

DIVISION 5 WATER COURT- AUGUST 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 AUGUST 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.*

25CW3121 MESA COUNTY -APPLICATION TO MAKE CONDITIONAL WATER STORAGE RIGHT ABSOLUTE. 1. Applicants: DAVID A. PRICE and RACHEL L. PRICE, P.O. Box 123, Mesa, CO 81643, (970) 986-3400. **Attorneys:** Karoline M. Henning, HOSKIN FARINA & KAMPF, P.C., 200 Grand Avenue, Suite 400, P.O. Box 40, Grand Junction, CO 81502, (970) 986-3400. **2. Name of Structure:** Fletcher's Pond. **3. Information concerning the subject conditional water right:** **A. Date of Original Decree:** August 11, 2019, Case No. 2018CW3177, Garfield County District Court. **B. Subsequent decrees awarding findings of diligence:** None. **C. Legal description:** UTM Zone 12: Easting 748455, Northing 4339763, *see* Exhibit A to Application. **D. Source of water:** States Spring No. 1 and States Spring No. 2, tributary to Coon Creek, tributary to Plateau Creek, tributary to the Colorado River. UTM coordinates for States Spring No. 1: UTM Zone 12: Easting 748569, Northing 4339617. From this location water is conveyed downgradient via a diversion ditch to Fletcher's Pond. Street Address: 49736 KE Road, Mesa, CO 81643, Bear Ridge Estates Lot 3. Source of UTMs: handheld GPS device. UTM Coordinates for States Spring No. 2: UTM Zone 12: Easting 748502, Northing 4339676. From this location water is conveyed downgradient via a diversion ditch to Fletcher's Pond. Street Address: 49736 KE Road, Mesa, CO 81643, Bear Ridge Estates Lot 3. Source of UTMs: handheld GPS device. **E. Appropriation Date:** August 30, 2017. **F. Amount:** One acre foot, conditional, together with the right to fill and refill in priority. **G. Uses:** Irrigation, fire protection, recreation, fish, and wildlife. **4. A detailed outline of what has been done during the previous diligence period to complete the appropriation and application of water to a beneficial use as conditionally decreed, including expenditures:** *See* Exhibit B to the Application. **5.** Applicants began applying water from Fletcher's Pond to beneficial use for irrigation purposes on August 31, 2024. **A.** Applicants have irrigated approximately 0.7 acres of hillside land located immediate west of Fletcher's Pond in the NE1/4 of the SE1/4 of Section 20, Township 10 South, Range 96 West of the 6th P.M. (the "Irrigated Lands") from August 31, 2024 until the end of the irrigation season in 2024 and from April 2025 through the present. The approximate location of the Irrigated Lands is shown shaded in blue on the map attached as Exhibit A to the Application. **B.** Applicants have applied such water via a Sime K1 sprinkler with 8 mm nozzle mounted on a 1250K Heavy Duty Sprinkler Cart at the rate between 13 and 21 gallons per minute on the Irrigated Lands, depending on where the sprinkler is located on the hillside and the length of hose used (50 to 150 feet of 2 inch diameter irrigation hose is used to cover the Irrigated Lands). During the 2025 irrigation season, Applicants have irrigated the Irrigated Lands once every three (3) weeks on average, with each irrigation requiring approximately 23-36 hours to complete, depending on weather and wind conditions. **C.** The application rate is based on the Sprinkler Cart Performance Chart and Specifications for the sprinkler device used for irrigation, a copy of which is attached as Exhibit C to the Application. **6.** Since the appropriation date of August 30, 2017, Fletcher's Pond has been filled with water from States Springs Nos. 1 and 2, and since that date has been in continuous use for recreation, fish and wildlife purposes. With completion of the pond improvements as outlined in Exhibit B to the Application, the water in Fletcher's Pond is readily available and can be pumped or otherwise applied for fire protection purposes. **7.** Applicants are the owners of all land containing the points of diversion and the existing storage structure as shown on Exhibit A to the Application, and the modifications to such diversion and storage structure that have been constructed and upon which water is or will be stored, including the modifications to the existing storage pool. **8.** Applicants have substantially complied with the terms and conditions of the decree. Application is 5 pages in length. **YOU ARE HEREBY NOTIFIED THAT YOU HAVE until the last day of OCTOBER 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 AUGUST 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.*

25CW3122 GARFIELD COUNTY. APPLICATION for Findings of Reasonable Diligence. Applicant: Abu-Haidar Berv Living Trust, 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. Applicant requests a finding of reasonable diligence in the development of the conditional water rights for the Hunt Reservoir No. 4 and Hunt Reservoir No. 5 ("SWRs"). *See* Exhibit A for a map depicting the SWRs' location on file with the Water Ct. All SWRs were originally decreed in District Ct., Water Div. 5 in 81CW220 on 3/16/1982, and subsequent diligence decreed in 90CW23 on 7/24/1990; 96CW041 on 7/27/1998; 04CW107 on 3/16/2006; 12CW38 on 10/2/2006; and 18CW17 on 8/25/2019. The date of approp. for all SWRS is 8/6/1981. Claims for Finding of Reasonable Diligence. Structure: Hunt Reservoir No. 4. Other Decree: 89CW325 on 5/23/1990 changing the place of storage of 1.01 AF of water decreed to Hunt Reservoir No. 4 to be stored in Hunt Reservoir No. 3; confirming as absolute 1.33 AF in Hunt Reservoir No. 4 for livestock watering, fish, and rec. uses; and approving a plan for aug. Legal Description: NW1/4 SW1/4 of Sec. 11, T. 7 S., R. 88 W. of the 6th P.M., at a point 300 ft. E. of the W. Sec. line and 2,200 ft. N. of the S. Sec. line. **SOURCE: CATTLE CREEK, TRIBUTARY TO THE ROARING FORK RIVER, TRIBUTARY TO THE COLORADO RIVER.** Amt. and Uses: 8.99 AF, conditional for Irr.; 7.66 AF conditional for livestock water,

fish culture, and rec. purposes. Structure: Hunt Reservoir No. 5. Other Decree: 89CW325 on 5/23/1990, changing the place of storage of 1.01 AF of water decreed to Hunt Reservoir No. 4 to be stored in Hunt Reservoir No. 3; confirming as absolute 1.33 AF in Hunt Reservoir No. 4 for livestock watering, fish, and rec. uses; and approving a plan for aug. Legal Description: NW1/4 SW1/4 of Sec. 11, T. 7 S., R. 88 W. of the 6th P.M., at a point 350 ft. E. of the W. Sec. line and 1,900 ft. N. of the S. Sec. line. **Source: Cattle Creek, tributary to the Roaring Fork River, tributary to the Colorado River.** Amt.: 1.0 AF, conditional. Uses: Irr., livestock water, fish culture, and rec. purposes. Integrated System: As decreed in 96CW41 paragraph 8, the SWRs are components of Applicant's integrated 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. Name and address of the owner of the land upon which the above-described water rights are located: Applicant. (6 pages of original application, Exh. A)

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

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25CW3123 GRAND COUNTY. Application for Findings of Reasonable Diligence. Applicant: GRCO LLC, 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. Applicant requests a finding of reasonable diligence in the development of the conditional water right decreed to Lake Val Moritz herein described as the "SWR." A map showing the decreed location of Lake Val Moritz and its decreed alternate places of storage is shown in Exhibit A. (All exhibits mentioned herein are incorporated by reference and may be inspected at the office of the clerk of this Ct.) The place of use for the Lake Val Moritz water right is identified as the "Combined Service Area" shown on Exhibit B, which map was Exhibit 1 to the decree in 97CW290. Claim for Finding of Reasonable Diligence. Structure: Lake Val Moritz. Original Decree: W-2119 on 5/29/1974, Dist. Ct., Water Div. 5. Subsequent Diligence Decree: W-2119-77 on 5/17/1978; 81CW298 on 4/29/1982; 85CW287 on 4/4/1986; 89CW245 on 3/26/1990; 96CW79 on 10/15/1996; 02CW240 on 9/8/2003; 09CW123 on 7/22/2012; 18CW3117 on 9/22/2019; all in the Dist. Ct., Water Div. 5. Legal Description: The E. abutment of the dam at its intersection with the center line of the axis of the dam is located whence the NW Corner of Sec. 16, T. 1 N., R. 86 W. of the 6th P.M. bears N. 52°30' W., 2,670 ft. This location may also be described, using the water Ct.'s preferred PLSS form, as follows: The E. abutment of the dam at its intersection with the center line of the axis of the dam is located in the SE1/4 NW1/4 of Sec. 16, T. 1 N., R. 67 W. of the 6th P.M. at a distance of 1,440 ft. from N. Sec. line and 2,060 ft. from the W. Sec. line in Grand Cty, CO. In 97CW290, the Ct. confirmed alternate places of storage as follows: Lake Val Moritz Alternate No. 1 - Legal Description: E1/2 SW1/4 of Sec. 9, T. 1 N., R. 76 W. of the 6th P.M. The right (E.) abutment of the dam at its centerline is located at a point 1,310 ft. from the S. Sec. line and 2,380 ft. from the W. Sec. line of said Sec. 9. Amt. Changed for Storage at this Location: 74 AF, of which, 24.91 AF was confirmed absolute in 18CW3117, with 49.09 AF remaining conditional. Surface Area of High Water Line: 246,000 sq. ft. (5.65 acres at 8,150 ft. elevation). Max Height of Dam: 29 ft. Length of Dam: 490 ft. Total Capacity of Reservoir: 74 AF. Active Capacity: 74 AF. Dead Storage: 0 AF. Landowner: Applicant. Lake Val Moritz Alternate No. 9 - Legal Description: SW1/4 of Sec. 9, T. 1 N., R. 76 W. of the 6th P.M. The right (E.) abutment of the dam at its centerline is located at a point approximately 980 ft. from the S. Sec. line and 1,540 ft. from the W. Sec. line of said Sec. 9. Amt. Changed for Storage at this Location: 320 AF, of which 33.44 AF was confirmed absolute in 18CW3117, with 286.56 AF remaining conditional. Surface Area of High Water Line: 13.7 acres (at 8,141 ft. elevation). Max Height of Dam: 40 ft. Length of Dam: 1,155 ft. Total Capacity of Reservoir: 320 AF. Active Capacity: 320 AF. Dead Storage: 0 AF. Landowner: Applicant. Remark: The reservoir has sometimes been referred to as Reservoir B in engineering reports and development documents for the Granby Ranch project. Lake Val Moritz Alternate No. 10 - Legal Description: The reservoir is located in the N1/2 SW1/4 SE1/4 of Sec. 4, T. 1 N., R. 76 W. of the 6th P.M. The center of the spillway at the high-water line is located at a point approx. 860 ft. from the S. Sec. line and 2,310 ft. from the E. Sec. line of said Sec. 4. Amt. Changed for Storage at this Location: 20 AF, of which, 5.17 AF was confirmed absolute in 18CW3117, with 14.83 AF remaining conditional. Surface Area of High Water Line: 2 acres. The reservoir is an excavated structure, and a dam was not constructed. Total Capacity of Reservoir: 20 AF. Active Capacity: 20 AF. Dead Storage: 0 AF. Landowner: Applicant. Remark: The reservoir has sometimes been referred to as Reservoir A or the Front 9 Pond in engineering reports and development documents for the Granby Ranch project. Lake Val Moritz Alternate No. 11 - Legal Description: NE1/4 NW1/4 of Sec. 21, T. 1 N., R. 76 W. of the 6th P.M. The right (E.) abutment of the dam at its centerline is located at a point 540 ft. from the N. Sec. line and 1,880 ft. from the W. Sec. line of said Sec. 21. Amt. Changed for Storage at this Location: 93.5 AF, conditional. Surface Area of High Water Line: 208,000 sq. ft.; (4.78 acres at 8,513 ft. elevation). Max Height of Dam: 48 ft. Length of Dam: 400 ft. Total Capacity of Reservoir: 93.5 AF. Active Capacity: 93.5 AF. Dead Storage: 0 AF. Landowner: Applicant. Lake Val Moritz Alternate No. 12 - Legal Description: SW1/4 NE1/4 of Sec. 16, T. 1 N., R. 76 W. of the 6th P.M. The right (E.) abutment of the dam at its centerline is located at a point 2,590 ft. from the N. Sec. line and 2,190 ft. from the E. Sec. line of said Sec. 16. Amt. Changed for Storage at this Location: 30 AF, conditional. Surface Area of High Water Line: 77,100 sq. ft. (1.77 acres at 8,382 ft. elevation). Max Height of Dam: 35 ft. Length of Dam: 390 ft. Total Capacity of Reservoir: 30 AF. Active Capacity: 30 AF. Dead Storage: 0 AF. Landowner: Applicant. **Source of**

SWR: DeBerard Draw, tributary to the Fraser River, diffuse-surface runoff, the Fraser River through Val Moritz Municipal System. In 97CW29 the Ct. confirmed that its Decree in W-1881 defined the Val Moritz Municipal System to include the Val Moritz Well Nos. 1 through 4 (decreed in W-1748 on 8/24/1973), and subsequent wells to be constructed as required and allowed under the W-1881 Decree, e.g.- the SilverCreek Municipal Well Nos. 5 through 10 (decreed in 97CW290 on 7/31/2013). See Decree, 97CW290, paragraph 19.B.(3), pg. 22. In 97CW290 the Ct. confirmed that water may be diverted under the Lake Val Moritz priority via surface diversions from the Fraser River through: 1) the SilverCreek Pump and Pipeline No. 1 at any of its points decreed in said case; 2) the DeBerard Ditch; 3) the SilverCreek Pump and Pipeline No. 3 in said case; and, 4) the SilverCreek Municipal Well Nos. 5 through 10 in said case, for storage at any of the locations decreed for Lake Val Moritz in that case. See Decree, 97CW290, paragraph 19.B.(4), pg. 23. Approp.: 6/19/1973. Amt.: 456.48 AF, conditional. 63.52 AF was decreed absolute in 18CW3117 (as described in subparagraphs 3.3.1.2, 3.4.2.2, 3.3.3.2) for a total of 520 AF. Uses: Municipal (including commercial, industrial, domestic and irrigation incidental thereto), irrigation, snowmaking, fish and wildlife propagation, and all other beneficial uses. In addition, the water stored in Lake Val Moritz will be used for the exchange of water to the Fraser River to compensate for stream depletions caused by Val Moritz well (sic) pursuant to its Plan for Augmentation in W-1881. In 97CW290, the Ct. confirmed that the Lake Val Moritz priority may be used for creation and maintenance of wetlands, as these uses are consistent with use of this priority for the fish and wildlife propagation uses awarded by Decree in W-2119. See Decree, 97CW290, paragraph 19.B.(1), pg. 22. In 97CW290, the Ct. found that the release of water from Lake Val Moritz for exchange of water to the Fraser River to compensate for stream depletions is “effectively an augmentation use as that term is now understood.” See Decree, 97CW290, paragraph 19.A.(7), pg. 22. Integrated System: The Ct. has previously found and decreed that the SWR is a component of the integrated water supply system for Applicant. In W-2119 the SWR was decreed as part of an integrated system of water rights including, a plan of augmentation first decreed in W-1881, other storage rights, surface rights, and groundwater rights, all of which are intended to serve GRCO LLC’s residential and commercial Granby Ranch development (which includes a ski area and golf course), and also an adjacent metropolitan service area in and near the Town of Granby that was originally part of the overall project contemplated at the entry of the decrees in Case Nos. W-2119 and W-1881. This conclusion was specifically confirmed in the decrees finding diligence in the development of the SWR, in Case Nos. 02CW240, 09CW12, and 18CW3117. 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. (13 pages of original application, Exhs. A & B)

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

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25CW3124 (16CW3099). DISTRICT COURT, WATER DIVISION NO. 5, STATE OF COLORADO, 109 Eighth Street, Suite 104, Glenwood Springs, CO. 81601. IN THE MATTER OF THE APPLICATION FOR WATER RIGHTS OF ROBERT L. COHEN IN SUMMIT COUNTY, COLORADO. **APPLICATION TO MAKE WATER RIGHTS ABSOLUTE AND FOR FINDING OF REASONABLE DILIGENCE.** 1. Name and Address of Applicant: Robert L. Cohen, 5440 S. Cottonwood Court, Littleton, Colorado 80121. Direct all pleadings to: Glenn E. Porzak, Porzak Law, LLC, 1111 Spruce Street, Suite 303, Boulder, Colorado 80302, (303) 589-0909. 2. Name of Water Rights. (a) Lucky U Lake, (b) Plunger Ditch, Lucky U Filling Ditch Enlargement, (c) Blue River Exchange, (d) Colorado River Exchange. The locations of these water rights are depicted on the map attached hereto as Exhibit A, and the exchanges are depicted on the map attached hereto as Exhibit B. 3. Description of the Conditional Water Rights. a. Name of Structure: Lucky U Lake. (1) Legal Description: The outlet of the lake is located in the SW1/4 NE1/4 of Section 29, Township 3 South, Range 78 West of the 6th P.M. at a point described as UTM Zone 13N NAD83 Easting 401786 and Northing 4402220. The location of this structure is shown on the map attached as Exhibit A. (2) Source: The Blue River, tributary to the Colorado River. (3) Fill Source: The lake will be filled by a surface diversion from the Blue River described below and conveyed to the lake by the Plunger Ditch, Lucky U Filling Ditch Enlargement as further described in Section b below. (4) Appropriation Date: May 6, 2016, based on initiation of construction of the lake. (5) Uses: Piscatorial, fish propagation, recreation, aesthetics, and fire protection purposes. (6) Amount: 4.50 acre feet, conditional, with a right to refill and the right to freshening flows at a rate of 1 cfs. (7) Height of Dam: Less than 10 feet. (8) Surface Area of High Water Line: 0.90 are feet. (9) Total Capacity: 4.50 acre feet b. Name of Structure: Plunger Ditch, Lucky U Filling Ditch Enlargement (“Lucky U Enlargement”). (1) Legal Description: The point of diversion is located in the NE1/4 SW1/4 of Section 28, Township 3 South, Range 78 West of the 6th P.M. at a point described as UTM Zone 13N NAD83 Easting 403105 and Northing 4401528. The location of this structure is shown on the map attached as Exhibit A. The location is also known as the headgate for the Plunger Ditch. (2) Source: The Blue River, tributary to the Colorado River. (3) Date of Appropriation: May 2, 2016, based on the initiation of the construction of the Lucky U Lake which is filled by the Lucky U Enlargement. (4) Amount: 3 cfs, conditional. (5) Uses: The filling and refilling of the Lucky U Lake for the uses described above and to provide freshwater flows up to 1 cfs. The freshening flow will be a recirculating flow. The amount of this water diverted into Lucky U Lake is equal to the amount of water released from Lucky U Lake, and none of those flows will be additive to the amount of water stored in Lucky U Lake. c. Augmentation Plan: Lucky U Lake and the

Lucky U Enlargement as described above are augmented by water from Wolford Mountain Reservoir and Ruedi Reservoir. (1) Wolford Mountain Reservoir. Applicant has the right to obtain the release of 3 acre feet from Wolford Mountain Reservoir (f/k/a Gunsight Pass Reservoir) by Contract No. CW16002 dated July 26, 2016, with the Colorado River Water Conservation District (the "River District"). Wolford Mountain Reservoir (f/k/a/ Gunsight Pass Reservoir) has the following water rights: i. Case No. 87CW283: 1. Decree Date: November 20, 1989. 2. Name of Structure: Gunsight Pass Reservoir. 3. Legal Description of Place of Storage: The dam is located in the SW1/4 of the NE1/4 of Section 25, Township 2 North, Range 81 West of the 6th P.M. The intersection of the dam axis with the right abutment will occur at a point which bears South 54°54'20" East a distance of 3,716.46 feet from the NW Corner of said Section 25. 4. Source: Muddy Creek and its tributaries, all tributary to the Colorado River. 5. Amount: 59,993 acre feet conditional; of this amount, 32, 986 acre feet were made absolute for piscatorial and recreational uses by decree entered by the District Court in and for Water Division No. 5 ("Water Court") in Case No. 95CW251, and the full amount was made absolute for all purposes by decree entered in Water Court Case No. 02CW107. 6. Appropriation Date: December 14, 1987. 7. Use: All beneficial uses, including but not limited to domestic, municipal, agricultural and recreational uses, which uses satisfy the requirements of the Windy Gap Settlement made with the Municipal Subdistrict of the Northern Colorado Water Conservancy District; use to meet the water requirements of the inhabitants of the River District for all uses, including uses in the Middle Park area; and use to meet the terms of a lease agreement executed March 3, 1987 between the River District and the City and County of Denver. ii. Case No. 95CW281: 1. Decree Date: August 26, 1997. 2. Name of Structure: Wolford Mountain Reservoir Enlargement. 3. Legal Description of Place of Storage: The dam is located in the SW1/4 of the NE1/4 of Section 25, Township 2 North, Range 81 West of the 6th P.M. The as-built intersection of the dam axis (Sta. D19+35.61) with the West Access Road (Sta. WR50+55.05), as shown on the Colorado River Water Conservation District, Wolford Mountain Project, Ritschard Dam construction drawing Dimensional Dam Layout" sheet 8 of 94, occurs at a point which bears South 53°24'56" East 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 South 75°28'29" East. 4. Source: Muddy Creek and its tributaries, all tributary to the Colorado River. 5. Amount: 6,000 acre feet, conditional. 6. Appropriation Date: January 16, 1995. 7. Use: 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. None of the water stored in the exercise of the right will be delivered directly or by exchange, substitution, or otherwise for use outside of Colorado Water Division No. 5. iii. Case No. 98CW237: 1. Decree Date: July 6, 2000. 2. Name of Structure: Wolford Mountain Reservoir. 3. Legal Description of Place of Storage: Same as for 95CW281. 4. Source: Muddy Creek and its tributaries, all tributary to the Colorado River. 5. Amount: 30,000 acre feet conditional, with 15,895 acre feet being absolute for recreational and piscatorial and flood control. 6. Appropriation Date: November 17, 1998. 7. Use: Certain of the beneficial uses previously adjudicated for Wolford Mountain Reservoir in Water Court Case No. 87CW283, (November 20, 1989 Judgement and Decree), and Water Court Case No. 95CW281, (August 26, 1997 Judgment and Decree) described below: 87CW283: The reservoir will be used to satisfy the requirements of the Windy Gap Settlement made with the Municipal Subdistrict of the Northern Colorado Water Conservancy District. This will involve all uses, including but not limited to domestic, municipal, agricultural, and recreational uses. The reservoir will also be used to meet the water requirements of the inhabitants of the River District for all uses, including uses in the Middle Park area. 95CW281: All beneficial uses by and for the benefit of the inhabitants of the 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 Reservoir Project; such uses will be made directly or by substitution, augmentation, or exchange. Remarks: The Refill Right described herein will be exercised to provide supply for the Western Slope uses of water from Wolford Mountain Reservoir described above, including flood control, other operational purposes, and environmental mitigation and enhancement for the benefit of uses within the District. The Refill Right will not be used in conjunction with the Reservoir capacity (24,000 a.f.) which is allocated for the supply of water to the Denver Board of Water Commissioners under the River District's contractual relationship with Denver, or the Reservoir capacity (6,000 a.f.) which is allocated for Colorado River endangered fish releases. 8. PLSS: The dam is located in the SW1/4 of the NE1/4 of Section 25, Township 2 North, Range 81 West of the 6th P.M. The as-built intersection of the dam axis (Sta. D19+35.61) with the West Access Road (Sta. WR50+55.05), as shown on the Colorado River Water Conservation District, Wolford Mountain Project, Ritschard Dam construction drawing "Dimensional Dam Layout" sheet 8 of 94, occurs at a point 1,940 feet South of the North section line and 2,760 feet East of the West section line of said Section 25. (2) Ruedi Reservoir. Applicant has the right to obtain the release of 3 acre feet from Ruedi Reservoir by Contract No. CW16002 dated July 26, 2016, with the River District. The River District holds Contract Nos. 009D6C0111 (500 a.f.), 09D6C0118 (700 a.f.), 039F6C0011 (530 a.f.), and 079D6C0106 (5,000 a.f.) from the United States Bureau of Reclamation. This water will be used as a substitute for Wolford Mountain Reservoir water in appropriate circumstances where Ruedi Reservoir water is physically equivalent to water from Wolford Mountain Reservoir. i. Legal Description of Place of Storage: Ruedi Reservoir is located in Sections 7, 8, 9, 11 and 14 through 18, Township 8 South, Range 84 West 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, Township 8 South, Range 84 West of the 6th P.M. bears North 82°10' West a distance of 1,285 feet. ii. Source: Fryingpan River. iii. Previous Storage Decrees: 1. Civil Action No. 4613: a. Decree Date: June 20, 1958. b. Court: Garfield County District Court. c. Amount: 140,697.3 acre feet, reduced to 102,369 acre feet pursuant to order of the Water Court in Case No. W-789-76. The full amount was made absolute in Case No. 88CW85. d. Appropriation Date: July 29, 1957. e. Use: Domestic, municipal, irrigation, industrial, generation of electrical energy, stock watering and piscatorial. 2. Case No. 81CW34: a. Decree Date: April 8, 1985. b. Court: District Court, Water Division No. 5. c. Amount: 101,280 acre feet (refill); of this amount, 44,509 acre feet were made absolute in Case No. 01CW269, for a total of 69,766 acre feet absolute. d. Appropriation Date: January 22, 1981. e. Use: Irrigation, domestic, municipal, generation of electrical energy, stock

