

DIVISION 5 WATER COURT- JUNE 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 JUNE 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.*

25CW3099 PITKIN AND EAGLE COUNTIES. Application for Findings of Reasonable Diligence. Applicant: The Basalt Water Conservancy District (“District”), c/o Christopher L. Geiger & Andrea J. Hall, Balcomb & Green, P.C.; P.O. Drawer 790, Glenwood Springs, CO 81602; (970) 945-6546; www.balcombgreen.com. The District requests a finding of reasonable diligence in the development of a conditional appropriative right of exchange (“SWR”) for use within the District’s Area A-3 as decreed in 10CW47. District Service Area: The District is a Water Conservancy District formed under C.R.S. § 37-45-101 *et seq.* The District enters into contracts with individual water users within the District’s boundaries to provide dependable legal water supplies for year round needs. The contracts are organized into two geographic categories, either Area A or Area B. Area A encompasses those regions that are located near the Fryingpan or Roaring Fork rivers, or on tributary creeks, where the District’s water rights can be used as a dependable legal supply for diversion at alternate points owned by its contractees or through aug. of those alternate points, either directly or by exchange. Area B encompasses those locations where intervening senior water rights exist between the POD of the District contractee and the points at which the District water is made available for use by the contractee that prevent the District’s rights, standing alone, from providing a dependable legal supply for use at alternate points of diversion or through aug. of those alternate points. Umbrella Plan for Aug.: The District secured an umbrella plan for aug. (“Umbrella Plan”) in 02CW77 to augment the out-of-priority diversions or depletions associated with District contractees’ structures in Area A. For purposes of the Umbrella Plan, Area A is divided into four sub-areas: A-1, A-2, A-3, and A-4, each containing a portion of either the Roaring Fork River or Fryingpan River, and designated tributaries, in which the District will provide service, including through operation of appropriative rights of exchange. The Umbrella Plan for Areas A-1, A-2 and A-4 was approved in Decree 1 of 2, and the Umbrella Plan for Area A-3 was approved in Decree 2 of 2, in 02CW77. The District adjudicated the SWR, in 10CW47, to supplement the augmentation-by-exchange-operation under the Umbrella Plan within Area A-3 decreed in 02CW77 Decree 2 of 2. The SWR operates at times when other appropriative rights of exchange decreed in 02CW77 Decree 2 of 2 are not in priority due to a call within Area A-3 and the reach of the Roaring Fork River between the Grace and Shehi Ditch headgate, as described below, and the confluence with the Fryingpan River. A map showing the location and extent of the SWR is depicted in Ex. A. Claim for Finding of Reasonable Diligence. Conditional Appropriative Right of Exchange: The District operates the SWR for service to District contractees within the boundaries of Area A-3, as described below and depicted in Ex. A. Original Decree 10CW47, on 12/3/2012, Subsequent Diligence Decree, 18CW3220, on 6/16/2019, Dist. Ct., Water Division 5. Date of Approp.: 7/8/2008. Use: The SWR is utilized pursuant to the plan for aug. decreed in 10CW47 to augment the out-of-priority diversion or depletion amts., as appropriate, associated with diversions by District contractees within Area A-3 in order to allow the District to operate the plan for aug. and related appropriative rights of exchange in 02CW77. Amt.: The amt. of the exchange represents the instantaneous rate of depletion expressed in c.f.s. The amt. of the exchange is 1.02 c.f.s., conditional, for the entire Area A-3, not to exceed 0.5 c.f.s. within any one tributary located within Area A-3, subject to the limitations on the District’s interests in the Grace and Shehi Ditch priorities as changed in 10CW47. Exchange Supplies: The District’s water rights used for aug. by exchange under the SWR are in the following two priorities of the Grace and Shehi Ditch water rights, as changed in 10CW47. Prior Decrees: The Grace and Shehi Ditch Priority 142 decreed on 5/11/1889, in Garfield Cty. Dist. Ct. in CA 132 for 8.5 c.f.s. with an approp. date of 4/23/1886, for irr. The Grace and Shehi Ditch Priority 302 was decreed on 8/25/1936, in Garfield Cty. Dist. Ct. in CA 3082 for 12.24 c.f.s. with an approp. date of 4/23/1890, for irr. Legal Description: The headgate of the Grace and Shehi Ditch is located on the S. bank of the Roaring Fork River at a point whence the survey witness corner to corner of Secs. 16, 17, 20, and 21, T. 8 S., R. 86 W. of the 6th P.M., bears N. 46°32’ E. 1,315.8 ft. distant (Angle Point 4 of Tract 64 and Angle Point 5 of Tract 55, bears S. 81°38’, less 409.4 ft. distant; and a POD through opening in retaining wall bears S. 21°40’ E. 260 ft. distant). DWR “Aqua Map” information describes the point in the same quarter Sec. but at a point 1,296 ft. from the N. Sec. line and 923 ft. from the E. Sec. line. Those two points are located less than 200 ft. from each other. Source: **Roaring Fork River, tributary to the Colorado River.** Amt.: 1.02 c.f.s., 0.42 c.f.s. is apportioned to the District’s interest in the 8.50 c.f.s. decreed under Priority No. 142, and 0.60 c.f.s. is apportioned to the District’s interest in the 12.24 c.f.s. decreed under Priority No. 302. Use: Irr. and, as changed in 10CW47, to include aug. by exchange of depletions attributable to the District’s contractees’ uses of water within Area A under the categories of uses to be served under the Umbrella Plan: dom., irr., livestock, com., industrial, and pond surface evap. that facilitates and is incidental to such uses upstream from the confluence of the Roaring Fork and Fryingpan rivers (Area A-3). Method of Use: Direct use for irr. and, as changed in 10CW47, for diversion and return to the Roaring Fork River or, alternatively, by foregoing diversions at the headgate in order to replace the District’s contractees’ out-of-priority diversions or depletions, directly or by exchange pursuant to the plan for aug. and appropriative exchange decreed in 10CW47 to be used in coordination with the plan for aug. decreed 02CW77 Decree 2 of 2. Exchange Reach Location: The exchange reach is located within Area A-3 and is depicted in Ex. A. Downstream Termini: From the point where Grace and Shehi Ditch water accrues to the Roaring Fork River at a Return Point that is located at or above an existing post-measurement return ditch located approx. 700 ft. down-river from the Grace and Shehi Ditch headgate (pursuant to paragraph 9.B.1 of the Decree in 10CW47) or, alternatively, at the Grace and Shehi Headgate (as described above and pursuant to paragraph 9.B.2 of the Decree in 10CW47). Upstream Terminus: up the Roaring Fork River and its tributary sources to the upstream boundaries of Area A-3, as described below. General Description of Area A-3: Area A-3 includes structures that will divert water from within that portion of Area A encompassing all areas tributary to the Roaring Fork River and its tributaries in a stream reach extending from a downstream terminus at the confluence of the Roaring Fork River with the Fryingpan River to an upstream terminus located at the confluence of the Roaring Fork River and Maroon Creek, a

