

DIVISION 5 WATER COURT- FEBRUARY 2026 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 RULES PROMULGATED BY THE STATE ENGINEER THAT WERE FILED WITH THE WATER CLERK FOR WATER DIVISION 5 DURING THE MONTH OF FEBRUARY 2026. *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.*

26CW3009 RULES GOVERNING THE REVIEW OF A SUBSTITUTE WATER SUPPLY PLAN FOR THE LEASE, LOAN, OR TRADE OF A DECREED AGRICULTURAL WATER PROTECTION WATER RIGHT. The State Engineer and Director of Colorado Division of Water Resources, 1313 Sherman Street, 8th Floor, Denver, CO 80203 (please forward all correspondence and pleadings to the attention of Trevor D. Rogan, Assistant Attorney General, and Derek L. Turner, First Assistant Attorney General, Colorado Attorney General, Natural Resources & Environment Section, 1300 Broadway, 10th Floor, Denver, CO 80203, Telephone: 720-508-6865 (Rogan), 720-508-6926 (Turner); E-mail: trevor.rogan@coag.gov, derek.turner@coag.gov) respectfully requests the publication of the following proposed Rules in every county in Water Division 5 and in the resume of applications filed with the Water Clerk for Water Division 5. **TITLE** The title of these rules is “Rules Governing the Review of a Substitute Water Supply Plan for the Lease, Loan, or Trade of a Decreed Agricultural Water Protection Water Right.” The short title of these rules is “Agricultural Water Protection Right Rules,” and in this document, the rules may be referred to as “Rules.” **AUTHORIZATION** In order to comply with the requirements of section 37-80-123, C.R.S., it is necessary to adopt rules governing the review of a substitute water supply plan pursuant to section 37-92-308(12), C.R.S. The State Engineer’s authority to promulgate these Rules is based on section 37-80-102(1)(g), C.R.S., which vests rulemaking authority for the Division of Water Resources in the State Engineer; section 37-80-123, C.R.S., which requires the promulgation of these rules according to the State Engineer’s own rule-making process; and section 37-92-501, C.R.S., which authorizes the State Engineer to adopt rules and regulations to assist in the performance of administration, distribution, and regulation of the waters of the state in accordance with the constitution of the State of Colorado and other applicable laws. **ORDER OF THE STATE ENGINEER IT IS ORDERED** that the following Rules governing the review of a substitute water supply plan for the lease, loan, or trade of a decreed agricultural water protection water right are adopted by the State Engineer. These Rules replace and supersede the “Rules Governing the Review of a Substitute Water Supply Plan for the Lease, Loan, or Trade of a Decreed Agricultural Water Protection Water Right” made effective by Order of the District Court for Water Division 1 on April 22, 2019 in Case No. 2017CW3152 (Consolidated Case No. 17CW3057, Div. 2). **RULE 1 SCOPE** These Rules apply to all applications for substitute water supply plans pursuant to section 37-92-308(12), C.R.S. **RULE 2 DEFINITIONS** The following definitions are applicable to these Rules: **2.1** “Agricultural Water Protection Water Right” means a water right changed by a water court decree to allow the lease, loan, or trade of up to fifty percent of the amount of water so decreed, subject to the allowances and limitations described in section 37-92-305(19), C.R.S. The Agricultural Protection Water Right is the total amount of the water right that was changed by the water court for agricultural water protection use. A portion of the Agricultural Protection Water Right may be Lease Water, as defined in Rule 2.6. **2.2** “Change Decree” means the water court decree for the change of water right from an absolute decreed irrigation water right used for agricultural purposes to an Agricultural Water Protection Water Right. **2.3** “Criteria and Guidelines” means the document developed by the Colorado Water Conservation Board for the establishment of Agricultural Water Protection Programs pursuant to section 37-92-305(19)(b)(IV)(B), C.R.S., to assure sufficient protection and monitoring of Agricultural Water Protection Water Rights. **2.4** “Final Decision” means the approval or denial of a substitute water supply plan, as defined in Rule 2.9, which is issued after the reconsideration period, as described in Rule 6. **2.5** “Initial Decision” is the State Engineer’s initial approval or denial of a substitute water supply plan, as defined in Rule 2.9, which may be reconsidered upon request as described in Rule 6. **2.6** “Lease Water” means the portion of the historical consumptive use described in the Change Decree that is requested for lease, loan, or trade in the substitute water supply plan. The amount may be up to fifty percent of the quantified historical consumptive use portion of the Agricultural Water Protection Water Right described in the Change Decree. **2.7** “Person” means an individual, a partnership, a corporation, a municipality, the state of Colorado, the United States, or any other legal entity, public or private. See section 37-92-103(8), C.R.S. **2.8** “Point of Diversion” means either (a) the decreed location where the Lease Water will be diverted from the natural stream or (b) the decreed upstream location of a reach of the natural stream where the Lease Water will be put to beneficial use. **2.9** “Substitute water supply plan” or “SWSP” means a one-year plan for the use of Lease Water at a Point of Diversion, which is administratively approved by the State Engineer pursuant to section 37-92-308(12), C.R.S. **2.10** “SWSP Parties” means applicant, all parties commenting on the SWSP application, and all parties to the Change Decree. **RULE 3 APPLICATION REQUIREMENTS AND CRITERIA THAT THE STATE ENGINEER WILL CONSIDER IN REVIEW OF A SUBSTITUTE WATER SUPPLY PLAN APPLICATION** Rule 3 describes requirements for information to be included in any SWSP application and, as directed by section 37-80-123(1)(b)(II), C.R.S., criteria the State Engineer will consider in reviewing all applications. Much of the information included in the application will be information found in the Change Decree but will be necessary in the application to provide a complete picture of the proposed operation. Applications should be submitted no later than January 15 to allow for review prior to the irrigation season. Applications should be submitted as early as possible to allow adequate time for evaluation. **3.1** Information that must be included in the application. Rather than transcribing long sections of the Change Decree, references to the decree paragraph and/or page number may be sufficient to fulfill requirements in Rule 3.1; however, language from the Change Decree may be included in the application for clarity. **3.1.1** Applicant name and evidence that applicant is the owner of the Agricultural Water Protection Water Right. **3.1.2** Evidence of written notice to the SWSP notification list, as required by section 37-92-308(12)(b)(I)(A), C.R.S. **3.1.3** Case number for the Change Decree. **3.1.4** Person to whom the Lease Water will be leased, loaned, or traded. **3.1.5** Copy of written lease, loan, or trade with end user of water. Confidential information, which is commonly related to price, may be redacted from application materials as long as essential information such as term, renewal/termination dates, and any special operation clauses are shown. **3.1.6** Proposed use of Lease Water: **3.1.6.1** The amount of Lease Water as a percentage

