.1. Wolford Mountain Reservoir Exchanges

2.1.1. Decrees: District Court in and for Water Division No. 5 ("Water Court") in Case No. 09CW191 on December 23, 2012. Finding of reasonable diligence entered in Water Court Case No. 18CW3207 on May 19, 2019.

2.1.2. Decreed Locations:

2.1.2.1. Downstream Terminus: the confluence of the Colorado River and the Eagle River, located at a point in the SW1/4 NW1/4 of Section 5, T. 5 S., R. 86 W. of the 6th P.M., 2,020 feet west of the east section line and 2,625 feet south of the north section line of said Section 5.

2.1.2.2. Upstream Termini: the following points of diversion were decreed in Water Court Case No. 08CW77 and are depicted on the map attached as **Exhibit A:**

2.1.2.2.1. Wolcott Treatment Plant Intake, located on the westerly bank of the Eagle River in the SE1/4 NE1/4 of Section 16, T. 4 S., R. 83 W. of the 6th P.M. within 200 feet at a point 635 feet from the east section line and 1,680 feet from the north section line of said Section 16.

2.1.2.2.2. Vail-Joufflas Eagle River Diversion, located in the NW1/4 SE1/4 of Section 15, T. 4 S., R. 83 W. of the 6th P.M. at a point 1,540 feet from the south section line and 1,710 feet from the east section line.

2.1.2.2.3. Vines at Vail Pump and Pipeline No. 1, located in the NW1/4 SE1/4 of Section 15, T. 4 S., R. 83 W. of the 6th P.M. at a point 2,987 feet from the west section line and 1,883 feet from the south section line of said Section 15.

2.1.2.2.4. Vines at Vail Pump and Pipeline No. 2, located in the NE1/4 SW1/4 of Section 15, T. 4 S., R. 83 W. of the 6th P.M. at a point 2,395 feet from the west section line and 1,909 feet from the south section line; and

2.1.2.2.5. Vines at Vail Pipeline No. 3, located in the NW1/4 SW1/4 of Section 14, T. 4 S., R. 83 W. of the 6th P.M. at a point 640 feet from the west section line and 1,609 feet from the south section line.

2.1.3. Source: Wolford Mountain Reservoir (a/k/a Gunsight Pass Reservoir), the dam of which is located in the SW1/4 NE1/4 of Section 25, T. 2 N., R. 81 W. of the 6th P.M. The source of said reservoir is Muddy Creek and its tributaries, which are tributary to the Colorado River. The District's right to use Wolford Mountain Reservoir is pursuant to Colorado River Water Conservation District ("River District") Contract No. CW08010, dated February 9, 2009. Wolford Mountain Reservoir is decreed by the Water Court as follows, and may be enlarged in the future:

2.1.3.1. Case No. 87CW283, decreed on November 20, 1989. The intersection of the dam axis with the right abutment will occur at a point which bears S. 54° 54' 20" E., a distance of 3,716.46 feet from the NW corner of said Section 25. Wolford Mountain Reservoir was decreed for 59,993 acre-feet conditional, of which 32,986 acre-feet were made absolute for piscatorial and recreational uses by decree entered in Water Court Case No. 95CW251 and the entire 59,993 acre-feet was made absolute for all decreed purposes in Water Court Case No. 02CW107. The appropriation date is December 14, 1987, and the decreed uses are all beneficial uses, including, but not limited to, domestic, municipal, agricultural, and recreational uses.

2.1.3.2. Case No. 95CW281, decreed on August 26, 1997. The as-built intersection of the dam axis (Sta. D19+35.61) with the West Access Road (Sta. WR50+55.05), as shown on the River District, Wolford Mountain Project, Ritschard Dam construction drawing "Dimensional Dam Layout" sheet 8 of 94, occurs at a point which bears S. 53° 24' 56" E., a distance of 3,395.51 feet from the NW corner of said Section 25; the bearing of said dam axis from Sta. 19+35.61 to Sta. 0+00 being S. 75° 28' 29" E. The Wolford Mountain Reservoir Enlargement ("WMR Enlargement") was decreed for an additional 6,000 acre-feet, conditional, with an appropriation date of

January 16, 1995, which was made absolute in Water Court Case No. 03CW192, decreed on May 24, 2004. The decreed uses are all beneficial uses by and for the benefit of the inhabitants of the River District, including, but not limited to, domestic, municipal, industrial, irrigation, agricultural, piscatorial, and recreational; such uses will include environmental mitigation, including environmental mitigation requirements associated with the Wolford Mountain Project; such uses will be made directly or by substitution, augmentation, or exchange. 2.1.3.3. Case No. 98CW237, decreed on July 6, 2000. The legal description of the Wolford Mountain Reservoir was decreed the same as the as-built legal description from Case No. 95CW281 in paragraph 2.1.3.2. above. Wolford Mountain Reservoir was decreed for 30,000 acre-feet conditional with 15,895 acre-feet being absolute for recreational, piscatorial, and flood control. In Water Court Case No. 13CW3008, decreed on January 24, 2014, 12,856 acre-feet was made absolute for all uses, leaving 14,105 acre-feet conditional for recreation, piscatorial, and flood control purposes and 17,144 for all other decreed purposes other than recreation, piscatorial, and flood control. The appropriation date is November 17, 1998. The uses are those uses decreed by the Water Court previously in Case Nos. 87CW283 and 95CW281, described in paragraphs 2.1.3.1 to 2.1.3.2. above. 2.1.3.4. Case No. 03CW302, decreed on October 19, 2014. The legal description of the Wolford Mountain Reservoir was decreed the same as the as-built legal description from Case No. 95CW281 in paragraph 2.1.3.2. above. The Wolford Mountain Reservoir Second Enlargement (“WMR Second Enlargement”) was decreed for 9,775 acre-feet conditional for the initial fill with the right to refill when in priority subject to a maximum refill amount of 9,775 acre-feet conditional. The appropriation date is November 17, 2003. The WMR Second Enlargement may be used for the purposes previously decreed to the Wolford Mountain Reservoir, including uses consistent with the Windy Gap Settlement made with the Municipal Subdistrict of the Northern Colorado Water Conservancy District, meeting the water requirements of the inhabitants of the River District for all uses, and uses consistent with the terms of a lease agreement executed March 3, 1987, between the River District and the City and County of Denver, as amended. The WMR Second Enlargement storage right may also be used for all beneficial uses, including, but not limited to, municipal, commercial, industrial, domestic, irrigation, agricultural, livestock, hydro-power production, evaporation, piscatorial, and recreational (including in-reservoir and in-river fish habitat and river flow maintenance and enhancement uses and uses in furtherance of the Upper Colorado River Basin Fishes Recovery Program) with the right to reuse and successively use the water to extinction; such uses will include environmental mitigation, including environmental mitigation requirements associated with the Wolford Mountain Reservoir Project; such uses will be made directly or by substitution, augmentation, replacement, or exchange in Water Division Nos. 1, 2, and/or 5. 2.1.4. Appropriation Date: May 25, 2006, with a 2009 filing year for the subject exchanges. 2.1.5. Amount: up to 500 consumptive acre-feet of water per year (less transport losses from the replacement source). 2.1.6. Uses: municipal uses (to include all municipal uses, including without limitation, domestic, irrigation, commercial, industrial, and recreational uses). 2.1.7. Remarks: a map depicting the Wolford Mountain Reservoir Exchanges is attached as **Exhibit B**. 2.2. Ruedi Reservoir Exchanges 2.2.1. Decrees: Water Court Case No. 09CW191 on December 23, 2012. Finding of reasonable diligence entered in Water Court Case No. 18CW3207 on May 19, 2019. 2.2.2. Decreed Locations: 2.2.2.1. Downstream Terminus: the confluence of the Roaring Fork River and the Colorado River, located at a point in the SE1/4 NW1/4 of Section 9, T. 6 S., R. 89 W. of the 6th P.M., 2,300 feet east of the west section line and 2,150 feet south of the north section line of said Section 9. 2.2.2.2. Upstream Termini: those structures identified and described above in paragraph 2.1.2.2 and depicted on the map attached as **Exhibit A**. 2.2.3. Source: Ruedi Reservoir. The District has a contract with the River District (Contract No. CW08010), which supplies Ruedi Reservoir water for use in this case. The River District holds Contract Nos. 009D6C0111, 009D6C0118, 039F6C0011, 79D6C0106, and 139D6C0101 from the United States Bureau of Reclamation for 11,413.5 acre-feet of annual supply from Ruedi Reservoir. 2.2.3.1. Legal Description of Place of Storage: Ruedi Reservoir is located in Sections 7, 8, 9, 11, and 14 through 18, T. 8 S., R. 84 W. of the 6th P.M. in Eagle and Pitkin Counties. The dam axis intersects the right abutment at a point whence the SW corner of Section 7, T. 8 S., R. 84 W. of the 6th P.M. bears N. 82° 10' W., a distance of 1,285 feet. 2.2.3.2. Source: Fryingpan River, tributary to the Roaring Fork River, tributary to the Colorado River. 2.2.3.3. Previous Storage Decrees: 2.2.3.3.1. Garfield County District Court Civil Action No. 4613, decreed on June 20, 1958. Ruedi Reservoir was decreed for 140,697.3 acre-feet, which was reduced to 102,369 acre-feet pursuant to order of the Water Court in Case No. W-789-76. The full amount was made absolute in Case No. 88CW85. The appropriation date is July 29, 1957, for domestic, municipal, irrigation, industrial, generation of electrical energy, stock watering, and piscatorial uses. 2.2.3.3.2. Water Court Case No. 84CW34, decreed on April 8, 1985. Ruedi Reservoir was decreed a refill right in the amount of 101,280 acre-feet, of this amount 44,509 acre-feet was made absolute in Case No. 95CW95 and 25,257 acre-feet was made absolute in Case No. 01CW269 for a total of 69,766 acre-feet absolute. The appropriation date is January 22, 1981, for irrigation, domestic, municipal, generation of electrical energy, stock watering, industrial, piscatorial, recreation, and maintenance of sufficient storage reserves to fulfill contractual obligations and provide stored water for recreation in times of drought. 2.2.3.4. Appropriation Date: February 10, 2009. 2.2.3.5. Amount: up to 500 consumptive acre-feet of water per year (less transport losses from the replacement source). 2.2.3.6. Uses: municipal uses (to include all municipal uses, including without limitation, domestic, irrigation, commercial, industrial, and recreational uses). 2.2.3.7. Remarks: The Ruedi Reservoir Exchanges will be used in addition to and as substitution for the Wolford Mountain Reservoir Exchanges in appropriate circumstances where Ruedi Reservoir water is physically equivalent to Wolford Mountain Reservoir water. A map depicting the Ruedi Reservoir Exchanges is attached as **Exhibit B**. 3. Claim for Findings of Reasonable Diligence: The District is a quasi-municipal entity that provides water service to customers in the Vail and Wolcott areas and sewer service to customers in Vail, Minturn, Eagle-Vail, Avon, Beaver Creek, Arrowhead, Berry Creek, Edwards, and Wolcott. The District’s Wolcott service area is depicted on the map attached as **Exhibit A**. The District and the Upper Eagle Regional Water Authority, which is managed by the staff of the District, comprise the second largest water and wastewater provider on the Western Slope. These two entities are required to meet the water demands of more than 65,000 residents in Eagle County and over 2.2 million annual recreational visitors to the Vail and Beaver Creek ski areas. The District is the successor to six separate quasi-municipal entities formed to serve the water needs of the Gore Creek Valley.

The subject exchanges are necessary to meet the District's demands for domestic, irrigation, recreation, and other municipal uses within the District's service area as that area grows. The District's need for the exchanges is critical during the winter ski season when peak demands necessitate providing water for tourists, day skiers, second-home owners, and workers who commute into Vail every day and use water provided by the District. Moreover, the District's water rights are used to provide snowmaking water on the Vail Ski Area, which requires over 600 acre-feet per year of snowmaking water. Snowmaking requires large flow rates in late fall and early winter as soon as temperatures are cold enough to make snow. The subject exchanges are necessary for the District's planning for population increases and increased water demands caused by skiers and tourists. The subject exchanges are crucial for allowing the District to fully utilize its contract water in Wolford Mountain Reservoir and Ruedi Reservoir. Such exchanges provide the District with the flexibility necessary to manage its water right portfolio in a manner that maximizes beneficial use, which is crucial to meeting demand from continued development in the Vail and Eagle River Valleys. The District believes that it can and will complete the appropriation of the exchanges within a reasonable time and intends to perfect the subject water right within a reasonable time for use by the District's customers. The District seeks a finding of reasonable diligence for the above-described exchanges for their full conditional amounts and uses. In support of its claim for findings of reasonable diligence, the District has engaged in numerous activities during the relevant period that demonstrate diligence toward the application of the exchanges to their decreed beneficial uses. The District operates an integrated water system, i.e., a single, unified municipal water system in which work done on any component of the system advances the whole. With respect to the specific water rights included in this Application, the District has spent approximately \$1,410,000 in annual contract fees to the River District to maintain the District's Wolford Mountain Reservoir water contracts, which is a necessary prerequisite to putting the above-described exchanges to beneficial use. The project development for Wolcott is currently in the Eagle County review process. The Wolcott Planned Unit Development sketch plan application was approved on August 23, 2023, by the Board of Eagle County Commissioners, and the developer is in the process of completing the preliminary plan application. The Wolcott PUD encompasses approximately 72.17 acres. The land use proposal seeks to "infill" the dormant ranch property into a residential neighborhood, with single family, multi-family, and commercial properties. The Wolcott PUD proposes a total of 360 Residential Units, with upwards of 10,000 square feet of commercial space and a fire station, while maintaining 26.76 acres for open space. The subject exchanges are necessary for the District to serve the Wolcott area in the future. 4. Names and addresses of owners of land on which the subject water rights are or will be located: 4.1. The Wolcott Treatment Plant Intake will be located on land owned by the District. 4.2. The Vail-Joufflas Eagle River Diversion and the Vines at Vail Pump and Pipeline Nos. 1 are or will be located on land owned by P. John Joufflas, G. Greory Joufflas, M. James Joufflas, and Jan Marie Joufflas whose address is 113 Mira Monte Road, Grand Junction, CO 81507. 4.3. The Vines at Vail Pump and Pipeline No. 2 will be located on land owned by James P. and Sandra R. Roberts whose address is P.O. Box 56, Wolcott, CO 81655. 4.4. The Vines at Vail Pump and Pipeline No. 3 will be located on land owned by the United States of America Bureau of Land Management whose address is 2300 River Frontage Rd., Silt, CO 81652. WHEREFORE, the District requests the Court enter findings of reasonable diligence with respect to the water rights described in paragraphs 2.1 and 2.2, above, and continue said conditional water rights for all decreed uses in the full decreed amounts.

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

25CW3085 PITKIN COUNTY – IN THE ROARING FORK RIVER OR ITS TRIBUTARIES. APPLICATION FOR FINDINGS OF REASONABLE DILIGENCE. THSMMLI, LLC, c/o Scott C. Miller, Esq., and John M. Sittler, Esq., Patrick, Miller & Noto, P.C., 229 Midland Ave., Basalt, CO 81621. First Claim: For Finding of Reasonable Diligence. Name of structure: Little Red Butte Spring Ditch. Description of conditional water right: Date of original decree: June 18, 1982, Case No. 81CW508, District Court, Water Division 5. Subsequent diligence decrees: September 26, 1986, Case No. 86CW145; February 21, 1990, Case No. 89CW204; November 28, 1997, Case No. 96CW56; April 23, 2005, Case No. 03CW241; May 30, 2012, Case No. 11CW63; May 19, 2019, Case No. 18CW3074, all District Court, Water Division 5. Subsequent change decrees: Case No. 95CW366 (changing 0.0359 c.f.s. of the absolute irrigation water right to augmentation use); Case No. 11CW63 (change in point of diversion to correct the decreed point of diversion). Legal description: As changed in Case No. 11CW63 and corrected in Case No. 18CW3074, the point of diversion is located in the SW ¼ NW ¼ of Section 1, Township 10 South, Range 85 West of the 6th P.M., approximately 2059 feet from the north section line and 665 feet from the west section line (Pitkin County). UTM NAD83 Z13: Northing – 4341980, Easting – 341328. A map is on file with the Court as Exhibit A. **Source: Slaughterhouse Gulch, tributary to the Roaring Fork River, tributary to the Colorado River.** Appropriation date: June 1, 1946. Total amounts and uses: Irrigation: 2.7641 c.f.s. (0.9941 c.f.s. absolute and 1.77 c.f.s. conditional); Livestock: 2.5 c.f.s. (0.67 c.f.s. absolute and 1.83 c.f.s. conditional); Domestic and piscatorial: 2.5 c.f.s., conditional; Augmentation: 0.0359 c.f.s., absolute. Amounts owned by Applicant: Irrigation: 0.46 c.f.s. (0.144 c.f.s. absolute and 0.316 c.f.s. conditional); Livestock: 0.3875 c.f.s., conditional. Domestic and piscatorial: 0.3875 c.f.s., conditional. Augmentation: 0. Note: The Red Butte Ranch Homeowners Association and Sunnyside Property LLC own the remaining interests in the subject water rights. Claim for finding of reasonable diligence: Applicant

has exercised reasonable diligence towards completion of the conditional portions of the Red Butte Spring Ditch water right. A detailed outline of the work performed towards completion of the appropriation, including expenditures, is on file with the Court as Exhibit B. Applicants own the land upon which the water right is and will be placed to beneficial use.