distance of approx. 20 miles. The downstream terminus at the confluence of the Roaring Fork and Fryingpan rivers is located in Eagle Cty. within the Town of Basalt, Colorado in the SE1/4, Sec. 7, T. 8 S., R. 86 W. of the 6th P.M. The upstream terminus at the confluence of the Roaring Fork River and Maroon Creek is located in Pitkin Cty. near Aspen, Colorado in the NW1/4, Sec. 2, T. 10 S., R. 85 W. of the 6th P.M. The boundaries of Area A-3 are depicted in Ex. A. Legal Description of Lands Included within Area A-3: T. 8 S., R. 86 W., 6th P.M.; Sec. 11: SE1/4; Sec. 13; Sec. 14; Sec. 15: S1/2; SW1/4 NW1/4; Sec. 16; Sec. 17; Sec. 18: E1/2; Sec. 19: N1/2; NE1/4 SE1/4; Sec. 21 - 26; Sec. 27: N1/2; Sec. 28: N1/2; Sec. 29: NE1/4 NE1/4; Sec. 35: NE1/4; Sec. 36: N1/2; SE1/4. T. 9 S., R. 86 W., 6th P.M.; Sec. 1; Sec. 12: NE1/4. T. 8 S., R. 85 W., 6th P.M.; Sec. 31; Sec. 32: SW1/4 SW1/4. T. 9 S., R. 85 W., 6th P.M.; Sec. 3: W1/2; Sec. 4: SE1/4; Sec. 5: W1/2; Sec. 6; Sec. 7: N1/2; SE1/4; Sec. 8; Sec. 9; Sec. 10: NW1/4 NW1/4; Sec. 16; Sec. 17; Sec. 18: NE1/4; SE1/4 SE1/4; Sec. 19: E1/2; Sec. 20; Sec. 21: NW1/4 NW1/4; NE1/4 NE1/4; Sec. 22: W1/2 W1/2; Sec. 26: S1/2 S1/2; Sec. 27; Sec. 28: E1/2 E1/2; Sec. 33: NE1/4 NE1/4; SW1/4 SW1/4; Sec. 34; Sec. 35; Sec. 36: NW1/4. T. 10 S., R. 85 W., 6th P.M.; Sec. 2: NW1/4; Sec. 3; Sec. 4: E1/2; Sec. 9: NE1/4 NE1/4; Sec. 10: N1/2; SW1/4. Major Tributaries to the Roaring Fork River Included within Area A-3: Dry Woody Creek: DWR Stream Identification No. 66, from its confluence with the Roaring Fork River in the NW1/4, Sec. 8, T. 9 S., R. 85 W. of the 6th P.M. upstream to the headgate of the Simons Ditch located in the NW1/4 NW1/4 NE1/4, Sec. 8, T. 9 S., R. 85 W. of the 6th P.M., including all areas tributary to Dry Woody Creek and the Roaring Fork River within this reach. That portion of Dry Woody Creek and its tributaries above the headgate of the Simons Ditch is in Area B and not included within the Umbrella Plan for Area A-3. Arbaney Gulch (also known as Deer Creek): From its confluence with the Roaring Fork River in the NE1/4, Sec. 36, T. 8 S., R. 86 W. of the 6th P.M. upstream to the headgate of the Deer Creek No. 1 Ditch located in the SE1/4 SE1/4 SE1/4, Sec. 25, T. 8 S., R. 86 W. of the 6th P.M., including all areas tributary to Arbaney Gulch and the Roaring Fork River within this reach. That portion of Arbaney Gulch and its tributaries above the headgate of the Deer Creek No. 1 Ditch is in Area B and is not included within the Umbrella Plan for Area A-3. Wheatley Gulch: From its confluence with the Roaring Fork River in the NE1/4, Sec. 27, T. 8 S., R. 86 W. of the 6th P.M. upstream to its headwaters, including all areas tributary to Wheatley Gulch and the Roaring Fork River. Bionaz Gulch: From its confluence with the Roaring Fork River in the SE1/4, Sec. 21, T. 8 S., R. 86 W. of the 6th P.M. upstream to its headwaters, including all areas tributary to Bionaz Gulch and the Roaring Fork River. Galvin Gulch: From its confluence with the Roaring Fork River in the SE1/4, Sec. 34, T. 9 S., R. 85 W., of the 6th P.M. upstream to its headwaters, including all areas tributary to Galvin Gulch and the Roaring Fork River. Trentaz Creek: From its confluence with the Roaring Fork River in the NE1/4 SW1/4, Sec. 21, T. 9 S., R. 85 W. of the 6th P.M. upstream to the headgate of the KNCB Moor Ditch No. 2 located in the NW1/4 SW1/4 SW1/4, Sec. 26, T. 9 S., R. 85 W. of the 6th P.M., including all areas tributary to Trentaz Creek and the Roaring Fork River within this reach. That portion of Trentaz Creek and its tributaries above the headgate of the KNCB Moor Ditch No. 2 is in Area B and is not included within the Umbrella Plan for Area A-3. Owl Creek: DWR Stream Identification No. 14, from its confluence with the Roaring Fork River located in the SW1/4, Sec. 27, T. 9 S., R. 85 W. of the 6th P.M. upstream to the headgate of the Stapleton Ditch located in NW1/4 NE1/4 SW1/4, Sec. 34, T. 9 S., R. 85 W. of the 6th P.M., including all areas tributary to Owl Creek and the Roaring Fork River within this reach. That portion of Owl Creek and its tributaries above the headgate of the Stapleton Ditch is in Area B and not included within the Umbrella Plan for Area A-3. Brush Creek: DWR Stream Identification No. 12, from its confluence with the Roaring Fork River located in the NE1/4, Sec. 21, T. 9 S., R. 85 W. of the 6th P.M. upstream to the headgate of the Brush Creek Ditch located in NE1/4 NE1/4 NW1/4, Sec. 21, T. 9 S., R. 85 W. of the 6th P.M., including all areas tributary to Brush Creek and the Roaring Fork River within this reach. That portion of Brush Creek and its tributaries above the headgate of the Brush Creek Ditch is in Area B and not included within the Umbrella Plan for Area A-3. Remarks: The District's plan for aug. in 02CW77 cannot augment some senior water rights located within the District's Area A-3, including the CWCB instream flow rights decreed in 85CW639 (extending from the confluence of the Roaring Fork and Fryingpan rivers to the confluence of the Roaring Fork and Crystal rivers) and 85CW646 (extending from the confluence of the Roaring Fork River and Maroon Creek to the confluence of the Roaring Fork and Fryingpan rivers). CWCB's instream flow rights are property of the public. C.R.S. § 37-92-102(1)(a), the protection is included in the District's mission to conserve, develop, and stabilize water supplies for its constituents. The SWR is operated to replace out-of-priority depletions associated with diversion by District contractees in Area A-3 at times when other appropriative rights of exchange decreed in 02CW77 Decree 2 of 2 are not in priority due to a call within Area A-3 and the reach of the Roaring Fork River between the Grace and Shehi Ditch headgate and the confluence with the Fryingpan River. Names and addresses of owners or reputed owners of the land upon which aug. structures are located: Grace and Shehi Ditch headgate: Roaring Fork Club, LP, 100 Arbaney Ranch Road, Basalt, CO 81621. Integrated System: The SWR is a component of the District's integrated water supply system to provide legal water supply to its constituents within A-3 in combination with other water rights it owns or contractually controls. Consequently, work on any one feature of the District's supply system shall be considered in finding that reasonable diligence has been shown in the development of water rights for all features of the District's water supply system. C.R.S. § 37-92-301(4)(b). A list of diligence activities performed in the six years preceding the filing of this Application is on file with this Water Ct. (11 pages of original application, Exh. A)