watering, industrial, piscatorial, recreation and maintenance of sufficient storage reserves to fulfill contractual obligations and provide stored water for recreation in times of drought. iv. PLSS: Ruedi Reservoir is located in Sections 7, 8, 9, 11 and 14 through 18, Township 8 South, Range 84 West of the 6th P.M., in Eagle and Pitkin Counties. The dam axis intersects the right abutment at a point 130 feet South of the North section line and 1,280 feet East of the West section line of Section 7, Township 8 South, Range 84 West of the 6th P.M. 4. Name of Appropriative Rights of Exchange. Blue River Exchange and Colorado River Exchange. The foregoing water rights are augmented by exchange with releases from Wolford Mountain Reservoir and Ruedi Reservoir to the point of diversion for the Lucky U Enlargement as further described below. (1) Blue River Exchange. The Blue River Exchange operates by releasing water from Wolford Reservoir, which flows down Muddy Creek to the confluence of the Colorado River. From the confluence of Muddy Creek and the Colorado River, water flows downstream to the confluence of the Colorado River and the Blue River and is exchanged as described below. i. Exchange From Point: The confluence of the Colorado River and the Blue River, more particularly described as a point in the NW1/4 NE1/4 of Section 19, Township 1 North, Range 80 West of the 6th P.M. at a point described as UTM Zone 13N NAD83 Easting 380773 and Northing 4433399. ii. Exchange to Point: The Lucky U Enlargement on the Blue River, more particularly described as a point located in the NE1/4 SW1/4 of Section 28, Township 3 South, Range 78 West of the 6th P.M. at a point described as UTM Zone 13N NAD83 Easting 403105 and Northing 4401528. iii. Uses: Piscatorial, fish propagation, recreation, aesthetics, and fire protection purposes, filling and refilling Lucky U Lake. iv. Appropriation Date: May 2, 2016. v. Rate and Volumetric Limit: Up to 1 cfs, conditional. vi. Source: Colorado River and its tributaries as further described above. vii. Remark: Exhibit B attached hereto illustrates the above described exchange reach. (2) Colorado River Exchange. i. Exchange From Point: A point at the confluence of the Colorado River and the Roaring Fork River, more particularly described as a point in the SE1/4 of the NW1/4 of Section 9, Township 6 South, Range 89 West of the 6th P.M. at a point described as UTM Zone 13N NAD83 Easting 299765 and Northing 4380329. ii. Exchange to Point: The confluence of the Colorado River and the Blue River, more particularly described as a point in the NW1/4 NE1/4 of Section 19, Township 1 North, Range 80 West of the 6th P.M. at a point described as UTM Zone 13N NAD83 Easting 380773 and Northing 4433399; then to the Lucky U Filling Ditch on the Blue River, more particularly described as a point located in the NE1/4 SW1/4 of Section 28, Township 3 South, Range 78 West of the 6th P.M. at a point described as UTM Zone 13N NAD83 Easting 403105 and Northing 4401528. iii. Uses for Blue River and Colorado River Exchanges: Piscatorial, fish propagation, recreation, aesthetics, and fire protection purposes, filling and refilling Lucky U Lake. iv. Appropriation Date: May 2, 2016. v. Rate and Volumetric Limit: Up to 1 cfs, conditional. vi. Source: Colorado River and its tributaries as further described above. vii. Remark: Exhibit B attached hereto illustrates the above described exchange reaches. 5. Detailed outline of work done to complete the conditional water rights and apply water to beneficial use. (a) During the subject diligence period, the Lucky U Lake has been constructed to its full decreed amount. The Lucky U Enlargement has been constructed and diverted its full decreed amount and the indicated exchanges have operated. (b) In addition, Applicant has completed all the work at the headgates, including deepening and reshaping the intake area, installing new culverts and headgates, as well as restoring and revegetating the entire area. (c) Applicant has cleaned all the ditches including cutting and removing all material that was preventing efficient flow. (d) Applicant has installed a new flume in the Plunger Ditch. (e) Applicant has installed new gates from the ditch to Applicant's ranch. (f) Applicant has cleaned and installed new flumes at both the intake for the Lucky U Lake and its outtake. 5. Claim to Make Water Rights Absolute. As detailed in Paragraph 4, the Applicant has placed the Lucky U Lake and Lucky U Enlargement to beneficial use for all decreed uses and operated the above described exchanges. Consequently, the Applicant is entitled to a decree finding that these water rights have been made absolute for all decreed uses. 6. Finding of Diligence. Applicant seeks a finding of diligence for any portion of the subject water rights and exchanges not made absolute. 7. Name and Address of the Owner of the Land on which the Subject Conditional Water Rights are Located. Applicant owns the property on which the Lucky U Lake is located. The Plunger Ditch, Lucky U Filling Ditch Enlargement is located on property owned by Alanna Kimmel, 348 Johnson Road, Silverthorne, Colorado 80498. 8. Remarks: This plan for augmentation and exchange shall be a supplement to Applicant's inclusion in the plan for augmentation decreed in Water Court Case No. 97CW305 by virtue of Applicant's purchase of 4 acre feet of Vidler Augmentation Sources. Applicant has met the notice conditions of the decree in Case No. 97CW305 and the Lucky U Lake and Lucky U Enlargement are Augmented Structures under paragraph 5.E. of said plan for augmentation. WHEREFORE, Applicant requests that the Water Court issue a final decree that (1) finds that the Lucky U Lake and Lucky U Enlargement have been made absolute for all decreed uses, and the appropriation rights of exchange have operated; (2) finds reasonable diligence in applying to beneficial use the remaining conditional portions of the water rights and exchanges that are not made absolute herein; and (3) grants such other and further relief as may be appropriate.

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

25CW3125 EAGLE AND PITKIN COUNTIES. APPLICATION FOR FINDING OF REASONABLE DILIGENCE FOR THE FRYINGPAN-ARKANSAS PROJECT. 1. Name, mailing address, telephone number, and email address of Applicant. Southeastern

Colorado Water Conservancy District, c/o Lee Miller, lee@secwcd.com, 31717 United Avenue, Pueblo, CO 81001. Phone: (719) 948-2400. Please direct all pleadings and correspondence to: April D. Hendricks, Peter D. Jaacks, Jewell Jimmerson Natural Resources Law LLC, 333 Perry Street, Suite 310, Castle Rock, CO 80104 (ahendricks@jjnrlaw.com; pjaacks@jjnrlaw.com), and Peter D. Levish, 31717 United Avenue, Pueblo, CO 81001, Phone: 303-956-0656, (peter@secwcd.com). 2. Purpose of Application. Southeastern requests a finding of reasonable diligence for the remaining conditional rights of the individually-decreed features of the Fryingpan-Arkansas Project in Water Division 5, described in Paragraphs 4 through 5 below. 3. The Fryingpan-Arkansas Project. Southeastern administers, holds all water rights for, and repays reimbursable costs for the Fryingpan-Arkansas Project (“Project”), a multi-purpose reclamation project authorized by Congress and built by the U.S. Bureau of Reclamation (“Reclamation”). The Project has numerous features that work together to divert water from the Colorado River Basin into the Arkansas River Basin and to divert and store water from the Arkansas River and its tributaries, for storage, delivery, and beneficial use in the Arkansas Valley. All Project features required to divert, convey, and store water on both the east and west slopes were designed as part of a single integrated system to supply water for beneficial use in parts of the nine counties in the Arkansas Valley that are within Southeastern’s boundaries. The Project’s water collection system on the West Slope is located in Water District No. 38 of Water Division 5, in Eagle and Pitkin Counties. 3.1. Project Decrees: Southeastern adjudicated the water rights for the Project in four separate cases (collectively “Project Decrees”): Garfield County District Court, Case No. CA-4613; Case No. 83CW352 (Water Div. 5); Chaffee County District Court, Case No. 5141; and Pueblo County District Court, Case No. B-42135.¹ The Project Decrees adjudicate the amounts of water that may be diverted and/or stored by or in each Project feature. The Project Decrees approve the Project’s water sources as both: (1) the source stream(s) from which each Project feature physically diverts and/or stores, based on a priority in the Water Division where the diversion or storage is located, and (2) all such water, after initial diversion into Project features, becomes a collective source (i.e., “Project Water”) that is used in, stored by, and/or diverted through other Project features. Thus, all water from Project Decrees that Southeastern diverts through Project structures becomes Project Water that is included in the total amount of water that is stored and used for beneficial Project purposes in the Arkansas Valley. See *Pueblo West Metro. Dist. v. Se. Colo. Water Conservancy Dist.*, 689 P.2d 594 (Colo. 1984). The collection, transportation, storage, and power systems of the Project comprise one overall project. 4. Project’s Division 5 Structures: The Project’s water collection system on the West Slope is located in Eagle and Pitkin Counties, and it includes the decreed conditional West Slope features listed in Table 1 below.² The Project’s West Slope features are diversion structures and tunnels that collect and convey water. Table 1 lists the conditional features that are located within the Project’s “North Side Collection System” or “South Side Collection System,” and then by subsystems. Table 1 also lists the name of the tributary on which the feature is located, the total decreed diversion amount, any amount decreed absolute, and the remaining conditional amount, and indicates which features are not yet built. The map attached as Exhibit 1 to the Application shows the locations of all of the Project’s West Slope features (both absolute and conditional).

Table 1: West Slope Features of the Project

SOUTH SIDE COLLECTION SYSTEM

| Hunter Creek Sub-system | | |
|-------------------------------------|-------------------------------------|--|
| <u>Name of Tributary</u> | <u>Total Decreed Amount (cfs)</u> | <u>Remaining Conditionally Decreed Amount (cfs)</u> |
| No Name Creek and Unnamed Tributary | 95 (86 previously decreed absolute) | 9 |

NORTH SIDE COLLECTION SYSTEM

| North Fork Sub-system | | |
|--|--------------------------------------|--|
| <u>Name of Tributary</u> | <u>Total Decreed Amount (cfs)</u> | <u>Remaining Conditionally Decreed Amount (cfs)</u> |
| Lime Creek* | 50 | 50 |
| Unnamed Tributary to Slim’s Gulch* | 85 | 85 |
| Slim’s Gulch* | 85 | 85 |
| Last Chance Creek* | 135 | 135 |
| South Side Intercept of Last Chance Creek* | 10 | 10 |
| Carter Creek | 100 (87 previously decreed absolute) | 13 |
| North Side Intercept of North Fork of Fryingpan River* | 10 | 10 |
| Mormon Creek Sub-system | | |
| South Side Intercept of North Fork of Fryingpan River* | 15 | 15 |
| Cunningham Creek Sub-system | | |

| | | |
|---|----|----|
| North Cunningham Creek Intercept* | 15 | 15 |
| Unnamed Tributary to South Fork Cunningham Creek Canal* | 30 | 30 |
| Ivanhoe Creek Sub-System | | |
| Ivanhoe Creek Intercept* | 30 | 30 |
| Fryingpan Intercept Canal* | 10 | 10 |

*Structures that are not yet built. 5. Conditional Water Rights: The Project's remaining conditional West Slope rights listed in Table 1, above. 5.2. Original Decree: The conditional decree for the West Slope Project features was entered in Civil Action No. 4613 on August 3, 1959, *nunc pro tunc* June 20, 1958, in the District Court in and for the County of Garfield, State of Colorado, in the proceedings captioned "In the Matter of the Supplemental Adjudication of the Priority of Appropriation of Water for All Beneficial Purposes in Water District No. 38 in the State of Colorado; Robert L. Bridges, Executor of the Estate of Tucker McClure, Deceased, and M. Stanley Pings, Petitioners." 5.3. Decree date: June 20, 1958. 5.4. Date of appropriation: July 29, 1957. 5.5. Decreed uses: Irrigation, domestic, municipal, power, manufacturing, and all other beneficial use purposes. 5.6. Subsequent Decrees: The District Court for Water Division No. 5, in Case No. W-829-76, on November 27, 1979, confirmed and approved the Referee's finding of due diligence for the Project (Project No. 511), and changed the conditional decree to reflect the changes in the Project as it has been built. The District Court for Water Division No. 5 in Case Nos. 18CW3063 (August 4, 2019), 09CW40 (April 23, 2012 *nunc pro tunc* April 10, 2012), 01CW265 (July 12, 2002), 95CW53 (October 3, 1995), 88CW245 (March 7, 1989), 84CW195 (June 15, 1985) and 80CW267 (December 7, 1982), confirmed and approved the Referee's findings of due diligence and/or issued absolute and partial absolute decrees for West Slope Project features. 5.7. Legal descriptions: Legal descriptions for the remaining conditional features of the Project's West Slope collection system are listed below by: name of tributary (Collection System; subsystem). 5.7.1. No Name Creek and Unnamed Tributary (South Side Collection System; Hunter Creek Subsystem): On No Name Creek—a point whence the Southwest corner of Section 7, Township 8 South, Range 83 West of the Sixth Principal Meridian, bears N. 2°03'55" E. for a distance of 64,855.96 feet; and in addition, by conveyance ditch from a dike on unnamed tributary – a point whence the Southwest corner of Section 7, Township 8 South, Range 83 West of the Sixth Principal Meridian, bears N. 1°44'05" E. for a distance of 64,859.11 feet. UTM X = 351124.7. UTM Y = 4338651.5.2. WDID = 3801608. 5.7.2. Lime Creek (North Side Collection System; North Fork Subsystem): On Lime Creek, a tributary to the Fryingpan River, whence the Northwest corner of Section 24, Township 7 South, Range 83 West, Sixth Principal Meridian bears North 82°54' West for a distance of 7,482 feet. UTM X = 362739.8. UTM Y = 4365704. WDID = 3801599. 5.7.3. Unnamed Tributary to Slim's Gulch (North Side Collection System; North Fork Subsystem): On an unnamed tributary to Slim's Gulch, a tributary to Lime Creek, at a point whence the Northwest corner of Section 24, Township 7 South, Range 83 West, Sixth Principal Meridian bears North 43°42' West a distance of 5,270 feet. UTM X = 361918.9. UTM Y = 4365005.5. WDID = 3801614. 5.7.4. Slim's Gulch (North Side Collection System; North Fork Subsystem): On Slim's Gulch, whence the Northwest corner of Section 24, Township 7 South, Range 83 West, Sixth Principal Meridian bears North 15°26' West a distance of 10,488 feet. UTM X = 361899.1. UTM Y = 4363383. WDID = 3801615. 5.7.5. Last Chance Creek (North Side Collection System; North Fork Subsystem): On Last Chance Creek, a tributary to the North Fork of the Fryingpan River, whence the Southwest corner of Section 7, Township 8 South, Range 83 West, Sixth Principal Meridian bears South 73°25' West for a distance of 35,840 feet. UTM X = 363491.2. UTM Y = 4361614.5. WDID = 3801597. 5.7.6. South Side Intercept of Last Chance Creek (North Side Collection System; North Fork Subsystem): On an unnamed tributary to Last Chance Creek, a tributary to the Fryingpan River, whence the Southwest corner of Section 7, Township 8 South, Range 83 West, Sixth Principal Meridian bears North 83°52' West a distance of 24,844 feet. UTM X = 362669.4. UTM Y = 4360022. WDID = 3801612. 5.7.7. Carter Creek (North Side Collection System; North Fork Subsystem): On Carter Creek – a point whence the Southwest corner of Section 7, Township 8 South, Range 83 West of the Sixth Principal Meridian, bears S. 87°53'31" W. for a distance of 47,278.77 feet. UTM X = 366642.7. UTM Y = 4358387. WDID = 3801585. 5.7.8. North Side Intercept of North Fork of Fryingpan River (North Side Collection System; North Fork Subsystem): On an unnamed tributary to the North Fork of the Fryingpan River, whence the Southwest corner of Section 7, Township 8 South, Range 83 West, Sixth Principal Meridian bears North 81°53' West a distance of 35,675 feet. UTM X = 365449.6. UTM Y = 4358802. WDID = 3801604. 5.7.9. South Side Intercept of North Fork of Fryingpan River (North Side Collection System; Mormon Creek Subsystem): On an unnamed tributary to the North Fork of the Fryingpan River, whence the Southwest corner of Section 7, Township 8 South, Range 83 West, Sixth Principal Meridian bears North 84°28' West a distance of 40,299 feet. UTM X = 365019.3. UTM Y = 4356863. WDID = 3801611. 5.7.10. North Cunningham Creek Intercept (North Side Collection System; Cunningham Creek Subsystem): On an unnamed tributary to Cunningham Creek, a tributary to the Fryingpan River, whence the Southwest corner of Section 7, Township 8 South, Range 83 West of Sixth Principal Meridian, bears North 77°28' West a distance of 40,651 feet. UTM X = 365400.4. UTM Y = 4355661.5. WDID = 3801607. 5.7.11. Unnamed Tributary to South Fork Cunningham Creek Canal (North Side Collection System; Cunningham Creek Subsystem): On an unnamed tributary to the North Fork of the Fryingpan River, at a point whence the Southwest corner of Section 7, Township 8 South, Range 83 West, Sixth Principal Meridian bears North 67°31' West a distance of 33,566 feet. UTM X = 365778.9. UTM Y = 4354448.5. WDID = 3801617. 5.7.12. Ivanhoe Creek Intercept (North Side Collection System; Ivanhoe Creek Subsystem): On an unnamed tributary to the Fryingpan River, at a point whence the Southwest corner of Section 7, Township 8 South, Range 83 West, Sixth Principal Meridian bears North 67°17' West, a distance of 33,512 feet. UTM X = 364915.9. UTM Y = 4350319.5. WDID = 3801596. 5.7.13. Fryingpan Intercept Canal (North Side Collection System; Ivanhoe Creek Subsystem): On an unnamed tributary to the Fryingpan River, at a point whence the Southwest corner of Section 7, Township 8 South, Range 83 West, Sixth Principal Meridian bears North 50°49' West a distance of 49,713 feet. UTM X = 365674.5. UTM Y = 4347837. WDID = 3801591. 6. Sources of water: The sources of water for the remaining conditional West Slope features of

the Project are those indicated in paragraph 4 above, and all of those sources' tributaries, all tributary to the Roaring Fork River. 7. Amounts of water conditionally decreed: The remaining conditional amounts of water decreed for the Project's West Slope collection system, along with any amounts that have been made partially absolute, are indicated in paragraph 4, above. 8. Detailed outline of work done toward completion of the Project and application of water to beneficial use: 8.1. Work in connection with the Project, and all its decreed diversions, has been prosecuted with reasonable diligence. The existing West Slope features have been operated to divert and convey water to the Project's East Slope reservoirs and facilities and thereafter for decreed beneficial uses. Southeastern has contractual agreements for the planning, construction, operation, maintenance and repayment of the Project with Reclamation. Consequently, Reclamation's acts and expenditures evidence diligence with respect to Southeastern's conditional water rights. *See, e.g.*, Decree in Case No. 18CW3063, Water Division 5, at ¶ 14.1. 8.2. Project activities include operation, maintenance and improvement of the collection system and storage system. Operation of the Project is subject to the terms of Water Division 5 and Division 2 Decrees, the Project's Operating Principles, and the Congressional authorizing legislation for the Project. Current diversions and recordkeeping are integral to future development of the Project's conditional rights. Operation of, diversions by, and development of the collection system can be affected by storage space in the Project reservoirs in Water Division 2. 8.3. Throughout the diligence period, the Boustead Tunnel and the existing West Slope diversion features were in operation and maintenance status. From August 2019 through August 2025, Southeastern expended approximately \$ 25 million on East Slope and West Slope Project operation and maintenance costs. In 2025, Southeastern was awarded a Local Capacity Grant for \$22,417.50 from the Colorado Water Conservation Board to "improve measurement on the Fryingpan-Arkansas Project Collection System." Southeastern has also contributed approximately \$7,500 to this project. With this funding, Southeastern is designing and installing additional measurement devices and real-time data connections for the three existing diversion points of the Hunter Creek Subsystem (two of which are associated with fully absolute water rights, and one of which remains partially conditional and is described in Table 1 and Paragraph 5.7.1 above). These efforts are about 15% complete. By installing these measurement devices, Southeastern intends to track streamflow that is not diverted by the Project, in order to enhance Reclamation's ability to operate the Twin Lakes Exchange (a feature of the Project) and to improve future efforts to model water that is available to the Project. 8.4. Reclamation was also allotted in excess of \$70 million for Project water and energy management and development, land management and development, facility operations, and facility maintenance and rehabilitation costs from 2019-2025, as explained in Reclamation's annual Budget Justification reports. During the diligence period, Reclamation began or continued several operation, maintenance, and repair activities on West Slope Project features, in accordance with its contract with Southeastern. Gauges that were previously installed at Lime and Last Chance Creeks have been operated and maintained in connection with development of diversions at those points, and Reclamation has been gathering information from the gauges. Erosion has created voids in the flowline of the Cunningham Tunnel invert; efforts to repair those areas are being performed, and that project is 60% complete. Specifications and design for cleaning and/or re-drilling the Boustead Tunnel's weep holes to prevent the buildup of hydrostatic pressure continued during the diligence period and is nearing completion. Reclamation also has received two WaterSmart grants to improve the forecasts for runoff. The first grant provides funds to create synthetic hydrographs for the West Slope Collection system for stations with periods of records shorter than 30 years and develop a method for bringing this data into the water supply forecasting tool. The second grant provides funds to install an enhanced suite of weather and snowpack monitoring instruments above treeline, where 78% of the West Slope Collection System is located. 8.5. During the diligence period from August 2019 through August 2025, Southeastern expended approximately \$ 1.5 million for engineering consultation and legal fees and costs, primarily to protect Southeastern's West and East Slope water decrees and for further Project development. Southeastern has appeared as a party in various water rights proceedings involving water rights in order to protect Southeastern's various decreed rights in the Project, including to protect its conditional right on Lime Creek. Southeastern also has expended substantial executive time and legal and engineering expense toward protecting and administering the Winter Water Storage Program in Pueblo Reservoir pursuant to the Decree in Case No. 84CW179 (Water Div. 2), which program contributes to repayment of the Project costs. Southeastern has taken part in various legislative, administrative and judicial proceedings to protect Southeastern's rights in the Project, including its absolute and conditional West Slope water rights. 8.6. Southeastern and Reclamation have continued participating in and monitoring activities in relation to endangered fish species on the Colorado River and the critical habitat designated for these fish. The United States Fish and Wildlife Service issued its Programmatic Biological Opinion for the Upper Colorado River above the confluence with the Gunnison River on December 20, 1999, which required, among other things, that a certain quantity of water be delivered to the 15-Mile Reach of the Colorado River to ensure the protection of certain endangered species of fish. Throughout the diligence period, Southeastern and Reclamation have worked with other water users on the Colorado River to plan for and implement water releases to benefit endangered fish. Southeastern contributed \$1.75 million to the Front Range Water Council's \$17.2 million plan for water releases to benefit four species of endangered fish on the Colorado River. 8.7. Southeastern also has worked extensively towards the completion of the Arkansas Valley Conduit (AVC). The AVC is an authorized feature of the Project that was originally contemplated in the Project's authorizing legislation to provide water to municipalities and water providers within Southeastern's boundaries in the Arkansas River Valley. The AVC, currently under construction, consists of a 103-mile pipeline from Pueblo to Lamar, with spurs and delivery lines that will deliver water from the main pipeline directly to the AVC participants. By agreement, the development of the AVC is being cooperatively managed by Southeastern and Reclamation. 8.8. While the construction of certain conditionally decreed Project features has not yet been started, there is no intent to abandon these features or any of the conditional water rights listed above. As recognized in the Decree in Case No. W-829-76, construction of these diversions has been "held in abeyance" pending actual operation of the Project for a sufficient period of time to determine whether or not construction of these features will become necessary. Throughout the diligence period, Southeastern has been working with Reclamation to evaluate options to achieve the Project's authorized yield, including many of the activities discussed in this Paragraph 8. That evaluation remains underway and has been the subject of substantial study since the previous diligence decree in 2019. As this Court

has previously found, the construction, operation and maintenance of parts of the Project demonstrate reasonable diligence for other parts of the Project. The collection, transportation, storage, and power systems and features of the Project comprise one overall, integrated water supply project. *See, e.g.,* Decree in Case No. 18CW3063 at ¶ 27. 9. Name/Address of Landowners: United States Department of Interior, Bureau of Reclamation, 11056 West County Road 18E, Loveland, CO 80537-9711; United States Department of Agriculture, United States Forest Service, 617 Cole Blvd., Building 17, Lakewood, CO 80401. WHEREFORE, Applicant, Southeastern Colorado Water Conservancy District, requests the Court (1) make a finding of reasonable diligence and enter a judgment and decree confirming that the Applicant has diligently pursued the completion of all portions of the Fryingpan-Arkansas Project's West Slope conditional water rights decreed in Civil Action No. 4613, as amended by the decree in Case No. W-829-76, and (2) find that the remaining conditional portions of the subject water rights shall be continued in full force and effect for another six-year diligence period; and (3) grant such further relief as the Court deems proper. [Footnote ¹ Southeastern separately files diligence applications in Water Division 2 for the Project Decrees entered in Water Division 2 (Chaffee and Pueblo Counties). Footnote ² Many of the Project's West Slope collection system features (along with the Boustead Tunnel) have been decreed fully absolute in previous proceedings, including features on the following tributaries: Hunter Creek, Sawyer Lake Creek, Chapman Gulch, South Fork Fryingpan River, Fryingpan River and Marten Creek, North Fork (Savage Lakes Creek), Mormon Creek, North Cunningham Creek, Middle Cunningham Creek and South Cunningham Creek, Ivanhoe Creek, Lily Pad Creek, Granite Creek.] Number of pages of Application: 11.

