

**DIVISION 5 WATER COURT- JUNE 2026 RESUME**

(This publication can be viewed in its entirety on the Colorado State Judicial website at: [www.coloradojudicial.gov](http://www.coloradojudicial.gov)).

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

**26CW3045** Table Rock Properties, LLC, c/o Ron Wilson, 1100 Louisiana, Suite 320, Houston, TX 77002. Thomas W. Korver, David S Hayes, Hayes Poznanovic Korver LLC, 700 17<sup>th</sup> Street, Suite 1800, Denver, CO 80202. Application for Finding of Reasonable Diligence in **ROUTT, GRAND, EAGLE AND PITKIN COUNTIES**. Description of the Conditional Water Rights: This Application seeks a finding of reasonable diligence for the period from June 2020 to the present (“Diligence Period”) relating to the conditional water rights (“Conditional Water Rights”) that are further described in Paragraph 2.B below. The Conditional Water Rights are part of an integrated system that together comprise the Fish Habitat Project (“Project”) within the Table Rock Ranch on Rock Creek. The Fish Habitat Project water rights and features include the Oxbow Fishery Channel (a restored historic channel of Rock Creek), TRR Cameron Pond, TRR Lower Recreation Pond, TRR Upper Recreation Pond, and TRR Meadow Pond, together with associated open channels, fill ditches, and return structures to Rock Creek, and a plan for augmentation including exchange. A map depicting the Conditional Water Rights is attached as Exhibit A and incorporated herein by this reference. Date of Original and Subsequent Decrees: March 5, 2007, Case No. 03CW331, District Court, Water Division No. 5. Subsequent decrees awarding findings of diligence: December 8, 2013, Case No. 13CW29; and June 14, 2020, Case No. 19CW3168. Structures: TRR Cameron Pond. Legal Description: TRR Cameron Pond is located in the NE1/4 of the NE1/4 of Section 30, Township 1 South, Range 83 West of the 6<sup>th</sup> P.M., at a point approximately 760 feet from the North Section line and approximately 960 feet from the East Section line. This reservoir is off-channel and filled by Horn No. 2 Ditch and Horn No. 2 Ditch Enlargement, which is located on the right bank of Rock Creek in the NE1/4 of the NE1/4 of Section 30, Township 1 South, Range 83 West of the 6<sup>th</sup> P.M., at a point approximately 450 feet from the North Section line and approximately 470 feet from the East Section line. TRR Cameron Pond is part of a flow through fish habitat system and is part of the Fish Habitat Project. The point of return to Rock Creek is in the NE1/4 of the NE1/4 of Section 30, Township 1 South, Range 83 West of the 6<sup>th</sup> P.M. at a point approximately 960 feet from the North Section line and approximately 760 feet from the East Section line. Source: **Surface and groundwater tributary to Rock Creek, tributary to the Colorado River.** Appropriation Date: May 15, 1998. Amount: 14.32 acre-feet, of which 6.81 acre-feet is absolute and 7.51 acre-feet is conditional. The rate of diversion in c.f.s. for filling the reservoir: 5.0 c.f.s., absolute, through the Horn No. 2 Ditch and Horn No. 2 Ditch Enlargement. The groundwater component of this appropriation is limited to the amount of evaporative loss, which is 3.62 acre-feet per year, absolute. Use: Augmentation, exchange, recreation, piscatorial, wildlife watering, and fire protection. Surface area of high water line: 1.11 acres. Height of dam: Approximately 6 feet. Length of dam: Approximately 300 feet. Total capacity of reservoir in acre-feet: 6.81 acre-feet absolute, 7.51 acre-feet conditional. All the 6.81 acre-feet is above the water table and is active storage. All the 7.51 acre-feet (when constructed) will be below the water table and will be inactive storage. Water released for augmentation and exchange purposes will be limited to the volume in active storage above the water table. TRR Meadow Pond. Legal Description: TRR Meadow Pond is located in the NW1/4 of the SW1/4 of Section 32, Township 1 South, Range 83 West of the 6<sup>th</sup> P.M., at a point approximately 2,460 feet from the South Section line and approximately 200 feet from the West Section line. The Pond is an off-channel reservoir and filled by the TRR Recreation Ditch, Frank Groh Ditch, and/or Frank Groh Ditch 2<sup>nd</sup> Enlargement. The TRR Meadow Pond will also be filled and maintained (in part) by seeps and springs which are intercepted by the Frank Groh Ditch. Per the decree in Case No. 91CW250, the headgate of the Frank Groh Ditch is located in Routt County, Colorado on the East (left) bank of Rock Creek, at a point from which the NE corner of Section 31, Township 1 South, Range 83 West, of the 6<sup>th</sup> P.M., bears N. 68° 14’ 50” E. 545.58 feet. The legal description for the TRR Recreation Ditch is described in Paragraph 2.B.(3)a. below. TRR Meadow Pond is part of a flow-through fish habitat system and is part of the Fish Habitat Project. The point of return to Rock Creek is located in the NW1/4 of the SW1/4 of Section 32, Township 1 South, Range 83 West of the 6<sup>th</sup> P.M., at a point approximately 2,000 feet from the South Section line and approximately 180 feet from the West Section line. Source: Surface and groundwater tributary to Rock Creek, tributary to the Colorado River. Appropriation Date: July 24, 2002. Amount: 21.40 acre-feet, conditional. The rate of diversion in c.f.s. for filling the reservoir: 5.0 c.f.s. through the TRR Recreational Ditch and/or Frank Groh Ditch 2<sup>nd</sup> Enlargement. The groundwater component of this appropriation is limited to the evaporative loss, which is 6.94 acre-feet per year, conditional. Use: Augmentation, exchange, recreation, piscatorial, wildlife watering, and fire protection. Surface Area of High Water Line: 2.0 acres. Height of dam: Approximately 9.9 feet. Length of dam: Approximately 500 feet. Total capacity of reservoir in acre-feet: 21.4 acre-feet, all active capacity (above the water table). Water released for augmentation and exchange purposes will be limited to the volume in active storage above the water table. Evidence of Reasonable Diligence: As set forth in Paragraph 43 of the decree entered in Case No. 03CW331, all of the water diversion and storage structures described in that decree, including the Conditional Water Rights, are integrated structures for purposes of reasonable diligence findings. The following is a summary of specific projects and work undertaken during the Diligence Period in developing the Conditional Water Rights. This list is not intended to be all inclusive and may be supplemented by additional evidence at any hearing in this matter. Table Rock retained Western Water Consulting, Inc. (“WWC”) to prepare accounting reports for water usage under the augmentation plan decreed in Case No. 03CW331 and provide other Project assistance, incurring at least \$7573.53 in expenses for this work. Table Rock maintained the feeder ditches and Cameron Pond on its property, including removal of debris, and stocked the Cameron Pond with fish. Table Rock maintained flumes and weirs throughout the Ranch, including cleaning, regrading, and setting gravel around the flumes. Table Rock maintained the water diversion and conveyance structures associated with the Fish Habitat Project, including removal of debris and beaver dams. Table Rock cleaned and maintained the channel of Rock Creek, including removal of debris and beaver dams, to protect the physical water supply to the Fish Habitat Project. Table Rock maintained the fish habitat structures that are part of the Project,

including removal of debris and land clearing to maintain access to the structures. Table Rock accounted for and replaced the evaporative loss from the Fish Habitat Project structures under the decree in Case No. 03CW331. Table Rock incurred \$12,525.00 in costs to the Colorado River Water Conservation District for the lease of augmentation water. Table Rock regularly submitted accounting reports to the Division Engineer and complied with the other terms and conditions of the decree in Case No. 03CW331. Table Rock incurred legal expenses during the Diligence Period in connection with the Conditional Water Rights and the other components of the integrated Fish Habitat Project decreed in Case No. 03CW331. Can and will. The 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). 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: Applicant. WHEREFORE, Table Rock respectfully requests that this Court enter Findings of Fact, Conclusions of Law, and a Judgment and Decree: (1) finding that Table Rock has been reasonably diligent in the development of the Conditional Water Rights decreed in Case No. 03CW331, as described in the preceding paragraphs; (2) continuing said Conditional Water Rights in full force and effect; and (3) granting such other relief as may be appropriate. 7 Pages.

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

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

**26CW3046 APPLICATION FOR CHANGE OF WATER RIGHT IN SUMMIT COUNTY, COLORADO.** 1. Name, mailing address, email address and telephone number of applicant(s): a. Shirley Company Limited, ATTN: Brad Smith, P O Box 823, Silverthorne CO 80498, smithfamilyranchbjs1@gmail.com, 970-485-5248. Please send all correspondence to counsel for Applicants: John Justus and Nicoli Bowley, CURTIS, JUSTUS, & ZAHEDI LLC, 1333 W. 120th Ave., Suite 302, Westminster, CO 80234. Telephone: (303) 595-944; Email: johnj@cjzwaterlaw.com; nicolib@cjzwaterlaw.com. 2. Decreed water right for which change is sought: Buffalo Ditch, Priority No. 96. a. Name of structure: Buffalo Ditch. b. Date of original and all relevant subsequent decrees: Decree entered on March 2, 1910 in CA1277 by the District Court in and for the 5th Judicial District, Summit County (the "CA1277 Decree"); Decree entered on June 2, 1977 in Case No. W-2901 by the Water Court in and for Water Division No. 5 (the "W2901 Decree"); and Decree entered on October 16, 1986 in Case No. 85CW26 by the Water Court in and for Water Division No. 5 (the "85CW26 Decree"). c. Legal description of structure as described in most recent decree that adjudicated the location: i. Original Point of Diversion: In the CA1277 Decree the headgate of the Buffalo Ditch was described as diverting from the South side or right bank of Willow Creek on Lot No. 3, Section 2, Township 5 South, Range 78 West of the 6th P.M. Subsequently, in the W2901 Decree, the point of diversion of the Buffalo Ditch is described as being located on the South Bank of Willow Creek at a point 1738 feet West and 487 feet South of the Northeast Corner of Section 2, T. 5S., R. 78W. of the 6th P. M. ii. Decreed Alternate Points of Diversion: In the 85CW26 Decree the following alternate points of diversion were decreed, subject to the terms and conditions of that decree: 1. Silverthorne Well No. 1. At a point in the NE1/4 or the SW1/4 of Section 12, Township 5 South, Range 78 West of the 6th P.M., which is 2998 feet South of the North section line and 2522 feet East of the West section line. 2. Silverthorne Well No. 2. At a point in the NE1/4 or the SW1/4 of Section 12, Township 5 South, Range 78 West of the 6th P.M., which is 3198 feet South of the North section line and 2062 feet East of the West section line. 3. Silverthorne Well No. 3. At a point in the SE1/4 of the NE 1/4 of Section 12, Township 5 South, Range 78 West of the 6th P.M., which is 1745 feet South of the North section line and 2588 feet East of the West section line. 4. Silverthorne Well No. 4. At a point in the SE1/4 or the NE1/4 of Section 12, Township 5 South, Range 78 West of the 6th P.M., which is 1503 feet South of the North section line and 2321 feet East of the West section line. 5. Silverthorne Well No. 5. At a point in the NW1/4 of the SW1/4 of Section 1, Township 5 South, Range 78 West of the 6th P.M., which is 2223 feet North of the South section line and 1045 feet East of the West section line. 6. Silverthorne Well No. 6. At a point in the NW1/4 of the SW1/4 of Section 1, Township 5 South, Range 78 West of the 6th P.M., which is 1912 feet North of the South section line and 1084 feet East of the West section line. 7. Silverthorne Well No. 7. At a point in the SE1/4 of the SW1/4 of Section 1, Township 5 South, Range 78 West of the 6th P.M., which is 175 feet North of the South section line and 2150 feet East of the West section line. 8. Silverthorne Well No. 8. At a point in the NE1/4 of the SW1/4 of Section 1, Township 5 South, Range 78 West of the 6th P.M., which is 1783 feet North of the South section line and 1673 feet East of the West section line. 9. Silverthorne Well No. 9. At a point in the NE1/4 of the NW1/4 of Section 12, Township 5 South, Range 78 West of the 6th P.M., which is 5272 feet North of the South section line and 2483 feet East of the West section line. 10. Silverthorne Well No. 10. At a point in the NE1/4 of the NW1/4 of Section 12, Township 5 South, Range 78 West of the 6th P.M., which is 5025 feet North of the South section line and 2375 feet East of the West section line. 11. Silverthorne Well. No. 11. At a point in the NE1/4 of the NW1/4 of Section 12, Township 5 South, Range 78 West of the 6th P.M., which is 4473 feet North of the South section line and 2259 feet East of the West section line. 12. Dillon Reservoir. Located in Sections 7, 8, 17, 18, 19, 20, 21, 30, and 31, Township 5 South, Range 77 West of the 6th P.M., and Sections 13, 23, 24, 25, 26, 35 and 36, Township 5 South, Range 78 West of the 6th P.M. d. Decreed sources of water: i. Willow Creek, tributary to the Blue River, tributary to the Colorado River, when

**diverting at the Buffalo Ditch; ii. Groundwater tributary to the Blue River and its tributaries when diverting from Silverthorne Well Nos. 1 through 11; and iii. The Blue River, and its tributaries, when diverting at Dillon Reservoir.** e. Appropriation Date: May 1, 1895. f. Total amount decreed to structure in gallons per minute (gpm) or cubic feet per second (cfs): 3.5 cfs absolute was decreed to the Buffalo Ditch pursuant to the CA1277 Decree as Priority No. 96. Pursuant to the 85CW26 Decree the Buffalo Ditch Priority No. 96 right was changed to the alternate points of diversion for new uses, and on such conversion would be limited to a maximum diversion rate of 160 gpm and a maximum diversion for the new uses of 46.78 acre-feet. g. Decreed use or uses: The original decreed use of the right was irrigation, per the 85CW26 Decree, upon conversion to changed uses up to 46.78 acre-feet per year could be diverted at the alternate points of diversion described in paragraph 2.c.ii above and used for all beneficial uses, including municipal, industrial, domestic, irrigation, recreational, snowmaking, uses for and by exchange or augmentation with the right to totally consume by first use, reuse, successive use, or disposition. h. Amount of water that applicants intend to change: One (1) acre-foot of the fully consumptive portion of Priority No. 96, to be diverted at a rate not to exceed 3.4 gpm. 3. Detailed description of proposed change: a. General Description of Changed Uses and Place of Use: Co-Applicant, the Shirley Company, is the owner of and seeks to change the point of diversion for one acre-foot of the fully consumptive portion of Priority No. 96, to be diverted from Willow Creek via a pump at a rate not to exceed 3.4 gpm at the Buffalo Ditch - Shirley Company Point of Diversion, the location for which is described in paragraph 3.B. below for irrigation of approximately 3.2 acres lying in the SW ¼ of the NW ¼ of the NW ¼, and the NW ¼ of the SW ¼ of the NW ¼ of Section 1, and the SE ¼ of the NE ¼, and NE ¼ of the NE ¼ of Section 2, Township 5 South, Range 78 West and stock watering. The historical consumptive use attributable to Priority No. 96 was previously quantified in Case No. 85CW26, including the portion subject to this Application, and such prior determination is not subject to reconsideration. See C.R.S. § 37-92-305(3)(e). b. Changed Point of Diversion: Buffalo Ditch - Shirley Company Point of Diversion, on the south bank of Willow Creek. i. Public Land Survey System (PLSS): Northwest ¼ of the Northwest ¼ of Section 1, Township 5 South, Range 78 West of the 6th P.M. Source of PLSS information is CDSS MapViewer by conversion of the UTM location. ii. Location information in UTM format: UTM Zone 13, Easting - 407134, Northing - 4389458, NAD83. Source of UTM information was CDSS MapViewer. iii. Street Address: 0148 Smith Ranch Rd, Silverthorne, CO 80498. 4. 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. The Shirley Company Limited is the owner of the land upon which the Buffalo Ditch - Shirley Company Point of Diversion will be located.