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

25CW3100 PITKIN COUNTY – EAST SOPRIS CREEK OR ITS TRIBUTARIES. APPLICATION FOR FINDING OF REASONABLE DILIGENCE. Allan Peters and Charles Worthington, c/o Scott C. Miller and Lauren N. Hoover, Patrick, Miller & Noto, P.C., 229 Midland Ave. Basalt, CO 81621, (970) 920-1030. First Claim: For Finding of Reasonable Diligence. 2. Name of water right: Finley No. 1 – Johnson Power Plant Enlargement. Description of conditional water right: Original decree: Case No. 86CW314 entered on May 11, 1987, Division 5 Water Court. Subsequent diligence decrees: Case No. 93CW055, July 19, 1993; Case No. 99CW121, November 19, 1999; Case No. 05CW230, June 7, 2006; Case No. 12CW105, January 20, 2013; Case No. 19CW3001, June 16, 2019. Legal description: The point of diversion is located in Section 22, Township 9 South, Range 87 West of the 6th P.M., at a point from the SW Corner of Section 23, Township 9 South, Range 87 West of the 6th P.M. bears North 19 degrees, 34 feet, 51 inches, West 1,430 feet. A map is on file with the court as Exhibit A. **Source: East Sopris Creek, tributary to Sopris Creek, tributary to the Roaring Fork River, tributary to the Colorado River.** Appropriation date: August 20, 1986. Amount: 7.0 c.f.s., conditional. Uses: Hydroelectric power generation. Applicants own the land upon which the hydro structures are located and where the water will be placed to beneficial use. A detailed outline of the work done toward completion of the appropriation, including expenditures, is on file with the court as Exhibit B.

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

25CW3101 (18CW3210). DISTRICT COURT, WATER DIVISION NO. 5, STATE OF COLORADO, 109 8th Street, Suite 104, Glenwood Springs, CO 81601. CONCERNING THE APPLICATION FOR WATER RIGHTS OF THE CLINTON DITCH & RESERVOIR COMPANY IN THE BLUE RIVER AND ITS TRIBUTARIES IN **SUMMIT COUNTY, COLORADO. APPLICATION FOR FINDING OF REASONABLE DILIGENCE.** 1. Name, address, and telephone number of Applicant: Clinton Ditch & Reservoir Company ("Applicant"), c/o Chairman, P.O. Box 68, Breckenridge, CO. 80424. Direct all pleadings to: Glenn E. Porzak (2793), Porzak Law, LLC, 1111 Spruce Street, Suite 303, Boulder, CO. 80302, (303) 589-0909. 2. Name of Structure: Clinton Gulch Reservoir 2nd Enlargement and Refill Right. 3. Legal Description of the Reservoir: The dam is located in Summit County in the SW 1/4, NW 1/4, Section 25, Township 7 South, Range 79 West, 6th P.M. at a point 2,358.6 feet from the North line and 1,057.2 feet from the West line of said Section 25. A map of Clinton Gulch Reservoir is attached as Exhibit 1. 4. Source: Clinton Creek, tributary to Ten Mile Creek, tributary to the Blue River. 5. Date of Appropriation: September 26, 2013. 6. Amount: 500 acre-feet, conditional, together with the right to refill this amount when water is available in priority. 7. Uses: Domestic, municipal, irrigation, industrial, snowmaking, recreation, fish and wildlife propagation, and augmentation purposes, both on the eastern and western slopes of Colorado for use in the municipal water system of the City and County of Denver acting by and through its Board of Water Commissioners ("Denver Water") and for direct or indirect use in Summit and Grand Counties by the present and future shareholders of Applicant. 8. Existing Surface Area at Normal High Water Line: 91.4 acres. (a) Maximum Height of Dam: 170 feet. (b) Length of Dam: 1,550 feet. 9. Total Existing Capacity of the Reservoir: 4,460 acre-feet. (a) Active Capacity: 3,659 acre-feet. (b) Dead Storage: 801 acre-feet. 10. Owner of Land Where the Reservoir Enlargement is Located: Applicant and Climax Molybdenum Company, 11236 Hwy 91 - Fremont Pass, Climax, CO 80429. 11. Remarks: (a) On October 14, 1979, the District Court in and for Water Division No. 5 ("Water Court") entered a decree in Case No. 79CW49 granting the absolute right to 4,250 acre-feet to be stored in Clinton Gulch Reservoir for industrial, domestic, irrigation, recreation, and fish and wildlife propagation purposes. On May 25, 1993, the Water Court entered a decree in Case No. 92CW65 granting a Use Enlargement and Second Filling for Clinton Gulch Reservoir in the amount of 4,250 acre feet for domestic, municipal, irrigation, industrial, snowmaking, recreation, fish and wildlife propagation, and augmentation purposes, both on the eastern and western slopes of Colorado. On September 17, 1998, the Water Court entered a decree in Case No. 98CW57 approving the Clinton Gulch Reservoir Use Enlargement Second Filling for 4,250 acre-feet, absolute, for the uses decreed in Case No. 92CW65. On November 4, 2013, the Water Court entered a decree in Case No. 06CW252 granting an absolute right to an additional 210 acre-feet stored in Clinton Gulch Reservoir, together with the right to refill this amount when water is available in priority, for the uses set forth in paragraph 7 above. On June 2, 2019, the Water Court entered a decree in Case No. 18CW3210 granting a conditional right to an additional 500 acre feet for the Clinton Gulch Reservoir 2nd Enlargement and Refill Right described herein. (b) Clinton Gulch Reservoir is subject to and operated pursuant to the terms of the Clinton Reservoir-Fraser River Water Agreement dated July 21, 1992, between Denver Water and the Applicant's original shareholders and other parties in Grand County, as amended by the Colorado River Cooperative Agreement with Denver Water with an effective date of September 26, 2013. Pursuant to Article III(c)(6) of the Colorado River Cooperative Agreement, Denver Water agreed to operate its Blue River Diversion Project rights so as to allow the Applicant to store in Clinton Gulch Reservoir the 500 acre feet described herein. Such additional storage in Clinton Gulch Reservoir will result from an enlargement of the reservoir spillway, and Clinton Gulch Reservoir as enlarged will operate under Denver Water's prior fill agreement with the Bureau of