(50 percent or less) of the Agricultural Water Protection Water Right and other amount limitations described in the Change Decree. Such limitations may include volumetric limits, which may vary by the percent of the Agricultural Water Protection Water Right being used, or limits that are a result of return flow percentages. **3.1.6.2** The Point of Diversion of the Lease Water, case number and paragraph or page number where the Point of Diversion is decreed, and any WDIDs assigned by the Division of Water Resources. **3.1.6.3** For a Point of Diversion that is upstream of the decreed point of diversion of the Lease Water, identify intervening water rights and describe how the upstream diversion can occur without injury. **3.1.6.4** Type and place of use of Lease Water. If an augmentation plan allows for the temporary addition of replacement sources, Lease Water may be added only pursuant to the provisions of that augmentation plan and must be diverted at a previously decreed Point of Diversion and returned to the stream for credit. **3.1.7** Opt out of SWSP operation: If applicant desires an SWSP with the option to opt out before the irrigation season begins, describe in detail the terms and conditions applicant requests. The Division Engineer must be notified no later than March 31 and before any diversions under the SWSP occur if the applicant elects to opt out. **3.1.8** Information on dry up and ongoing irrigation: **3.1.8.1** A description of where the Agricultural Water Protection Water Right water that is not being leased, loaned, or traded will continue to be used for agricultural purposes consistent with 37-92 305(19)(b)(III). **3.1.8.1.1** If requesting to rotate irrigated/dry-up acres in year 1, year 2 (under a renewal), and year 3 (under a renewal) of SWSP operation, describe the requested irrigated and dried up lands for each year in the initial application so that terms and conditions of the SWSP approval can remain unchanged (see Rule 4.1.2). **3.1.8.1.2** If requesting alternative irrigation approaches, rather than drying up a portion of the historically irrigated land, provide a description of the request and information supporting how such an operation prevents injury. **3.1.8.2** A description of the historically irrigated land associated with the Lease Water that will not be irrigated by the Lease Water, if any, for the duration of the SWSP. **3.1.8.3** A description of the method to ensure any necessary dry up of the irrigated land associated with the Lease Water, any plans to irrigate with alternative water sources, and any additional dry up terms and conditions from the Change Decree. **3.1.9** Historical return flow obligations: **3.1.9.1** Restatement of return flow obligations by time, place, and amount from the Change Decree. Obligations are typically described as fractions of farm headgate deliveries, flow rates, or volumetric amounts. **3.1.9.2** The amount of return flow obligation associated with the Lease Water. The amount of return flow obligation may vary with the percentage of the Agricultural Water Protection Water Right exercised (50 percent or less) and other limitations described in the Change Decree. **3.1.9.3** The source(s) of water to be used to meet return flow obligations. **3.1.9.4** Documentation of permission to use replacement water (copy of lease or contract) if not owned. **3.1.9.5** The location(s) at which replacement water will be placed in the river to meet return flow obligations, and the river distance from the location water is placed in river to the location of the return flow obligation for calculating transit loss. **3.1.9.6** For the use of return flow replacement sources downstream of the historical return flow location, an explanation of how downstream replacement can prevent injury, and under what conditions available upstream sources will be used. Explanation of any exchange or water exchange project to be used to meet return flow obligations, the exchange rate, and exchange potential. **3.1.9.7** For replacement provided through recharge accretions: **3.1.9.7.1** Description of the timing, amounts, and locations of delayed accretions to the receiving stream. **3.1.9.7.2** Table of estimated monthly deliveries, evaporation, other losses, releases, and accretions for the recharge facility. **3.1.9.8** Table of monthly return flow obligations, available replacement water from each replacement source, and transit losses associated with each replacement source. The table should include all ongoing obligations as described in the Change Decree and available replacement water from each replacement source used to meet those obligations. **3.1.10** Required Maps. All maps shall have scale, section, township, and range clearly identified. **3.1.10.1** Map 1: All water infrastructure involved in the SWSP (streams, ditches, historical return flow location, Point of Diversion, measuring structures, replacement sources, etc.). **3.1.10.2** Map 2: Lands that will not be irrigated by the Lease Water for the SWSP. **3.1.10.3** Map 3: Lands included in a conservation program or Agricultural Water Protection Program where the water decreed for agricultural water protection use but not leased, loaned, or traded will continue to be used for agricultural purposes. **3.1.11** A GIS shapefile outlining the land area that will not be irrigated by the Lease Water must be submitted to the Division of Water Resources before an approval can be issued. The shapefile shall include the Change Decree case number, the name of the SWSP application, and any accompanying metadata. In addition, the datum must be NAD83 and the UTM projection must be Zone 13. **3.1.12** Proof of permission (If permission is pending, an explanation on the status may be provided) to use any structures required for the operation of the SWSP but not owned by applicant. **3.1.13** Evidence of enrollment in a conservation program identified in section 37-92-305(19)(b)(IV)(A), C.R.S. or an Agricultural Water Protection Program for the lands identified in Map 3. **3.1.13.1** Applicant shall verify that use of the water under an SWSP does not conflict with water requirements of the conservation program or Agricultural Water Protection Program. **3.1.14** Detailed draft accounting table consistent with any applicable Division of Water Resources accounting guidance. **3.1.15** Contact information (including phone number and email address) for the party that will be submitting accounting for the SWSP and the party(ies) who will be coordinating daily operations with the water commissioner(s). **3.2** Criteria that the State Engineer will consider in reviewing an application, as directed by section 37-92-308(12)(c), C.R.S. The State Engineer must: **3.2.1** Verify that the proposed amount of Lease Water is consistent with the quantification and terms and conditions in the Change Decree and is no more than 50 percent of the historical consumptive use. **3.2.2** Verify that the Point of Diversion is subject to an existing water court decree. **3.2.3** Verify that the SWSP has correctly quantified the amount of replacement water associated with the Lease Water and that the SWSP will meet the return flow obligations in time, place, and amount to prevent material injury to other vested water rights and decreed conditional water rights in accordance with the Change Decree. **3.2.4** Verify that the operation of the SWSP does not facilitate the diversion of water between water divisions by direct diversion, exchange, replacement, or other means. **3.2.5** Consider written comments provided on the application in accordance with section 37-92-308(12)(b)(II), C.R.S. **3.2.6** Verify that, with appropriate terms and conditions, the SWSP will prevent injury to vested water rights and complies with the Change Decree **RULE 4 TERMS AND CONDITIONS THAT THE STATE ENGINEER MAY IMPOSE THROUGH AN APPROVED SUBSTITUTE WATER SUPPLY PLAN** As required by section 37-80-123(1)(b)(I), C.R.S., Rule 4 describes the terms and conditions that the State Engineer may impose on SWSP approvals pursuant to these Rules. Sections 37-92-

308(12)(c)(VI) and (VII), C.R.S., specifically require SWSP terms and conditions for the use of Lease Water, including the return flow obligations in time, place, and amount, that prevent material injury to other vested water rights and decreed conditional water rights and allow delivery to the Point of Diversion. All terms and conditions of the Change Decree apply to the SWSP. All SWSP terms and conditions shall be consistent with the Change Decree to the extent the Change Decree addresses any aspect of the operation. Should a conflict arise between the Change Decree and the SWSP, the terms and conditions of the Change Decree supersede any conflicting Standard SWSP Terms and Conditions or other conflicts between the SWSP and Change Decree. **4.1** The following Standard Terms and Conditions shall be included in every SWSP approval but can be modified by the State Engineer in an SWSP approval. Applicants may suggest modifications to Standard Terms and Conditions in the application if necessary. **4.1.1** This SWSP shall be valid for the period of one year, as specified in the Final Decision unless otherwise revoked or superseded. Any change in the use of the Lease Water, return flow replacement, or operations of the SWSP requires submittal of a new application pursuant to section 37-92-308(12), C.R.S. **4.1.2** If the terms and conditions of the SWSP remain unchanged, the applicant may renew the SWSP two times within three years of the original beginning date by notifying the State Engineer by electronic mail or first-class mail (to the State Engineer's Office) that the terms and conditions remain unchanged. The notice must describe the requested period of renewal (beginning date through end date), not to exceed one year, and a copy of the renewed lease, loan, or trade agreement, if applicable. Notice should be provided at least 35 days prior to the requested beginning date. **4.1.3** The State Engineer may revoke this SWSP or add additional restrictions to its operation if at any time the State Engineer determines that injury to other vested water rights has occurred or will likely occur as a result of the operation of this SWSP or if the applicant fails to comply with the SWSP conditions of approval. Should this SWSP expire without renewal or be revoked, all use of water under this SWSP must cease immediately. However, all ongoing obligations from operation under this SWSP, such as historical return flow replacements, must continue to be fulfilled. **4.1.4** Approval of this SWSP is contingent on the non-irrigation of the specified portion of the applicant's property as shown on Map 2. **4.1.5** This SWSP is only valid if the lands shown on Map 3 continue to participate in a program as required in section 37-92-305(19)(b)(IV), C.R.S. **4.2** Pursuant to section 37-92-308(12)(c)(VI), C.R.S., additional terms and conditions not listed in Rule 4.1 will be included in each SWSP approval to allow for administration and prevention of injury based on the specific operation of each SWSP. **4.3** The State Engineer may include terms and conditions submitted by commenting parties pursuant to section 37-92-308(12)(b)(II), C.R.S. **RULE 5 ADDITIONAL INFORMATION TO BE INCLUDED IN THE DECISION OF THE STATE ENGINEER** The decision of the State Engineer, either an approval or denial of the SWSP application, must include the following information as required by section 37-92-308(12)(f), C.R.S.: **5.1** Detailed statement of the basis and rationale for the decision. If the decision is an approval, the approval must include a complete explanation of the terms and conditions imposed to prevent injury to other water rights (see Rule 4) and why the terms and conditions are imposed. **5.2** Description of the consideration given to any written comments that were filed by other parties **RULE 6 RECONSIDERATION AND APPEAL OF STATE ENGINEER'S DECISION** Section 37-80-123(1)(b)(IV), C.R.S., requires that the Rules provide procedures for the State Engineer to reconsider a decision and section 37-92-308(12)(h), C.R.S., describes the SWSP appeal process. Reconsideration and appeal of the State Engineer's decision shall be in accordance with the following: **6.1** Initial Decision and Reconsideration **6.1.1** The State Engineer shall serve a copy of the Initial Decision, whether an approval or denial, on all SWSP Parties. The Initial Decision may be reconsidered within 14 days of the date of service of the Initial Decision. **6.1.2** Any party may request that the State Engineer reconsider the Initial Decision during the 14-day reconsideration period by providing information not available to the State Engineer when the Initial Decision was made, by identifying or explaining information the State Engineer failed to consider, or by identifying clerical errors in the Initial Decision. The requesting party shall serve a copy of the request on all SWSP Parties and the State Engineer. **6.1.2.1** The State Engineer will review the information provided by the party requesting reconsideration and will provide a response to all SWSP Parties within a reasonable time. **6.1.3** If no reconsideration is requested, the State Engineer will issue a Final Decision 14 days after the Initial Decision. If any party requests reconsideration, the State Engineer will issue the Final Decision after reconsideration. The State Engineer will serve a copy of the Final Decision on all SWSP Parties. The SWSP may be operated only after the State Engineer issues the Final Decision. **6.2** Appeal of State Engineer's Final Decision **6.2.1** Any appeal of the Final Decision must be made within thirty-five days of the date of service of the Final Decision. Any appeal must be filed under the Change Decree case number. **6.2.2** Only an SWSP Party or a party that requested reconsideration under Rule 6.1 may appeal a Final Decision. This rule does not limit which parties may then participate in the Court's appeal proceeding, which follows the process described in section 37-92-308(12)(h), C.R.S. **RULE 7 AGRICULTURAL WATER PROTECTION WATER RIGHT SUBSTITUTE WATER SUPPLY PLAN DATABASE** Rule 7 establishes procedures for creating a database that tracks and inventories SWSPs and for making that information available to the public as required by section 37-80-123(1)(b)(V), C.R.S. **7.1** Database creation: **7.1.1** The existing database used to track SWSP status will be modified to include the information listed in Rule 7.2. Database information requirements: **7.2.1** Change Decree case number. **7.2.2** SWSP name. **7.2.3** Approved date of operation for the original SWSP: the date that operation may begin for the first SWSP pursuant to an application, as opposed to a request for a renewal. **7.2.4** SWSP recent renewal date: the date that operation may begin for the one-year renewal of the SWSP, as allowed by section 37-92-308(12)(d), C.R.S. **7.2.5** Status (approved, denied, pending, etc.). Decreed beneficial use(s) of the Lease Water prior to the Change Decree. **7.2.7** Type of SWSP: "308(12) – Agricultural Water Protection," which also describes the decreed beneficial use of the water under the Change Decree. **7.2.8** Beneficial use of the Lease Water in the SWSP. **7.2.9** Amount of Lease Water in the SWSP. Location(s) of use of the Lease Water in the SWSP including water division, water district, and section, township, and range. **7.3** Database accessibility: **7.3.1** The public will have access to the information in Rule 7.2 through the Colorado Information Marketplace. **RULE 8 SEVERABILITY** If any portion of these rules is found to be invalid, the remaining portion of the rules shall remain in force and in effect. **IT IS FURTHER ORDERED** that these rules shall take effect sixty days after publication in accordance with section 37-92-501, C.R.S., and will thereafter remain in effect until amended as provided by law. In the event that protests are filed with respect to