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**26CW3047 GARFIELD COUNTY.** Application for Findings of Reasonable Diligence and Make Abs. in Part. Applicant: 46894 KE Road, LLC, c/o Scott A. Grosscup and Andrea J. Hall, Balcomb & Green, P.C.; P.O. Drawer 790, Glenwood Springs, CO 81602; (970) 945-6546; www.balcombgreen.com. Claim for Finding of Reasonable Diligence. Structure: Harvey Ditch No. 3. Original Decree: 02CW399, Dist. Ct., Water Div. 5, 4/29/2007. Subsequent Decrees: 13CW44, 12/15/2013, and 19CW3158, 6/29/2020, all in Dist. Ct., Water Div. 5. Legal Description: Harvey Ditch No. 3: original point of diversion located in NE1/4SE1/4 of Sec. 13, Township 10 S., Range 97 W. of 6th P.M. 2,510 ft. north of S. Sec. Line and 510 ft. west of E. Sec. Line. Harvey Ditch No. 3 Alternate No. 1: located in SE1/4NE1/4 of Sec. 13, Township 10 S., Range 97 W. of 6th P.M. 2,450 ft. south of N. Sec. Line, and 200 ft. west of the E. Sec. Line. Harvey Ditch No. 3 Alternate No. 2: located in NW1/4SE1/4 of Sec. 13, Township 10 S., Range 97 W. of 6th P.M. 1,600 ft. north of S. Sec. Line, and 1,840 ft. west of the E. Sec. Line. **Source: Harvey Ditch No. 3, primary point of diversion: Wallace Gulch, tributary to Plateau Creek, tributary to the Colorado River.** Harvey Ditch No. 3 Alternate No. 1: Plateau Creek, tributary to the Colorado River. Harvey Ditch No. 3 Alternate No. 2: King Gulch, tributary to the Colorado River. Approp. Date: 6/1/2002. Amount: Total of 1.066 c.f.s. may be diverted from either Harvey Ditch No. 3 and Harvey Ditch No. 3 Alternate No. 2, and up to 1 c.f.s. of the 1.066 c.f.s. decreed to Harvey Ditch No. 3 may be diverted from Harvey Ditch No. 3 Alternate No. 1. Harvey Ditch No. 3: 0.25 c.f.s. absolute for irr. of 10 acres, 0.75 c.f.s. conditional for irr. up to 30 acres and 0.033 c.f.s. absolute for livestock watering. Harvey Ditch No. 3 Alternate No. 1: 1 c.f.s. conditional for irr. up to 40 acres and of this 1 c.f.s., 0.033 c.f.s. conditional for livestock watering. Harvey Ditch No. 3 Alternate No. 2: 0.25 c.f.s. absolute for irr. of 10 acres, 0.75 c.f.s. conditional for irr. up to 30 acres, 0.033 c.f.s. absolute for livestock watering and 0.033 c.f.s. conditional for domestic. Uses: domestic water for one single family residence and washroom facilities inside barn, irr., and livestock watering up to 45 head of cattle and chickens. Number of acres irrigated: Up to 40 acres located within NE1/4SW1/4, N1/2SE1/4, S1/2NE1/4 and SE1/4NW1/4 of Sec. 13, Township 10 S., Range 97 W. of 6th P.M. Map attached as Figure 1. Diligence Activities: Application on file with the Ct. contains a detailed outline of the work performed during diligence period. Claim to Confirm Abs., In Part. Applicant requests finding that conditional water rights decreed to structures described below be made absolute by application to beneficial use as follows. Structure: Harvey Ditch No. 3. Beneficial Use Date: 6/1/2024. Records maintained by Division of Water Resources indicate no senior downstream water right calling on claimed date of beneficial use, and Applicant was

diverting in priority. See Exhibit A. Amount Claimed as Absolute: 0.5 c.f.s. for irr. of 30 acres, total of 1 c.f.s. absolute for irr. of 40 acres when combined with 0.5 c.f.s. confirmed as absolute in Case No. 02CW399. Amount/Uses Remaining Conditional: 0.033 c.f.s. for domestic uses. Beneficial Use: Applicant has irrigated approx. 40 acres, described in paragraph 3.7.1 and depicted on Figure 1, by diverting in priority full 1 c.f.s. decreed for irr. uses through Harvey Ditch No. 3, including at its alternate points of diversion at Harvey Ditch No. 3 Alternate No. 1 and Harvey Ditch No. 3 Alternate No. 2. Landowner Information: Applicant owns land upon which all structures and features in this application are located.

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**26CW3048 EAGLE COUNTY. (19CW3092, 12CW61, 01CW266); DISTRICT COURT, WATER DIVISION NO. 5, STATE OF COLORADO, Garfield County Courthouse, 109 Eighth Street, Suite 104, Glenwood Springs, CO. 81601.** 1. Name and Address of Applicant: Ronald W. Crotzer, 1267 Beard Creek Road, PO Box 1429, Edwards, Colorado 81632, (970) 926-8500. Direct all pleadings to: Glenn E. Porzak, Porzak Law, LLC, 1111 Spruce Street, Suite 303, Boulder, Colorado 80302, (303) 589-0909. 2. Name of Structures: Crotzer Well No. 2 and Crotzer Pond, including the Crotzer Pond Refill Right and Flow Through Diversion. 3. Description of water rights: The water rights that are the subject of this Application are the following water rights decreed in Case No. 01CW266: A. Structure Name, Adjudication and Appropriation Dates, and Amounts: (1) Crotzer Well No. 2, with an appropriation date of June 1, 1992, and an adjudication date of April 3, 2006, decreed in Case No. 01CW266, in the amount of 20 gpm, conditional. (2) Crotzer Pond, with an appropriation date of June 1, 1992, and an adjudication date of April 3, 2006, decreed in Case No. 01CW266, in the amount of 7 acre feet, conditional, of which 2.55 acre feet was made absolute in Case No. 12CW61 and 4.45 acre feet was maintained as conditional. (3) Crotzer Pond Refill Right and Flow Through Diversion. Same as the Crotzer Pond, described in paragraph 3(A)(2) above. B. Legal Description: The decreed points and alternate points of diversion are: (1) Crotzer Well No. 2, is located on Applicant's property 260 feet north and 320 feet west of the center of Section 32, Township 4 South, Range 82 West, of the 6<sup>th</sup> P.M. (2) Crotzer Pond, is located on Applicant's property in the W½ of Section 32, Township 4 South, Range 82 West, of the 6<sup>th</sup> P.M. (3) Crotzer Pond Refill Right and Flow Through Diversion. Same as the Crotzer Pond, described in paragraph 3(B)(2) above. C. Source: Beard Creek, tributary to the Eagle River, tributary to the Colorado River. D. Uses: (1) Crotzer Well No. 2: in-house domestic use, irrigation, stock watering, fish and wildlife, recreation, and augmentation uses. (2) Crotzer Pond: irrigation, stock watering, fish and wildlife, recreation, and augmentation uses. (3) Crotzer Pond Refill Right and Flow Through Diversion: irrigation, stock watering, fish and wildlife, recreation, and augmentation uses. 4. Detailed outline of work done to complete the project and apply water to beneficial use: During the subject diligence period, Applicant installed 1200 feet of 2 inch PVC piping for meadow irrigation from Beard Creek at a cost of \$1,008.32; installed 6 inch drainage tubing at the Crotzer Pond at a cost of \$600.00; purchased PVC fittings at a cost of \$75.00; trenched distribution lines for the subject water rights at a cost of \$2,540.00; installed additional sprinklers at a cost of \$165.00; conducted annual maintenance at a cost of \$2,700.00; installed 20 feet of 18 inch galvanized culvert crossing with a 1.5-2 ton mini excavator rental to access Beard Creek at a cost of \$1,315.00; preformed stream bank stabilization and clearing with 1.5-2 ton mini excavator rental at a cost of \$1,077.00; installed a 1.5 HP 220V, 2-Wire 4 inch submersible well pump engineered impeller, 200ft head, 14.5-48 gpm, with 12 inch hanger assembly and fittings at a cost of \$3,280.00; installed a 6 inch steel Parshall Flume at a cost of \$4,170.00; and filed a statement of opposition and entered into a settlement stipulation in Case No. 23CW3120 to protect his existing water rights and the subject conditional water rights at a cost of \$5,359.00. The foregoing activities were completed at a total cost in excess of \$22,289.32. All of the above activities are necessary prerequisites to applying the subject conditional water rights to the beneficial use for which they are decreed. A map depicting the Applicant's property, which is the location of use of the subject water rights, is attached as Exhibit A hereto, and a map indicating the locations of the subject structures is attached as Exhibit B hereto. 5. Ownership: The Applicant is the owner of the land upon which the Crotzer Well No. 2 and the Crotzer Pond are located. WHEREFORE, the Applicant seeks a finding that he has exercised reasonable diligence with respect to the subject water rights described above, and that the subject water rights remain in full force and effect as conditional water rights.

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**5. PURSUANT TO C.R.S., §37-92-302, AS AMENDED, YOU ARE NOTIFIED THAT THE FOLLOWING PAGES COMPRISE A RESUME OF THE APPLICATIONS AND AMENDED APPLICATIONS FILED WITH THE WATER CLERK FOR WATER DIVISION 5 DURING THE MONTH OF JUNE 2026. *The water right claimed by this application may***

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**26CW3049 GRAND COUNTY.** Winter Park Water & Sanitation District (“WPWS”), c/o Kent Bosshard, Manager, P.O. Box 7, Winter Park, CO 80482, (970)726-5041. 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.** Name of Structure: Winter Park Water System, Windy Gap Exchange. Prior Decrees: 6/3/1987 (Case No. 84CW444); 10/25/1993 (93CW134); 3/27/2000 (99CW203); 4/28/2007 (06CW24); 11/10/2013 (13CW43); 6/14/2020 (19CW3144); all in Water Court Division No. 5. Legal Description of the Exchange: Upstream Terminus: PLSS: Suspended Section 14, Township 2 South, Range 75 West, 6<sup>th</sup> P.M., Grand County, Colorado. UTM: NAD 83, Zone 13, Northing 4414542 Easting 435505. Downstream Terminus: The confluence of the Fraser and Colorado River in Section 25, Township 2 North, Range 77 West of the 6<sup>th</sup> P.M. **Source of the Exchange: Fraser and Colorado Rivers.** The Winter Park Water and Sanitation District, by virtue of its Water Allotment Contract executed with the Middle Park Water Conservancy District, is the owner of 125 acre feet of the 3,000 acre feet which the Municipal Subdistrict, Northern Colorado Water Conservancy District places annually in Granby Reservoir as outlined in the Agreement concerning the Windy Gap Project and the Azure Reservoir and Power Project, dated and signed April 30, 1980, and which was approved by the Water Court, Water Division No. 5, in Civil Action No. 1768, by Interlocutory Decree, dated October 27, 1980, and the Supplement to Agreement of April 30, 1980, which was duly decreed by the same Court in Case No. 85CW135. Pursuant to said Agreements, water will be released from Granby Reservoir, which is located on the Colorado River, to replace depletions to the Fraser River caused by Winter Park Water and Sanitation District’s diversions in amounts as determined by the Division Engineer, Water Division No. 5, when the diversions by Winter Park Water and Sanitation District would be curtailed due to the call of senior water rights downstream from the District’s point of diversion. Appropriation Date: August 30, 1984. Amount: 125 acre-feet, conditional. Use: All municipal uses, including industrial, recreational, and snowmaking. All permitted uses shall generally be within the WPWS boundaries. Additional Information: The prior decrees set forth additional terms and conditions that continue to be in effect for the water rights of this application. The Application and attached exhibit contain a detailed outline of the work performed during the diligence period (6 pages).

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

**26CW3050 GARFIELD COUNTY. WELLS TRIBUTARY TO THE COLORADO RIVER.** BRAMCO, LLC, a Colorado corporation, c/o Edward B. Olszewski, Olszewski & Massih, P.C., P.O. Box 916, Glenwood Springs, CO 81602 (970) 928-9100; [ed@ommpc.com](mailto:ed@ommpc.com). Application for Findings of Reasonable Diligence and to Make Water 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. 19CW3086, 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) Riverview Ranch Well No.1, 102 feet deep, 1705 feet from the South section line and 3000 feet from the East section line, WDID 4505425, Well Permit No. 54214-F & 66672F, 15 gpm, not to exceed 0.816 acre-foot per year for domestic and lawn and garden irrigation uses, requested to be made absolute; (2) Riverview Ranch Well No.2, 82 feet deep, 1700 feet from the South section line and 2750 feet from the East section line, WDID 4505426, Well Permit No. 54215-F & 66673F, 15 gpm, not to exceed 0.816 acre-foot per year for domestic and lawn and garden irrigation uses, requested to be made absolute; (3) Riverview Ranch Well No.3, 103 feet deep, 1700 feet from the South section line and 2500 feet from the East section line, WDID 4505427, Well Permit No. 54216-F & 66674F, 15 gpm, not to exceed 0.816 acre-foot per year for domestic and lawn and garden irrigation uses, requested to be made absolute; (4) Riverview Ranch Well No.4, 110 feet deep, 1700 feet from the South section line and 2250 feet from the East section line, WDID 4505428, Well Permit No. 54217-F & 66675F, 15 gpm, not to exceed 0.816 acre-foot per year for domestic and lawn and garden irrigation uses, requested to be made absolute; (5) Riverview Ranch Well No.5, 110 feet deep, 1700 feet from the South section line and 2000 feet from the East section line, WDID 4505429, Well Permit No. 54218-F & 66676F, requested to remain conditional; (6) Riverview Ranch Well No.6, 100 feet deep, 1100 feet from the South section line and 1600 feet from the East section line, WDID 4505430, Well Permit No. 54219-F & 66677F, 15 gpm, not to exceed 0.816 acre-foot per year for domestic and lawn and garden irrigation uses, requested to be made absolute. Appropriation Date: For all Wells, May 25, 1999. Amount: For each Well, 15 gpm conditional, not to exceed 0.816 acre-foot per year. Use: Each Well is decreed for domestic in-house use for two single family dwellings, watering of two head of livestock, and watering of 100 square feet of home lawns and gardens. **Source: All Wells are tributary to the Colorado River.** All Wells are augmented. 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).