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

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

25CW3086 (18CW3216) IN EAGLE, GRAND, AND ROUTT COUNTIES, COLORADO. APPLICATION FOR FINDINGS OF REASONABLE DILIGENCE

1. Name and address of applicant: Upper Eagle Regional Water Authority (the "Applicant" or "Authority") c/o General Manager 846 Forest Road Vail, Colorado 81657 *Please direct all pleadings to*: Kristin H. Moseley Michael W. Daugherty Somach Simmons & Dunn, P.C. 1155 Canyon Blvd., Suite 110 Boulder, CO 80302 2. Description of the Conditional Water Rights: 2.1. Wolford Mountain Reservoir Exchanges 2.1.1. Decrees: District Court in and for Water Division No. 5 ("Water Court") Case No. 09CW192 on December 23, 2012. Finding of reasonable diligence entered in Water Court Case No. 18CW3216 on May 19, 2019. 2.1.2. Decreed Locations: 2.1.2.1. Downstream Terminus: the confluence of the Colorado River and the Eagle River, located at a point in the SW1/4 NW1/4 of Section 5, T. 5 S., R. 86 W. of the 6th P.M., 2,020 feet west of the east section line and 2,625 feet south of the north section line of said Section 5. 2.1.2.2 Upstream Termini: the following described structures, which are also depicted on the map attached as **Exhibit A**: 2.1.2.2.1. The following structures located on the Eagle River and used by the Authority pursuant to previous decrees of the Water Court, including, but not limited to Case Nos. 85CW608 through 85CW613 and Case No. 00CW83: 2.1.2.2.1.1. Metcalf Headgate, located in the SE1/4 SW1/4 of Section 7, T. 5 S., R. 81 W. of the 6th P.M. at a point 870 feet from the south section line and 1,485 feet from the west section line; and 2.1.2.2.1.2. Raw Water Booster Pump Headgate, located in the NW1/4 NW1/4 of Section 12, T. 5 S., R. 82 W. of the 6th P.M. at a point 1,165 feet from the north section line and 480 feet from the west section line. 2.1.2.2.2. UERWA Point A, located on Lake Creek in the SE1/4 NE1/4 of Section 6, T. 5 S., R. 82 W. of the 6th P.M. at a point 1,700 feet from the north section line and 410 feet from the east section line. This diversion was decreed in Water Court Case No. 93CW291 for 11.6 cfs. 2.1.2.2.3. The following wells located in the Eagle River alluvium and decreed in Water Court Case Nos. W-3999, 82CW228, 84CW200, 84CW233, 88CW268, and 85CW613: 2.1.2.2.3.1. June Creek Ranch Well No. 2, located in the NW1/4 SW1/4 of Section 4, T. 5 S., R. 82 W. of the 6th P.M. at a point 2,240 feet from the south section line and 510 feet from the west section line, decreed for 1.11 cfs; and 2.1.2.2.3.2. June Creek Ranch Well No. 6, located in the NW1/4 SW1/4 of Section 4, T. 5 S., R. 82 W. of the 6th P.M. at a point 1,680 feet from the south section line and 760 feet from the west section line, decreed for 0.891 cfs. 2.1.2.2.4. Edwards Water Facility, being a point located in the NW1/4 SW1/4 of Section 4, T. 5 S., R. 82 W. of the 6th P.M. on the northerly bank of the Eagle River at a point 1,393 feet from the south section line and 654 feet from the west section line. This structure was decreed as an alternate point of diversion for water rights owned by the Authority in Case No. 00CW83 and as a point of diversion for 0.4 cfs in Case No. 02CW403. 2.1.2.2.5. The following wells located in the Gore Creek alluvium and decreed in Water Court Case Nos. 94CW22 and 93CW316: 2.1.2.2.5.1. Well R1, located in the SE1/4 SE1/4 of Section 3, T. 5 S., R. 80 W. of the 6th P.M. at a point 1,095 feet from the south section line and 1,256 feet from the east section line, decreed for 2 cfs; 2.1.2.2.5.2. Well R2, located in the SE1/4 SW1/4 of Section 3, T. 5 S., R. 80 W. of the 6th P.M. at a point 900 feet from the south section line and 2,365 feet from the west section line, decreed for 2.5 cfs; 2.1.2.2.5.3. Well R4, located in the NE1/4 NW1/4 of Section 9, T. 5 S., R. 80 W. of the 6th P.M. at a point 575 feet from the north section line and 2,000 feet from the west section line, decreed for 2.0 cfs; and 2.1.2.2.5.4. Well R7, located in the SE1/4 SE1/4 of Section 3, T. 5 S., R. 80 W. of the 6th P.M. at a point 815 feet from the south section line and 575 feet from the east section line, decreed for 5.35 cfs. 2.1.3. Source: Wolford Mountain Reservoir (a/k/a Gunsight Pass Reservoir), the dam of which is located in the SW1/4 NE1/4 of Section 25, T. 2 N., R. 81 W. of the 6th P.M. The source of said reservoir is Muddy Creek and its tributaries, which are tributary to the Colorado River. The Authority's right to use Wolford Mountain Reservoir is pursuant to Colorado River Water Conservation District ("River District") Contract Nos. CW08011, CW02020, and CW03005. Wolford Mountain Reservoir is decreed by the Water Court as follows, and as may be enlarged in the future: 2.1.3.1. Case No. 87CW283, decreed on November 20, 1989. The intersection of the dam axis with the right abutment will occur at a point which bears S. 54° 54' 20" E. a distance of 3,716.46 feet from the NW corner of said Section 25. Wolford Mountain Reservoir was decreed for 59,993 acre-feet conditional, of which 32,986 acre-feet were made absolute for piscatorial and recreational uses by decree entered in Water Court Case No. 95CW251 and the entire 59,993 acre-feet was made absolute for all decreed purposes in Water Court Case No. 02CW107. The appropriation date is December 14, 1987, and the decreed uses are all beneficial uses, including, but not limited to, domestic, municipal, agricultural, and recreational uses. 2.1.3.2. Case No. 95CW281, decreed on August 26, 1997. The as-built intersection of the dam axis (Sta. D19+35.61) with the West Access Road (Sta. WR50+55.05), as shown on the River District, Wolford Mountain Project, Ritschard Dam construction drawing "Dimensional Dam Layout" sheet 8 of 94, occurs at a point which bears S. 53° 24' 56" E. a distance of 3,395.51 feet from the NW corner of said Section 25; the bearing of said dam axis from Sta. 19+35.61 to Sta. 0+00 being S. 75° 28' 29" E. The Wolford Mountain Reservoir Enlargement ("WMR Enlargement") was decreed for an additional 6,000 acre-feet, conditional, with an appropriation date of

January 16, 1995, which was made absolute in Water Court Case No. 03CW192, decreed on May 24, 2004. The decreed uses are all beneficial uses by and for the benefit of the inhabitants of the River District, including, but not limited to, domestic, municipal, industrial, irrigation, agricultural, piscatorial, and recreational; such uses will include environmental mitigation, including environmental mitigation requirements associated with the Wolford Mountain Project; such uses will be made directly or by substitution, augmentation, or exchange. 2.1.3.3. Case No. 98CW237, decreed on July 6, 2000. The legal description of the Wolford Mountain Reservoir was decreed the same as the as-built legal description from Case No. 95CW281 in Paragraph 2.1.3.2, above. Wolford Mountain Reservoir was decreed for 30,000 acre-feet conditional with 15,895 acre-feet being absolute for recreational, piscatorial, and flood control. In Water Court Case No. 13CW3008, decreed on January 24, 2014, 12,856 acre-feet was made absolute for all uses, leaving 14,105 acre-feet conditional for recreation, piscatorial, and flood control purposes and 17,144 acre feet for all other decreed purposes other than recreation, piscatorial, and flood control. The appropriation date is November 17, 1998. The uses are those uses decreed by the Water Court previously in Case Nos. 87CW283 and 95CW281, described in Paragraphs 2.1.3.1 to 2.1.3.2, above. 2.1.3.4. Case No. 03CW302, decreed on October 19, 2014. The legal description of the Wolford Mountain Reservoir was decreed the same as the as-built legal description from Case No. 95CW281 in Paragraph 2.1.3.2 above. The Wolford Mountain Reservoir Second Enlargement (“WMR Second Enlargement”) was decreed for 9,775 acre-feet conditional for the initial fill with the right to refill when in priority subject to a maximum refill amount of 9,775 acre-feet conditional. The appropriate date is November 17, 2003. The WMR Second Enlargement may be used for the purposes previously decreed to the Wolford Mountain Reservoir, including uses consistent with the Windy Gap Settlement made with the Municipal Subdistrict of the Northern Colorado Water Conservancy District, meeting the water requirements of the inhabitants of the River District for all uses, and uses consistent with the terms of a lease agreement executed March 3, 1987, between the River District and the City and County of Denver, as amended. The WMR Second Enlargement storage right may also be used for all beneficial uses, including, but not limited to, municipal, commercial, industrial, domestic, irrigation, agricultural, livestock, hydro-power production, evaporation, piscatorial, and recreational (including in-reservoir and in-river fish habitat and river flow maintenance and enhancement uses and uses in furtherance of the Upper Colorado River Basin Fishes Recovery Program) with the right to reuse and successively use the water to extinction; such uses will include environmental mitigation, including environmental mitigation requirements associated with the Wolford Mountain Reservoir Project; such uses will be made directly or by substitution, augmentation, replacement, or exchange in Water Division Nos. 1, 2, and/or 5. 2.1.4 Appropriation Date: May 25, 2006, with a 2009 filling year for the subject exchanges. 2.1.5. Amount: up to 500 consumptive acre-feet of water per year (less transport losses from the replacement source). 2.1.6. Uses: municipal uses (to include all municipal uses, including without limitation domestic, irrigation, commercial, industrial, and recreational uses). 2.1.7. Remarks: a map depicting the Wolford Mountain Reservoir Exchanges is attached as **Exhibit B**. 2.2. Ruedi Reservoir Exchanges 2.2.1. Decrees: Water Court Case No. 09CW192 on December 23, 2012. Finding of reasonable diligence entered in Water Court Case No. 18CW3216. 2.2.2. Decreed Locations: 2.2.2.1. Downstream Terminus: the confluence of the Roaring Fork River and the Colorado River, located at a point in the SE1/4 NW1/4 of Section 9, T. 6 S., R. 89 W. of the 6th P.M., 2,300 feet east of the west section line and 2,150 feet south of the north section line of said Section 9. 2.2.2.2. Upstream Termini: those structures identified and described above in Paragraph 2.1.2.2 and depicted on the map attached as **Exhibit A**. 2.2.3. Source: Ruedi Reservoir. The Authority has three contracts with the River District (Contract Nos. CW08011, CW02020, and CW03005) that supply Ruedi Reservoir water for use in this case. The River District holds Contract Nos. 009D6C0111, 009D6C0118, 039F6C0011, 079D6C0106 and 139D6C0101 from the United States Bureau of Reclamation for 11,413.5 acre-feet of annual supply from Ruedi Reservoir. 2.2.3.1. Legal Description of Place of Storage: Ruedi Reservoir is located in Sections 7, 8, 9, 11, and 14 through 18, T. 8 S., R. 84 W. of the 6th P.M. in Eagle and Pitkin Counties. The dam axis intersects the right abutment at a point whence the SW corner of Section 7, T. 8 S., R. 84 W. of the 6th P.M. bears N. 82° 10’ W. a distance of 1,285 feet. 2.2.3.2. Source: Fryingpan River, tributary to the Roaring Fork River, tributary to the Colorado River. 2.2.3.3. Previous Storage Decrees: 2.2.3.3.1. Garfield County District Court Civil Action No. 4613, decreed on June 20, 1958. Ruedi Reservoir was decreed for 140,697.3 acre-feet, which was reduced to 102,369 acre-feet pursuant to order of the Water Court in Case No. W-789-76. The full amount was made absolute in Case No. 88CW85. The appropriation date is July 29, 1957, for domestic, municipal, irrigation, industrial, generation of electrical energy, stock watering, and piscatorial uses. 2.2.3.3.2. Water Court Case No. 84CW34, decreed on April 8, 1985. Ruedi Reservoir was decreed a refill right in the amount of 101,280 acre-feet, of this amount 44,509 acre-feet was made absolute in Case No. 95CW95 and 25,257 acre-feet was made absolute in Case No. 01CW269 for a total of 69,766 acre-feet absolute. The appropriation date is January 22, 1981, for irrigation, domestic, municipal, generation of electrical energy, stock watering, industrial, piscatorial, recreation, and maintenance of sufficient storage reserves to fulfill contractual obligations and provide stored water for recreation in times of drought. 2.2.4. Appropriation Date: February 10, 2009. 2.2.5. Amount: up to 500 consumptive acre-feet of water per year (less transport losses from the replacement source). 2.2.6. Uses: municipal uses (to include all municipal uses, including without limitation, domestic, irrigation, commercial, industrial, and recreational uses). 2.2.7. Remarks: The Ruedi Reservoir Exchanges will be used in addition to and substitution for the Wolford Mountain Reservoir Exchanges in appropriate circumstances where Ruedi Reservoir water is physically equivalent to Wolford Mountain Reservoir water. A map depicting the Ruedi Reservoir Exchanges is attached as **Exhibit B**. 3. Claim for Findings of Reasonable Diligence: The Authority is a quasi-municipal entity that provides water service to customers in Eagle-Vail, Avon, Beaver Creek, Bachelor Gulch, Arrowhead, Berry Creek, Edwards, and Cordillera. The Authority’s service area is depicted on the map attached as **Exhibit A**. The Authority and the Eagle River Water & Sanitation District, which are managed by the same staff, comprise the second largest water and wastewater provider on the Western Slope. These two entities are required to meet the water demands of more than 65,000 residents in Eagle County and over 2.2 million annual recreational visitors to the Vail and Beaver Creek ski areas. The subject exchanges are necessary to meet the Authority’s demands for domestic, irrigation, recreation, and other municipal uses within the Authority’s service area as that area grows. The Authority’s need for the exchanges is critical during the winter ski season when peak demands necessitate

providing water for tourists, day skiers, second-home owners, and workers who commute into the service area every day and use water provided by the Authority. The subject exchanges are necessary for the Authority's planning for population increases and increased water demands caused by skiers and tourists. As one of the main providers of water in Eagle County, the Authority requires the subject exchanges in order to serve the projected population grown in Eagle County in general. The subject exchanges are crucial for allowing the Authority to fully utilize its contract water in Wolford Mountain Reservoir and Ruedi Reservoir. Such exchanges provide the Authority with the flexibility necessary to manage its water right portfolio in a manner that maximizes beneficial use, which is crucial to meeting demand from continued development in the Vail and Eagle River Valleys. The Authority seeks a finding of reasonable diligence for the above-described exchanges for their full conditional amounts and uses. In support of its claim for findings of reasonable diligence, the Authority has engaged in numerous activities during the relevant period that demonstrate diligence toward the application of the exchanges to their decreed beneficial uses. The Authority operates an integrated water system, i.e., a single, unified municipal water system in which work done on any component of the system advances the whole. The Authority has incurred capital costs and expenditures of over \$51,500,000 during the diligence period to operate, protect, maintain, upgrade, and expand its water facilities. All such expenditures are necessary steps in the development of the Authority's integrated water supply system and the subject exchanges. This amount includes approximately \$767,055 on the development of water rights and a water supply planning model; \$375,731 on the development of a water treatment and distribution system hydraulic model used to evaluate the water distribution system, treatment capacity, and capital improvements; \$4,600,000 on water system transmission improvements to the Edwards water distribution system to improve operations and capacity. The Authority has also incurred approximately \$1,490,000 of expenses during the diligence period in annual contract fees to the River District to maintain the Authority's Wolford Mountain Reservoir water contracts. All of the above activities are necessary prerequisites to applying the subject exchanges to beneficial use. The Authority believes that it can and will complete the appropriation of the exchanges within a reasonable time and intends to perfect the subject water rights within a reasonable time for use to meet the Authority's water service demands. 4. Ownership: 4.1. UERWA Point A will be located on land owned by the Southfork Meadows Homeowners Association Inc., whose address is P.O. Box 8366, Avon, CO 81620. 4.2. This application does not contemplate any additional new structures, nor does it contemplate any changes to any existing structures that would require additional notice. WHEREFORE, the Authority requests the Court enter findings of reasonable diligence with respect to the conditional water rights described in paragraphs 2.1 and 2.2, above, and continue said conditional water rights for all decreed uses in the full decreed amounts.