these Rules pursuant to section 37-92-501, C.R.S., the effective date of these Rules is the date on which the Court enters a judgment confirming resolution of all protests to these rules. Any person desiring to protest these rules may do so in the manner provided in section 37-92-501, C.R.S. Any such protest to these rules must be filed by the end of the month following the month in which these rules are published.

YOU ARE HEREBY NOTIFIED that any party who wishes to protest these rules may file a Protest in the same manner as provided in Sec. 37-92-304 for the Protest of a Ruling of the Referee. Protests must be filed by the last day of April 2026 (must be served on the parties and a certificate of service completed. Filing Fee is: \$192.00) KATHY POWERS, Water Clerk, Water Division 5; 109 8th Street, Suite 104 Glenwood Springs, CO 81601.

2. PURSUANT TO C.R.S., §37-92-302, AS AMENDED, YOU ARE NOTIFIED THAT THE FOLLOWING PAGES COMPRISE A RESUME OF THE APPLICATIONS AND AMENDED APPLICATIONS FILED WITH THE WATER CLERK FOR WATER DIVISION 5 DURING THE MONTH OF FEBRUARY 2026. *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.*

26CW3010 ROUTT COUNTY, Application for Findings of Reasonable Diligence. *Name of Applicant:* Mike Luark, *please direct all correspondence to Applicant's attorney:* Mary Elizabeth Geiger, Garfield & Hecht, P.C., 910 Grand Ave., Suite 201, Glenwood Springs, CO 81601, (970) 947-1936, megeiger@garfieldhecht.com. *Applicant requests findings of reasonable diligence with regard to the following right: Trailer Pond. Prior Decrees:* Case No. 04CW176, originally entered by this Court on October 31, 2005, District Court in and for Water Division No. 5. *Subsequent findings of reasonable diligence:* Case No. 11CW139, October 4, 2012, and Case No. 18CW3142, February 23, 2020, District Court in and for Water Division No. 5. *Location:* The Trailer Pond is location on the property of the Applicant in the NW ¼ SW ¼ Section 9, Township 1 South, Range 85 West of the 6th P.M. approximately 930 feet from the West section line and 1510 feet from the South section line. *See Exhibit A attached to the Application. Source: Springs, seeps and runoff tributary to Sunnyside Creek which is tributary to the Colorado River. Appropriation Date:* November 1, 2001. *Amount:* 6 acre-feet, 1.67 acre-feet of which is absolute; 4.33 acre-feet remains conditional with right to refill and to continuously fill. *Use:* Piscatorial, aesthetic, recreational, and stockwater uses. If off-channel reservoirs, name and capacity of ditch or ditches used to fill reservoirs, and legal description of each point of diversion: springs, seeps and runoff tributary to Sunnyside Creek at the rate of 1.0 c.f.s. *Dam length:* 250 feet (actual 200 feet). *Dam height:* 10 feet-maximum. *Total acre feet:* 6 acre feet. *Active storage:* 6 acre feet. *Dead storage:* 0 acre feet. *Surface area:* 0.50 acres (actual as built 0.75 acres). *Name and address of owner of land upon which the pond is located:* Applicant. *Applicant requests findings of reasonable diligence with regard to the following right: Sheep Corral Pond Enlargement. Prior decrees:* Case No. 03CW260, originally entered by this Court on February 2, 2005, District Court in and for Water Division No. 5. *Subsequent findings of reasonable diligence:* Case No. 11CW22, November 16, 2012, and Case No. 18CW3142, February 23, 2020, District Court in and for Water Division No. 5 *Location:* The Sheep Corral Pond is located on the property of the Applicant in the NW ¼ SW ¼ of Section 9, Township 1 South, Range 85 West of the 6th P.M. approximately 1900 feet from the South section line and 450 feet from the West section line. More specifically, approximately South 5 degrees East, 3430 feet from the NW corner of Section 9, Township 1 South, Range 85 West of the 6th P.M. *See Exhibit B attached to the Application. Source:* Springs, seeps and runoff tributary to Sunnyside Corral which is tributary to the Colorado River. *Appropriation Date:* November 1, 2001. *Amount:* 20 acre-feet, 8.55 acre-feet of which is absolute; 11.45 acre-feet remains conditional with right to refill and continuously fill. *Use:* Piscatorial, aesthetic, recreational, and stockwater uses. If off-channel reservoirs, name and capacity of ditch and ditches used to fill reservoirs, and legal description of each point of diversion: Springs and runoff tributary to Sunnyside Creek at the rate of 1.0 c.f.s. *Dam length:* 250 feet. *Dam height:* 10 feet – maximum. *Total acre feet:* 24 acre feet. *Active storage:* 14 acre feet. *Dead storage:* 10 acre feet. *Surface area:* 3 acres (total for original and enlargement). *Remarks:* The Sheep Corral Pond was originally adjudicated in Case No. 92CW218 for 1.7 acre feet, absolute. The current total capacity of the Sheep Corral Pond is 10.25 acre-feet. Water rights that remain conditional as decreed to the Sheep Corral Pond Enlargement are 11.45 acre-feet. *Name and address of owner of land upon which the pond is located:* Applicant. The Application includes a detailed description of the work performed during the diligence period. (5 pages).

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

3. PURSUANT TO C.R.S., §37-92-302, AS AMENDED, YOU ARE NOTIFIED THAT THE FOLLOWING PAGES COMPRISE A RESUME OF THE APPLICATIONS AND AMENDED APPLICATIONS FILED WITH THE WATER CLERK FOR WATER DIVISION 5 DURING THE MONTH OF FEBRUARY 2026. *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.*

26CW3011 EAGLE COUNTY, IN THE COLORADO RIVER OR ITS TRIBUTARIES. Eagle Rocks Aggregate, Inc., a Colorado corporation, c/o Edward B. Olszewski, Olszewski & Massih, P.C., P.O. 916, Glenwood Springs, CO 81602 (970) 928-9100; ed@ommpc.com Application for Finding of Reasonable Diligence and to Make Conditional Rights Absolute. Applicant requests entry of a decree in this case finding that it has shown reasonable diligence toward the development of the water rights decreed by the Water Court in Case No. 19CW3069, awarding certain of these water rights absolute and continuing the remaining conditional water rights for

an additional 6-year diligence period. The conditional water rights, which are the subject of the application are described as follows: (1) Tower Pit Well, 20 gallons per minute, cond., source is groundwater tributary to Eagle River, tributary to the Colorado River, located in the SW ¼, NW ¼, Section 3, Township 5 South, Range 85 West, 6th P.M. Eagle County, CO at a point that is 2388 ft. from the North line, and 311 ft. from the West line of said Section 3. UTM Zone 13: 335409 Easting, 4390285 Northing, for dust control, truck washing, domestic uses for commercial drinking water and sanitary purposes, irrigation uses and the initial fill of storage tanks with an appropriation date of May 20, 2019. 20 gpm and 8.75 out of 15.48 acre-feet per year requested to be made absolute, and the remaining 6.73 acre-feet per year requested to be continued conditional, Applicant is the land owner; (2) Tower Pit Well Exchanges, 0.035 cfs, cond., limited to 15.08 acre-feet per year: Roaring Fork River Exchange, Legal Description for the exchange from the confluence of the Colorado and Roaring Fork Rivers to the points of diversion for the Tower Pit well (to be exercised with Ruedi Reservoir releases), the upper termini located in the NE ¼, NE ¼, Section 4, Township 5 South, Range 85 West, 6th PM, Eagle County, CO, at a point that is 1299 ft. from the North line, and 400 ft. from the East line of said Section 4. UTM Zone 13: 335200 Easting, 4390621 Northing, and the lower terminus located at the confluence of the Roaring Fork and Colorado Rivers located in the SE ¼ of the NW ¼ of Section 9, T.6 S., R 89 W., of the 6th P.M. at a point 2,940 feet from the east section line, and 3,150 feet from the south section line. Eagle River Exchange, Legal Description for the exchange from the confluence of the Colorado and Eagle Rivers to the points of diversion for the Tower Pit Well (to be exercised with Wolford Mountain Reservoir releases), the upper termini located in the NE ¼, NE ¼, Section 4, Township 5 South, Range 85 West, 6th P.M., Eagle County, CO, at a point that is 1299 ft. from the North line, and 400 ft. from the East line of said Section 4. UTM Zone 13: 335200 Easting, 4390621 Northing, and the lower terminus located at the confluence of the Eagle and Colorado Rivers located in the SW ¼ of the NE ¼ of Section 5, T. 5 S., R 86 W., of the 6th P.M. at a point 2,100 feet from the east section line, and 2,880 feet from the south section line, with an appropriation date of May 20, 2019. 0.035 cfs requested to be made absolute for the Eagle River Exchange, and 0.034 cfs made absolute for the Roaring For River Exchange, with 0.001 cfs requested to remain conditional. Application contains description of reasonably diligent efforts made and the associated diligence costs incurred during the six-year conditional water rights diligence period. (7 pages with map exhibits). **EAGLE COUNTY.**