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

25CW3126 Former Case Nos: 10CW207 and 18CW3086. APPLICATION FOR FINDINGS OF REASONABLE DILIGENCE in **GARFIELD COUNTY**. 1. Name, address, and telephone number of Applicant: 389 La Casita LLC, Cameron Crouch, 235 W Sealy St, Alvin, TX 77511. Direct pleadings and correspondence to: Peter D. Nichols, Katherine Carter, Berg Hill Greenleaf Ruscitti LLP, 1712 Pearl Street, Boulder, Colorado 80302, (303) 402-1600. 2. Name of structures: Crouch Well No. 1. 3. Description of conditional water rights: A. Crouch Well No. 1. 1. Original Decree: Case No. 10CW207, decreed May 30, 2012, Water Court Division 5, Garfield County. 2. Subsequent Decree: Case No. 18CW3086, decreed August 4, 2019, Water Court Division 5, Garfield County. 3. Well Permit Number: 169271--A. 4. Legal Description: Northing 4366313.7, Easting 315926.3, Zone 13. 5. **Source of Water: Groundwater tributary to Stauffacher Gulch, tributary to the Roaring Fork River, tributary to the Colorado River.** 6. Depth of well: 270 feet. 7. Appropriation Date: June 24, 1967 for domestic use inside one (1) single family dwelling; April 1, 1993, for fire protection, ordinary household purposes inside three (3) single family dwellings, the irrigation of not more than one (1) acre of home gardens and lawns, and the watering of domestic animals; and August 10, 2010 for the watering of poultry and livestock. 1 Well permit no. 31601 was cancelled by the issuance of well permit no. 169271 in 1993, which expanded the use of permit number 31601. Well permit no. 169271 was amended by well permit no. 169271--A on August 28, 2024, which was issued to allow Applicant to relocate the existing well, and reissued on January 31, 2025, to allow Applicant to deepen the existing well. 8. Amount: 10 gallons per minute (gpm) total composed of 10 gpm absolute for domestic use inside one (1) single family dwelling and for the irrigation of not more than one (1) acre of home gardens and lawns; and 10 gpm conditional for fire protection, for ordinary household purposes inside two (2) single family dwellings, and for the watering of domestic animals, poultry and livestock. This well is permitted for an average of three acre-feet per year of diversions. 9. Use: Ordinary household purposes inside three (3) single family dwellings, fire protection, the watering of poultry, domestic animals, and livestock, and the irrigation of not more than one-acre of home gardens and lawns on a tract of land 35.6 acres in size. The irrigated land is depicted in Exhibit A. 4. Application for Finding of Reasonable Diligence: A. Applicant seeks a finding of diligence for 10 gpm for fire protection, ordinary household purposes inside two (2) single family dwellings, and watering of domestic animals, poultry and livestock. B. Outline of Work Done Toward Application of Water to Beneficial Use: During this diligence period, Applicant has been diligent in the continued development of the Crouch Well No. 1 water right. Following the malfunction of the existing well, Applicant applied for an amended permit to relocate the well, and then deepened the existing well under permit number 169271--A at a total cost of \$20,731.84. Invoices attached as Exhibit B and well permit number 169271--A attached as Exhibit C. 5. Land Ownership Information: The owner of the land upon which this structure is located is Applicant. WHEREFORE, Applicant seeks entry of a decree confirming that Applicant has exercised reasonable diligence toward completion of the appropriations for the decreed uses and continuing the subject conditional water rights in full force and effect for another six-year diligence period. (12 pages incl. 3 exhibits)

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25CW3127 EAGLE COUNTY – UNNAMED TRIBUTARY OF THE EAGLE RIVER & GYPSUM CREEK, TRIBUTARY TO EAGLE RIVER. The Town of Gypsum c/o Kevin L. Patrick and Jason M. Groves, Patrick, Miller & Noto, P.C., 229 Midland Ave., Basalt, CO 81621, (970) 920-1030. APPLICATION FOR FINDINGS OF REASONABLE DILIGENCE. First Claim: Red Table Acres Spring Collection System. Original Decree: February 22, 1999, Case No. 96CW366, Water Division 5. Diligence decrees: 05CW32, 12CW21, and 18CW3152, Water Division 5. Legal: a point whence the Northwest corner of Section 5, Township 5 South, Range 85 West of the 6th P.M. bears North 59°10'02" West a distance of 5,076.43 feet, in the SE ¼, NE ¼ of said Section 5. Source: Unnamed tributary of the Eagle River, tributary to the Colorado River. Appropriation date: June 21, 1995. Amount: 2.0 c.f.s. conditional. Uses: All municipal uses included, but not limited to, domestic, commercial, industrial, irrigation, fire protection, and street washing. Place of use: Within the Town's physical service area, including those served extraterritorially by contract. Landowner information: Gypsum Capital Partners LLC, PO Box 5259 Eagle, CO 81631. **Second Claim:** Little G Intake. Original Decree: February 22, 1999, Case No. 96CW366, Water Division 5. Diligence decrees: 05CW32, 12CW21, and 18CW3152, Water Division 5. Legal: NE ¼ of the SE ¼ of Section 5, Township 6 South, Range 85 West of the 6th P.M., whence the SE Corner of Section 5 bears 10°45' East a distance of 1,820 feet. Source: Gypsum Creek, tributary to the Eagle River and Colorado River. Appropriation date: December 31, 1991. Amount: 2.5 c.f.s. conditional. Uses: All municipal uses including, but not limited to domestic, commercial, industrial, irrigation, fire protection, and street washing. Place of use: Within the Town's physical service area, including those served extraterritorially by contract. Landowner information: Marguerite G. Colliton Family Partnership, LLLP, 1895 Cantwell Grove, Colorado Springs, CO 80906. The subject water rights are component of Applicant's integrated water supply system. C.R.S. § 37-92-301(4)(b). Maps and a detailed outline of the work done toward completion of the appropriation are on file with the Court.

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25CW3128 EAGLE COUNTY – EAGLE RIVER WATER SHED, DRAWING FROM THE MORRISON AND ENTRADA FORMATIONS. APPLICATION FOR FINDING OF REASONABLE DILIGENCE. Bellyache Ridge Metropolitan District, c/o Kevin L. Patrick, Esq. and John M. Sittler, Esq., Patrick, Miller & Noto, P.C., 229 Midland Ave., Basalt, CO 81621, (970) 920-1030. Structure: Bellyache Ridge Well No. 3 (Well Permit No. 37756-F). Original decree: June 26, 1985, Case No. 83CW353, Division 5 Water Court. Subsequent diligence decrees: July 11, 1993, Case No. 91CW245; November 28, 1999, Case No. 99CW136; November 19, 2006, Case No. 05CW220; April 16, 2013, Case No. 12CW158; August 31, 2019, Case No. 19CW3053, all District Court, Water Division 5. Legal Description: A point which bears 2,160 feet South from the North line and 2,615 feet West from the East line, all of Section 34, Township 4 South, Range 83 West of the 6th P.M., Eagle County, Colorado. A map is on file with the Court as Exhibit A. Source: Non-tributary aquifer in the watershed of the Eagle River, drawing from the Morrison and Entrada formations. Appropriation date: August 27, 1983. Amount: 40 gpm; 25 gpm absolute and 15 gpm remaining conditional. Uses: Municipal use. Domestic use for residents in the Bellyache Ridge Metropolitan District, and such other functions as may properly be performed by the District pursuant to law. A detailed outline of the work performed towards completion of the appropriation, including expenditures, is on file with the Court as Exhibit B. The Bureau of Land Management owns the land where the Bellyache Ridge Well No. 3 is located. Applicant holds a lease from the BLM to use that property. Applicant owns the land where water is and will be put to beneficial use.

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25CW3129 PITKIN COUNTY. ROARING FORK RIVER AND ITS TRIBUTARIES. Red Butte Ranch Homeowners Association, c/o Corona Water Law, 218 E. Valley Road #104 PMB 166, Carbondale, CO 91623, (970) 948-6523, cc@craigcoronalaw.com. **APPLICATION FOR FINDING OF REASONABLE DILIGENCE.** Structure: Little Red Butte Spring Ditch. Original decree: 7/19/82. Case No.: 1981CW508. Division No. 5 Water Court. Diligence decrees: 86CW145, 9/26/86; 89CW204, 2/21/90; 96CW056, 11/28/97; 03CW241, 4/23/05; 11CW063, 5/30/12; 18CW3088, 8/11/19. Change decree: Case No. 95CW366, 2/25/98 and 11CW063, 5/30/12. Legal description: Located in the SW ¼, NW ¼ 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. Source: Slaughterhouse Gulch, tributary to the Roaring Fork River and the Colorado River. Appropriation date: 6/1/46. Amount and uses:

| | Total Decreed | Total Amount Absolute | Absolute Amount Owned by Applicant | Total Amount Conditional | Conditional Amount Owned by Applicant |
|--------------|---------------|-----------------------|------------------------------------|--------------------------|---------------------------------------|
| Irrigation | 2.7641 c.f.s. | 1.741 c.f.s. | 0.9341 c.f.s. | 1.59 c.f.s. | 1.08 c.f.s. |
| Augmentation | 0.0359 c.f.s. | 0.0359 c.f.s. | 0.0359 c.f.s. | n/a | n/a |
| Livestock | 2.5 c.f.s. | 0.67 c.f.s. | 0.67 c.f.s. | 1.83 c.f.s. | 1.205 c.f.s. |
| Piscatorial | 2.5 c.f.s. | 0.25 c.f.s. | 0.25 c.f.s. | 2.25 c.f.s. | 1.625 c.f.s. |
| Domestic | 2.5 c.f.s. | n/a | n/a | 2.5 c.f.s. | 1.875 c.f.s. |

Work toward completion of the appropriation of water to beneficial use is on file with the Court. Name and address of owner or reputed owner of the land upon which any new diversion or storage structure, or modification to any existing diversion or storage structure is or will be constructed or upon which water is or will be stored, including any modification to the existing storage pool: N/A

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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 AUGUST 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.*

25CW3130 GARFIELD COUNTY, COLORADO, EAST ELK CREEK, TRIBUTARY TO ELK CREEK, TRIBUTARY TO THE COLORADO RIVER. Town of New Castle, P.O. Box 90, New Castle, CO 81647. Please direct all correspondence to Michael J. Sawyer and Danielle T. Skinner of Karp Neu Hanlon, P.C., P.O. Drawer 2030, Glenwood Springs, CO 81602, (970) 945-2261, counsel for the Applicant. **APPLICATION TO MAKE CONDITIONAL WATER RIGHT ABSOLUTE, IN PART, AND FOR FINDING OF REASONABLE DILIGENCE. *New Castle Water System First Enlargement.*** Date of original decree: October 18, 1982, in Case No. 81CW477, in the District Court in and for Water Division No. 5. Subsequent decrees awarding findings of diligence: Case No. 86CW257 entered on February 18, 1987, Case No. 92CW222 entered on January 12, 1993, Case No. 99CW009 entered on November 8, 1999, Case No. 05CW232 entered on October 14, 2006, Case No. 12CW152 entered on March 17, 2013, and 19CW3036 entered on August 31, 2019. Legal description: The point of diversion is located in the SW1/4 NE1/4 of Section 24, Township 5 South, Range 91 West of the 6th P.M., at a point whence the North Quarter Corner of said Section 24 bears N. 05°15' W. 1,710 feet. Said location is 2,335 feet South from the North Section line and 2,658 feet West from the East Section line. Source: East Elk Creek, tributary to Elk Creek, tributary to the Colorado River. Appropriation date: December 23, 1981. Amount: 10 c.f.s., conditional. Uses: All municipal purposes including domestic, irrigation, fire protection, industrial, and commercial uses. Claim to Make Absolute: Date Water First Applied to Beneficial Use: July 9, 2025. Amount of Water Applied to Beneficial Use: 1.86 c.f.s., for all municipal purposes including domestic, irrigation, fire protection, industrial, and commercial uses. Description of Place Where Water Applied to Beneficial Use: Within Applicant's water service area. Claim for Reasonable Diligence: Applicant requests a finding of diligence for the New Castle Water System First Enlargement in the amount of 8.14 c.f.s., conditional, for all municipal purposes including domestic, irrigation, fire protection, industrial, and commercial uses. If the 1.86 c.f.s. is not found to be absolute, then Applicant requests a finding of diligence for the New Castle Water System First Enlargement in the amount of 10 c.f.s., conditional, for all municipal purposes including domestic, irrigation, fire protection, industrial, and commercial uses. Names and addresses of owners of land upon which structures are located: Applicant, or Paqarina Ranch LLC, 281 Centennial Street, Glenwood Springs, CO 81601. Integrated Water System. The New Castle Water System First Enlargement was found in previous cases to be a component part of the Applicant's integrated municipal water supply system within the meaning of C.R.S. § 37-92-301(4)(b). As such, work performed with respect to any component part of the Applicant's water supply system constitutes diligence toward development of the subject water right. The following exhibits are on file with the Water Court: a map depicting the location of structures and Applicant's water service area (Exhibit A) and a list of diligence activities (Exhibit B) (pp. 6 with exhibits).

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25CW3131 PITKIN COUNTY – ROARING FORK RIVER and RUEDI RESERVOIR. Roaring Fork I, LLC c/o Kevin L. Patrick and John M. Sittler, Patrick, Miller & Noto, P.C., 229 Midland Ave., Basalt, CO 81621, (970) 920-1030. APPLICATION TO MAKE WATER RIGHT ABSOLUTE IN PART AND FOR FINDING OF REASONABLE DILIGENCE. **First Claim (Diligence):** Bell Augmentation Pond. Original Decree: April 3, 2006, Case No. 04CW220, Division 5 Water Court. Subsequent diligence decrees: November 4, 2012, Case No. 12CW56; August 4, 2019, Case No. 18CW3182, all District Court, Water Division 5. Legal: SW ¼ NW ¼ of Section 7, Township 10 South, Range 84 West of the 6th P.M., at a point approximately 2,185 feet from the North section line and 215 feet from the West section line of Section 7. A map of the point of diversion is on file with the Court as Exhibit A. Fill ditch: Bell Pump & Pipeline, located in SW ¼ NW ¼ of Section 7, Township 10 South, Range 84 West of the 6th P.M., at a point approximately 2,160 feet from the North section line and 160 feet from the West section line of Section 7 (Pitkin County), with a capacity of 1.0 cfs (450 gpm). Source: Roaring Fork River, tributary to the Colorado River. Appropriation date: October 13, 2004. Amount: 0.0347 acre-feet conditional, with right to fill and refill in priority. Use: Augmentation. The Bell Augmentation Pond is a component part of an integrated legal water supply plan decreed in Case No. 04CW220 and in the augmentation plan decreed in Case No. 04CW221, District Court, Water Division 5. Out-of-priority depletions from the Bell Pump & Pipeline and the Bell Pond System are augmented under the plan for augmentation decreed in Case No. 04CW221, District Court, Water Division 5. In lieu of constructing the Bell Augmentation Pond, Applicant has installed a 5,000-gallon water storage tank. The tank will operate under the augmentation plan decreed in Case No. 04CW221 and not be subject to evaporation or seepage. A detailed outline of the work performed towards completion of the appropriation, including expenditures, is on file with the Court as Exhibit B. Applicant owns the land on which the water right is located and where water will be put to beneficial use. **Second Claim (Absolute in Part and Diligence):** Bell Exchange. Original Decree: April 3, 2006, Case No. 04CW220, Division 5 Water Court. Subsequent diligence decrees: November 4, 2012, Case No. 12CW56; August 4, 2019, Case No. 18CW3182, all District Court, Water Division 5. Legal: Upstream terminus: Bell Pump & Pipeline: SW ¼ NW ¼ of Section 7, Township 10 South, Range 84 West of the 6th P.M., at a point approximately 2,160 feet from the North section line and 160 feet from the West section line of Section 7. Downstream terminus: Confluence of the Roaring Fork and Fryingpan Rivers: SW ¼ SE ¼ of Section 7, Township 8 South, Range 86 West of the 6th P.M., at a point approximately 1,440 feet from the East section line and 750 feet from the South section line. A map of the exchange is on file with the Court as Exhibit A. Source: Ruedi Reservoir, pursuant to Basalt Water Conservancy District Water Allotment Contract No. 453. Appropriation date: October 13, 2004. Amount: 0.164 acre-feet (1.0 cfs, 450 gpm) conditional. Use: substitution and exchange. Claim for absolute: Applicant operated the Bell Exchange in priority to replace out-of-priority depletions under the plan for augmentation decreed in Case No. 04CW221. See the memo on file with the Court as Exhibit C. Date of beneficial use: July 30, 2025. Amount: 0.0005 cfs. Use: substitution and exchange. A detailed outline of the work performed towards completion of the appropriation, including expenditures, is on file with the Court as Exhibit B. Remarks: This water right is a component of an integrated legal water supply plan decreed in Case No. 04CW220 and in the augmentation plan decreed in Case No. 04CW221, District Court, Water Division 5. Out-of-priority depletions from the Bell Pump & Pipeline and the Bell Pond System are augmented under the plan for augmentation decreed in Case No. 04CW221, District Court, Water Division 5. In lieu of constructing the Bell Augmentation Pond, the Applicant has installed a 5,000 gallon water storage tank. The tank will operate under the augmentation plan decreed in Case No. 04CW221 and not be subject to evaporation or seepage. Applicant has previously made the Bell Pond System absolute in its entirety.

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25CW3132 MESA COUNTY (REF. NO. 18CW003158). Applicant: CITY OF GRAND JUNCTION, c/o Jamie B. Beard, 250 N. 5th Street, Grand Junction, CO 81501. Application for Finding of Reasonable Diligence: GRAND JUNCTION REDLANDS TAILRACE PUMP STATION - Location of the point of Diversion: NE ¼ SE ¼ of Section 16, T. 1 S., R. 1 W., Ute Meridian, at a

point South 471.51 feet, thence S 81° 14' 38" E 1,539.59 feet from the Center of said Section 16 which is approximately 1903 feet from the South section line and 120 feet from the East section line of said Section 16. The UTM coordinates are Easting 708262.7 Northing 4327015.9 in Zone 12. Location of Alternate Diversion as decreed in Case No. 94CW215: At one or more points along the Redlands Power Canal including but not limited to the Duke Lake Inlet structure located in the NE ¼ NE ¼ of Section 17, T. 1 S., R. 1 W., Ute Meridian, at a point which bears S 54° 44' W 167.00 feet from the NE corner of said Section 17 which is approximately 96 feet from the North section line and 136 feet from the East section line. The UTM coordinates are Easting 706874.6 and Northing 4328058.9 in Zone 12. Date of Original Decree: 10/14/1979; Case No. W-3683. Source: Tailrace of the Redlands Power Plant. **The water originates in the Gunnison River and is tributary to the Colorado River through the Redlands Water and Power Company Canal.** Appropriation Date: 06/01/1977. Amount Claimed: 50.0 c.f.s. of which 32.0 c.f.s. remains conditional, the other 18.0 c.f.s. having been made absolute. Use: municipal uses, including but not limited to aesthetic, piscatorial, and recreational uses.

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25CW3133 EAGLE COUNTY, EAGLE AND COLORADO RIVERS. BDC Wolcott II LLC c/o Richard Benes, 2000 S. Colorado Blvd. Ste 10500, Denver, CO 80222. Applicant is represented by Ryan Jarvis and Kaitlin Randall of JVAM PLLC, 305 Gold Rivers Ct., Ste 200, Basalt CO 81621, (970) 922-2122. Application for Underground Water Right, Approval of a Plan for Augmentation, and Exchange Project. Name of Structures: BDC Wolcott II Well and BDC Wolcott II Well Exchange Project. First claim: Conditional Underground Water Right, BDC Wolcott II Well. Permit Info: Permit No. 339765 was issued 7/2/2025, for monitoring and observation purposes. Legal Description: BDC Wolcott II Well will be located on Lot 2A, Parcel A-1 of the Wolcott Springs Subdivision, NW1/4 Sec 27, T4S, R83W, 6th PM. **Source: Groundwater trib. to the Eagle River, trib. to the Colorado River.** Date of approp.: The date of filing of this Application. How approp. was initiated: By formation of intent to appropriate the water and the filing of this Application in Water Court. Amount: 15 g.p.m., conditional. Uses: Domestic (including hot tub use) and irrigation. Depth: BDC Wolcott II Well has not yet been drilled. Second Claim: Plan for Augmentation. Applicant requests approval of the following plan to augment out-of-priority depletions attributable to BDC Wolcott II Well. Name of structure to be augmented: BDC Wolcott II Well. Water rights to be used for augmentation: Water will be provided pursuant to a water supply contract with the Colorado River Water Conservation District ("CRWD") for up to 0.1 af of Eagle River Supply and up to 0.2 af of Colorado River Supply. Water will be provided from these supplies to replace depletions to the Eagle River and Colorado River caused by Applicant's diversions at the BDC Wolcott II Well at such times as diversions by the Applicant would ordinarily be curtailed due to the call of senior water rights downstream from the Applicant's point of diversion. The Eagle River and Colorado River Supply Sources are described in detail in the Application and include the following sources. Eagle River Supply Sources: Eagle Park Reservoir, and Exchange Supply from facilities owned and operated by Aurora and Colorado Springs in the Homestake Project and Camp Hale Project. Colorado River Supply Sources: Wolford Mountain Reservoir and Ruedi Reservoir. Additional Sources: In accordance with C.R.S. § 37-92-305(8), Applicant may use additional or alternative sources of water for augmentation, substitution, replacement, and exchange under this decree if use of the sources is allowed under a substitute water supply plan approved under C.R.S. § 37-92-308, or if the sources are decreed for such purposes. Applicant may also use any additional or alternative sources of water if use is allowed under an interruptible water supply agreement approved under C.R.S. § 37-92-309. If Applicant proposes to use additional or alternative sources under C.R.S. §§ 37-92-308 or 37-92-309, Applicant shall comply with the procedures provided therein before using the sources in the plan for augmentation. If Applicant proposes to use additional or alternative sources which have been decreed for augmentation, substitution, replacement, or exchange, Applicant shall provide written notice of such proposed use to the Court and to the Division Engineer, which shall describe the water rights for the additional sources and how the Applicant proposes to use the sources in the plan for augmentation. Water Requirements: The maximum total volume of water demand for the Subject Property is approximately 0.564 acre feet per year ("af/yr"), and the estimated net depletions are approximately 0.195 af/yr, as described in further detail in the Application and supporting exhibits. Operation of the Augmentation Plan: The BDC Wolcott II Well will operate under its junior priority at times when there is no valid administered call downstream on the Eagle River or Colorado River below its confluence with the Eagle River. When depletions to the Eagle or Colorado Rivers caused by the operation of BDC Wolcott II Well occur at a time when there is a valid administered downstream call, this plan for augmentation replaces out-of-priority depletions with water available under Applicant's CRWCD water supply contract. When a valid call is placed on the Eagle River below the BDC Wolcott II Well, water will be released from the CRWCD's upstream Eagle River Supplies to directly replace depletions to the Eagle River. When there is a valid call on the Colorado River below its confluence with the Eagle River, water will be released from the CRWCD's Eagle and/or Colorado River Supplies. The CRWCD may release Colorado River Supplies in lieu of contracted Eagle River Supplies when there is no call on the Eagle River. The releases from the Colorado River Supplies will augment the depletions by exchange of water up to the point of depletion for the BDC Wolcott II Well. Third Claim: BDC Wolcott II Well Exchange Project. Name of exchange project right: BDC Wolcott II Well Exchange Project. Source: Colorado River Supplies described

in detail in the application. Appropriation date: Date of filing this Application. How appropriation was initiated: By formation of intent to appropriate the water and the filing of this Application in Water Court. Rate of Exchange: 0.0003 cfs, conditional. Maximum annual volume of exchange: 0.177 af. Use: Augmentation. Exchange Reaches: Upstream Terminus: The point of depletion from the BDC Wolcott II Well, which is located in the NE1/4 SW1/4 of Sec 23, T4S, R83W, 6th PM., at UTM Coordinates: Zone 13, NAD83, Easting 357757m, Northing 4394208m. Downstream Termini: Ruedi Reservoir Exchange: Confluence of the Colorado River and the Roaring Fork River, which is currently located in the SE1/4 of the NW1/4 of Sec 9, T6S, R89W, 6th PM, at a point approximately 2200 ft from the N sec line and 2350 ft from the W sec line of said Sec 9. Wolford Mountain Reservoir Exchange: Confluence of the Colorado River and the Eagle River, which is currently located in the SW1/4 of the NE1/4 of Sec 5, T5S, R86W, 6th PM, at a point approximately 2400 ft from the N sec line and 1900 ft from the E sec line of said Sec 5. Names and addresses of land owners: BDC Wolcott II Well is located on property owned by Applicant. Applicant has given notice of this Application at least 14 days before making the Application, by certified mail return receipt requested, to the following party as owners of record of all wells within 600 ft of the proposed location of BDC Wolcott II Well: Steven M. Fischer and Paula M. Denissen P.O. Box 276 Wolcott, CO 81655-0276. The application and attached exhibits contain additional information and detailed description of the water rights sought herein. (16 pages, 4 exhibits).