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

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

25CW3087 (18CW3131, 11CW59, 03CW307) PITKIN COUNTY – IN PRINCE CREEK OR ITS TRIBUTARIES. APPLICATION TO MAKE WATER RIGHTS ABSOLUTE AND FOR FINDINGS OF REASONABLE DILIGENCE. Ranch I, LLC c/o Paul L. Noto, Esq. and John M. Sittler, Esq., Patrick, Miller & Noto, P.C., 229 Midland Ave., Basalt, CO 81621. First Claim: To Make Water Right Absolute: Beaver Camp Ditch No. 1. Original Decree: April 5, 2005, Case No. 03CW307 Division 5 Water Court. Legal: SW ¼, SE ¼ of Section 31, Township 8 South, Range 87 West of the 6th P.M., approximately 803 feet from the south section line and 1,350 feet from the east section line of said Section 31. A map is on file with the Court as Exhibit A. **Source: Prince Creek, tributary to Crystal River and Roaring Fork River, tributary to the Colorado River.** Appropriation date: February 25, 2003. Amount: 0.55 c.f.s., conditional. Note, 1.45 c.f.s. of the original 2.0 c.f.s. was made absolute in Case No. 11CW59. Uses: Fill Beaver Camp Ponds Nos. 1 and 2 for subsequent piscatorial, recreational, firefighting, aesthetic, and augmentation purposes, and fill Beaver Camp Pond No. 3 for subsequent piscatorial, recreational, firefighting, and aesthetic purposes. Claim to make water right absolute: Date water applied to beneficial use: May 15, 2025. Amount 2.0 c.f.s., total. Uses: Fill and refill of Beaver Camp Ponds Nos. 1 and 2 for subsequent piscatorial, recreational, firefighting, aesthetic, and augmentation purposes, and fill of Beaver Camp Pond No. 3 for subsequent piscatorial, recreational, firefighting, and aesthetic purposes. Remark: A photo is on file with the Court as Exhibit B showing the 9" Parshall Flume measuring 0.8 feet of diversions from the Beaver Camp Ditch No. 1. To the extent the Beaver Camp Ditch No. 1 is not made absolute in its entirety, Applicant requests a finding of reasonable diligence on the remaining conditional portion. A detailed outline of the work performed towards completion of the appropriation, including expenditures, is on file with the Court as Exhibit C. Applicant owns the land on which the water right is located and where the water is put to beneficial use. Second Claim: For Finding of Reasonable Diligence: Name of structure: Beaver Camp Pond No. 3. Description of conditional water right: Date of original decree: April 5, 2005, Case No. 03CW307, Division 5 Water Court. Subsequent diligence decrees: August 23, 2012, Case No. 11CW59; May 12, 2019, Case No. 18CW3131, all Division 5 Water Court. Portions of the Beaver Camp Pond No. 3 water right are decreed for storage at the following locations: Legal description for 1.31 acre-feet (as decreed in Case No. 03CW307): The SE ¼, SE ¼ of Section 31, Township 8 South, Range 87 West of the 6th P.M., approximately 1,258 feet from the south section line and 958 feet from the east section line of said Section 31 (Pitkin County). Legal description for 0.09 acre-feet (as changed to the Beaver Camp Pond No. 1 structure

in Case No. 11CW59): The SE ¼, SE ¼ of Section 31, Township 8 South, Range 87 West of the 6th P.M., approximately 860 feet from the south section line and 1,236 feet from the east section line of said Section 31 (Pitkin County). A map is on file with the Court as Exhibit A. Source: Prince Creek, tributary to the Crystal River, tributary to the Roaring Fork River, tributary to the Colorado River. Appropriation date: February 25, 2003. Amount: 0.56 acre-feet, conditional, with the right to fill and refill when water is physically and legally available. Note, 0.75 acre-feet out of the original 1.4 acre-feet was made absolute in Case No. 11CW59. An additional 0.09 acre-feet was made absolute in Case No. 18CW3131, as changed to the Beaver Camp Pond No. 1 structure. The pond is filled through the Beaver Camp Ditch No. 1. Uses: Piscatorial, recreational, firefighting, and aesthetic purposes. Claim for finding of reasonable diligence: Applicant has exercised reasonable diligence towards completion of the Beaver Camp Pond No. 3 water right. A detailed outline of the work performed towards completion of the appropriation, including expenditures, is on file with the Court as Exhibit C. Applicant owns the land on which the water right is located and where the water is put to beneficial use. Both water rights are component parts of an integrated water supply project involving the water rights decreed in Case No. 03CW307.

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

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

25CW3088 (18CW3132, 11CW61, 03CW322) PITKIN COUNTY – IN THOMAS CREEK OR ITS TRIBUTARIES. APPLICATION TO MAKE WATER RIGHTS ABSOLUTE IN PART AND FOR FINDINGS OF REASONABLE DILIGENCE. Ranch I, LLC and Ranch IV, LLC c/o Paul L. Noto, Esq. and John M. Sittler, Esq., Patrick, Miller & Noto, P.C., 229 Midland Ave., Basalt, CO 81621. First Claim: Absolute: Name of structure: Cow Camp Pipeline No. 1. Original decree: April 5, 2005, Case No. 03CW322, Division 5 Water Court. Subsequent diligence decrees: August 23, 2012, Case No. 11CW61; May 12, 2019, Case No. 18CW3132, all Division 5 Water Court. Legal description (as changed in Case No. 11CW61): The headgate is located in the NE ¼, SE ¼ of Section 36, Township 8 South, Range 88 West of the 6th P.M., approximately 1,920 feet from the south section line and 86 feet from the east section line of said Section 36 (Pitkin County). Maps are on file with the Court as Exhibit A and Exhibit B. **SOURCE: THOMAS CREEK, TRIBUTARY TO THE CRYSTAL RIVER, TRIBUTARY TO THE ROARING FORK RIVER, TRIBUTARY TO THE COLORADO RIVER.** Appropriation date: February 25, 2003. Amount: 2.0 c.f.s., conditional. Use: To fill the Cow Camp Pond for subsequent piscatorial, recreational, firefighting, aesthetic, and augmentation purposes. Claim to make water right absolute: Date of beneficial use: May 27, 2025. Amount: 2 c.f.s. Uses: To fill the Cow Camp Pond for subsequent piscatorial, recreational, firefighting, aesthetic, and augmentation purposes. Remark: A photo is on file with the Court as Exhibit D showing the 12" Parshall Flume measuring 0.7 feet of diversions from the Cow Camp Pipeline No. 1. To the extent the Cow Camp Pipeline No. 1 is not made absolute in its entirety, Applicant requests a finding of reasonable diligence on the remaining conditional portion. A detailed outline of the work performed towards completion of the appropriation, including expenditures, is on file with the Court as Exhibit C. Applicant owns the land on which the water right is located and where the water is put to beneficial use. Second Claim: For Finding of Reasonable Diligence: Name of structure: Homestead Pump Back Pipeline. Original decree: April 5, 2005, Case No. 03CW322, Division 5 Water Court. Subsequent diligence decrees: August 23, 2012, Case No. 11CW61; May 12, 2019, Case No. 18CW3132, all Division 5 Water Court. Legal description: The headgate is located at the outlet of Homestead Pond No. 3, as described in paragraph 23.C, below, at a point in the SE ¼, NW ¼ of Section 31, Township 8 South, Range 87 West of the 6th P.M., approximately 2,736 feet from the south section line and 1,862 feet from the west section line of said Section 31 (Pitkin County). Maps are on file with the Court as Exhibit A and Exhibit B. Source: An intermittent unnamed draw tributary to Thomas Creek, tributary to the Crystal River, tributary to the Roaring Fork River, tributary to the Colorado River. This draw receives its supply from seeps, springs, and irrigation return flow from the Bane Meadow, which are tributary to Thomas Creek, tributary to the Crystal River, tributary to the Roaring Fork River, tributary to the Colorado River. The Bane Meadow is generally located in the S ½ of Section 31, Township 9 South, Range 87 West of the 6th P.M. and the S ½ of the N ½ of Section 31, Township 9 South, Range 87 West of the 6th P.M. The Pump Back involved in this claim takes water from the outlet of Homestead Pond No. 3 and recirculates water to the inlet of Homestead Pond Nos. 1-3, described below. Appropriation date: February 25, 2003. Amount: 2.87 c.f.s., conditional. Note, 0.13 c.f.s. of the original 3.0 c.f.s. was made absolute in Case No. 11CW61. Use: To recirculate water into Homestead Pond Nos. 1-3 for subsequent piscatorial, recreational, firefighting, and aesthetic purposes. Claim for finding of reasonable diligence: Applicant has exercised reasonable diligence towards completion of the Homestead Pump Back Pipeline water right. A detailed outline of the work performed towards completion of the appropriation, including expenditures, is on file with the Court as Exhibit C. Applicant owns the land on which the water right is located and where the water is put to beneficial use. Third Claim: Diligence: Name of structure: Cow Camp Pond. Description of conditional water right: Date of original decree: April 5, 2005, Case No. 03CW322, Division 5 Water Court. Subsequent diligence decrees: August 23, 2012, Case No. 11CW61; May 12, 2019, Case No. 18CW3132, all Division 5 Water Court. Legal description (as changed in Case No. 11CW61): NE ¼, SE ¼ of Section 36, Township 8 South, Range 88 West of the 6th P.M., approximately 2,182 feet from the south section line and 620 feet from the east section line of said Section 36 (Pitkin County). Maps are on file with the Court as Exhibit A and Exhibit B.

Source: Thomas Creek, tributary to the Crystal River, tributary to the Roaring Fork River, tributary to the Colorado River. Appropriation date: February 25, 2003. Amount: 7.34 acre-feet, conditional. Note, 12.66 acre-feet of the original 20 acre-feet were made absolute in Case No. 18CW3132. Uses: Piscatorial, recreational, firefighting, aesthetic, and augmentation. Claim for finding of reasonable diligence: Applicant has exercised reasonable diligence towards completion of the Cow Camp Pond water right. A detailed outline of the work performed towards completion of the appropriation, including expenditures, is on file with the Court as Exhibit C. Applicant owns the land on which the water right is located and where the water is put to beneficial use. Fourth Claim: Diligence: Name of structure: Homestead Camp Pond No. 1. Description of conditional water right: Date of original decree: April 5, 2005, Case No. 03CW322, Division 5 Water Court. Subsequent diligence decrees: August 23, 2012, Case No. 11CW61; May 12, 2019, Case No. 18CW3132, all Division 5 Water Court. Legal description: The pond is located in the SW $\frac{1}{4}$, NE $\frac{1}{4}$ of Section 31, Township 8 South, Range 87 West of the 6th P.M., approximately 3,065 feet from the south section line and 2,781 feet from the west section line of said Section 31 (Pitkin County). Maps are on file with the Court as Exhibit A and Exhibit B. Source: The pond is on-channel receiving its supply from seeps, springs, and irrigation return flow from the Bane Meadow, tributary to Thomas Creek, tributary to the Crystal River, tributary to the Roaring Fork River, tributary to the Colorado River. The Bane Meadow is generally located in the S $\frac{1}{2}$ of Section 31, Township 9 South, Range 87 West of the 6th P.M. and the S $\frac{1}{2}$ of the N $\frac{1}{2}$ of Section 31, Township 9 South, Range 87 West of the 6th P.M. In addition, water is recirculated into this pond from the Homestead Pump Back Pipeline described above. Appropriation date: February 25, 2003. Amount: 1.06 acre-feet, conditional, with the right to fill and refill when water is physically and legally available. Note, 2.44 acre-feet of the original 3.5 acre-feet was made absolute in Case No. 11CW61. Uses: Piscatorial, recreational, firefighting, and aesthetic. Claim for finding of reasonable diligence: Applicant has exercised reasonable diligence towards completion of the Homestead Camp Pond No. 1 water right. A detailed outline of the work performed towards completion of the appropriation, including expenditures, is on file with the Court as Exhibit C. Applicant owns the land on which the water right is located and where the water is put to beneficial use. Fifth Claim: Diligence: Name of structure: Homestead Camp Pond No. 2. Description of conditional water right: Date of original decree: April 5, 2005, Case No. 03CW322, Division 5 Water Court. Subsequent diligence decrees: August 23, 2012, Case No. 11CW61; May 12, 2019, Case No. 18CW3132, all Division 5 Water Court. Legal description: The pond is located in the SE $\frac{1}{4}$, NW $\frac{1}{4}$ of Section 31, Township 8 South, Range 87 West of the 6th P.M., approximately 2,878 feet from the south section line and 2,311 feet from the west section line of said Section 31 (Pitkin County). Maps are on file with the Court as Exhibit A and Exhibit B. Source: The pond is on-channel receiving its supply from seeps, springs, and irrigation return flow from the Bane Meadow, tributary to Thomas Creek, tributary to the Crystal River, tributary to the Roaring Fork River, tributary to the Colorado River. The Bane Meadow is generally located in the S $\frac{1}{2}$ of Section 31, Township 9 South, Range 87 West of the 6th P.M. and the S $\frac{1}{2}$ of the N $\frac{1}{2}$ of Section 31, Township 9 South, Range 87 West of the 6th P.M. In addition, water is recirculated into this pond from the Homestead Pump Back Pipeline described above. Appropriation date: February 25, 2003. Amount: 0.23 acre-feet, conditional, with the right to fill and refill when water is physically and legally available. Note, 7.47 acre-feet of the original 7.7 acre-feet was made absolute in Case No. 11CW61. Uses: Piscatorial, recreational, firefighting, and aesthetic. Claim for finding of reasonable diligence: Applicant has exercised reasonable diligence towards completion of the Homestead Camp Pond No. 2 water right. A detailed outline of the work performed towards completion of the appropriation, including expenditures, is on file with the Court as Exhibit C. Applicant owns the land on which the water right is located and where the water is put to beneficial use. Sixth Claim: Diligence: Name of structure: Homestead Camp Pond No. 3. Description of conditional water right: Date of original decree: April 5, 2005, Case No. 03CW322, Division 5 Water Court. Subsequent diligence decrees: August 23, 2012, Case No. 11CW61; May 12, 2019, Case No. 18CW3132, all Division 5 Water Court. Legal description: The pond is located in the SE $\frac{1}{4}$, NW $\frac{1}{4}$ of Section 31, Township 8 South, Range 87 West of the 6th P.M., approximately 2,703 feet from the south section line and 1,858 feet from the west section line of said Section 31 (Pitkin County). Maps are on file with the Court as Exhibit A and Exhibit B. Source: The pond is on-channel receiving its supply from seeps, springs, and irrigation return flow from the Bane Meadow, tributary to Thomas Creek, tributary to the Crystal River, tributary to the Roaring Fork River, tributary to the Colorado River. The Bane Meadow is generally located in the S $\frac{1}{2}$ of Section 31, Township 9 South, Range 87 West of the 6th P.M. and the S $\frac{1}{2}$ of the N $\frac{1}{2}$ of Section 31, Township 9 South, Range 87 West of the 6th P.M. In addition, water is recirculated into this pond from the Homestead Pump Back Pipeline described above. Appropriation date: February 25, 2003. Amount: 0.36 acre-feet, conditional, with the right to fill and refill when water is physically and legally available. Note, 0.84 acre-feet of the original 1.2 acre-feet was made absolute in Case No. 11CW61. Uses: Piscatorial, recreational, firefighting, and aesthetic. Claim for finding of reasonable diligence: Applicant has exercised reasonable diligence towards completion of the Homestead Camp Pond No. 3 water right. A detailed outline of the work performed towards completion of the appropriation, including expenditures, is on file with the Court as Exhibit C. Applicant owns the land on which the water right is located and where the water is put to beneficial use. Seventh Claim: Diligence: Name of structure: Homestead Camp Pond No. 4. Description of conditional water right: Date of original decree: April 5, 2005, Case No. 03CW322, Division 5 Water Court. Subsequent diligence decrees: August 23, 2012, Case No. 11CW61; May 12, 2019, Case No. 18CW3132, all Division 5 Water Court. Legal description: The pond is located in the NE $\frac{1}{4}$, SW $\frac{1}{4}$ of Section 31, Township 8 South, Range 87 West of the 6th P.M., approximately 2,510 feet from the south section line and 1,460 feet from the west section line of said Section 31 (Pitkin County). Maps are on file with the Court as Exhibit A and Exhibit B. Source: The pond is on-channel receiving its supply from seeps, springs, and irrigation return flow from the Bane Meadow, tributary to Thomas Creek, tributary to the Crystal River, tributary to the Roaring Fork River, tributary to the Colorado River. The Bane Meadow is generally located in the S $\frac{1}{2}$ of Section 31, Township 9 South, Range 87 West of the 6th P.M. and the S $\frac{1}{2}$ of the N $\frac{1}{2}$ of Section 31, Township 9 South, Range 87 West of the 6th P.M. Appropriation date: February 25, 2003. Amount: 0.25 acre-feet, conditional, with the right to fill and refill when water is physically and legally available. Note, 0.35 acre-feet of the original 0.6 acre-feet was made absolute in Case No. 11CW61. Uses: Piscatorial, recreational, firefighting, and aesthetic. Claim for finding of reasonable diligence: Applicant has exercised reasonable diligence towards completion

