

DIVISION 5 WATER COURT- NOVEMBER 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 NOVEMBER 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.*

25CW3174 GRAND COUNTY, COLORADO, BURKE SPRING CREEK, A TRIBUTARY OF PASS CREEK, MUDDY CREEK AND THE COLORADO RIVER. APPLICATION FOR FINDING OF REASONABLE DILIGENCE. 1. Applicants: Robert Cirks & Tempie Cirks, 491 County Rd 101, Silverthorne, CO 80498, rcplumbandheat@gmail.com. *Please direct communications to* Matthew L. Merrill, MERRILL LAW LLC, (303) 947-4453 (telephone), matthew@merrillwaterlaw.com (email). 2. Names of Structure and Water Right: Gore Lakes Ranch Reservoir No. 1 (the "Subject Water Right"). 3. Description of Gore Lakes Ranch Reservoir No. 1 from Previous Decrees: a. Original Decree: Case No. 2004CW248, May 16, 2006, Water Division 5. b. Subsequent Decrees in Water Division 5: i. The decree in Case No. 2012CW081 on January 5, 2013 found reasonable diligence in the development of the Subject Water Right and continued the water right for an additional diligence period. ii. The decree in Case No. 2019CW3003 on November 3, 2019 found reasonable diligence in the development of the Subject Water Right, continued the water right for an additional diligence period, and decreed changes to the water right. c. Legal Description: The decree in Case No. 2019CW3003 changed the location of the Subject Water Right to "the NE1/4 of the SE1/4 of Section 30, Township 2 North, Range 81 West of the 6th P.M., approximately 830 feet from the East Section line and 2,620 feet from the South Section line at the following approximate GPS coordinates: 40° 06' 45" N, 106° 30' 16" W." See Exhibit A (Map; copies of exhibits are available from the water court or Applicant's counsel; all exhibits are incorporated into the application). d. Source: the decree in Case No. 2019CW3003 changed the source of water to "Burke Spring Creek, a tributary of Pass Creek, Muddy Creek and the Colorado River." e. Appropriation Date: September 30, 2002. f. Amount: 1.5 acre-feet, conditional. g. Uses: domestic, stock watering, recreation, and fish and wildlife purposes. Applicant's property is zoned as forested and open space, and the Applicant may construct up to six cabins on the property. The proposed domestic use shall not exceed one-hundred gallons per day (100 gpd) and shall be limited to 3.5 people per unit. Wildlife use shall be an in-place use incidental to the construction of the storage facility. 4. Summary of what has been done toward completion of the appropriation and application of water to beneficial use, including expenditures, during the previous diligence period: a. Applicants purchased the property where Gore Lakes Ranch Reservoir No. 1 will be located, together with the conditional water right, during August 2024. They filed a notice of transfer of conditional water right in Case No. 19CW3003 (Div. 5). b. Since purchasing the property, Applicants have worked with engineers and excavators to plan for construction of the reservoir, including surveying work, digging test holes, and constructing access. c. Applicants engaged legal counsel to assist in planning for the construction and operation of the reservoir. d. Applicants' investment in the conditional water right exceeds \$7,500 and more than 40 hours of labor. e. Applicants reserve the right to present evidence of their predecessor-in-interest's diligence activities and expenses. 5. Remarks: Applicants have a specific plan and intent to complete the conditional appropriation of the Subject Water Right and can and will complete it in a reasonable time and divert water in priority for decreed beneficial uses. 6. 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: Applicants. 7. Prayer for Relief: Applicants respectfully request that the Court confirm reasonable diligence in the development of the Subject Water Right, continue the water right in full force and effect for the period allowed by law, and award such other relief as the Court deems just and proper. (Application includes 4 pages plus 1 exhibit.) **YOU ARE HEREBY NOTIFIED THAT YOU HAVE until the last day of JANUARY 2026 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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25CW3175 GRAND COUNTY. Grand County Water and Sanitation District No. 1, c/o William Borrás, Manager P.O. Box 3077 Winter Park, CO 80482. Applicant is represented by Katie Randall and Kent Whitmer, JVAM PLLC, P.O. Box 878, Glenwood Springs, CO 81602, (970) 922-2122. **APPLICATION FOR A FINDING OF REASONABLE DILIGENCE.** Names of Structure: Sitzmark Pond No. 1. Decrees: Case Nos. 11CW166 (April 26, 2013); 19CW3043 (November 3, 2019); both in Water Court Division No. 5. Legal Description: NE1/4 SW1/4 of Section 28, Township 1 South, Range 75 West, 6th P.M., 1900 feet from the South section line and 2100 feet from the West section line. Sitzmark Pond No. 1 is an off-channel reservoir fed by Sitzmark Ditch No. 1 with capacity and diversion rate of 1.0 c.f.s. whose headgate is located in the NE1/4 SW1/4, Section 28, Township 1 South, Range 75 West, 6th P.M., 1700 feet from the South section line and 2150 feet from the West section line. Source: Fraser River, tributary to the Colorado River. Appropriation Date: June 15, 2011. Adjudication Date: April 26, 2013. Amount: 8.0 acre-feet, conditional. Uses: All municipal uses, exchange, augmentation, fire protection and piscatorial. Water from Sitzmark Pond No. 1 will be used in the District's service area, as described in the application. Names and Addresses of Landowner: Town of Winter Park, c/o Town Manager, P.O. Box 3327, Winter Park, CO 80482. Additional Information: Applicant requests that the Court make a finding of reasonable diligence as to the

conditional water rights described herein. The application and attached exhibit contain additional information and a detailed outline of the work performed during the diligence period (7 pages).

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25CW3176(19CW3065, 12CW148, 05CW254) GARFIELD COUNTY, COLORADO. POODLE CREEK, TRIBUTARY TO THE COLORADO RIVER. Application for Findings of Reasonable Diligence and to make Absolute. Applicants: Brian and Sheila Blythe, c/o Edward B. Olszewski, Esq., Olszewski & Massih, P.C., P.O. Box 916, Glenwood Springs, CO 81602, (970) 928-9100. Structure: Leonard Springs No. 1 First Enlargement. Decrees (all structures): 10/14/2006, 05CW254, 3/17/2013, 12CW148. Location: The spring is located in Lot 4, in the Northwest ¼ of the Northwest ¼ of Section 1, Township 8 South, Range 96 West of the 6th P.M., at a point whence the Northwest Corner of said Section 1 bears N. 11°01'W. 329.4 feet. Source (all structures): Poodle Creek, tributary to the Colorado River. App. Date (all structures): 04/30/2000. Amount: 25 gpm, *conditional*. Uses: irrigation (7.5 acres from all springs referenced in application) and fire protection. Structure: Leonard Springs No. 2. Location: The spring is located in the Northwest ¼ of the Northwest ¼ of Section 1, Township 8 South, Range 96 West of the 6th P.M., at a point 10 feet east of the west section line and 310.5 feet south of the north section line of said Section 1. Amount: 25 gpm, *conditional*. Uses: irrigation (7.5 acres from all springs referenced in application), domestic (one seasonal dwelling) and fire protection. Structure: Leonard Springs No. 3. Location: The spring is located in the Northeast ¼ of the Northeast ¼ of Section 2, Township 8 South, Range 96 West of the 6th P.M., at a point 5,124.7 feet east of the west section line and 310.5 feet south of the north section line of said Section 2. Amount: 10 gpm, *conditional*. Uses: irrigation (7.5 acres from all springs referenced in application), domestic (one seasonal dwelling) and fire protection. Structure: Leonard Springs No. 4. Location: The spring is located in the Northeast ¼ of the Northeast ¼ of Section 2, Township 8 South, Range 96 West of the 6th P.M., at a point 4,969.4 feet east of the west section line and 155 feet south of the north section line of said Section 2. Amount: 25 gpm, *conditional*. Uses: irrigation (7.5 acres from all springs referenced in application), domestic (one seasonal dwelling) and fire protection. Structure: Rader Spring, First Enlargement. Location: The spring is located in the Northeast ¼ of the Northeast ¼ of Section 2, Township 8 South, Range 96 West of the 6th P.M., at a point 4,902.3 feet east of the west section line and 165.7 feet south of the north section line of said Section 2. Amount: 30 gpm, *conditional*. Uses: irrigation (7.5 acres from all springs referenced in application), domestic (one seasonal dwelling) and fire protection. Landowner Notification: All structures are located on lands owned by Applicants. A detailed outline of what has been done toward completion of the appropriation and application of water to a beneficial use as conditionally decree, including expenditures, during the previous diligence period is outlined in the Application. Claim to make Absolute: Applicants claim the Leonard Springs No. 1, First Enlargement in the amount of 25 gpm, and Rader Spring, First Enlargement in the amount of 30 gpm, should be made absolute for the irrigation of 7.5 acres and for livestock watering. Applicants placed water from the Leonard Springs No. 1, First Enlargement to beneficial use on or before September 30, 2023. Applicants placed water from the Rader Spring, First Enlargement to beneficial use on or before September 30, 2025. Applicants have perfected those water rights by beneficially using the water for the stated purposes. Applicants pray for a decree of this Court, finding the Applicants' have exercised reasonable diligence toward the development of the aforementioned water rights and made a portion thereof absolute. (7 pages with 1 map)

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25CW3177 GARFIELD AND EAGLE COUNTIES, COLORADO. APPLICATION FOR CHANGE OF WATER RIGHTS. 1.Names, mailing addresses, e-mail addresses, and telephone numbers of Co-Applicants. Colorado Water Conservation Board (the "CWCB"), Attn: Director, 1313 Sherman Street, Room 721, Denver, Colorado 80203, (303) 866-3441; Public Service Company of Colorado, a Colorado Corporation ("PSCo"), Jeff West, Senior Director, Environmental Services, 3500 Blake Street, CO1453-03-MCB, Denver, CO 80205, (303) 571-2762; Colorado River Water Conservation District (the "River District"), Attn: Secretary/General Manager, 201 Centennial Street, Suite 200, Glenwood Springs, CO 81601, (970) 945-8522. The above-listed parties shall be collectively

referred to herein as “Co-Applicants.” Please send all copies of pleadings and correspondence to: Jennifer L. Mele, Esq., Natural Resources and Environment Section, Colorado Department of Law, 1300 Broadway, 10th Floor, Denver, Colorado 80203 (Attorney for CWCB); Carolyn F. Burr, Esq., James M. Noble, Esq., WELBORN SULLIVAN MECK & TOOLEY, P.C.M, 1401 Lawrence Street, Suite 1800, Denver, Colorado 80202 (Attorneys for PSCo); Peter C. Fleming, Esq., Jason V. Turner, Esq., Bruce C. Walters, Esq., 201 Centennial Street, Suite 200, Glenwood Springs, CO 81601 (Attorneys for the River District). **2. Summary of Application.** The CWCB is an agency of the State of Colorado created to aid in the protection and development of the waters of the state for the benefit of its present and future inhabitants. Pursuant to section 37-92-102(3), C.R.S., the CWCB is authorized to acquire, by grant, purchase, donation, lease, or other contractual agreement, such water, water rights, and interests in water that are not on the abandonment list in such amount as the CWCB determines is appropriate for stream flows to preserve and/or improve the natural environment to a reasonable degree. The River District is a political subdivision of the State of Colorado charged with, among other duties, promoting the health and general welfare of the inhabitants of the River District by the conservation, use, and development of the water resources of the Colorado River and its principal tributaries. *See* §§ 37-46-101, C.R.S., *et seq.* PSCo is a Colorado corporation and is the owner and operator of the Shoshone hydroelectric power plant (“Shoshone Power Plant”) located on the mainstem of the Colorado River in Glenwood Canyon, approximately six miles upstream of the City of Glenwood Springs. The Shoshone Power Plant produces hydroelectric energy by means of PSCo’s diversion of the Shoshone Water Rights, which water rights are more particularly described in paragraph 3 below. Pursuant to the January 1, 2024, Purchase and Sale Agreement between the River District and PSCo (the “PSA”), the River District is the contract purchaser of the Shoshone Water Rights. The PSA (including all its attachments and exhibits) is attached hereto as **Exhibit 1**. At its regularly scheduled public meeting on November 19, 2025, the CWCB determined that acquiring from the River District the exclusive right to use the Shoshone Water Rights for instream flow purposes in the reach of the Colorado River described in paragraph 4.2., below, is appropriate to preserve and improve the natural environment to a reasonable degree pursuant to section 37-92-102(3), C.R.S. Co-Applicants entered into a Water Rights Dedication and Instream Flow Agreement with the CWCB on November 19, 2025 (the “ISF Agreement,” which is attached hereto as **Exhibit 2**). The ISF Agreement dedicates to the CWCB the exclusive right to use the Shoshone Water Rights to preserve and improve the natural environment within the approximately 2.4 mile-reach of the Colorado River that extends from the Shoshone Diversion Dam to the Shoshone Power Plant’s discharge outlets (the “Shoshone Reach”). The PSA provides that PSCo (or its successors and assigns) is entitled to a leasehold interest in the Shoshone Water Rights for continued use of those rights for hydropower generation at the Shoshone Power Plant so long as the plant is operating. By this Application, Co-Applicants seek to add instream flow use by the CWCB to the decreed uses of the Shoshone Water Rights. The change of water rights decree shall confirm that water attributable to the historical exercise of the Shoshone Water Rights for hydropower generation will remain in the stream to preserve and improve the natural environment to a reasonable degree within the Shoshone Reach up to the full decreed rate of 1,408 cubic feet per second (“c.f.s.”) of available “Natural Flow” subject to any limitations in the change of water right decrees requested herein. For the purposes of this Application, the “Natural Flow” is the amount of water in the Colorado River measured at the streamflow gauge (USGS 09070500) on the Colorado River near Dotsero, Colorado, located in Eagle County (the “Dotsero Gage”), including the amount of water usable by the Shoshone Water Rights when those water rights are in priority, except that the “Natural Flow” does not include any water released from storage and conducted into the Colorado River upstream of the Dotsero Gage (accounting for evaporation and transit loss), which water is intended for delivery for use downstream of the discharge outlets for the Shoshone Power Plant. **3. Decreed water rights for which change is sought and structures associated with the decreed water rights. 3.1. Glenwood Power Canal and Pipe Line (the “Senior Shoshone Water Right”).** 3.1.1. Previous Decrees. Civil Action No. 466, Eagle County District Court, decreed December 9, 1907, for a conditional water right, which was made absolute on February 27, 1911, in Civil Action No. 553. 3.1.2. Decreed Point of Diversion. The Shoshone Diversion Dam and Tunnel (“Point of Diversion”) located on the right bank, being the northerly bank, of the Grand River (now named the “Colorado River”) whence the North quarter corner of Section Thirty (30), Township Five (5) South, Range Eighty-Seven (87) West of the 6th Principal Meridian bears North 23° 48’20” East 2,414.64 feet, in Garfield County, Colorado. 3.1.3. Source. Colorado River (known as the “Grand River” when originally decreed). 3.1.4. Appropriation Date. January 7, 1902. 3.1.5. Decreed Uses. Power, mining, milling, manufacturing, lighting, heating, and traction purposes. 3.1.6. Total Amount Decreed to Structure. 1,250 c.f.s. **3.2. Shoshone Hydro Plant Diversion No. 2 (the “Junior Shoshone Water Right”).** [Footnote: The Senior Shoshone Water Right and Junior Shoshone Water Right are collectively referred to herein as the “Shoshone Water Rights” for a total combined decreed rate of 1,408 c.f.s.] 3.2.1. Previous Decrees. Civil Action No. 1123, Eagle County District Court, decreed absolute on February 7, 1956. 3.2.2. Decreed Point of Diversion. *See* ¶3.1.2. above. 3.2.3. Source. Colorado River. 3.2.4. Appropriation Date. May 15, 1929. 3.2.5. Decreed Uses. Manufacturing and generation of electrical energy. 3.2.6. Total Amount Decreed to Structure. 158 c.f.s. **3.3. Priorities, appropriation dates, total decreed amounts and rates of flow, and amounts Co-Applicants intend to change.** 3.3.1. Co-Applicants seek to continue to use the full 1,408 c.f.s. rate of diversion decreed to the combined Shoshone Water Rights for the changed use for instream flow purposes, subject to terms and conditions preventing injury to other decreed water rights.