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

**26CW3051 GRAND COUNTY. AMENDED APPLICATION FOR FINDING OF REASONABLE DILIGENCE.** Winter Park Recreational Association c/o Cogency Global Inc. 600 17<sup>th</sup> St. Ste. 1450 Denver, CO 80202; E-mail: sacramento@cogencyglobal.com. Copies of all pleadings to: Michael A. Kopp. Trout Raley 1120 Lincoln Street, Suite 1600 Denver, CO 80203, Phone Number: 303-861-1963, E-Mail: mkopp@troutlaw.com; **2. Name, Location, and Description of the Conditional Water Right.** A. Name of Structure: Lunch Rock Well No. 2. B. Original Decree: Lunch Rock Well No. 2 was originally decreed on September 15, 1992, in Case No. 91CW240, Water Division 5, along with a number of other conditional and absolute water rights and a plan for augmentation. C. Subsequent Findings of Reasonable Diligence: Pursuant to the decree entered on June 27, 1999, in Case No. 98CW169, Water Division 5, the conditional water right for Lunch Rock Well No. 2 was continued, the other conditional water rights decreed in Case No. 91CW240 were made absolute and all of Applicant's on-mountain wells were decreed to be part of an integrated water supply system. Subsequent findings of reasonable diligence for the Lunch Rock Well No. 2 were made in Case No. 05CW11, Water Division 5, entered on May 10, 2006; Case No. 12CW88, Water Division 5, entered on November 6, 2013; and Case No. 19CW3141, Water Division 5, entered on June 14, 2020, which also made 7 gpm of the right for Lunch Rock Well No. 2 absolute. D. Subsequent Change Decree: In Case No. 24CW3043, the Court for Water Division 5 entered a decree on March 31, 2025, changing the point of diversion for Lunch Rock Well No. 2. E. Legal Description of Structure: The original location for Lunch Rock Well No. 2 was a point S. 13° 15' W., 18,880 feet from the SE Corner of Section 34, T1S, R75W of the 6<sup>th</sup> P.M. In Case No. 24CW3043, the point of diversion was changed to a point in the NW1/4, SW1/4 of Section 22, Township 2 South, Range 75 West of the 6<sup>th</sup> P.M. at UTM coordinates (Zone 13 NAD 83) Easting: 433870, Northing: 4412203. A map showing the original and current changed location of the Lunch Rock Well No. 2 is attached as **Exhibit 1. F. Source:** Groundwater tributary to the Little Vasquez Creek and the Fraser River, both tributary to the Colorado River G. Amount: 25 gpm (7 gpm absolute, 18 gpm conditional) H. Date of Appropriation: June 12, 1991 I. Uses: domestic, sanitary, and commercial purposes **3. Detailed Description of Work Performed to Complete the Application of Water to a Beneficial Use.** Applicant seeks a finding of reasonable diligence with respect to the remaining 18.0 gpm portion of the Lunch Rock Well No. 2 water right. During the most recent diligence period, Applicant continued to take steps to diligently develop the remaining conditional portion of the Lunch Rock Well No. 2 water right including, without limitation, the activities described below. This list is not intended to be all-inclusive and may be supplemented by additional evidence. A. In 2023 and 2024, the Applicant expended approximately \$35,000 in engineering fees investigating the new point of diversion for the Lunch Rock Well No. 2 and planning the relocation of the well. B. In 2024, the Applicant prepared and filed an application in Case No. 24CW3043 to change the point of diversion for Lunch Rock Well No. 2, and expended \$5,591 in legal fees preparing, filing and prosecuting the application to a final decree. C. In April 2025, the Applicant applied for a monitoring well permit for the drilling of a replacement well for the existing Lunch Rock Well No. 2, which permit was granted with permit number 338620. D. In summer 2025, the Applicant drilled a new well at the new point of diversion for the Lunch Rock Well No. 2. The Applicant expended \$62,795 to drill the well. E. In 2022, the Applicant published an update to its Master Development Plan, which was originally published in 2005 and approved by the U.S. Forest Service in 2006. As provided in the updated Master Development Plan, Winter Park plans to expand the Lunch Rock facility from its current capacity of 16,000 square feet to approximately 25,000 square feet. It is anticipated that this expanded facility will accommodate an estimated 6,000 skier visits per day on a peak day and approximately 2,700 skier visits per day on average. F. The potential expanded Lunch Rock facility will require up to 48,600 gallons for a peak day demand and approximately 21,900 gallons for an average day demand assuming the full build-out. The estimated peak demand may require pumping rates of over 100 gpm for the proposed expansion. The average demand rate is estimated to be 45.6 gpm. Given that Lunch Rock Well No. 1 is limited to 25.0 gpm under the decree in Case No. 91CW240, the additional 25.0 gpm allowed under the Lunch Rock Well No. 2 water right will be needed to satisfy future demands at the Lunch Rock facility. G. During the diligence period, the Applicant also incurred general legal and technical consulting costs related to monitoring, evaluating and participating in water rights cases in the Fraser River Basin to protect the subject water right from injury. **4. Names and Addresses of Owners of Land on Which the Structure is Located and Upon Which Water is Placed to Beneficial Use.** The Lunch Rock Well No. 2 is located on land owned by the United States of America, United States Forest Service, Arapaho National Forest, 2150 Centre Avenue, Building E, Fort Collins, Colorado 80526. WHEREFORE, Applicant respectfully requests that the Court: A. enter a decree finding that the activities outlined herein are sufficient to support findings of reasonable diligence on the remaining 18.0 gpm conditional portion of the Lunch Rock Well No. 2 water right for all decreed uses, that Applicant has been reasonably diligent in developing such conditional water right, and continuing such conditional water right in full force and effect in accordance with the original decree; B. and grant such other relief as the Court deems just and proper. (6 pages, including 1 exhibit)  
**YOU ARE HEREBY NOTIFIED THAT YOU HAVE until the last day of AUGUST 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 JUNE 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.***

**26CW3052 SPRING FLOW TRIBUTARY TO EBY CREEK, TRIBUTARY TO THE EAGLE RIVER, TRIBUTARY TO THE COLORADO RIVER, IN EAGLE COUNTY, COLORADO.** Greenhorn Mountain Ranch, LLC, Michael Barry, PO Box 2664, Edwards, CO 81632. Direct all correspondence to Karl J. Hanlon and Danielle T. Skinner of Karp Neu Hanlon, P.C., P. O. Drawer 2030, Glenwood Springs, CO 81602, (970) 945-2261, counsel for the Applicant. APPLICATION FOR FINDING OF REASONABLE DILIGENCE. FIRST CLAIM: *Marley Spring*. Date of original decree: September 7, 1999, in Case No. 98CW66, in the District Court in and for Division No. 5. Subsequent decrees awarding findings of diligence: Case No. 05CW17 entered on March 5, 2007, Case No. 13CW36 entered on December 15, 2013, and Case No. 2019CW3162 entered on June 28, 2020, in the District Court in and for Water Division No. 5. Legal description: The Marley Spring water right is diverted at the site of the spring, which is located in Section 20, Township 4 South, Range 84 West of the 6th P.M., according to the Independent Resurvey of said Township and Range as approved on June 20, 1922; said spring being more particularly described as lying at a point that is 215 feet north of the southerly line of Section 20 and 1585 feet east of the westerly line of Section 20. Source: Spring flow tributary to Eby Creek, tributary to the Eagle River, tributary to the Colorado River. Appropriation date: April 1, 1996. Amounts and uses: 0.13 c.f.s., absolute, for stock watering and fire protection. 0.13 c.f.s., conditional, for the irrigation of 5.2 acres of land and piscatorial purposes. Legal description of acreage to be irrigated: Up to 5.2 acres of Applicant's property (identified in Exhibits A and B to the Decree in Case No. 98CW066). Claim for diligence: Applicant requests a finding of diligence for the Marley Spring in the amount of 0.13 c.f.s., conditional, for the irrigation of 5.2 acres of land and piscatorial purposes. SECOND CLAIM: *Osito Spring*. Date of original decree: September 7, 1999, in Case No. 98CW66, in the District Court in and for Division No. 5. Subsequent decrees awarding findings of diligence: Case No. 05CW17 entered on March 5, 2007, Case No. 13CW36 entered on December 15, 2013, and Case No. 2019CW3162 entered on June 28, 2020, in the District Court in and for Water Division No. 5. Legal description: The Osito Spring water right is diverted at the site of the spring, which is located in Tract 47, Section 20, Township 4 South, Range 84 West of the 6th P.M., according to the Independent Resurvey of said Township and Range as approved on June 20, 1922; said spring being more particularly described as lying at a point that is 45 feet north of the southerly line of Section 20 and 2550 feet east of the westerly line of Section 20. Source: Spring flow tributary to Eby Creek, tributary to the Eagle River, tributary to the Colorado River. Appropriation date: April 1, 1996. Amounts and uses: 0.02 c.f.s. absolute, for stock watering and fire protection. 0.02 c.f.s., conditional, for the irrigation of 0.8 acre of land and piscatorial purposes. Legal description of acreage to be irrigated: Up to 0.8 acres of Applicant's property (identified in Exhibits A and B to the Decree in Case No. 98CW066). Claim for diligence: Applicant requests a finding of diligence for the Osito Spring in the amount of 0.02 c.f.s., conditional, for the irrigation of 0.8 acre of land and piscatorial purposes. Names and addresses of owners of land upon which structures are located: Applicant. The following exhibits are on file with the Water Court: a map depicting the location of structures (Exhibit A-1 and A-2), and a description of diligence activities (Exhibit B), (pp. 8 with exhibits).

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

**26CW3053 APPLICATION TO MAKE CONDITIONAL WATER RIGHTS ABSOLUTE AND FOR FINDING OF REASONABLE DILIGENCE IN PITKIN COUNTY, COLORADO.** 1. Name and address of Applicant: Elk Wallow Ranch, LLC ("Elk Wallow"), P.O. Box 7877, Aspen, CO 81612; c/o Michael W. Daugherty and Lindsey A. Ratcliff, Somach Simmons & Dunn, P.C., 1155 Canyon Blvd, Suite 110, Boulder, Colorado 80302. 2. Names of structures: 2.1. Serena Spring; 2.2. Trevor Spring; 2.3. Hines Owl Creek Ditch; 2.4. Hines Owl Creek Ditch First Enlargement; 2.5. Marolt Reservoir; 2.6. Marolt Reservoir First Enlargement; 2.7. Marolt Pond; 2.8. Marolt Pond First Enlargement; 2.9. Duck Pond; 2.10. Elk Wallow Pond. A map denoting the decreed locations for the above referenced structures is attached to the application as Exhibit A. 3. Description of conditional water rights: 3.1. Serena Spring: 3.1.1. Original decree: Case No. 86CW277 by the District Court in and for Water Division No. 5, State of Colorado (the "Water Court") on March 24, 1987 ("86CW277 Decree"). 3.1.2. Subsequent decrees: The Water Court entered findings of reasonable diligence in the following cases: Case No. 93CW347 on July 19, 1993 ("93CW347 Decree"); Case No. 99CW106 on November 8, 1999 ("99CW106 Decree"); Case No. 05CW236 on October 14, 2006 ("05CW236 Decree"); Case No. 12CW153 on August 27, 2013 ("12CW153 Decree"); and Case No. 19CW3099 on June 28, 2020 ("19CW3099 Decree"). 3.1.3. Decreed location: The point of diversion is in the

SW1/4 NW1/4 of Section 9, Township 10 South, Range 85 West of the 6th P.M. at a point whence the North Quarter Corner of said Section 9 bears North 17 degrees West 1,730 feet (Pitkin County), which is alternately described as the SW1/4 NE1/4 of Section 9, Township 10 South, Range 85 West of the 6th P.M. at a point 1,650 feet from the North section line and 2,115 feet from the East section line; UTM: NAD83 4340589m N, 337198m E. 3.1.4. **Source:** A spring tributary to an unnamed tributary of Owl Creek, a tributary of the Roaring Fork River, a tributary of the Colorado River. 3.1.5. **Appropriation date:** July 8, 1986. 3.1.6. **Amount:** 3.1.6.1. 0.104 cfs, total. 3.1.6.2. 0.104 cfs, absolute, for domestic and irrigation. 3.1.6.3. 0.06 cfs, absolute, for livestock and piscatorial. 3.1.6.4. 0.044 cfs, conditional, for livestock and piscatorial. 3.1.7. **Uses:** Domestic, livestock, irrigation of one acre of lawn and gardens, and piscatorial. 3.1.7.1. **Remaining conditional uses:** Livestock and piscatorial. 3.2. **Trevor Spring:** 3.2.1. **Original decree:** 86CW277 Decree. 3.2.2. **Subsequent decrees:** The Water Court entered findings of reasonable diligence in the following: 93CW347 Decree, 99CW106 Decree, 05CW236 Decree, 12CW153 Decree, and 19CW3099 Decree. 3.2.3. **Decreed location:** The point of diversion is in the NW1/4 SW1/4 of Section 9, Township 10 South, Range 85 West of the 6th P.M. at a point whence the North Quarter Corner of said Section 9 bears North 28 degrees East 4,300 feet (Pitkin County), which is alternately described as the NW1/4 SW1/4 of Section 9, Township 10 South, Range 85 West of the 6th P.M. at a point 1,635 feet from the South section line and 710 feet from the West section line; UTM: NAD83 4339938m N, 336424m E. 3.2.4. **Source:** A spring tributary to an unnamed tributary of Owl Creek, a tributary of the Roaring Fork River, a tributary of the Colorado River. 3.2.5. **Appropriation date:** July 8, 1986. 3.2.6. **Amount:** 3.2.6.1. 0.169 cfs, total. 3.2.6.2. 0.169 cfs, absolute, for livestock and piscatorial. 3.2.6.3. 0.169 cfs, conditional, for domestic and irrigation. 3.2.7. **Uses:** Domestic, livestock, irrigation, and piscatorial. 3.2.7.1. **Remaining conditional uses:** Domestic and irrigation. 3.3. **Hines Owl Creek Ditch:** 3.3.1. **Original decree:** 86CW277 Decree. 3.3.2. **Subsequent decrees:** The Water Court entered findings of reasonable diligence in the following: 93CW347 Decree, 99CW106 Decree, 05CW236 Decree, 12CW153 Decree, and the 19CW3099 Decree. The Water Court changed the decreed location in Case No. 13CW3093 on April 19, 2015 (“13CW3093 Decree”). 3.3.3. **Decreed location:** The point of diversion is in the SE1/4 SW1/4 of Section 9, Township 10 South, Range 85 West of the 6th P.M., at a point 1,178 feet north from the South section line and 2,654 feet west from the East section line of said section 9; UTM NAD83: 4339774m N, 337031.5m E. 3.3.4. **Source:** Owl Creek, a tributary of the Roaring Fork River, a tributary of the Colorado River. 3.3.5. **Appropriation date:** July 8, 1986. 3.3.6. **Amount:** 1.0 cfs, conditional, for all uses. 3.3.7. **Uses:** Domestic, livestock, irrigation, piscatorial, and delivery of water for storage in Marolt Pond and Marolt Reservoir. 3.3.7.1. **Remaining conditional uses:** Domestic, livestock, irrigation, piscatorial, and the delivery of water for storage in the Marolt Pond and Marolt Reservoir. 3.4. **Hines Owl Creek Ditch First Enlargement:** 3.4.1. **Original decree:** Case No. 93CW79 by the Water Court on October 17, 1995 (“93CW79 Decree”). 3.4.2. **Subsequent decrees:** The Water Court entered findings of reasonable diligence in the following: Case No. 01CW261 on January 9, 2003 (“01CW261 Decree”); Case No. 09CW08 on April 3, 2011 (“09CW08 Decree”); Case No. 17CW3090 on December 17, 2017 (“17CW3090 Decree”); and the 19CW3099 Decree. The Water Court changed the decreed location in the 13CW3093 Decree. 3.4.3. **Decreed location:** Same location as the Hines Owl Creek Ditch, described in paragraph 3.3.3. 3.4.4. **Source:** Natural inflow from an unnamed tributary of Owl Creek, a tributary of the Roaring Fork River, a tributary of the Colorado River. 3.4.5. **Appropriation date:** May 28, 1992. 3.4.6. **Amount:** 2.0 cfs, conditional, for all uses. 3.4.7. **Uses:** Domestic, livestock, irrigation, piscatorial, fish propagation and delivery of water for storage in Marolt Pond and Marolt Reservoir. 3.4.7.1. **Remaining conditional uses:** Domestic, livestock, irrigation, piscatorial, fish propagation, and the delivery of water for storage in the Marolt Pond and Marolt Reservoir. 3.5. **Marolt Reservoir:** 3.5.1. **Original decree:** Case No. 86CW278 by the Water Court on June 3, 1987 (“86CW278 Decree”). 3.5.2. **Subsequent decrees:** The Water Court entered findings of reasonable diligence in the following: Case No. 93CW102 on October 12, 1993 (“93CW102 Decree”); Case No. 99CW187 on January 25, 2000 (“99CW187 Decree”); Case No. 06CW09 on November 5, 2006 (“06CW09 Decree”); 12CW153 Decree; 19CW3099 Decree. 3.5.3. **Decreed location:** The dam axis is located at a point on the crest of the dam whence the North Quarter Corner of Section 9, Township 10 South, Range 85 West of the 6th P.M. bears N. 3 degrees E. 1480 feet; thence S. 39 degrees E. 150 feet along the crest of the dam, which is alternately described as the NE1/4 NW1/4 of Section 9, Township 10 South, Range 85 West of the 6th P.M. at a point 1480 feet from the North section line and 2610 feet from the West section line. 3.5.4. **Source:** An unnamed tributary of Owl Creek, a tributary of the Roaring Fork River, a tributary of the Colorado River. The Hines Owl Creek Ditch and First Enlargement, described in paragraphs 3.3 and 3.4, delivers the water from the unnamed tributary. 3.5.5. **Appropriation date:** July 8, 1986. 3.5.6. **Amount:** 3.5.6.1. 14 af, total. 3.5.6.2. 14 af, absolute, for irrigation, livestock, fish propagation, piscatorial. 3.5.6.3. 14 af, conditional, for domestic. 3.5.7. **Uses:** Domestic, irrigation, livestock, fish propagation, piscatorial. 3.5.7.1. **Remaining conditional uses:** Domestic. 3.6. **Marolt Reservoir First Enlargement:** 3.6.1. **Original decree:** 93CW79 Decree. 3.6.2. **Subsequent decrees:** The Water Court entered findings of reasonable diligence in the following cases: 01CW261 Decree; 09CW08 Decree; 12CW153 Decree; and 19CW3099 Decree. 3.6.3. **Decreed location:** Same location as the Marolt Reservoir, described in paragraph 3.5.3. 3.6.4. **Source:** An unnamed tributary of Owl Creek, a tributary of the Roaring Fork River, a tributary of the Colorado River. The Hines Owl Creek Ditch and First Enlargement, described in paragraphs 3.3 and 3.4, delivers the water from the unnamed tributary. 3.6.5. **Appropriation date:** May 28, 1992. 3.6.6. **Amount:** 3.6.6.1. 10 af, total. 3.6.6.2. 7.1 af, absolute, for livestock, fish propagation, and piscatorial. 3.6.6.3. 10 af, conditional, for domestic, irrigation, augmentation, and exchange. 3.6.6.4. 2.9 af, conditional, for livestock, fish propagation, and piscatorial. 3.6.7. **Uses:** Domestic, irrigation, livestock, piscatorial, fish propagation, augmentation and exchange. 3.6.7.1. **Remaining conditional uses:** Domestic, irrigation, livestock, piscatorial, fish propagation, augmentation, and exchange. 3.7. **Marolt Pond:** 3.7.1. **Original decree:** 86CW278 Decree. 3.7.2. **Subsequent decrees:** The Water Court entered findings of reasonable diligence in the following: 93CW102 Decree; 99CW187 Decree; 06CW09 Decree; 12CW153 Decree; and 19CW3099 Decree. 3.7.3. **Decreed location:** The dam axis is located at a point on the crest of the dam whence the North Quarter Corner of Section 9, Township 10 South, Range 85 West of the 6th P.M. bears N. 11 degrees 30’ E. 3070 feet; thence S. 46 degrees W. 100 feet along the rest of the dam, which is alternately described as the NE1/4 SW1/4 of Section 9, Township 10 South, Range 85 West of the 6th P.M. at a point 2,450 feet from the South section line and 2,105 feet