Reclamation and Denver Water will be obligated to meet the paper filler requirements of Green Mountain Reservoir. 12. Diligence Activities: Since June of 2019, Applicant has spent a total of \$548,426.74 on the following activities to develop the subject conditional water right: (a) \$128,221.08 – Preparing an environmental assessment and Clean Water Act Section 404 permit application from the US Army Corps of Engineers to impact Waters of the US resulting from reservoir enlargement. (b) \$123,167.52 – Final design drawings and engineering report for the modification of the spillway that will raise the normal pool elevation by 5 feet. (c) \$297,038.14 – Maintenance and Dam Safety rules compliance activities such as updating flood hydrology modeling, monitoring seepage through the dam, and completing a Critical Dam Safety Evaluation with the Dam Safety Branch in 2023. In addition, Applicant has engaged in negotiations with the Climax Molybdenum Company for portions of the land inundated by the Reservoir Enlargement. WHEREFORE, Applicant respectfully requests this Court to grant a decree for a finding of reasonable diligence for Clinton Gulch Reservoir 2nd Enlargement and Refill Right as described herein, and such other relief as this Court deems appropriate and necessary.

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

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

25CW3102 EAGLE COUNTY – GROUNDWATER TRIBUTARY TO COLORADO RIVER. Sage River Center Dotsero LLC and Rudolf F. Neumayr Trust, c/o Scott C. Miller, Esq. and John M. Sittler, Esq., Patrick, Miller & Noto, P.C., 229 Midland Ave., Basalt, CO 81621, (970) 920-1030. APPLICATION TO MAKE WATER RIGHT ABSOLUTE AND FOR FINDING OF REASONABLE DILIGENCE. First Claim: To Make Water Right Absolute: Name of structure: Bangert-Neumayr Well. Well Permit No. 135196. Date of original decree: June 16, 2019, Case No. 18CW3073, Division 5 Water Court. Legal description: The well is located in the NE ¼, NW ¼ of Section 5, Township 5 South, Range 86 West of the 6th P.M., at a point 951 feet from the North section line and 2,426 feet from the West section line (Eagle County). UTM NAD83 Z13: Northing – 4390999.2, Easting – 323201.5. A map is on file with the Court as Exhibit A. Source: Groundwater tributary to the Colorado River. Well depth: 58 feet. Appropriation date: May 31, 2018. Amount: 15 g.p.m., up to 45 g.p.m. cumulative with the Bangert Lot 1 Well and Neumayr Lot 2 Well. Uses: Irrigation of up to 0.90 acres total from all wells (consisting of 10,000 square feet on Neumayr-Brown Subdivision Lot 2 and the balance on Neumayr-Brown Subdivision Lot 1), domestic, commercial, industrial, and fire protection. Claim to make water right absolute: Date water applied to beneficial use: May 6, 2024. Amount: 15 g.p.m. Uses: Irrigation, domestic, commercial, industrial, and fire protection. To the extent the Bangert-Neumayr Well is not confirmed as absolute in its entirety, Applicants request a finding of reasonable diligence on the remaining conditional amounts and uses. A detailed outline of work performed towards completion of the appropriation, including expenditures, is on file with the Court as Exhibit B. Co-Applicants own the land upon which the Bangert-Neumayr Well will be located and where water will be put to beneficial use. Second Claim: For Finding of Reasonable Diligence: Name of structure: Bangert Lot 1 Well. Date of original decree: June 16, 2019, Case No. 18CW3073, Division 5 Water Court. Legal description: The proposed location for this well is in the NE ¼, NW ¼ of Section 5, Township 5 South, Range 86 West of the 6th P.M., at a point 1,000 feet from the North section line and 2,600 feet from the West section line (Eagle County). UTM NAD83 Z13: Northing – 4390982, Easting – 323260. A map is on file with the Court as Exhibit A. Source: Groundwater tributary to the Colorado River. Proposed well depth: 100 feet. Appropriation date: May 31, 2018. Amount 15 g.p.m., up to 45 g.p.m. cumulative with the Bangert-Neumayr Well and Neumayr Lot 2 Well. Uses: Irrigation of up to 0.90 acres total from all wells (consisting of 10,000 square feet on Neumayr-Brown Subdivision Lot 2 and the balance on Neumayr-Brown Subdivision Lot 1), domestic, commercial, industrial, and fire protection. Applicants have exercised reasonable diligence towards completion of the Bangert Lot 1 conditional water right. A detailed outline of work performed towards completion of the appropriation, including expenditures, is on file with the Court as Exhibit B. Co-Applicant Sage River Center Dotsero LLC owns the land upon which the Bangert Lot 1 Well will be located and where water will be put to beneficial use. Third Claim: For Finding of Reasonable Diligence: Name of structure: Neumayr Lot 2 Well. Date of original decree: June 16, 2019, Case No. 18CW3073, Division 5 Water Court. Legal description: The proposed location for this well is in the NE ¼, NW ¼ of Section 5, Township 5 South, Range 86 West of the 6th P.M., at a point 730 feet from the North section line and 2,280 feet from the West section line (Eagle County). UTM NAD83 Z13: Northing – 4391067, Easting – 323162. A map is on file with the Court as Exhibit A. Source: Groundwater tributary to the Colorado River. Proposed well depth: 100 feet. Appropriation date: May 31, 2018. Amount 15 g.p.m., up to 45 g.p.m. cumulative with the Bangert-Neumayr Well and Bangert Lot 1 Well. Uses: Irrigation of up to 0.90 acres total from all wells (consisting of 10,000 square feet on Neumayr-Brown Subdivision Lot 2 and the balance on Neumayr-Brown Subdivision Lot 1), domestic, commercial, industrial, and fire protection. Applicants have exercised reasonable diligence towards completion of the Neumayr Lot 2 Well conditional water right. A detailed outline of work performed towards completion of the appropriation, including expenditures, is on file with the Court as Exhibit B. Co-Applicant Rudolf F. Neumayr Trust owns the land upon which the Neumayr Lot 2 Well is located and where water will be put to beneficial use.