Shoshone Water Rights <i>(all amounts are absolute and are in c.f.s.)</i>			
Priority Date	Appropriation Date	Adjudication Date	Total Decreed Rate of Diversion and Diversion Rate Co-Applicants Intend to Change
December 5, 1905	January 7, 1902	December 9, 1907	1,250 c.f.s.
May 31, 1940	May 15, 1929	February 7, 1956	158 c.f.s.

TOTAL		1,408 c.f.s.
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4. Detailed Description of Proposed Change of Water Right. 4.1. Change in Type of Use. In addition to the existing decreed uses of the Shoshone Water Rights set forth in paragraphs 3.1.5. and 3.2.5. above, Co-Applicants seek water court approval to add instream flow use of the Shoshone Water Rights exclusively by the CWCB pursuant to section 37-92-102(3), C.R.S., and the terms of the ISF Agreement (**Exhibit 2**), to preserve and improve the natural environment of the Shoshone Reach to a reasonable degree. The changed use for instream flow purposes shall occur at flow rates up to 1,408 c.f.s. of Natural Flow under the respective priorities for the Shoshone Water Rights, as measured and administered at the Dotsero Gage, and subject to the quantification of historical use. Co-Applicants intend for the CWCB to use the Shoshone Water Rights for instream flow purposes to the extent that the Shoshone Water Rights are not being used by PSCo for the existing hydropower generation related purposes at the Shoshone Power Plant in accordance with the PSA. Subject to the terms and conditions of the ISF Agreement and the change of water rights decree requested herein, the CWCB shall exercise the Shoshone Water Rights for instream flow purposes to the extent that the water rights are not being exercised by PSCo for the existing hydropower generation related purposes at the Shoshone Power Plant. **4.2. Shoshone Reach.** The CWCB's instream flow use will occur in the Shoshone Reach, which is approximately 2.4 miles in length between the upstream and downstream termini. The CWCB's instream flow use of the Shoshone Water Rights shall commence at the upstream terminus and terminate at the downstream terminus as described in this paragraph 4.2. The Shoshone Reach is more particularly described below and is depicted on **Exhibit 3** attached hereto. **4.2.1. Upstream Terminus – Shoshone Power Plant Diversion Dam and Tunnel.** 4.2.1.1. On the right bank, being the northerly bank, of the Colorado River whence the North quarter corner of Section Thirty (30), Township Five (5) South, Range Eighty-Seven (87) West of the 6th Principal Meridian bears North 23° 48' 20" East 2,414.64 feet, in Garfield County, Colorado. 4.2.1.2. UTM Zone 13 NAD83; Easting: 311601.66 m.; Northing 4384264.34 m. **4.2.2. Downstream Terminus – Shoshone Power Plant Discharge Outlets.** 4.2.2.1. On the right bank, being the northerly bank, of the Colorado River whence the Southeast corner of Section Thirty-five (35), Township Five (5) South, Range Eighty-Eight (88) West of the 6th Principal Meridian bears South 29° 42' 26" East, 1,746 feet, in Garfield County, Colorado. 4.2.2.2. UTM Zone 13 NAD83; Easting: 308732.37 m.; Northing 4382389.77 m. **4.2.3. Maximum Rate of Flow.** The maximum rate of flow for the instream flow use of the Shoshone Water Rights will be their combined decreed rate of 1,408 c.f.s. of Natural Flow, under their individual priorities, for the purpose of preserving and improving the natural environment of the Shoshone Reach to a reasonable degree, subject to the terms and conditions of the change of water rights decree requested herein. **5. Additional Terms for the Change of Water Rights.** Co-Applicants shall propose for inclusion into the change of water rights decree requested herein terms and conditions necessary to prevent injury to decreed water rights. **5.1. ISF Agreement.** The terms of the ISF Agreement govern the rights and obligations as between Co-Applicants. The decree requested herein shall govern the exercise and administration of the Shoshone Water Rights. **5.2. Historical Use.** Co-Applicants seek to quantify the historical use of the Shoshone Water Rights over a representative study period in accordance with section 37-92-305(3)(d), C.R.S., that includes wet years, dry years, and average years. 5.2.1. The Shoshone Water Rights have been historically administered by the State Engineer and the Division Engineer for Water Division No. 5 (the "Engineers") at the Dotsero Gage, located approximately ten (10) river miles upstream of the Shoshone Diversion Dam. The Shoshone Water Rights have historically been diverted by PSCo at the Shoshone Diversion Dam, as described in paragraph 4.2.1. above. The historical use of water attributable to the Shoshone Water Rights has been non-consumptive. Return flows from the exercise of the Shoshone Water Rights returned to the Colorado River at or above the discharge outlets of the Shoshone Power Plant, which is approximately 2.4 miles downstream of the Point of Diversion (**Exhibit 3**). The practice of diverting water attributable to the Shoshone Water Rights from the Colorado River and into the Shoshone Tunnel for delivery to the Shoshone Power Plant means that the historical exercise of the Shoshone Water Rights has resulted in depletions to the Shoshone Reach before the diversions are returned to the Colorado River at or above the Shoshone Power Plant Discharge Outlets (i.e., the Downstream Terminus described in ¶ 4.2.2. above). **5.3. Maintenance of Historical Return Flows.** Co-Applicants intend to maintain the pattern of return flows associated with the historical use of the Shoshone Water Rights. 5.3.1. Co-Applicants will maintain historical return flows by ensuring that any future use of the Shoshone Water Rights is consistent with the historical exercise of the Shoshone Water Rights so that water will continue to be available in the stream at the same time, location, and amount at the Downstream Terminus, subject to the terms and conditions of the change of water rights decree requested herein. **5.4. No New Appropriation.** By this Application, Co-Applicants do not seek to confirm any new appropriation of water or additional change of water right except to add instream flow use as described in paragraph 4 above. This Application does not seek any use or right of use by Co-Applicants of the Shoshone Water Rights downstream of the Shoshone Reach. **5.5. Measurement and Administration.** The River District will be responsible for the costs associated with any infrastructure reasonably determined to be necessary by the Engineers to measure and administer water available for instream flow use, including the cost to construct, maintain, and operate any measuring devices. **6. Name(s) and address(es) of owners of land on which structures are located.** 6.1. Co-Applicants shall provide landowner notification to the extent necessary if and when any new diversion structure or modification to an existing diversion structure is or will be constructed. Co-Applicants will not use any new structure, modified existing structure, or land to which Co-Applicants do not have a legal interest or right to use. WHEREFORE, the CWCB, PSCo, and the River District request that the Water Court award a change of water rights decree for the Shoshone Water Rights to confirm the addition of instream flow use by the CWCB, pursuant to section 37-92-102(3), C.R.S., to preserve and improve the natural environment to a reasonable degree in the Shoshone Reach, in the amounts and up to the full decreed 1,408 c.f.s. of Natural Flow, as set forth in this Application. (129 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.

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 NOVEMBER 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.*

25CW3178 PITKIN COUNTY, APPLICATION TO CORRECT ESTABLISHED BUT ERRONEOUSLY DESCRIBED POINTS OF DIVERSION PURSUANT TO C.R.S. § 37-92-305(3.6) 1. Name and address of Applicant: Wildcat Ranch Association (“Wildcat”) c/o President P.O. Box 274 Snowmass, Colorado 81654 wildcatranchassociation@gmail.com *Copies of all pleadings to:* Kristin H. Moseley Michael W. Daugherty Lindsey A. Ratcliff Somach Simmons & Dunn, P.C. 1155 Canyon Blvd, Suite 110 Boulder, Colorado 80302 2. Water Rights Subject to Correction: 2.1. Wildcat Pond No. 3B (WDID: 3803668). 2.2. Wildcat Pond No. 4 (WDID: 3803669). 2.3. Wildcat Pond No. 6 (WDID: 3803670). The water rights listed in paragraphs 2.1 through 2.3 are referred to as the “Wildcat Ponds.” 3. Description of the Wildcat Ponds: 3.1. Original Decree: Case No. 92CW253, by the District Court in Water Division 5, dated October 11, 1994. 3.2. Decreed Locations: 3.2.1. Wildcat Pond No. 3B: 1,700 feet south and 4,300 feet west of the NE corner of Section 13, T. 9 S., R. 86 W., 6th P.M. 3.2.2. Wildcat Pond No. 4: 200 feet north and 5,100 feet west of the SE corner of Section 13, T. 9 S., R. 86 W., 6th P.M. 3.2.3. Wildcat Pond No. 6: 1,750 feet south and 1,900 feet east of the NW corner of Section 36, T. 9 S., R. 86 W., 6th P.M. 3.2.4. A general location map of the Wildcat Ponds is attached as Exhibit A. 3.3. Source: **The source of the Wildcat Ponds is Wildcat Creek, return flows from the Snowmass Ditch and the McKenzie Wildcat Ditch which divert from Snowmass and East Snowmass Creeks, respectively, and seeps and area springs.** 3.4. Appropriation Date: October 1, 1991. 3.5. Adjudication Date: December 31, 1992. 3.6. Decreed Amounts: 3.6.1. Wildcat Pond No. 3B: 1.0 acre-feet (“AF”), absolute. 3.6.2. Wildcat Pond No. 4: 0.9 AF, absolute. 3.6.3. Wildcat Pond No. 6: 1.84 AF, absolute. 3.7. Use: Piscatorial, wildlife enhancement, recreation, irrigation, and fish propagation purposes. 4. Detailed Description of Proposed Correction: This application is submitted pursuant to C.R.S. § 37-92-305(3.6)(d), which requires Wildcat, in proceeding with a correction of a point of diversion for an established but erroneously described point of diversion that is not due to a clerical mistake, to bear the burden of proving that the point of diversion is, in fact, an established but erroneously described point of diversion. The Wildcat Ponds are filled by surface water diversions; therefore, C.R.S. § 37-92-305(3.6)(b) applies to this application, which seeks to correct the locations of ponds situated more than five hundred feet from the decreed location, where no natural surface stream tributary to the diverted stream or to another surface water right is located between the decreed and corrected locations. This application provides the corrected locations of the Wildcat Ponds, as detailed on the map attached as Exhibit A. 4.1. Corrected Locations of the Wildcat Ponds: 4.1.1. Wildcat Pond No. 3B: NE1/4 NW1/4 of Section 13, T. 9 S., R. 86 W. of the 6th P.M. at a point UTM NAD83 Z13: 4349013.1m N, 331995.4m E. 4.1.1.1. The corrected location is 1,070 feet away from decreed location described in paragraph 3.2.1. 4.1.2. Wildcat Pond No. 4: SE1/4 SW1/4 of Section 24, T. 9 S., R. 86 W. of the 6th P.M. at a point UTM NAD83 Z13: 4346084.9m N, 332002.8m E. 4.1.2.1. The corrected location is 5,495 feet away from decreed location described in paragraph 3.2.2. 4.1.3. Wildcat Pond No. 6: NW1/4 NW1/4 of Section 36, T. 9 S., R. 86 W. of the 6th P.M. at a point UTM NAD83 Z13: 4344288.9m N, 331807.5m E. 4.1.3.1. The corrected location is 1,250 feet away from decreed location described in paragraph 3.2.3. 5. Name(s) and address(es) of owner(s) or reputed owners of the land upon which any new diversion or storage structure, or modification to any existing diversion or storage structure is or will be constructed or upon which water is or will be stored, including any modification to the existing storage pool: There are no new structures or proposed modifications to existing structures involved in this application. WHEREFORE, the Applicant respectfully requests the Water Court enter a decree approving this Application pursuant to C.R.S. § 37-92-305(3.6) and granting all other and further relief the Water Court deems just and proper. **YOU ARE HEREBY NOTIFIED THAT YOU HAVE until the last day of JANUARY 2026 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 NOVEMBER 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.*