from the West section line; UTM NAD83: 4340177m N, 336855m E. 3.7.4. Source: An unnamed tributary of Owl Creek, a tributary of the Roaring Fork River, a tributary of the Colorado River. The Hines Owl Creek Ditch and First Enlargement, described in paragraphs 3.3 and 3.4, delivers the water from the unnamed tributary. 3.7.5. Appropriation date: July 8, 1986. 3.7.6. Amount: 3.7.6.1. 4.0 af, total. 3.7.6.2. 4.0 af, absolute, for livestock, fish propagation, and piscatorial. 3.7.6.3. 4.0 af, conditional, for domestic. 3.7.7. Uses: Domestic, livestock, fish propagation, and piscatorial. 3.7.7.1. Remaining conditional uses: Domestic. 3.8. Marolt Pond First Enlargement: 3.8.1. Original decree: 93CW79 Decree. 3.8.2. Subsequent decrees: The Water Court entered findings of reasonable diligence for the following: 01CW261 Decree; 09CW08 Decree; 12CW153 Decree; and 19CW3099 Decree. 3.8.3. Decreed location: Same location as the Marolt Pond, described in paragraph 3.7.3. 3.8.4. Source: An unnamed tributary of Owl Creek, a tributary of the Roaring Fork River, a tributary of the Colorado River. The Hines Owl Creek Ditch and First Enlargement, described in paragraphs 3.3 and 3.4, delivers the water from the unnamed tributary. 3.8.5. Appropriation date: May 28, 1992. 3.8.6. Amount: 3.8.6.1. 8.0 af, total. 3.8.6.2. 5.93 af, absolute, for livestock, fish propagation, and piscatorial. 3.8.6.3. 8.0 af, conditional, for domestic, irrigation, augmentation, and exchange. 3.8.6.4. 2.07 af, conditional, for livestock, fish propagation, and piscatorial. 3.8.7. Uses: Domestic, irrigation, livestock, piscatorial, fish propagation, augmentation, and exchange. 3.8.7.1. Remaining conditional uses: Domestic, irrigation, livestock, piscatorial, fish propagation, augmentation, and exchange. 3.9. Duck Pond: 3.9.1. Original decree: 86CW278 Decree. 3.9.2. Subsequent decrees: The Water Court entered findings of reasonable diligence for the following: 93CW102 Decree; 99CW187 Decree; 06CW09 Decree; 12CW153 Decree; and 19CW3099 Decree. 3.9.3. Decreed location: The dam axis is located in Section 9, Township 10 South, Range 85 West of the 6th P.M. whence the North Quarter Corner of said Section 9 bears N. 22 degrees E. 3990 feet, which is alternately described as the NW1/4 SW1/4 of Section 9, Township 10 South, Range 85 West of the 6th P.M. at a point 1745 feet from the South section line and 1235 feet from the West section line. 3.9.4. Source: An unnamed tributary of Owl Creek, a tributary of the Roaring Fork River, a tributary of the Colorado River. 3.9.5. Appropriation date: July 8, 1986. 3.9.6. Amount: 3.9.6.1. 0.10 af, total. 3.9.6.2. 0.10 af, absolute, for livestock, fish propagation, and piscatorial. 3.9.6.3. 0.10 af, conditional, for domestic, irrigation. 3.9.7. Uses: Domestic, irrigation, livestock, piscatorial, and fish propagation. 3.9.7.1. Remaining conditional uses: Domestic, irrigation. 3.10. Elk Wallow Pond: 3.10.1. Original decree: 86CW278 Decree. 3.10.2. Subsequent decrees: The Water Court entered findings of reasonable diligence in the following: 93CW102 Decree; 99CW187 Decree; 06CW09 Decree; 12CW153 Decree; and 19CW3099 Decree. 3.10.3. Decreed location: The dam axis is located at a point on the crest of the dam whence the North Quarter Corner of Section 9, Township 10 South, Range 85 West of the 6th P.M. bears N. 19 degrees E. 4570 feet, which is alternately described as the SW1/4 SW1/4 of Section 9, Township 10 South, Range 85 West of the 6th P.M. at a point 1120 feet from the South section line and 1255 feet from the West section line. 3.10.4. Source: An unnamed tributary of Owl Creek, a tributary of the Roaring Fork River, a tributary of the Colorado River. 3.10.5. Appropriation date: July 8, 1986. 3.10.6. Amount: 3.10.6.1. 0.20 af, total. 3.10.6.2. 0.20 af, absolute, for livestock, piscatorial, fish propagation. 3.10.6.3. 0.20 af, conditional, for domestic and irrigation. 3.10.7. Uses: Domestic, irrigation, livestock, piscatorial, and fish propagation. 3.10.7.1. Remaining conditional uses: Domestic, irrigation. 3.11. The subject rights are part of an integrated water supply project which encompasses and includes water rights decreed in Case Nos. 86CW277, 87CW368, 93CW074, 93CW079, 93CW080, and 93CW102. Prior diligence cases concerning the subject water rights include Case Nos. 17CW3090, 12CW153, 06CW09, 05CW236, 99CW187, 99CW106, 93CW102, and 93CW47. A plan for augmentation and exchange was decreed to Marolt Reservoir, Marolt Reservoir First Enlargement, Marolt Pond, and Marolt Pond First Enlargement in Case No. 14CW3168. The exchange was made absolute in Case No. 18CW3204 on September 8, 2019. 4. Detailed outline of work done to complete project and apply water to beneficial use: Elk Wallow seeks a finding of reasonable diligence with regard to the remaining conditional portions of the water right described in paragraph 3, above. The subject rights are part of an integrated water supply project. Accordingly, pursuant to C.R.S. § 37-92-301(4)(b), in determining reasonable diligence in the development of the conditional water rights, work on one feature of the project shall be considered by the Court in finding that reasonable diligence has been shown in the development of water rights for all features of the project. Evidence of Elk Wallow's diligence includes, but is not limited to, the following: 4.1. In June 2026, Elk Wallow improved the Serena and Trevor Springs to enhance flow. The work was completed by Seven Castles Construction, and the total expense was \$1,699. 4.2. Elk Wallow constructed the headgate for the Hines Owl Creek Ditch and Hines Owl Creek Ditch, First Enlargement in June 2022. A 12-inch Parshall flume was installed. 4.3. Elk Wallow installed an Agri-drain low level outlet to Marolt Pond dam, raising the water surface elevation. 4.4. In May 2024, Elk Wallow installed a spillway collar to Marolt Pond, increasing the dam crest width and freeboard. Spheros Environmental documented water going over the spillway. An as constructed survey was completed by High Country Engineering on May 13, 2026. 4.5. During the diligence period, Elk Wallow expended \$4,242,043 in excavation costs performed by Colorado Excavating, LLC. 5. Request to make water rights absolute: Elk Wallow seeks a finding that portions of the water rights described above in paragraph 3 were made absolute as follows: 5.1. Hines Owl Creek Ditch: Used for irrigation in the amount of 1.0 cfs as observed on June 22, 2022, and for livestock, piscatorial purposes, and delivery of water for storage in the Marolt Pond and Marolt Reservoir in the amount of 1.0 cfs as observed on May 13, 2023. Accordingly, Elk Wallow seeks to make the Hines Owl Creek Ditch absolute for these amounts and uses. 5.1.1. Remaining conditional portion: 1.0 cfs, conditional, for domestic. 5.2. Hines Owl Creek Ditch Enlargement: Used for irrigation in the amount of 2.0 cfs as observed on June 22, 2022, and for livestock, piscatorial, and fish propagation purposes, and delivery of water for storage in the Marolt Pond and Marolt Reservoir in the amount of 2.0 cfs as observed on May 13, 2023. Accordingly, Elk Wallow seeks to make the Hines Owl Creek Ditch Enlargement absolute for these amounts and uses. 5.2.1. Remaining conditional portion: 2.0 cfs, conditional, for domestic. 5.3. Marolt Pond First Enlargement: Used for livestock, fish propagation, and piscatorial purposes in the amount of 2.07 af as observed on June 12, 2025. Accordingly, Elk Wallow seeks to make the Marolt Pond First Enlargement absolute for these amounts and uses. 5.3.1. Remaining conditional portion: 8.0 af, conditional, for domestic, augmentation, and exchange. 6. Name and address of owner of land upon which structures are or will be located, upon which water is or will be stored, or upon which water is or will be placed to beneficial use: Elk Wallow. WHEREFORE,

Elk Wallow respectfully requests the Water Court enter the following findings: A. 1.0 cfs, absolute, out of 1.0 cfs, of Hines Owl Creek Ditch is made absolute for irrigation, livestock, piscatorial, and delivery of water for storage in the Marolt Pond and Marolt Reservoir. B. 2.0 cfs, absolute, out of 2.0 cfs, of the Hines Owl Creek Ditch Enlargement is made absolute for irrigation, livestock, piscatorial purposes, fish propagation, and conveyance to Marolt Pond and Marolt Reservoir. C. 2.07 af, out of 8.0 af, of the Marolt Pond First Enlargement is made absolute for livestock, fish propagation, and piscatorial uses. D. Elk Wallow exercised reasonable diligence during the preceding diligence period in the development of all water rights that are the subject of this case, and all portions thereof not made absolute are continued as conditional in full force and effect for all remaining amounts and uses. E. Any such other and further relief as this Court deems just and proper. (13 pages plus 1 Exhibit)

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

**26CW3054 CONCERNING THE APPLICATION FOR WATER RIGHTS OF THE COLORADO DIVISION OF PARKS AND WILDLIFE AND THE PARKS AND WILDLIFE COMMISSION IN MESA COUNTY, COLORADO;** Colorado Division of Parks and Wildlife and the Parks and Wildlife Commission ("CPW"), 6060 Broadway, Denver, CO 80216. Please direct communications regarding this case to: Christopher R. Stork, Senior Assistant Attorney General, Ema I. G. Schultz, Second Assistant Attorney General; 1300 Broadway, 10<sup>th</sup> Floor Denver, CO 80203; christopher.stork@coag.gov, 720-508-6311; ema.schultz@coag.gov, 720-508-6307. **APPLICATION FOR ABSOLUTE STORAGE WATER RIGHT 1. Name, mailing address, e-mail address, and telephone number of Applicant:** CPW; 6060 Broadway, Denver, CO 80216; Attn: Pete Conovitz, Water Rights Program Administrator; (970) 666-1365; pete.conovitz@state.co.us. **2. Background:** CPW owns and manages the Grand Junction West Lake State Wildlife Area ("SWA"). The Grand Junction West Lake SWA is located within the Grand Junction city limits and is directly adjacent to the CPW's Northwest Regional and Area 7 office facilities. The Grand Junction West Lake SWA supports wildlife and waterfowl habitat and also acts as a settling forebay for irrigation diversions via the Regional Office Pump water right (WDID 7201383). The general public and user groups such as Trout Unlimited visit this property for recreation, fishing, and wildlife viewing. Additionally, through a partnership with Colorado Mesa University the property is utilized for aquatics management education purposes. **3. Claim for new water storage right:** A. Name of Structure: West Lake B. Location of Structure: See **Exhibit A** for the location map. i. Legal Description: SW ¼, SE ¼, Section 10, Township 1.0 South, Range 1.0 West, Ute P.M. Approximately 720 ft North of the South section line and 2550 ft West of the East section line. ii. UTM Coordinates: 4331676.9 Northing, 190318.2 Easting, Zone 13, NAD 83. C. Source: **Stormwater and irrigation return flows, tributary to an unnamed tributary of the Colorado River.** D. Date of Appropriation: September 28, 1955. i. How appropriation was initiated: By the filling of West Lake. ii. Date applied to beneficial use: September 28, 1955. This is the earliest date that West Lake was filled to its full capacity as shown by aerial photography. **See Exhibit B.** E. Amount Claimed: i. Volume: 12 acre-feet, absolute. Calculated based upon the 6 foot average depth of West Lake and 2.12 acres of surface area. West Lake was filled to its full capacity as early as September 28, 1955. **See Exhibit B.** F. Uses: Piscatorial, wildlife, fire protection, and recreation with the right to fill and refill in priority. G. Surface area of high water line: 2.12 acres. H. Total capacity of reservoir in acre-feet: 12 acre-feet. I. Remarks: Based upon field observations, CPW believes that West Lake does not intercept groundwater. West Lake is stocked each year with catchable fish and is a popular angling spot within the city limits. The Grand Junction West Lake SWA is also utilized by migratory and resident waterfowl along with other urban terrestrial wildlife which need a consistent water source from this lake. **4. Name of owners of land upon which structures are located:** CPW. WHEREFORE, CPW respectfully requests this Court enter a decree adjudicating the absolute water storage right as described herein, and for such other relief as this Court deems just and proper.