of the Homestead Camp Pond No. 4 water right. A detailed outline of the work performed towards completion of the appropriation, including expenditures, is on file with the Court as Exhibit C. Applicant owns the land on which the water right is located and where the water is put to beneficial use. Eighth Claim: Diligence: Name of structure: Homestead Camp Pond No. 5. Description of conditional water right: Date of original decree: April 5, 2005, Case No. 03CW322, Division 5 Water Court. Subsequent diligence decrees: August 23, 2012, Case No. 11CW61; May 12, 2019, Case No. 18CW3132, all Division 5 Water Court. Legal description: The pond is located in the NW ¼, SW ¼ of Section 31, Township 8 South, Range 87 West of the 6th P.M., approximately 2,359 feet from the south section line and 1,140 feet from the west section line of said Section 31 (Pitkin County). Maps are on file with the Court as Exhibit A and Exhibit B. Source: The pond is on-channel receiving its supply from seeps, springs, and irrigation return flow from the Bane Meadow, tributary to Thomas Creek, tributary to the Crystal River, tributary to the Roaring Fork River, tributary to the Colorado River. The Bane Meadow is generally located in the S ½ of Section 31, Township 9 South, Range 87 West of the 6th P.M. and the S ½ of the N ½ of Section 31, Township 9 South, Range 87 West of the 6th P.M. Appropriation date: February 25, 2003. Amount: 0.02 acre-feet, conditional, with the right to fill and refill when water is physically and legal available. Note, 0.38 acre-feet of the original 0.4 acre-feet was made absolute in Case No. 11CW61. Uses: Piscatorial, recreational, firefighting, and aesthetic. Claim for finding of reasonable diligence: Applicant has exercised reasonable diligence towards completion of the Homestead Camp Pond No. 5 water right. A detailed outline of the work performed towards completion of the appropriation, including expenditures, is on file with the Court as Exhibit C. Applicant owns the land on which the water right is located and where the water is put to beneficial use. Ninth Claim: Diligence: Name of structure: Homestead Exchange. Description of conditional water right: Date of original decree: April 5, 2005, Case No. 03CW322, Division 5 Water Court. Subsequent diligence decrees: August 23, 2012, Case No. 11CW61; May 12, 2019, Case No. 18CW3132, all Division 5 Water Court. Decreed location: Lower terminus: The outlet of Cow Camp Pond, located in the NE ¼, SE ¼ of Section 36, Township 8 South, Range 88 West of the 6th P.M., approximately 2,182 feet from the south section line and 620 feet from the east section line of said Section 26 (Pitkin County). Upper terminus: The inlet of the Homestead Camp Pond No. 1, located in the SW ¼, NE ¼ of Section 31, Township 8 South, Range 87 West of the 6th P.M., approximately 3,065 feet from the south section line and 2,781 feet from the west section line of said Section 31 (Pitkin County). Maps are on file with the Court as Exhibit A and Exhibit B. Source: Thomas Creek, tributary to the Crystal River, tributary to the Roaring Fork River, tributary to the Colorado River. Appropriation date: February 25, 2003. Amount: 2.988 c.f.s., conditional. Note, 0.012 c.f.s. of the original 3.0 c.f.s. was made absolute in Case No. 11CW61. Uses: Augmentation by exchange as decreed in Case No. 03CW322, Division 5 Water Court. Claim for finding of reasonable diligence: Applicant has exercised reasonable diligence towards completion of the Homestead Exchange water right. A detailed outline of the work performed towards completion of the appropriation, including expenditures, is on file with the Court as Exhibit C. Applicant owns the land on which the water right is located and where the water is put to beneficial use. All water rights included in this Application are component parts of an integrated water supply project involving the water rights decreed in Case No. 03CW322.

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

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

25CW3089 PITKIN COUNTY, STORAGE RIGHT TRIBUTARY TO THE ROARING FORK RIVER. Application to Make Absolute and for Findings of Reasonable Diligence in the Alternative. Aspen Skiing Company, LLC, c/o Susan M. Ryan, Esq., Hannah K. Carrese, Esq., Holland & Hart LLP, 600 E. Main St., Suite 104, Aspen CO 81611-1991, smryan@hollandhart.com; hkcarrese@hollandhart.com. Name of structure: Loushin Reservoir No. 1, First Enlargement ("subject water right"). Previous decrees: Original decree: Case No. 89CW311, Water Division 5, decree entered on May 7, 1990. Subsequent decrees awarding findings of diligence: 96CW97, Water Division 5, decree entered February 10, 1999; 05CW29, Water Division 5, decree entered December 20, 2005; 11CW182, Water Division 5, decree entered October 2, 2012; and 18CW3155, Water Division 5, decree entered May 5, 2019. Legal description: The legal description of the location of the point of diversion is as follows: The reservoir is located in the SW¼SE¼ of Section 30, Township 10 South, Range 84 West, 6th P.M., Pitkin County, Colorado. The spillway of the dam is located at a point whence Corner No. 4 of Iron Silver Placer, U.S.M.S. No. 5963, bears S. 15°19' W. a distance of 1269 feet. A supplemental legal description based on UTM derived from the Colorado Division of Water Resources Aqua Map system was previously provided as X Zone 13 343677, Y Zone 13 4334552, Long. 106°48'32.2" Lat. 39°8'46.0". Based on a 2015 survey, the UTM coordinates for the decreed point of diversion are more accurately described as Zone 13 NAD83 Easting 343692.9, Northing 4334577.4. The location of the Subject Water Right is shown on a map attached to the Application as **Figure 1. Source: unnamed springs tributary to the Roaring Fork River, tributary to the Colorado River.** Appropriation date: September 29, 1988. Amount: 7.4 acre-feet, conditional. Uses: municipal, domestic, recreation, irrigation of 5 acres, commercial, snowmaking, livestock watering, fish and wildlife propagation, and fire protection uses. Integrated system. The Water Court has made a finding that the subject water right is an individual component of Applicant's integrated water supply system. Consequently, in subsequent diligence proceedings, work on any one feature of Applicant's water supply system shall be considered in determining whether reasonable diligence has been shown in the development

of water rights for all features of Applicant's water supply system. See C.R.S. § 37-92-301(4)(b); *see, e.g.*, paragraph 7 of the final Decree in Case No. 18CW3155 and paragraph 7 of the final Decree in Case No. 11CW182. Consequently, in subsequent diligence proceedings, work on any one feature of Applicant's water supply system shall be considered in determining whether reasonable diligence has been shown in the development of water rights for all features of Applicant's water supply system. See C.R.S. § 37-92-301(4)(b). *Claim to make absolute:* A. *Date water applied to beneficial use:* As of September 4, 2024, Applicant captured, possessed, and controlled 8.71 acre-feet at the Loushin Reservoir No. 1, including 6.11 acre-feet as part of the Subject Water Right. B. *Amount:* 6.11 acre-feet. C. *Uses:* Municipal, domestic, recreation, irrigation of 5 acres, commercial, snowmaking, livestock watering, fish and wildlife propagation, and fire protection uses. D. *Evidence that Applicant diverted water in-priority:* Upon completion of significant repairs and improvements conducted by the Applicant in the summer of 2016, the Loushin Reservoir No. 1 captured, possessed, and controlled 8.71 acre-feet of water stored in priority, as measured in fall 2024. A stage area capacity table evidencing that the Loushin Reservoir No. 1 stored 8.71 acre-feet in priority is attached as **Figure 2** to the Application. The stage area capacity table is based on a volume survey also showing that the Loushin Reservoir No. 1 stored 8.71 acre-feet in priority. The volume survey is attached as **Figure 3** to the Application. E. *Claim to make absolute:* Pursuant to C.R.S. § 37-92-301(4)(e), a water storage right may be made absolute "to the extent of the volume of the appropriation that has been captured, possessed, and controlled at the decreed storage structure." Since the Loushin Reservoir No. 1 has been filled to 8.71 acre-feet while in priority, and the Loushin Reservoir No. 1 water right for 2.6 acre-feet was made absolute in Case No. 24CW3018, 6.11 acre-feet of the 7.4 acre-feet decreed conditional for the Subject Water Right should be made absolute for all decreed uses based on the full volume of the appropriation that has been captured, possessed, and controlled at the decreed storage structure. A finding of reasonable diligence should be made for the remaining 1.29 acre-feet conditional portion of the Subject Water Right. A detailed outline of what has been performed towards completion of the appropriation during the diligence period is included in the Application. *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.* Valley View Ajax, LLC, P.O. Box 8616 & P.O. Box 3123, Aspen, CO 81612. (7 pages).

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

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

25CW3090 PITKIN COUNTY, SPRING TRIBUTARY TO THE ROARING FORK RIVER. Application to Make Absolute and for Findings of Reasonable Diligence in the Alternative. Aspen Skiing Company, LLC, c/o Susan M. Ryan, Esq., Hannah K. Carrese, Esq., Holland & Hart LLP, 600 E. Main St., Suite 104, Aspen CO 81611-1991, smryan@hollandhart.com; hkcarrese@hollandhart.com. *Name of structure:* Iron Silver Spring No. 1 ("subject water right"). *Previous decrees:* Original decree: Case No. 89CW309, Water Division 5, decree entered on March 20, 1990. Subsequent decrees awarding findings of diligence: 96CW96, Water Division 5, decree entered February 10, 1999; 05CW30, Water Division 5, decree entered December 20, 2005; 11CW181, Water Division 5, decree entered October 2, 2012; and 18CW3156, Water Division 5, decree entered May 5, 2019. *Legal description:* The legal description for the point of diversion is at a point whence Corner No. 4 of the Iron Silver Placer, U.S.M.S. No. 5963, bears S. 06°30' W, a distance of 1046 feet in the SW1/4 SE 1/4 of Section 30, Township 10 South, Range 84 West of the 6th P.M. in Pitkin County, Colorado. A supplemental legal description based on UTM derived from the Colorado Division of Water Resources Aqua Map system was previously provided as X Zone 13 343624, Y Zone 13 4334533, Long. 106 °48'36.0" Lat. 39°8'47.7". Based on a 2015 survey, the UTM coordinates for the decreed point of diversion are more accurately described as Zone 13 NAD83 Easting 343626.4, Northing 4334519.91. A USGS map showing the location of the subject water right is attached to the Application as **Figure 1**. *Source:* unnamed spring, tributary to the Roaring Fork River, tributary to the Colorado River. *Appropriation date:* September 29, 1988. *Amount:* 0.20 c.f.s., conditional. *Uses:* municipal, domestic, recreation, irrigation, commercial, snowmaking, livestock watering, fish and wildlife propagation, and fire protection uses. Pursuant to paragraph 15 of the final Decree in Case No. 11CW181, the Subject Water Right's use for municipal purposes is limited to such circumstances under which the right is annexed into or associated with a municipality. *Integrated system.* The Subject Water Right is an individual component of Applicant's integrated water supply system. See, e.g., paragraph 7 of the final Decree in Case No. 18CW3156 and paragraph 7 of the final Decree in Case No. 11CW181. Consequently, in subsequent diligence proceedings, work on any one feature of Applicant's water supply system shall be considered in determining whether reasonable diligence has been shown in the development of water rights for all features of Applicant's water supply system. See C.R.S. § 37-92-301(4)(b). *Claim to make absolute:* A. *Date water applied to beneficial use:* June 5, 2024. B. *Amount:* 0.2 cfs. C. *Uses:* Municipal, domestic, recreation, irrigation, commercial, snowmaking, livestock watering, fish and wildlife propagation, and fire protection uses. Pursuant to paragraph 15 of the final Decree in Case No. 11CW181, the Subject Water Right's use for municipal purposes is limited to such circumstances under which the right is annexed into or associated with a municipality. D. *Evidence that Applicant diverted water in-priority:* The Subject Water Right is connected to the south end of the pipeline running northwest of the Loushin Reservoir No. 1, as

shown on the maps attached as **Figures 2A and 2B** to the application. The valve on that pipeline is currently closed and the Subject Water Right flows into the Loushin Reservoir No. 1 via its natural flow path. Loushin Spring Nos. 1 and 2, which also flow into the Loushin Reservoir No. 1, are connected to that same pipeline at a location northwest of the Loushin Reservoir No. 1. E. *Claim to make absolute:* The Subject Water Right flows into the Loushin Reservoir No. 1 for subsequent use for all decreed uses. See C.R.S. § 37-92-103(4)(a). A detailed outline of what has been performed towards completion of the appropriation during the diligence period is included in the Application. *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.* Valley View Ajax, LLC, P.O. Box 8616 & P.O. Box 3123, Aspen, CO 81612. (7 pages). **YOU ARE HEREBY NOTIFIED THAT YOU HAVE until the last day of JULY 2025 to file with the Water Clerk a verified Statement of Opposition setting forth facts as to why this application should not be granted or why it should be granted in part or on certain conditions. A copy of such statement of opposition must also be served upon the applicant or the applicant's attorney and an affidavit or certificate of such service shall be filed with the Water Clerk, as prescribed by Rule 5, CRCP. (Filing Fee: \$192.00) KATHY POWERS, Water Clerk, Water Division 5; 109 8th Street, Suite 104 Glenwood Springs, CO 81601.**