25CW3179 EAGLE, GRAND, AND SUMMIT COUNTIES, APPLICATION TO MAKE WATER RIGHTS ABSOLUTE AND FOR FINDING OF REASONABLE DILIGENCE 1. Name and address of Applicants: Eagle Park Reservoir Company, Eagle River Water and Sanitation District, Upper Eagle Regional Water Authority, 846 Forest Road Vail, CO 81657, Colorado River Water Conservation District acting by and through its Colorado River Water Projects Enterprise, 201 Centennial Street, Suite 200 Glenwood Springs, CO 81601, Vail Associates, Inc., 390 Interlocken Crescent, Suite 1000 Broomfield, CO 80021 (collectively referred to as “Applicants”) 2. Names of structures: Homestake Reservoir, Green Mountain Reservoir, Wolford Mountain Reservoir, and Ruedi Reservoir. 2.1. Original decree: December 23, 2012, Water Court Case No. 09CW28. A subsequent decree finding the subject water rights to be absolute in part and continuing as conditional in the remaining portion was entered by the Water Court in Case No.

18CW3215 (November 24, 2019). 3. Description of conditional water right. Including structure names, adjudication and appropriation dates, amount, sources, uses, and previous cases: 3.1. Applicants have the right to augment by exchange, in combination with the exchanges decreed by the Water Court in Case No. 98CW270, up to 4,000 acre-feet of water in Homestake Reservoir from July 1st of one year to June 30th of the following year for beneficial use by Applicants, and the Cities of Aurora and Colorado Springs pursuant to various agreements with the Applicants. Homestake Reservoir is the storage component of the Homestake Project, which consists of the following structures decreed by the Eagle County District Court in Civil Action No. 1193: 3.1.1. Homestake Conduit (a.k.a. Missouri Tunnel). Structure Absolute Amount 3.1.1.1. French Creek Intake S. 82° 18.3' E. 20,988 ft. to NW corner Sect. 31, T. 7 S., R. 80 W., 6th P.M., Eagle County, CO. 62.18 cfs 3.1.1.2. Fancy Creek Intake. N. 85° 10.5' E. 25,280 ft. to NW corner Sect. 31, T. 7 S., R. 80 W., 6th P.M., Eagle County, CO. 38.6 cfs 3.1.1.3. Missouri Creek Intake. N. 77° 12.4' E. 28,800 ft. to NW corner Sect. 31, T. 7 S., R. 80 W., 6th P.M., Eagle County, CO. 39.8 cfs 3.1.1.4. Sopris Creek Intake. N. 74° 7.6' E. 29,848 ft. to NW corner Sect. 31, T. 7 S., R. 80 W., 6th P.M., Eagle County, CO. 41.3 cfs 3.1.2. East Fork Conduit. The East Fork Conduit diverts water from the East Fork of Homestake Creek pursuant to its appropriation of 74.63 cfs of time absolute and 185.37 cfs of time conditional therefrom and conveys these waters to Homestake Reservoir for conveyance to Homestake Tunnel or storage in the reservoir. The East Fork Conduit has a capacity of 260 cfs of time and total length of approximately 3,093 feet. The point of diversion of said conduit is on East Fork Homestake Creek at a point whence the Northwest corner of Section 31, T. 7 S., R. 80 W., 6th P.M., bears N. 55° 40.5' E., 22,917 feet, Eagle County, CO. 3.1.3. Homestake Tunnel. Homestake Tunnel under the Continental Divide for the conveyance of water into the Arkansas River Basin with its intake located at a point under Homestake Reservoir whence the Northwest corner of Section 10, T. 9 S., R. 81 W., 6th P.M. bears S. 15°27'08" E. 26,173.03 feet appropriates a maximum amount of 10 cfs of time conditional of water seeping and percolating into Homestake tunnel from former Water District No. 37 areas and 300 cfs of time absolute from Middle Fork of Homestake Creek, at its said Northerly portal, its point of diversion. Said tunnel has a length of 27,400 feet and a capacity of 700 cfs of time. The tunnel will convey out of former Water District No. 37 up to 700 cfs of time of waters appropriated by the tunnel from the Middle Fork of Homestake Creek, together with water appropriated by the tunnel from the Homestake Creek and East Fork Conduits and Homestake Reservoir, to an outlet at a point from where the Northwest corner of Section 10, T. 9 S., R. 81 W., 6th P.M. bears N. 6°40'52" E., a distance of 2,173.54 feet. 3.1.4. Homestake Reservoir. Homestake Reservoir, also known as Elliott-Weers Reservoir, was decreed for 126,843.68 acre-feet conditional, of which 43,504.70 acre-feet has been made absolute. Homestake Reservoir is located on Homestake Creek with a dam whence the NW Corner of Section 31, T. 7 S., R. 80 W., 6th P.M. bears North 58° 30.6' E. 24,659 feet from the East dam abutment and North 62° 25.8' E. 25,746 feet from the West dam abutment in Eagle County, CO. The sources of supply of said reservoir are (i) French Creek, Fancy Creek, Missouri Creek, and Sopris Creek via the Homestake Conduit (aka Missouri Tunnel); (ii) East Fork of Homestake Creek via the East Fork Conduit; and (iii) Middle Fork of Homestake Creek. Homestake Reservoir also conveys water from the Homestake Conduit and the East Fork Conduit to Homestake Tunnel. 3.2. The following described water rights are the sources of water that can be used to augment by exchange the out-of-priority, upstream diversions into storage at Homestake Reservoir: 3.2.1. Green Mountain Reservoir. Up to 2,908 acre-feet per year from Green Mountain Reservoir, decreed by the United States District Court for the District of Colorado in Consolidated Case Nos. 2782, 5016 and 5017, for 154,645 acre-feet, with an appropriation date of August 1, 1935. Green Mountain Reservoir is located on the Blue River in Sections 11, 12, 13, 14, 15 and 24, T. 2 S., R. 80 W., and Sections 18, 19, 20, 21, 28, 29 and 34, T. 2 S., R. 79 W., 6th P.M., Summit County, CO. The Eagle River Water & Sanitation District has a contract issued by the U.S. Bureau of Reclamation (Contract No. 9-07-60-W0408) entitling it to the release of 934 acre-feet annually from Green Mountain Reservoir. The Upper Eagle Regional Water Authority has a contract issued by the U.S. Bureau of Reclamation (Contract No. 9-07-60-W0413) entitling it to the release of 475 acre-feet annually (of which 220 acre-feet is available for the subject exchanges) from Green Mountain Reservoir. Vail Associates, Inc. has three contracts issued by the U.S. Bureau of Reclamation (Contract Nos. 9-07-60-W0420 (354 of 359 acre-feet), 219E650003 (1,100 acre-feet), and 0-07-60-W0537 (300 acre-feet)) entitling it to the release of 1,754 acre-feet annually from Green Mountain Reservoir. 3.2.2. Wolford Mountain Reservoir. Up to 2,000 acre-feet of water per year from Wolford Mountain Reservoir (a/k/a Gunsight Pass Reservoir). Collectively, the Eagle River Water & Sanitation District and the Upper Eagle Regional Water Authority have the contractual right to 1,000 acre-feet of water from Wolford Mountain Reservoir pursuant to Contract Nos. CW08010 and CW08011. In addition, the Colorado River Water Conservation District is the owner of additional Wolford Mountain Reservoir water and may use up to 1,000 acre-feet of its additional supply for the exchanges decreed in this case. The 1,000 acre-feet of water from Wolford Mountain Reservoir owned by the Colorado River Water Conservation District will be utilized for exchange purposes subject to the Colorado River Water Conservation District's discretion, water availability, exchange capacity at both Homestake Reservoir and within the exchange reach, and the flow rates decreed herein. Wolford Mountain Reservoir was decreed by the Water Court as follows: 3.2.2.1. Case No. 87CW283; Decree Date: November 20, 1989. Legal description of point of diversion or 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°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. 95CW281; and the full amount was made absolute for all purposes by decree entered in Water Court Case No. 02CW107. Appropriation Date: December 14, 1987. Decreed Use: All beneficial uses, including but not limited to domestic, municipal, agricultural and recreational uses. 3.2.2.2. Case No. 95CW281; Decree Date: August 26, 1997. Legal description of point of diversion or place of storage: The dam is located in the SW1/4 of the NE1/4 of Section 25, T. 2 N., R. 81 W., 6th P.M. The as-built intersection of the dam axis (Sta. D19+35.61) with the West Access Road (Sta. WR50+55.05), as shown on the Colorado River Water Conservation District, Wolford Mountain Project, Ritschard Dam construction drawing "Dimensional Dam Layout" sheet 8 of 94, occurs at a point which bears S. 53°24'56" E. a distance of 3,395.51 feet from the NW Corner of said Section 25; the bearing of said dam axis from Sta. 19+35.61 to Sta. 0+00 being S. 75°28'29"

E. Source: Muddy Creek and its tributaries. Amount: 6,000 acre-feet conditional. Appropriation Date: January 16, 1995. Decreed 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 Woford Mountain Project; such uses will be made directly or by substitution, augmentation, or exchange. 3.2.2.3. 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, piscatorial, and flood control. Appropriation Date: November 17, 1998. Use: Certain of the beneficial uses previously adjudicated for Woford Mountain Reservoir in Water Court Case No. 87CW283 (November 20, 1989 Judgment and Decree), and Water Court Case No. 95CW281 (August 26, 1997 Judgment and Decree). 3.2.2.4. Case No. 03CW302: Decree Date: October 19, 2014. Legal Description of place of storage: Same as for 95CW281. Source: Muddy Creek and its tributaries. Amount: 9,775 acre-feet conditional for the initial fill with the right to refill when in priority subject to a maximum refill amount of 9,775 acre-feet conditional. Appropriation Date: November 17, 2003. Use: the purposes previously decreed to the Woford Mountain Reservoir, including uses consistent with the Windy Gap Settlement made with the Municipal Subdistrict of the Northern Colorado Water Conservancy District, meeting the water requirements of the inhabitants of the River District for all uses, and uses consistent with the terms of a lease agreement executed March 3, 1987, between the Colorado River Water Conservation District and the City and County of Denver, as amended. This storage right may also be used for all beneficial uses, including, but not limited to, municipal, commercial, industrial, domestic, irrigation, agricultural, livestock, hydro-power production, evaporation, piscatorial, and recreational (including in-reservoir and in-river fish habitat and river flow maintenance and enhancement uses and uses in furtherance of the Upper Colorado River Basin Fishes Recovery Program) with the right to reuse and successively use the water to extinction; such uses will include environmental mitigation, including environmental mitigation requirements associated with the Woford Mountain Reservoir Project; such uses will be made directly or by substitution, augmentation, replacement, or exchange in Water Division Nos. 1, 2, and/or 5. 3.2.3. Ruedi Reservoir. Alternately, the Woford Mountain Reservoir water available to Applicants for the augmentation by exchange contemplated herein may be delivered from Ruedi Reservoir when the call is below the confluence of the Roaring Fork and Colorado Rivers. Ruedi Reservoir was decreed by the Garfield County District Court in Civil Action No. 4613 for domestic, municipal, irrigation, industrial, generation of electrical energy, stock watering and piscatorial uses, with an appropriation date of July 29, 1957. By subsequent order of the Water Court entered in Case No. W-789-76, the decreed amount of this reservoir has been fixed at 102,369 acre-feet. 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, and derives its water supply from the Fryingpan River. When the decree was entered in Case No. 09CW28, the Colorado River Water Conservation District, acting by and through its Colorado River Water Projects Enterprise, had four contracts issued by the U.S. Bureau of Reclamation (Contract Nos. 009D6C0111, 009D6C0118, 039F6C0011, and 079D6C0106) entitling it to the release of 6,730 acre-feet annually from Ruedi Reservoir for municipal and industrial use. The decree in Case No. 09CW28 expressly noted that the Colorado River Water Conservation District may seek such future contracts as may be required. Following entry of the decree in Case No. 09CW28, the Colorado River Water Conservation District secured contract number 139D6C0101 (4,683.5 acre-feet) from the United States Bureau of Reclamation for a total of 11,413.5 acre-feet of annual supply from Ruedi Reservoir. 3.3. Applicants have the conditional right to augment out-of-priority upstream diversions into storage at Homestake Reservoir. To permit the requested out-of-priority diversions into storage, Applicants cause the release of or otherwise commit to the Colorado River, in combination with releases or replacement under Case No. 98CW270, up to 4,000 acre-feet of water from July 1st of one year to June 30th of the following year from any part or combination of the reservoirs described in paragraph 3.2 above. Such reservoir releases may be in addition to releases made to offset the imposition of reasonable transit losses. 3.3.1. Description of the Homestake Exchanges. The twelve appropriative rights of exchange decreed herein involve twelve exchange reaches and three sources of substitute supply. The downstream terminus of the exchanges involving the use of Green Mountain Reservoir and/or Woford Mountain Reservoir as described in paragraphs 3.2.1 and 3.2.2 above, is the confluence of the Colorado River and the Eagle River, and the confluence of the Colorado and Roaring Fork Rivers in the case of the use of Ruedi Reservoir described in paragraph 3.2.3 above. The upstream termini of the subject exchanges include the French Creek Intake, Fancy Creek Intake, Missouri Creek Intake, Sopris Creek Intake, East Fork Conduit, and the Homestake Reservoir as supplied by the Middle Fork of Homestake Creek and its associated tributaries, which are more fully described in paragraph 3.1 above. The twelve individual exchanges that collectively comprise and are referred to herein as the "Homestake Exchanges," are as follows:

HOMESTAKE EXCHANGES							
No.	Source of Supply	Exchange From	Exchange To		Exchange Rate (cfs)		
					Cond.	Abs.	Tot.
1	Green Mountain Reservoir, ¶3.2.1 and Wolford Mountain Reservoir, ¶3.2.2	Confluence of the Eagle and Colorado Rivers	French Creek Intake	¶3.1.1.1	47.67	12.43	60.1
2			Fancy Creek Intake	¶3.1.1.2	34.21	4.39	38.6
3			Missouri Creek Intake	¶3.1.1.3	34.92	4.88	39.8
4			Sopris Creek Intake	¶3.1.1.4	36.84	4.46	41.3
5			East Fork Conduit	¶3.1.2	66.41	4.39	70.8
6			Homestake Reservoir*	¶3.1.4	83.05	16.95	100
7	Ruedi Reservoir, ¶3.2.3	Confluence of the Roaring Fork and Colorado Rivers	French Creek Intake	¶3.1.1.1	60.1	--	60.1
8			Fancy Creek Intake	¶3.1.1.2	38.6	--	38.6
9			Missouri Creek Intake	¶3.1.1.3	39.8	--	39.8
10			Sopris Creek Intake	¶3.1.1.4	41.3	--	41.3
11			East Fork Conduit	¶3.1.2	70.8	--	70.8
12			Homestake Reservoir*	¶3.1.4	100	--	100

Homestake Reservoir as supplied by Middle Fork of Homestake Creek and its associated tributaries.* 3.3.2. Amount. 3.3.2.1. Exchange Rate. The exchange rates are set forth in the table above subject to a maximum, cumulative rate of 100 cfs, with 47.5 cfs being absolute and 52.5 cfs being conditional. 3.3.2.2. Annual Volumetric Limit. The annual volumetric limit for the Homestake Exchanges is, in combination with the exchanges decreed in Case No. 98CW270, up to 4,000 acre-feet from July 1st of one year to June 30th of the following year, which is the maximum amount of Exchange Credit Balance the Applicants are entitled to under the 2010 Consolidated Water Exchange Agreement with the Cities of Colorado Springs and Aurora. The 18CW3215 Decree confirmed that the 4,000 acre-feet Annual Volumetric Limit is a limit on the Exchange Rate and not an independent conditional component of the Homestake Exchanges. Thus, the 4,000 acre-feet Annual Volumetric Limit does not need to be made absolute. 3.3.3. Priority date. The date of appropriation for the Homestake Exchanges is June 21, 2004, administered as having been filed in 2009. 3.3.4. Use. The Applicants may use the stored water for direct uses, and/or the augmentation of out-of-priority depletions within the Eagle River basin and its tributaries under the decreed augmentation plans identified in **Exhibit A, and subject to the terms and conditions of those plans. In addition, Applicants may use the stored water for direct use within the Eagle River basin and its tributaries for municipal, domestic, irrigation, commercial, industrial, and snowmaking purposes. Any additional augmentation use of the water decreed herein shall be pursuant to new plans for augmentation within the Eagle River basin and its tributaries approved by the Water Court or temporary substitute water supply plans approved by the State Engineer pursuant to C.R.S. § 37-92-308. 3.3.5. Map. A map of the Homestake Exchanges is attached as **Exhibit B**. 4. Absolute diversion of Homestake Exchanges: On July 4, 2025, the Homestake Exchanges operated with releases from Wolford Mountain Reservoir and Green Mountain Reservoir. The maximum rate of the combined Homestake Exchanges on July 4, 2025, was 74.94 cfs for all decreed uses. Thus, Applicants seek to make absolute 27.44 cfs of the remaining 52.5 cfs conditional portion of the Homestake Exchanges from Wolford Mountain Reservoir and Green Mountain Reservoir for all decreed beneficial uses. A chart of the Homestake Exchanges on July 4, 2025, prorated at each diversion point, with water released from Wolford Mountain Reservoir and Green Mountain Reservoir, is as follows:

Diversion Point	Exchange Rate, cfs
French Creek Intake	12.44
Fancy Creek Intake	0.00
Missouri Creek Intake	11.26

Sopris Creek Intake	14.97
East Fork Conduit	11.27
Homestake Reservoir	25.00
Total	74.94

In the alternative, if the Court determines not to decree the above requested amount as absolute, Applicants seek a finding of diligence related to all remaining conditional portions of Homestake Exchanges. 5. Detailed outline of work done to maintain diligence: The Water Court decreed in Case No. 09CW28 that the twelve individual exchanges comprising the Homestake Exchanges, as described above, are all components of an integrated project or system such that work on one feature of the project or system shall be considered in finding whether reasonable diligence has been shown in the development of the exchange rights for all features of the entire project or system pursuant to C.R.S. § 37-92-301(4)(b). All of the physical structures associated with the subject conditional exchanges have been constructed. Therefore, no additional permitting or construction of water diversion or storage structures is necessary to make the subject conditional exchanges absolute. Instead, the remaining conditional Homestake Exchanges can be made absolute as river conditions, hydrology, and the Applicants' demands allow. During the subject diligence period, the Applicants expended significant sums toward the operation, maintenance, and repair of the physical structures necessary to operate the subject exchanges and made additional expenditures toward protection of the absolute and conditional water rights associated with the subject exchanges. The following expenditures were incurred: 5.1. Applicant Eagle River Water & Sanitation District incurred capital costs and expenditures totaling \$61,681 for contract fees associated with its Green Mountain contract water, \$1,425,276 for contract fees associated with its Wolford Mountain contract water, and a cumulative total of over \$97,403,909 during the diligence period to operate, protect, maintain, upgrade, and expand its water facilities. 5.2. Applicant Upper Eagle Regional Water Authority incurred capital costs and expenditures totaling \$185,893 for contract fees associated with its Green Mountain contract water, \$1,292,225 for contract fees associated with its Wolford Mountain contract water, and a cumulative total of over \$46,544,274 during the diligence period to operate, protect, maintain, upgrade, and expand its water facilities. 5.3. Applicant Colorado River Water Conservation District (the "River District") incurred capital costs and expenditures during the diligence period totaling more than \$10,000,000 on the operation, maintenance, and repair of Wolford Mountain Reservoir, which is a critical structure and source of replacement supply for the exchanges that are the subject of this Application. In addition, the River District incurred expenditures during the diligence period totaling approximately \$250,000 in payments to the U.S. Bureau of Reclamation for the operation, maintenance, and repair necessary to secure the supply of Ruedi Reservoir water authorized as a source of replacement water for the exchanges that are the subject of this Application. The River District incurred substantial additional costs (including but not limited to staff time) related to its ownership interest in the Eagle Park Reservoir Company, through which the subject exchanges are decreed and coordinated, and to general activities and advocacy necessary for the development of its conditional water rights portfolio in the Colorado River basin. 5.4. Applicant Vail Associates, Inc. ("VAI"), incurred expenses during the diligence period of over \$500,000 for contract fees associated with its Green Mountain Reservoir contract water, which is a source of replacement supply for the exchanges that are the subject of this application. In addition, VAI incurred substantial capital costs and expenditures during the diligence period to plan, operate, protect, maintain, upgrade, and expand its snowmaking water facilities at Vail Mountain and Beaver Creek Resort ski areas. The Homestake Exchanges are also a source of supply for the Red Sky Ranch development. Red Sky Ranch is a 780-acre residential and golf course development, which includes homes, two golf courses, open space, and other recreational amenities. VAI has incurred significant additional expenses during the diligence period on investigations and capital improvements related to the Red Sky Ranch water supply facilities. VAI incurred substantial additional costs related to its ownership interest in the Eagle Park Reservoir Company, through which the subject exchanges are decreed and coordinated. All of the foregoing activities and expenditures are necessary steps in the development of VAI's integrated water supply system, including the Homestake Exchanges. 6. Underlying landowners: Homestake Tunnel, Homestake Reservoir, all Homestake Conduit diversion points, and East Fork Conduit are owned by or located on land owned by the United States Forest Service, Eagle-Holy Cross Ranger District – Leane Veldhuis, District Ranger, 24747 U.S. Highway 24, P.O. Box 190, Minturn, CO 81645-0190; City of Aurora, 15151 E. Alameda Parkway, Suite 3600, Aurora, CO 80012; and the City of Colorado Springs, 30 S. Nevada Avenue, Colorado Springs, CO 80903. Green Mountain Reservoir and Ruedi Reservoir are owned by the United States Bureau of Reclamation, Eastern Colorado Area Office, 11056 W. County Rd. 18E., Loveland, CO 80537-9711. Wolford Mountain Reservoir is located on land owned by Applicant Colorado River Water Conservation District acting by and through its Colorado River Water Projects Enterprise, P.O. Box 1120 Glenwood Springs, CO 81602, and the United States Bureau of Land Management, Kremmling Field Office, P.O. Box 69, Kremmling, CO 80459. WHEREFORE, Applicants request that this Court enter a decree that determines: (1) Applicants have made absolute 27.44 cfs of the Homestake Exchanges from Wolford Mountain Reservoir and Green Mountain Reservoir for all decreed beneficial uses; (2) Applicants have exercised reasonable diligence with respect to the remaining subject conditional water rights not made absolute and continues those conditional water rights in full force and effect; and (3) any other relief that the Court deems just and proper.

YOU ARE HEREBY NOTIFIED THAT YOU HAVE until the last day of JANUARY 2026 to file with the Water Clerk a verified Statement of Opposition setting forth facts as to why this application should not be granted or why it should be granted in part or on certain conditions. A copy of such statement of opposition must also be served upon the applicant or the applicant's

attorney and an affidavit or certificate of such service shall be filed with the Water Clerk, as prescribed by Rule 5, CRCP. (Filing Fee: \$192.00) KATHY POWERS, Water Clerk, Water Division 5; 109 8th Street, Suite 104 Glenwood Springs, CO 81601.

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

25CW3180 (2018CW3027) IN THE COLORADO RIVER AND ITS TRIBUTARIES IN GRAND COUNTY - APPLICATION FOR FINDINGS OF REASONABLE DILIGENCE Douglas L. Zook, c/o Jennifer M. DiLalla, Cameron J. Abatti, Moses, Wittemyer, Harrison and Woodruff, P.C., 2595 Canyon Boulevard, Suite 240, Boulder, Colorado 80302

1. Name, address, and telephone number of Applicant: Douglas L. Zook, Zook Management, LLC, 2938 Columbia Ave. Ste. 401, Lancaster, Pennsylvania 17603

CONDITIONAL GROUND WATER RIGHTS

2. Crestview Ranch Well No. 1: 2.1 Original decree: Case No. 18CW3027, entered November 29, 2019, District Court, Water Division 5 ("18CW3027 Decree"). 2.2 Decreed Location: SE1/4 NW1/4 Section 34, T2N, R76W of the 6th P.M., 2,840 feet from the south section line and 1,520 feet from the west section line of said Section 34, in Grand County, as shown on Exhibit A. Approximate UTM coordinates of the well are 423595 Easting, 4438268 Northing, NAD 83, Zone 13. The street address of Crestview Ranch is 1463 County Road 608, Granby, CO 80446 (Great Divide Head Lettuce Colony Subdivision, Lot 27). 2.3 Depth: 127 feet. 2.4 Source: Ground water tributary to Smith Creek, tributary to the Colorado River. 2.5 Permit No.: Pending. 2.6 Appropriation date: March 2, 2018. 2.7 Rate and Volume: 15 gallons per minute ("gpm"); 4.6 acre-feet per year, cumulative with the volume decreed to Crestview Ranch Well No. 2, as described in paragraph 3 below; CONDITIONAL. 2.8 Use: Those beneficial uses associated with current and future operation of Crestview Ranch, including without limitation commercial use; domestic indoor use; landscape irrigation of approximately 10,000 square feet of bluegrass lawn and 1,000 square feet of trees, shrubs, flowers, and gardens; livestock watering; wash-down of equipment and outdoor facilities; hot tub use; and maintenance of water levels in Crestview Ranch Pond by replacement of evaporation and seepage losses. The location of all uses is Crestview Ranch, as described in paragraph 2.2 and as shown on Exhibit A; the location of landscape irrigation use is more particularly shown on Exhibit B. Use for maintenance of water levels is within the high-water line of Crestview Ranch Pond. 2.9 Plan for augmentation: As described in the 18CW3027 Decree ("18CW3027 Augmentation Plan").