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

**26CW3055** (20CW3006, 10CW43, 10CW44, 01CW177, 95CW06, 87CW246, 83CW78, CA 2371) APPLICATION FOR FINDINGS OF REASONABLE DILIGENCE IN SUMMIT COUNTY, COLORADO 1. Applicant: Board of County Commissioners of the County of Summit (“Summit County”) c/o David Rossi, County Manager, Post Office Box 68, Breckenridge, Colorado 80424, copies of all pleadings to: Thomas W. Korver, No. 36924, David S. Hayes, No. 28661, Hayes Poznanovic Korver LLC, 700 17<sup>th</sup> Street, Suite 1800, Denver, CO 80202, Phone: (303) 825-1980 2. Description of Conditional Vidler Tunnel Water Rights: A. Name of Structure: Vidler Tunnel Unit, diversion points G-ZZ (the “Vidler Water Rights”). B. Prior Decrees: The Vidler Water Rights were originally decreed in CA 2371, by the District Court in and for the County of Summit, Water Division 5, on March 19, 1979, with a date of appropriation of July 28, 1959. Diligence has been maintained for the conditional water rights now owned by Summit County by the following decrees of the District Court for Water Division No. 5, Case No. 83CW78, dated January, 1986; Case No. 87CW246, dated January 9, 1989; Case No. 95CW06, dated July 13, 1995; Case No. 01CW177, dated February 23, 2004; Case No. 10CW44, dated January 15, 2014, and Case No. 20CW3006, dated June 14, 2000. C. Change of Water Rights: By decree in Case No. 10CW43, Water Division No. 5, entered on January 15, 2014, the Vidler Water Rights were changed as follows: (i) Additional uses: The Vidler Water Rights will be used for the additional purposes of commercial, irrigation, snowmaking, augmentation, replacement, exchange, recreation in Peru Creek Reservoir (as described in paragraph 3 below), piscatorial use in Peru Creek Reservoir and in stream reaches decreed for present or future CWCW instream flow water rights on Peru Creek, the Snake River, and the Blue River downstream of the Reservoir as described in paragraph 31(e) of the decree in Case No. 10CW43, wildlife watering, maintenance and enhancement of water quality in Peru Creek and the Snake River downstream of the Reservoir and in Dillon Reservoir as described in paragraph 31(d) of the decree in Case No. 10CW43, remediation and restoration of riparian and wetland areas, with the right of reuse, successive use, and disposition to extinction. (ii) Change in manner of use: The Vidler Water Rights may be stored in the proposed Peru Creek Reservoir, as described in paragraph 3 below, and will not be applied to direct-flow use. (iii) Change of location of use: The place of use of the Vidler Water Rights is changed to locations within the boundaries of Summit County. A map of Summit County is attached to the application as Exhibit B and is available for inspection at the office of the Division 5 Water Court or via Colorado Courts E-filing. D. Legal Description: The conditional portion of the Vidler Water Rights now owned by Summit County were originally decreed as nineteen (19) separate points of diversion (Points G – ZZ), located in the upper reaches of the Peru Creek drainage basin. The diversion point locations, sources, and amounts as originally decreed are as follows:

Headgate	Point of Diversion (Tie From Headgate to Legal Government Corners)	Source	Amount (c.f.s.)
G	S 3°20'W, 915' to M.C. 2-19781A – GP4	Gulch G	1.00
H	S 3°05'E, 769' to M.C. 2-19781A – GP4	Gulch H	0.40
J	S 51°51'E, 506' to M.C. 2-19781A – GP4	Gulch J	0.60
K	N 88°46'W, 2731' to NW Cor. S20, T5S, R75W	Gulch K	1.00
L	S 59°05'W, 1031' to SW Cor. S17, T5S, R75W	Gulch L	3.00
M	S 20°01'E, 3459' to SE Cor. S18, T5S, R75W	Ruby Gulch	10.20
N	S 23°43'E, 4138' to SE Cor. S18, T5S, R75W	Gulch N	5.20
P	N 30°10'W, 3193' to NW Cor. S7, T5S, R75W	Gulch P	4.80
Q	N 34°09'W, 1932' to NW Cor. S7, T5S, R75W	Gulch Q	7.40
R	S 46°17'E, 270' to SE Cor. S1, T5S, R76W	Gulch R	5.80
S	N 70°57'E, 766' to NE Cor. S12, T5S, R76W	Chihuahua Gulch	4.60
T	N 38°06'E, 1840' to NE Cor. S12, T5S, R76W	Gulch T	2.20
U	N 27°48'E, 5525' to NE Cor. S12, T5S, R76W	Gulch U	5.20
V	N 88°55'W, 3447' to NW Cor. S16, T5S, R75W	Gulch V	0.60
W	N 77°04'W, 3600' to NW Cor. S16, T5S, R75W	Gulch W	0.90
X	S 64°20'W, 3862' to M.C.	Gulch X	1.50

	2-19781A – GP4		
<b>Y</b>	S 82°09'W, 3373' to M.C. 2-19781A – GP4	Gulch Y	1.40
<b>Z</b>	N 66°36'W, 3770' to M.C. 2-19781A – GP4	Gulch Z	6.30
<b>ZZ</b>	N 58°19'W, 3359' to M.C. D-19781A – GP4	Gulch ZZ	2.10

The following chart provides a description of the diversion point locations in PLSS format, which are also depicted on the map attached to the application as Exhibit A, and is available for inspection at the office of the Division 5 Water Court or via Colorado Courts E-filing.

**PLSS Locations for Vidler Tunnel Collection Points**

Headgate	Township	Range	Section	Distance	N/S	Distance	E/W	Q40	Q160	P.M.
<b>G</b>	T5S	R75W	16	1887	S	217	W	NW	SW	6th
<b>H</b>	T5S	R75W	16	1651	S	101	W	NW	SW	6th
<b>J</b>	T5S	R75W	17	1144	S	345	E	SE	SE	6th
<b>K</b>	T5S	R75W	20	50	N	2522	W	NW	NE	6th
<b>L</b>	T5S	R75W	17	760	S	776	W	SW	SW	6th
<b>M</b>	T5S	R75W	18	2088	N	1289	E	SE	NE	6th
<b>N</b>	T5S	R75W	18	1582	N	1772	E	SW	NE	6th
<b>P</b>	T5S	R75W	7	1990	S	1527	W	NE	SW	6th
<b>Q</b>	T5S	R75W	7	1704	N	1116	W	SW	NW	6th
<b>R</b>	T5S	R76W	1	380	S	486	E	SE	SE	6th
<b>S</b>	T5S	R76W	12	432	N	1272	E	NE	NE	6th
<b>T</b>	T5S	R76W	12	1506	N	1612	E	SW	NE	6th
<b>U</b>	T5S	R76W	13	280	N	2250	W	NE	NW	6th
<b>V</b>	T5S	R75W	9	78	S	1933	E	SW	SE	6th
<b>W</b>	T5S	R75W	16	813	N	1936	E	NW	NE	6th
<b>X</b>	T5S	R75W	16	2485	S	1982	E	NW	SE	6th
<b>Y</b>	T5S	R75W	16	1220	S	1953	E	SW	SE	6th
<b>Z</b>	T5S	R75W	21	592	N	2078	E	NW	NE	6th
<b>ZZ</b>	T5S	R75W	21	1217	N	2789	E	NE	NW	6th

**E. Source:** Various named and unnamed tributaries of Peru Creek, tributary to the Blue River. **F. Appropriation date:** July 28, 1959. **G. Amount:** A total of 14.6 c.f.s., conditional, limited to the amounts listed in the foregoing subparagraph 2.D. The combined total storage in Peru Creek Reservoir, directly or by exchange, may not exceed 14.6 c.f.s. **H. Use:** Domestic, agricultural, industrial and municipal uses, and the additional uses decreed in Case No. 10CW43, as described in the foregoing subparagraph 2.C. **I. Terms and Conditions:** Applicant’s exercise of the changed Vidler Water Rights shall be subject to the additional terms and conditions described in paragraph 11 of the decree in Case No. 10CW43. **3. Description of Conditional Peru Creek Reservoir Water Right:** **A. Name of Structure:** Peru Creek Reservoir (“Peru Creek Reservoir”). **B. Date of Decree:** The original decree for Peru Creek Reservoir was entered on January 15, 2014 in Case No. 10CW43, Water Division No. 5. **C. Legal Description:** The center of the crest of the dam will be located in the SE ¼ of the NE ¼ of Section 20, T5S, R75W, of the 6th P.M., 1,290 ft from the North Section line, and 885 ft from the East Section line. **D. Source:** Peru Creek, tributary to the Snake River, a tributary of the Blue River, a tributary of the Colorado River. The Reservoir will be located on-channel and created by the construction of a dam. **E. Appropriation date:** February 23, 2010. **F. Amount:** 2,050 acre-feet, conditional, together with a right to one or more successive refills in the cumulative total amount of 2,050 acre-feet, conditional. No more than 4,100 acre-feet may be stored under this priority in any one year. **G. Use:** Municipal, domestic, commercial, irrigation, industrial, snowmaking, augmentation, replacement, exchange, recreation, piscatorial, wildlife watering, maintenance and enhancement of water quality, remediation and restoration of riparian and wetland areas, with the right of reuse, successive use, and disposition to extinction. The place of use shall be limited to Summit County. **4. Description of Conditional Right of Exchange:** **A. Name and Description of Exchange:** Vidler-Peru Creek Reservoir Exchange (the “Exchange”). Pursuant to C.R.S. § 37-80-120, the amount of water that is physically and legally available for diversion at Vidler Tunnel Unit diversion points K through U, as described in paragraph 2 above, is not diverted and is allowed to flow into Peru Creek to supply downstream appropriators, and an equivalent amount of water is diverted and stored in Peru Creek Reservoir, which will be located upstream of the points at which the water available for diversion at points K through U would flow into Peru Creek. **B. Date of Original Decree:** The original decree for the Exchange was issued on January 15, 2014 in Case No. 10CW43, Water Division No. 5. **C. Date of Subsequent Decrees:** n/a. **D. Location of Structures and Exchange Reach:** (i) Upstream terminus: The upstream terminus of the Exchange is the dam for Peru Creek Reservoir, as described in paragraph 3 above. (ii) Downstream termini: The downstream termini of the Exchange are the locations where the water that is physically and legally available for diversion at Vidler Tunnel Unit diversion points K through U flows into Peru

Creek, of which the most downstream point is the confluence of Peru Creek and Chihuahua Creek located in the NW 1/4 of the SE 1/4 of Section 24, T5S, R76W, of the 6th P.M., 2370 ft from the South Section line, and 1805 ft from the East Section line. (iii) Peru Creek Reservoir: As described in paragraph 3, above. (iv) Vidler Tunnel Unit diversion points K through U: As described in paragraph 2, above. E. Source: Various named and unnamed tributaries of Peru Creek, tributary to the Blue River. F. Appropriation Date: February 23, 2010. G. Water Rights Used for Substitution and Replacement: The Vidler Water Rights, diversion points K through U, as described in paragraph 2 above, will replace an equivalent amount of water diverted and stored in Peru Creek Reservoir. H. Decreed Uses: Municipal, domestic, agricultural, commercial, irrigation, industrial, snowmaking, augmentation, replacement, exchange, recreation, piscatorial, wildlife watering, maintenance and enhancement of water quality, remediation and restoration of riparian and wetland areas, with the right of reuse, successive use, and disposition to extinction. The place of use shall be limited to Summit County. The Vidler water rights will also be used for the additional purposes of recreation in Peru Creek Reservoir, piscatorial use in Peru Creek Reservoir and in stream reaches decreed for present or future CWCB instream flow water rights on Peru Creek, the Snake River, and the Blue River downstream of the Reservoir as described in paragraph 31(e) of the decree in Case No. 10CW43, and maintenance and enhancement of water quality in Peru Creek and the Snake River downstream of the Reservoir and in Dillon Reservoir as described in paragraph 31 (d) of the decree in Case No. 10CW43. I. Terms and Conditions: Applicant's operation of the Exchange shall be subject to the following additional terms and conditions: (i) Live stream. The Exchange may be operated only when there is a live surface stream within the entire applicable exchange reach; provided, however, that the exchange decreed herein can call out any diversions junior to such exchange to maintain a live stream. (ii) Amount of exchange/transmission losses. The amount of water diverted by exchange by Applicant shall be equal to the amount of water bypassed for replacement, less a reasonable deduction for stream loss, if any there be, to be determined by the State Engineer pursuant to C.R.S. § 37-83-104. (iii) Water quality. The replacement water shall be of a quality and continuity to meet the requirements of use to which the senior appropriation involved in the exchange has normally been put. (iv) Notice. Notice must be given to the Division Engineer prior to operation of the exchange. 5. Evidence of reasonable diligence: The Vidler Water Rights, Peru Creek Reservoir, and the Exchange 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 Court of via Colorado Courts E-filing. The list is not intended to be all inclusive and may be supplemented by additional evidence at any hearing in this matter. 6. Terms and Conditions: The Vidler Water Rights, Peru Creek Reservoir, and the Exchange are subject to the terms and conditions listed in paragraphs 31 through 39 of the decree in Case No. 10CW43. 7. Can and will. The Vidler Water Rights, Peru Creek Reservoir, and the Exchange 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). 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: A. Applicant. B. Public Service Company of Colorado, d/b/a Xcel Energy, Inc., Attn: Water Resources, 3500 Blake St., Denver, CO 80205. C. United States Forest Service, c/o District Ranger, P.O. Box 620, Silverthorne, CO 80498. 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 Vidler Water Rights, Peru Creek Reservoir, and the Exchange as described in the preceding paragraphs; (2) continuing the Vidler Water Rights, Peru Creek Reservoir, and the Exchange in full force and effect; and (3) granting such other relief as may be appropriate.

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

**26CW3056 (19CW3105). MESA COUNTY.** Applicant: CITY OF GRAND JUNCTION, c/o Jamie B. Beard, 250 N. 5<sup>th</sup> Street, Grand Junction, CO 81501 and the CLIFTON WATER DISTRICT, c/o Kirsten M. Kurath, 300 Main St., Suite 102, Grand Junction, CO 81501. Application for Finding of Reasonable Diligence: GRAND JUNCTION COLORADO RIVER PIPELINE - The initial point of diversion as decreed in Civil Action No. 8303, Mesa County District Ct. is located on the West bank of the Colorado River at a point whence the Southeast Corner of Section 2, Township 11 South, Range 98 West of the 6th P.M. bears South 56° 15' East (East rather than West as clarified in Case No. W-3532) 7,051.80 feet. In Case No. W-3532, Water Division No.5, the following alternate points of diversion were decreed for the subject right: Diversion Point No.2: Located on the right bank of the Colorado River at a point whence the Northeast Comer of Section 3, Township 1 South, Range 2 East, Ute Meridian, bears North 13° 18' East 1,800 feet; Diversion Point No.3: Located on the right bank of the Colorado River at a point whence the Northeast Comer of Section 3, Township 1 South, Range 2 East, Ute Meridian, bears North 43° 33' East 3,400 feet; and Diversion Point No.4: Located on the right bank of the Colorado River at a point whence the Southwest Comer of Section 7, Township 1 South, Range 2 East, Ute Meridian, bears West 1,439.46 feet. In Case No.95CW055, Water Division No. 5, the Court decreed the following location as an alternate point of diversion for up to 10 c.f.s. of the City of Grand Junction's share of the subject water right: Diversion Point No.5: Located on the north bank of the Colorado River

in the NW ¼ NE ¼ SW ¼ of Section 23, Township 1 South, Range 100 West, 6th P.M., at a point which bears South 66° West approximately 700 feet from the Center of said Section 23. Date of Original Decree: 07/21/1959; Case No. CA8303. Source: Colorado River. Appropriation Date: 02/17/1947. Amount Claimed: 100.00 cfs of which 73.04 cfs remains conditional for City of Grand Junction and 3.58 cfs conditional for Clifton Water District, the other 23.38 cfs having been made absolute by prior judgments and decrees. An outline of diligence activities are on file with this Ct. Applicants request a finding of reasonable diligence. Use: municipal, industrial and domestic uses.