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

4. PURSUANT TO C.R.S., §37-92-302, AS AMENDED, YOU ARE NOTIFIED THAT THE FOLLOWING PAGES COMPRISE A RESUME OF THE APPLICATIONS AND AMENDED APPLICATIONS FILED WITH THE WATER CLERK FOR WATER DIVISION 5 DURING THE MONTH OF FEBRUARY 2026. *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.*

26CW3012 (19CW3015) (07CW211) APPLICATION FOR FINDINGS OF REASONABLE DILIGENCE AND TO MAKE CONDITIONAL WATER RIGHTS PARTIALLY ABSOLUTE IN SUMMIT COUNTY

1. Name and address of Applicant: Board of County Commissioners of Summit County ("Summit County") c/o David Rossi, County Manager, Post Office Box 68, Breckenridge, Colorado 80424 c/o Thomas W. Korver, No. 36924, Hayes Poznanovic Korver LLC, 700 17th Street, Suite 1800, Denver, CO 80202, Phone: (303) 825-1980, Fax: (303) 825-1983. Claim for Findings of Reasonable Diligence

2. Name of water right: Blumenhein Well Nos. 1 and 2 (the "Conditional Water Rights").

3. Description of Conditional Water Rights: A. Date of original decree: The Blumenhein Well Nos. 1 and 2 were originally adjudicated by the decree entered on March 17, 1973 in Case No. W-1204, District Court, Water Division No. 5, Colorado. B. Subsequent diligence decree: November 14, 2001 in Case No. 2001CW153, January 12, 2013 in Case No. 2007CW211 (Part 1 of 2), February 16, 2020 (as corrected on March 24, 2020) in Case No. 2020CW3015, District Court, Water Division No. 5, Colorado. C. Subsequent decrees: i. The Blumenhein Well Nos. 1 and 2 were included as augmented structures in Summit County's augmentation plan decreed in Case No. 95CW122, District Court, Water Division No. 5. ii. By corrected decree in Case No. 07CW211 (Part 2 of 2), entered on August 19, 2013 (the "Change Decree"), the Blumenhein Well Nos. 1 and 2 were changed to the locations of wells in the Bill's Ranch Well Field, as described in subparagraph D below. D. Legal Descriptions: i. The original decreed location of Blumenhein Well No. 1 is in the SE1/4 SW1/4 of Section 35, Township 5 South, Range 78 West of the 6th P.M. at a point 2,000 feet east of the west line and 1,000 feet north of the south line of said Section 35. ii. The original decreed location of Blumenhein Well No. 2 is in the NW1/4 SE1/4 of Section 35, Township 5 South, Range 78 West of the 6th P.M., at a point 3,000 feet east of the west line and 1,500 feet north of the south line of said Section 35. iii. The locations of the Blumenhein Well Nos. 1 and 2, as changed to existing and future wells in the Bill's Ranch Well Field by the Change Decree, entered on August 19, 2013, are as follows: The Bill's Ranch Well Field consists of all lots within the Bill's Ranch subdivisions, as described in the plat(s) recorded in the real property records of Summit County, Colorado that are listed in Exhibit A*. The Well Field is generally located in the S 1/2 of Section 35, Township 5 South, Range 78 West of the 6th P.M., and more particularly described as being located within portions of the SE 1/4 of the SW 1/4, Section 35 and the SW 1/4, SE 1/4, NE ¼, and NW 1/4 of the SE 1/4, Section 35, and encompasses an area of approximately 93 acres, as depicted on Exhibit B*. The specific locations of such existing and additional wells shall be subsequently identified in accordance with the requirements of State Engineer's Policy Memorandum 99-1. iv. The Blumenhein Well Nos. 1 and 2 will not be constructed at their originally decreed locations; the water rights decreed thereto will be exercised only at the alternate point of diversion wells in the Bill's Ranch Well Field as provided herein. E. Source and depth: Groundwater tributary to Miners Creek and the Blue River, tributaries to the Colorado River. The wells to be included within the Well Field range in depths from approximately 30 feet to 350 feet. F.

Appropriation date: June 26, 1972. G. Amount: 0.50 c.f.s. each, for a total of 1.0 c.f.s. The Change Decree provided that the average monthly aggregate pumping rate from the water rights decreed for the Blumenhein Well Nos. 1 and 2 at alternate points of diversion in the Bill's Ranch Well Field shall not exceed 0.2 c.f.s., although peak pumping rates may exceed that value, up to an aggregate of 1.0 c.f.s. The aggregate volume of water pumped at alternate points of diversion in the Bill's Ranch Well Field shall not exceed 75 acre-feet per year, which will result in depletions to Miner's Creek of no more than 60 acre-feet per year. H. Use: Domestic, mechanical, municipal, industrial, and irrigation. I. Inclusion in augmentation plan: Upon application by the owner of the land on which the well is beneficially used and approval of a water supply contract by Summit County, the wells located in the Well Field will be operated as alternate points of diversion for the Blumenhein Well Nos. 1 and 2, and will also be included as augmented structures in Summit County's augmentation plan decreed in Case No. 95CW122, Water Division No. 5, on May 10, 2004, subject to the terms and conditions of that decree including, without limitation, paragraphs 6.f and 8.a thereof. Execution of a water supply contract with Summit County and inclusion in the augmentation plan in Case No. 95CW122 shall be prerequisites to the operation of any well as an alternate point of diversion for the Blumenhein Well Nos. 1 and 2. 4. Evidence of reasonable diligence: The Conditional Water Rights are part of an integrated system for supplying the water demands of Summit County. The application contains a summary of specific projects and work undertaken during the diligence period and is available for inspection at the office of the Division 5 Water Clerk or via CCE. The list is not intended to be all inclusive and may be supplemented by additional evidence at any hearing in this matter. 5. Can and will. The remaining Conditional Water Rights can and will be diverted, stored, or otherwise captured, possessed, and controlled, and will be beneficially used, with diligence in a reasonable time. C.R.S. § 37-92-305(9)(b). Claim to Make Conditional Water Rights Partially Absolute. 6. Exercise and beneficial use of Conditional Water Rights: A. Date, amount, and use of water applied to beneficial use: During the most recent accounting year within the diligence period that began on April 1, 2024, the metered volumetric data from the contracted alternate point of diversion wells in the Bill's Ranch Well Field indicate that the wells diverted at a maximum average daily rate of 0.008 c.f.s. of the decreed 1.0 c.f.s. of the Blumenhein Well Nos. 1 and 2 water rights. The highest annual aggregate metered volume diverted during the diligence period occurred in the 2023 accounting year (4/1/2023-3/31/2024) and was 3.53 AF. These figures are not representative of actual diversions, in that they are based on user-supplied monthly volumetric data that is incomplete and does not reflect actual peak pumping rates. More reliable diversion data are a maximum aggregate pumping rate of 0.028 c.f.s. in July of 2025 and an annual aggregate volume of 16.97 AF in the 2025 accounting year. These figures are based on the monthly diversion rates calculated for each contract using engineering values set forth in Summit County's umbrella augmentation plan decreed in Case No. 95CW122. B. Supporting evidence that applicant diverted water in-priority and applied such water to the beneficial uses claimed in the amounts claimed: Exhibit C-1* contains diversion records and engineered values reflecting the application of the Conditional Water Rights to beneficial use pursuant to the Change Decree and the augmentation plan decreed in Case No. 95CW122. In accordance with paragraph 10.C of the Change Decree, Exhibits C-1 and C-2* list the specific point(s) of diversion and the amounts of water withdrawn at each alternate point of diversion well. The locations of these points of diversion are shown on Exhibit C-2*. C. Description of place of use where water is applied to beneficial use: Land within the Bill's Ranch subdivisions, as described in the plat(s) recorded in the real property records of Summit County, Colorado that are listed in Exhibit A*. D. Locations of wells within the Bill's Ranch Well Field that are operating as alternate points of diversion for the Blumenhein Wells No. 1 and 2 pursuant to the Change Decree: i. Alternate point of diversion wells in the Bill's Ranch Well Field that were operating as of the date of the Change Decree were identified in Exhibit C to the Change Decree. ii. In accordance with paragraph 10.F of the Change Decree, Exhibit C-3* to this Application identifies the additional specific alternate points of diversion in the Well Field that have new permit numbers and/or locations. Those alternate points of diversion are shown on Exhibit C-2*. E. Terms and conditions: Summit County does not believe that any additional terms and conditions, in addition to those specified in the Change Decree, are necessary to avoid injury to other water rights from wells pumping at the additional points of diversion described in Exhibit C-3*. 7. 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: It is not possible to ascertain the names and addresses of the owners of land located in Summit County on which future structures that may be operated as alternate points of diversion for the Blumenhein Well Nos. 1 and 2 will be located. The participation of such owners in the change of water rights decreed in the Change Decree will be voluntary and pursuant to agreement between each owner and Summit County. WHEREFORE, Summit County respectfully requests that this Court enter Findings of Fact, Conclusions of Law, and a Judgment and Decree: (1) finding that Summit County has been reasonably diligent in the development of the Conditional Water Rights as described in the preceding paragraphs; (2) making the Conditional Water Rights absolute in the additional amount of 0.006 c.f.s., for a total absolute amount of 0.028 c.f.s.; (3) continuing the remaining Conditional Water Rights in full force and effect; and (4) granting such other relief as may be appropriate. * Exhibits referenced herein are available for inspection at the office of the Division 5 Water Clerk or via CCE.