3. Crestview Ranch Well No. 2: 3.1 Original decree: 18CW3027 Decree. 3.2 Decreed Location: SE1/4 NW1/4 Section 34, T2N, R76W of the 6th P.M., 2,500 feet from the north section line and 1,940 feet from the west section line of said Section 34, in Grand County, as shown on Exhibit A. Approximate UTM coordinates of the well are 423724 Easting, 4438231 Northing, NAD 83, Zone 13. 3.3 Depth: N/A (not yet completed). 3.4 Source: Ground water tributary to Smith Creek, tributary to the Colorado River. 3.5 Permit No.: None. 3.6 Appropriation date: March 2, 2018. 3.7 Rate and Volume: 15 gpm; 4.6 acre-feet per year, cumulative with the volume decreed to Crestview Ranch Well No. 1, as described in paragraph 2.7 above, CONDITIONAL. 3.8 Use: All beneficial uses also claimed for Crestview Ranch Well No. 1, as described in paragraph 2.8 above. 3.9 Plan for augmentation: 18CW3027 Augmentation Plan.

CONDITIONAL RECHARGE WATER RIGHT

4. Crestview Ranch Recharge Right: 4.1 Original decree: 18CW3027 Decree. 4.2 Decreed Location: SE1/4 NW1/4 and the SW1/4 NW1/4 Section 34, T2N, R76W of the 6th P.M., 2,058 feet from the North section line and 1,227 feet from the West section line of said Section 34, in Grand County, as shown on Exhibit A. Approximate UTM coordinates of the Recharge Site are 423535 Easting, 4438386 Northing, NAD 83, Zone 13. 4.3 Source: Strawberry Creek, tributary to the Fraser River and the Colorado River. 4.4 Appropriation date: August 29, 2018. 4.5 Rate and volume: 1.0 cfs; 4.0 acre-feet per year; CONDITIONAL. 4.6 Use: Fully consumptive augmentation and replacement purposes within the 18CW3027 Augmentation Plan.

CONDITIONAL STORAGE WATER RIGHT

5. Crestview Ranch Pond storage water right: 5.1 Original decree: 18CW3027 Decree. 5.2 Decreed Location: SE1/4 NW1/4 Section 34, T2N, R76W of the 6th P.M., 2,175 feet from the North section line and 1,458 feet from the West section line of said Section 34, in Grand County, as shown on Exhibit A. Approximate UTM coordinates of the Crestview Ranch Pond are 423594 Easting, 4438347 Northing, NAD 83, Zone 13. 5.3 Source: Strawberry Creek, tributary to the Fraser River and the Colorado River. 5.4 Appropriation date: August 29, 2018. 5.5 Rate and volume: 1.0 cfs; 4.224 acre-feet per year; CONDITIONAL. 5.5.1 Maximum surface area: 0.929 acres. 5.5.2 Maximum storage volume: 2.112 acre-feet. 5.6 Use: Within the high-water mark of Crestview Ranch Pond: recreational, piscatorial, and wildlife purposes. After storage: irrigation and livestock-watering purposes on Crestview Ranch, and augmentation and replacement purposes within the 18CW3027 Augmentation Plan.

6. Subject Water Rights: Together, the conditional water rights described in paragraphs 2 through 5 above are referred to in this Application as the "Subject Water Rights."

7. Detailed outline of work and expenditures toward completion of the appropriations and application of the water to beneficial use: The diligence period for the Subject Water Rights is November 2019 through November 2025 ("Diligence Period"). During the Diligence Period, Mr. Zook worked diligently to develop the Subject Water Rights, complete the appropriations, and place the water to beneficial use, as demonstrated by the representative but non-exclusive list of activities and expenditures in paragraphs 7.1 through 7.7 below. 7.1 Mr. Zook is in the process of developing and expanding the capacity of Crestview Ranch as an event site, with the goal of hosting 30 guests 4 days per week, 45 weeks per year (5,400 guests per year), for weddings, reunions, and other large gatherings. Mr. Zook also plans to host 40 day-long events at Crestview Ranch, for an additional total of 150 guests per year. Development of the venue was delayed due to Covid-related shutdowns, which effectively prevented Crestview from hosting events for multiple years. Mr. Zook's legal dispute with Grand County, litigated in Case No. 24CV30027, also created uncertainty for development of the venue. That case was resolved in January of 2025, allowing Mr. Zook to proceed with development of the site at its planned size and capacity. 7.2 Mr. Zook pumped Crestview Ranch Well No. 1 under its exempt well permit for limited indoor domestic use; and delivered water to the Crestview Ranch Recharge

Site under free river conditions in May 2024 and April 2025. 7.3 Mr. Zook spent more than \$20,000 to construct the recharge site and to obtain and install measuring devices for administration of the Subject Water Rights. 7.4 Mr. Zook is remodeling the Crestview Ranch event site to include additional bathrooms, a new septic system, and a new façade, at a cost of more than \$80,000. 7.5 Mr. Zook spent approximately \$2,145 to maintain his augmentation contract with Middle Park Water Conservancy District. 7.6 Mr. Zook spent approximately \$7,728 in legal fees on development of Crestview Ranch through planning work and on development and protection of the Subject Water Rights. 7.7 Mr. Zook spent approximately \$2,016 in costs for engineering consultants in support of development of the Subject Water Rights. 8. Names and addresses of owners or reputed owners of the land upon which any new diversion or storage structure, or modification to any existing diversion or storage structure, is or will be constructed or upon which water is or will be stored, including any modification to the existing storage pool: Mr. Zook. WHEREFORE, Mr. Zook requests that the Water Court enter a decree (i) finding that Mr. Zook exercised reasonable diligence with respect to the Subject Water Rights during the Diligence Period, and (ii) continuing those conditional water rights in full force and effect for an additional diligence period.

YOU ARE HEREBY NOTIFIED THAT YOU HAVE until the last day of JANUARY 2026 to file with the Water Clerk a verified Statement of Opposition setting forth facts as to why this application should not be granted or why it should be granted in part or on certain conditions. A copy of such statement of opposition must also be served upon the applicant or the applicant's attorney and an affidavit or certificate of such service shall be filed with the Water Clerk, as prescribed by Rule 5, CRCP. (Filing Fee: \$192.00) KATHY POWERS, Water Clerk, Water Division 5; 109 8th Street, Suite 104 Glenwood Springs, CO 81601.

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

25CW3181 (2019CW3046)(2012CW29)(2004CW70) CONCERNING THE APPLICATION FOR WATER RIGHTS OF CARL D. AND DEBORAH J. WOOD IN GRAND COUNTY. 1. Name, Address, and Telephone Number of Applicants. Carl D. and Deborah J. Wood, 11792 County Road 33, Parshall, Colorado 80463, (720) 899-2274, Email: Carlwood1179@gmail.com. Please direct all correspondence or inquiries regarding this matter to the attorneys for the Applicants: Carolyn F. Burr, James M. Noble, Matthew C. Nadel, WELBORN SULLIVAN MECK & TOOLEY, P.C., 1401 Lawrence St., Suite 1800, Telephone: (303) 830-2500. **2. Names of Structures:** 2.1. Travis Reservoir, 2.2. Carl Reservoir, 2.3. Samuel Reservoir, 2.4. Gustafson Reservoir. **3. Description of Water Rights:** This application concerns conditional storage rights for Samuel Reservoir and Carl Reservoir, which are components of an integrated system of water storage that also includes previously decreed absolute storage rights in Travis Reservoir, Carl Reservoir, and Gustafson Reservoir, all of which are used for stock watering and irrigation of 20 acres in Grand County. A map depicting these structures is attached hereto as **Exhibit A. 3.1. Original Decrees:** 3.1.1. The conditional storage rights for Travis Reservoir, Samuel Reservoir, and Carl Reservoir were originally decreed in Case No. 04CW70 on February 16th, 2006, for a combined storage amount of 125 acre feet, with each of these and the Gustafson Reservoir as alternate places of storage. 3.1.2. Gustafson Reservoir is a decreed alternate place of storage for the conditional rights decreed in Case No. 04CW70, and it is part of Applicants' integrated system of water storage. Gustafson Reservoir is also the subject of a separate storage water right that was decreed on July 12, 1919, by the Grand County District Court in Civil Action No. 356 for 33.64 acre feet, absolute. **3.2 Subsequent Decrees and Findings of Diligence:** 3.2.1. In the decree entered in Case No. 12CW29 on March 17, 2013, the Court granted a change in the location of Travis Reservoir to conform to the as-built location, and a change of the location of use of the water rights originally decreed in Case No. 04CW70. While this change increased the amount that can be stored in the Travis Reservoir from 10 acre feet to 19.53 acre feet, the overall amount of storage in the integrated system remains limited to 125 acre feet for the water rights decreed in Case No. 04CW70, plus the originally decreed 33.64 acre feet that can be stored only in Gustafson reservoir pursuant to the water rights decreed in C.A. 356. In Case No. 12CW29, the Court also found that Applicants diligently pursued their appropriation of the remaining conditional rights decreed in Case No. 04CW70. 3.2.2. In the decree entered in Case No. 19CW3046 on November 16, 2019, the Court made 12.18 acre feet of the Carl Reservoir absolute. The Court also found that the Applicant had diligently pursued the development and appropriation of the remaining conditional rights decreed in Case No. 04CW70. **4. Detailed Description for Each Reservoir:** **4.1 Travis Reservoir:** The court changed and declared the storage rights associated with Travis Reservoir absolute in Case No. 12CW29. The following description is included herein to fully describe Applicants' integrated water storage system for the remaining conditional rights decreed in Case No. 04CW70 that are the subject of this diligence application. 4.1.1. Legal Description: The dam is located in the Northeast quarter of the Northwest quarter of Section 8, Township 1 South, Range 79 West of the 6th P.M., Grand County, Colorado, at a point 3,100 feet from the East Section line and 375 feet from the North Section line, which equates to GPS coordinates North 39°59'09" West 106°15'20". 4.1.2. Source: An unnamed tributary of Granger Creek, a tributary of the Williams Fork River. 4.1.3. Appropriation Date and Amount Decreed: April 30, 2004 for 19.53 acre feet, ABSOLUTE. 4.1.4. Uses: Irrigation and stock watering. **4.2. Samuel Reservoir:** In this Application, Applicants seek to have 8.47 acre feet of the Samuel Reservoir declared absolute and seeks a finding that Applicants have diligently pursued the appropriation for the remaining 51.53 acre feet. 4.2.1. Legal Description: In the Southeast quarter of the Southeast quarter of Section 5, Township 1 South, Range 79 West of the 6th P.M., Grand County, Colorado, approximately 650 feet west of the East Section line and 4,008 feet south of the North Section line, which equates to GPS coordinates North 39°59' 17" West 106°14' 55" . The dam will be approximately 20 feet high and 500 feet long, and the surface area of the high water line is anticipated to be 10 acres at full build out. 4.2.2. Source: An unnamed tributary of Granger Creek, a tributary of the Williams Fork River. 4.2.3. Appropriation Date and Initially Decreed Amount: April 30, 2004 for 60 acre feet, CONDITIONAL. **4.3. Uses:** Irrigation and stock watering. **4.4. Carl Reservoir:** The