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

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

25CW3103 GRAND COUNTY – IN THE FRASER RIVER, OR ITS TRIBUTARIES. APPLICATION TO MAKE ABSOLUTE IN PART AND FOR FINDINGS OF REASONABLE DILIGENCE. Cornerstone Winter Park Holdings, LLC c/o Kevin L. Patrick and Jason M. Groves, Patrick, Miller & Noto, P.C., 229 Midland Ave., Basalt, CO 81621. First Claim: To Make Absolute in Part and for Finding of Reasonable Diligence: Structure name: Cozens Ditch, First Enlargement. Original decree: October 3, 2002, Case No. 99CW314, Water Division 5. Prior diligence decree: June 16, 2019, 18CW3144. Legal description: The headgate is located on the west bank of Vasquez Creek in the SE ¼ NW ¼ of Section 33, Township 1 S., Range 75 W. of the 6th P.M., at a point whence the NW corner of said Section 33 bears North 57°33'17" W. a distance of approximately 2,408 feet (1,280 feet from the North section line and 1,998 feet from the West section line) (Grand County). Source: Vasquez Creek, tributary to the Fraser and Colorado Rivers. Appropriation date: December 23, 1999. Amount: 1.34 c.f.s., conditional out of the 3.1 c.f.s. originally decreed for irrigation use. 3.1 c.f.s., conditional for all other uses described below. Uses: Domestic, irrigation, commercial, industrial, stock watering, and fire protection purposes, and storage in the Maryvale K-1a Reservoir, Maryvale K-1b Reservoir, Maryvale K-2 Reservoir, Maryvale J-2 Reservoir, Maryvale J-3 Reservoir, Maryvale E-F Reservoir, MR-1 Reservoir, MR-2 Reservoir, MR-3 Reservoir, and MR-4 Reservoir (collectively the "Detention Ponds") decreed in Case No. 99CW315, Division 5 Water Court. Claim to make absolute in part: evidence of beneficial use is on file with the Court. Date water applied to beneficial use: July 20, 2023. Amount: 3.1 c.f.s. Uses: Fill Storage in the Detention Ponds, Stock Watering, and Fire Protection. Applicant requests a finding of reasonable diligence for all conditional portions of the subject water right. Landowner information: Applicant owns the land upon which water is stored and put to beneficial use. The Town of Winter Park, Colorado, P.O. Box 3327, Winter Park, CO 80482, owns the land where the point of diversion is located. Remarks: In Case No. 08CW193, the Court decreed Cozens Ditch, First Enlargement water right as a component part of an integrated water supply project for Applicant's property. Second Claim: To Make Absolute in Part and for Finding of Reasonable Diligence: Structure name: Cozens Ditch Extension. Conditional water right description: Original decree: October 3, 2002; Case No. 99CW314, Water Division 5. Prior diligence decree: June 16, 2019, Case No. 18CW3144. Legal description: The headgate is located at a point where Cozens Ditch intersects Leland Creek in the NE ¼ SE ¼ of Section 29, Township 1 S., Range 75 W. of the 6th P.M., at a point whence the NE corner of said Section 29 bears North 0°6'27" E. a distance of approximately 2,883 feet (2,342 feet from the South section line and 42 feet from the West section line) (Grand County). Source: Leland Creek, tributary to the Fraser and Colorado Rivers. Appropriation date: December 23, 1999. Amount: 1.5 c.f.s., conditional for all uses described below except irrigation. 1.5 c.f.s. was made absolute for irrigation in Case No. 2018CW3144. Uses: Domestic, irrigation, commercial, industrial, stock watering, and fire protection purposes, and storage in the Detention Ponds decreed in Case No. 99CW315, Division 5 Water Court. Claim to make absolute in part: evidence of beneficial use is on file with the Court. Date water applied to beneficial use: May 22, 2024. Amount: 1.5 c.f.s. Uses: Fill Storage in the Detention Ponds, Stock Watering, and Fire Protection. Applicant requests a finding of reasonable diligence for all conditional portions of the subject water right. Landowner information: Applicant. Remarks: In Case No. 08CW193, the Court decreed that this water right is a component part of an integrated water supply project for Applicant's property. A map and detailed outline of diligence activities are on file with the court.

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

25CW3104 PITKIN COUNTY, WATER TRIBUTARY TO THE ROARING FORK RIVER. 38 Aspen, LLC, c/o Patrick, Miller & Noto, P.C., 229 Midland Ave., Basalt, CO 81621, (970) 920-1030. APPLICATION TO MAKE WATER RIGHT ABSOLUTE. First Claim: To Make Water Right Absolute. Name of structure: Stone Pond System. Date of original decree: October 29, 2001, Case No. 00CW78, District Court, Water Division No. 5. Subsequent diligence decree: July 22, 2012, Case No. 07CW186; June 16, 2019, Case No. 18CW3095, all District Court, Water Division No. 5. Legal description: NW ¼ of the NE ¼ Section 12, Township 10 South, Range 85 West of the 6th P.M. at a location 653.1 feet from the north section line and 1380.0 feet from the east section line of said Section 12, in Pitkin County, Colorado. A map is on file with the Court as Figure 1. Source: Tributary water from the alluvium of the Roaring Fork River, delivered by Stone Well No. 1, as described in Case No. 00CW79, District Court, Water Division No. 5. Appropriation date:

November 3, 1999. Amount: 0.46 acre-feet, with the right to fill and refill in priority. 0.153 acre-feet was made absolute in Case No. 07CW186 for piscatorial, aesthetic, and recreational uses. 0.077 acre-feet was made absolute in Case No. 18CW3095 for all decreed uses, and an additional 0.153 acre-feet was made absolute for augmentation use. Thus, 0.23 acre-feet remains conditional for all decreed uses. Decreed uses: Piscatorial, aesthetic, recreational, and augmentation uses. Claim to make absolute: Date water applied to beneficial use: May 20, 2025. Amount: 0.23 acre-feet (0.46 acre-feet total). Uses: Piscatorial, aesthetic, recreational, and augmentation. Applicant owns the land on which the water right is located and where water will be put to beneficial use. Remark: To the extent the Stone Pond System is not confirmed as absolute in its entirety, Applicant requests a finding of reasonable diligence on the remaining conditional amounts and uses. A detailed outline of activities Applicant conducted to complete 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 AUGUST 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 JUNE 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.*