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

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 FEBRUARY 2026. *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.

26CW3013 EAGLE COUNTY. APPLICATION FOR FINDING OF REASONABLE DILIGENCE. The Enclave at Travis Creek Association, Inc., a Colorado Nonprofit Corporation c/o Alan Teran, President, 2126 Knollwood Dr., Boulder, Colorado 80302, Telephone: (303) 588-8853. Mailing Address for Purposes of this Application: David L. Kueter, Esq. Holsinger Law, LLC, 1800 Glenarm Place, Suite 500, Denver, Colorado 80202, Telephone: (303) 722-2828. **2.** Names of structures: **2.a.** Wyatt Well No. 783(9). **2.b.** Wyatt Well No. 776(5); **2.c.** Wyatt Well No. 779(6). **3.** Date of original decree: April 15, 1982 in Case No. W-3895, District Court, Water Division No. 5, State of Colorado. **4.** Subsequent decree(s) awarding findings of diligence: **4.a.** September 26, 1986 in Case No. 86CW110, District Court, Water Division No. 5, State of Colorado; **4.b.** August 24, 1992 in Case No. 92CW068, District Court, Water Division No. 5, State of Colorado; **4.c.** April 12, 1999 in Case No. 98CW153, District Court, Water Division No. 5, State of Colorado; **4.d.** February 17, 2006 in Case No. 2005CW70, District Court, Water Division No. 5, State of Colorado; and **4.e.** March 17, 2013 in Case No. 2012CW22, District Court, Water Division No. 5, State of Colorado. **4.f.** February 16, 2020 in Case No. 2019CW3048, District Court, Water Division No. 5, State of Colorado. **5.** Decreed Locations: **5.a.** Wyatt Well No. 776(5) is located in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 26, Township 4 South, Range 83 West of the 6th P.M. at a point whence the Northwest Corner of said Section 26 bears N. 08°52'04" W. 5,064.76 feet. **5.b.** Wyatt Well No. 779(6) is located in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 26, Township 4 South, Range 83 West of the 6th P.M. at a point whence the Northwest Corner of said Section 26 bears N. 15°10'11" W. 4,783.54 feet. **5.c.** Wyatt Well No. 783(9) is located in the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 35, Township 4 South, Range 83 West of the 6th P.M. at a point whence the North Quarter Corner of said Section 35 bears N. 17°10'11" E. 1,188.70 feet. The decreed locations of Wyatt Well No. 776(5), Wyatt Well No. 779(6), and Wyatt Well No. 783(9) are shown on the attached Exhibit A. **6.** Decreed Sources of Water: **6.a.** The source of the water for Wyatt Well No. 776(5) is a well having a depth of 265 feet and being tributary to the Eagle River, tributary to the Colorado River. **6.b.** The source of the water for Wyatt Well No. 779(6) is a well having a depth of 170 feet and being tributary to the Eagle River, tributary to the Colorado River. **6.c.** The source of the water for Wyatt Well No. 783(9) is a well having a depth of 160 feet and being tributary to the Eagle River, tributary to the Colorado River. **7.** Appropriation dates: **7.a.** Wyatt Well No. 776(5) - June 7, 1978. **7.b.** Wyatt Well No. 779(6) - June 8, 1978. **7.c.** Wyatt Well No. 783(9) - June 13, 1978. **8.** Decreed amounts of water: Each well was decreed a conditional water right for 0.033 cubic foot of water per second of time ("c.f.s."). **9.** Decreed amounts and uses of water: Domestic and irrigation purposes. **10.** Provide a detailed outline of what has been done toward completion or for completion of the appropriation and application of water to a beneficial use as conditionally decreed, including expenditures: In Case No. 2019CW3048, the Water Judge ordered that an application for reasonable diligence be made during the month of February 2026, to maintain these conditional water rights in full force and effect. **10.a.** Applicant has spent in excess of \$2,116.00 in legal fees and costs since February 2020 in connection with Applicant's water rights, including the rights which are the subject of this application. **10.b.** Wyatt Well No. 776(5), Wyatt Well No. 779(6), and Wyatt Well No. 783(9) are subject to the plan for augmentation decreed in Case No. 94CW084, to the extent said wells are used to irrigate over 0.07 acre for each well or used for domestic use by more than one single-family dwelling for each well. **10.c.** During the diligence period, Applicant paid \$1,250.00 to the United States Bureau of Reclamation for Green Mountain Reservoir water for use in its augmentation plan pursuant to the decrees in Case No. 94CW084. **10.d.** During the diligence period, Applicant paid \$10,409.00 to the Colorado River Water Conservation District for Eagle Park Reservoir water for use in its augmentation plan pursuant to the decrees in Cases Nos. 94CW084 and 2005CW71. **11.** Name and address 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. **11.a.** Wyatt Well No. 776(5) – Michael Shea Wallace, 38051 Turnberry Court, Farmington Hills, Michigan 48331-4801. **11.b.** Wyatt Well No. 779(6) - Alan A. and Janet C. Teran, 2126 Knollwood Dr., Boulder, Colorado 80302. Mr. Teran is the president of Applicant the Enclave at Travis Creek Association, Inc. **11.c.** Wyatt Well No. 783(9) – James S. Edison Revocable Trust, 20 Crestmoor Dr., Denver, Colorado 80220-5849. WHEREFORE, Applicant requests the Court to enter its decree and ruling as follows: **A.** To enter a finding of reasonable diligence with respect to the conditional water rights decreed to Wyatt Well No. 776(5); Wyatt Well No. 779(6) and Wyatt Well No. 783(9), and that the Court order said rights to be continued in full force and effect. (5 pages and 1 Exhibit).

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

26CW3014 EAGLE COUNTY, SWEETWATER CREEK. Application to for Findings of Reasonable Diligence and to Make Conditional Water Rights Partially Absolute. Hell's Gate Ranch LLC c/o Mark E. Hamilton, Esq. and Samantha L. Ogden Esq., HOLLAND & HART LLP, 600 E. Main St., Suite 104, Aspen, CO 81611, (970) 925-3476, mehamilton@hollandhart.com, slogden@hollandhart.com. Orig. decree information for all structures: 07CW258, Water Div. 5, 03/13/2013. Subsequent decrees: 19CW3060, Water Div. 5, 02/01/2020. Structures: A. Cow Camp Spring: Location: the point of diversion is in the NE $\frac{1}{4}$ of Sec. 1, T. 4 S.,