storage water right for Carl Reservoir is partially absolute and partially conditional. The court decreed 12.18 acre feet of the Carl Reservoir absolute in Case No. 19CW3045. The remaining amount of 42.82 acre feet remains conditional. 4.4.1. Legal Description: In the Northeast quarter of the Northeast quarter of Section 8, Township 1 South, Range 79 West of the 6th P.M., Grand County, Colorado, approximately 710 feet west of the East Section line and 275 feet south of the North section line which equates to GPS coordinates North 39°59' 06" West 106°14' 49" . The storage capacity of Carl Reservoir as built is 12.18 acre feet. 4.4.2. Source: An unnamed tributary of Granger Creek, a tributary of the Williams Fork River. 4.4.3. Appropriation Date and Amount Decreed: April 30, 2004 for 55 acre feet, 12.18 acre feet of which is absolute, and 42.82 of which remains conditional. 4.4.4. Uses: Irrigation and stock watering. 4.5. **Gustafson Reservoir**: Gustafson Reservoir was decreed as an alternate place of storage for the conditional and absolute water rights decreed in Case No. 04CW70 and changed in Case No. 12CW29. Gustafson Reservoir is also the subject of a separate storage right which was decreed absolute on July 12, 1919 by the Grand County District Court in Civil Action No. 356, which is not subject to this diligence application. 4.5.1. Legal Description: The dam is located in the Southwest corner of the Northwest quarter of the Northeast quarter of Section 4, Township 1 South, Range 79 West of the 6th P.M., Grand County, Colorado which equates to GPS coordinates North 39°59' 45" West 106°14' 10" . 4.5.2. Source: Granger Creek, a tributary of the Williams Fork River. 4.5.3. Appropriation Date and Amount Decreed: April 30, 2004 (as an alternative place of storage for the water rights decreed in Case No. 04CW70 and changed in Case No. 12CW29). 4.5.4. Uses: Irrigation and stock watering. 5. **Work Performed Towards Diligence Completion of the Water Rights**: During the diligence period, Applicants undertook the following activities to develop the integrated system: 5.1. Installed 660 feet of 8-inch irrigation piping at the outlet for Travis Reservoir to improve irrigation efficiency, costing \$5,000. 5.2. Refurbished and extended approximately 1000 feet of dirt spreader ditches near the outlet for Travis Reservoir, costing \$4,000. 5.3. Irrigated approximately 8 acres of pastureland using the Travis Reservoir water right each year during the diligence period and conducted annual brush and rodent control activities on the same land. 5.4. Installed and utilized a solar powered pump and 800 feet of delivery piping at and below the Samuel Reservoir, costing \$3,500. 5.5. Enlarged the storage capacity of Samuel Reservoir from 8.47 acre feet to 10.72 acre feet. 5.6. Irrigated approximately 4 acres of pastureland using the Samuel Reservoir water right each year during the diligence period and conducted annual brush and rodent control activities on the same land. 5.7. Added an additional 500 cubic yards to buttress the existing Gustafson Reservoir dam, costing \$2,500. 5.8. Replaced 240 feet of grated pipe system at the Carl Reservoir, costing \$800. 5.9. Irrigated approximately 4 acres of pastureland using the Carl Reservoir water right each year during the diligence period and conducted annual brush and rodent control activities on the same land. 5.10. Applicants obtained a final decree in Case No. 24CW3168 on September 21, 2025. This decree approved conditional direct flow water rights from the locations of the outlets of the Travis, Samuel, and Carl Reservoirs as an additional source of supply for the irrigated lands below the reservoirs. 6. **Claim to Make Absolute**: During the diligence period Applicants partially completed the Samuel Reservoir embankment dam to measure eight feet high and storage capacity of 10.72 acre feet. Applicants filled the Samuel Reservoir up to 8.47 acre feet in April and May of 2020, and then used that water for irrigation during the diligence period. Applicants attach, as **Exhibit B**, a call list from April 2, 2020 until May 28, 2020, the times when water was diverted into and stored in the Samuel Reservoir, to show that there was no call on the main stem of the Colorado River or the tributaries where this reservoir is located. Applicants therefore now seek to make 8.47 acre feet of storage in Samuel Reservoir absolute, pursuant to Colo. Rev. Stat. § 37-92-301(4)(e). 6.1. Date and Amount of Beneficial Use: The Samuel Reservoir was first filled, in priority, to its capacity at that time of 8.47 acre feet in April and May of 2020. The water was applied to irrigate land below the reservoir during the same year. The reservoir has been filled to this capacity, and the same area has been irrigated with that water and used for grazing every year since. 6.2. Description of Place of Beneficial Use: This acreage irrigated with the water stored in Samuel Reservoir is depicted on map attached as **Exhibit A** and is located within the place of use described in Paragraph 4.2.1 of the decree entered in Case No. 04CW70. 7. **Owners of Property on which Structures are Located**: The structures are located or to be located on land owned by Hazel L. Wood-Palmer Family Partnership LLLP, of which Applicant, Carl D. Wood, is a general partner. No landowner notice is therefore required. WHEREFORE, Applicants request that the Court enter a decree finding that Applicants have satisfied the statutory standard of steady applications of effort to complete the appropriation in a reasonably expedient and efficient manner under all the facts and circumstances, that reasonable diligence was performed during the diligence period, that a portion of a conditional storage right in Samuel Reservoir, in the amount of 8.47 acre feet, should be made absolute, and that the remaining conditional portions of water rights discussed herein should continue.

YOU ARE HEREBY NOTIFIED THAT YOU HAVE until the last day of JANUARY 2026 to file with the Water Clerk a verified Statement of Opposition setting forth facts as to why this application should not be granted or why it should be granted in part or on certain conditions. A copy of such statement of opposition must also be served upon the applicant or the applicant's attorney and an affidavit or certificate of such service shall be filed with the Water Clerk, as prescribed by Rule 5, CRCP. (Filing Fee: \$192.00) KATHY POWERS, Water Clerk, Water Division 5; 109 8th Street, Suite 104 Glenwood Springs, CO 81601.

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

25CW3182 EAGLE COUNTY, COLORADO, GROUNDWATER TRIBUTARY TO THE ROARING FORK RIVER, TRIBUTARY TO THE COLORADO RIVER. Fox Run Meadows Homeowners Association, c/o Integrated Mountain Management Inc., 1001 Grand Avenue, Suite 201, Glenwood Springs, CO 81602. Please direct all correspondence to Michael J. Sawyer and Erika S. Gibson 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 AND FOR FINDINGS OF REASONABLE DILIGENCE. **FIRST CLAIM: APPLICATION FOR FINDING OF REASONABLE DILIGENCE.** *Sirous Well No. A.* Original decree: Case No. 91CW276, entered on July 22, 1992, in the District Court in and for Water Division No. 5. Subsequent decrees awarding findings of diligence: Case No. 98CW125, entered March 1, 1999, Case No. 05CW39, entered June 1, 2006, Case No. 12CW107, entered March 17, 2013, and Case No. 19CW3035, entered November 16, 2019. Legal description: a well located in the Northwest 1/4 of the Southeast 1/4 of Section 28, Township 7 South, Range 87 West of the 6th P.M., at a point 3,547 feet from the North section line and 2,037 feet from the East section line of said Section 22, as changed by decree in Case No. 96CW272. Source: Groundwater tributary to the Roaring Fork River, tributary to the Colorado River. Appropriation date: December 6, 1991. Amount: 50 g.p.m., conditional. Uses: Domestic, livestock, and irrigation purposes. Remarks. The Subject Water Rights operate pursuant to the plan for augmentation decreed in Case No. 91CW276. In accordance with the decree, total combined diversions at all four wells may not exceed 100 g.p.m. Claim for diligence: Applicant requests a finding of diligence for 50 g.p.m., conditional, for the Sirous Well No. A for domestic, livestock, and irrigation purposes. **SECOND CLAIM FINDING MAKING CONDITIONAL RIGHT ABSOLUTE, OR ALTERNATIVELY, FOR REASONABLE DILIGENCE.** *Sirous Well No. B.* Original decree: Case No. 91CW276, entered on July 22, 1992 in the District Court in and for Water Division No. 5. Subsequent decrees awarding findings of diligence: Case No. 98CW125, entered March 1, 1999, Case No. 05CW39, entered June 1, 2006, Case No. 12CW107, entered March 17, 2013, and Case No. 19CW3035, entered November 16, 2019. Legal description: a well located in the Southeast 1/4 of the Northeast 1/4 of Section 28, Township 7 South, Range 87 West of the 6th P.M., at a point 2,503 feet from the North section line and 718 feet from the East section line of said Section 28, as changed by decree in Case No. 96CW272. Source: Groundwater tributary to the Roaring Fork River, tributary to the Colorado River. Appropriation date: December 6, 1991. Amount: 50 g.p.m. total, of which 30 g.p.m. was made absolute for all decreed uses in Case No. 05CW39, and an additional 20 g.p.m. was made absolute for domestic and livestock purposes in Case No. 19CW3035. 20 g.p.m. remains conditional for irrigation purposes. Uses: Domestic, livestock and irrigation purposes. Well permit: Sirous Well No. B is permitted as Well Permit No. 51116-F. Depth: 281 feet. Remarks. The Subject Water Rights operate pursuant to the plan for augmentation decreed in Case No. 91CW276. In accordance with the decree, total combined diversions at all four wells may not exceed 100 g.p.m. Claim to confirm absolute: Dates additional water applied to beneficial use: July 13, 2022 through July 29, 2022. Amount of water applied to beneficial use: 20 g.p.m. for irrigation purposes. Description of place where water has been applied to beneficial use: Water was pumped from the well to a central distribution system for delivery to homes within the subdivision for the irrigation of lawns and gardens. Claim for diligence, in the alternative: If the Court denies Applicant's absolute claim above, then Applicant requests a finding of diligence for the remaining 20 g.p.m., conditional, for the Sirous Well No. B for irrigation purposes. **THIRD CLAIM: APPLICATION FOR FINDING OF REASONABLE DILIGENCE.** *Sirous Well No. C.* Original decree: Case No. 91CW276, entered on July 22, 1992 in the District Court in and for Water Division No. 5. Subsequent decrees awarding findings of diligence: Case No. 98CW125, entered March 1, 1999, Case No. 05CW39, entered June 1, 2006, Case No. 12CW107, entered March 17, 2013, and Case No. 19CW3035, entered November 16, 2019. Legal description: a well located in the Southeast 1/4 of the Northeast 1/4 of Section 28, Township 7 South, Range 87 West of the 6th P.M., at a point 2,390 feet from the North section line and 754 feet from the East section line of said Section 28, as changed by decree in Case No. 96CW272. Source: Groundwater tributary to the Roaring Fork River, tributary to the Colorado River. Appropriation date: December 6, 1991. Amount: 50 g.p.m. total, of which 25 g.p.m. was made absolute for all decreed uses in Case No. 05CW39, and 25 g.p.m. remains conditional. Uses: Domestic, livestock, and irrigation purposes. Well permit: Sirous Well No. C is permitted as Well Permit No. 59149-F. Depth: 295 feet. Remarks. The Subject Water Rights operate pursuant to the plan for augmentation decreed in Case No. 91CW276. In accordance with the decree, total combined diversions at all four wells may not exceed 100 g.p.m. Claim for diligence: Applicant requests a finding of diligence for 25 g.p.m., conditional, for the Sirous Well No. C for domestic, livestock, and irrigation purposes. **FOURTH CLAIM: APPLICATION FOR FINDING OF REASONABLE DILIGENCE.** *Sirous Well No. D.* Original decree: Case No. 91CW276, entered on July 22, 1992, in the District Court in and for Water Division No. 5. Subsequent decrees awarding findings of diligence: Case No. 98CW125, entered March 1, 1999, Case No. 05CW39, entered June 1, 2006, Case No. 12CW107, entered March 17, 2013, and Case No. 19CW3035, entered November 16, 2019. Legal description: a well located in the Northwest 1/4 of the Southeast 1/4 of Section 28, Township 7 South, Range 87 West of the 6th P.M., at a point 2,946 feet from the North section line and 2,065 feet from the East section line of said Section 28, as changed by decree in Case No. 96CW272. Source: Groundwater tributary to the Roaring Fork River, tributary to the Colorado River. Appropriation date: December 6, 1991. Amount: 50 g.p.m., conditional. Uses: Domestic, livestock, and irrigation purposes. Remarks. The Subject Water Rights operate pursuant to the plan for augmentation decreed in Case No. 91CW276. In accordance with the decree, total combined diversions at all four wells may not exceed 100 g.p.m. Claim for diligence: Applicant requests a finding of diligence for 50 g.p.m., conditional, for the Sirous Well No. D for domestic, livestock, and irrigation purposes. Names and addresses of owners of land upon which structures are located: Sirous Well No. A: Wendy L. Studt Trust, 260 Harmony Lane, Carbondale, CO 81623. Sirous Well Nos. B and C are located on property owned by the Applicant. Sirous Well No. D: Caniglia Family Trust, 250 Harmony Lane, Carbondale, CO 81623. **FIFTH CLAIM: FINDING CONFIRMING WATER RIGHTS AS PART OF A PROJECT PURSUANT TO C.R.S. § 37-92-301(4)(b).** 1. Claim for integrated system. The Subject Water Rights were decreed to serve the "domestic and irrigation needs" of the 24 lots within the Fox Run Meadow's subdivision with a combined maximum pumping rate of 100 g.p.m. for the four wells. See Case No. 91CW276, Paragraphs 6 and 7.C. The Sirous Well Nos. B and C were designed and constructed to operate in concert to provide the subdivision with potable water. Both wells provide water to a central 200,000-gallon tank, where the water is then treated for distribution through service lines to each of the subdivision lots for domestic, irrigation, and livestock use. As the tank lowers, the wells pump at strategic times of the day to refill the tank. The Sirous Well Nos. A and D were similarly secured as a backup water supply for the subdivision should the primary Sirous Well Nos. B and C fail or the underlying aquifer prove insufficient to support the

subdivision at full buildout. Sirous Well Nos. A and D can physically and legally be connected to the 200,000-gallon tank and used to supply the subdivision with potable water. The following exhibits are on file with the Water Court: Ex. A – structure location map; Ex. B – list of diligence activities and Applicant's plan; Ex. C – Sirous Well No. B Permit; Ex. D – CDSS call records and Applicant records; Ex. E – affidavit of water operator; Ex. F – Sirous Well No. B Pump Test Report; Ex. G – aerial map of irrigated land; Ex. H – Sirous Well No. C Permit; and Ex. I – Fox Run Meadows PUD Declaration and Final Plat. (pp. 8 with exhibits)

YOU ARE HEREBY NOTIFIED THAT YOU HAVE until the last day of JANUARY 2026 to file with the Water Clerk a verified Statement of Opposition setting forth facts as to why this application should not be granted or why it should be granted in part or on certain conditions. A copy of such statement of opposition must also be served upon the applicant or the applicant's attorney and an affidavit or certificate of such service shall be filed with the Water Clerk, as prescribed by Rule 5, CRCP. (Filing Fee: \$192.00) KATHY POWERS, Water Clerk, Water Division 5; 109 8th Street, Suite 104 Glenwood Springs, CO 81601.