25CW3105 PITKIN COUNTY. TRIBUTARIES TO CAPITOL CREEK, TRIBUTARY TO THE ROARING FORK RIVER, TRIBUTARY TO THE COLORADO RIVER. Application for Findings of Reasonable Diligence. Applicants: La Jolla Development Company d/b/a McCabe Ranch Harry & Anthony Collins and Judith Collins Revocable Trust, d/b/a McCabe Ranch ("Applicants"), c/o Sara M. Dunn, Balcomb & Green, P.C.; P.O. Drawer 790, Glenwood Springs, CO 81602; (970) 945-6546; www.balcombgreen.com. Applicants request a finding of reasonable diligence in the development of the conditional water rights for the McCabe Pond No. 1, McCabe Pond No. 2, McCabe Pond No. 4, McCabe Pond No. 20, Abacus Ranch Well No. 3, McCabe Ranch Well B, McCabe Ranch Well C, and McCabe Ranch Well E. Claim for Finding of Reasonable Diligence. Structure: McCabe Pond No. 1, storage water right. Originally decreed in Dist. Ct., Water Div. 5 in 87CW313 (1 of 5), Third Amended, on 5/13/1991, *nunc pro tunc* 12/12/1990, and subsequent diligence decreed in 96CW331 on 8/26/1997, 03CW188 on 12/3/2004, 10CW268 on 5/29/2012, & 18CW3087 on 6/15/2019. Legal Description: NW1/4 SE1/4 of Sec. 5, T. 9 S., R. 86 W., 6th P.M., at a point 2,360 ft. from the S. Sec. line and 2,730 ft. from the W. Sec. line of said Sec. 5, see Ex. B. **Source: Capitol Creek and surface water tributary to East Sopris Creek, both tributary to the Roaring Fork River, tributary to the CO River.** Date of Approp.: 4/17/1987. Amt.: 0.14 AF, conditional. Uses: Rec., piscatorial, fire protection, and stock water. Structure: McCabe Pond No. 2, storage water right. Originally decreed in Dist. Ct., Water Div. 5 in 87CW313 (1 of 5), Third Amended, on 5/13/1991, *nunc pro tunc* 12/12/1990, and subsequent diligence decreed in 96CW331 on 8/26/1997, 03CW188 on 12/3/2004, 10CW268 on 5/29/2012, & 18CW3087 on 6/15/2019. Legal Description: NE1/4 SW1/4 of Sec. 5, T. 9 S., R. 86 W., 6th P.M., at a point 2,320 ft. from the S. Sec. line and 2,500 ft. from the W. Sec. line of said Sec. 5, see Ex. B. **Source: Capitol Creek and surface water tributary to East Sopris Creek, both tributary to the Roaring Fork River, tributary to the CO River.** Date of Approp.: 4/17/1987. Amt.: 0.14 AF, conditional. Uses: Rec., piscatorial, fire protection, and stock water. Structure: McCabe Pond No. 4, surface water right. Originally decreed in Dist. Ct., Water Div. 5 in 87CW313 (1 of 5), Third Amended, on 5/13/1991, *nunc pro tunc* 12/12/1990, and subsequent diligence decreed in 96CW331 on 8/26/1997, 03CW188 on 12/3/2004, 10CW268 on 5/29/2012, & 18CW3087 on 6/15/2019. Legal Description: SW1/4 NE1/4 of Sec. 5, T. 9 S., R. 86 W., 6th P.M., at a point 3,410 ft. from the S. Sec. line and 3,200 ft. from the W. Sec. line of said Sec. 5, see Ex. B. **Source: Capitol Creek and surface water tributary to East Sopris Creek, both tributary to the Roaring Fork River, tributary to the CO River.** Date of Approp.: 4/17/1987. Amt.: 0.4 AF, conditional. Uses: Rec., piscatorial, fire protection, and stock water. Remarks: 0.3 AF were made absolute for uses in 03CW188. Structure: McCabe Pond No. 20, a surface water right. Originally decreed in Dist. Ct., Water Div. 5 in 87CW313 (1 of 5), Third Amended, on 5/13/1991, *nunc pro tunc* 12/12/1990, and subsequent diligence decreed in 96CW331 on 8/26/1997, 03CW188 on 12/3/2004, 10CW268 on 5/29/2012, & 18CW3087 on 6/15/2019. Legal Description: SE1/4 NW1/4 of Sec. 5, T. 9 S., R. 86 W. of the 6th P.M., at a point 2,730 ft. from the S. Sec. line and 2,510 ft. from the W. Sec. line of said Sec. 5, see Ex. B. **Source: Green Meadow Ditch diverting from Capitol Creek and surface water tributary to East Sopris Creek, both tributary to the Roaring Fork River, tributary to the CO River.** Date of Approp.: 4/17/1987. Amt.: 0.14 AF, conditional. Uses: Irr., rec., piscatorial, fire protection, and stock water. Structure: Abacus Ranch Well No. 3, underground water right. Originally decreed in Dist. Ct., Water Div. 5 in 87CW313 (4 of 5), Second Amended, on 12/12/1990, and subsequent diligence decreed in 96CW331 on 8/26/1997, 03CW188 on 12/3/2004, 10CW268 on 5/29/2012, & 18CW3087 on 6/15/2019. Legal Description: SE1/4 NE1/4 of Sec. 5, T. 9 S., R. 86 W., 6th P.M. at a point 3,450 ft. from the S. line of said Sec. 5 and 4,400 ft. from the W. line of said Sec. 5, see Ex. B. **Source: Groundwater tributary to East Sopris Creek, tributary to the Roaring Fork River, tributary to the CO River.** Date of Approp.: 3/27/1989. Amt.: 0.033 c.f.s., conditional. Uses: Irr. of 1.0 acre located within the J.H. McCabe Tracts 5 and 6, dom., fire protection, and stock water. Estimated Dept of Well: 28 ft. Structure: McCabe Ranch Well B, underground water right. Originally decreed in Dist. Ct., Water Div. 5 in 92CW297, on 9/16/1993, and subsequent diligence decreed in 96CW331 on 8/26/1997, 03CW188 on 12/3/2004, 10CW268 on 5/29/2012, & 18CW3087 on 6/15/2019. Legal Description: NE1/4 NE1/4 of Sec. 7, T. 9 S., R. 86 W., 6th P.M. at a point S. 34°0' W., 1,440 ft. from NE Corner of said Sec. 7 in Pitkin Cty., CO; also described in 10CW268 as being 1,200 ft. from the North Sec. line and 795 ft. from the