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

**26CW3057 PITKIN CTY.** Application for Finding of Reasonable Diligence and to Confirm Abs. Applicant: Cast Iron Cascade LLC, c/o Balcomb & Green, P.C.; P.O. Drawer 790, Glenwood Springs, CO 81602; (970) 945-6546. Applicant requests a finding of reasonable diligence in the development of the Unifying Fields Pond No. 1, First Enlgmt. (the "SWR") and confirmation that the SWR has been made abs. **FIRST CLAIM FOR FINDING OF REASONABLE DILIGENCE.** Unifying Fields Pond No. 1, First Enlgmt.. Original Decree: Case No. 18CW3162 in Dist. Ct., Water Div. No. 5. The dam outlet is located in the NE¼NE¼ of Sec. 20, T. 8 S., R. 83 W. of the 6th P.M. at a point 200 ft. from the E. line and 900 ft. from the N. line of Sec. 20. See Figure 1. **Source: Bowles Pipeline and Ditch, which derives its source from the Fryng Pan River and Muccawanago Creek and Spring, tributary to the Fryng Pan, Roaring Fork, and CO Rivers.** Name of ditch used to fill reservoir and capacity in cubic ft. of water per second (c.f.s): Bowles Pipeline and Ditch with a capacity of 1.5 c.f.s. Legal Description of Each POD: Legal description of Bowles Pipeline and Ditch decreed in Case No. CA3082: The headgate of said ditch is located in Spring No. 1 located in said creek (Muccawanago Creek and Springs). Legal description Bowles Pipeline and Ditch from CO Div. of Water Resources CDSS database: SE¼NE¼, Sec. 20, T. 8 S., R. 83 W., 6th P.M. UTM Coordinates: Northing: 4355857.0; Easting: 355519.0. Legal description of Bowles Pipeline and Ditch Alternate POD from CO Div. of Water Resources CDSS database: SE¼,NE¼, Sec. 21, T. 8 S., R. 83 W., 6th P.M. at a point 2,050 ft. from the N. Sec. line and 1,500 ft. from the W. Sec. line. UTM Coordinates: Northing: 4356021.0; Easting: 356138.0. Approp. Date: 10/31/2018. Amt.: 0.435 a.f., cond., with the right to fill and refill when and if water is legally and physically available. Use: Aug. Remark: Pursuant to the Decree entered in Case No. 18CW3162, the Unifying Field Pond No. 1 operates as a flow-through system, except for during the following conditions, which require curtailment of Applicant's diversions: Such times as the CWCB's instream flow right upstream of Ruedi Reservoir, decreed in Case No. 73W1955, is not fully satisfied and is being administered; or at any time any Fryngpan-Arkansas Project diversions are curtailed in order to maintain the flow of water in the Fryngpan River at the following levels established in the Operating Principles for the Fryngpan-Arkansas Project: October through March – 30 cubic feet per second ("c.f.s."); April – 100 c.f.s.; May – 150 c.f.s.; June – 200 c.f.s.; July – 100 c.f.s.; August – 75 c.f.s.; and September – 70 c.f.s. These flow levels are measured at the Thomasville Gaging Station on the Fryngpan River. Diligence Activities: The application on file with the Ct. contains a detailed outline of the work performed during the diligence period. Landowner: The Applicant owns the land upon which the structure is located and where the water is beneficially used. **SECOND CLAIM TO CONFIRM ABS.** Unifying Fields Pond No. 1, First Enlgmt. Date: 6/1/2026. Amt. Claimed as Abs.: 0.435 a.f. Grounds for Confirmation of Water Right Made Abs.: Between 5/15/2026, and 6/1/2026, Applicant stored 0.435 AF of water in the SWR. Call records maintained by the Div. of Water Resources reflect no administrative calls in effect on that date that would curtail in-priority diversions into the SWR. The cond. storage right shall be confirmed abs. for all decreed purposes because the volume of the approp. has been captured, possessed, and controlled at the decreed storage structure pursuant to C.R.S. § 37-92-301(4)(e). WHEREFORE, Applicant respectfully requests the Ct. enter a Decree: (1) confirming the SWR as abs.; (2) finding that Applicant has exercised reasonable diligence in the development of the SWR; (3) continuing any portion of the SWR remaining cond. in full force and effect; and (4) for such other relief as the Ct. deems proper.

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

**26CW3058 EAGLE COUNTY; Application to Make Water Right Absolute or, in the alternative, for Findings of Reasonable Diligence.** Name and contact information for Applicant: Mary Teresa McNulty Homeowners' Association, Inc., 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](mailto:megeiger@garfieldhecht.com). Name of structure: **Mary McNulty Subdivision Well**. Original decree: Entered on April 9, 1985 in Case No. 83CW140, District Court, Water Division No. 5. Subsequent decrees: Case No. 92CW060 entered on October 12, 1993; Case No. 99CW225 entered on July 6, 2000; Case No. 06CW142 entered on March 5, 2007; Case No. 13CW28 entered on August 25, 2013; and Case No. 19CW3097 entered June 14, 2020. Location: The SE ¼ of the NE ¼ of Section 33, Township 6 South, Range 87 West of the 6th P.M., at a point whence the Southeast Corner of said Section 33 bears South 17° East a distance of 3,090 feet, in Eagle County, Colorado, also being described as 2410 feet south of the North section line and 910 feet west of the East section line of said Section 33 as shown on the map attached as Exhibit A to the Application. **Source: Groundwater tributary to East Coulter Creek, tributary to Cattle Creek, tributary to the Roaring Fork River, tributary to the Colorado River.** Date of appropriation: October 30, 1981. Amount: 30 g.p.m., 15 g.p.m. of which is absolute, remaining 15 g.p.m. In Case No. 99CW225, the water right was made absolute in the amount of 15 g.p.m. for ordinary household uses inside one single-family dwelling and the irrigation of up to 1,500 square feet of lawns and gardens. The well was connected to the house on Lot 2, Mary Teresa McNulty Subdivision Exemption in March 2021, and serves this home for ordinary household uses within a single-family dwelling and irrigation of up to 1,500 square feet of lawn and garden. As stated in Case No. 19CW3097, the well was connected to the home on Lot 1 in November 2018 and serves this home for ordinary household uses within a single-family dwelling and irrigation of up to 1,500 square feet of lawn and garden. The Mary Teresa McNulty Subdivision Exemption is thus fully developed. Date applied to beneficial use: March 30, 2021 (there was no call on Cattle Creek, the Roaring Fork River, or the Colorado River below its confluence with Roaring Fork River) upon connection to the home on Lot 2, which resulted in the use of the subject water right for its full decreed uses. Depth: The depth of the well is 180 feet as set forth in the Pump Installation and Test Report for Well Permit No. 37437-F. Uses: Irrigation, domestic, stock watering, and fire protection purposes. Remarks: The well is permitted as Well Permit No. 37437-F. Since its construction, it has only ever pumped 15 g.p.m. Applicant agrees to cancel the additional 15 g.p.m. of pumping rate, while making the remainder of the uses of the subject well absolute for all purposes. Owner of land upon which well is located: The well is located within an easement owned by Applicant on property owned by Dale "Tony" Gross, P.O. Box 574, Carbondale, CO 81623. The Application includes a detailed description of the work performed during the diligence period. (4 pages).

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**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 JUNE 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.***

**26CW3059 PITKIN COUNTY; Application for Findings of Reasonable Diligence.** Name and contact information for Applicant: Gateway of Snowmass Metropolitan District c/o Integrated Mountain Group, 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](mailto:megeiger@garfieldhecht.com). Applicant requests findings of reasonable diligence with regard to the following water right: **Adger Pond System**. Previous decrees: December 18, 1995, Case No. 94CW184 (1 of 3), District Court in and for Water Division No. 5; Subsequent decrees: Case No. 01CW338, Case No. 11CW19, and 18CW3064, Water Division No. 5. Location: The centerline of the dam axis of the Adger Pond System is located in the SE1/4 of Section 4, Township 9 South, Range 86 West of the 6<sup>th</sup> P.M. at a point 1,375 feet east of the West section line and 875 feet north of the South section line. See Vicinity Map attached to the Application. **Source: Wooden Spring No. 1: originally decreed in Case No. 94CW184 (2 of 3), District Court in and for Water Division No. 5 and located in the SE ¼ of Section 4, Township 9 South, Range 86 West of the 6<sup>th</sup> P.M. at a point 1,130 feet east of the w/West section line and 875 feet north of the South section line; a spring tributary to Capitol Creek, tributary to the Roaring Fork River, tributary to the Colorado River, in the amount of 0.1 c.f.s, absolute, to fill the Adger Pond System for all decreed purposes.** Wooden Spring No. 2: originally decreed Case No. 94CW184 (2 of 3), District Court in and for Water Division No. 5 and located in the SW ¼ of the SW ¼ of Section 4, Township 9 South, Range 86 West of the 6<sup>th</sup> P.M. at a point 1,105 feet east of the West section line and 800 feet north of the South section line; a spring tributary to Capitol Creek, tributary to the Roaring Fork River, tributary to the Colorado River, in the amount of 0.1 c.f.s, absolute, to fill the Adger Pond System for all decreed purposes. Un-named springs tributary to the Roaring Fork River, tributary to the Colorado River. Appropriation Date: April 10, 1992. Amount: 1.45 acre-feet, conditional, with the right to fill and refill when and if water is legally and physically available. The additional 2.05 acre-feet decreed to this water right were made absolute for all uses in Case No. 18CW3064, District Court in and for Water Division No. 5. Uses: aesthetic, augmentation and exchange. Length of dam: 250 feet. Total capacity of reservoir: 3.5 acre-feet; Active storage: 3.5 acre-feet; dead storage: 0 acre-feet. 1.45 acre-feet, conditional; 2.05 acre-feet, absolute. Name and address of owner of land upon which pond will be located: Allen H. Adger, 1645 Capitol Creek Road, Snowmass, CO 81654. Applicant requests findings of reasonable diligence with regard to the following water right: **Gateway Mesa Well No. 2, First Enlargement**. Previous decrees: December 29, 1998, Case No. 91CW261, District Court in and for

Water Division No. 5; Subsequent decrees: Case No. 04CW204, Case No. 11CW19, and 18CW3064, Water Division No. 5. Location: Tract 75, in the SW1/4 of the NE ¼ of Section 34, Township 8 South, Range 86 West of the 6<sup>th</sup> P.M. at a point 2179.20 feet from the North section line, 2739.50 feet from the West section line. See Vicinity Map attached to the Application. Source: Alluvium adjacent to Snowmass Creek, tributary to the Roaring Fork River, tributary to the Colorado River. Appropriation date: June 30, 1989. Amount: 50 g.p.m., total, of which 25 g.p.m. remains conditional. Uses: Domestic, irrigation, stock watering and fire protection purposes. Annual Diversion: 61.24 acre-feet per annum, in conjunction with Gateway Mesa Well No. 3. Legal description of acreage of land to be irrigated: Lawn and garden irrigation on individual lots located in the Gateway of Snowmass Mesa Subdivision, more particularly described on the Final Plat recorded in Plat Book 4, Page 91, Pitkin County records and certain adjoining parcels connected to the water supply system, together totaling approximately 9.54 acres. Name and address of owner of land upon which structure is located: Brod Family Irrevocable Trust, as listed above. Remarks: This well is the subject of a Plan for Augmentation Including Exchange decreed in Case Nos. 91CW263 and 02CW392 and amended in Case No. 21CW3110. Applicant requests findings of reasonable diligence with regard to the following water right: **Gateway Mesa Well No. 3**. Previous decrees: December 29, 1998, Case No. 91CW261, District Court in and for Water Division No. 5; Subsequent decrees: Case No. 04CW204, Case No. 11CW19, and Case No. 18CW3064, Water Division No. 5. Location: Lot 4 of Oh-Be-Joyful Acres recorded in Plat Book 12 at Page 82 of the records of the Clerk and Recorder of Pitkin County, Colorado, and being located in the SE1/4 NW1/4 of Section 34, 200 feet from the North section line, 2600 feet from the West section line, Township 8 South, Range 86 West of the 6<sup>th</sup> P.M. See Vicinity Map attached to the Application. Source: Alluvium adjacent to Snowmass Creek, tributary to the Roaring Fork River, tributary to the Colorado River. Initiation Appropriation date: December 31, 1986. Amount: 100 g.p.m., total, of which 5 g.p.m. remains conditional. Uses: Domestic, irrigation, stock watering and fire protection purposes. Annual Diversion: 61.24 acre-feet per annum, in conjunction with Gateway Mesa Well No. 2, First Enlargement. Legal description of acreage of land to be irrigated: Lawn and garden irrigation on individual lots located in the Gateway Metropolitan District, more particularly described on the Final Plat recorded in Plat Book 4, Page 91, Pitkin County records and certain adjoining parcels connected to the water supply system, together totaling approximately 9.54 acres. Name and address of owner of land upon which structure is located: Brod Family Irrevocable Trust, as listed above. Remarks: This well is the subject of a Plan for Augmentation Including Exchange decreed in Case Nos. 91CW263 and 02CW392 and amended by Case No. 21CW3110. The Application includes a detailed description of the work performed during the diligence period. (6 pages).

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

**26CW3060 PITKIN COUNTY – SNOWMASS CREEK, TRIBUTARY TO ROARING FORK RIVER.** Steven Shane and Clare Evert-Shane c/o Kevin L. Patrick and John M. Sittler, Patrick, Miller & Noto, P.C., 229 Midland Ave., Basalt, CO 81621, (970) 920-1030. APPLICATION TO MAKE WATER RIGHTS ABSOLUTE. First Claim: Lutz Ditch, Shane Enlargement. Original Decree: June 29, 2020, Case No. 18CW3124, Division 5 Water Court. Legal: The decreed legal description for the more of diversion for the Lutz Ditch is located on the West bank of Snowmass Creek at a point whence the North Quarter Corner of Section 27, Township 9 South, Range 86 West of the 6<sup>th</sup> P.M. bears North 3°30' West 2,600 feet. A more accurate location of the point of diversion for the Lutz Ditch is: UTM NAD83 Z13: Northing – 4345242, Easting – 329107. Source: Snowmass Creek, tributary to Roaring Fork River, tributary to the Colorado River. Appropriation date: July 10, 2018. Amount: 0.1 c.f.s. conditional. Uses: Irrigation of 2 acres and fire protection. Claim to make absolute: Date water applied to beneficial use: July 31, 2022. The Applicant installed a twenty (20) g.p.m. pump to divert water from the ditch during July, 2022. Applicant diverted 25 g.p.m. at the headgate to allow for 20 g.p.m. of pumping from the ditch on Applicants' property. Amount: 0.056 c.f.s. (25 g.p.m.). Uses: Irrigation of 2 acres and fire protection. Remarks: By making the Lutz Ditch, Shane Enlargement absolute for 0.056 c.f.s. (25 g.p.m.), Applicants withdraw any claims to the remaining conditional amount decreed to the Lutz Ditch, Shane Enlargement and allow that remaining amount (0.044 c.f.s.) to be canceled. CH4 Aspen Ranch LLC owns the land on which the Lutz Ditch headgate is located. Applicants own the land where the water is put to beneficial use. Second Claim: Shane Enlargement Exchange. Date of original decree: June 29, 2020, Case No. 18CW3214, Division 5 Water Court. Legal: Downstream termini: For the exchange of Green Mountain Reservoir water: The confluence of the Roaring Fork River and the Colorado River located in the SE ¼ of the NW ¼ of Section 9, Township 6 South, Range 89 West of the 6<sup>th</sup> P.M., at a point approximately 2,200 feet from the North section line and 2,350 feet from the West section line of said Section 9. For the exchange of Ruedi Reservoir and/or Troy and Edith Ditch water: The confluence of the Roaring Fork River and the Fryingpan River, located in the SW ¼ of the SE ¼ of Section 7, Township 8 South, Range 86 West of the 6<sup>th</sup> P.M., at a point approximately 647 feet from the South section line and 1,475 feet from the East section line of said Section 7. For the exchange of Robinson Ditch water: The point of diversion for the Robinson Ditch on the Roaring Fork River, located in the NW ¼ of the SE ¼ of Section 11, Township 8 South, Range 87 West of the 6<sup>th</sup> P.M., at a point approximately 2,307 feet from the South section line and 2,309 feet from the East section line of said Section 11. Upstream terminus: The location of the Lutz Ditch headgate, as described above. Source: Water rights owned or controlled by the Basalt Water

Conservancy District and for which Applicants have an Allotment Contract for the use of, as described in paragraph 6.C of the Case No. 18CW3214 decree. Appropriation date: September 17, 2018. Amount: 0.1 c.f.s., conditional, with a volumetric limit of 1.58 acre-feet, annually. Use: Exchange for irrigation and fire protection purposes. Claim to make absolute: Date water applied to beneficial use: July 31, 2022. Amount: 0.007 c.f.s. Uses: Exchange for irrigation and fire protection purposes. Remarks: By making the Shane Enlargement Exchange absolute for 0.007 c.f.s., Applicants withdraw any claims to the remaining conditional amount decreed to the Lutz Ditch, Shane Enlargement, and allow that remaining amount (0.093 c.f.s.) to be canceled. This absolute amount is sufficient to replace depletions for the 0.028 c.f.s. of the Lutz Ditch, Shane Enlargement water right made absolute. Maps and supporting documents are on file with the court.