R. 87 W. of the 6th P.M., 390 ft from the N. sec. line, 5430 ft from the W. sec. line; Amount: 1.0 c.f.s. cond. Uses: irrigation of up to 20 acres, filling the Plateau Pond, Kristin Pond, Tracy Pond, Hollow Pond, Dana Pond, Cowboy Camp 1 Pond, and/or Cowboy Camp 2 Pond, all as described below, for subsequent decreed uses for such Ponds. Source: naturally flowing springs or seeps trib. to Sweetwater Creek, trib. to the Colo. Riv. Approp. date: 04/20/2007. **B. Elk Camp Spring:** Location: the point of diversion is in the SE1/4 of Sec. 36, T. 3 S., R. 87 W. of the 6th P.M., 970 ft from the S. sec. line, 1300 ft from the E. sec. line. Amount: 1.0 c.f.s., cond. Uses: irrigation of up to 10 acres, filling the Plateau Pond, Kristin Pond, Tracy Pond, and/or Dana Pond, all described below, for subsequent decreed uses for such Ponds; **Source: naturally flowing springs or seeps trib. to Sweetwater Creek, trib. to the Colo. Riv.** Approp. date: 04/20/2007. **C. Gate Diversion:** Location: the point of diversion is in the NW1/4 of Sec. 6, T. 4 S., R. 86 W. of the 6th P.M., 210 ft from the N. sec. line, 3900 ft from the E. sec. line. Amount: 1.0 c.f.s., cond. Uses: irrigation of up to 10 acres, filling the Gate Pond, as described below, for subsequent decreed uses for such Pond. Source: Sweetwater Creek, trib. to the Colo. River. Approp. date: 04/20/2007. **D. Dugout Cabin Diversion:** Location: the point of diversion is in the SW1/4 of Sec. 31, T. 3 S., R. 86 W. of the 6th P.M., 20 ft from the S. sec. line, 4000 ft from the E. sec. line. Amount: 1.0 c.f.s., cond. Uses: irrigation of up to 5 acres, filling the Dugout Pond and/or the Gate Pond, both described below, for subsequent decreed uses for such Ponds. Source: Sweetwater Creek, trib. to the Colo. Riv. Approp. date: 04/20/2007. **E. Beth Diversion:** Location: the point of diversion is in the NW1/4 of Sec. 6, T. 4 S., R. 86 W. of the 6th P.M., 610 ft from the N. section line, 3620 ft from the E. sec. line. Amount: 1.0 c.f.s., cond. Uses: irrigation of up to 5 acres; filling the Beth Pond described below for subsequent decreed uses for such Pond. Source: Sweetwater Creek, trib. to the Colo. Riv. Approp. date: 04/20/2007. **F. Big Tree Diversion:** Location: the point of diversion is in the NW1/4 of Sec. 1, T. 4 S., R. 87 W. of the 6th P.M., 1090 ft from the N. sec. line, 4460 ft from the W. sec. line. Amount: 0.25 c.f.s., absolute for irrigation of 6.13 acres; 0.75 c.f.s., cond. for irrigation of up to 13.87 acres and pond filling. Uses: irrigation of up to 20 acres, filling the Plateau Pond, Kristin Pond, Tracy Pond, Hollow Pond, Dana Pond, Brody Pond, Gage Pond, Hadlee Pond, Big Tree Pond, Kevin Pond, Cowboy Camp 1 Pond, Cowboy Camp 2 Pond, and/or the Best Pond, all described below, for subsequent decreed uses for such Ponds. Source: unnamed gulch trib. to Sweetwater Creek, trib. to the Colo. Riv. Approp. dates: 05/13/1953 (irrigation of 6.13 acres); 04/20/2007 (irrigation of up to 13.87 acres and pond filling). **G. Gate Pump & Pipeline:** Location: the point of diversion is in the NW1/4 of Sec. 6, T. 4 S., R. 86 W. of the 6th P.M., 810 ft from the N. sec. line, 3530 ft from the E. sec. line. Amount: 1.0 c.f.s., cond. Uses: irrigation of up to 5 acres, filling the Gate Pond described below for subsequent decreed uses for such Pond. Source: Sweetwater Creek, trib. to the Colo. Riv. Approp. date: 04/20/2007; **H. Relocated HMS Ditch, Second Enlargement:** Location: a point on the Southerly bank of Sweetwater Creek whence the corner common to Secs. 9, 10, 15 and 16, T. 3 S., R. 97 W. of the 6th P.M. bears North 30°24' E. 554.7 ft.; also described as: PLSS: a point in the NE 1/4 NE 1/4 of Sec. 16., T. 3 S., R. 87 W. of the 6th P.M., 490 ft. from the N. sec. line and 270 ft. from the E. sec. line of said Sec. 16, Eagle County, CO. UTM: NAD 1983 UTM Zone 13 N Easting: 315202, Northing: 4407787. Amount: 2.67 c.f.s., cond. Uses: filling Plateau Pond, Kristin Pond, Tracy Pond, The Hollow Pond, Dana Pond, Brody Pond, Gage Pond, Hadlee Pond, Big Tree Pond, Donald Pond, Kevin Pond, Cowboy Camp 1 Pond, Cowboy Camp 2 Pond, Beth Pond identified below for subsequent decreed uses for such Ponds. Source: Sweetwater Creek trib. to the Colo. Riv. Approp. date: 04/20/2007. **I. Plateau Pond:** Location: the center of the dam is in the SW1/4 of Sec. 31, T. 3 S., R. 86 W. of the 6th P.M., 260 ft from the S. sec. line, 5270 ft from the E. sec. line. Amount: 2.0 a.f., cond. Rate of diversion for filling reservoir: 1.0 c.f.s. Reservoir Characteristics: dam height: <10 ft; length: approx. 150 ft; surface area: 0.25 acres; capacity: 2.0 a.f., all dead. Uses: irrigation of up to 5 acres, fire protection, piscatorial, wildlife propagation, recreation, aesthetic; Source: Elk Camp Spring, Cow Camp Spring, and Big Tree Diversion and Sweetwater Creek (via Relocated HMS Ditch, Second Enlargement), all trib. to the Colo. Riv. Approp. date: 04/20/2007; **J. Kristin Pond:** Location: the center of the dam is in the SE1/4 of Sec. 36, T. 3 S., R. 87 W. of the 6th P.M., 1680 ft from the S. sec. line, 320 ft from the E. sec. line. Amount: 12.0 a.f., cond. Rate of diversion for filling reservoir: 1.0 c.f.s. Reservoir Characteristics: height: <10 ft; length: approx. 220 ft; surface area: 1.6 acres; capacity: 12.0 a.f., all dead. Uses: irrigation of up to 10 acres, fire protection, piscatorial, wildlife propagation, recreation, aesthetic. Source: Elk Camp Spring, Cow Camp Spring, Big Tree Diversion and Sweetwater Creek (via Relocated HMS Ditch, Second Enlargement), which are all trib. to the Colo. Riv. Approp. date: 04/20/2007. **K. Tracy Pond:** Location: the center of the dam is in the NW1/4 of Sec. 6, T. 4 S., R. 86 W. of the 6th P.M., 80 ft from the N. sec. line, 380 ft from the W. sec. line. Amount: 7.0 a.f., cond. Rate of diversion for filling reservoir: 1.0 c.f.s. Reservoir Characteristics: height: <10 ft; length: approx. 250 ft; surface area: 1.0 acres; capacity: 7.0 a.f., all dead. Uses: irrigation of up to 10 acres, fire protection, piscatorial, wildlife propagation, recreation, aesthetic; Source: Elk Camp Spring, Cow Camp Spring, and Big Tree Diversion (each described above), and Sweetwater Creek (via Relocated HMS Ditch, Second Enlargement), which are all trib. to the Colo. Riv. Approp. date: 04/20/2007. **L. The Hollow Pond:** Location: the center of the dam is in the SE1/4 of Sec. 36, T. 3 S., R. 87 W. of the 6th P.M., 470 ft from the S. sec. line, 700 ft from the E. sec. line. Amount: 2.2 a.f., cond. Rate of diversion for filling reservoir: 1.0 c.f.s. Reservoir Characteristics: height: <10 ft.; length: approx. 150 ft; surface area: 0.35 acres; capacity: 2.2 a.f., all dead. Uses: irrigation of up to 10 acres, fire protection, piscatorial, wildlife propagation, recreation, aesthetic; Source: Cow Camp Spring, and Big Tree Diversion (each described above), and Sweetwater Creek (via Relocated HMS Ditch, Second Enlargement), which are all trib. to the Colo. Riv. Approp. date: 04/20/2007. **M. Dana Pond:** Location: the center of the dam is in the SE1/4 of Sec. 36, T. 3 S., R. 87 W. of the 6th P.M., 180 ft from the S. sec. line, 1590 ft from the E. sec. line. Amount: 8.0 a.f., cond. Rate of diversion for filling reservoir: 1.0 c.f.s. Reservoir Characteristics: height: <10 ft; length: approx. 450 ft; surface area: 0.80 acres; capacity: 8.0 a.f., all dead. Uses: irrigation of up to 10 acres, fire protection, piscatorial, wildlife propagation, recreation, aesthetic. Source: Elk Camp Spring, Cow Camp Spring, and Big Tree Diversion (each described above), and Sweetwater Creek (via Relocated HMS Ditch, Second Enlargement), which are all trib. to the Colo. Riv. Approp. date: 04/20/2007. **N. Brody Pond:** Location: the center of the dam is in the NE1/4 of Sec. 1, T. 4 S., R. 87 W. of the 6th P.M., 980 ft from the N. sec. line, 6450 ft from the W. sec. line. Amount: 5.0 a.f., cond. Rate of diversion for filling reservoir: 1.0 c.f.s. Reservoir Characteristics: height: <10 ft; length: approx. 350 ft; surface area: 0.55 acres; Capacity: 5.0 a.f., all dead. Uses: irrigation of up to 5 acres, fire protection, piscatorial, wildlife propagation, recreation, aesthetic. Source: Big Tree Diversion (described above) and Sweetwater Creek (via