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

25CW3134 EAGLE COUNTY, LAKE CREEK, EAGLE RIVER. Application to Make Absolute or for Findings of Reasonable Diligence. R.A. Nelson, c/o Mark Hamilton, Esq., William H. Caile, Esq., Holland & Hart LLP, 600 E. Main St., Ste. 104, Aspen, CO 81611, mehamilton@hollandhart.com, whcaile@hollandhart.com. Name of structure: Appropriative right of exchange described in paragraph 12 of the Decree dated 11/22/2005 in Case No. 03CW332 ("Subject Exchange"). Previous Decrees: Original decree: 03CW332, Water Div. 5, 11/22/2005. Subsequent decrees: Case No. 11CW165, Water Div. 5, 12/19/2012; 18CW3208, Water Div. 5, 08/04/2019. Description of Subject Exchange: The Subject Exchange allows applicant to exchange augmentation releases from Wolford Mountain Reservoir and/or Ruedi Reservoir from the Eagle/Colorado River confluence or Roaring Fork/Colorado River confluence, as applicable, upstream to the following augmented water rights within the Lake Creek drainage as described in the Decree in Case No. 03CW332: (i) RMN Spring Nos. 1, 2 and 3; (ii) RMN Spring Nos. 1, 2 and 3 Enlargements; (iii) Green Spring and Feeder Ditch Extension; (iv) Nelson No. 1 Pond; and (v) Nelson No. 1 Ditch ("Augmented Water Rights"). The exchange reaches for the Subject Exchange are shown on the map attached to the Application as Figure 1. Locations: Upper Termini: i. RMN Spring No. 1 and Enlargement: SE1/4 SE1/4, Sec. 6, T. 5 S., R. 82 W., 6th P.M., at a point 750 feet from the East line and 350 feet from the South line of said Sec. 6. ii. RMN Spring No. 2 and Enlargement: SE1/4 SE1/4, Sec. 6, T. 5 S., R. 82 W., 6th P.M., at a point 720 feet from the East line and 450 feet from the South line of said Sec. 6. iii. RMN Spring No. 3 and Enlargement: per Case No. 00CW257, the spring is diverted at the Nelson No. 1 Ditch or the alternate point of the Nelson No. 1 Ditch at the Bert Hyde Ditch, the locations of which are: a. Nelson No. 1 Ditch: SE1/4 SE1/4, Sec. 6, T. 5 S., R. 82 W., 6th P.M., at a point 380 feet from the South line and 900 feet from the East line of said Sec. 6. b. Nelson No. 1 Ditch at Bert Hyde Ditch: on the right bank of Lake Creek at a point whence the NE1/4 of Sec. 7, T. 5 S., R. 82 W. of the 6th P.M. bears North 76°35' East 859.39 feet (also described as a point in the NE1/4NE1/4, Sec. 7, T. 5 S., R. 82 W., 6th P.M., 250 feet from the North line and 835 feet from the East line). iv. Green Spring and Feeder Ditch Extension: wastewater from the Green Spring and Ditch which originates at the Green Spring located a point whence the East quarter Corner of the Sec. 7, T. 5 S., R. 82 W. of the 6th P.M., bears South 52°24'10" East 784.07 feet, which is tributary to Lake Creek (also described as a point within the SE1/4 NE1/4 of said Sec. 7, at a point that is 630 ft. from the E. sec. line and 2180 ft. from the N. section line). v. Nelson No. 1 Pond: SE1/4SE1/4, Section 6, Township 5 South, Range 82 West, 6th P.M. at a point 610 feet from the South line and 850 feet from the East line of said Section 6. Lower Termini: i. With respect to releases from Wolford Mountain Reservoir, the confluence of the Colorado River and the Eagle River. ii. With respect to releases from Ruedi Reservoir, the confluence of the Colorado River and the Roaring Fork River. Sources of Exchange Deliveries: water released from Wolford Mountain Reservoir or Ruedi Reservoir pursuant to Applicant's water supply contract with the Colorado River Water Conservation District ("River District"). Approp. date: 12/31/2003. Amount: 0.011 c.f.s., conditional (0.711 AF volumetric limit). Use: augmentation (pursuant to the plan for augmentation approved in Case No. 03CW332). Claim to make absolute: Because contract releases were made from Ruedi Reservoir during the past diligence period to support the Subject Exchange when the river was under administration, the Application requests that the Subject Exchange be made fully absolute in the full decreed amount of 0.011 c.f.s. for augmentation purposes. In the alternative, to the extent that any amount or use is not made fully absolute, the Application requests findings of reasonable diligence and that the Subject Exchange be continued conditional. A detailed outline of activities and expenditures during the last diligence period is included in the Application. (6 pages).

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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 AUGUST 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.*

25CW3135(19CW3029, 12CW149, 05CW212, 98CW023, 91CW109) DISTRICT COURT, WATER DIVISION NO. 5, STATE OF COLORADO, Garfield County Courthouse, 109 8th Street, Suite 104, Glenwood Springs, CO 81601. IN THE MATTER OF THE APPLICATION FOR WATER RIGHTS OF AMERICAN GYPSUM COMPANY IN EAGLE COUNTY, COLORADO. APPLICATION TO MAKE PORTION OF WATER RIGHT ABSOLUTE AND FOR FINDING OF REASONABLE DILIGENCE. 1. Name, address and telephone number of Applicant: American Gypsum Company, LLC ("Applicant"), P.O. Box 980, 740 Highway 6, Gypsum, Colorado 81637, Direct all pleadings to: Steve Bushong, Paul J. Raymond, Bushong & Holleman PC, 1966 13th Street, Suite 270, Boulder, Colorado 80302. 2. Name of structures: Eagle Gypsum Well Nos. 1, 2, and 3. 3. Description of conditional water rights 3.1. Original Decree: The subject conditional water rights were decreed by the District Court in and for Water Division No. 5 ("Water Court") in Case No. 91CW109 by decree dated April 29, 1992, 3.2. Subsequent Decrees: Decrees granting findings of reasonable diligence and making portions absolute were entered by the Water Court in Case Nos. 98CW023, 05CW212, 12CW149 and 19CW3028, 3.2. Decreed locations: i. Eagle Gypsum Well No. 1. The well is located in the NW1/4NE1/4 of Section 5, T. 5 S., R. 85 W. of the 6th P.M. at a point whence the witness corner to the NW corner of said Section 5 bears N. 70° 05' W. a distance of 3034 feet. Said location is also 935 feet from the North line of said Section 5 and 2450 feet from the East line of said Section 5, ii. Eagle Gypsum Well No. 2. The well is located in the NW1/4NE1/4 of Section 5, T. 5 S., R. 85 W. of the 6th P.M. at a point whence the witness corner to the NW corner of said Section 5 bears N. 67° 54' W. a distance of 2869 feet. Said location is also 980 feet from the North line of said Section 5 and 2644 feet from the East line of said Section 5, iii. Eagle Gypsum Well No. 3. The well is located in the NW1/4NE1/4 of Section 5, T. 5 S., R. 85 W. of the 6th P.M. at a point whence the witness corner to the NW corner of said Section 5 bears N. 72° 02' W. a distance of 3204 feet. Said location is also 890 feet from the North line of said Section 5 and 2255 feet from the East line of said Section 5, 3.3. Source: Groundwater tributary to the Eagle River, a tributary of the Colorado River, 3.4. Appropriation dates: July 26, 1991 for each well, 3.5. Amounts: Each of the Eagle Gypsum Well Nos. 1 – 3 were originally conditionally decreed for 1 cfs, provided that the combined diversions from all three wells together with Eagle Gypsum Gallery Well No. 1 decreed by the Water Court in Case No. 89CW132 shall not exceed 1 cfs at any given time. In the subsequent decrees described above, 250 gpm of Eagle Gypsum Well No. 1 was made absolute, 125 gpm of Eagle Gypsum Well No. 2 was made absolute, and 115 gpm of Eagle Gypsum Well No. 3 was made absolute for all uses. The following amounts remain conditional for all decreed uses: i. Eagle Gypsum Well No. 1 - 0.4432 cfs (199 gpm); ii. Eagle Gypsum Well No. 2 - 0.7216 cfs (324 gpm); iii. Eagle Gypsum Well No. 3 - 0.744 cfs (334 gpm), 3.6. Use: Industrial, landscape irrigation, and the filling of Eagle Gypsum Reservoir No. 1, 3.7. Remarks. The approximate location of Eagle Gypsum Well Nos. 1, 2, and 3 is depicted on the **Exhibit A** map. 4. Claim for Finding of Reasonable Diligence: During the current diligence period, Applicant American Gypsum Company LLC ("AGC") performed the following work toward completing the appropriation for the above-described conditional water rights. Under C.R.S. § 37-92-301(4)(b), and consistent with the finding in Case No. 02CW391, the subject water rights are a component of the Applicant AGC's integrated water system, 4.1. AGC has continued to operate and improve the water supply system of which the Eagle Gypsum Well Nos. 1 – 3 are an integral feature. Such work included upgrades to the well system, which involved installing individual flow meters on all the wells, upgrading the well casing water level indicators, and upgrading programmable logic controllers and input/output module upgrades, drive upgrades, and human machine interface at a cost exceeding \$369,000., 4.2. AGC also performed pump tests on all its wells, inspected wells and well pumps, rehabilitated one well, and replaced check valves, 4.3. AGC maintained contracts for 270 acre-feet of water from Green Mountain Reservoir and Wolford Mountain Reservoir. AGC also continued its contract for 20 acre feet annually of water from Eagle Park Reservoir. This contract water is an essential element of the Applicant's overall water system, of which the Eagle Gypsum Well Nos. 1 – 3 are a part, 4.4. In 2021, AGC acquired at considerable cost additional land and water rights in Eagle County to facilitate its further development plans and allow expansion of the facilities at the existing plant. AGC has since been engaged in the design of a new reservoir for its use on the land acquired in 2021. AGC has also been engaged in negotiations with prospective partners regarding the potential lease of storage space or water in the reservoir being designed, 4.5. AGC obtained findings of reasonable diligence for other components of its integrated water supply system, including Case Nos. 2024CW3072, 2024CW3034, 2023CW3165, and 2021CW3164. In each of these proceedings, the Court found that the Applicant exercised reasonable diligence with respect to its water rights. Applicant also has another diligence application pending in Case No. 25CW3113, 4.6. Applicant actively participated as an objector in other water court cases that could adversely affect its water rights. 5. Request to Make Absolute: Applicant requests that the Water Court make absolute the following additional amounts for the Eagle Gypsum Wells Nos. 2 and 3: 5.1. Eagle Gypsum Well No. 2 – 275 gpm (0.612 cfs) 5.2. Eagle Gypsum Well No. 3 – 304 gpm (0.677 cfs) 5.3. Remarks: According to the attached **Exhibit B** pumping records from the Applicant, The Eagle Gypsum Well No. 2 was operated at 400 gpm on July 5th, 2024, and the Eagle Gypsum Well No. 3 was operated at 419 gpm on July 18th, 2025. Water from both wells so pumped was immediately applied to beneficial use by the applicant. 6. The name and address of the owner of the land on which the structures and/or water rights are located: Applicant. WHEREFORE, Applicant requests that the Court enter a ruling that (A) grants Applicant's request to make water rights absolute for the Eagle Gypsum Wells Nos. 2 and 3 in the amounts described in paragraph 5, (B) finds reasonable diligence with respect to the remaining conditional portions of the

water rights decreed to Eagle Gypsum Well Nos. 1, 2, and 3 and finds that said remaining conditional amounts and uses continue in full force and effect; and (C) grants such further relief as may be appropriate. (6 pages + Exhibits)

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

25CW3136 (19CW3030, 11CW58, 02CW391) DISTRICT COURT, WATER DIVISION NO. 5, STATE OF COLORADO, Garfield County Courthouse, 109 8th Street, Suite 104, Glenwood Springs, CO 81601. IN THE MATTER OF THE APPLICATION FOR WATER RIGHTS OF AMERICAN GYPSUM COMPANY, IN EAGLE COUNTY, COLORADO. **APPLICATION TO MAKE PORTION OF WATER RIGHT ABSOLUTE AND FOR FINDING OF REASONABLE DILIGENCE.** 1. Name, address and telephone number of Applicant: American Gypsum Company, LLC ("Applicant") P.O. Box 980, 740 Highway 6, Gypsum, Colorado 81637, Direct all pleadings to: Steve Bushong, Paul J. Raymond, Bushong & Holleman PC., 1966 13th Street, Suite 270, Boulder, Colorado 80302. 2. Name of structures: American Gypsum Well F ("Well F"), American Gypsum Well Field (the "Well Field"), Eagle River Intake Nos. 1 and 2 (the "Eagle River Intakes"). 3. Description of conditional water rights. 3.1. Original Decree: The subject conditional water rights were decreed by the District Court in and for Water Division No. 5 ("Water Court") in Case No. 02CW391 by decree dated April 8, 2005, 3.2. Subsequent Decrees: Subsequent findings of reasonable diligence were made by the Water Court in Case No. 11CW58 by decree dated March 17, 2013, and in Case No. 19CW3030 by decree dated August 31, 2019, 3.3. Decreed locations: i. Well F. Well F is located in the NW1/4NE1/4 of Section 5, Township 5 South, Range 85 West of the 6th P.M., at a point 1,175 feet from the North section line and 1,990 feet from the East section line of said Section 5. Well F has well permit number 59612-F, ii. Well Field. The Well Field is described as land located in the NW1/4NE1/4 of Section 5, Township 5 South, Range 85 West of the 6th P.M. beginning at a point 1,315 feet from the North section line and 1,730 feet from the East section line of said Section 5, thence North 02 degrees 11 minutes West a distance of 1,062.04 feet, thence due West a distance of 641.56 feet, thence due South a distance of 887.21 feet, thence South 75 degrees 41 minutes East a distance of 703.94 feet to the point of beginning, iii. Eagle River Intakes. Eagle River Intake No. 1 will be located on the south bank of the Eagle River in the NE1/4NW1/4 of Section 5, Township 5 South, Range 85 West of the 6th P.M., at a point 765 feet from the North section line and 2,165 feet from the West section line of said Section 5. Eagle River Intake No. 2 will be located on the south bank of the Eagle River in the NW1/4NE1/4 of said Section 5, at a point 710 feet from the North section line and 1,785 feet from the East section line of said Section 5, 3.4. Source: **The source of water for Well F and the American Gypsum Well Field is groundwater tributary to the Eagle River, tributary to the Colorado River.** The source of water for the Eagle River Intakes is the Eagle River, tributary to the Colorado River, 3.5. Appropriation dates: American Gypsum Well F – October 4, 2002. American Gypsum Well Field – December 3, 2002. Eagle River Intakes – June 28, 1989, 3.6. Amounts: i. American Gypsum Well F – 1 cfs, conditional, ii. American Gypsum Well Field – As described in the original 02CW391 decree, the Well Field is decreed a cumulative amount of 1 cfs, in addition to the amounts already decreed to the American Gypsum Wells Nos. 1, 2, and 3, and the amount decreed to Well F as set forth above, iii. Eagle River Intakes – Diversions by the Eagle River Intakes and Eagle Gypsum Well Nos. 1, 2, and 3 for the purpose of storage in Eagle Gypsum Reservoir No. 1 cannot exceed a combined diversion of 2 cfs., 3.7. Use: American Gypsum Well F and American Gypsum Well Field – Industrial and landscape irrigation. Eagle River Intakes – filling of Eagle Gypsum Reservoir No. 1, which is decreed for industrial, landscape irrigation, recreational, piscatorial and augmentation use, 3.8. Remarks: The approximate location of the subject conditional water rights is depicted on **Exhibit A**. The subject conditional rights are part of a water augmentation plan originally decreed in Case No. 89CW132. By decree in Case No. 02CW391 entered on May 1, 2005, Applicant obtained approval of an amendment and restatement of that augmentation plan, which included the subject conditional water rights as additional components of Applicant's overall water system. Further, two wells have been drilled under the Well Field water right: (1) Well O, which has permit number 62942-F, and (2) Well 6, which has permit number 81929-F. 4. Request to Make Absolute: Applicant requests that the Water Court make absolute the following additional amounts for the American Gypsum Well F and American Gypsum Well Field wells: 4.1. American Gypsum Well F – 313 gpm (0.697 cfs) 4.2. American Gypsum Well Field – 416 gpm (0.9268 cfs) 4.3. Remarks: According to the attached **Exhibit B** pumping records from the Applicant, The American Gypsum Well F was operated at 313 gpm on November 20th, 2024, and the American Gypsum Well Field was operated through Well O at 416 gpm on September 11th, 2024. Water from both wells so pumped was immediately applied to beneficial use by the applicant. 5. Claim for Findings of Reasonable Diligence: 5.1. Applicant seeks findings of reasonable diligence for all uses and amounts regarding the above-described conditional water rights to the extent not made absolute herein. Under C.R.S. § 37-92-301(4)(b), and consistent with the finding in Case No. 02CW391, the subject water rights are a component of Applicant's integrated water system. Applicant has undertaken the following specific activities over the last six years that demonstrate its diligence regarding the subject conditional rights: 5.1. Applicant has continued to operate and improve the water supply system of which the subject conditional water rights are an integral feature. Such work included upgrades to the well system, which involved installing individual flow meters on all the wells, upgrading the well casing water level indicators, and upgrading programmable logic controllers

and input/output module upgrades, drive upgrades, and human machine interface at a cost exceeding \$369,000, 5.2. Applicant also performed pump tests on all its wells, inspected wells and well pumps, and replaced check valves, 5.3. Applicant maintained contracts for 270 acre-feet of water from Green Mountain Reservoir and Wolford Mountain Reservoir. Applicant also continued its contract for 20 acre feet annually of water from Eagle Park Reservoir. This contract water is an essential element of the Applicant's overall water system, of which the subject conditional water rights are an integral part, 5.4. In 2021, Applicant acquired at considerable cost additional land and water rights in Eagle County to facilitate its further development plans and allow expansion of the facilities at the existing plant. Applicant has since been engaged in the design of a new reservoir for its use on the land acquired in 2021. Applicant has also been engaged in negotiations with prospective partners regarding the potential lease of storage space or water in the reservoir being designed, 5.5. Applicant obtained findings of reasonable diligence for other components of its integrated water supply system, including Case Nos. 2024CW3072, 2024CW3034, 2023CW3165, and 2021CW3164. In each of these proceedings, the Court found that the Applicant exercised reasonable diligence with respect to its water rights. Applicant also has another diligence application pending in Case No. 25CW3113, 5.6. Applicant actively participated as an objector in other water court cases that could adversely affect its water rights. 6. The name and address of the owner of the land on which the structures and/or water rights are located: Applicant. WHEREFORE, Applicant requests that the Court enter a ruling that (A) grants Applicant's request to make water rights absolute for the American Gypsum Well F and the American Gypsum Well Field in the amounts described in paragraph 4, (B) finds reasonable diligence with respect to the conditional water rights decreed to American Gypsum Well F, American Gypsum Well Field, and Eagle River Intake Nos. 1 and 2 not made absolute herein, and finds that said conditional water rights continue in full force and effect for all amounts and uses; and (C) grants such further relief as may be appropriate. (6 pages + Exhibit)

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

25CW3137 PITKIN COUNTY. Application for Findings of Reasonable Diligence. Applicant: The Estate of Julia S. Marshall, c/o Sara M. Dunn & Andrea J. Hall, Balcomb & Green, P.C.; P.O. Drawer 790, Glenwood Springs, CO 81602; (970) 945-6546; www.balcombgreen.com. Thorne Warner as personal representative of the Estate of Julia S. Marshall ("Applicant") requests the Ct. find Applicant has exercised reasonable diligence in the development of the conditional water rights decreed to the Marshall Well, Placita Springs First Enlargement, Marshall Pump and Pipeline, and Marshall Pond ("SWRs"). A map depicting the location of each of the SWRs is attached as Exh. A. Please note that Sec. 6, T. 11 S., R. 88 W. of the 6th P.M. is a tall, irregular Sec. as depicted in Exh. B showing Applicant's property boundary and adjacent proprietries with landowner designations. (All exhibits mentioned herein are incorporated by reference and may be inspected at the office of the clerk of this Ct.) All SWRs were originally decreed in Dist. Ct., Water Div. 5 in 04CW120 entered on 11/8/2005 and subsequent diligence decreed in 11CW158 on 1/5/2013 and 19CW3004 on 8/11/2019. Structure: Marshall Well, groundwater right. Legal Description: NW1/4 NE1/4 Sec. 6, T. 11 S., R. 88 W. 6th P.M. at a point 3,050 ft. S. of the N. Sec. Line and 3,150 ft. E. of the W. Sec. Line of said Sec. 6. (UTM Coordinates X: 304408.5 and Y: 4333872.5). **SOURCE: GROUNDWATER TRIBUTARY TO THE CRYSTAL RIVER, TRIBUTARY TO THE ROARING FORK AND CO RIVERS.** Date of Approp.: 8/16/2002. Depth: 50 ft. Uses: Dom. Amt.: 0.1 c.f.s., (45 g.p.m.), of which 0.033 c.f.s. (15 g.p.m.) was confirmed absolute in 11CW158 for dom. use inside two dwelling units, with 0.067 c.f.s. (30 g.p.m.) remaining conditional. Remark: The well operates pursuant to the plan for aug. decreed in 04CW120 and Well Permit No. 64842-F. Dom. use is limited to ordinary household purposes inside six dwelling units. Name and address of owner of the land upon which the structure is located, or upon which water is or will be placed to beneficial use: See Application, paragraph 3.9. Structure: Placita Springs, First Enlargement, surface water right. Legal Description: NW1/4 NE1/4 Sec. 6, T. 11 S., R. 88 W. 6th P.M. at a point 2,708 ft. E. and 2,312 ft. S. of the NW Corner of said Sec. 6. **Source: A spring tributary to the Crystal River, tributary to the Roaring Fork and CO Rivers.** Date of Approp.: 8/16/2002. Uses: Irr. and aug. Amt.: 0.23 c.f.s., conditional, of which 0.01 c.f.s. (5 g.p.m.) was confirmed absolute in 11CW158 for delivery of water to Marshall Pond for subsequent irr. and aug. use, with 0.22 c.f.s. remaining conditional for such uses and 0.23 c.f.s. remaining conditional for irr. Remark: Water may be used for irr. through direct diversion from the spring or delivered into the Marshall Pond for subsequent use for irr. or aug. Irr. use is limited to 1.1 acres of lawn and gardens around six dwelling units located in the NW1/4 NE1/4 Sec. 6, T. 11 S., R. 88 W. 6th P.M. Name and address of owner of the land upon which the structure is located, or upon which water is or will be placed to beneficial use: See Application, paragraph 4.8. Structure: Marshall Pump and Pipeline, surface water right. Legal Description as Changed in 11CW158: NW1/4 NE1/4 Sec. 6, T. 11 S., R. 88 W. 6th P.M. at a point 2,250 ft. from the N. Sec. line and 3,350 ft. from the W. Sec. Line. **Source: Crystal River, tributary to the Roaring Fork and CO Rivers.** Date of Approp.: 8/16/2002. Uses: Irr., pisc., fire protection, aug. and dom. Amt.: 0.5 c.f.s., conditional. Remark: Water may be used for irr., fire protection and dom. use by direct diversions through the Marshall Pump and Pipeline or delivered to the Marshall Pond for subsequent use for irr., pisc., fire protection and aug. and dom. use. Irr. use is limited to 1.1 acres in the NW1/4 NE1/4 Sec. 6, T. 11 S., R. 88 W. 6th P.M. Name and address of owner of the land upon which the structure is located, or upon which water is or will be placed to beneficial use: See