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**26CW3061 (2020CW3003; 2010CW298) APPLICATION FOR FINDINGS OF REASONABLE DILIGENCE IN GRAND COUNTY.** 1. Name, address and telephone number of applicant: Board of Commissioners for the County of Grand, State of Colorado; c/o, Edward T. Moyer, County Manager; P.O. Box 264; Hot Sulphur Springs, CO 80451; (970) 725-3100. Please direct communications related to this application to Grand County’s counsel: David C. Taussig, John J. Justus, Kate A. Bosh, CURTIS, JUSTUS, & ZAHEDI, LLC; 1333 W. 120th Ave., Suite 302; Westminster, Colorado 80234; Tele: (303) 595-9441; davet@cjzwaterlaw.com; johnj@cjzwaterlaw.com; kateb@cjzwaterlaw.com. 2. Name of Structure: Hot Sulphur Springs Whitewater Park described in paragraph 4 is referred to as the Subject Water Right. The location of the Subject Water Right is shown on the map attached as Exhibit A. 3. Previous Decree. The Subject Water Right was originally decreed on January 10, 2014, in Case No. 2010CW298, Water Division 5, Findings of Fact, Conclusions of Law, Judgment, and Decree of the Water Court (“Original Decree”). A finding of reasonable diligence was made in Case No. 2020CW3003, Water Division No. 5, June 14, 2020, in Decree: Decree of the Water Court, which also made absolute the Gore Canyon White Water Park (“First Diligence Decree”). 4. Description of Subject Water Right. The Subject Water Right is a conditional water right for Recreational In-Channel Diversions (RICD) as described below: a. Decreed Water Right: Hot Sulphur Springs Whitewater Park. i. Location: The Hot Sulphur Springs Whitewater Park will be located in and on the Colorado River in Pioneer Park near the Town of Hot Sulphur Springs, Colorado in part of the S½ of the SE¼ of Section 3, T. 1 N., R. 78 W., 6th P.M., Grand County, Colorado. The Hot Sulphur Springs Whitewater Park is designed with two structures that will each control and divert the flow of the Colorado River to create a hydraulic feature. The upstream structure and associated whitewater feature are named the “Glory Hole” and the downstream structure and associated whitewater feature are named the “Hot Pocket.” A map showing the approximate upstream and downstream extent of the Hot Sulphur Springs Whitewater Park and the structure locations is attached as Exhibit B. (1) The Glory Hole structure will be located in and across the Colorado River in the SE¼ of Section 3, T. 1 N., R. 78 W., 6th P.M., Grand County, Colorado. The left abutment of the Glory Hole structure will be located in the SE¼ SE¼ of said Section 3, whence the SE corner of said Section 3 bears S 53° 39” E, 880 feet. (2) The Hot Pocket structure will be located in and across the Colorado River in the SE¼ of Section 3, T. 1 N., R. 78 W., 6th P.M., Grand County, Colorado. The left abutment of the Hot Pocket structure will be located in the SE¼ SE¼ of said Section 3, whence the SE corner of said Section 3 bears S 61° 20” E, 1,426 feet. ii. Source: Colorado River. iii. Date of Appropriation: December 21, 2010. iv. Calling Rates of Flow: Pursuant to paragraph 15 of the Original Decree the calling rates of flow for the Hot Sulphur Springs Whitewater Park, expressed in cubic feet per second (“cfs”), are listed below and decreed as **CONDITIONAL**:

<b>Flow Schedule for Calling Rates of Flow for Hot Sulphur Springs Whitewater Park Water Rights</b>			
<u>Period</u>	<u>Flow Rate</u>	<u>Experience</u>	<u>85% of Flow Rate</u>
April 10 – May 20	250 cfs	Blue	212.5 cfs
May 21 – July 4	850 cfs	Black (Hot Pocket) / Blue (Glory Hole)	722.5 cfs
July 5 – Aug 2	250 cfs	Blue	212.5 cfs

v. Uses: All recreational uses in and on the Colorado River including without limitation, boating, rafting, kayaking, tubing, floating, canoeing, paddling, and all other non-motorized boating recreational uses, for both structures. 5. Detailed outline of what has been done toward completion of the appropriation and application of water to beneficial use as conditionally decreed, including expenditures. a. Activities Conducted During Diligence Period. During the Diligence Period (i.e. the period between June 14, 2020, the date the First Diligence Decree was entered, and June 30, 2026, the date this application was filed), Grand County conducted the following diligence activities. i. Water Accounting. Pursuant to paragraph 62 of the Original Decree, Grand County has submitted annual water accounting to the Division Engineer for Water Division No. 5 for the Gore Canyon Whitewater Park. ii. Carve-Out Accounting. Pursuant to paragraph 45(c) of the Original Decree, Grand County has submitted annual carve-out accounting to the Division Engineer for Water Division No. 5. iii. Integrated System Activities. Pursuant to paragraph 58 of the Original Decree, Grand County has implemented

provisions of the Colorado River Cooperative Agreement and the Windy Gap Firming Project Intergovernmental Agreement, including but not limited to the following water court cases in Water Division No. 5, or filed statements of opposition to protect the Subject Water Right: Case No. 12CW176 (Climax); Case No. 13CW3077 (United States, et al.); Case No. 13CW3109 (Glenwood Springs); Case No. 17CW3176 (Municipal Subdistrict and Colorado River District); 19CW3084 (Sun River and Town of Granby); 19CW3170 (Colorado River District, Grand County, and Middle Park); 22CW3030 (CWCB, Denver Water and Grand County); and Case No. 25CW3177 (CWCB, PSCo, Colorado River District) . iv. Upper Colorado River Wild & Scenic Alternative Management Plan. Grand County has participated as a representative of “Local Government” in implementing the Upper Colorado River Wild & Scenic Stakeholders Group Alternative Management Plan. As part of this effort, Grand County has reviewed recreational float-boating surveys, parking lot coordination, and monitoring efforts related to the ORVs. v. Gore Canyon Festival. During the Diligence Period, as part of the Gore Canyon Festival, a free-style rodeo, white-water boating and stand-up paddle board competition is held at the Gore Canyon Whitewater Park. vi. HUP Calls. Representatives from Grand County participate in the weekly calls of the Historic Users Pool group to understand and respond to river conditions on the Colorado River. vii. Legislative Efforts. Grand County participated in potential legislative efforts related to RICDs for natural structures, right to float issues, and safe and lawful passage around diversion structures. viii. Resume Review. Grand County has reviewed the Division 5 resume of applications published each month to protect the Subject Water Right. ix. Hot Sulphur Springs Whitewater Park. Grand County has met with officials from the Town of Hot Sulphur Springs concerning the construction of this park, including conducting a Recreation Project Survey Report August 12, 2025. x. River Restoration. Colorado Parks & Wildlife and Grand County will be evaluating the Subject Water Right as part of the Colorado River Habitat Project stream restoration efforts on this section of the Colorado River between Windy Gap and the confluence of the Williams Fork River. xi. Measurement Rules. Grand County has met and communicated with the State and Division Engineers concerning the application of the proposed measurement rules to RICDs. xii. Total Costs. Total costs expended on the Subject Water Right exceeded \$22,000.00 during the Diligence Period. This does not include time expended by county employees. xiii. Additional Evidence. The application contains a summary of diligence activities and costs. Grand County may present additional evidence regarding the activities and costs above or other diligence activities and costs on its integrated water system in support of its application in this case. 6. Amounts Claimed as Absolute. No additional amounts are claimed absolute. 7. Remarks. a. Grand County has a specific plan and intent to complete the conditional appropriations of the Subject Water Right and can and will complete them with diligence and in a reasonable time. b. Paragraph 58 of the Original Decree states: “The RICD Water Rights are part of an integrated system of water rights together with anticipated sources of water from agreements with other water users, and future acquisitions and appropriations to support Grand County’s economy, ecology and recreation.” The activities conducted during the Diligence Period implement this provision. 8. Names and addresses of owners or reputed owners of land on which any new diversion or storage structure or modification to any existing diversion or storage structure or existing storage pool is or will be located, or upon which water is or will be stored. On information and belief and based upon the Grand County Assessor records, the names and addresses of owners of land upon which the Subject Water Right will be located are: a. Hot Sulphur Springs Whitewater Park: Town of Hot Sulphur Springs, 513 Aspen St, Box 116, Hot Sulphur Springs, Colorado 80451. WHEREFORE, Grand County respectfully requests that the Court find that Grand County has exercised reasonable diligence with respect to the Subject Water Right and continue the Hot Sulphur Springs Whitewater Park in full force and effect for the period allowed by law. (6 pages, 1 exhibit)

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**26CW3062 (19CW3136, 12CW19, 04CW157) DISTRICT COURT, WATER DIVISION NO. 5, STATE OF COLORADO,** Garfield County Courthouse, 109 8th Street, Suite 104, Glenwood Springs, CO 81601, . (970) 928-3065. **IN THE MATTER OF THE APPLICATION FOR WATER RIGHTS OF: BUCKHORN VALLEY METROPOLITAN DISTRICT NO. 1, IN EAGLE COUNTY, COLORADO. APPLICATION TO MAKE ABSOLUTE AND FOR FINDINGS OF REASONABLE DILIGENCE.** 1. Name, Address, Telephone Number and Email Address of Applicant: Buckhorn Valley Metropolitan District No. 1 (the “Applicant”). c/o Sarah Shepherd, Circuit Rider of Colorado, P.O. Box 359, Littleton, CO 80160., Direct All Pleadings to: Bushong & Holleman PC, Attn: Steve Bushong & Emily McCrary, 1966 13th Street, Suite 270, Boulder, CO 80302, sbushong@BH-lawyers.com; emccrary@bh-lawyers.com 2. Name of Structure: Appropriative Right of Exchange for the 2004 Exchange (“2004 Exchange”). 3. Description of Conditional Water Right:3.1. Original Decree: Entered on February 16, 2006, in Case No. 2004CW157 (“04CW157 Decree”), by the District Court for Water Division 5 (“Water Court”). 3.2. Legal Description:3.2.1. Point of diversion by exchange (exchange-to-point): the 2004 Exchange point of diversion is located in the SW1/4 NE1/4 of Section 1, Township 5 South, Range 85 West of the 6<sup>th</sup> P.M., in Eagle County, at a point whence the SW corner of Section 2, Township 5 South, Range 85 West of the 6<sup>th</sup> P.M. bears South 68 degrees 38 minutes 32 seconds West a distance of 8,815 feet, 3.2.1.1. Remark: this point of diversion is the same as that for the Eagle River Exchange (“2002 Exchange”) and the Eagle River Right, both of which are confirmed in the decree entered on February 18, 2004 in

Consolidated Case Nos. 1997CW2 and 1997CW136 by the Water Court (“97CW2-97CW136 Decree”) and made absolute in the decree entered on January 30, 2011 in Case No. 2010CW21 by the Water Court. Nothing herein shall be construed to affect in any way the 2002 Exchange and/or the Eagle River Right, 3.2.2. Points of introduction of substitute supply: 3.2.2.1. Wolford Mountain Reservoir: Wolford Mountain Reservoir, the dam of which is located in the SW1/4 NE1/4 of Section 25, Township 2 North, Range 81 West of the 6<sup>th</sup> P.M., in Grand County. The intersection of the dam axis (Sta. D19+35.61) with the West Access Road (Sta. WR50+55.05) occurs at a point which bears South 53 degrees 24 minutes 56 seconds East a distance of 3,395.61 feet from the northwest corner of said Section 25; the bearing of said dam axis from Sta. 19+35.61 to Sta. 0+00 being South 75 degrees 28 minutes 29 seconds East, 3.2.2.2. Ruedi Reservoir: Ruedi Reservoir is located in Sections 7, 8, 9, 11, and 14 through 18, Township 8 South, Range 84 West of the 6<sup>th</sup> P.M., in Eagle and Pitkin Counties. The dam axis intersects the right abutment at a point whence the southwest corner of said Section 7 bears North 82 degrees 10 minutes West a distance of 1,285 feet, 3.2.3. Exchange Reaches: 3.2.3.1. The reach of the 2004 Exchange using Wolford Mountain Reservoir is from the confluence of the Colorado and Eagle Rivers in the NE1/4 of Section 5, Township 5 South, Range 68 West of the 6<sup>th</sup> P.M., in Eagle County, up to the 2004 Exchange point of diversion, 3.2.3.2. The reach of the 2004 Exchange using Ruedi Reservoir is from the point of release from Ruedi Reservoir to the Fryingpan River in the NW1/4 of Section 18, Township 8 south, Range 84 West of the 6<sup>th</sup> P.M. in Pitkin County, thence delivery down the Fryingpan River to its confluence with the Roaring Fork River in the SE1/4 of Section 7, Township 8 south, Range 86 West of the 6<sup>th</sup> P.M. in Eagle County, thence delivery down the Roaring Fork River to its junction with the Colorado River in the NW1/4 of Section 9, Township 6 South, Range 89 West of the 6<sup>th</sup> P.M. in Garfield County, thence exchanged up the Colorado River to its junction with the Eagle River in the NE1/4 of Section 5, Township 5 South, Range 86 West of the 6<sup>th</sup> P.M. in Eagle County, thence exchanged up the Eagle River to the 2004 Exchange point of diversion. A map showing the approximate locations of the reaches of the 2004 Exchange and certain relevant structures is attached as **Exhibit A** to the Application, 3.3. Source of Water: 3.3.1. Source of water to be diverted by exchange: **The source of water diverted by exchange at the 2004 Exchange point of diversion is the Eagle River, tributary to the Colorado River,** 3.3.2. Substitute supply: The substitute supply for the 2002 Exchange is a paid-up water allotment contract (CW02019) with the Colorado River Water Conservation District, acting by and through its Colorado River Water Projects Enterprise (“CRWCD”) for 50 acre-feet of the Colorado River supply water (“Original Exchange Contract”). For the 2004 Exchange, Buckhorn secured from the CRWCD an amendment to the Original Exchange Contract for an additional 50 acre-feet of Colorado River supply water (“Additional Exchange Water”), 3.3.3. Sources of water for the Additional Exchange Water: 3.3.3.1. Wolford Mountain Reservoir: Water rights for Wolford Mountain Reservoir were adjudicated in Case No. 1987CW283 for 59,993 acre-feet with an appropriation date of December 14, 1987 for all beneficial uses including, without limitation, domestic, municipal, agricultural, and recreational and the decree was entered November 20, 1989, by the Water Court. The legal description of Wolford Mountain Reservoir is described above in paragraph 3.2.2.1. The source of water is Muddy Creek and its tributaries, all tributary to the Colorado River. Additional applicable decrees are those entered in Case No. 1995CW281 on August 26, 1997 by the Water Court for 6,000 acre-feet (enlargement) with an appropriation date of January 16, 1995 for all beneficial uses by and for the benefits of the inhabitants of the CRWCD including, without limitation, domestic, municipal, industrial, irrigation, agricultural, piscatorial, recreational and environmental mitigation and the decree entered in Case No. 1998CW237 on July 6, 2000 by the Water Court for 30,000 acre-feet (refill) with an appropriation date of November 17, 1998 for the beneficial uses decreed in the previous cases, 3.3.3.2. Ruedi Reservoir: The CRWCD is entitled to deliveries of water from Ruedi Reservoir pursuant to contracts with the U.S. Bureau of Reclamation. The legal description of Ruedi Reservoir is described above in paragraph 3.2.2.2. Water rights were decreed to Ruedi Reservoir in Civil Action No. 4613, Garfield County District Court, on June 20, 1958 for 140,697.3 acre-feet and were reduced to 102,369 acre-feet pursuant to an order of the Water Court in Case No. W-789-76, with an appropriation date of July 29, 1957 for domestic, municipal, irrigation, industrial, generation of electrical energy, stock watering, and piscatorial uses. A water right was decreed to Ruedi Reservoir in Case No. 1981CW34 by the Water Court on April 8, 1985 for 101,280 acre-feet (refill) with an appropriation date of January 22, 1981 for irrigation, domestic, municipal, generation of electric energy, stock watering, industrial, piscatorial, recreation and maintenance of sufficient reserves to fulfill contractual obligation and provide stored water for recreation in times of drought, 3.3.4. Appropriation Date: July 28, 2004, 3.3.5. Amount: 1.5 cubic feet per second (“c.f.s.”), originally decreed conditional, 3.3.6. Uses: Irrigation of the Buckhorn Valley development and the Holy Cross Property described in the 97CW2-97CW136 Decree, storage in Buckhorn Ponds 1, 2 and 3, piscatorial and recreation after being stored in Buckhorn Ponds 1, 2 and 3, dust control and other construction uses in conjunction with the development of Buckhorn Valley. The approximate location of the irrigated area is identified in the map attached as **Exhibits A and B**. The foregoing uses are the same as those decreed for the 2002 Exchange and the Eagle River Right decreed in the 97CW2-97CW136 Decree. 4. Subsequent Decrees Awarding Absolute Water Rights and Findings of Reasonable Diligence: Decree entered in Case No. 2012CW19 by the Water Court and dated November 10, 2013 (“12CW19 Decree”). In the 12CW19 Decree, the 2004 Exchange was made absolute for all uses at the full decreed rate of exchange of 1.5 cfs using water delivered from Wolford Mountain Reservoir in the amount of 38.15 acre-feet. Findings of reasonable diligence were made on 11.85 acre-feet of the 2004 Exchange using water delivered from Wolford Mountain Reservoir and for the 2004 Exchange using water delivered from Ruedi Reservoir. By Decree entered in Case No. 2019CW3136 by the Water Court, dated June 29, 2020 (“19CW3136 Decree”), the 2004 Exchange using Wolford Mountain Reservoir as a source of water, was made absolute in its entirety based on the in-priority operation of the exchange at 1.5 c.f.s. with no limitation as to any specific volume of the Additional Exchange Water. Findings of reasonable diligence were made in the 19CW3136 Decree for all decreed uses for 1.5 c.f.s. of the 2004 Exchange using water delivered from Ruedi Reservoir. 5. Claim to make absolute: Applicant requests a finding that the 2004 Exchange, using the Ruedi Reservoir as a source of water, be made absolute, for all decreed uses, in the amount of 0.407 c.f.s. based upon deliveries from Ruedi Reservoir that were used by Applicant pursuant to the 2004 Exchange in July and August, 2020 in the amount of 1.62 acre-feet. See CRWCD Records attached as **Exhibit C**. 6. Request for Findings of Reasonable Diligence: To the extent the 2004 Exchange using