Relocated HMS Ditch, Second Enlargement), which are all trib. to the Colo. Riv. Approp. date: 04/20/2007. O. Gage Pond: Location: the center of the dam is in the NE1/4 of Sec. 1, T. 4 S., R. 87 W. of the 6th P.M., 1500 ft from the N. sec. line, 5090 ft from the W. sec. line. Amount: 5.0 a.f., cond. Rate of diversion for filling reservoir: 1.0 c.f.s. Reservoir Characteristics: height: <10 ft; length: approx. 150 ft; surface area: 0.55 acres; capacity: 5.0 a.f., all dead. Uses: irrigation of up to 5 acres, fire protection, piscatorial, wildlife propagation, recreation, aesthetic. Source: Big Tree Diversion and Sweetwater Creek (via Relocated HMS Ditch, Second Enlargement), which are all trib. to the Colo. Riv. Approp. date: 04/20/2007. P. Hadlee Pond: Location: the center of the dam is in the NE1/4 of Sec. 1, T. 4 S., R. 87 W. of the 6th P.M., 1230 ft from the N. sec. line, 6060 ft from the W. sec. line. Amount: 1.75 a.f., cond. Rate of diversion for filling reservoir: 1.0 c.f.s. Reservoir Characteristics: height: <10 ft; length: approx. 150 ft; surface area: 0.25 acres; Capacity: 1.75 a.f., all dead. Uses: irrigation of up to 5 acres, fire protection, piscatorial, wildlife propagation, recreation, aesthetic. Source: Big Tree Diversion (described above), and Sweetwater Creek (via Relocated HMS Ditch, Second Enlargement), which are all trib. to the Colo. Riv. Approp. date: 04/20/2007. Q. Big Tree Pond: Location: the center of the dam is in the NW1/4 of Sec. 1, T. 4 S., R. 87 W. of the 6th P.M., 1090 ft from the N. sec. line, 4690 ft from the W. sec. line. Amount: 1.50 a.f., cond. Rate of diversion for filling reservoir: 1.0 c.f.s. Reservoir Characteristics: height: <10 ft; length: approx. 150 ft; surface area: 0.25 acres; Capacity: 1.5 a.f., all dead. Uses: irrigation of up to 5 acres, fire protection, piscatorial, wildlife propagation, recreation, aesthetic. Source: Big Tree Diversion and Sweetwater Creek (via Relocated HMS Ditch, Second Enlargement), which are all trib. to the Colo. Riv. Approp. date: 04/20/2007. R. Donald Pond: Location: the center of the dam is in the NE1/4 of Sec. 1, T. 4 S., R. 87 W. of the 6th P.M., 450 ft from the N. sec. line, 5170 ft from the W. sec. line. Amount: 0.50 a.f., cond. Rate of diversion for filling reservoir: 1.0 c.f.s. Reservoir Characteristics: height: <10ft; length: approx. 150 ft; surface area: 0.10 acres; capacity: 0.5 a.f., all dead. Uses: irrigation of up to 5 acres, fire protection, piscatorial, wildlife propagation, recreation, aesthetic. Source: Big Tree Diversion (described above), and Sweetwater Creek (via Relocated HMS Ditch, Second Enlargement), which are all trib. to the Colo. Riv. Approp. date: 04/20/2007. S. Kevin Pond: Location: the center of the dam is in the NE1/4 of Sec. 1, T. 4 S., R. 87 W. of the 6th P.M., 120 ft from the N. sec. line, 4890 ft from the W. sec. line. Amount: 1.50 a.f., cond. Rate of diversion for filling reservoir: 1.0 c.f.s. Reservoir Characteristics: height: <10 ft; length: approx. 150 ft; surface area: 0.25 acres; Capacity: 1.5 a.f., all dead. Uses: irrigation of up to 5 acres, fire protection, piscatorial, wildlife propagation, recreation, aesthetic. Source: Big Tree Diversion (described above), and Sweetwater Creek (via Relocated HMS Ditch, Second Enlargement), trib. to the Colo. Riv. Approp. date: 04/20/2007. T. Cowboy Camp 1 Pond: Location: the center of the dam is in the NE1/4 of Sec. 1, T. 4 S., R. 87 W. of the 6th P.M., 40 ft from the N. sec. line, 6180 ft from the W. sec. line. Amount: 0.85 a.f., cond. Rate of diversion for filling reservoir: 1.0 c.f.s. Dam information: height:<10 ft; length: approx.120 ft; surface area: 0.15 acres; capacity: 0.85 a.f., all dead. Uses: irrigation of up to 5 acres, fire protection, piscatorial, wildlife propagation, recreation, aesthetic. Source: Big Tree Diversion (described above), Sweetwater Creek (via Relocated HMS Ditch, Second Enlargement) and Cow Camp Spring (described above), which are all trib. to the Colo. Riv. Approp. date: 04/20/2007. U. Cowboy Camp 2 Pond: Location: the center of the dam is in the NE1/4 of Sec. 1, T. 4 S., R. 87 W. of the 6th P.M., 60 ft from the N. sec. line, 6270 ft from the W. sec. line. Amount: 1.30 a.f., cond. Rate of diversion for filling reservoir: 1.0 c.f.s. Dam information: height:<10 ft.; length: approx. 90 ft.; surface area: 0.20 acres; capacity: 1.30 a.f., all dead. Uses: irrigation of up to 5 acres, fire protection, piscatorial, wildlife propagation, recreation, aesthetic; Source: Big Tree Diversion (described above), Sweetwater Creek (via Relocated HMS Ditch, Second Enlargement) and Cow Camp Spring (described above), which are all trib. to the Colo. Riv. Approp. date: 04/20/2007. V. Beth Pond: Location: the center of the dam is in the NW1/4 of Sec. 6, T. 4 S., R. 87 W. of the 6th P.M., 1000 ft from the N. sec. line, 3330 ft from the E. sec. line. Amount: 6.40 a.f., cond. Rate of diversion for filling reservoir: 1.0 c.f.s. Dam information: height: <10 ft; length: approx. 200 ft; surface area: 0.90 acres; capacity: 6.4 a.f., all dead. Uses: irrigation of up to 5 acres, fire protection, piscatorial, wildlife propagation, recreation, aesthetic. Source: Big Tree Diversion (described above), Sweetwater Creek (via Relocated HMS Ditch, Second Enlargement) and Beth Diversion (described above), which are all trib. to the Colo. Riv. Approp. date: 04/20/2007. W. Dugout Cabin Pond: Location: the center of the dam is in the NW1/4 of Sec. 6, T. 4 S., R. 86 W. of the 6th P.M., 200 ft from the N. sec. line, 3800 ft from the E. sec. line. Amount: 1.45 a.f., cond. Rate of diversion for filling reservoir: 1.0 c.f.s. Dam information: height: <10 ft; length: approx. 150 ft; surface area: 0.25 acres; capacity: 1.45 a.f., all dead. Uses: irrigation of up to 5 acres, fire protection, piscatorial, wildlife propagation, recreation, aesthetic. Source: Dugout Diversion, which is trib. to the Colo. Riv. Approp. date: 04/20/2007. X. Gate Pond: Location: the center of the dam is in the NW1/4 of Sec. 6, T. 4 S., R. 86 W. of the 6th P.M., 500 ft from the N. sec. line, 3520 ft from the E. sec. line. Amount: 5.20 a.f., cond. Rate of diversion for filling reservoir: 1.0 c.f.s. Dam information: height: <10 ft; length: approx. 170 ft; surface area: 0.70 acres; capacity: 5.20 a.f., all dead. Uses: irrigation of up to 5 acres, fire protection, piscatorial, wildlife propagation, recreation, aesthetic. Source: Gate Diversion, Dugout Cabin Diversion and Gate Pump & Pipeline (all described above), which are all trib. to the Colo. Riv. Approp. date: 04/20/2007. *Claims to make conditional water rights partially absolute*: A. Pursuant to C.R.S. § 37-92-301(4)(e), cond. water storage rights may be made absolute “to the extent of the volume of the appropriation that has been captured, possessed, and controlled at the decreed storage structure.” Applicant requests that the following cond. water storage rights be decreed absolute for all decreed purposes pursuant to this statute: 1. Dana Pond: Commencing on about July 2, 2008, Applicant has stored up to 7.5 a.f. of water in the Dana Pond in priority for all decreed purposes. Applicant therefore requests that the cond. water storage right for the Dana Pond be confirmed absolute in the amount of 7.5 a.f. for all decreed purposes, and that 0.5 acre-foot be continued cond. for all decreed purposes. 2. Brody Pond: Commencing on about August 10, 2007, Applicant has stored up to 4.8 a.f. of water in the Brody Pond in priority for all decreed purposes. Applicant therefore requests that the cond. water storage right for the Brody Pond be confirmed absolute in the amount of 4.8 a.f. for all decreed purposes, and continued cond. in the amount of 0.2 acre-foot for all decreed purposes. 3. Gage Pond: Commencing on about June 1, 2007, Applicant has stored up to 3.75 a.f. of water in the Gage Pond in priority for all decreed purposes. Applicant therefore requests that the cond. water storage right for the Gage Pond be confirmed absolute in the amount of 3.75 a.f. for all decreed purposes, and continued cond. in the amount of 1.25 a.f. for all decreed purposes. 4. Hadlee Pond: Commencing on about July 3, 2007, Applicant has stored up to 1.7 a.f. of

water in the Hadlee Pond in priority for all decreed purposes. Applicant therefore requests that the cond. water storage right for the Hadlee Pond be confirmed absolute in the amount of 1.7 a.f. for all decreed purposes, and that 0.05 acre-foot be continued cond. for all decreed purposes. **5. Cowboy Camp 1 Pond:** Commencing on about May 17, 2008, Applicant has stored up to 0.90 acre-foot of water in the Cowboy Camp 1 Pond in priority for all decreed purposes. Applicant therefore requests that the cond. water storage right for the Cowboy Camp 1 Pond be confirmed fully absolute in the amount of 0.85 acre-foot for all decreed purposes. **6. Cowboy Camp 2 Pond:** Commencing on about June 8, 2008, Applicant has stored up to 1.9 a.f. of water in the Cowboy Camp 2 Pond in priority for all decreed purposes. Applicant therefore requests that the cond. water storage right for the Cowboy Camp 2 Pond be confirmed fully absolute in the amount of 1.3 a.f. for all decreed purposes. B. Applicant also requests that the following cond. direct flow water right be decreed partially absolute due to additional diversion and use of the same: **1. Big Tree Diversion:** Commencing on about June 8, 2008, Applicant has diverted up to 0.16 c.f.s. from the Big Tree Diversion to fill Dana Pond, Brody Pond, Gage Pond, Hadlee Pond, Cowboy Camp 1 Pond, and Cowboy Camp 2 Pond – described above. Applicant therefore requests that the cond. water right for the Big Tree Diversion be made absolute in the amount of 0.16 c.f.s. for pond filling, and continued cond. in the amount of 0.59 c.f.s. for pond filling, and 0.75 c.f.s. for irrigation (0.25 c.f.s. is already absolute for irrigation). A detailed outline of activities and expenditures during the diligence period is included in the Application. All structures are located upon Applicant's property except the headgate of the Relocated HMS Ditch, which is located upon property owned by Hope Kapsner. (24 pages)