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

25CW3091 (17CW3234) PITKIN COUNTY – IN THE ROARING FORK RIVER OR ITS TRIBUTARIES. APPLICATION TO MAKE WATER RIGHTS ABSOLUTE AND FOR FINDINGS OF REASONABLE DILIGENCE. Plateau de Beille, LLC, Rosy Finches, LLC, MYOB2, LLC, c/o Scott C. Miller and John M. Sittler, Patrick, Miller & Noto, P.C., 229 Midland Ave., Basalt, CO 81621 and Nicole Garrimone-Campagna, Esq., Garfield & Hecht, P.C., 910 Grand Ave., Suite 201, Glenwood Springs, CO 81601. First Claim: To Make Water Right Absolute in Part and For Findings of Reasonable Diligence: Structure: Lilly Pond System. Type: Reservoir. Description of conditional water right: Date of original decree: May 26, 2019, Case No. 17CW3234, Division 5 Water Court. Legal description: UTM NAD83 Z13: Northing – 4340374, Easting – 343356. Street address of property where pond system is located: 220 and 300 American Lane, Aspen, CO 81611; Rubey Subdivision Lots 2 and 3. A map is on file with the Court as Figure 1. **Source: Hunter Creek, tributary to the Roaring Fork River, tributary to the Colorado River.** Fill ditch information: Name of ditch used to fill reservoir and capacity: Overflow and Loughran Ditch (a/k/a “Gary Cooper Ditch”) at a rate of up to 0.5 c.f.s. Legal description of point of diversion: UTM NAD83 Z13: Northing – 4340388, Easting – 343619. Appropriation date: March 1, 1975 for absolute portion; November 30, 2017 for conditional portion. Amount: 1.50 acre-feet, with the right to fill and refill when water is physically and legally available. 0.84 acre-feet, absolute (0.174 acre of pond surface area); 0.66 acre-feet, conditional (0.136 acre of pond surface area). Uses: Irrigation of 2 acres, aesthetic, recreation, piscatorial, fire protection, and augmentation. Claim to make water right absolute: Date water applied to beneficial use: September 16, 2022 Amount: An additional 0.21 acre-foot (1.05 acre-feet total). Uses: Aesthetic, recreation, piscatorial, and fire protection. Claim for finding of reasonable diligence: Co-Applicants Plateau de Beille, LLC and Rosy Finches, LLC have exercised reasonable diligence towards completion of the remaining conditional portion of the Lilly Pond System water right. A detailed outline of the work performed towards completion of the appropriation, including expenditures, is on file with the Court as Exhibit A and incorporated herein. Applicants request a finding of reasonable diligence for the remaining conditional amount and uses of the Lilly Pond System and continuing such conditional water right in full force and effect. Co-Applicants Plateau de Beille, LLC and Rosy Finches, LLC own 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: Lilly Pond System and Rubey Lot 5 Pond Exchange. Description of conditional water right: Date of original decree: May 26, 2019, Case No. 17CW3234, Division 5 Water Court. Locations: Lower termini: For the exchange of Green Mountain Reservoir water: The confluence of the Roaring Fork River and the Colorado River, located in the SE ¼ of the NW ¼ of Section 9, Township 6 South, Range 89 West of the 6th P.M., at a point approximately 2,200 feet from the North section line and 2,350 feet from the West section line of said Section 9. For the exchange of Ruedi Reservoir and/or Troy and Edith Ditch water: The confluence of the Roaring Fork River and the Fryingpan River, located in the SW ¼ of the SE ¼ of Section 7, Township 8 South, Range 86 West of the 6th P.M., at a point approximately 647 feet from the South section line and 1,475 feet from the East section line of said Section 7. 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 of the SE ¼ of Section 11, Township 8 South, Range 87 West of the 6th P.M., at a point approximately 2,307 feet from the South section line and 2,309 feet from the East section line of said Section 11. Upper terminus: Overflow and Laughran Ditch (a/k/a “Gary Cooper Ditch”), as described above. A map is on file with the Court as Figure 2. Source: Water rights owned or controlled by the Basalt Water Conservancy District, as described in paragraph 7.B of the decree in Case No. 17CW3234, Division 5 Water Court. Appropriation date: November 30, 2017. Amount: 0.03 c.f.s., conditional. Use: Exchange of water under the plan for augmentation decreed in Case No. 17CW3234 for subsequent irrigation, aesthetic, recreation, piscatorial, fire protection, and augmentation uses. Volume: The amount available from Applicants’ Basalt Water Conservancy District Allotment Contract (including transit losses), up to 3.5 acre-feet per year. Claim to make water right absolute: Date water applied to beneficial use: September 16, 2022. Amount: 0.03 c.f.s. Use: Exchange under the plan for augmentation decreed in Case No. 17CW3234. To the extent the Lilly Pond System and Rubey Lot 5 Pond Exchange is not confirmed as absolute in its entirety, Applicants request a finding of reasonable diligence on the remaining conditional amount. A detailed outline of the work performed towards completion of the appropriation, including expenditures, is on file with the Court as Exhibit A.

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

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

25CW3092 GARFIELD COUNTY. Application for Change of Water Rights to Correct Decreed Location. Applicant: James Neutze, c/o Scott Grosscup & Blake Peterson, Balcomb & Green, P.C.; P.O. Drawer 790, Glenwood Springs, CO 81602; (970) 945-6546; www.balcombgreen.com. Applicant seeks a decree correcting the decreed POD for the Edward McCune Well No. 121656, the Nina McCune Well No. 121657, and the Harold McCune Well No. 121658 (collectively, the "SWRs") to conform to their as-built locations. The proposed correction does not seek to change the amts, uses, or places of use associated with the SWRs. All SWRs were originally decreed in 84CW395, District Court, Water Division 5, entered on 4/30/1985. **THE SOURCE FOR ALL THE SWRS IS EAST ELK CREEK ALLUVIUM, TRIBUTARY TO ELK CREEK, TRIBUTARY TO THE COLORADO RIVER.** All SWRs date of Approp. is 7/6/1981. All SWRs are decreed in the amount of 0.033 c.f.s., conditional, for household use only. Water Right: Edward McCune Well No. 121656. Legal Description: SW1/4 SE1/4 of S. 13, T. 5 S., R. 91 W. of the 6th P.M. at a point whence the SE corner of said S. 13 bears S. 67°15' E. 2,520 ft. Also located approx. 1,000 ft. from the S. line and 2,600 ft. from the E. line of S. 13, T. 5 S., R. 91 W., of the 6th P.M. Depth: 52 ft. Claim for Change of Water Right: A change in the decreed POD for Edward McCune Well No. 121656 to conform to the structure's actual location. The actual location is approx. 475 ft. from the decreed location, as referenced in Exh. A on file with the Water Ct (All Exh. mentioned herein are incorporated by reference and may be inspected at the office of the clerk of this Ct.) Actual Location: SW1/4 SE1/4 of S. 13, T. 5 S., R. 91 W. of the 6th P.M. UTM Zone 13, NAD83, Easting 280859 m and Northing 4387626 m. Water Right: Nina McCune Well No. 121657. Legal Description: NW1/4 SE1/4 of S. 13, T. 5 S., R. 91 W. of the 6th P.M. at a point whence the SE corner of said S. 13 bears S. 43°40' E. 3,490 ft. Also located approx. 2,600 ft. from the S. line and 2,600 ft. from the E. line of S. 13, T. 5 S., R. 91 W. of the 6th P.M. Depth: 48 ft. Claim for Change of Water Right: A change in the decreed POD for Nina McCune Well No. 121657 to conform to the structure's actual location. The actual location is approx. 410 ft. from the decreed location, as referenced in Exh. B. Actual Location: NW1/4 SE1/4 of S. 13, T. 5 S., R. 91 W. of the 6th P.M. UTM Zone 13, NAD83, Easting 280870 m and Northing 4388027 m. Water Right: Harold McCune Well No. 121658. Legal Description: NW1/4 SE1/4 of S. 13, T. 5 S., R. 91 W. of the 6th P.M. at a point whence the SE corner of said S. 13 bears S. 52°00' E. 3,060 ft. This may also be described as being located approx. 1,900 ft. from the S. line and 2,600 ft. from the E. line of S. 13, T. 5 S., R. 91 W. of the 6th P.M. Depth: 35 ft. Claim for Change of Water Right: Applicant requests a change in the decreed POD for Harold McCune Well No. 121658 to conform to the structure's actual location. The actual location is approx. 360 ft. from the decreed location, as referenced in Exh. C. Actual Location: NW1/4 SE1/4 of S. 13, T. 5 S., R. 91 W. of the 6th P.M. UTM Zone 13, NAD83, Easting 280841 m and Northing 4387724 m. Contemplated Draft: The SWRs are decreed solely for household use. The proposed correction to the PODS will not modify the amts, uses, or places of use associated with these rights. Given that the SWRs are limited to household use, the associated depletions will reach a steady state once the rights are placed to beneficial use. Accordingly, the contemplated drafts will remain unchanged. Moreover, because there are no intervening water rights between the decreed and corrected locations, the proposed correction will not result in injury to any other vested or conditionally decreed water rights. Well Permits: Applicant will file Well Permit Applications with the Division of Water Resources to correct the SWRs locations upon issuance of the decree requested herein. Name of owner of the land upon which structures: Applicant. WHEREFORE, Applicant respectfully requests that this Ct. enter a decree approving the requested correction to the decreed PODs for the Edward McCune Well No. 121656, the Nina McCune Well No. 121657, and the Harold McCune Well No. 121658. (5 pages of original application, Exh. A-C)

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

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

25CW3093 GARFIELD COUNTY. Application for Findings of Reasonable Diligence. Applicant: James Neutze, c/o Scott A. Grosscup & Blake C. Peterson, Balcomb & Green, P.C.; P.O. Drawer 790, Glenwood Springs, CO 81602; (970) 945-6546; www.balcombgreen.com. Applicant requests the Court find he has exercised reasonable diligence in the development of the Edward McCune Well No. 121656, the Nina McCune Well No. 121657, and the Harold McCune Well No. 121658 conditional water rights (the

“SWRs”). All SWRs were originally decreed in Dist. Ct., Water Div. No. 5 in 84CW395 on 4/30/1985, and subsequent diligence decreed in Dist. Ct., Water Div. No. 5 in 89CW025 on 6/21/1989, 93CW24 on 7/13/1993, 99CW119 on 11/19/1999, 05CW213 on 4/24/2006, 12CW59 on 11/18/2012, and 18CW3179 on 5/5/2019. The date of appropriation for all SWRs is 7/06/1981. **THE SOURCE FOR ALL SWRS IS EAST ELK CREEK ALLUVIUM, TRIBUTARY TO ELK CREEK, TRIBUTARY TO THE COLORADO RIVER.** Claim for Findings of Reasonable Diligence. Structure: Edward McCune Well No. 121656. Legal Description: Located in the SW1/4 SE1/4 of S. 13, T. 5 S., R. 91 W. of the 6th P.M. at a point whence the SE corner of said S. 13 bears S. 67°15' E. 2,520 ft. This may also be described as being located approximately 1,000 ft. from the S. line and 2,600 ft. from the E. line of S. 13, T. 5 S., R. 91 W., of the 6th P.M. Amt.: 0.033 c.f.s., conditional. Use: Household use only. Depth: 52 ft. Structure: Nina McCune Well No. 121657. Legal Description: Located in the NW1/4 SE1/4 of S. 13, T. 5 S., R. 91 W. of the 6th P.M. at a point whence the SE corner of said S. 13 bears S. 43°40' E. 3,490 ft. This may also be described as being located approximately 2,600 ft. from the S. line and 2,600 ft. from the E. line of S. 13, T. 5 S., R. 91 W. of the 6th P.M. Amt.: 0.033 c.f.s., conditional. Use: Household use only. Depth: 48 ft. Structure: Harold McCune Well No. 121658. Legal Description: Located in the NW1/4 SE1/4 of S. 13, T. 5 S., R. 91 W. of the 6th P.M. at a point whence the SE corner of said S. 13 bears S. 52°00' E. 3,060 ft. This may also be described as being located approximately 1,900 ft. from the S. line and 2,600 ft. from the E. line of S. 13, T. 5 S., R. 91 W. of the 6th P.M. Amt.: 0.033 c.f.s., conditional. Use: Household use only. Depth: 35 ft. Remarks: The SWRs have all been drilled. Applicant has applied to correct the SWRs decreed locations to their as-built locations in 25CW3092, requesting the following corrections: Edward McCune Well No. 121656: SW1/4 SE1/4 of S. 13, T. 5 S., R. 91 W. of the 6th P.M. UTM Zone 13, NAD83, Easting 280859 m. and Northing 4387626 m. Nina McCune Well No. 121657: NW1/4 SE1/4 of S. 13, T. 5 S., R. 91 W. of the 6th P.M. UTM Zone 13, NAD83, Easting 280870 m. and Northing 4388027 m. Harold McCune Well No. 121658: NW1/4 SE1/4 of S. 13, T. 5 S., R. 91 W. of the 6th P.M. UTM Zone 13, NAD83, Easting 280841 m. and Northing 4387724 m. A list of diligence activities performed in the six years preceding the filing of this Application is on file with this Water Ct. Name of owner of the land upon which structures are located and where water has been applied to beneficial use: Applicant. (6 pages of original application, Fig. 1 & Exh A.)

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

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

25CW3094 PITKIN COUNTY – IN THE ROARING FORK RIVER OR ITS TRIBUTARIES. APPLICATION FOR FINDINGS OF REASONABLE DILIGENCE. Aspen Valley Ranch Homeowners Association, Inc., c/o Kevin Patrick, Esq. and John M. Sittler, Esq., Patrick, Miller & Noto, P.C., 229 Midland Ave., Basalt, CO 81621. First Claim: For Finding of Reasonable Diligence. Name of structure: AVR Pond No. 11. In Case No. 15CW3052, the AVR Pond No. 11 storage right was transferred to the Homestead 5 Water Feature, Homestead 7 Pond System, and Homestead 9 Water Feature, as described more fully below. Original decree: Case No. 95CW264, District Court, Water Division 5. Subsequent diligence decrees: Case No. 03CW313; Case No. 11CW44; Case No. 18CW3109, all District Court, Water Division 5. Legal description: The original point of diversion for the AVR Pond No. 11 is decreed in the SW ¼ SW ¼ of Section 4, Township 9 South, Range 85 West, 6th P.M., a distance of 1,220 feet from the South line and 1,270 feet from the West line of Section 4, Pitkin County, on the property described in the attachment on file with the Court as Exhibit A. In Case No. 15CW3052, Water Division No. 5, the place of storage for the AVR Pond No. 11 was changed to the following structures: The Homestead 5 Water Feature (“H5WF”) is approximately 250 feet in length with an open water surface area of 0.026 acre and a volume of 0.026 acre-feet. A total of 0.026 acre-feet originally decreed to AVR Pond No. 11 was transferred to this structure. The midpoint of H5WF is described as follows and shown on the map on file with the Court as Exhibit B. SW ¼ SW ¼ of Section 4, Township 9 South, Range 85 West of the 6th P.M., at a point approximately 830 feet from the South section line and 474 feet from the West section line of Section 4 (Pitkin County). UTM NAD83 Z13: Northing – 4351133, Easting – 336521. The Homestead 7 Pond System (“H7PS”) consists of two interconnected ponds with a total open water surface area of 0.460 acre and a volume of 1.780 acre-feet. A total of 1.780 acre-feet originally decreed to AVR Pond No. 11 was transferred to this structure. The centroid of H7PS is described as follows and shown on the map on file with the Court as Exhibit B. SW ¼ SW ¼ of Section 4, Township 9 South, Range 85 West of the 6th P.M., at a point approximately 1,100 feet from the South section line and 703 feet from the West section line of Section 4 (Pitkin County). UTM NAD83 Z13: Northing – 4351211, Easting – 336592. The Homestead 9 Water Feature (“H9WF”) is approximately 700 feet in length with an open water surface area of 0.066 acre and an approximate volume of 0.066 acre-feet based on an average depth of one foot. A total of 0.014 acre-feet originally decreed to AVR Pond No. 11 was transferred to this structure. The H9WF is described as follows and shown on the map on file with the Court as Exhibit C. SW ¼ NW ¼ of Section 4, Township 9 South, Range 85 West of the 6th P.M., at a point approximately 2,753 feet from the North section line and 290 feet from the West section line of Section 4 (Pitkin County). UTM NAD83 Z13: Northing – 4351674, Easting – 336469. Fill ditch information: Applicant's ownership in the Salvation Ditch, being: a) an undivided interest in the 1.0 c.f.s. filling right decreed to fill Underwood Pond and AVR Pond Nos. 11-14 with an appropriation date of December 26, 1989 and an adjudication date of December 31, 1989, as decreed in Case No. 89CW291; b)