East Sec. line of said Sec. 7, see Ex. B. **Source: Groundwater tributary to East Sopris Creek, tributary to the Roaring Fork River, tributary to the CO River.** Date of Approp.: 12/31/1992. Amt.: 0.165 c.f.s., conditional. The McCabe Ranch Wells A through E were decreed for 0.165 c.f.s. individually or in the aggregate. With the completion of the McCabe Ranch Wells A and D, the entire 0.165 c.f.s. was made absolute in 03CW188. Applicants intend to develop the McCabe Ranch Wells B, C, and E to ease production pressure on the McCabe Ranch Well A and D and assure a redundant supply for the dom. use. Uses: Irr. within a 30-acre tract dom., fire protection and stock water. Location of Irrigated Acres: NE1/4 NE1/4 of Sec. 7, T. 9 S., R. 86 W. of the 6th P.M. Dept of Well: 400 ft. Structure: McCabe Ranch Well C, underground water right. Originally decreed in Dist. Ct., Water Div. 5 in 92CW297, on 9/16/1993, and subsequent diligence decreed in 96CW331 on 8/26/1997, 03CW188 on 12/3/2004, 10CW268 on 5/29/2012, & 18CW3087 on 6/15/2019. Legal Description: NE1/4 NE1/4 of Sec. 7, T. 9 S., R. 86 W. of the 6th P.M., at a point S. 36°30' W., 695 ft. from the NE Corner of said Sec. 7 in Pitkin Cty., CO; also described in 10CW268 as being 560 ft. from the North Sec. line and 410 ft. from the East Sec. line of said Sec. 7, see Ex. B. **Source: Groundwater tributary to East Sopris Creek, tributary to the Roaring Fork River, tributary to the CO River.** Date of Approp.: 12/31/1992. Amt.: 0.165 c.f.s., conditional. The McCabe Ranch Wells A through E were decreed for 0.165 c.f.s. individually or in the aggregate. With the completion of the McCabe Ranch Wells A and D, the entire 0.165 c.f.s. was made absolute in 03CW188. Applicants intend to develop the McCabe Ranch Wells B, C, and E to ease production pressure on the McCabe Ranch Well A and D and assure a redundant supply for the dom. use. Uses: Irr. within a 30-acre tract, dom., fire protection and stock water. Location of Irrigated Acres: NE1/4 NE1/4 of Sec. 7, T. 9 S., R. 86 W. of the 6th P.M. Dept of Well: 400 ft. Structure: McCabe Ranch Well E, underground water right. Decree Information: Originally decreed in Dist. Ct., Water Div. 5 in 92CW297, on 9/16/1993, and subsequent diligence decreed in 96CW331 on 8/26/1997, 03CW188 on 12/3/2004, 10CW268 on 5/29/2012, & 18CW3087 on 6/15/2019. Legal Description: A SW1/4 NW1/4 of Sec. 8, T. 9 S., R. 86 W. of the 6th P.M., at a point S. 02°0' East, 1,880 ft. from the NW Corner of said Sec. 8 in Pitkin Cty., CO; described in 10CW268 as being 1,880 ft. from the North Sec. line and 65 ft. from the W. Sec. line of said Sec. 8 as illustrated in Ex. B. **Source: Groundwater tributary to Little Elk Creek, tributary to Capitol Creek, tributary to the Roaring Fork River, tributary to the CO River,** see Ex. B. Date of Approp.: 12/31/1992. Amt.: 0.165 c.f.s., conditional. The McCabe Ranch Wells A through E were decreed for 0.165 c.f.s. individually or in the aggregate. With the completion of the McCabe Ranch Wells A and D, the entire 0.165 c.f.s. was made absolute in 03CW188. Applicants intend to develop the McCabe Ranch Wells B, C, and E to ease production pressure on the McCabe Ranch Well A and D and assure a redundant supply for the dom. use. Uses: Irr. within a 1.2 acre tract, dom., fire protection and stock water. Location of Irrigated Acres: SW1/4 NW1/4 of Sec. 8, T. 9 S., R. 86 W. of the 6th P.M. Dept of Well: 400 ft. A list of diligence activities performed in the six years preceding the filing of this Application is on file with this Water Ct. Names and address of owners of land on which structure is or will be located, upon which water is or will be stored, or upon which water is or will be placed to beneficial use: The Application seeks only a finding of diligence for previously decreed structures, with no modifications or claims to add new structures. Therefore, Applicants did not provide notice of the Application to the landowners identified in 10CW268. See C.R.S. § 37-92-302(2)(b)(II). Integrated Water Supply System: In 03CW188 and 18CW3087, the Court confirmed the structures described above are part of an integrated water supply for Applicants' property. C.R.S. §37-92-301(4)(b). **YOU ARE HEREBY NOTIFIED THAT YOU HAVE until the last day of AUGUST 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 JUNE 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.*

25CW3106 GARFIELD COUNTY. Application for Reasonable Diligence. 1.Name, address, telephone number of applicant: United States of America, Department of Interior, Bureau of Land Management, Colorado River Valley Field Office, 2300 River Frontage Road, Silt, CO 81652. **2.Name of structure:** Naval Oil Shale Reserve ("NOSR") Water System Pipeline **3. Description of conditional water rights: A. Point of Diversion:** NE/4 SE/4 NE/4, Section 29, Lot 1, T6S R94W, Sixth P.M., approximately 1,575 feet from the north section line and 200 feet from the east section line. UTM Zone 13 250369mE 4376162mN (NAD 83). See Exhibit A. **B. Source:** Colorado River **C. Appropriation Date:** 12/31/1983. **D. Amount:** 100 cfs, conditional. **E. Use:** Municipal and industrial use related to the development and production of oil from shale on Naval Oil Shale Reserve #1. **F. Place of Use:** Within the boundaries of and within one mile of Naval Oil Shale Reserve 1 and Naval Oil Shale Reserve 3. **4. Detailed outline of what has been done toward completion of the appropriation and application of water to beneficial use as conditionally decreed:** See application for a full description of diligence activities. **5. Name and address of owner of land on which point of diversion and place of use is located:** United States Department of the Interior, Bureau of Land Management, Colorado River Valley Field Office, 2300 River Frontage Road, Silt, CO 81652.