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

26CW3015 EAGLE COUNTY. Application for Finding of Reasonable Diligence Applicant Information: The Estate of Gail E. Newman c/o Robert M. Noone, Esq., The Noone Law Firm, P.O. Box 39, Glenwood Springs, CO 81602. **Prior Diligence Decrees** entered in Case Nos. 94CW23, 00CW188, and 11CW193 and 19CW3045 (See most recent Decree entered February 16, 2020). **Names of structures:** Burnison Ditch, Burnison No. 2 Ditch, Burnison No. 2 Ditch Second Enlargement, and Cornwell Pond No. 1. **Description of conditional water rights:** **Burnison Ditch**, 2.4 cfs, conditional, for commercial, domestic, and livestock watering purposes, either by direct flow or into storage for augmentation as contemplated by the augmentation plan decreed in case No. 85CW615, Water Division 5, with an appropriation date of June 30, 1984. **Burnison No. 2 Ditch**, 0.40 cfs, conditional, for commercial, domestic and livestock watering purposes, either by direct flow or into storage for augmentation as contemplated by the augmentation plan decreed in case No. 85CW615, Water Division 5, with an appropriation date of June 30, 1984. **The Burnison No. 2 Ditch Second Enlargement**, 0.40 cfs, conditional, for commercial, domestic, livestock watering, storage and augmentation purposes as contemplated by the augmentation plan decreed in case No. 85CW615, Water Division 5, with an appropriation date of June 30, 1984. The Burnison No. 2 Ditch Second Enlargement is a natural spring located on Applicant's property on the west bank of Burnison Creek, aka Beard Creek, at a point whence the Southwest corner of Section 32 Township 4 South, Range 82 West of the 6th P.M. bears S 38°30' W a distance of 3600 feet. **The Cornwell Pond No. 1** 0.2 af, absolute, and 2.5 af, conditional, for irrigation, domestic, commercial, livestock watering, and augmentation as contemplated by the augmentation plan decreed in case No. 85CW615, Water Division 5, with appropriation date of June 30. **Date of original decree:** February 8, 1988 Case No.: 85CW615, District Court, Water Division 5 **Locations in UTM Format:** **The Burnison Ditch** 13S 363129m E, 4392056m N. **The Burnison No. 2 Ditch:** 13S 362789m E, 4391363m N. **The Burnison No. 2 Ditch Second Enlargement:** 13S 362807m E, 4391159m N. **The Cornwell Pond No.1:** 13S 362741m E, 4391341m N. **Sources:** The source of supply for the **Burnison Ditch** is Burnison Creek, aka Beard Creek, a tributary of the Eagle River, and groundwater tributary thereto. The source of supply for the **Burnison No. 2 Ditch** is Burnison Creek, aka Beard Creek, a tributary of the Eagle River, and groundwater tributary thereto, including the Burnison No. 2 Ditch Second Enlargement described below. The source of supply for the **Burnison No. 2 Ditch Second Enlargement** is a natural spring located on Applicant's property on the W. bank of Burnison Creek, aka Beard Creek. The source of supply for the **Cornwell Pond No. 1** is Burnison Creek aka Beard Creek, a tributary of the Eagle River, and groundwater tributary thereto, including the Burnison No. 2 Ditch Second Enlargement, described above. **Appropriation Date:** June 30, 1984. **Amount:** (1) **Burnison Ditch**, 2.4 cfs, conditional, for commercial, domestic, and livestock watering purposes. (2) **Burnison No. 2 Ditch**, 0.40 cfs, conditional, for commercial, domestic and livestock watering purposes (3) **Burnison No. 2 Ditch, Second Enlargement**, 0.1 cfs, absolute, and 0.4 cfs, conditional, for irrigation, commercial, domestic, livestock watering, storage and augmentation purposes. (4) **Cornwell Pond**, 0.2 af, absolute, and 2.5 af, conditional, for irrigation, domestic, commercial, livestock, and augmentation purposes. **Use:** irrigation, domestic, commercial, livestock watering, municipal, storage and augmentation. **Provide a detailed outline in addition to the work described in the Application for Finding of Reasonable Diligence previously filed herein, during the applicable diligence period, the Applicant has performed the following work towards developing the Spring and applying the water diverted therefrom for the decreed beneficial uses:** During the previous diligence period, Gail E. Newman and the Applicant worked continuously with various engineers, consultants and contractors on surveying, improving and developing the existing structures and related easements and rights of way necessary to complete the appropriation of the subject conditional water rights,

including the cistern and pipelines associated with the Burnison No. 2 Ditch Second Enlargement and the improvement and completion of the Cornwell Pond No.1, and in marketing the same for sale in conjunction with the sale of the Newman real estate holdings on Beard Creek. During the previous diligence period Gail E. Newman and Applicant incurred costs for legal, engineering, contractor and equipment expenses in excess of \$125,000.00, including the costs of contractor water system monitoring and improvements, engineering, surveying and legal fees and expenses in connection with the development of the subject conditional water rights and litigation necessary to protect and preserve the subject water rights and associated easement rights necessary for the maintenance, development, utilization and of the subject water rights and related structures For a more detailed description of the work performed towards developing the subject conditional water rights see the Application for Finding of Reasonable Diligence on file with the Division 5 Water Court Name and address of owner of the land upon which any structure is or will be located, upon which water is or will be stored, or upon which water is or will be placed to beneficial use: The structures described herein are existing structures. The only structures contemplated to be modified in the future, the cistern and pipelines associated with the Burnison No. 2 Ditch Second Enlargement and the Cornwell Pond, are located on Applicant's property. No additional modifications to any other structures are contemplated at this time. (7 Pages including Exhibit)

YOU ARE HEREBY NOTIFIED THAT YOU HAVE until the last day of APRIL 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 FEBRUARY 2026. *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.*

26CW1 (19CW3) GARFIELD COUNTY-BASALT FORMATION TRIBUTARY TO CATTLE CREEK, TRIBUTARY TO THE ROARING FORK RIVER TRIBUTARY TO THE COLORADO RIVER. Anthony M. Baran; 750 C.R. 170; Carbondale, CO 81623 (970)963-8030. Baran Well-Application for Finding of Reasonable Diligence and To Make Absolute in Whole or in Part. Location: NW¼NW¼ of Sec. 17, T.7S, R.87W. of the 6th P.M. 770 ft. from the north sec. line and 1,070 ft. from the west sec. line. Source: the Basalt Formation, tributary to Cattle Creek, tributary to the Roaring Fork River, tributary to the Colorado River. Appropriation: Nov.15, 1989. Amount & Uses: 0.0196 c.f.s., conditional, for in-house domestic purposes inside the same additional dwelling and irrigation of 600 square feet of land. An outline of work completed during the diligence period is included in the application. **YOU ARE HEREBY NOTIFIED THAT YOU HAVE until the last day of APRIL 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 FEBRUARY 2026. *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.*

26CW3 MESA COUNTY – GOVERNMENT HIGHLINE CANAL TRIBUTARY TO KIM ARPKE DRAIN DITCH TRIBUTARY TO SALT CREEK TRIBUTARY TO THE COLORADO RIVER. Morgan A. Young-Gilmore & Justin Gilmore; 642 Corona Ct., Fruita, CO 81521. (970)589-5708. Kim Arpke Drain Ditch-Application for Conditional Water Rights (Surface). UTM: E164397.28310 N4354589.30012 Z13 Sec. 16, T.9S, R.103 W. of the 6th P.M. Appropriation: Jan. 30, 2026. Amount: 3.0 c.f.s., conditional. Use: irrigation.

YOU ARE HEREBY NOTIFIED THAT YOU HAVE until the last day of APRIL 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 FEBRUARY 2026. *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.*

26CW4 (22CW9) GARFIELD COUNTY- SPRINGS AND RUNOFF WATER TRIBUTARY TO EAST DIVIDE CREEK TRIBUTARY TO THE COLORADO RIVER. Ellie Marie Fazzi & Roger Fazzi; 446 Lariat Rd.; Silt, CO 81652. (970)876-5786.

Rose Pond No. 10 and Rose Spring No. 7 – Application to Make Absolute in Whole or in Part. Location: Rose Pond No. 10 – UTM: E286839.42 N4361383.31 Z13 SE¼NE¼ of Sec. 7, T.8S., R.90W. of the 6th P.M. 3,150 ft. from the south sec. line and 50 ft. from the east sec. line. Appropriation: 7.1.91 Amount: 5.0 a.f., absolute. Uses: livestock and wildlife watering, fire protection, piscatorial, wetland creation, domestic, augmentation and exchange. Location: Rose Spring No. 7 – UTM: E286701.6 N4361347.0 Z13 SE¼NE¼ Sec. 7, T.8S., R.90W. of the 6th P.M. 3,000 ft. from the north sec. line and 500 ft. from the east sec. line. Appropriation: 7.1.91 Amount: 0.467 c.f.s. (209.683 g.p.m.), absolute. Uses: livestock and wildlife watering, and fire protection. An outline of work completed to place the water to beneficial use is included in the application.

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