Applicant's interest in 0.179 c.f.s. of the Waco Ditch water right and 0.478 c.f.s. of; c) the Salvation Ditch water rights changed in Case No. 89CW291; d) Applicant's interest in the 0.399 c.f.s. of the senior Salvation Ditch water right, changed in Case No. 95CW264; and e) Applicant's unchanged interest in the Salvation Ditch water rights which divert from the Roaring Fork River, tributary to the Colorado River. **Source: The Salvation Ditch water rights source is the Roaring Fork River, tributary to the Colorado River. The source of the Waco Ditch is Woody Creek, tributary to the Roaring Fork River, tributary to the Colorado River.** Appropriation date: August 17, 1995. Amount: 2.0 acre-feet. In Case No. 18CW3109, the Court confirmed 1.79 acre-feet was made absolute through storage in the H5WF (0.02 acre-feet) and H7PS (1.77 acre-feet). In Case No. 18CW3109, the Court approved Applicant's voluntary cancellation of 0.196 acre-feet in the AVR Pond No. 11. Thus, 0.014 acre-feet remains conditional for all decreed purposes. Uses: Operational storage for irrigation systems, aesthetic, recreation, and fire protection. Claim for finding of reasonable diligence: Applicant has exercised reasonable diligence toward completion of the AVR Pond No. 11 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 F. Beyond the Beach LLC owns the land where the water right will be located and where water will be put to beneficial use. See map on file with the Court as Exhibit D. Second Claim: For Finding of Reasonable Diligence. Name of structure: AVR Pond No. 12. In Case No. 15CW3052, the AVR Pond No. 12 storage right was transferred to the H9WF and AVR Lower Irrigation Control Structure, as described more fully below. Original decree: Case No. 95CW264, District Court, Water Division 5. Subsequent diligence decrees: Case No. 03CW313; Case No. 11CW44; Case No. 18CW3109, all District Court, Water Division 5. Legal description: The original point of diversion for the AVR Pond No. 12 is decreed in the SE ¼ SW ¼ of Section 4, Township 9 South, Range 85 West, 6th P.M., a distance of 720 feet from the South line and 1,600 feet from the West line of Section 4, Pitkin County, on the property described in the attachment on file with the Court as Exhibit A. In Case No. 15CW3052, Water Division No. 5, the place of storage for the AVR Pond No. 12 was changed to the following structures: The Homestead 9 Water Feature ("H9WF") is approximately 700 feet in length with an open water surface area of 0.066 acre and an approximate volume of 0.066 acre-feet based on an average depth of one foot. A total of 0.052 acre-feet originally decreed to AVR Pond No. 11 was transferred to this structure. The H9WF is described as follows and shown on the map on file with the Court as Exhibit C. SW ¼ NW ¼ of Section 4, Township 9 South, Range 85 West of the 6th P.M., at a point approximately 2,753 feet from the North section line and 290 feet from the West section line of Section 4 (Pitkin County). UTM NAD83 Z13: Northing – 4351674, Easting – 336469. The AVR Lower ICS has an open water surface area of 1.40 acres and a volume of 7.53 acre-feet. A total of 1.792 acre-feet originally decreed to AVR Pond No. 12 was transferred to this structure. The outlet of the AVR Lower ICS is described as follows and shown on the map on file with the Court as Exhibit E. NW ¼ NE ¼ of Section 8, Township 9 South, Range 85 West of the 6th P.M., at a point approximately 195 feet from the North section line and 1,874 feet from the East section line of Section 8 (Pitkin County). UTM NAD83 Z13: Northing – 4350847, Easting – 335804. Fill ditch information: Applicant's ownership in the Salvation Ditch, being: a) an undivided interest in the 1.0 c.f.s. filling right decreed to fill Underwood Pond and AVR Pond Nos. 11-14 with an appropriation date of December 26, 1989 and an adjudication date of December 31, 1989, as decreed in Case No. 89CW291; b) Applicant's interest in 0.179 c.f.s. of the Waco Ditch water right and 0.478 c.f.s. of; c) the Salvation Ditch water rights changed in Case No. 89CW291; d) Applicant's interest in the 0.399 c.f.s. of the senior Salvation Ditch water right, changed in Case No. 95CW264; and e) Applicant's unchanged interest in the Salvation Ditch water rights which divert from the Roaring Fork River, tributary to the Colorado River. The AVR Lower ICS is on-channel of Dry Woody Creek which receives delivers from the Salvation and Waco Ditches as described in Case No. 15CW3052. **Source: The Salvation Ditch water rights source is the Roaring Fork River, tributary to the Colorado River. The source of the Waco Ditch is Woody Creek, tributary to the Roaring Fork River, tributary to the Colorado River.** Appropriation date: August 17, 1995. Amount: 2.0 acre-feet. In Case No. 18CW3109, the Court confirmed 1.792 acre-feet was made absolute through storage in the AVR Lower ICS. In Case No. 18CW3109, the Court approved Applicant's voluntary cancellation of 0.156 acre-feet in the AVR Pond No. 12. Thus, 0.052 acre-feet remains conditional for all decreed purposes. Uses: Operational storage for irrigation systems, aesthetic, recreation, and fire protection. Claim for finding of reasonable diligence: Applicant has exercised reasonable diligence toward completion of the AVR Pond No. 12 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 F. Beyond the Beach LLC owns the land where the water right will be located and where water will be put to beneficial use. See map on file with the Court as Exhibit D.

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

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

25CW3095 EAGLE COUNTY, APPLICATION FOR FINDING OF REASONABLE DILIGENCE (REDCLIFF PROJECT).

I. Applicant: Colorado River Water Conservation District, c/o Secretary/General Manager, 201 Centennial Street, Suite 200, Glenwood Springs, Colorado 81601, Telephone: (970) 945-8522. Please direct all pleadings and correspondence in this case to: Peter C. Fleming, Jason V. Turner, and Bruce C. Walters at the addresses provided in the caption above. **II. Prefatory Statement.** This Application for Finding of Reasonable Diligence (this "Application") is filed pursuant to subsection 37-92-301(4), C.R.S. The River District is a political

subdivision of the State of Colorado created by the Legislature in 1937 (*see* C.R.S. §§ 37-46-101, *et seq.*) for the purpose of safeguarding for the State of Colorado the beneficial consumptive use in Colorado of that portion of the waters of the Colorado River equitably apportioned to the state by interstate compact and of promoting the welfare of the inhabitants of the River District. Geographically, the River District encompasses an area of approximately 29,000 square miles, including all of twelve and parts of three western Colorado counties. The River District's geographical boundaries include the headwaters and tributaries of the Colorado River mainstem and its principal tributaries, the Gunnison, White, and Yampa Rivers. The River District's authorizing legislation, as set forth in section 37-46-107, C.R.S., *inter alia*, directs the River District to make surveys and investigations to ascertain the best method of utilizing stream flows within the River District and to make appropriations "for the use and benefit of the ultimate appropriators. . . ." § 37-46-107(1)(c), C.R.S. This statute further directs the River District "to perform all acts and things necessary or advisable to secure and insure an adequate supply of water, present and future, for irrigation, mining, manufacturing, and domestic purposes within said districts [*sic*]." *Id.* The water rights which are the subject of this Application were appropriated by the River District in furtherance of these statutory directives. During the latest diligence cycle, the Board of Directors of the River District has maintained its intent to develop all the conditional water rights at issue in this Application. The most recent decree awarding a finding of reasonable diligence for the conditional water rights discussed herein was entered by the Water Court for Water Division No. 5 in Case No. 18CW3126, on August 31, 2018.

III. Describe conditional water rights (as to each structure) giving the following from the Original Referee's Ruling and Judgment and Decree.

A. Name of Structure: Cross Creek Extension of the Fall and Peterson Creek Conduits. **1. Date of Original Decree, Case Number, and Court:** July 6, 1979, Case No. W-3472, Water Division No. 5. **2. Legal Description/Point of Diversion:**

i. **As decreed:** SE Corner of Section 35, T. 5 S., R. 81 W. bears N. 33°50' east a distance of 19,390'. ii. **PLSS:** SE 1/4 of the SW 1/4 of Section 16, T. 6 S., R. 81 W., of the 6th P.M. at a point 1,290 feet north of south section line and 2,270 feet east of west section line. iii. A map depicting all pertinent structures and aspects detailed in this Application is attached and incorporated hereto as "**Exhibit A**". **3. Source:** Cross Creek, tributary to the Eagle River, tributary to the Colorado River. **4. Appropriation Date:** July 1, 1976. **5. Amount:** 20 cubic feet per second ("cfs"). **6. Use:** Irrigation, domestic, municipal, stock, industrial, power, and storage for said purposes in Iron Mountain Reservoir. **7. Remarks:** Consistent with the Notice of Intent to Abandon filed in Case No. 03CW41, Water Division No. 5, the River District abandoned 280 cfs of the Cross Creek Extension of the Fall and Peterson Creek Conduits water right. Therefore, 20 cfs of the Cross Creek Extension of the Fall and Peterson Creek Conduits water right remains conditional for purposes of this Application.

B. Name of Structure: Iron Mountain Reservoir. **1. Date of Original Decree, Case Number, and Court:** December 13, 1965, Case No. 1193, Eagle County District Court. **2. Legal Description:** i. **As Decreed:** W 1/4 Corner of Section 4, T. 7 S., R. 80 W. bears S. 34°13' east a distance of 14,885'. ii. **PLSS:** NE 1/4 of the NW 1/4 of Section 30, T. 6 S., R. 80 W., of the 6th P.M. at a point 983 feet south of north section line and 1,681 feet east of west section line. iii. A map depicting all pertinent structures and aspects detailed in this Application is attached and incorporated hereto as "**Exhibit A**". **3. Source:** Cross Creek, Homestake Creek, and the Eagle River (which is a tributary of the Colorado River). **4. Appropriation Date:** August 10, 1956. **5. Amount:** 30,000 acre-feet ("AF"). **6. Use:** Power, irrigation, domestic, municipal, and industrial. **7. Remarks:** Consistent with the Notice of Intent to Abandon filed in Case No. 03CW41, Water Division No. 5, the River District abandoned 38,042.72 AF of the Iron Mountain Reservoir water right. In addition, the River District abandoned its right to use water from Peterson and Fall Creeks as a source of supply for Iron Mountain Reservoir. Therefore, 30,000 AF of the Iron Mountain Reservoir water right supplied from Cross Creek, Homestake Creek, and the Eagle River remains conditional for purposes of this Application.

C. Name of Structure: Iron Mountain Reservoir Second Filling. **1. Date of original decree, case number and court:** June 18, 1986, Case No. 81CW345, Water Division No. 5. **2. Legal Description:** i. **As Decreed:** W 1/4 Corner of Section 4, T. 7 S., R. 80 W. bears S. 34°13' east a distance of 14,885'. ii. **PLSS:** NE 1/4 of the NW 1/4 of Section 30, T. 6 S., R. 80 W., of the 6th P.M. at a point 983 feet south of north section line and 1,681 feet east of west section line. iii. A map depicting all pertinent structures and aspects detailed in this Application is attached and incorporated hereto as "**Exhibit A**". **3. Source:** Cross Creek, Homestake Creek, and the Eagle River (which is a tributary of the Colorado River). **4. Appropriation Date:** July 29, 1981. **5. Amount:** 30,000 AF. **6. Use:** Irrigation, municipal, domestic, industrial, and recreation. **7. Remarks:** Consistent with the Notice of Intent to Abandon filed in Case No. 03CW41, Water Division No. 5, the River District abandoned 38,043 AF of the Iron Mountain Reservoir Second Filling water right. In addition, the River District abandoned its right to use water from Peterson and Fall Creeks as a source of supply for Iron Mountain Reservoir Second Filling. Therefore, 30,000 AF of the Iron Mountain Reservoir Second Filling Water Right supplied from Cross Creek, Homestake Creek, and the Eagle River remains conditional for purposes of this Application.

D. Name of Structure: Pando Feeder Canal. **1. Date of original decree, case number and court:** December 13, 1965, Case No. 1193, Eagle County District Court. **2. Legal Description/Point of Diversion:** i. **As decreed:** W. 1/4 Corner of Section 4, T. 7 S., R. 80 W. bears N. 47°57'30" west a distance of 7,574'. ii. **PLSS:** SW 1/4 of the NW 1/4 of Section 10, T. 7 S., R. 80 W., of the 6th P.M. at a point 2318 feet south of north section line and 412 feet east of west section line. iii. A map depicting all pertinent structures and aspects detailed in this Application is attached and incorporated hereto as "**Exhibit A**". **3. Source:** Eagle River, tributary to the Colorado River. **4. Appropriation Date:** August 10, 1956. **5. Amount:** 320 cfs. **6. Use:** Power, irrigation, domestic, municipal, and industrial. **7. Remarks:** Pursuant to a stipulation between the River District and the City and County of Denver in Case No. 80CW94, the Pando Feeder Canal conditional water right as decreed in Civil Action No. 1193 was reduced by 100 cfs from 500 cfs to 400 cfs. Subsequently, 80 cfs of the Pando Feeder Canal water right was conveyed to the Eagle Park Reservoir Company and changed for the company's use in Case No. 97CW288, Water Division No. 5. The 80 cfs conveyed to Eagle Park Reservoir Company is not the subject of this Application. Therefore, 320 cfs of the Pando Feeder Canal water right remains conditional for purposes of this Application.

IV. Integrated Water Project. This Court has previously determined that the subject conditional water rights described above are part of an integrated water project. Pursuant to subsection 37-92-301(4)(b), C.R.S., "[w]hen 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.” Thus, where work on one component of an integrated water project is “necessary to the ultimate goal of putting the water to beneficial use, it is considered part of an integrated system.” *Metro. Suburban Water Users Ass’n v. Colorado River Water Cons. Dist.*, 365 P.2d 273, 289 (Colo. 1961). For purposes of this Application, each of the subject water rights at issue is a component part of the entire integrated Red Cliff Project, and work on any of these water rights should be considered in finding that reasonable diligence has been shown in the development of all these water rights. **V. 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 River District has undertaken the following activities over the last six years that demonstrate its diligence regarding the subject conditional water rights which comprise the Red Cliff Project. The following list of work accomplished during the latest diligence cycle with respect to the Red Cliff Project Water Rights is not intended to be all-inclusive but is merely representative and may be supplemented by additional evidence: 1. **Endangered Species.** Federal environmental legislation and related regulations on water development activities often make successful acquisition of needed federal permits one of the most predominant concerns regarding a water development project. A significant concern regarding the development of projects in Water Division No. 5 is the status of four native fish species which have been listed as “endangered” by the United States Fish and Wildlife Service pursuant to the federal Endangered Species Act. Because water depletions in the Colorado River basin are alleged to jeopardize the continued existence of those fish species, it is necessary for the River District and others who may need federal permit authorizations for their water projects to successfully address the alleged jeopardy of those identified species. To that end, the River District obtained a contract with the Bureau of Reclamation for 5,412.5 acre-feet of water in Ruedi Reservoir to satisfy the West Slope’s obligation. During the subject diligence period, the River District has continued to maintain and administer that contract for the benefit of the endangered fish species. These efforts are necessary and appropriate for the River District and other water users within its boundaries to secure permitting approvals for the construction and operation of water projects, including the project utilizing the water rights that are the subject of this Application. 2. **USGS Gage(s).** The River District participates in the funding of United States Geological Survey (“USGS”) gauging stations throughout the River District to better assess the availability of water for development pursuant to its various projects including, but not limited to, funding gauging stations on the Eagle River that are pertinent to development of the subject conditional water rights. 3. **Weather Modification.** Throughout the diligence period, the River District has participated in and is now administering the Central Colorado Mountains River Basin Weather Modification Program. The program is designed to increase snowfall, and thus improve water supplies, over the central Colorado mountains including areas in the vicinity of the projects utilizing the water rights that are the subject of this Application. 4. **Salinity.** The River District continues to participate and fund efforts to reduce the salinity of the Colorado River, as well as the operation of the Colorado River mainstem reservoirs, to ensure to the River District, as well as to the State of Colorado, an adequate supply of water from the Colorado River as provided by the Colorado River Compacts. 5. **Wild and Scenic Alternative Management Plan.** The River District expended significant staff time and financial resources in developing and participating in a stakeholder driven alternative management plan to federal wild and scenic designation for the Colorado River mainstem, including portions of the Colorado River downstream from the subject conditional water rights. A federal wild and scenic designation could have had significant impacts on the development of the conditional water rights at issue in this Application. 6. **Water Marketing.** During the subject diligence period, the River District has been actively engaged in the operation of its Water Marketing Program. The successful operation of the Water Marketing Program and the receipt of lease revenues by the River District will assist the River District in developing water projects, including the beneficial use of the Red Cliff Project water rights which are the subject of this Application. 7. **Water Court Activities.** The River District opposed water court applications during the diligence period in order to prevent or mitigate adverse effects to its water rights, including the Red Cliff Project water rights that are the subject of this Application. 8. **Legislation.** The River District annually participates actively in legislative processes regarding water-related matters before both the United States Congress and the Colorado General Assembly. The River District has monitored and lobbied concerning the activities of various committees of the United States Congress concerning environmental legislation, particularly the Endangered Species Act, Clean Water Act, and the National Environmental Policy Act, as such federal environmental acts relate to the construction of projects and utilization of water within western Colorado. The River District also monitors and lobbies in the Colorado General Assembly on matters related to water rights and water project development. 9. **Eagle River MOU.** During the diligence period, the River District continued to pursue the development of a joint project or projects contemplated by the 1998 Eagle River Memorandum of Understanding with Vail Associates, Upper Eagle River Regional Water Authority, Eagle River Water and Sanitation District, Cypress Climax Mining Company, and the City of Aurora. The Red Cliff Project’s conditional water rights are identified in the Eagle River MOU as water rights that may be utilized by the parties for development of a joint use project. Throughout the diligence period, the River District undertook specific activities regarding the development of the joint projects and initiatives contemplated by the Eagle River MOU, including the Red Cliff Project’s conditional water rights, as follows: a. River District staff conducted inspections at the Red Cliff Project’s sites. The sites and appurtenant water rights were evaluated by staff during the diligence period. The River District staff also evaluated the potential development of joint use projects with other entities, pursuant to the Eagle River MOU, that would maximize the beneficial uses associated with the water rights that are the subject of this Application. Staff prepared memoranda for the River District’s Board of Directors regarding these investigations to inform the Board’s decision regarding the development of the Red Cliff Project’s conditional water rights. b. During the latest diligence period, to ensure that the potential development of the Red Cliff Project’s conditional water rights are consistent with the Eagle River MOU, and to ensure that the potential development of such rights are incorporated into the ERCWP, the River District expended a proportionate share to finance the following activities: (1) the completion of a transit loss study for Homestake Creek prepared by LRE Water; (2) the formation of modeling analyses pursuant to the ERCWP by LRE and Lynker; and (3) funding to support maintenance of the USGS streamflow gauge located on the Eagle River near Red Cliff, Colorado (USGS 09063000). 10. The River District engaged with state and federal representatives regarding the proposed Colorado Outdoor Recreation