Application, paragraph 5.8. Name of Structure: Marshall Pond, a storage water right. Legal Description: NW1/4 NE1/4 Sec. 6, T. 11 S., R. 88 W. 6th P.M., 2,350 ft. S. of the N. Sec. Line and 3,250 ft. E. of the W. Sec. Line. **Source: Crystal River and spring tributary to the Crystal River, tributary to the Roaring Fork and CO Rivers.** Date of Approp.: 8/16/2002. Uses: Irr., pisc., and aug. Amt.: 3.0 AF, conditional, of which 0.3 AF was decreed absolute in 11CW158 for irr. and aug. and 0.3 AF was decreed absolute in 19CW3004 for pisc. use, with 2.7 AF remaining conditional for irr., aug., and pisc. uses. Rate of Fill: 0.5 c.f.s., conditional. Surface Area: 0.5 acre, of which 0.08 acre has been constructed. Dam Height: 10 ft.; to date, the dam has been constructed to a height of 5 ft. Dam Length: 150 ft. Capacity: 3.0 AF all of which is active capacity, of which 0.3 AF has been constructed. Remark: Irr. is limited to 1.1 acres in the NW1/4 NE1/4 Sec. 6, T. 11 S., R. 88 W. 6th P.M. The Marshall Pond is an off-channel pond that may be filled using the Marshall Pump and Pipeline and/or the Placita Springs First Enlargement as described above. Name and address of owner of the land upon which the structure is located, or upon which water is or will be placed to beneficial use: See Application, paragraph 6.8. Integrated Water System: The SWRs are part of an integrated water supply for Applicant's property as decreed in 04CW120. 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. (8 pages of original application, Exhs. A & B)

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

25CW3138 Former Case Nos: (15CW3050, 07CW145, 01CW057, 94CW105, 88CW206, 84CW162, 80CW180, W-722-76, W-722, W-64, 3082) APPLICATION FOR WATER RIGHTS OF THE TWIN LAKES RESERVOIR AND CANAL COMPANY FOR A FINDING OF REASONABLE DILIGENCE, IN PITKIN COUNTY. 1. Name, addresses, telephone numbers of Applicant: Twin Lakes Reservoir and Canal Company (the "Company"): c/o Stacey Sober, General Manager, P.O. Box 8, Ordway, CO 81063, (719) 267-4411. Please send all correspondence and pleadings to Karl D. Ohlsen and Sarah B. Wiedemann, Carlson, Hammond & Paddock, LLC, 1900 N. Grant Street, Suite 1200, Denver, CO 80203-4539. 2. Name of Structures: A. Independence Pass Transmountain Diversion System ("IPTDS"). 3. Describe conditional water right (as to each structure): A. Original Decree: August 25, 1936, Case No. 3082, District Court in and for Garfield County, Colorado; Date of most recent diligence decree: August 25, 2019, Case No. 15CW3050, Water Court, Water Division No. 5. B. Legal Description: The IPTDS is composed of the following ditches, tunnels, headgates, dams, and reservoirs: i. Lincoln Gulch Diversion Dam and Tunnel No. 1. ii. New York Collection Canal. iii. Roaring Fork Diversion Dam, Tunnel No. 2, and Lincoln Gulch Connection Canal. iv. Lost Man Diversion Dam and Lost Man Diversion Canal. v. Twin Lakes Reservoir. The locations of the above structures are as follows: Lincoln Gulch Diversion Dam (WDID 3803779) and Tunnel No. 1 (Tunnel Inlet WDID 3809283, Tunnel Outlet WDID 1104617): The initial point of survey of the Lincoln Gulch Diversion Dam (which creates Grizzly Reservoir) is located in Pitkin County, Colorado, at a point whence the southwest corner of Section 6, T. 11 S., R. 82 W. of the 6th P.M. bears N 18° 55' E 14,565.5 feet. The headgate or intake of Tunnel No. 1 is located in Pitkin County, Colorado, at a point from whence the southwest corner of Section 6, T. 11 S., R. 82 W. of the 6th P.M. bears N 17° 33' E 14,380.9 feet. New York Collection Canal: The headgates of the New York Collection Canal are located in Pitkin County, Colorado, as follows: a. Headgate No. 1 (WDID 3801764): (also known as the New York Gulch Diversion) is located on the east bank of West Fork Gulch, a tributary of Lincoln Creek, at a point whence the southwest corner of Section 6, T. 11 S., R. 82 W. of the 6th P.M. bears N 58° 06' E 24,724.6. b. Headgate No. 2 (WDID 3801765): (also known as the Brooklyn Gulch Diversion) is located on New York Gulch at a point whence the southwest corner of Section 6, T. 11 S., R. 82 W. of the 6th P.M. bears N 57° 24' E 23,997.4 feet. c. Headgate No. 3 (WDID 3801766): (also known as the Tabor Gulch Diversion) is located on Tabor Gulch at a point whence the southwest corner of Section 6, T. 11 S., R. 82 W. of the 6th P.M. bears N 51° 32' E 16,923.1 feet. Roaring Fork Diversion Dam (WDID 3803865), Tunnel No. 2 (WDID 3801763), and Lincoln Gulch Connection Canal (WDID 3801768): The initial point of survey of the Roaring Fork Diversion Dam is located in Pitkin County, Colorado, at a point whence the southwest corner of Section 6, T. 11 S., R. 82 W. of the 6th P.M. bears S 80° 09' E 6,946.3 feet. The headgate or point of intake of Tunnel No. 2 is located in Pitkin County, Colorado, on the south bank of the Roaring Fork River at a point whence the southwest corner of Section 6, T. 11 S., R. 82 W. of the 6th P.M. bears S 80° 38' E 6,921.6 feet. The point of beginning of the Lincoln Gulch Connection Canal is located in Pitkin County, Colorado, at the south end of Tunnel No. 2 at a point whence the southwest corner of Section 6, T. 11 S., R. 82 W. of the 6th P.M. bears N 50° 42' E 12,539.2 feet. Lost Man Diversion Dam (WDID 3803780) and Lost Man Diversion Canal (3801767): The initial point of survey of the Lost Man Diversion Dam is located in Pitkin County, Colorado, at a point whence the southwest corner of Section 6, T. 11 S., R. 82 W. of the 6th P.M. bears S 58° 42' E 6,473.2 feet. The headgate of the Lost Man Diversion Canal is located in Pitkin County, Colorado, on the east bank of Lost Man Creek at a point whence the southwest corner of Section 6, T. 11 S., R. 82 W. of the 6th P.M. bears S 58° 18' E 6,871.2 feet. Twin Lakes Reservoir (WDID 1103503): Twin Lakes Reservoir is located in Sections 15, 16, 17, 18, 19, 20, 21, 22, and 23, in T 11 S, R 80 W of the 6th P.M., in Lake County, Colorado in former Water District No. 11, Water Division No. 2, on the natural stream known as Lake Creek, a tributary of the Arkansas River. C. Source: The IPTDS is an integrated, complex system of ditches, canals, diversion dams, and tunnels whereby water collected from the

various streams is gathered for diversion to the Eastern Slope via the transmountain tunnel, Tunnel No. 1. The source of the water for the IPTDS is the Roaring Fork River and certain of its tributaries, including Lincoln Creek, Grizzly Creek, Lost Man Creek, West Fork Gulch, New York Gulch, and Tabor Gulch, all in former Water District No. 38, Pitkin County, Colorado. D. Appropriate Date: August 23, 1930, Priority No. 431. E. Amount: Original IPTDS Appropriation: The total amount decreed to the Original IPTDS Appropriation is 625 c.f.s. The individual amounts decreed to the structures under the original appropriation are: Lincoln Gulch Diversion Dam (a/k/a Grizzly Reservoir) and Tunnel No. 1: 625 c.f.s. absolute; NYCC: NYCC Headgate No. 1 (West Fork Creek): 77 c.f.s. absolute, NYCC Headgate No. 2 (New York Gulch): 127 c.f.s. absolute, NYCC Headgate No. 3 (Tabor Gulch): 171 c.f.s. absolute; Roaring Fork Diversion Dam, Tunnel No. 2, and Lincoln Gulch Connection Canal: 322 c.f.s. absolute; 28 c.f.s. conditional; Lincoln Gulch Connection Canal (water collected along its course): 20 c.f.s. absolute; Lost Man Diversion Dam and Lost Man Diversion Canal: 272.33 c.f.s. absolute; 2.67 c.f.s. conditional. The remaining conditionally decreed components of the IPTDS are: (1) 2.67 c.f.s. for the Lost Man Diversion Dam and Lost Man Diversion Canal; and (2) 28 c.f.s. for the Roaring Fork Diversion Dam, Tunnel No. 2, and Lincoln Gulch Connection Canal. F. Use: The water gathered and collected from the IPTDS is used for direct flow and storage purposes, for irrigation, domestic, commercial, industrial, municipal and all beneficial uses, pursuant to the Decree of the District Court for Water Division No. 5, dated May 12, 1976, in Case No. W-1901, described more fully below. Change of Use Decree: The decree in Case No. W-1901 ("Change Decree") adjudicated a change in water rights for the IPTDS water rights. The Change Decree was affirmed by the Colorado Supreme Court in *Twin Lakes Reservoir and Canal Co. v. City of Aspen*, 193 Colo. 478, 568 P.2d 45 (1977). Under the terms of the Change Decree, all collection component diversions remain subject to the terms and conditions of the original decree entered in 1936, which limits the total amount of water to be collected and diverted at all sources to the finally decreed capacity of Tunnel No. 1, namely 625 c.f.s. Further, all collection component diversions remain subject to the terms and conditions of the Change Decree, which specifies, inter alia, that no entitlement to divert exists when the following two conditions are concurrently present: (1) Twin Lakes Reservoir has stored in a "water year" its decreed capacity of 54,452 acre-feet, and (2) There is 756.28 c.f.s. available in priority from the Arkansas River at the headgate of the Colorado Canal to a water right with a priority date of June 9, 1890, with a decree date of March 23, 1896, for direct flow irrigation uses. To the extent that the Arkansas River water available in priority as described in (2) above is less than 756.28 c.f.s. and water could otherwise be beneficially used for the irrigation of lands, there arises a corresponding entitlement to divert that amount of water from the IPTDS. Such water may itself be stored or applied directly to beneficial uses. 4. Integrated System: The IPTDS system is an integrated system of water rights and structures under § 37-92-30 1 (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. 5. 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, during the previous diligence period: A. All components of the IPTDS have been constructed, have diverted, and now divert water, and the water has been and is applied to beneficial use. Throughout the diligence period the Company has continued its sustained efforts to improve the structures comprising the IPTDS to enable the Company to divert and apply to beneficial use the entire appropriation conditionally decreed thereto. The Company has diligently pursued the development of its conditional water rights during the diligence period by implementing numerous capital projects and activities that support the Company's ability to divert and put to beneficial use the full amount of its absolute and conditional water rights. In furtherance of its continuing efforts to perfect its full appropriation, the Company has undertaken and performed the following actions in this diligence period: i. The Company made repairs to its Grizzly Reservoir Dam. Specifically, the Company's rehabilitation project included excavating and re-grading of the reservoir basin and reconstructing a portion of the downstream embankment. The Company also installed a Carpi membrane liner on the upstream dam face in 2024 to maintain structural integrity and prevent water seepage. This project is ongoing. The Company is currently in the planning and engineering process to replace outlet works and finish other rehabilitation work at Grizzly Dam in 2026. ii. The company continues to do maintenance and grading of the road for the NYCC and Lincoln Gulch Connection Canal. iii. The Company continues to perform flow measurements at numerous points in its system to more accurately measure gains and losses in reaches of the collection system to assess and analyze opportunities to minimize conveyance loss and to support future diversions. iv. The Company replaced the Lost Man gate stem and operator in 2016. v. The Company replaced the trash guards for the inlet to Twin Tunnel in 2019. vi. The Company installed a new outlet gate operator at Grizzly Reservoir in 2020. vii. The Company has participated in ongoing discussions with other Front Range water right stakeholders as part of the Front Range Water Council to ensure the protection of the stakeholders' interests in their decreed conditional and absolute water rights including rights of exchange in Water Division No. 5, including the IPTDS, which participation includes the ongoing discussions regarding the Shoshone Power Rights. viii. The Company filed an application in January 2016, Case No. 16CW3011, which sought a finding of reasonable diligence for the remaining conditional water rights decreed to the New York Collection Canal Supplement. The final decree was entered on February 18, 2018. As subsequent application for finding of reasonable diligence for the same rights was filed on February 29, 2024, and the final decree was entered on October 31, 2024. ix. The Company has participated in several water cases in both Water Division No. 2 and Water Division No. 5 during the diligence period to protect its decreed water rights and infrastructure, including the water rights conditionally decreed to the IPTDS. B. During the diligence period, the Company has expended at least \$8.7 million in legal, engineering, construction, and other expenses in connection with the actions described above. C. During the diligence period, the company has spent \$500,000 in equipment for maintenance and project work. 6. 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: A. United States Forest Service, Aspen Ranger District, 806 West Hallan Street, Aspen, CO 81611. B. United States Bureau of Reclamation, Pueblo Field Office, 610 Pueblo Reservoir Road, Pueblo, CO 81005. WHEREFORE, Applicant requests that a finding of reasonable diligence be entered, and the conditional water rights that are the subject of this application be continued in force.

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25CW3139 EAGLE COUNTY COLORADO, APPLICATION FOR FINDING OF REASONABLE DILIGENCE (WOLCOTT PROJECT). I. Names, Addresses, Telephone Numbers of Co-Applicants: Colorado River Water Conservation District (the "River District") c/o Secretary/General Manager, 201 Centennial Street, Suite 200, Glenwood Springs, Colorado 81601, (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. Town of Gypsum (the "Town"), c/o Jeremy Rietmann, Town Manager, P.O. Box 130, Gypsum, Colorado 81637. Please direct all pleadings and correspondence in this case to Kevin L. Patrick and Jason Groves at the addresses provided in the caption above. The River District and the Town may hereinafter be referred to collectively as the "Co-Applicants." II. Introduction. This Application for Finding of Reasonable Diligence (this "Application") is filed by the Co-Applicants pursuant to subsection 37-92-301(4), C.R.S. The water rights involved in this Application have been before this Court for reasonable diligence determinations in previous cases as indicated in the caption of this Application. The most recent decrees confirming reasonable diligence in the development of the water rights that are the subject of this Application were entered in Case No. 18CW3160, on August 31, 2019. The water rights that are the subject of this Application are: (1) the Wolcott Pumping Pipeline direct flow water right, and (2) the Wolcott Reservoir storage water right. 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 general powers of the River District, set forth in C.R.S. § 37-46-107, *inter alia*, direct 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" 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." The conditional water rights that are the subject of this Application were obtained in furtherance of these statutory directives. The Town is a Colorado home-rule municipality vested with the power to secure water rights to provide an adequate water supply to its citizens. In 1992 and 2018, the River District assigned portions of the direct flow and storage water rights which are the subject of this Application to the Town. Most recently, on August 28, 2025, the River District assigned to the Town an additional 15.39 c.f.s. of the conditional Wolcott Pumping Pipeline water right and 2,031 AF of the conditional Wolcott Reservoir storage water right. Thus, the River District's current ownership interest in the Wolcott Project's water rights is made up of 461.11 c.f.s attributable to the Wolcott Pumping Pipeline water right and 60,975 AF attributable to the Wolcott Reservoir storage right. Meanwhile, the Town's interest in the project consists of 37.89 c.f.s under the Wolcott Pumping Pipeline water right and 5,000 AF under the Wolcott Reservoir storage right. The Board of Directors of the River District and the Town have maintained their intent to develop the Wolcott Project's conditional water rights. The Co-Applicants' respective steady efforts to complete the appropriations of the Wolcott Project's conditional water rights in a reasonably expedient and efficient manner are described in paragraph V. of this Application, below. 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: Wolcott Pumping Pipeline. 1. Date of Original Decree, Case Number, and Court: July 9, 1979, Case No. 1529, Eagle County District Court. a. Case numbers and dates of subsequent diligence decrees: 18CW3160, August 31, 2019; 11CW95, October 3, 2012; 03CW41, May 16, 2005; 95CW52, February 20, 1997; 88CW85, March 10, 1989; 84CW70, January 21, 1987; 80CW94, July 29, 1982. 2. Legal Description: a. As Decreed: The point of diversion for the Wolcott Pumping Pipeline is at a headgate located on the right bank of the Eagle River whence the West one quarter corner of Section 14, T.4S, R.83W of the 6th P.M., bearing N.20°28'W at a distance of 825 feet. b. PLSS: NW ¼ of the SW ¼ of Section 14, T. 4S., R. 83 W., of the 6th P.M. at a point 1882 feet north of the south section line and 310 feet east of the west section line. c. 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: April 27, 1966. 5. Amount: 499 c.f.s. 6. Use(s): Supplying water for storage in the Wolcott Reservoir for municipal, industrial, domestic, irrigation, stock watering, electric power generation, fish and wildlife and recreational purposes. Once stored, the water may be used for those purposes or it may be used for those purposes by augmentation, replacement and/or exchange, as well as for uses that facilitate compliance with interstate compacts, in accordance with applicable law. Nothing herein should be construed as a limitation on the River District's ability or the ability of any of its successors in interest from using its water right for beneficial uses to the fullest extent permitted by Colorado law, including changing all or any portion of the conditional water rights in accordance with Colorado law. 7.

Town of Gypsum's Alternate Points of Diversion: In Case Nos. 93CW326 and 2017CW3248, the Town changed portions of its Wolcott Pumping Pipeline water right to the locations described below: a. Eagle River Pumping Pipeline: Located on the south bank of the Eagle River in the NW ¼ NW ¼ of Section 5, Township 5 South, Range 85 West of the 6th P.M. at a point whence the Northwest Corner of said Section 5 bears North 37°30' West a distance of 1730 feet (Eagle County). i. Source: Eagle River, tributary to the Colorado River. b. Norgaard Ditch, Town Enlargement: Located on the east bank of Gypsum Creek in the NW ¼ NW ¼, Section 8, Township 5 South, Range 85 West of the 6th P.M., 1550 feet from the west section line and 250 feet from the north section line (Eagle County). i. Source: Gypsum Creek, tributary to the Eagle and Colorado Rivers. c. Gypsum River Dance Intake: SW ¼, NE ¼, of Section 2, Township 5 South, Range 86 West of the 6th P.M., at a point approximately 1,930 feet from the East section line and 2,330 feet from the North section line. i. Source: Eagle River, tributary to the Colorado River. d. Gypsum River Dance Intake APOD: SW ¼, NE ¼, of Section 2, Township 5 South, Range 86 West of the 6th P.M., at a point approximately 1,910 feet from the East section line and 2,315 feet from the North section line. i. Source: Eagle River, tributary to the Colorado River. e. Gypsum River Dance Well Field: A well field which is described as beginning at a point whence the northeast corner of Section 2, Township 5 South, Range 86 West of the 6th Principal Meridian bears N 39°37'30.47" E a distance of 2,731.93 feet to the point of beginning. Thence S 18°36'53.45" E a distance of 101.45 feet; thence S 63°40'43.79" W a distance of 396.27 feet; thence N 88°43'1.58" W a distance of 582.15 feet; thence N 61°51'3.83" W a distance of 312.81 feet; thence N 00°16'51.64" E a distance of 70.97 feet; thence S 88°39'33.15" E a distance of 919.89 feet; thence N 76°43'38.30" E a distance of 267.89 feet to the point of beginning (Eagle County), comprising 4.92 acres more or less. f. Source: Groundwater tributary to the Eagle River, tributary to the Colorado River. g. Amount: The total cumulative amount of the Wolcott Pumping Pipeline water right allowed for diversion at the Eagle River Pumping Pipeline and the Norgaard Ditch, Town Enlargement is 6.5 c.f.s. Of the 6.5 c.f.s. changed in Case No. 93CW326, 0.25 c.f.s. is allowed for diversion at the Gypsum River Dance Intake, the Gypsum River Dance Intake APOD, and the Gypsum River Dance Well Field as Decreed in Case No. 2017CW3248. h. Uses at Alternate Points: Municipal, industrial, domestic, stock, irrigation, recreation, electric power generation and other beneficial uses and purposes. i. A map depicting all pertinent structures and aspects, including all alternate points of diversion, detailed in this Application is attached and incorporated hereto as "Exhibit A." B. Name of Structure: Wolcott Reservoir. 1. Date of Original Decree, Case Number, and Court: July 9, 1979, Case No. 1529, Eagle County District Court. a. Case Numbers and Dates of Subsequent Diligence Decrees: 18CW3160, August 31, 2019; 11CW95, October 3, 2012; 03CW41, May 16, 2005; 95CW52, February 20, 1997; 88CW85, March 10, 1989; 84CW70, January 21, 1987; 80CW94, July 29, 1982. 2. Legal Description: a. As Decreed: The initial point of survey of the high waterline of said reservoir is located at a point on the left abutment of the dam forming said reservoir whence the Northeast corner of Section 14, T. 4 S., R.83W of the 6th P.M. bears N.63°17'E at a distance of 4,092 feet. b. PLSS: SE ¼ of the NW ¼ of Section 14, T. 4 S., R. 83 W., of the 6th P.M. at a point 1,928 feet south of north section line and 1,640 feet east of west section line. 3. Source: Ute Creek tributary to the Eagle River near Wolcott, Colorado, upstream from the dam forming said reservoir, and water diverted from the direct flow of the Eagle River (a tributary to the Colorado River) to said reservoir through the Wolcott Pumping Pipeline. 4. Appropriation Date: April 27, 1966. 5. Amount: 65,975 AF. 6. Use: Municipal, industrial, domestic, irrigation, stock watering, electric power generation, fish and wildlife and recreational purposes. The water may be used for those purposes or it may be used for those purposes by augmentation, replacement and/or exchange, as well as for uses that facilitate compliance with interstate compacts, in accordance with applicable law. Nothing herein should be construed as a limitation on the River District's ability or the ability of any of its successors in interest from using its water right for beneficial uses to the fullest extent permitted by Colorado law, including changing all or any portion of the conditional water rights in accordance with Colorado law. 7. Town of Gypsum's Alternate Points of Storage. In Case No. 93CW326, the Town changed the point of storage for its 600 AF portion of the Wolcott Reservoir water right at Eye Lake. In Case No. 02CW235, the Town decreed another alternate point of storage for its 600 AF portion of the Wolcott Reservoir water right at the Town's LEDE Reservoir. These alternate points of storage are described below. a. Eye Lake (as corrected in Case No. 11CW84): Located in the un-surveyed NE ¼ of the NE ¼ of Section 11, Township 7 South, Range 85 West of the 6th P.M. at a point whence the S ¼ Corner of Section 32, Township 6 South, Range 84 West of the 6th P.M. bears N. 12°50' East 5,550 feet (Eagle County). i. Amount: 600 AF. ii. Source: an unnamed stream tributary to Red Creek which is tributary to Gypsum Creek and the Eagle and Colorado Rivers. b. LEDE Reservoir: Located in Section 9, Township 7 South, Range 84 West of the 6th P.M. at a point 128 feet south of the north line and 2110 feet east of the west line. i. Amount: 600 AF. ii. Source: unnamed tributaries of Gypsum Creek tributary to the Eagle and Colorado Rivers. c. Remarks: The total cumulative amount of the Wolcott Reservoir water right allowed for storage at the Eye Lake and LEDE alternate points is 600 AF. d. Uses at Both Alternate Points: Municipal, industrial, domestic, irrigation, stock watering, augmentation and exchange, electric power generation, recreation, and all other associated municipal uses and purposes. E. A map depicting all pertinent structures and aspects, including all alternate points of storage, detailed in this Application is attached and incorporated hereto as "Exhibit A." IV. Integrated Water Project. This Court has previously determined that the subject conditional water rights described above are part of an integrated water project. See Case No. 18CW3160, Decree, ¶ 17. 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 Wolcott 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. Additionally, the Town's portions of the subject water rights are components of the Town's integrated water supply system. See, e.g., Case No. 02CW325, Decree, ¶ 12. 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. A. The River District: 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 Wolcott Project. The following list of work accomplished during the latest diligence cycle with respect to the Wolcott Project Water Rights is not intended to be all-inclusive but is merely representative and may be supplemented by additional evidence: 1. Partial Assignment of Interest. On August 28, 2025, the River District assigned an additional 15.39 c.f.s. of the conditional Wolcott Pumping Pipeline water right and 2,031 AF of the conditional Wolcott Reservoir storage water right to the Town, consistent with its statutory charge pursuant to section 37-46-107, C.R.S. 2. 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 AF 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 Wolcott Project. 3. 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 for the Wolcott Project. 4. 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. 5. 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. 6. 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. 7. 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 Wolcott Project water rights which are the subject of this Application. 8. Water Court Activities. The River District opposed water court applications during the diligence period to prevent or mitigate adverse effects to its water rights, including the Wolcott Project’s conditional water rights that are the subject of this Application. 9. 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. 10. Eagle River MOU. During the diligence period, the River District continued to pursue the investigation and 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 (“Eagle River MOU”). The Wolcott 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. Undersigned counsel advised the River District’s Board of Directors regarding these efforts to inform the Board’s decision regarding development of the Wolcott Project’s conditional water rights in a manner consistent with the purpose and intent of the Eagle River MOU. 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 July 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. B. Town of Gypsum. The River District assigned 7.5 c.f.s. of the Wolcott Pumping Pipeline water right and 600 AF of the Wolcott Reservoir water right to the Town on May 4, 1992. On August 30, 2018, the River District assigned 15 c.f.s. of the Wolcott Pumping Pipeline water right and 2,369 AF of the Wolcott Reservoir water right to the Town. The Town subsequently conveyed 1.0 c.f.s. of its Wolcott Pumping Pipeline water right to American Gypsum Company on September 27, 2005. American Gypsum is not a co-applicant herein and its 1.0 cfs right is the subject of a separate pending water application. Most recently, on August 28, 2025, the River District assigned an additional 15.39 c.f.s. of the conditional Wolcott Pumping Pipeline water right and 2,031 AF of the conditional Wolcott Reservoir storage water right to the Town. The Wolcott Reservoir and Wolcott Pumping Pipeline are component parts of the Town’s integrated municipal water supply system. C.R.S. § 37-92-301(4)(b). The Town has undertaken the following specific activities over the last six years that demonstrate its diligence with regard to the subject conditional rights: 1. The Town spent more than \$80,000 on operations, regulatory, and capital improvement costs for its LEDE Reservoir facilities. The Wolcott Reservoir water right has an alternate place of storage at the LEDE reservoir. 2. The Town prosecuted