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

25CW3183 GRAND COUNTY. Timberline Ministries, Inc. c/o Dan Thomas, Director. P.O. Box 3311, Winter Park, CO 80482. Applicant is represented by Katie Randall and Kent Whitmer, JVAM PLLC, P.O. Box 878, Glenwood Springs, CO 81602, (970) 922-2122. **APPLICATION FOR FINDING OF REASONABLE DILIGENCE.** Prior Decrees: July 31, 2013 (07CW74); November 24, 2019 (19CW3071); both in Water Court Division No. 5. Underground Water Rights: Name of Structures: Dusty Diamond Well Nos. 1, 2, 3, 4, 5, 8, 9, and 10. Appropriation Date: December 31, 2006. Use: In-house use only. Source: **Groundwater tributary to Crooked Creek, tributary to the Fraser River, tributary to the Colorado River.** Legal Description: All wells will be located in the N1/2 of Section 22, Township 1 South, Range 76 West of the 6th P.M. The specific locations for Dusty Diamond Wells are described in detail in the application. Depth: the wells have not yet been drilled. Amount claimed for each well: 15 g.p.m. (0.033 c.f.s.), conditional, not to exceed 0.39 af/yr per well. Appropriative Right of Exchange: Exchange Reach: Upstream Terminus: The points of diversion for Dusty Diamond Well Nos. 1, 2, 3, 4, 5, 8, 9, and 10, as described with particularity in the application. Downstream Terminus: Crooked Creek to a point where releases from Simcox Reservoir meet Crooked Creek in the NW1/4NE1/4 of Section 22, T1S, R76W of the 6th P.M., a distance of 1,500 feet from the East section line of said Section 22 and 1,100 feet from the North line of said Section 22. Rate of Exchange: maximum 0.0019 c.f.s., conditional, not to exceed 0.9 af/yr. Appropriation Date: April 24, 2007. Additional Information: Dusty Diamond Well Nos. 1, 2, 3, 4, 5, 8, 9, and 10 and Simcox Reservoir are located on land owned by Applicant. Applicant requests a finding of diligence for the conditional water rights described herein. The previous decrees set forth additional terms and conditions, including a plan for augmentation, that continue to be in effect for the water rights of this application. The application and attached exhibits contain a detailed outline of the work performed during the diligence period (7 pages).

YOU ARE HEREBY NOTIFIED THAT YOU HAVE until the last day of JANUARY 2026 to file with the Water Clerk a verified Statement of Opposition setting forth facts as to why this application should not be granted or why it should be granted in part or on certain conditions. A copy of such statement of opposition must also be served upon the applicant or the applicant's attorney and an affidavit or certificate of such service shall be filed with the Water Clerk, as prescribed by Rule 5, CRCP. (Filing Fee: \$192.00) KATHY POWERS, Water Clerk, Water Division 5; 109 8th Street, Suite 104 Glenwood Springs, CO 81601.

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

25CW3184 CONCERNING THE APPLICATION FOR WATER RIGHTS OF KOLORADO RIVER RANCH, LLC IN EAGLE COUNTY. 1) Name, address, and telephone number of Applicant: Kolorado River Ranch, LLC, 9800 Metcalf Ave., 5th Floor, Overland Park, Kansas 66212, c/o Courtney Conrad, General Counsel, Telephone: (913) 381-4044. Please direct all correspondence regarding this matter to the attorneys for the Applicant: Carolyn F. Burr, James M. Noble, Matthew C. Nadel, Welborn Sullivan Meck & Tooley, P.C., 1401 Lawrence St., Suite 1800, (303) 830-2500. 2) Decreed Water Right for Which Change is Sought: A. Name of Structure: River Ranch Golf Course Pond No. 6 (the "Subject Water Right"). B. Original and all Subsequent Decrees: The original decree for the Subject Water Right was entered in Division 5 Case No. 98CW134, on June 24, 2002. The Division 5 Water Court entered decrees finding that the Subject Water Right had been pursued with reasonable diligence in Case No. 08CW78, entered on June 20, 2012, Case No. 18CW3096, entered on January 27, 2019, and Case No. 25CW3022, entered on August 10, 2025. The Subject Water Right remains fully conditional. C. Legal Description of Structure: i. Location of the Pond: At a point in the NE ¼ of Section 23, T. 3 S., R. 86 W., 6th P.M., 1510 feet south from the north line and 1100 feet west of the east line of said section. ii. Points of Diversion: a) Nelson Ditch Enlargement: At the existing headgate of the Nelson Ditch on the left bank of Horse Creek whence the South quarter corner of Section 6, T. 3 S., R. 86 W., 6th P.M. bears S. 12° 08' W. 1838 feet. The Nelson Ditch diverts water from Horse Creek into Willow Creek. Water diverted into Willow Creek is rediverted from Willow Creek at the existing headgate of the Willow Creek Ditch No. 4, described below. b) Willow Creek No. 4 Ditch Enlargement: At the existing headgate of the Willow Creek No. 4 Ditch on the right bank of Willow Creek whence Angle Point No. 6 of Tract 43, Section 23, T. 3 S., R. 86 W., 6th P.M. bears N. 82° 40' W. 268 feet. c) Wilson

and Doll Ditch Enlargement: At the existing headgate of the Wilson and Doll Ditch at a point on Red Dirt Creek 2,400 feet north from the south section line and 1,650 feet west from the east section line of Section 12, T. 3. S., R. 86 W., 6th P.M. d) Nottingham Pump No. 1 Enlargement: At the existing location of the Nottingham Pump No. 1 (a/k/a Nottingham Pump), in the NE ¼ of Section 23, T. 3. S., R. 86 W., 6th P.M., at a point 1180 feet west from the east line and 342 feet south from the north line of said Section 23. e) Nottingham Pump No. 2 Enlargement: At the existing location of the Nottingham Pump No. 2, in the SW ¼ of Section 23, T. 3. S., R. 86 W., 6th P.M., at a point 2362 feet east from the west line and 297 feet north from the south line of said Section 23. f) River Ranch Pump: At a point on the right bank of the Colorado River in Section 23, T. 3 S., R. 86 W., 6th P.M. located 3800 feet north of the south section line and 2210 feet west of the east section line of said Section 23. D. **Decreed Sources of Water: Nelson Ditch Enlargement: Horse Creek and Willow Creek, tributaries of the Colorado River; Willow Creek No. 4 Ditch Enlargement: Willow Creek, a tributary of the Colorado River; Wilson and Doll Ditch Enlargement: Red Dirt Creek, a tributary of the Colorado River; Nottingham Pump Nos. 1 and 2 Enlargements and River Ranch Pump: Colorado River.** E. **Appropriation Date:** July 30, 1998. F. **Total Amount Decreed to Structure:** 40.28 acre-feet, conditional, with the right to fill and continuously refill to its full capacity as necessary to replace seepage and evaporation loss and release for beneficial use. The maximum volume of such successive refills is limited to the amount listed above for the initial storage right. G. **Rate of Diversion:** 5 c.f.s. H. **Surface Area:** 5.4 acres. I. **Decreed Uses:** Irrigation of up to 384 acres (in combination with other water rights decreed in Case No. 98CW134), domestic, livestock, commercial purposes, recreational, fishery, aesthetic purposes, and replacement and augmentation of out of priority depletions. 3) **Description of Proposed Changes:** A. **Change of Location:** Applicant proposes to change the location of the Subject Water Right from the location described in Paragraph 2(C)(i) above to a location in the SE ¼ of the NW ¼ of Section 23, Township 3 South, Range 86 West, 6th P.M., the centroid of which is to be located at approximately UTM coordinates Zone 13 N Easting: 328220.5, Northing 4405102.5. A map showing the proposed location is attached hereto as Exhibit A. B. **Removal of Certain Points of Diversion:** Applicant proposes to remove the Nelson Ditch Enlargement and the Wilson and Doll Ditch Enlargement as authorized points of diversion for the Subject Water Right. The other decreed points of diversion are unchanged. C. **Names and addresses of owners of land upon which any new diversion or storage structure, or modification to any existing diversion or storage structure, is or will be constructed or upon which water is or will be stored, including any modification to the existing storage pool:** All new or modified structures will be located on land owned by Applicant. WHEREFORE, Applicant requests the Court enter a decree approving the requested change of conditional water right, as described herein.

YOU ARE HEREBY NOTIFIED THAT YOU HAVE until the last day of JANUARY 2026 to file with the Water Clerk a verified Statement of Opposition setting forth facts as to why this application should not be granted or why it should be granted in part or on certain conditions. A copy of such statement of opposition must also be served upon the applicant or the applicant's attorney and an affidavit or certificate of such service shall be filed with the Water Clerk, as prescribed by Rule 5, CRCP. (Filing Fee: \$192.00) KATHY POWERS, Water Clerk, Water Division 5; 109 8th Street, Suite 104 Glenwood Springs, CO 81601.

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

25CW3185 GARFIELD COUNTY. Application for Findings of Reasonable Diligence. Applicant: Rifle Creek Estates Homeowners' Association; *please direct all correspondence to Applicant's attorneys: Mary Elizabeth Geiger, Garfield & Hecht, P.C., 910 Grand Avenue, Suite 201, Glenwood Springs, CO 81601, (970)947-1936, megeiger@garfieldhecht.com.* Applicant requests findings of reasonable diligence with regard to the following water right: **Emmer Well No 2.** Prior Decrees: Case No. W-3877, originally entered by this Court on July 8, 1980, District Court in and for Water Division No. 5. Subsequent findings of reasonable diligence: Case No. 84CW54 (Consolidated 84CW53, 84CW54, 84CW55), 88CW89, 92CW97, 98CW187, 05CW84, 12CW36, and 18CW3209, District Court in and for Water Division No. 5. Location: The Emmer Well No. 2 is located in the NE1/4NW1/4, Section 30, Township 5 South, Range 92 West of the 6th P.M., at a point whence the NW Corner of said Section 30 bears N. 52°00' W., 1,900 feet, also described as being 1,460 feet East of the West Section line and 1,225 feet South of the North Section line of Section 30. See Exhibit A to the Application. Source: Groundwater tributary to Rifle Creek, tributary to the Colorado River. Appropriation Date: April 20, 1978. Amount: 0.33 c.f.s., conditional. Decreed Uses: domestic, irrigation, fire protection and sewage treatment purposes. Name and address of owner of land upon which well will be located: John P. Powers, 200 Alder Lane, Boulder, Colorado 80304. Applicant requests findings of reasonable diligence with regard to the following water right: **Emmer Reservoir No 1.** Prior Decrees: Case No. W-3878, originally entered by this Court on July 8, 1980, District Court in and for Water Division No. 5. Subsequent findings of reasonable diligence: Case No. (Consolidated 84CW53, 84CW54, 84CW55) 88CW89, 92CW97, 98CW187, 05CW84, 12CW36, and 18CW3209, District Court in and for Water Division No. 5. Location: The right abutment of the dam embankment of the Emmer Reservoir No. 1 is located in SE1/4NW1/4, Section 30, Township 5 South, Range 92 West of the 6th P.M., at a point whence the NW Corner of said Section 30 bears N. 42°30' W., 2,440 feet, also described as being 1,645 feet East of the West Section line and 1,800 feet South of the North Section line of Section 30. See Exhibit A to the Application. Source: Rifle Creek, through the Grand Tunnel ditch, tributary to the Colorado River. Appropriation date: August 9, 1978. Amount: 11 a.f. (10 a.f., conditional, 1.0 a.f., absolute). Maximum Height of Dam: 10 feet; Maximum Length of Dam: 300 feet. Decreed Uses: Municipal, domestic, irrigation, recreation, fire protection, augmentation (see Case No. W-3879). Name and address of owner of land upon which structure will be located: John P. Powers, 200 Alder Lane, Boulder, Colorado 80304. The Application includes a detailed description of the work performed during the diligence period. (4 pages).

YOU ARE HEREBY NOTIFIED THAT YOU HAVE until the last day of **JANUARY 2026** to file with the Water Clerk a verified Statement of Opposition setting forth facts as to why this application should not be granted or why it should be granted in part or on certain conditions. A copy of such statement of opposition must also be served upon the applicant or the applicant's attorney and an affidavit or certificate of such service shall be filed with the Water Clerk, as prescribed by Rule 5, CRCP. (Filing Fee: \$192.00) KATHY POWERS, Water Clerk, Water Division 5; 109 8th Street, Suite 104 Glenwood Springs, CO 81601.