and Economy ("CORE") Act and the development of the Camp Hale-Continental Divide National Monument. More specifically, the River District advocated for the inclusion of language in the CORE Act that is protective of existing decreed water rights in the Eagle River watershed, including the Red Cliff Project's conditional water rights at issue in this case. In addition, the River District also advocated for the inclusion of similar protective language in former President Biden's written proclamation under the Antiquities Act of 1906 (54 U.S.C. §§ 320301-320303) which formally established the Camp Hale-Continental Divide National Monument. 11. In addition to extensive staff time, the River District has expended substantially in excess of five million dollars in furtherance of the activities described above, which activities bear on the development of the conditional water rights as issue in this Application. 12. At its April 2025 Quarterly Board Meeting, the River District Board reaffirmed its intent to develop the subject conditional water rights and directed the filing of this Application. **VI. Name(s) and address(es) of owner(s) of land on which structure is or will be located, upon which water is or will be stored, or upon which water is or will be placed to beneficial use.** The structures are or may be

located and water is or may be stored on land owned by the agencies, entities, and individuals identified in the map attached and incorporated hereto as "Exhibit B". The water will be placed to beneficial use within the extensive boundaries of the River District. The specific owners of land upon which the water rights will be placed to beneficial use will be determined at future dates as the Red Cliff Project is developed. The water rights may be put to beneficial use on lands owned by many thousands of individuals and entities. Therefore, it is not feasible to list at this time the names and addresses of the owners of land upon which water may be placed to beneficial use. WHEREFORE, the River District requests that the Court adjudge and decree that it has exercised reasonable diligence in the development of the water rights that are the subject of this Application, that the conditional water rights be continued in full force and effect, and that a date be set for a subsequent application for a finding of reasonable diligence. (11 pages, 2 Exhibits)

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

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

25CW3096 Application to Change Conditional Water Storage Rights, Maroon Creek Reservoir and Castle Creek Reservoir, in **PITKIN COUNTY**. Please forward any pleadings to Andrea L. Benson and Gilbert Y. Marchand Jr., Alperstein & Covell, P.C., 2299 Pearl Street, Suite 400-C, Boulder, CO 80302. 1. Name, mailing address, email address, and telephone number of Applicant: City of Aspen, c/o Erin Loughlin, Utilities Director, 427 Rio Grande Place, Aspen, Colorado 81611, (970) 429-1996, erin.loughlin@aspen.gov. 2. Name of structures: a) Maroon Creek Reservoir; and b) Castle Creek Reservoir. 3. Description of conditional water storage rights to be changed – prior decrees: a) Maroon Creek Reservoir: i) Date of original decree: November 5, 1971, Case No.: CA 5884, Court: District Court, Garfield County, Colorado. ii) Subsequent decrees awarding diligence: Diligence has been awarded in Case Nos. W-791 (March 15, 1973); W-791-77 (November 7, 1977); 81CW063 (October 29, 1982); 85CW045 (July 17, 1985); 89CW030 (August 29, 1989); 95CW187 (January 4, 1996); 02CW19 (September 3, 2003); 09CW145 (October 11, 2010); and 16CW3128 (June 11, 2019). B) Castle Creek Reservoir: i) Date of original decree: November 5, 1971, Case No.: CA 5884, Court: District Court, Garfield County, Colorado. ii) Subsequent decrees awarding diligence: Diligence has been awarded in Case Nos. W-791 (March 15, 1973); W-791-77 (November 7, 1977); 81CW063 (October 29, 1982); 85CW045 (July 17, 1985); 89CW030 (August 29, 1989); 95CW187 (January 4, 1996); 02CW19 (September 3, 2003); 09CW145 (October 11, 2010); and 2016CW3129 (May 10, 2019). 4. Decreed Locations: a) Maroon Creek Reservoir: The decreed location of Maroon Creek Reservoir is in Sections 7 and 8, Township 11 South, Range 85 West of the 6th P.M., Pitkin County, Colorado. The initial point of survey of the high water line of the reservoir on the west side of the dam is located such that the angle from the axis of the dam measured clockwise is 86°57' to Pyramid Peak and 105°56' to North Maroon Peak. (Ties to mountain peaks were used since the reservoir lies within an area not surveyed by local, state or federal agencies). b) Castle Creek Reservoir: The decreed location of Castle Creek Reservoir is in Sections 18 and 19, Township 11 South, Range 84 West of the 6th P.M., Pitkin County, Colorado, but excluding certain parcels of land described as (1) Lot 1, Part of Subdivision H.E.S. 305, according to the Plat thereof recorded January 22, 1980 in Plat Book 8 at Page 77, County of Pitkin, State of Colorado; and (2) that portion of Tract 39, Section 19, Township 11, Range 84 West, located East of Castle Creek Road. (The original decreed location of Castle Creek Reservoir did not exclude the parcels described in this paragraph 4(b). By stipulations and agreements with certain landowners, Aspen agreed to revise the legal description to exclude those parcels.) The initial point of survey of the high water line of the reservoir on the east side of the dam is located such that the angle from the axis of the dam measured clockwise is 66°25' to Highland Peak and 340°51' to Hayden Peak. (Ties to mountain peaks were used since the reservoir lies within an area not surveyed by local, state or federal agencies). c) Remarks: Pursuant to Stipulations entered into in Case Nos. 16CW3128 and 16CW3129, District Court, Water Division 5, referenced above in paragraphs 3(a) and (b), Aspen does not herein and will not seek to retain any portion of the Maroon Creek Reservoir or Castle Creek Reservoir storage rights at these original locations. 5. Sources: a) **Maroon Creek Reservoir: Maroon Creek, a tributary of the Roaring Fork and Colorado Rivers.** b) **Castle Creek Reservoir: Castle Creek, a tributary of the Roaring Fork and Colorado Rivers.** 6. Appropriation dates: a) Maroon Creek Reservoir: July 19, 1965. b) Castle Creek Reservoir: July 19, 1965. 7. Decreed Amounts: a) Maroon Creek Reservoir: 4,567 acre-feet. b) Castle Creek Reservoir: 9,062 acre-feet. c) Remarks: Castle Creek Reservoir

was originally decreed for 9,062 acre-feet. In Case No. 16CW3129, 562 acre-feet of the 9,062 was relinquished and cancelled. Applicant does not and will not seek to change more than 8,500 acre-feet of Castle Creek Reservoir storage right or 8,500 acre-feet of Castle Creek Reservoir in combination with Maroon Creek Reservoir water storage right. See also Paragraph 9(a) below.

8. Decreed Uses of Water: a) Maroon Creek Reservoir: Industrial, irrigation, domestic, municipal, and other beneficial uses, both consumptive and nonconsumptive. b) Castle Creek Reservoir: Industrial, irrigation, domestic, municipal, and other beneficial uses, both consumptive and nonconsumptive.

DETAILED DESCRIPTION OF REQUEST TO CHANGE CONDITIONAL WATER STORAGE RIGHTS

9. Description of Change of Location: Applicant seeks a decree confirming a change in locations of the conditional water storage rights decreed to the Maroon Creek Reservoir and Castle Creek Reservoir at any one or combination of the alternate places of storage described in paragraphs 9(b)(i) – (v) below.

a) Amount: Although the Maroon Creek Reservoir and Castle Creek Reservoir storage rights were originally decreed in the amount of 4,567 acre-feet and 9,062 acre-feet respectively, the amount of storage at the changed locations sought herein shall not exceed a maximum combined volume of 8,500 acre-feet annually pursuant to the Castle Creek Reservoir storage right, the Maroon Creek Reservoir storage right, or any combination of such storage rights. In addition, Applicant shall be limited to diverting the Maroon Creek Reservoir and Castle Creek Reservoir rights in amounts that are legally and physically available to the Maroon Creek Reservoir and Castle Creek Reservoir rights at their original decreed points of diversion.

b) Changed Locations: i) Woody Creek Reservoir: (1) Legal Description of Reservoir: E ½ of Section 16, Township 9 South, Range 85 West, 6th P.M. (2) Legal Description of Diversion Point(s): (a) Roaring Fork River Diversions: Direct to Reservoir: Section 16 or E ½ of Section 21, Township 9 South, Range 85 West, 6th P.M.; (b) Woody Creek Diversion: Section 15 or 16, Township 9 South, Range 85 West, 6th P.M. (3) Source: Roaring Fork River and Woody Creek. ii) Vagneur Gravel Quarry (Vagneur Reservoir): (1) Legal Description of Reservoir: E ½ of Section 16, Township 9 South, Range 85 West, 6th P.M. (2) Legal Description of Diversion Point(s): (a) Roaring Fork River Diversions: Section 16 or E ½ of Section 21, Township 9 South, Range 85 West, 6th P.M. (b) Woody Creek Diversion: Section 15 or 16, Township 9 South, Range 85 West, 6th P.M. (3) Source: Woody Creek and Roaring Fork River. iii) Aspen Golf Course (in situ/underground): (1) Legal Description of Reservoir: E ½ of Section 11, S ½ of the SE ¼ of Section 2, and W ½ of Section 12, Township 10 South, Range 85 West, 6th P.M. (2) Legal Description of Diversion Point(s): (a) Roaring Fork River Diversion: NW ¼ of Section 2, Township 10 South, SW ¼ of Section 35, Township 9 South, Section 34, Township 9 South, all in Range 85 West, 6th P.M., so long as it is downstream of the confluence with Maroon Creek; (i) Aspen Reuse Water Diversion located at the ACSD point of discharge on the left bank of the Roaring Fork River within the NE ¼ of the SE ¼ of Section 34, Township 9 South, Range 85 West of the 6th P.M., at a point approximately 205 feet west of the East section line and 2,040 feet north of the south section line, in Pitkin County, Colorado; (b) Castle Creek Diversions: (i) Direct to Reservoir: W ½ of Sections 12 and 13, Township 10 South, Range 85 West, 6th P.M. (ii) Marolt Ditch: 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. (iii) Holden Ditch: 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. (c) Maroon Creek Diversion: Section 11 or E ½ of Section 2, Township 10 South, Range 85 West, 6th P.M. (3) Source: Roaring Fork River, Castle Creek, and Maroon Creek. iv) Cozy Point Ranch (in situ/underground): (1) Legal Description of Reservoir: W ½ of the NE ¼ and the W ½ of the SE ¼, all in Section 21, Township 9 South, Range 85 West, 6th P.M. (2) Legal Description of Diversion Point(s): (a) Brush Creek Diversions: (i) Direct to Reservoir: SE ¼ of Section 21, Township 9 South, Range 85 West, 6th P.M. (ii) Merrill Diversion: SE ¼ of the NW ¼ of Section 21, Township 9 South, Range 85 West, 6th P.M. (iii) Jote Smith Ditch Diversion: East bank of Brush Creek, Section 28, Township 9 South, Range 85 West, 6th P.M. (b) Roaring Fork River Diversion: E ½ of Section 21, Township 9 South, Range 85 West, 6th P.M. (3) Source: Brush Creek and Roaring Fork River. v) Zoline Open Space (in situ/underground): (1) Legal Description of the Reservoir: S ½ of Section 2 and NW ¼ of Section 11, Township 10 South, Range 85 West, 6th P.M. (2) Legal Description of Diversion Point(s): (a) Roaring Fork River Diversion: NW ¼ of Section 2, Township 10 South, Range 85 West, 6th P.M., so long as it is downstream of the confluence with Maroon Creek. (b) Maroon Creek Diversion: E ½ or NW ¼ of Section 2 and Section 11, Township 10 South, Range 85 West. (3) Source: Maroon Creek and Roaring Fork River. A map depicting each approximate location of the above-described storage structures is attached as Exhibit A.

10. Description of Confirmation or Change of Use: The Maroon Creek Reservoir and Castle Creek Reservoir storage rights are decreed for industrial, irrigation, domestic, municipal, and other beneficial uses, both consumptive and nonconsumptive. By this Application, Applicant seeks to confirm the uses of the Maroon Creek Reservoir and Castle Creek Reservoir storage rights include augmentation and exchange as decreed beneficial uses.

11. Additional Terms and Conditions of Change: a) Use of Lands: The Applicant acknowledges that nothing in this Application or entry of a decree for the change of water rights sought herein shall be construed as creating any right, title, or interest in the use of lands owned by others. Applicant may use water diversion, carriage, and storage structures only to the extent that it has the right to do so or has acquired the right to do so from the appropriate owners of land by purchase, agreement, exercise of the power of eminent domain, if available, or other appropriate means.

12. Names and addresses of the owners of the land upon which any new diversion or storage structure or modification to any existing diversion or storage structure or existing storage pool is or will be constructed or upon which water is or will be stored.: See Exhibit B attached hereto. Aspen is in the process of investigating various points of diversion for the proposed storage structures. The lands and respective landowners identified on the attached Exhibit B have been preliminarily identified as the anticipated locations of new or modified points of diversion for the storage structures. Exhibit B also contains a list of landowners of existing reservoirs to whom courtesy copies are being provided. Aspen reserves the right to modify any point(s) of diversion within the legal descriptions provided above in paragraph 9 and will provide additional landowner notification to the extent necessary when and if different points of diversion are identified.

WHEREFORE, Applicant, City of Aspen, requests the court to grant the change of water rights requested herein and such other relief which may be appropriate.