Case No. 2017CW3248, which included a change of water right to add alternate points of diversion for a portion of the Town's Wolcott Pumping Pipeline. The Division 5 Water Court entered a final decree in that case on June 14, 2020. 3. In 2023, the Town filled the LEDE Reservoir to approximately 83 percent of its enlarged capacity. 4. In September of 2024, the Town solicited bids for the design of its pump station on the Eagle River. The Town retained the engineering services of SCJ Alliance to design the pump station for the Gypsum Eagle River Pumping Pipeline, which is an alternate point of diversion for the subject water right. In 2025, the Town received initial design plans from SCJ Alliance and is currently reviewing the plans and specifications for the project. The Town is budgeting and planning to pursue physical construction in 2026. 5. The Town obtained findings of reasonable diligence for other components of its integrated water supply system, including Case Nos. 2024CW3033, 2023CW3011, 2021CW3108, 2021CW3144, 2020CW3059, and 2018CW3160. In each of these proceedings, the Court found that the Town exercised reasonable diligence with respect to its water rights. 6. The Town issued land use approvals and entered into agreements for developments that are anticipated to be served by the subject water right. 7. The Town retained Zancanella & Associates to monitor and operate the LEDE Ditch during construction of the reservoir. Zancanella and Associates developed a flood inundation study for LEDE to evaluate the emergency action plan from LEDE to the Colorado River. 8. The Town entered Statements of Opposition in several water court cases to protect its water rights, including the subject water rights. 9. The Town retained the services of Patrick, Miller & Noto, P.C. and Zancanella & Associates to review and assess land use applications and water infrastructure projects, water court filings, and water planning and system design for the Town's integrated water supply system. The Town spent more than \$278,500 on these services. 10. Finally, commencing in December 2019, the nation entered the declared Covid 19 public health emergency. On May 5, 2023, the Center for Disease Control declared the public health emergency over. The work and economic effects of this emergency all but shut down the economy and person-to-person meetings delaying and postponing real estate and infrastructure projects. The adverse conditions experienced during the relevant diligence period were beyond the Applicants' control and impeded continuous and purposeful intention and acts to develop the conditional water rights. *Municipal Subdistrict, Northern Colorado Water Conservancy District v. Chevron*, 986 P.2d 918, 921 (Colo. 1999). These economic conditions are to be considered by the Court when it considers the facts and circumstances of diligence activities during the diligence period. *Dallas Creek Water Co. v. Huey*, 933 P.2d 27, 36 (Colo. 1997). 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 "Exhibit B," attached hereto and incorporated herein by this reference. The water will be placed to beneficial use within the extensive boundaries of the River District and/or the Town. The specific owners of land upon which the water rights will be placed to beneficial use will be determined at future dates as the projects are 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 Co-Applicants request that the Court adjudge and decree that they have 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. (18 pages)

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

25CW3140 (18CW3229, 12CW67, 05CW140, 97CW99) DISTRICT COURT, WATER DIVISION NO. 5, COLORADO, STATE OF COLORADO. IN THE MATTER OF THE APPLICATION FOR WATER RIGHTS OF AMERICAN GYPSUM COMPANY LLC and OLDCASTLE SW GROUP, INC., IN **EAGLE COUNTY, COLORADO. APPLICATION TO MAKE WATER RIGHTS ABSOLUTE AND FOR FINDINGS OF REASONABLE DILIGENCE.** 1. Name, address, and telephone number of Co-Applicants: American Gypsum Company, LLC ("AGC"), PO Box 980, 740 Highway 6, Gypsum, Colorado 81637, (970) 524-9700, Oldcastle SW Group, Inc., ("Oldcastle") 2273 River Road, Grand Junction, CO 81505, (970) 243-4900, Direct all pleadings and/or correspondence to: Steve Bushong, Paul J. Raymond, Bushong & Holleman PC, 1966 13th Street, Suite 270, Boulder, CO 80302, Email: sbushong@BH-Lawyers.com praymond@BH-Lawyers.com John R. Pierce, Dufford, Waldeck, Milburn & Krohn, LLP., 744 Horizon Court, Suite 300, Grand Junction, CO 81506, Phone: (970) 241-5500, E-mail: pierce@dwmk.com 2. Name of structures: Gypsum Ranch Sand and Gravel Pit. 3. Description of conditional water rights: 3.1. Decree: Originally decreed by the District Court in and for Water Division No. 5 ("Water Court") in Case No. 97CW99, 3.2. Subsequent Decrees: Decrees granting findings of reasonable diligence and making portions absolute were entered in Case Nos. 05CW140, 12CW0067, and 18CW3229 by the Water Court, 3.3. Decreed location: In the decree in Case No. 12CW0067 the corrected location of the center of the Gypsum Ranch Sand and Gravel Pit ("Gypsum Pit Reservoir") was described as located in the NW/4 of the NE/4 of Section 4, Township 5 South, Range 85 West, of the 6th P.M., at a point approximately 1, 310 feet from the north section line and 1, 770 feet from the east section line. A map depicting the location of the Gypsum Pit Reservoir is attached as **Exhibit A.**, 3.4. Source: Eagle River and springs tributary to the Eagle River, all tributary to the Colorado River,

3.5. Appropriation date: January 1, 1997, 3.6. Amount: 8.28 acre- feet ("AF") (2.8 AF absolute for industrial uses; 5.48 AF conditional for industrial uses, and 1.44 a.f. absolute for augmentation, and 6.84 a.f conditional for augmentation purposes), 3.7. Use: Augmentation and industrial uses, including but not limited to sand and gravel washing, dust control, concrete production, and truck and equipment washing, 3.8. Remarks: Co-Applicant Oldcastle owns the above-described water right subject to AGC's reversionary interest in said water right. 4. Claim to make absolute. During the last diligence period, DWR records show that a maximum amount of 2.74 acre-feet was stored in the Gypsum Ranch Sand and Gravel Pit. Pursuant to C. R. S. 37-92-301(4)(e), Co-Applicants seek to make an additional 1.3 AF absolute for augmentation uses for a total of 2.74 acre-feet absolute for augmentation purposes. 5. Detailed outline of work done to complete project and apply water to beneficial use: Co-Applicants seek findings of reasonable diligence regarding any remaining amounts or uses of the Gypsum Ranch Sand and Gravel Pit (reservoir) conditional water right not made absolute in these proceedings. Under C.R.S. § 37-92-301(4)(b), the subject water rights are a component of the Co-Applicant AGC's integrated water system. During the current diligence period, Co-Applicants Oldcastle and American Gypsum Company LLC ("AGC") performed the following work toward completing the appropriation for the above-described conditional water right, 5.1. Oldcastle has continued to operate the Gypsum Ranch Sand and Gravel Pit through its decreed augmentation plan for use in an active gravel mining operation. During the diligence period, water from the reservoir was used for the production of concrete and for uses incidental to the mining operation, 5.2. During the diligence period Oldcastle maintained accounting forms for water stored and replaced in the Gypsum Ranch Sand and Gravel Pit, 5.3. In 2021, AGC acquired at considerable cost additional land and water rights in Eagle County to facilitate its further development plans and allow expansion of the facilities at the existing plant. Lands and water rights acquired during the diligence period include the subject water right. AGC has since been engaged in the design of a new reservoir for its use on the land acquired in 2021. AGC has also been engaged in negotiations with prospective partners regarding the potential lease of storage space or water in the reservoir being designed, 5.4. AGC obtained findings of reasonable diligence for other components of its integrated water supply system, including Case Nos. 2024CW3072, 2024CW3034, 2023CW3165, and 2021CW3164. In each of these proceedings, the Court found that the Applicant exercised reasonable diligence with respect to its water rights. Applicant also has another diligence application pending in Case No. 25CW3113, 5.5. Co-Applicant AGC actively participated as an objector in other water court cases that could adversely affect its water rights, 5.6. Co-Applicant AGC acquired the subject water right with the intent to add it to its integrated system. During the diligence period AGC completed numerous other diligence activities on the various components of its integrated system of which the subject water right is an integral part. 6. Land on which any new structures will be built. Applicant. A map depicting the location of the structures involved in this application is attached as **Exhibit A**. WHEREFORE, Applicant requests that the Court enter a decree (1) with a finding that the Gypsum Ranch Sand and Gravel Pit was made further absolute in the amounts and for the uses described in Paragraph 4, above; (2) with a finding of reasonable diligence with respect to the remaining conditional amount decreed to the Gypsum Ranch Sand and Gravel Pit not made absolute herein and finding that said remaining conditional amounts and uses continue in full force and effect; and (3) granting any other relief that the Court deems just and appropriate. (5 pages + Exhibit)

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

25CW3141 EAGLE CTY. Application for Findings of Reasonable Diligence and to make Absolute, In Whole and In Part. Applicant: Big Trout, LLC, 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. Applicant requests this Ct. find it has exercised reasonable diligence in the development of the conditional water rights for the Hamby Pond Well (including by and through development activities for its alternate POD at the Hamby Irr. Diversion), and Hamby Exchange, ("SWRs,"), and that the Hamby Pond Well (including by and through use at its alternate POD at the Hamby Irr. Diversion) be confirmed as absolute in full and the Hamby Exchange confirmed as absolute in part. Claims for Findings of Reasonable Diligence. Structure: Hamby Pond Well. Original Decree: 17CW3026, on 8/25/2019, Dist. Court, Water Division 5. Legal Description of the Center of the Pond: SW1/4 SW1/4, Sec. 1, T. 8 S., R. 86 W., 6th P.M. 466 ft. E. of the W. Sec. line and 535 ft. N. of the S. Sec. line. GIS NAD 83 Zone 13, Easting: 331809 m., Northing: 4360817 m. See map attached as Exh. A on file with the Water Ct. St. Address: 5348 Frying Pan Road, Basalt, CO 81621. Subdivision and Lot: The Hamby Pond Well is located on Lot 1 of the Hamby Subdivision, but water from this structure will be used for irr. on Lots 1, 2, and 3 of the Hamby Subdivision. **Source: Fryingpan River, tributary to the Roaring Fork and CO Rivers.** The Hamby Pond Well intercepts groundwater. Depth of Well: Approx. 10 ft. Approp. Date: 1/31/2017. Amt.: 0.111 c.f.s., conditional, cumulative between the Hamby Pond Well and the Hamby Irr. Diversion with an annual limit of 7.2 AF. Uses: Irr., fire protection, pisc., and rec. Nos. of Acres Historically Irrigated: 0. Proposed to be irrigated: 3.8 acres. Remark: Applicant does not intend to use this water right to supplement Irr. on an area of land already irrigated under another water right. Res. Description: Surface Area of High Water Line: 0.52 acre. Structure: Hamby Irr. Diversion. Type: Pump and Pipeline. Legal Description: SW1/4 SW1/4, Sec. 1, T. 8 S., R. 86 W., 6th P.M. 960 ft. E. of the W. Sec. line and 807 ft. N. of the S. Sec. line. GIS NAD 83, Zone 13, Easting: 331961 m., Northing: 4360897 m. See Exh. A on file

with the Water Ct. St. Address: 0400 Castle Drive, Basalt, CO 81621. Subdivision and Lot: The Hamby Irr. Diversion is located on Hamby Subdivision, Lot 2 but will be used for Irr. on Lots 1, 2, and 3. Source: Fryingpan River, tributary to the Roaring Fork and CO Rivers. Approp. Date: 1/31/ 2017. Amt.: 0.111 c.f.s., conditional, cumulative between the Hamby Pond Well and the Hamby Irr. Diversion with an annual limit of 7.2 AF. Uses: Irr. No. of Acres Historically Irrigated: 3.8 acres. Proposed No. of Acres to be Irrigated: 3.8 acres. Remark: The Hamby Irr. Diversion is an alternate POD to the Hamby Pond Well. Water Right: Hamby Exchange. Legal Description: Upstream Termini: Hamby Pond Well (the point on stream impacted by the well): SW1/4 SW1/4, Sec. 1, T. 8 S., R. 86 W., 6th P.M. 398 ft. E. of the W. Sec. line and 640 ft. N. of the S. Sec. line. Hamby Irr. Diversion: SW1/4 SW1/4, Sec. 1, T. 8 S., R. 86 W., 6th P.M. 960 ft. E. of the W. Sec. line and 807 ft. N. of the S. Sec. line. Downstream Termini: For Exchange of Green Mountain Res. Water: The confluence of the Roaring Fork and CO Rivers, located in the SE1/4 NW1/4 of Sec. 9, T. 6 S., R. 89 W., 6th P.M., at a point approx. 2,200 ft. from the N. Sec. line and 2,350 ft. from the W. Sec. line. For Exchange of Robinson Ditch Water: The POD for the Robinson Ditch on the Roaring Fork River, located NW1/4 SE1/4, Sec. 11, T. 8 S., R. 87 W., 6th P.M., 2,307 ft. from the S. Sec. line and 2,309 ft. from the E. Sec. line. See Exh. B for a map of the exchange reaches on file with the Water Ct. Sources: Basalt Water Cons. Dist. Contract No. 691 for 7.2 AF utilizing the Green Mountain Res., Ruedi Res., Troy and Edith Ditch, and Robinson Ditch water rights, as described in paragraphs 8.B.i - 8.B.iv of the decree in 17CW3026. Approp. Date: 5/24/2017. Rate: 0.111 c.f.s. Volume: 7.2 AF. Uses: Exchange of water for subsequent uses of Irr., fire protection, pisc. and rec. Remark: Applicant shall operate the exchange only when it is in priority. Integrated System: The SWRs are part of Applicant's integrated water supply system because the Hamby Irr. Diversion is an alternate POD to the Hamby Pond Well and 0.111 c.f.s. may be diverted at either POD for Irr. uses. Both the Hamby Pond Well and the Hamby Irr. Diversion are augmented structures under Applicant's plan for aug. approved in 17CW3026, which operates by use of the Hamby Exchange. Accordingly, the SWRs are integrated. 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 Ct. Claims for Confirmation of Absolute Status, in Whole and In Part. Summary of Claim: Applicant requests that this Ct. confirm the Hamby Pond Well absolute in its entirety (including by diversion at the Hamby Irr. Diversion if necessary), and Hamby Exchange absolute in part, by Applicant's application to beneficial use as follows: Water Right: Hamby Pond Well. Date of Beneficial Use: 5/12/2023. Records maintained by the DWR reflect that no administrative calls were in effect that would curtail in-priority diversion of the water right on this date. Amt. made Absolute: 0.111 c.f.s. for Irr., fire protection, pisc., and rec. Amt. and Uses Remaining Conditional: 0 c.f.s. Description of Beneficial Use: Applicant's engineers observed Irr. operations from the Hamby Pond Well and documented Irr. meter readings by video to calculate the flow rate of the sprinklers. See Exh. C. Applicant maintains a dry hydrant connected to the Hamby Pond Well for fire protection purposes. Piscatorial and Rec. use occur in situ within the well excavation. Applicant stocks the pond well with fish and utilizes the pond well for rec. fishing including on or before 7/31/2022. Water Right: Hamby Pond Well at its alternate POD at the Hamby Irr. Diversion. Date of Beneficial Use: 8/28/2023. Records maintained by DWR reflect that no administrative calls were in effect that would curtail in-priority diversion of the water right on this date. Amt. made Absolute: 0.111 c.f.s. for Irr. Amt. and Uses Remaining Conditional: 0 c.f.s. Description of Beneficial Use: On 8/28/2023, Applicant diverted the Hamby Pond Well priority at Hamby Irr. Diversion at a rate of 0.111 c.f.s. and applied that water to irrigate within lots 1, 2, and/or 3 of the Hamby Subdivision. Applicant's engineers documented the use on the claimed date of beneficial use. Applicant was not diverting from the Hamby Pond Well on this date. See Exh. C. Remark: Because the Hamby Irr. Diversion is an alternate POD for the Hamby Pond Well water right, Applicant does not need to demonstrate that the Hamby Pond Well right was diverted to beneficial use for irr. at both its actual and alternate POD. Applicant identifies this diversion to beneficial use for irr. at the Hamby Irr. Diversion as alternative relief for confirmation of absolute status of the Hamby Pond Well for irr. use. Water Right: Hamby Exchange. Date of Beneficial Use: 7/31/2022. Amt. made Absolute: 0.035 c.f.s. for all uses, which is the instantaneous rate of Irr. and evaporative depletions for the Hamby Pond Well confirmed in its plan for aug. in 17CW3026 during the month of July. Amt. and Uses Remaining Conditional: 0.076 c.f.s. for all uses. Use: Exchange of water for subsequent uses of Irr., fire protection, pisc., and rec. Description of Beneficial Use: On 7/31/2022, the Hamby Pond Well was subject to a call by the Grand Valley Canal. Applicant continued diversion under the Hamby Pond well for irr. use while evaporative depletions continued to occur from the surface area of the pond well, and Applicant augmented these out of priority depletions pursuant to its plan for aug. approved in 17CW3026. Replacement releases were made from Green Mountain Res. pursuant to Applicant's Basalt Water Cons. Dist. Contract No. 691, and therefore, the Hamby Exchange was operating to its greatest geographic extent between its most downstream terminus and its most upstream terminus. Name of owners of the land upon which structures are located: See Application. (9 pages of original application. Exhs, A, B, C)

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

25CW3142 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 KILGORE COMPANIES, LLC IN **SUMMIT**

COUNTY, COLORADO. APPLICATION FOR FINDINGS OF REASONABLE DILIGENCE. 1. Name, Mailing Address, Telephone Number of Applicant: Kilgore Companies, LLC. 1550 Wynkoop Street, Third Floor. Denver, CO 81501. (970) 242-5370. Please direct all pleadings to Applicant's counsel: Christopher Thorne & Courtney Shephard. Greenberg Traurig, LLP. 1144 15th Street, Suite 3000. Denver, CO 80202. (303) 572-6500. 2. Names of Structures: Hawk Hill Pump and Pipeline. 3. Description of Conditional Water Right: a. Original Decree: Case No. 89CW167 and dated October 23, 1991, by the Garfield County District Court, Water Division No. 5. b. Subsequent Decrees: Case Nos. 97CW239, 04CW61, 10CW280, and 19CW3016. c. Legal Description: A point on the right bank of the Blue River in the Southwest 1/4 of the Southwest 1/4 of Section 20, T. 3 S., R. 78 W., 6th P.M. at a point whence the Northeast Corner of said Section 20 bears North 48 degrees 45' East a distance of 6,480 feet. The decreed location of the Hawk Hill Pump and Pipeline is depicted in Figure 1. d. Source of Water: Blue River, tributary to the Colorado River. e. Appropriation Date: June 7, 1989. f. Amount: 2.0 cubic feet per second, conditional. g. Use: Irrigation. 4. 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, during the previous diligence period: a. On December 4, 2019, Summit Silverthorne, LLC conveyed certain real property (the "Property"), including the Hawk Hill Pump and Pipeline water right, to Kilgore Partners, LLC. On the same date, Kilgore Partners, LLC, conveyed the Property, including the Hawk Hill Pump and Pipeline water right, to Kilgore Companies, LLC. b. On August 22, 2025, Kilgore Companies, LLC filed a Notice of Transfer of Conditional Water Rights reflecting its ownership of the Hawk Hill Pump and Pipeline water right with this Court. c. The Hawk Hill Pump and Pipeline water right has been, and continues to be, part of Applicant's long-term business plan for the Property. d. During the diligence period, Applicant leased the Property to Blue River Horse Center, Inc. ("BRHC"), and Applicant is currently working with BRHC to extend the lease. e. Applicant retained the services of Greenberg Traurig, LLP ("Greenberg") to provide legal advice related to the Hawk Hill Pump and Pipeline water right, and to draft and file this application. During the diligence period, Applicant, and/or its predecessors, incurred more than \$20,000 in fees/costs associated with Greenberg's work. f. Applicant retained the services of LRE Water ("LRE") to provide water rights consulting services related to the Hawk Hill Pump and Pipeline water right. Attached as Exhibit A to this Application is a copy of a report from LRE, dated August 28, 2025, summarizing significant actions taken during the diligence period toward completion of the appropriation. g. As described in the original decree and Exhibit A, out-of-priority depletions resulting from diversions under the Hawk Hill Pump and Pipeline water right are augmented by a long-term water service contract from the U.S. Bureau of Reclamation (the "Bureau") for the release of water from Green Mountain Reservoir. a. Following Applicant's acquisition of the property and the Hawk Hill Pump and Pipeline water right, Applicant requested that the Bureau transfer the contract to Applicant. b. Additionally, during the diligence period, Applicant and the prior owners made the required annual payments to the Bureau and maintained the Green Mountain contract in good standing. Applicant and the prior owners paid approximately \$16,800 to the Bureau pursuant to the long-term water service contract during the diligence period. 5. Names and address of owner of the land upon which any existing diversion or storage structure is located: Applicant owns this land. 6. Remarks: During the most recent diligence period, Applicant and the prior owners made significant expenditures in further developing the Hawk Hill Pump and Pipeline and took diligent efforts to complete the appropriation and divert water for irrigation use pursuant to the terms of the original decree. WHEREFORE, Applicant respectfully requests the Court to enter a decree: A. Finding that Applicant has been reasonably diligent in finalizing the Hawk Hill Pump and Pipeline conditional water right and continuing the conditional water right in full force and effect, and B. Granting such other relief as the Court deems just and proper. **YOU ARE HEREBY NOTIFIED THAT YOU HAVE until the last day of OCTOBER 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 AUGUST 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.*

25CW3143 PITKIN COUNTY, SNOWMASS AND CAPITOL CREEKS, ROARING FORK RIVER. Application for Findings of Reasonable Diligence. Lazy-O Ranch Homeowners Association, Inc., c/o Adeline Zellner, Ranch Manager, PO Box 654, Snowmass, CO 81654 with copies to Mark E. Hamilton, Esq. and Susan M. Ryan, Esq., Holland & Hart LLP, 600 E. Main St., Suite 104, Aspen, CO 81611-1991, (970) 925-3476, mehamilton@hollandhart.com, smryan@hollandhart.com. Name of structures: Lazy-O Reservoir & Williams No. 2 Ditch, First Enlargement ("Subject Water Rights"). Previous Decrees: Original Decree: 85CW048, Water Div. 5, July 17, 1985. Subsequent Decrees: 89CW128 & 129, 91CW171 (Change of Water Right), 95CW128 (Ruling Nos. 1 and 2), 01CW370, 09CW143, and 18CW3186. Locations: Lazy-O Reservoir: The place of storage for the remaining conditional portion of the water right decreed to the Lazy-O Reservoir (8.17 acre feet) was changed to Lazy-O Reservoir No. 2 in Case No. 91CW171. The location of Lazy-O Reservoir No. 2 is: a dam located in Sec. 3, T. 9 S., R. 86 W. of the 6th P.M., described as beginning at a point whence the N ¼ corner of said Sec. 3, bears N. 23°18'37" E. 5,570.9 feet; thence along the axis of the reservoir dam N. 49°29'23" W. 145.41 feet; thence 50°52'53" W. 165.12 feet; thence N. 59°01'12" W. 60.28 feet; thence N. 89°52'30" W. 31.48 feet; thence S. 53°05'36" E. 69.12 feet; thence S. 32°12'51" W. 115.23 feet to the point of ending; Williams No. 2 Ditch, First Enlargement: The point of diversion is the existing location of the Williams No. 2 Ditch on the easterly bank of Capitol Creek at a point which bears from the SW Corner of Sec. 4, T. 9 S., R. 86 W. of the 6th P.M., N. 55°30' E. 3,550 feet, in Pitkin County (also described as in the NW ¼ of the SE ¼ of said Sec.