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

25CW3107 ROUTT COUNTY. Application for Correction for Established But Erroneously Described Point of Diversion Pursuant to Section 37-92-305 (3.6), C.R.S. 1. Name, mailing address, e-mail address, and telephone number of Applicant: United States of America – Department of the Interior, Bureau of Land Management, Colorado River Valley Field Office, 300 River Frontage Road, Silt, CO 81652. Service of all pleadings, etc. should be made on: Kristen C. Guerriero, #32663, Office of the Regional Solicitor, 755 Parfet Street, Suite 151, Lakewood, Colorado 80215. kristen.guerriero@sol.doi.gov 2. Decreed structure for which correction is sought: Name of structure: Upper King Mountain Reservoir WDID 5303979 Case number and dates of relevant decrees: Civil Action 1416 – 09/13/1967 (conditional decree) 95 CW 153 – 12/31/1995 (conditional to absolute decree) Legal description of structure: Civil Action 1416: At a point whence the North Quarter corner of Section 28, T1N R84W of the 6th P.M., bears South 59°59' West, 3,616 feet distant. 95 CW 153: The center of the dam is located on public lands in the NE ¼ NW ¼ SW ¼, Section 22, T1N R84W, Sixth P.M. at a point approximately 2,110 feet north of the south section line and 820 feet east of the west section line. Decreed source of water: Civil Action 1416: Egeria Creek 95 CW 153: Surface runoff from an unnamed tributary to Egeria Creek/Rock Creek/Colorado River. Amounts of water decreed and appropriation dates: Civil Action 1416: 25.08 acre-feet, conditional – 9/7/1966 95 CW 153: 25.08 acre-feet, absolute – 9/7/1966 Decreed uses: Irrigation, stock watering, domestic, piscatorial. 3. Detailed description of proposed correction: BLM has determined that previous decrees incorporated an erroneous legal description from the original water right application filed in Civil Action 1416. Aerial imagery confirms that the actual location of the reservoir has not changed since it was constructed pursuant to the conditional water right decree. Based on modern GPS readings, BLM requests that the legal description for the water right be changed to read as follows: The center of the dam is in the SW ¼ SE ¼, Section 22, T1N R84W, Sixth P.M., approximately 1,160 feet from the south section line and 1,950 feet from the east section line. UTM Coordinates: Zone 13T 346802mE 4433161mN. There are no intervening water rights between the decreed reservoir location and the actual reservoir location. 4. Names and addresses of owners of the land upon which the structures are located: United States of America – Department of the Interior, Bureau of Land Management, Colorado River Valley Field Office, 2300 River Frontage Road, Silt, CO 81652.

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

25CW3108 GRAND COUNTY, Application for Findings of Reasonable Diligence. Applicant: Susan Drumm; *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. Applicant requests findings of reasonable diligence with regard to the following water rights.* **Emerald Spring.** *Original Decree:* Case No. 04CW47, District Court in and for Water Division No. 5, originally entered by this Court on May 16, 2006. *Subsequent findings of reasonable diligence:* Case No. 12CW82 and Case No. 18CW3202. *Location:* The point of diversion is located on Lot 15 of the Pole Creek Preserve Subdivision in Grand County, Colorado, in the SE ¼ NW ¼ of Section 16, Township 1 South, Range 76 West of the 6th P.M. at a point whence the NW corner of said Section 16 bears North 50°27'2" West a distance of 2644.1 feet, also described as being 1980 feet east of the west section line of said Section 16, and 1575 feet south of the north section line of said Section 16. *See Exhibit A attached to the Application. Source:* spring tributary to Skunk Creek, tributary to Pole Creek, tributary to Crooked Creek, tributary to the Fraser River, tributary to the Colorado River. *Appropriation date:* March 31, 2004. *Amount:* 1.0 c.f.s., conditional for all uses except irrigation and 0.25 c.f.s., conditional, for irrigation purposes. *Decreed Uses:* to fill the Emerald Pond No. 1, described below, for fire protection, wildlife, irrigation, aesthetic, piscatorial and recreational uses. Irrigation of 10 acres, by direct use, on Applicant's property described as Lot 15 of the Pole Creek Preserve subdivision as described above. A map of the area to be irrigated is attached to the Application as Exhibit A. *Name and address of owner of land upon which well is located:* Applicant. *Remarks:* Emerald Spring is a near surface structure as defined by C.R.S. §§ 37-90-103(21)(b) and 37-92-103(14)(b). *Applicant requests findings of reasonable diligence with regard to the following water rights.* **Emerald Ditch.** *Original Decree:* Case No. 04CW47, District Court in and for Water Division No. 5, originally entered by this Court on May 16, 2006. *Subsequent findings of reasonable diligence:* Case No. 12CW82. *Location:* The point of diversion is located on Skunk Creek located on Lot 15 of the Pole Creek Preserve Subdivision in Grand County, Colorado, SE ¼ NW ¼ of Section 16, Township 1 South, Range 76 West of the 6th P.M. at a point whence the NW corner of said Section 16 bears North 34°24'33" West a distance of 2132.8 feet, also described as being 1140 feet east of the west section line of said Section 16, and 1701 feet south of the north section line of said Section 16. *See Exhibit A attached to the Application. Source:* unnamed tributary of Skunk Creek, tributary to Pole Creek, tributary to Crooked Creek,

tributary to the Fraser River, tributary to the Colorado River. *Appropriation date:* March 31, 2004. *Amount:* 1.0 c.f.s., conditional for all uses except irrigation and 0.25 c.f.s., conditional, for irrigation purposes. *Decreed Uses:* to fill the Emerald Pond No. 1, described below, for fire protection, wildlife, irrigation, aesthetic, piscatorial and recreational uses. Irrigation of 10 acres, by direct use, on Applicant's property described as Lot 15 of the Pole Creek Preserve subdivision as described above. A map of the area to be irrigated is attached as Exhibit A to the Application. *Name and address of owner of land upon which well is located:* Applicant. *Applicant requests findings of reasonable diligence with regard to the following water rights.* **Emerald Pond No. 1.** *Original Decree:* Case No. 04CW47, District Court in and for Water Division No. 5, originally entered by this Court on May 16, 2006. *Subsequent findings of reasonable diligence:* Case No. 12CW82. *Location:* The pond will be located on Lot 15 of the Pole Creek Preserve Subdivision in Grand County, Colorado, SE ¼ NW ¼ of Section 16, Township 1 South, Range 76 West of the 6th P.M. at a point whence the NW corner of said Section 16 bears North 55°25'14" West a distance of 2536.2 feet, also described as being 2040 feet east of the west section line of said Section 16, and 1327 feet south of the north section line of said Section 16. *See* Exhibit A to the Application. *Source:* the pond will be filled with the Emerald Spring and the Emerald Ditch as described above. The pond may be built over the Emerald Spring. *Appropriation date:* March 31, 2004. *Amount:* 15 acre-feet, conditional. *Decreed Uses:* recreation, piscatorial, wildlife, irrigation, fire protection and aesthetic. Irrigation of 10 acres, by direct use, on Applicant's property described as Lot 15 of the Pole Creek Preserve subdivision as described above. A map of the area to be irrigated is attached as Exhibit A to the Application. *Pond/Dam Information:* Surface area at high water line: 2 acres. Maximum height of dam: 10 feet. Length of dam: 400 feet. Total capacity of pond: 15 acre-feet. Active Capacity: 15 acre-feet. Dead Storage: 0 acre-feet. *Name and address of owner of land upon which well is located:* Applicant. *Remarks:* The pond will be constructed on or near the Emerald Spring. When the Emerald Spring is out of priority, the Applicant shall allow all inflow to the pond to be bypassed by or released from the pond into the Skunk Creek drainage. The Application includes a detailed description of the work performed during the diligence period. (5 pages).

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