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

31. 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 MAY 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.*

25CW3097 Division: 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 TROON CORDILLERA, LLC IN **EAGLE COUNTY, COLORADO. APPLICATION FOR FINDINGS OF REASONABLE DILIGENCE.** 1. Name, mailing address, email address, and telephone number of applicant: Troon Cordillera, LLC ("Troon"). c/o Troon Golf, L.L.C. 15044 N. Scottsdale Road, Suite 300. Scottsdale, AZ 85254. Direct all pleadings to: Courtney Shephard & Christopher Thorne. Greenberg Traurig, LLP. 1144 15th Street, Suite 3000. Denver, CO 80202. (303) 572-6531. 2. Names of structures. SCR Diversion Point No. 2, SCR Diversion Point No. 3, and SCR Diversion Point No. 4, all located in Eagle County, Colorado ("Subject Water Rights"). 3. Description of Subject Water Rights. a. Date of original decree: October 11, 1990, in Case No. 89CW218. b. Subsequent findings of diligence: July 15, 1997, in Case No. 96CW270; June 7, 2004, in Case No. 03CW165; March 27, 2012, in Case No. 10CW188; May 5, 2019, in Case No. 18CW3032. c. Legal descriptions: Attached as Exhibit A is a map depicting the decreed locations of the Subject Water Rights. i. SCR Diversion Point No. 2: On Squaw Creek at a point whence the SW corner of Section 13, Township 5 South, Range 83 West of the 6th P.M. bears South 8°35' West at a distance of 2,990 feet. The preferred method to describe the location is as follows, yet it does not change the decreed location: located in the SW¼NW¼ of Section 13, Township 5 South, Range 83 West of the 6th P.M., approximately 2,348 feet from the North section line and 420 feet from the West Section line. ii. SCR Diversion Point No. 3: On Squaw Creek at a point whence the SW corner of Section 13, Township 5 South, Range 83 West of the 6th P.M. bears South 10°30' West at a distance of 2,810 feet. The preferred method to describe said location is as follows, yet it does not change the decreed location: located in the SW¼NW¼ of Section 13, Township 5 South, Range 83 West of the 6th P.M., approximately 2,541 feet from the North section line and 489 feet from the West section line. iii. SCR Diversion Point No. 4: The headgate of the Graham Ditch located at a point on Squaw Creek whence the SE corner of Section 23, Township 5 South, Range 83 West of the 6th P.M. bears South 24°30' East at a distance of 1,650 feet. The preferred method to describe said location is as follows, yet it does not change the decreed location: the headgate of the Graham Ditch located in the NE¼SE¼ of Section 23, Township 5 South, Range 83 West of the 6th P.M., approximately 1,483 feet from the South section line and 687 feet from the East section line. d. Source: **Squaw Creek, a/k/a Colorow Creek, tributary to the Eagle River, tributary to the Colorado River.** e. Appropriation date: May 5, 1989. f. Decreed beneficial uses: Irrigation, domestic, augmentation, replacement, exchange, storage, stockwatering, commercial, municipal, club, recreation, and fire protection purposes. i. SCR Diversion Points Nos. 2, 3, and 4 were approved for use as a raw water supply for the Cordillera Western Parcel, Mountain Tract, and Summit Site by the decree entered in Case No. 91CW077 on January 3, 1992; the decree entered in Case No. 95CW040 on March 11, 1996; the decree entered Case No. 96CW021 on May 24, 1996; the decree entered in Case No. 97CW280 on August 28, 1998, the decree entered in Case No. 99CW170 on March 23, 2000; and the decree entered in Case No. 00CW011 on August 14, 2000. ii. Lands which are decreed to be irrigated by the Subject Water Rights are located in: Sections 1, 11, 12 and 13, Township 5 South, Range 83 West of 6th P.M.; Section 6, Township 5 South, Range 82 West of the 6th P.M.; Sections 1 and 2, Tract 73 in Sections 10 and 11, Tract 53 (including the Cliff tract) in Sections 10, 11 and 14, Tract 55 in Sections 11 and 14, Tract 62 in Sections 14 and 15, Tract 63 in Sections 14 and 15, Tract 51 in Section 10, Tract 48 in Sections 9 and 10, Tract 54 in Sections 10, 11, 14 and 15, Tracts 55, 60 and 61 in Sections 13 and 14, and Sections 14, 15, 17 and 20, all in Township 5 South, Range 83 West of the 6th P.M., as well as other lands in the Squaw Creek Basin. Attached as Exhibits B1, B2, and B3 are maps showing the Summit, Mountain, and Short Golf Courses where Troon uses and will use the Subject Water Rights. g. Amounts: i. SCR Diversion Point No. 2: 5 c.f.s., conditional, for all decreed uses. ii. SCR Diversion Point No. 3: 5 c.f.s., conditional, for all decreed uses. iii. SCR Diversion Point No. 4: 1. 2.1 c.f.s., absolute, for storage, club, and recreation uses. *See* decree entered in Case No. 18CW3032. 2. 2.9 c.f.s., conditional, for storage, club, and recreational uses. 3. 5.0 c.f.s., conditional, for irrigation, domestic, augmentation, replacement, exchange, stockwatering, commercial, municipal, and fire protection uses. 4. Activities during the diligence period. Pursuant to C.R.S. § 37-92-301(4)(b), "[t]he measure of reasonable 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." The Subject Water Rights originally decreed in Case No. 89CW218 are part of the Club at Cordillera water system that now provides, and in the future will provide, water for the Cordillera Golf Courses. These rights comprise an integrated system of water rights and structures under C.R.S. § 37-92-301(4)(b). Since May 2019, Troon and its predecessor-in-interest diligently prosecuted the water rights, including the activities and expenditures described below. a. On December 10, 2024, Troon purchased the Club at Cordillera, inclusive of the water system, from Wind Rose Properties, LLC. b. Water system development activities: Troon and its predecessor-in-interest spent more than \$1,000,000 to maintain and improve the infrastructure to divert and beneficially use the Subject Water Rights and the integrated Club at Cordillera water rights system during the diligence period including, but not limited to:

i. Completing maintenance and system improvements to the Graham Ditch, pump systems, and golf course irrigation systems. ii. Installing a new liner at Golf Course Pond No. 1. c. Engineering and water consulting activities: Troon and its predecessor-in-interest spent more than \$100,000 on water engineering and consulting activities for the Subject Water Rights and the integrated Club at Cordillera water rights system during the diligence period including, but not limited to: i. Preparing and submitting monthly accounting to the Division Engineer's Office. ii. Completing field work for the Subject Water Rights including diversion point site observations, flume observations, stream gaging, and headgate and ditch observations and measurements. iii. Completing water resource and water right analyses and planning, including headgate and ditch capacity analyses, flume measurements, and streamflow projections. iv. Compiling water resource and water right reports, memoranda, maps, and accounting, and completing field work for Troon's purchase of the Club at Cordillera water system. d. Water counsel actions: Troon spent more than \$30,000 on legal services to acquire, protect, and maintain the Subject Water Rights and the integrated Club at Cordillera water rights system during the diligence period including, but not limited to: i. Completing a comprehensive due diligence review of Club at Cordillera water system as part of the Troon purchase of the Club at Cordillera. ii. Submitting an application to the U.S. Forest Service for a new special use permit to occupy 0.67 acres in the White River National Forest to operate and maintain the Graham Ditch. iii. Protecting the Club at Cordillera water system by entering into a stipulation in lieu of opposition in Case No. 24CW3175. 5. Names and address of owner or reputed owners of the land upon which any new diversion or storage structure, or modification to any existing diversion or storage structure is or will be constructed or upon which water is or will be stored, including any modification to the existing storage pool. a. SCR Diversion Point No. 2: Cordillera Metropolitan District, 408 Carterville Road, Cordillera, CO 81632. b. SCR Diversion Point No. 3: Cordillera Metropolitan District, 408 Carterville Road, Cordillera, CO 81632. c. SCR Diversion Point No. 4: i. Eaton Upper Division LLLP – ETAL, P.O. Box 871, Edwards, CO 81632-0871. ii. Michael B. Eaton Revocable Trust, P.O. Box 871, Edwards, CO 81632-0871. WHEREFORE, Troon requests that the Court enter a decree: A. Finding that Troon has been reasonably diligent in finalizing the following appropriations and continuing the rights in full force and effect: 1. SCR Diversion Point No. 2: 5 c.f.s., conditional, for irrigation, domestic, augmentation, replacement, exchange, storage, stockwatering, commercial, municipal, club, recreation, and fire protection purposes. 2. SCR Diversion Point No. 3: 5 c.f.s., conditional, for irrigation, domestic, augmentation, replacement, exchange, storage, stockwatering, commercial, municipal, club, recreation, and fire protection purposes. 3. SCR Diversion Point No. 4: i. 2.9 c.f.s., conditional, for storage, club, and recreational uses. ii. 5.0 c.f.s., conditional, for irrigation, domestic, augmentation, replacement, exchange, stockwatering, commercial, municipal, and fire protection purposes. B. Granting such other relief as the Court deems just and proper.

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

32. 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 MAY 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.*

25CW3098 (Case Nos. CA 5884, W-791, W-791-77, 81CW063, 85CW045, 89CW030, 95CW187, 02CW19, 09CW145, 16CW3128, and 16CW3129). Application for Findings of Reasonable Diligence, Maroon Creek Reservoir and Castle Creek Reservoir, in **PITKIN COUNTY**. Please forward any pleadings to Andrea L. Benson and Gilbert Y. Marchand Jr., Alperstein & Covell, P.C., 2299 Pearl Street, Suite 400-C, Boulder, CO 80302. 1. Name, mailing address, email address, and telephone number of Applicant: City of Aspen, c/o Erin Loughlin, Utilities Director, 427 Rio Grande Place, Aspen, Colorado 81611, (970) 429-1996, erin.loughlin@aspen.gov. 2. Names of structures: a) Maroon Creek Reservoir; and b) Castle Creek Reservoir. 3. Description of conditional water rights – prior decrees: a) Maroon Creek Reservoir: i) Date of original decree: November 5, 1971, Case No.: CA 5884, Court: District Court, Garfield County, Colorado. ii) Subsequent decrees awarding diligence: Diligence has been awarded in Case Nos. W-791 (March 15, 1973); W-791-77 (November 7, 1977); 81CW063 (October 29, 1982); 85CW045 (July 17, 1985); 89CW030 (August 29, 1989), 95CW187 (January 4, 1996), 02CW19 (September 3, 2003), 09CW145 (October 11, 2010) and 16CW3128 (June 11, 2019). b) Castle Creek Reservoir: i) Date of original decree: November 5, 1971, Case No.: CA 5884, Court: District Court, Garfield County, Colorado. ii) Subsequent decrees awarding diligence: Diligence has been awarded in Case Nos. W-791 (March 15, 1973); W-791-77 (November 7, 1977); 81CW063 (October 29, 1982); 85CW045 (July 17, 1985); 89CW030 (August 29, 1989), 95CW187 (January 4, 1996), 02CW19 (September 3, 2003), 09CW145 (October 11, 2010), 2016CW3129 (May 10, 2019). 4. Decreed Locations: a) Maroon Creek Reservoir: The decreed location of Maroon Creek Reservoir is in Sections 7 and 8, Township 11 South, Range 85 West of the 6th P.M., Pitkin County, Colorado. The initial point of survey of the high water line of the reservoir on the west side of the dam is located such that the angle from the axis of the dam measured clockwise is 86°57' to Pyramid Peak and 105°56' to North Maroon Peak. (Ties to mountain peaks were used since the reservoir lies within an area not surveyed by local, state or federal agencies.) A USGS map showing the decreed location of the Maroon Creek Reservoir is attached as Exhibit A. b) Castle Creek Reservoir: The decreed location of Castle Creek Reservoir is in Sections 18 and 19, Township 11 South, Range 84 West of the 6th P.M., Pitkin County, Colorado, but excluding certain parcels of land described as (1) Lot 1, Part of Subdivision H.E.S. 305, according to the Plat thereof recorded January 22, 1980 in Plat Book 8 at Page 77, County of Pitkin, State of Colorado; and (2) that portion of Tract 39, Section 19, Township 11, Range 84 West, located East of Castle Creek Road. (The original decreed location of Castle Creek Reservoir did not exclude the parcels described

in this paragraph 4(b). By stipulations and agreements with certain landowners, Aspen agreed to revise the legal description to exclude those parcels.) The initial point of survey of the high water line of the reservoir on the east side of the dam is located such that the angle from the axis of the dam measured clockwise is 66°25' to Highland Peak and 340°51' to Hayden Peak. (Ties to mountain peaks were used since the reservoir lies within an area not surveyed by local, state or federal agencies.) A USGS map showing the location of the Castle Creek Reservoir as originally decreed is attached as Exhibit B. c) Remarks: Pursuant to Stipulations entered into in Case Nos. 16CW3128 and 16CW3129, District Court, Water Division 5, referenced above in paragraphs 3(a) and (b), Aspen has agreed to file a change of location of storage for both water rights and does not herein and will not seek to retain any portion of the Maroon Creek Reservoir or Castle Creek Reservoir storage rights at these original locations. 5. **Sources: a) Maroon Creek Reservoir: Maroon Creek, a tributary of the Roaring Fork and Colorado Rivers. b) Castle Creek Reservoir: Castle Creek, a tributary of the Roaring Fork and Colorado Rivers.** 6. Appropriation dates: a) Maroon Creek Reservoir: July 19, 1965. b) Castle Creek Reservoir: July 19, 1965. 7. Decreed Amounts: a) Maroon Creek Reservoir: 4,567 acre-feet. b) Castle Creek Reservoir: 8,500 acre-feet. c) Remarks: Castle Creek Reservoir was originally decreed for 9,062 acre-feet. In Case No. 16CW3129, 562 acre-feet of the 9,062 was relinquished and cancelled. 8. Decreed Uses of Water: a) Maroon Creek Reservoir: Industrial, irrigation, domestic, municipal, and other beneficial uses, both consumptive and nonconsumptive. b) Castle Creek Reservoir: Industrial, irrigation, domestic, municipal, and other beneficial uses, both consumptive and nonconsumptive. 9. 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: Pursuant to stipulations entered into in Case Nos. 16CW3128 and 16CW3129 with certain opposers, Applicant agreed that it would seek to change the location of the water storage rights decreed to Maroon Creek Reservoir and Castle Creek Reservoir. Since the decrees were entered in those two cases, Applicant has spent significant amounts of time and cost investigating alternative storage locations, including but not limited to Woody Creek Reservoir, Vagneur Gravel Quarry (Vagneur Reservoir), Aspen Golf Course (in situ/underground), Cozy Point Ranch (in situ/underground), Zoline Open Space (in situ/underground), Wildcat Reservoir, Ziegler Reservoir (fka Lake Deborah), Snowmass Reservoir, Marolt Open Space (in situ/underground), and Thomas Reservoir Enlargement. Applicant has spent approximately \$310,000 to investigate these locations and options, not including legal fees. Applicant filed herewith a companion water court case seeking to change the locations of the Maroon Creek Reservoir and Castle Creek Reservoir water storage rights to alternative locations. In addition to the above-described activities specific to the development of the Maroon Creek Reservoir and Castle Creek Reservoir water storage rights, 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 Maroon Creek Reservoir and Castle Creek Reservoir water storage rights are a component of this integrated water supply system and will be used to supply water as well as provide additional reliability to other City customers. 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, the 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 incurred expenses on capital projects in the amount of approximately \$20 million and expenses on operating invoices in the amount of approximately \$2,100,000, all related to the operation, construction, repair and improvement of its water system and related infrastructure and to projects that are part of the efficiency, operation and maintenance of its integrated water supply system, and all to enable the City to more effectively provide water service to its existing and future 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 on applications to maintain and/or make absolute Aspen's conditional water rights. 10. Names and addresses of owners or reputed owners of the land upon which any new diversion structure or storage structure, or modification to any existing diversion or storage structure is or will be constructed. Not applicable. As stated above, Aspen does not herein and will not seek to retain any portion of the Maroon Creek Reservoir or Castle Creek Reservoir storage rights at the original decreed locations. Therefore, no new diversion or storage structures will be constructed on land on which these water rights were originally decreed. WHEREFORE, Applicant, City of Aspen, having demonstrated that it has steadily applied effort to complete the appropriations of the Maroon Creek Reservoir and Castle Creek Reservoir conditional storage water rights in a reasonably expedient and efficient manner under all the facts and circumstances, respectfully requests this Court to find that it has exercised reasonable diligence in putting to beneficial use the conditional water rights originally decreed in Case No. CA 5884 and to continue the conditional decrees for another six years, or such period as may otherwise be permitted by law.

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

33. 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 MAY 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.*

25CW5 MESA COUNTY - COLORADO RIVER; Mary A. Sievers; c/o John R. Pierce, DUFFORD WALDECK, 744 Horizon Court, Suite 300, Grand Junction, CO 81506, (970) 248-5865; Application for Surface Water Right; Name and contact information of Applicant: Mary A. Sievers, P.O. Box 4, Collbran, CO 81624; (970) 623-1484; Request for surface right (wastewater): Name of structure: Sievers Wastewater Ditch; Location: The point of diversion for the Sievers Wastewater Ditch is located on Applicant's property at a point in the SE/4 NW/4 of Section 7, Township 10 South, Range 95 West, 6th PM, UTM Zone 12 NAD83, 755647m E, 4343639m N; **Source: Wastewater and surface flows from upgradient land east of Applicant's property, tributary to Plateau Creek, tributary to the Colorado River;** Appropriation date: May 15, 2021; How appropriation was initiated: By diversion of water and application to beneficial use for irrigation on Applicant's property; Date water applied to beneficial use: May 15, 2021; Amount: 0.6 c.f.s. absolute; Use: Irrigation, livestock, wildlife watering directly from the ditch; Description of irrigated area: 8.5 acres on Applicant's property, the approximate center of which is located in the SW/4 NW/4 of Section 7, Township 10 South, Range 95 West, 6th PM. (3 pages)

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