4 at a point 2032 feet N. of the S. section line and 2469 feet E. of the E. section line). The Williams No. 1 Ditch is an alternate point of diversion for the Williams No. 2 Ditch, First Enlargement right for purposes of filling the Lazy-O Reservoir No. 2, as decreed in Case No. 91CW171. A map is attached as Exhibit A to the Application. Source (both structures): Capitol Creek, tributary to the Snowmass Creek, tributary to the Roaring Fork River, tributary to the Colorado River. Decreed uses: Lazy-O Reservoir: irrigation, domestic, fish & wildlife propagation, and municipal and augmentation in conjunction with Case No. 85CW047; Williams No. 2 Ditch, First Enlargement: fish & wildlife propagation, delivery of water to Lazy-O Reservoir for its decreed uses (irrigation, domestic, fish & wildlife propagation, and municipal) and augmentation in conjunction with Case No. 85CW047. Amounts: Lazy-O Reservoir: 8.17 acre-feet, conditional; and 6.83 acre-feet, absolute (89CW128); Williams No. 2 Ditch, First Enlargement: 2.5 c.f.s., conditional; and 2.5 c.f.s., absolute (89CW129). Appropriation date (both structures): January 30, 1985. Dimensions of Lazy-O Reservoir No. 2: Dam height: 6 feet; Dam length: 340 feet (pond segment below the road) and 280 feet (pond segment above the road); Surface area: 1.2 acres. Remarks: a map is attached as Exhibit A which shows the boundaries of the Lazy-O Ranch, the Lazy-O Reservoir, Lazy-O Reservoir No. 2, and all points of diversion. The total number of residential dwellings to be served in addition to ranch hand/manager facilities is 21. A detailed outline of activity 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 modifications to the existing storage pool: Applicant. (6 pages).

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

25CW3144 (03CW094, 10CW264; 17CW3081) GRAND COUNTY, APPLICATION FOR FINDING OF REASONABLE DILIGENCE. 1. Name, mailing address, and telephone number of Applicant: Robert Fanch, Colorado Mountain Resorts Investments, LLC., 1500 Wynkoop St., Suite 200, Denver, CO 80202. Please send pleadings and correspondence to: Peter J. Ampe, Hill & Robbins, P.C., 3401 Quebec St., Suite 3400, Denver, CO 80207, phone: 303-296-8100, fax: 303-296-2388, peterampe@hillandrobbs.com. 2. Name of structures: 2.1 Devil's Thumb Ranch Well No. 1. 2.2 Devil's Thumb Ranch Well No. 3. 2.3 East Pond. 2.4 West Pond. 3. Describe conditional water right, as to each structure, giving the following from the Referee's Ruling and Judgment and Decree: 3.1 Date of Original Decrees: October 27, 2004, Case No. 03CW094, April 4, 2011, Case No. 10CW264, and August 4, 2019 Case No. 17CW3081; all District Court, in and for Water Division 5. 3.2 Legal Descriptions: See, Generally Exhibit A. 3.2.1 Devil's Thumb Ranch Well No. 1, Permit No. 77942-F, was decreed in Case No. 2003CW0094 as located in the SW¼SE¼ of section 9, T.01S., R.75W. of the 6th P.M. at a point whence the SE corner of said section 9 bears South 89°10' East a distance of 2460 feet, also described as 76 feet from south section line, and 2462 feet from east section line of the said section 9. Case No. 2017CW3081 described the location as the SW¼SE¼ of section 9, T.01S., R.75W. of the 6th P.M. a distance of 76 feet from south section line, and 2462 feet from east section line of the said section 9. 3.2.2 Devil's Thumb Ranch Well No. 3, Permit No. 77944-F, was decreed in Case No. 2003CW0094 as located in located in the NW¼NE¼ of section 16, T.01S., R.75W. of the 6th P.M. at a point whence the NE corner of said section 16 bears North 77°35' East a distance of 2249 feet. Case No. 2017CW3081 described the location as the NW¼NE¼ of section 16, T.01S., R.75W. of the 6th P.M. a distance 480 feet from north section line, and 2169 feet from east section line of the said section 16. 3.2.3 East Pond, the spillway structure was decreed in Case No. 2003CW0094 as located in the NE¼NE¼ of section 16, T.01S., R.75W. of the 6th P.M. at a point whence the NE corner of said section 16 bears North 35°35'08" East a distance of approximately 252.86 feet. Case No. 2017CW3081 also described the location as 203 feet from north section line, and 148 feet from east section line of the said section 16. 3.2.4 West Pond, the center of which was decreed in Case No. 2003CW0094 as located in the SW¼SE¼ of section 9, T.01S., R.75W. of the 6th P.M. at a point whence the SE corner of said section 9 bears South 86°36'37" East a distance of approximately 2037.35 feet. Case No. 2017CW3081 described the center location being in the NW¼NE¼ of Section 16, T.01S., R.75W., 100 feet from the north section line and 1,500 feet from the east section line of said section 16 and the West Pond as located in portions of the SE¼SE¼ and SW¼SE¼ of section 9 and the NE¼NE¼ and NW¼NE¼ of Section 16, T.01S., R.75W. of the 6th P.M. 3.3 Source: Water in or tributary to Ranch Creek for Devil's Thumb Ranch Well No. 1, Devil's Thumb Ranch Well No. 3, and West Pond; Little Cabin Creek for East Pond. Ranch Creek and Little Cabin Creek are tributaries of the Fraser River, a tributary of the Colorado River. 3.4 Appropriation Date: 3.4.1 Devil's Thumb Ranch Well No. 1, Devil's Thumb Ranch Well No. 3, and West Pond: May 29, 2003. 3.4.2 East Pond: October 1, 1999. 3.5. Amount: 3.5.1 Devil's Thumb Ranch Well No. 1 and Devil's Thumb Ranch Well No. 3: 15 g.p.m. Per the Decree in 03CW94, this amount is limited to a total of 12.98 acre-feet annually for each well, provided that pumping by Devil's Thumb Ranch Well Nos. 1 and 3 shall not exceed a combined total of 12.98 are-feet per water year (November 1 through October 31). 3.5.2 East Pond: 10.26 acre-feet, with right to fill and refill. 3.5.3 West Pond: 20 acre-feet, with right to fill and refill. 3.6 Use: 3.6.1 Devil's Thumb Ranch Well No. 1 and Devil's Thumb Ranch Well No. 3: in-building domestic use for residences and resort, livestock watering, and irrigation of up to one acre of lawn and gardens around buildings. 3.6.2 East Pond and West Pond: Augmentation,

recreation, piscatorial. 4. 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: 4.1 All Decreed structures have been constructed. During the diligence period, Applicant operated the water rights previously made absolute, but did not exceed the amounts previously made absolute, for the decreed beneficial uses. Applicant incurred expenses for the ongoing operations and maintenance of the decreed structures. 5. Water rights previously made absolute. In Case No. 17CW3081 10.26 acre-feet of water conditionally decreed to the East Pond was made absolute and 11.97 acre-feet and 12 g.p.m. for Devils Thumb Ranch Well No. 1 was made absolute. 6. Request for finding of reasonable diligence. Applicant requests continued diligence for 12.98 acre-feet and 15 g.p.m for Devils Thumb Ranch Well No. 1, 1.01 acre-feet and 3 g.p.m. for Devils Thumb Ranch Well No. 3, as subject to the limitation of a combined total of 12.98 acre-feet per year contained in the 03CW094 Decree and 20 acre-feet for the West Pond. 7. Names(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: All structures are located on land owned by Applicant. WHEREFORE, Applicant requests that the Court enter a decree finding that Applicant has exercised reasonable diligence in the development of these conditional water rights and continuing these conditional water rights for another six years.

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

25CW3145 EAGLE COUNTY, APPLICATION TO MAKE CONDITIONAL WATER RIGHTS ABSOLUTE AND FOR FINDING OF REASONABLE DILIGENCE. 1. Name, Address of Applicant: Eagle River Water & Sanitation District (the "Applicant" or "District"), c/o General Manager, 846 Forest Road, Vail, Colorado 81657, c/o Kristin H. Moseley and Michael W. Daugherty, Somach Simmons & Dunn, P.C., 1155 Canyon Blvd., Suite 110, Boulder, CO 80302. 2. Names of Structures: Gore Creek Intake for Booth Creek Treatment Plant, Plow Spring, Log Chute Pump Station, No. 245 Pumphouse and Pond, Main Gore Municipal Ditch and Pipeline, Hoyt Pipeline, and K.A.C. Reservoir. 3. Description of Conditional Water Right: Including structure names, adjudication and appropriation dates, amounts, sources, uses, and previous cases: A. Gore Creek Intake for Booth Creek Treatment Plant: (i) Original decree: July 29, 1974, Water Court Case No. W-2167. Subsequent decrees confirming the exercise of reasonable diligence were entered by the Water Court in Case Nos. W-2167-78 (August 12, 1980); consolidated cases 82CW90, 82CW116, 82CW124 and 82CW324 (June 17, 1985); 86CW107 (August 27, 1986); 90CW88 (December 11, 1992); 96CW127 (March 28, 1997); 04CW03 (October 31, 2005); and 11CW138 (November 4, 2012). (ii) Location: On the right bank of Gore Creek in the SE1/4 of the SE1/4 of Section 3, T. 5 S., R. 80 W. of the 6th P.M. at a point whence the Southeast corner of said Section 3 bears S. 21°30' E. 970 feet. Alternate Points of Diversion: 1. Wells R-2 and R-7 were decreed as alternate points of diversion in Case Nos. 83CW258 and 86CW72, respectively. Well R-2 is located in the SE1/4 of the SW1/4 of Section 3, T. 5 S., R. 80 W., 6th P.M. at a point approximately 900 feet from the South section line and 2,365 feet from the West section line of said Section 3. Well R-7 is located in the SE1/4 of the SE1/4 of Section 3, T. 5 S., R. 80 W., 6th P.M. at a point approximately 815 feet from the South section line and 575 feet from the East section line of said Section 3. 2. The Metcalf Headgate and the Raw Water Booster Pump were decreed as alternate points of diversion in Case No. 94CW14. The Metcalf Headgate diverts from the Eagle River and is located in the SE1/4 of the SW1/4 of Section 7, T. 5 S., R. 81 W. of the 6th P.M. at a point from which the SE Corner of the SW1/4 of said Section 7 bears South 53°00'44" East a distance of 1446 feet. The Raw Water Booster Pump headgate diverts from the Eagle River and is located in the NW1/4 of the NW1/4 of Section 12, T. 5 S., R. 82 W. of the 6th P.M. at a point from which the SW Corner of the NW1/4 of said Section 12 bears South 18°01'34" West a distance of 1551.13 feet. 3. Vail Mountain Snowmaking Pipeline Nos. 1, 2 and 3 were decreed as alternate points of diversion in Case No. 00CW48, and divert water in the vicinity of the confluence of the Eagle River and Gore Creek. Vail Mountain Snowmaking Pipeline No. 1 is located in the NW1/4 NW1/4 Section 22, T. 5 S., R. 81 W., 6th P.M., at a point from whence the NW1/16 Corner of said Section 22 bears South 13°59'3" East, a distance of 465.76 feet, more or less, which is 890 feet from north line and 1245 feet from west line. Vail Mountain Snowmaking Pipeline No. 2 is located in the NW1/4 NW1/4 Section 22, T. 5 S., R. 81 W., 6th P.M., at a point from whence the NW1/16 Corner of said Section 22 bears South 9°18'55" East, a distance of 420.57 feet, more or less, which is 915 feet from north line and 1290 feet from west line. Vail Mountain Snowmaking Pipeline No. 3 is located in the NW1/4 NW1/4 Section 22, T. 5 S., R. 81 W., 6th P.M., at a point from whence the NW1/16 Corner of said Section 22 bears South 7°17'45" East a distance of 476.23 feet, more or less, which is 860 feet from north line and 1290 feet from west line. 4. The Donovan Park Diversion and the Ford Park Diversion were decreed as alternate points of diversion in Case No. 05CW104. The Donovan Park Diversion diverts from Gore Creek and is located in the NE1/4 of the SW1/4 of Section 12, T. 5 S., R. 81 W. of the 6th P.M., 2,150 feet from south line and 1,300 feet from the west line of said Section 12. The Ford Park Diversion diverts from Gore Creek and is located in the NE1/4 of Section 8, T. 5 S., R. 80 W. of the 6th P.M., 1,350 feet from north line and 1,200 feet from east line of said Section 8. (iii) Source: **Gore Creek, tributary to the Eagle River, tributary to the Colorado River.** (iv) Appropriation Date: December 19, 1973. (v) Amount: 4.768 cubic feet per

second (“cfs”) absolute, 0.672 cfs conditional. (vi) Decreed Uses: Municipal purposes, including domestic, commercial, industrial, irrigation, recreation, artificial snowmaking, and fish and wildlife propagation. B. Plow Spring: (i) Original Decree: July 29, 1974, Water Court Case No. W-2167. Subsequent decrees confirming the exercise of reasonable diligence were entered by the Water Court in Case Nos. W-2167-78 (August 12, 1980); consolidated cases 82CW90, 82CW116, 82CW124 and 82CW324 (June 17, 1985); 86CW107 (August 27, 1986); 90CW88 (December 11, 1992); 96CW127 (March 28, 1997); 04CW03 (October 31, 2005); and 11CW138 (November 4, 2012). (ii) Location: On the South bank of Mill Creek in Section 16, T. 5 S., R. 80 W. of the 6th P.M., at a point whence the NW corner of Section 8 of said Township and Range bears N. 50°38' W. 10,600 feet. (iii) Source: **Mill Creek, tributary to Gore Creek, tributary to the Eagle River, tributary to the Colorado River.** (iv) Appropriation Date: December 19, 1973. (v) Amount: 0.0182 cfs absolute, 0.1598 cfs conditional. (vi) Decreed Uses: Municipal purposes, including domestic, commercial, industrial, irrigation, recreation, artificial snowmaking, and fish and wildlife propagation. C. Log Chute Pump Station: (i) Original Decree: April 4, 1974, Water Court Case No. W-2167. Subsequent decrees confirming the exercise of reasonable diligence were entered by the Water Court in Case Nos. W-2167-78 (August 12, 1980); consolidated cases 82CW90, 82CW116, 82CW124 and 82CW324 (June 17, 1985); 86CW107 (August 27, 1986); 90CW88 (December 11, 1992); 96CW127 (March 28, 1997); 04CW03 (October 31, 2005); and 11CW138 (November 4, 2012). (ii) Location: On the South bank of Mill Creek in Section 16, T. 5 S., R. 80 W. of the 6th P.M., at a point whence the NW corner of Section 8 of said Township and Range bears N. 49°15' W. 10,250 feet. (iii) Source: Mill Creek, tributary to Gore Creek, tributary to the Eagle River, tributary to the Colorado River. (iv) Appropriation Date: December 19, 1973. (v) Amount: 0.09 cfs conditional. (vi) Decreed Uses: Municipal purposes, including domestic, commercial, industrial, irrigation, recreation, artificial snowmaking, and fish and wildlife propagation. D. No. 245 Pumphouse and Pond: (i) Original Decree: April 4, 1974, Water Court Case No. W-2167. Subsequent decrees confirming the exercise of reasonable diligence were entered by the Water Court in Case Nos. W-2167-78 (August 12, 1980); consolidated cases 82CW90, 82CW116, 82CW124 and 82CW324 (June 7, 1985); 86CW107 (August 27, 1986); 90CW88 (December 11, 1992); 96CW127 (March 28, 1997); 04CW03 (October 31, 2005); and 11CW138 (November 4, 2012). (ii) Location: On the East bank of Mill Creek in Section 17, T. 5 S., R. 80 W. of the 6th P.M., at a point whence the NW corner of Section 8 of said Township and Range bears N. 31°27' W. 6,350 feet. (iii) Source: Mill Creek, tributary to Gore Creek, tributary to the Eagle River, tributary to the Colorado River. (iv) Appropriation Date: December 19, 1973. (v) Amount: 1.78 cfs conditional. (vi) Decreed Uses: Municipal purposes, including domestic, commercial, industrial, irrigation, recreation, artificial snowmaking, and fish and wildlife propagation. E. Main Gore Municipal Ditch and Pipeline: (i) Original Decree: May 31, 1972, Water Court Case No. CA1529. Subsequent decrees confirming the exercise of reasonable diligence were entered by the Water Court in Case Nos. W-2376 (April 25, 1975); W-78-2376 (October 8, 1979); consolidated cases 82CW90, 82CW116, 82CW124 and 82CW324 (June 17, 1985); 86CW139 (June 29, 1987); 90CW88 (December 11, 1992); 96CW127 (March 28, 1997); 04CW03 (October 31, 2005); and 11CW138 (November 4, 2012). (ii) Location: At a point on the right hand or Northerly bank of Main Gore Creek whence the NW corner of Section 18, T. 5 S., R. 79 W. of the 6th P.M. bears North 61°24' West a distance of 1,863 feet. Alternate Points of Diversion: 1. The Bighorn/Gore Valley Pumphouse was decreed as an alternate point of diversion in Case No. 82CW042, and is located on Gore Creek at a point in the NW1/4 NW1/4 of Section 18, T. 5 S., R. 79 W. of the 6th P.M. at a point 1,250 feet from the North section line and 1,100 feet from the West section line. 2. Vail Valley Consolidated Water District Wells R-1 and R-7 were decreed alternate points of diversion in Case No. 79CW124 and 86CW072, respectively. Well R-1 is located in the SE1/4 SE1/4 of Section 3, T. 5 S., R. 80 W. of the 6th P.M. at a point approximately 1,095 feet from the South section line and 1,256 feet from the East section line. Well R-7 is described in paragraph 3(A)(ii) above. 3. The Metcalf Headgate and the Raw Water Booster Pump were decreed as alternate points of diversion in Case No. 94CW14, and are described in paragraph 3(A)(ii) above. 4. The following structures were decreed as alternate points of diversion in Case No. 79CW124: Booth Creek Water Treatment Plant Intake, Gore Creek Intake for Booth Creek Treatment Plant, Town of Vail Spring Taps, Gore Creek Water Treatment Plant Intake, Golden Peak Snowmaking, Tourist Trap Spring, Log Chute Pump Station, No. 245 Pumphouse and Pond, Plow Spring, and Vail Golf Course Ditch. The Booth Creek Water Treatment Plant Intake is located at a point whence the West quarter corner of Section 2, T. 5 S., R. 80 W. of the 6th P.M. bears South 54° West, approximately 400 feet. The Town of Vail Spring Taps is located within a 100-foot circle from the center of which the West quarter corner of Section 8, T. 5 S., R. 80 W. of the 6th P.M. bears North 50° West, approximately 364 feet. The Gore Creek Water Treatment Plant Intake is located at a point whence the Northwest corner of Section 9, T. 5 S., R. 80 W. of the 6th P.M. bears North 3° West, approximately 1100 feet. The Golden Peak Snowmaking is located on the East bank of Mill Creek whence the Northwest corner of Section 8, T. 5 S., R. 80 W. of the 6th P.M. bears North 38°25' West, 3500 feet. The Tourist Trap Spring is located at a point whence the Northwest corner of Section 8, T. 5 S., R. 80 W. of the 6th P.M. bears North 19°12' West, 8950 feet. The Vail Golf Course Ditch is located in the SW1/4 of Section 3, T. 5 S., R. 80 W., 6th P.M. at a point within 200 feet of a point 40 feet North from the South Section line and 670 feet East from the West Section line of said Section 3. The Gore Creek Intake for Booth Creek Treatment Plant, Plow Spring, Log Chute Pump Station, and No. 245 Pumphouse and Pond diversions are described in paragraphs 3(A)(ii), 3(b)(ii), 3(C)(ii), and 3(D)(ii) above. 5. Vail Mountain Snowmaking Pipeline Nos. 1, 2 and 3 were decreed as alternate points of diversion in Case No. 00CW48, and are described in paragraph 3(A)(ii) above. (iii) Source: Gore Creek, tributary to the Eagle River, tributary to the Colorado River. (iv) Appropriation Date: April 4, 1963. (v) Amount: 3.1 cfs absolute, 6.9 cfs conditional. (vi) Decreed Uses: All municipal uses such as domestic use, mechanical use, manufacturing use, fire protection, use for sewage treatment, street sprinkling, watering of parks, watering of lawns and grounds, the maintenance of adequate storage reserves, irrigation, replacement and the adjustment and regulation of the units of the District's water supply system within themselves and with other users. F. Hoyt Pipeline: (i) Original Decree: May 31, 1972, Case No. CA1529, District Court, Eagle County. Subsequent decrees confirming the exercise of reasonable diligence were entered by the Water Court in Case Nos. W-2376 (April 5, 1975); W-78-2376 (October 8, 1979); consolidated cases 82CW90, 82CW116, 82CW124 and 82CW324 (June 17, 1985); 86CW139 (June 29, 1987); 90CW88 (December 11, 1992); 96CW127 (March 28, 1997); 04CW03 (October 31, 2005); and

11CW138 (November 4, 2012). (ii) Location: At a point on the left or Westerly bank of Black Gore Creek whence the NW corner of Section 18, T. 5 S., R. 79 W., 6th P.M., bears North 20°21' West, a distance of 3,311 feet. Alternate Points of Diversion: 1. Well R-2 was decreed as an alternate point of diversion in Case No. 82CW281, and is described in paragraph 3(A)(ii) above. 2. Vail Associates Gore Creek Snowmaking Point B was decreed as an alternate point of diversion in Case No. 82CW328, and is located at a point in Section 7, T. 5 S., R. 80 W., 6th P.M. commencing at the NW corner of said Section 7, thence South 1°18' East, a distance of 843 feet. 3. The following structures were decreed as alternate points of diversion in Case Nos. 82CW328 and 79CW124: Black Gore Infiltration Gallery, Booth Creek Water Treatment Plant Intake, Gore Creek Intake for Booth Creek Treatment Plant, Well R-1, Town of Vail Spring Taps, Gore Creek Water Treatment Plant Intake, Golden Peak Snowmaking; Tourist Trap Spring, Log Chute Pump Station, No. 245 Pumphouse and Pond, Plow Spring and Vail Golf Course Ditch. Black Gore Infiltration Gallery is located at a point from whence the W1/4 corner of Section 18, T. 5 S., R. 79 W., 6th P.M. bears South 61°27' West, 1,264 feet. The Booth Creek Water Treatment Plant Intake, Gore Creek Intake for Booth Creek Treatment Plant, Well R-1, Town of Vail Spring Taps, Gore Creek Water Treatment Plant Intake, Golden Peak Snowmaking; Tourist Trap Spring, Log Chute Pump Station, No. 245 Pumphouse and Pond, Plow Spring and Vail Golf Course Ditch diversions are described in paragraph 3(E)(ii) above. (iii) Source: Black Gore Creek, tributary to Gore Creek, tributary to the Eagle River, tributary to the Colorado River. (iv) Appropriation Date: April 4, 1963. (v) Amount: 4.5 cfs absolute, 5.5 cfs conditional. (vi) Decreed Uses: All municipal uses such as domestic use, mechanical use, manufacturing use, fire protection, use for sewage treatment, street sprinkling, watering of parks, watering of lawns and grounds, the maintenance of adequate storage reserves, irrigation, replacement and the adjustment and regulation of the units of the District's water supply system within themselves and with other users, and snowmaking per the decree in Case No. 82CW328. G. K.A.C. Reservoir: (i) Original Decree: October 5, 1978, Water Court Case No. W-3603. Subsequent decrees confirming the exercise of reasonable diligence were entered by the Water Court in Case Nos. consolidated cases 82CW90, 82CW116, 82CW124 and 82CW324 (June 17, 1985); 86CW139 (June 29, 1987); 90CW88 (December 11, 1992); 96CW127 (March 28, 1997); 04CW03 (October 31, 2005); and 11CW138 (November 4, 2012). (ii) Location: In the SE1/4 SE1/4 of Section 12, T. 5 S., R. 80 W. of the 6th P.M. The reservoir outlet is located at a point whence the Southeast corner of said Section 12 bears South 65°00' East, 1,100 feet. (iii) Source: Gore Creek, tributary to the Eagle River, tributary to the Colorado River. (iv) Appropriation Date: September 2, 1977. (v) Amount: 2.8 acre-feet absolute, 72.2 acre-feet conditional. (vi) Decreed Uses: Irrigation, domestic, municipal and industrial. The originally decreed points of diversion for the subject water rights are shown on **Exhibit A** hereto. 4. Request to Make Conditional Water Rights Absolute: A. Gore Creek Intake for Booth Creek Treatment Plant: (i) Amount Requested Be Made Absolute: 0.028 cfs, for all decreed purposes. (ii) Claim: On August 22, 2020, the District diverted a total of 4.796 cfs of the Gore Creek Intake for Booth Creek Treatment Plant water right, which is 0.028 cfs more than the previous absolute rate of 4.768 cfs decreed in Case No. 18CW3190. Of the 0.028 cfs, 0.006 cfs was diverted at Donovan Park, and 0.022 cfs was diverted at Ford Park. (iii) Amount Remaining Conditional: 0.644 cfs. B. Plow Spring: (i) Amount Requested Be Made Absolute: 0.0029 cfs, for all decreed purposes. (ii) Claim: During February 2019 and January 2020, the District diverted the Plow Spring water right at an average daily rate of 0.02111 cfs, which is 0.0029 cfs more than the previous absolute rate decreed in Case No. 8CW3190. While these diversions were made out of priority, they were augmented pursuant to the plan for augmentation approved in Case No. 82CW328. Pursuant to the State Engineer "Written Instruction 2020-01 DWR Position on Making Water Rights Diverted Out of Priority Absolute," dated July 21, 2020, the Plow Spring water right may be made absolute for an additional 0.0029 cfs. (iii) Amount Remaining Conditional: 0.1569 cfs. C. Hoyt Pipeline: (i) Amount Requested Be Made Absolute: 1.897 cfs, for all decreed purposes. (ii) Claim: On January 19, 2020, the District diverted 6.397 cfs under the Hoyt Pipeline water right at the Gore Creek Snowmaking Diversion Point B, which is 1.894 cfs more than the previous absolute rate decreed in Case No. 04CW3. While these diversions were made out of priority, they were augmented pursuant to the plan for augmentation approved in Case No. 82CW328. Pursuant to the State Engineer "Written Instruction 2020-01 DWR Position on Making Water Rights Diverted Out of Priority Absolute," dated July 21, 2020, the Hoyt Pipeline water right may be made absolute for an additional 1.897 cfs. (iii) Amount Remaining Conditional: 3.603 cfs. Diversion records from the Gore Creek Intake for the Booth Creek Treatment Plant, Plow Spring, and Hoyt Pipeline water rights evidencing the District's claim to make the subject rights absolute are attached as **Exhibit B**. 5. Finding of Reasonable Diligence: The District is a quasi-municipal entity that provides water and sewer services to customers in eastern Eagle County. The District and the Upper Eagle Regional Water Authority, which is managed by the staff of the District, comprise the second largest water 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 and who adjudicated the subject water rights. The subject water rights 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 subject water rights is critical during the winter ski season when peak demands necessitate providing water for tourists, day skiers, second homeowners, 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 the late fall and early winter as soon as temperatures are cold enough to make snow. The subject water rights are necessary for the District's planning for population increases and increased water demands caused by skiers and tourists. According to Eagle County's 2005 Comprehensive Plan, its population will increase approximately 88,000 by 2030. As one of the main providers of water in Eagle County, the District requires the subject water rights in order to serve the projected population growth in Eagle County in general, and in the Gore Creek Valley in particular. The subject water rights also provide for upstream reservoir storage in the Gore Creek valley, which is especially advantageous in the context of providing augmentation and replacement for diversions within the District's service area. The upstream storage and direct flow water rights provide the District with the flexibility necessary to manage its water right portfolio in a manner that maximizes beneficial use. The