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

25CW3186 PITKIN CTY. Application for Finding of Reasonable Diligence and to Confirm Abs., In Part. Applicant: Windstar Valley Ranch LLC, c/o Chris L. Geiger & Drew Hancherick, 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 its cond. water rights for the Gerbaz Extension of the Snowmass Divide Ditch and the Aspen Gerbaz Water System Reservoir ("SWRs") and confirmation that a portion of the Aspen Gerbaz Water System Reservoir has been made abs. **Claim for Finding of Reasonable Diligence.** Decree Info.: The SWRs CA-5884 in Dist. Ct., Diligence decrees of Cases No. W-810, W-810-76, 80CW226, 84CW108, 88CW118, 94CW93, 07CW56, and 19CW3018, all in Dist. Ct., Water Div. 5. The Ct. approved a change of the SWRs in Case No. 07CW56, allowing 5.032 c.f.s. of Applicant's interest in the Gerbaz Extension of the Snowmass Divide Ditch water right to be diverted at the Walker Wonder Ditch and for 175 a.f. of Applicant's interest in the Aspen Gerbaz Water System Reservoir water right to be stored at locations on Applicant's property including, but not limited to, Windstar Ponds No. 1 through 5. Gerbaz Extension of the Snowmass Divide Ditch **Source: Snowmass Creek, tributary to the Roaring Fork River, tributary to the CO River.** Approp. Date: 03/23/67, per Case No. 94CW93. Uses (as clarified in Case No. 07CW56): Irr., hydropower, fire protection, piscatorial, Rec., Aug., exchange, aesthetic, wildlife watering, and stock watering. Amt.: 5.032 c.f.s., cond., which is the Applicant's interest in the 26.2 c.f.s. decreed under this priority. The headgate is located at a point on the right bank of Snowmass Creek, whence the SW Corner of Sec. 12, T. 9 S., R. 86 W. of the 6th P.M. bears N. 28°39'43" E. at a distance of 2,231.6 ft. (1,958 ft. from the N. Sec. line and 1,070 ft. from the E. Sec. line, in the SE1/4 of the NE1/4 of Sec. 14). Alternate POD: (Case No. 07CW56) 5.032 c.f.s. may be diverted at the Walker Wonder Ditch, located on the W. bank of Snowmass Creek whence the N.E. Corner of Sec. 14, T. 9 S., R. 86 W. of the 6th P.M. bears N. 44°49' E., 1,630.42 ft. A map depicting the decreed location is on file with the Water Ct. as Exhibit A. Aspen Gerbaz Water System Reservoir. **Source: Snowmass Creek, tributary to the Roaring Fork River, tributary to the CO River.** Aspen Gerbaz Water System Reservoir is an off-channel reservoir to be filled by the Gerbaz Extension of the Snowmass Divide Ditch. Approp. Date: 03/23/67, per Case No. 94CW93. Amt.: 175 a.f., cond., which is the Applicant's interest in the 322.1 a.f. decreed under this priority. Depth: 42 ft. Surface Area: 10.7 acres. Uses (as clarified in Case No. 07CW56): Irr., hydropower, fire protection, piscatorial, Rec., Aug., exchange, aesthetic, wildlife watering, and stock watering. Legal Description: The high water line at the N. abutment of the proposed dam for the reservoir is located at a point whence the W. 1/4 Corner of Sec. 1, T. 9 S., R. 86 W. of the 6th P.M. bears N. 46°47'03" W. a distance of 869.7 ft. (2,044 ft. from the S. Sec. line and 634 ft. from the W. Sec. line, in the NW1/4 of the SW1/4 of Sec. 1). Changed Places of Storage: Case No. 07CW56, 175 a.f. may be stored at locations on Applicant's property including Windstar Ponds No. 1 through 5. A map depicting the decreed location is on file with the Water Ct. as Exhibit A. Windstar Pond No. 1: The centerline of the dam is located in the SW1/4 SW1/4, Sec. 2, T. 9 S., R. 86 W. of the 6th P.M. a distance of 4,090 ft. S. and 360 ft. E. of the Sec. line. **Capacity:** 25 a.f., all active storage. **Surface Area:** 1.95 acres. **Maximum Dam Height:** less than 10 ft. **Dam Length:** 350 ft. Windstar Pond No. 2: The centerline of the dam is located in the SE1/4 NE1/4, Sec. 3, T. 9 S., R. 86 W. of the 6th P.M. a distance of 2,207 ft. S. and 338 ft. W. of the Sec. line. **Capacity:** 1.25 a.f., all active storage. **Surface Area:** 0.18 acres. **Maximum Dam Height:** less than 10 ft. **Dam Length:** 100 ft. Windstar Pond No. 3: The centerline of the dam is located in the SE1/4 NE1/4, Sec. 3, T. 9 S., R. 86 W. of the 6th P.M. a distance of 1,882 ft. S. and 675 ft. W. of the Sec. line. **Capacity:** 0.75 a.f., all active storage. **Surface Area:** 0.13 acres. **Maximum Dam Height:** less than 10 ft. **Dam Length:** 100 ft. Windstar Pond No. 4: The centerline of the dam is located in the SE1/4 NE1/4, Sec. 3, T. 9 S., R. 86 W. of the 6th P.M. a distance of 1,865 ft. S. and 895 ft. W. of the Sec. line. **Capacity:** 2.5 a.f., all active storage. **Surface Area:** 0.36 acres. **Maximum Dam Height:** less than 10 ft. **Dam Length:** 200 ft. Windstar Pond No. 5: The centerline of the dam will be located in the SE1/4 NE1/4, Sec. 3, T. 9 S., R. 86 W. of the 6th P.M. a distance of 1,877 ft. S. and 525 ft. E. of the Sec. line. **Capacity:** 0.75 a.f., all active storage. **Surface Area:** 0.13 acres. **Maximum Dam Height:** less than 10 ft. **Dam Length:** 100 ft. Integrated System. As decreed in Case No. 07CW56, the SWRs are components of the Applicant's integrated water supply system. Diligence Activities: The application on file with the Ct. contains a detailed outline of the work performed during the diligence period. Names and address of 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: The Windstar Ponds No. 1 through 4 are located on Applicant's property. The Walker Wonder Ditch headgate is located on land owned by the Aspen Camp School for the Deaf whose address is P.O. Box 1494, Aspen, CO 81612. The Snowmass Divide Ditch headgate is located on land owned by Bradley Zanin, whose address is 5084 Snowmass Creek Road, Snowmass, CO 81654. **Claims to Confirm Abs., In Part.** Applicant seeks confirmation that 14.84 a.f. of the Aspen Gerbaz Water System Reservoir has been made abs., in part, as follows. Windstar Pond No. 1. Amt.: 12.37 a.f., abs. Use: All decreed uses. Date 06/15/24. Windstar Pond No. 2. Amt.: 0.96 a.f., abs. Use: All decreed uses. Date 06/15/24. Applicant reserves the right to establish other dates of beneficial use. How Applied to Beneficial Use: Filling the pond under Applicant's Aspen Gerbaz Water System Reservoir priority. Windstar Pond No. 3. Amt.: 0.32 a.f., abs. Use: All decreed uses.

Date 06/15/24. Windstar Pond No. 4. Amt.: 1.19 a.f., abs. Use: All decreed uses. Date 06/15/24. WHEREFORE, Applicant respectfully requests the Ct. enter a decree (a) finding that Applicant has exercised reasonable diligence in the development of the SWR (b) confirming that 14.84 a.f. of Aspen Gerbaz Water System Reservoir is for all decreed uses; and (c) continuing as cond. Any portion of the not confirmed abs. herein.

YOU ARE HEREBY NOTIFIED THAT YOU HAVE until the last day of JANUARY 2026 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 NOVEMBER 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.*

25CW3187 GARFIELD CTY. Application for Finding of Reasonable Diligence and to Confirm Abs. In Part. Applicant: Roaring Fork Water & Sanitation District, c/o Scott A. Grosscup & J. Drew Hancherick, 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 its cond. water rights for the Roaring Fork Water and Sanitation District Appropriative Right of Exchange ("SWR") and confirmation that a portion of the SWR has been made abs. **Claim for Finding of Reasonable Diligence.** Decree Info.: The SWR was originally decreed in Case No. 18CW3187, Nov. 3, 2018, in Dist. Ct., Water Div. 5. Approp. Date: 01/15/15, per Case No. 18CW3187. Uses: Dom., commercial, and municipal. Amt.: 0.97 c.f.s., cond., of the total decreed amount of 3.50 c.f.s., with total daily volumetric limit not to exceed 0.985 a.f. per day. Legal Description: Upstream terminus: the further upstream point of depletion from the Coryell Ranch Wells located in the SE1/4 of the NE1/4 of Sec. 29, T. 7 S., R. 88 W. of the 6th P.M., at a point 2,090 ft from the N. sec. line and 90 ft from the E. sec. line. Downstream terminus: the location of the outfall of Applicant's wastewater treatment plant located on the west bank of the **Roaring Fork River** in the SE1/4 of the SE1/4 of Sec. 12, Twp. 7 S., R. 89 W. of the 6th P.M. at a point 340 ft from the S. sec. line and 240 ft. from the E. sec. line. A map depicting the Applicant's service area, locations of its decreed wells, and upper and lower exchange termini is on file with the Water Ct. as Exhibit A. Diligence Activities: The application on file with the Ct. contains a detailed outline of the work performed during the diligence period. **Claim to Confirm Abs., In Part.** Applicant seeks confirmation that 0.29 a.f. of the Roaring Fork Water and Sanitation District Appropriative Right of Exchange has been made abs., in part, as follows. Roaring Fork Water and Sanitation District Appropriative Right of Exchange. Amt.: 0.29 c.f.s., abs., for a total abs. volume of 2.82 c.f.s. Use: All decreed uses. Date 06/24/21. WHEREFORE, Applicant respectfully requests the Ct. enter a decree (a) finding that Applicant has exercised reasonable diligence in the development of the SWR (b) confirming that 0.29 c.f.s. of Roaring Fork Water and Sanitation District Appropriative Right of Exchange is abs. for all decreed uses; and (c) continuing as cond. any portion of the SWR not confirmed abs. herein.

YOU ARE HEREBY NOTIFIED THAT YOU HAVE until the last day of JANUARY 2026 to file with the Water Clerk a verified Statement of Opposition setting forth facts as to why this application should not be granted or why it should be granted in part or on certain conditions. A copy of such statement of opposition must also be served upon the applicant or the applicant's attorney and an affidavit or certificate of such service shall be filed with the Water Clerk, as prescribed by Rule 5, CRCP. (Filing Fee: \$192.00) KATHY POWERS, Water Clerk, Water Division 5; 109 8th Street, Suite 104 Glenwood Springs, CO 81601.

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

25CW3188 GARFIELD COUNTY. Application for Absolute Surface Water Right. Applicant: Ryden Family Trust, Attn: Charles and Angela Ryden, 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. Applicant requests an abs. surface right for the Ryden Spring Complex. The Ryden Spring Complex comprises various springs located on Applicant's property and is tributary to Halls Gulch ("SWR"). See Exh A, for a map depicting the location of the complex, on file with the water Ct. **Claim for Abs. Surface Water Right.** Name of Structure: Ryden Spring Complex. Legal Description: The Ryden Spring Complex is located within Applicant's property in the SW1/4 SW1/4 Sec. 23 and NW1/4 NW1/4 Sec. 26, T. 7 S., R. 92 W. 6th P.M., extending 50 ft. on either side of the unnamed tributary to Halls Gulch beginning at a point located at GIS NAD 83, Zone 13, Easting 272741.29199 m., Northing 4367299 m., and ending at a point located at GIS NAD 83, Zone 13, Easting 272476 m., Northing 4366949 m. **Source: Unnamed tributary to Halls Gulch, tributary to the Divide Creek, tributary to the CO River.** Date of Approp.: 7/2/2013. How Approp. was Initiated: Charles Ryden and Angela Ryden, Trustees of the Ryden Family Trust, purchased the property and moved livestock on the property which utilized the Ryden Spring Complex for livestock water as well as wildlife that relied on the Ryden Spring Complex for wildlife watering. Cumulative Diversion Amt.: 1 c.f.s., abs. Uses: Livestock and wildlife watering. 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: Applicant. (3 pages of original application, Exh A)

YOU ARE HEREBY NOTIFIED THAT YOU HAVE until the last day of JANUARY 2026 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 NOVEMBER 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.*

25CW14(19CW18) EAGLE COUNTY – GOLEC SPRING TRIBUTARY TO RUEDI CREEK TRIBUTARY TO THE FRYINGPAN RIVER TRIBUTARY TO THE ROARING FORK RIVER TRIBUTARY TO THE COLORADO RIVER. Andrew & Laurie Soliday; 1400 Ruedi Creek Rd., Basalt, CO 81621 (970)319-8012. Golec Spring & Pipeline 1st Enlargement-Application to Make Absolute in Whole or in Part. Location: SE¼SW¼ of Sec. 36, T.7S., R.85W. of the 6th P.M. at a point commencing on the N¼ of Sec.1, T.8S., R. 85W. of the 6th P.M., at a point 1,250 ft. from the north of the south sec. line and 2,400 ft. from the east of the west sec. line of said Sec. 36. Appropriation date: Feb. 1, 2006. Amount: 15.0 g.p.m., absolute. Uses: domestic for one single family one dwelling and 1 accessory dwelling unit. An outline of work performed during the diligence period is included in the application. Landowner of property on which structure is located: White River National Forest; Attn: Michael Braudis; P.O. Box 309; Carbondale, CO 81623.

YOU ARE HEREBY NOTIFIED THAT YOU HAVE until the last day of JANUARY 2026 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 NOVEMBER 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.*

25CW15 MESA COUNTY – COLORADO RIVER. Grand Junction Gem & Mineral Club Inc. c/o Bill Balaz; P.O. Box 953; Grand Junction, CO 81502. (970)243-8020. GJ Gem & Mineral Club Well-Application for Absolute Underground Water Right. Location: NE¼NW¼ of Sec. 29, T.1S., R.1W. of the Ute P.M. UTM: E186734.6 N4328048.1 Z13. Appropriation date: May 10, 2019. Amount: 10.0 g.p.m.(0.30 a.f.), absolute. Uses: drinking and sanitary in commercial business, uses related to lapidary/jewelry making and irrigation up to 4,000 sq. ft..

YOU ARE HEREBY NOTIFIED THAT YOU HAVE until the last day of JANUARY 2026 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.