subject storage rights also provide the District an opportunity to maximize storage in smaller structures so it can release water at places where that water is needed most. Significant development continues in the Vail and Eagle River valleys. The subject water rights remain important water rights in the District's integrated water system to provide water service to the District's customers. In short, the District needs the subject water rights to meet current and future SFE requirements in the District's current and future service area. The District can and will complete the appropriation within a reasonable time, and intends to perfect the subject water right within a reasonable time for use by the District's customers. Accordingly, the District seeks a finding of reasonable diligence as to all remaining conditional portions of the subject water rights outlined in Paragraph 3. Furthermore, to the extent that any of the above water rights described in Paragraph 4 are not made absolute, the District seeks a finding of reasonable diligence for the remaining 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 water rights to the decreed beneficial uses. The District operates an integrated water system, i.e., a single, unified municipal water system in which work done on one component of the system advances the whole. The District has incurred expenditures of approximately \$7,955,661 operating and maintaining its integrated water system during the diligence period. This work is a necessary prerequisite to applying the subject conditional water rights to the decreed beneficial uses and the further development of the District's integrated water supply system. A map depicting the District's service area, which is the location of use of the subject water rights, is attached as **Exhibit C. 6. Remarks:** The District intends to file contemporaneously with this Application a Notice of Intent to Cancel Conditional Water Rights for the Hoyt Reservoir and E.C.D.C. Reservoir, which were originally decreed in Case No. CA1529, District Court, Eagle County, on May 31, 1972, and most recently continued for an additional diligence period in Case No. 18CW3190. 7. **Ownership:** The Gore Creek Intake for Booth Creek Treatment Plant and K.A.C. Reservoir are located on land owned by the Town of Vail, whose address as provided by Eagle County records is 75 S Frontage Road W, Vail, CO 81657. Plow Spring, Log Chute Pump Station, No. 245 Pumphouse and Pond, and Hoyt Pipeline are located in the White River National Forest on land owned by the United States of America, whose address as provided by Eagle County records is P.O. Box 25127, Lakewood, CO 80225. The local office address for the USDA Forest Service White River National Forest is 900 Grande Ave., P.O. Box 948, Glenwood Springs, CO 81602. The Main Gore Municipal Ditch and Pipeline is located on land within a right of way owned by the Colorado Department of Transportation, whose address is 2829 Howard Pl., Denver, CO 80204. WHEREFORE, the District respectfully requests that the Water Court enter a decree finding that the District has made absolute the water rights described in paragraph 4; has exercised reasonable diligence on all of the conditional water rights described in paragraphs 3 and 4; and such other and further relief as this Court deems just and proper.

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

25CW3146 EAGLE COUNTY, APPLICATION TO MAKE CONDITIONAL WATER RIGHT ABSOLUTE AND FOR FINDING OF REASONABLE DILIGENCE. 1. **Name and Address of Applicant:** Upper Eagle Regional Water Authority (the "Applicant" or "Authority"), c/o Manager, 846 Forest Road, Vail, Colorado 81657, c/o Kristin H. Moseley, and Michael W. Daugherty, Somach Simmons & Dunn, P.C., 1155 Canyon Blvd., Suite 110, Boulder, CO 80302. 2. **Names of Structures:** Metcalf Headgate, Raw Water Booster Pump, Edwards Drinking Water Facility, Nottingham and Puder Ditch, The Village (at Avon) Lake Nos. 1 and 2, Forty-One (41) Individual Wells, Wolford Mountain Reservoir, and Ruedi Reservoir. 3. **Description of Conditional Water Right:** Including structure names, adjudication and appropriation dates, amounts, sources, uses, and previous cases: The conditional water right that is the subject of this case is the conditional exchange decreed by the District Court in and for Water Division No. 5 ("Water Court") on May 22, 2006, in Case No. 03CW78, with a November 4, 2002, priority date, to augment 10.8 acre-feet of out of priority depletions by exchange at a rate of 0.55 cubic feet per second ("cfs"). The upstream termini of the exchange are the points of diversion described in paragraph 3(A) below, and the downstream termini are the points described in paragraph 3(B) below. A. The diversions that are augmented by exchange, and thus the exchange-to points, are at the following points of diversion: (1) **Metcalf Ditch Headgate:** Decreed in Water Court Case No. 97CW306 on April 9, 2001, in the amount of 3.6 cfs, conditional, with an appropriation date of December 31, 1997, for domestic, municipal, quasi-municipal, commercial, industrial, fire protection, irrigation, recreational, piscatorial, fish and wildlife uses, and replacement of reservoir evaporation and storage. The decreed point of diversion is located on the North bank of the Eagle River at a point from which the SE Corner of the SW1/4 of Section 7 bears South 53 degrees 00'44"E. 1,446 feet, T. 5 S., R. 81 W., 6th P.M., which can alternately be described located on the North bank of the Eagle River in the SE1/4 SW1/4 of Section 7, T. 5 S., R. 81 W., 6th P.M. at a point 870 feet from the south section line and 1,485 feet from the west section line. **The source of water is the Eagle River, tributary to the Colorado River.** (2) **Raw Water Booster Pump Headgate:** Decreed in Water Court Case No. 97CW306 on April 9, 2001, in the amount of 3.6 cfs, conditional, with an appropriation date of December 31, 1997, for domestic, municipal, quasi-municipal, commercial, industrial, fire protection, irrigation, recreational, piscatorial, fish and wildlife uses, replacement of reservoir evaporation and storage. The point of diversion is located on the Eagle River in the NW1/4 NW1/4 of Section 12, T. 5 S., R. 82 W., 6th

P.M. at a point 1,165 feet from the north section line and 480 feet from the west section line, which is on the North bank of the Eagle River at a point from which the SW corner of the NW1/4 of Section 12, T. 5 S., R. 82 W., 6th P.M. bears South 18 degrees 01'34" W. 1,551.13 feet. The source of water is the Eagle River, tributary to the Colorado River. (3) Edwards Drinking Water Facility Diversion, First Enlargement: Decreed in Water Court Case No. 02CW403, in the amount of 0.40 cfs, conditional, with an appropriation date of May 31, 2000, for domestic, municipal, irrigation, recreation, commercial, and all other beneficial uses. The point of diversion is located at a point in the NW1/4 of the SW1/4 of Section 4, T. 5 S., R. 82 W. of the 6th P.M., Eagle County, on the northerly bank of the Eagle River at a point whence the SW corner of said Section 4 bears S. 25 degrees 8'58" W. 1,539.12 feet. The source of water is the Eagle River, tributary to the Colorado River. (4) Nottingham and Puder Ditch: Decreed by Eagle County District Court in Case No. CA-385 on March 5, 1901, in the amount of 10.0 cfs, absolute, with an appropriation date of April 2, 1889, for irrigation, as changed in Water Court Case No. 97CW306 to include domestic, municipal, quasi-municipal, commercial, industrial, fire protection, irrigation, recreational, piscatorial, fish and wildlife uses, replacement of reservoir evaporation, storage, augmentation, and exchange. The point of diversion is located on the North bank of the Eagle River at a point which bears S. 12 degrees W. 250 feet from the S1/4 corner of Section 8, T. 5 S., R. 81 W. of the 6th PM. The source of water is the Eagle River, tributary to the Colorado River. (5) The Village (at Avon) Lake No. 1: Decreed in Water Court Case No. 97CW306 on April 9, 2001, with an appropriation date of May 20, 1997, for domestic, municipal, quasi-municipal, commercial, industrial, fire protection, irrigation, recreational, piscatorial, fish and wildlife uses, replacement of reservoir evaporation, storage, augmentation, and exchange. The amount, combined with The Village (at Avon) Lake No. 2, is a total of 27 acre-feet, conditional, with the right to fill and refill. The Village (at Avon) Lake No. 1 is to be located in the S1/2 SE1/4 NE1/4 and the N1/2 NE1/4 SE1/4 of Section 12, T. 5 S., R. 82 W. of the 6th PM. The source of water is surface drainage tributary to the Eagle River, and surface diversions from the Eagle River or its tributaries. (6) The Village (at Avon) Lake No. 2: Decreed in Water Court Case No. 97CW306 on April 9, 2001, with an appropriation date of May 20, 1997, for domestic, municipal, quasi-municipal, commercial, industrial, fire protection, irrigation, recreational, piscatorial, fish and wildlife uses, replacement of reservoir evaporation, storage, augmentation, and exchange. The amount, combined with The Village (at Avon) Lake No. 1, is a total of 27 acre-feet, conditional, with the right to fill and refill. The Village (at Avon) Lake No. 2 is to be located in the NW1/4 SE1/4 of Section 7, T. 5 S., R. 81 W of the 6th PM. The source of water is surface drainage tributary to the Eagle River, and surface diversions from the Eagle River or its tributaries. (7) Forty-One (41) Individual Wells: These wells were identified as augmented structures in Case No. 97CW306 to provide a potential potable water supply if water service from the Authority and the Town of Avon to areas in high elevation is not feasible. The area in which these wells may be located is portions of Sections 7, 8, 9, and 10, T. 5 S., R. 81 W. B. The sources of augmentation water are Wolford Mountain Reservoir and/or Ruedi Reservoir. The downstream terminus of the exchange involving Wolford Mountain Reservoir, is the confluence of the Eagle River and the Colorado 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. The downstream terminus of the exchange involving Ruedi Reservoir is 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. These sources of augmentation water are described as follows: (1) Wolford Mountain Reservoir: Case No. 87CW283, Decree Date: November 20, 1989. Legal description of place of storage: The dam is located in the SW1/4 of the NE1/4 of Section 25, T. 2 N., R. 81 W., 6th P.M. The intersection of the dam axis with the right abutment will occur at a point which bears W. 54 degrees 54'20" E. a distance of 3,716.46 feet from the NW Corner of said Section 25. Source: Muddy Creek and its tributaries. Amount: 59,993 acre feet conditional; of this amount, 32,986 acre feet were made absolute for piscatorial and recreational uses by decree entered in Water Court Case No. 95CW251, and the full amount was made absolute for all purposes by decree entered in Water Court Case No. 02CW107. Appropriation Date: December 14, 1987. Use: All beneficial uses, including but not limited to domestic, municipal, agricultural and recreational uses, which uses satisfy the requirements of the Windy Gap Settlement made with the Municipal Subdistrict of the Northern Colorado Water Conservancy District; use to meet the water requirements of the inhabitants of the Colorado River Water Conservation District ("River District") for all uses, including uses in the Middle Park area; and use to meet the terms of a lease agreement executed March 3, 1987 between the River District and the City and County of Denver. (2) Wolford Mountain Reservoir: Case No. 95CW281, Decree Date: August 26, 1997. Legal description of place of storage: The dam is located in the SW1/4 of the NE1/4 of Section 25, T. 2 N., R. 81 W., 6th P.M. The as-built intersection of the dam axis (Sta. D19+35.61) with the West Access Road (Sta. WR50+55.05), as shown on the Colorado River Water Conservation District, Wolford Mountain Project, Ritschard Dam construction drawing "Dimensional Dam Layout" sheet 8 of 94, occurs at a point which bears S. 53 degrees 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 degrees 28' 29" E. Source: Muddy Creek and its tributaries. Amount: 6,000 acre feet conditional. Appropriation Date: January 16, 1995. Use: All beneficial uses by and for the benefit of the inhabitants of the Colorado River Water Conservation District, including but not limited to domestic, municipal, industrial, irrigation, agricultural, piscatorial and recreational; such uses will include environmental mitigation, including environmental mitigation requirements associated with the Wolford Mountain Project; such uses will be made directly or by substitution, augmentation, or exchange. None of the water stored in the exercise of the right will be delivered directly or by exchange, substitution, or otherwise for use outside of Colorado Water Division No. 5. (3) Wolford Mountain Reservoir: Case No. 98CW237, Decree Date: July 6, 2000. Legal Description of place of storage: Same as for 95CW281. Source: Muddy Creek and its tributaries. Amount: 30,000 acre feet conditional with 15,895 acre feet being absolute for recreational and piscatorial and flood control. Appropriation Date: November 17, 1998. Use: Certain of the beneficial uses previously adjudicated for Wolford Mountain Reservoir in Water Court Case Nos. 87CW283 (November 20, 1989 Judgment and Decree) and 95CW281 (August 26, 1997 Judgment and Decree). (4) Ruedi Reservoir: The River District holds Contracts No. 009D6C0111, 009D6C0118, and 039F6C0011 from the United States Bureau of Reclamation for 1,730 acre-feet of annual supply from

Ruedi Reservoir and may obtain additional contracts in the future. This water may be used in addition to and as substitution for Wolford Mountain Reservoir water when the call is downstream of the confluence of the Roaring Fork and Colorado Rivers. Ruedi Reservoir consists of the following water rights: (a) Case No. CA 4613: Legal Description of place of storage: Ruedi Reservoir is located in Sections 7, 8, 9, 11 and 14 through 18, T. 8 S., R. 84 W., 6th P.M., in Eagle and Pitkin Counties. Source: Fryngpan River. Amount: By order entered in Case No. W-789-76, the decreed amount of this reservoir was fixed at 102,369 acre-feet. Appropriation Date: July 29, 1957. Use: domestic, municipal, irrigation, industrial, generation of electrical energy, stock watering and piscatorial uses. (b) In Case No. 88CW85, the full amount was made absolute. (c) In Case No. 81CW34, Ruedi Reservoir was decreed a refill right in the amount of 101,280 acre-feet conditional. In Case No. 95CW95, 44,509 acre-feet was made absolute. In Water Court Case No. 01CW269, an additional 25,257 acre-feet was made absolute, for a total of 69,766 acre-feet absolute. 4. Claims to Make Conditional Water Right Absolute and for Finding of Reasonable Diligence: During October 2019, the Authority released the full 10.8 acre-feet from Wolford Mountain Reservoir at a constant daily rate. After 5% transit loss to the confluence of the Eagle River with the Colorado River, the exchange rate was 0.167 cfs. The total amount exchanged was 10.26 acre-feet. The Authority also released 10 acre-feet from Wolford Mountain Reservoir under a separate contract with the River District. In total, the water delivered to the confluence of the Eagle River for augmentation was 19.76 acre-feet after 5% transit loss. **Exhibit C**, attached, contains excerpts from the Authority's and the Eagle Park Reservoir Company's accounting, as well as the River District's Water Marketing spreadsheet, which demonstrate the release and use of the full volumes. The exchange was operated in priority: calls were active downstream from the Eagle River confluence during all of October 2019, and the Colorado Water Conservation Board's instream flow water rights were satisfied. The Authority requests that the exchange herein be made absolute in the amount of 0.167 cfs. By this Application, the Authority also seeks a finding of reasonable diligence for any remaining portion of the conditional exchange that is the subject of this application. The Authority and its members operate 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 and its members have incurred expenditures of over \$51,500,000 during the diligence period to operate, protect, maintain, upgrade, and expand its water facilities, and to obtain water rights to augment the subject conditional water rights, including the following specific activities: a. The Authority spent \$767,055 on the development of water rights and on a system-wide water supply planning model. b. The Authority spent \$375,731 on creating a hydraulic model for the Authority's water treatment and distribution system, which assists with evaluating the water distribution system, treatment capacity, and necessary capital improvements. c. The Authority spent approximately \$4,600,000 on water system transmission improvements, specifically targeting the Edwards water distribution system, which includes the Edwards Drinking Water Facility Diversion. d. The Authority lined the Nottingham Puder Ditch with a high-density polyethylene liner and reconstructed the diversion headgate. e. The Village (at Avon) Lake Nos. 1 and 2, along with 41 individual wells identified in paragraph 3(A)(7), are located within the Village (at Avon) development, which is progressing with an estimated completion date of 2039. During the diligence period, actions included the completion of a 220-unit hotel, a gas station, a 240-unit apartment complex, and a 0.5-mile road extension. All of the above activities are necessary prerequisites to applying the subject conditional water right to the beneficial uses for which it was decreed. The Authority believes that it can and will complete the appropriation of the subject water right within a reasonable time. 5. Ownership: The structure described in paragraph 3(A)(1) is located on land owned by Tanya Argo and Chris Streibich whose address is 2274 S. Ogden St., Denver, CO 80210. The structure described in paragraph 3(A)(2) is located on land owned by the Eagle River Water & Sanitation District whose address is 846 Forest Rd., Vail, CO 81657. The structure described in paragraph 3(A)(3) is located on land owned by the Authority. The structure described in paragraph 3(A)(4) is located on land owned by the Denver Rio Grande Western Railroad Company whose address is c/o Union Pacific Corp., PO Box 2500, Broomfield, CO 80038-2500. The structure identified in paragraph 3(A)(5) is planned to be located on land owned by Traer Creek Holdings No. 1 LLC whose address is P.O. Box 9429, Avon, CO 81620. The structure described in paragraph 3(A)(6) is planned to be located on land owned by the Town of Avon whose address is c/o Town Manager, P.O. Box 975, Avon, CO 81620 and Traer Creek Holdings No. 1 LLC whose address is P.O. Box 9429, Avon, CO 81620. The structures identified in paragraph 3(A)(7) were not decreed to specific locations, so the owners of the land associated with those wells cannot be identified. A map showing the Authority's existing service area and subject points of diversion, and a map showing the subject exchange reaches, including Wolford Mountain Reservoir and Ruedi Reservoir, are attached as **Exhibits A and B**. WHEREFORE, the Authority respectfully requests that the Water Court enter a decree finding that the Authority has made absolute the portion of the subject water right described in paragraphs 3 and 4, being 0.167 cfs; has exercised reasonable diligence on all of the conditional water rights described in paragraphs 3 and 4; and such other and further relief as this Court deems just and proper.

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

25CW3111 (19CW3009, 12CW79, 98CW297), Spruce Valley Ranch Foundation, P.O. Box 1582, Breckenridge, CO 80424, (970) 390-9159; Please direct future correspondence to: Arthur L. Sayre and Matthew A. Montgomery, Hill & Robbins, P.C., 3401 Quebec

Street, Suite 3400, Denver, CO 80207. APPLICATION FOR FINDING OF REASONABLE DILIGENCE in **SUMMIT COUNTY**.

2. Name of structures: A. Spruce Valley Augmentation Well and Pump. B. Spruce Valley Recharge Facility. C. Spruce Valley Injection Wells: IW #1, IW #2, IW #3, IW #4, IW #5, IW #6, IW #7, IW #8, and IW #9. **3. Describe conditional water right (as to each structure) giving the following from the Decree:** A. Date of Original Decree: May 8, 2006; **Case No.** 98CW297, **Court:** Water Division 5. B. Legal description: i. Spruce Valley Ranch: Sections 7, 8, 17, and 18, Township 7 South, Range 77 West, 6th P.M. ii. Spruce Valley Augmentation Well and Pump: Commencing at the SE corner of Section 8 Township 7 South, Range 77 West and bearing S72°W a distance of 2,153 feet to location of the Spruce Valley Augmentation Pump. iii. Spruce Valley Recharge Facility: Commencing at the SE corner of Section 8 Township 7 South, Range 77 West and bearing S85°W a distance of 1,644 feet to a point described as the approximate center of the Spruce Valley Recharge Facility. C. Source of water: Indiana Creek (use is attributable to the historical use of the Carwood Ditch water right pursuant to the exchange decreed in Case No. 98CW297). Indiana Creek is tributary to the Blue River. The Blue River is tributary to the Colorado River. D. Appropriation Date: April 17, 1998. E. Amount: 0.714 c.f.s., conditional (maximum exchange rate); 10-acre feet (annual volumetric limitation). F. Use: In Case No. 98CW297, the Court entered a decree granting a change in use for water rights from Carwood Ditch from irrigation to augmentation. The Court also granted a conditional right of exchange to use the Carwood Ditch water on Indiana Creek to augment out-of-priority depletions from irrigation in Spruce Valley Ranch. The decree provided that the exchanged water was to be pumped from the alluvium of Indiana Creek to the location of the recharge facility. The reach of the exchange is the confluence of Miner's Creek and the Blue River up the Blue River to its confluence with Indiana Creek and then up Indiana Creek to the Spruce Valley Augmentation Pump. Applicant has since constructed the Augmentation Pump and has used the recharge facility to offset depletions from well use at Spruce Valley Ranch. G. Depth: i. Spruce Valley Ranch Augmentation Well, Permit No. 65285-F: 23 Feet. ii. Spruce Valley Ranch Recharge Facility (Exfiltration Gallery): i. Permit No. 273815, IW #1: 55 Feet; ii. Permit No. 273816, IW #2: 55 Feet; iii. Permit No. 269665, IW #3: 50 Feet; iv. Permit No. 273817, IW #4: 50 Feet; v. Permit No. 273818, IW #5: 50 Feet; vi. Permit No. 273819, IW #6: 50 Feet; vii. Permit No. 273820, IW #7: 50 Feet; viii. Permit No. 273822, IW #8: 51 Feet; Permit No. 273823, IW #9: 51 Feet. H. Amount made absolute: In Case No. 12CW79, the Water Court, Water Division 5, found that the Applicant had made absolute 0.075 c.f.s. of the maximum rate of exchange, and 5.46 acre-feet of the annual volumetric limitation. In Case No. 19CW3009, the Water Court found that the Applicant had pursued the remaining conditional water rights with reasonable diligence. **4. Activities toward completion of the appropriation and application of water to beneficial use:** Spruce Valley Ranch maintains and operates an integrated water system under the decrees entered in Case Nos. W3662, 94CW191, 89CW102 and 98CW297 (Water Div. 5). Applicant uses this system to provide irrigation and domestic water for residents' individually drilled wells, and to maintain various common areas. Towards these ends, Applicant monitors the residential wells, maintains common areas and related infrastructure, and performs both routine and as-needed maintenance. In addition, Applicant continues to submit monthly recharge projections and accounting and performs its irrigation area certification every three years. Applicant has expended approximately \$91,000.00 on operation, maintenance, legal and engineering services during the diligence period. **5. Claim to make absolute:** N/A. **6. Prayer for Relief:** The Applicant requests that the Water Court enter a decree finding that the Applicant has pursued the remaining portion of the above-described conditional exchange right with reasonable diligence and continuing this conditional right.

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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 AUGUST 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.*

25CW9 (18CW15) GUNNISON COUNTY- NORTH POLE CREEK TRIBUTARY TO THE CRYSTAL RIVER TRIBUTARY TO THE ROARING FORK RIVER TRIBUTARY TO THE COLORADO RIVER. Judith K. Murray; 3734 E. 81st Pl.; Tulsa, OK 74137. (918)481-0240. Murray North Pole Creek Pipeline-Application for Finding of Reasonable Diligence. Location: The point of division is located at the NE corner of Section 12, Township 12 South, Range 87 West of the 6th P.M., thence South 86 degrees 50 minutes West 3,560 feet. This can also be described as in the NE1/4 NW1/4 of Section 12, Township 12 South, Range 87 West of the Sixth Principal Meridian 3,560 feet from the south section line and 3,560 feet from the northeast section line. Appropriation: 11.16.1993 Amount and Uses: 0.303 c.f.s., conditional, for domestic purposes and 0.33 c.f.s., conditional, for irrigation of lawns surrounding single family dwellings. An outline of work performed during the diligence period is included in the application.

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