Ruedi Reservoir as a substitute supply is not made absolute in these proceedings, Applicant requests findings that it has exercised reasonable diligence in the development of that full remaining conditional water right and that said conditional water right continue in full force and effect. 7. Detailed outline of work done to complete project and apply water to a beneficial use: The water right subject to this Application is part of Applicant's integrated water system. As such, under C.R.S. § 37-92-301(4)(b), "[w]hen a project or integrated system is comprised of several features, work on one feature of the project or system shall be considered in finding that reasonable diligence has been shown in the development of water rights for all features of the entire project or system." During the diligence period, Applicant has undertaken significant system maintenance, renovation, and capital improvements and has experienced an increase demand on its water system due to growth within its service area. The following activities demonstrate Applicant has exercised reasonable diligence in the development of the remaining conditional water rights: 7.1. Demand for water continues to grow within the Applicant's service area. During the diligence period, the service area has grown from approximately 37% developed to 52% developed, a growth of 135 residential units and their corresponding irrigated areas. That continued growth increases Applicant's demand for water. 7.2. In 2025, the District replaced its two vertical turbine pumps necessary to move water from the exchange-to point on the Eagle River to the location of use and then rebuilt the old pumps for spares so that water delivery can be quickly restored and maintained in the event of a pump failure. 7.3. The District has implemented both seasonably adjusted and permanent water conservation functions including limits on irrigation days and times of day for irrigation, restrictions on new development landscaping, encouragement of xeriscaping, and other matters, 7.4. The District has made leak repairs to its irrigation system on several occasions and is gradually eliminating older and less reliable piping, connections, and taps. These repairs include replacement of pipe joints and fitting connections, joints and transition parts, and valves, 7.5. At the JPO 1 diversion and headgate, the District has made several improvements to the intake area to reduce bypass leakage from the fish screen intake and seasonally performs maintenance tasks to ensure the preservation of the trout separation function and remove siltation affecting performance and diversion accuracy, 7.6. The District performed an irrigation system assessment and rate study in 2022 to examine all features of its irrigation water delivery, storage, and distribution system and to examine its fee and rate structure to ensure adequate funding. Additional rate studies were performed from 2023 – 2025, 7.7. The District routinely inspects the storage reservoir for winter wild livestock damage to the liner and monitors leakage status by observation of lake levels during no-use periods. During the reporting period, no leaks were detected, 7.8. Applicant continues to collaborate with the Town of Gypsum regarding the adequacy of its irrigation water supply including the development of a detailed analysis to ensure adequate irrigation supplies are available at full build-out, 7.9. Applicant incurred regular and significant engineering and legal expenses during the diligence period to protect and invest in its water rights. 8. Land Ownership: The 2004 Exchange-to point of diversion is constructed and located on land owned by Hillis of Snowmass, Inc., P.O. Box 5739, Eagle, CO 81631., Wolford Mountain Reservoir: Colorado River Water Conservation District, P.O. Box 1120 Glenwood Springs, Colorado 81601, Ruedi Reservoir: U.S. Department of the Interior Bureau of Reclamation, 2764 Compass Drive Grand Junction, Colorado 81506. WHEREFORE, Applicant respectfully requests that the court enter an order (1) granting Applicant's claim to make the subject conditional water right absolute as requested in Paragraph 5 above; (2) granting Applicant's request for findings of reasonable diligence on any remaining conditional portion of the subject water right not made absolute hereon as requested in Paragraph 6 above, so that said conditional right continues in full force and effect; and (3) granting such other and further relief as deemed appropriate. (8 pages + Exhibits)

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

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

**26CW3063 (19CW3098, 09CW188) ADAMS, ARAPAHOE, CHAFFEE, DOUGLAS, EAGLE, JEFFERSON, LAKE, PARK, SUMMIT AND WELD COUNTIES; EAGLE RIVER, TRIBUTARY TO THE COLORADO RIVER.** Fremont Pass Ditch Company, a Colorado Mutual Ditch Company, c/o Austin Hamre, Esq. and Teri L. Pettitt, Esq. Prescott Rodriguez Ostrander Wallshein & Taylor, PC, 188 Inverness Drive West, Suite 430, Englewood, Colorado 80112-5204, (303) 779-0200; Sheela S. Stack, Esq. and Stacy L. Brownhill, Nazarene Stack & Wombacher, LLC, 5105 DTC Pkwy, Suite 200, Greenwood Village, Colorado 80111, (720) 506-9605. APPLICATION FOR FINDING OF REASONABLE DILIGENCE. 2. NAME OF STRUCTURE: Columbine Ditch. 3. DESCRIPTION OF CONDITIONAL WATER RIGHT (hereinafter, "Junior Columbine Water Right"): 3.1. Original Decree: Case No. 09CW188, Water Division No. 5, District Court, Colorado, dated August 4, 2013. 3.2 Source: Three unnamed branches of the East Fork of the Eagle River, as well as snowmelt, sheet flow and surface runoff tributary to the East Fork above the line of said ditch and from other water along the course of the ditch. 3.3 Amount: 60 cfs (average over a 24 hour period), conditional. 3.4 Appropriation Date: December 17, 2009. 3.5 Names and Legal Descriptions of Structures: 3.5.1. Columbine Ditch. The Columbine Ditch is located in portions of Sections 4, 5, 6 and 9, Township 8 South, Range 79 West, 6<sup>th</sup> P.M. in Eagle and Lake Counties, Colorado. As depicted in Exhibit A hereto, the Columbine Ditch starts at Headgate No. 1, which is the furthest northwest, and runs generally southeast to Headgate No. 2, then to Headgate No. 3, then across the Continental Divide at Columbine Pass and discharges the collected waters into the West Branch of Chalk Creek, a tributary of the Arkansas River. Surface runoff is diverted by the ditch along its entire course in

Eagle County. Three unnamed branches of the East Fork of the Eagle River are intercepted by the ditch at the following points: 3.5.1.1 Headgate No. 1 is situate at a point from whence the southeast corner of Section 5, Township 8 South, Range 79 West of the 6th P.M. bears South 55°39' East a distance of 7127.6 feet. The UTM coordinates of this headgate are in Zone 13 North and are as follows: Northing 4360235m, Easting 392178m. 3.5.1.2. Headgate No. 2 is situate at a point from whence the said southeast corner of Section 5, Township 8 South, Range 79 West of the 6th P.M. bears South 57°29' East a distance of 4957.3 feet. The UTM coordinates of this headgate are in Zone 13 North and are as follows: Northing 4359871.841m, Easting 392690.277m. 3.5.1.3. Headgate No. 3 is situate at a point from whence the said southeast corner of Section 5, Township 8 South, Range 79 West of the 6th P.M. bears South 65°38' East a distance of 1091 feet. The UTM coordinates of this headgate are in Zone 13 North and are as follows: Northing 4359186.678m, Easting 393634.282m. 3.5.2. Following diversion, some of the water may be stored for subsequent use by Climax in various storage structures in Water Division 5, as more fully identified in the Decree entered in 09CW188. See map attached hereto as Exhibit B-1. 3.5.2.1. Robinson Reservoir. Robinson Reservoir is a 3,136 acre feet reservoir located in the Southeast ¼ of Section 33 and the Southwest ¼ of Section 34, both in Township 7 South, Range 79 West, 6th P.M. in Eagle County, Colorado. The UTM coordinates of this headgate are in Zone 13 South and are as follows: Northing 4361354m, Easting 395273m. 3.5.2.2. Chalk Mountain Reservoir. Chalk Mountain Reservoir is a 204.1 acre feet reservoir located in the Southwest ¼ of Section 34, Township 7 South, Range 79 West, 6th P.M. in Eagle County, Colorado. The UTM coordinates of this headgate are in Zone 13 South and are as follows: Northing 4361136m, Easting 395660m. 3.5.2.3. Buffehr's Lake. Buffehr's Lake is a 102.8 acre feet reservoir located in the Southwest ¼ of Section 2, Township 8 South, Range 79 West, 6th P.M. in Summit County, Colorado. The UTM coordinates of this headgate are in Zone 13 South and are as follows: Northing 4359679m, Easting 397255m. 3.5.2.4. Climax Mine Underground Levels. The Climax Mine Underground Levels have a storage capacity of approximately 1,223 acre feet and are located beneath the South ½ of Section 1, and the North ½, the Southeast ¼, and the North ½ of the Southwest ¼ of Section 12, all in Township 8 South, Range 79 West, 6th P.M., in Lake County, Colorado. The UTM coordinates of this headgate are in Zone 13 South and are as follows: Northing 4358458m, Easting 399164m. 3.5.2.5. Mayflower Pond. The Mayflower Pond presently is an approximately 7,960 acre feet tailings pond in the Southwest ¼ of Section 13, the Southeast ¼ of Section 14, the Northwest ¼ of Section 24, and most of Section 23, all in Range 79 West, Township 7 South, 6th P.M. in Summit County, Colorado. The size of the Mayflower Pond may be expanded or reduced in the future as a result of mining and milling operations. The UTM coordinates of this headgate are in Zone 13 South and are as follows: Northing 4365381m, Easting 398355m. 3.5.2.6. Tenmile Pond. Tenmile Pond presently is an approximately 4,730 acre feet tailings pond in most of Section 26, the East ½ of Section 27, the Northeast ¼ of Section 34, and the Northwest ¼ of Section 35, all in Township 7 South, Range 79 West, 6th P.M. in Summit County, Colorado. The size of Tenmile Pond may be expanded or reduced in the future as a result of mining and milling operations. The UTM coordinates of this headgate are in Zone 13 South and are as follows: Northing 4362782m, Easting 397101m. 3.5.2.7. Robinson Pond. Robinson Pond presently is an approximately 500 acre feet tailings pond in the Southwest ¼ of Section 27, the Northwest ¼ and the East ½ of Section 34, and the West ½ of Section 35, all in Township 7 South, Range 79 West, 6th P.M.; also in the East ½ of Section 3 and the West ½ of Section 2, both in Township 8 South, Range 79 West, 6th P.M. in Summit County, Colorado. The size of Robinson Pond may be expanded or reduced in the future as a result of mining and milling operations. The UTM coordinates of this headgate are in Zone 13 South and are as follows: Northing 4361422m, Easting 397036m. 3.5.3. Following diversion and export from Water Division 5, some of the water may be stored for subsequent use in various storage structures in Water Division 2. As more fully identified and described in the Decree entered in 09CW188, the structures identified below are included herein for advisory purposes only and shall not preclude storage at other locations in Division 2. These structures are identified on the map attached hereto as Exhibit B-2. 3.5.3.1. Jones Gravel Pit. The UTM coordinates of this headgate are in Zone 13 South and are as follows: Northing 4347225m, Easting 384726m. 3.5.3.2. Turquoise Reservoir. WDID 1103500, UTM X 381548, UTM Y 4345718. 3.5.3.3. Box Creek Reservoir. WDID 1103545, UTM X 384353, UTM Y 4331827. 3.5.3.4. Twin Lakes Reservoir. WDID 1103503, UTM X 387247, UTM Y 4326098. 3.5.3.5. Clear Creek Reservoir. WDID 1103504, UTM X 392180, UTM Y 4319897. 3.5.4. Following diversion and export from Water Division 5, some of the water may be stored for subsequent use in various storage structures in Water Division 1. As more fully identified and described in the Decree entered in 09CW188, the structures identified below are included herein for advisory purposes only and shall not preclude storage at other locations in Division 1. These structures are identified on the maps attached hereto as Exhibits B-3, B-4 and B-5. 3.5.4.1. Spinney Mountain Reservoir. WDID 2304013, UTM X 444400, UTM Y 4315300. 3.5.4.2. Strontia Springs Dam and Reservoir Complex. WDID 0803983, UTM X 488500, UTM Y 4364150. 3.5.4.3. Aurora Rampart Reservoir. WDID 0803504, UTM X 494400, UTM Y 4366800. 3.5.4.4. Quincy Reservoir. WDID 0203375, UTM X 519000, UTM Y 4387300. 3.5.4.5. Aurora Reservoir. WDID 0203379, UTM X 529000, UTM Y 4385000. 3.5.4.6. East Reservoir Complex. WDID 0203380. 3.5.4.7. Aquifer Recharge and Recovery Facility B ("ARR-B") and Aurora Tucson South-South Platte Storage Facility Subunits ("Tucson South"). WDID 0200511 and WDID 0200512, UTM X 513894.1, UTM Y 4427060.5. 3.5.4.8. Challenger Gravel Pit Reservoir. WDID 0203930, UTM X 513700, UTM Y 4427500. 3.5.4.9. Kirby-Dersham Gravel Pit Reservoir. WDID 0203386, UTM X 513900, UTM Y 4428200. 3.5.4.10. Robert W. Walker Reservoir ("Walker South"). WDID 0203358, UTM X 514300, UTM Y 4428000. 3.5.4.11. Stillwater Ranch Reservoir ("Walker North"). WDID 0203358, UTM X 514300, UTM Y 4428000. 3.5.4.12. Aquifer Recharge and Recovery Facility A ("ARR-A"). WDID 0203042, UTM X 513750, UTM Y 4433000. 3.5.4.13. Fort Lupton Reservoir Complex No. 1. WDID 0203504, UTM X 515339.2, UTM Y 4433435. 3.6. Uses: 3.6.1. Types of Use: Municipal, domestic and industrial purposes including, but not limited to: fire protection; irrigation of lawns, gardens, parks, private and municipal facilities; sanitary; commercial; manufacturing; mining purposes; milling purposes, including but not limited to flotation, drying, and in scrubbers, and to transport tailing slurry to Climax's Robinson, Tenmile and Mayflower tailings impoundments, and in processing waste rock and to settle out tailing in the decant water pool; concrete batching; mechanical use; recreational purposes; creation and maintenance of wetlands; stock watering; fish and wildlife propagation; snowmaking; reclamation; revegetation; dust suppression;

reservoir evaporation replacement; augmentation; exchange; and replacement purposes, for use, reuse for successive uses, disposition following initial use, and reuse until extinction. 3.6.1.1. To the extent the water diverted pursuant to this appropriation is used in Water Division 5, FPDC's shareholders have the intent and ability to use, reuse, successively use and use to extinction all such water, and have the ability to adequately distinguish return flows resulting from such use from other waters of the stream. 3.6.2. Places of Use: 3.6.2.1. The water diverted by the Columbine Ditch will be used by Climax Molybdenum Company at its Climax Mine and ancillary facilities, including the Jones Gravel Pit. The Climax Mine presently consists of approximately 22 square miles located at the headwaters of Tenmile Creek, the East Fork Arkansas River, and the East Fork of the Eagle River, in parts of sections 7, 18, 19, and 31, Township 7 South, Range 78 West, 6<sup>th</sup> P.M.; sections 12, 13, 14, 15, 21, 22, 23, 24, 25, 26, 27, 28, 29, 32, 33, 34, 35, and 36, Township 7 South, Range 79 West, 6<sup>th</sup> P.M.; sections 6, 7, and 18, Township 8 South, Range 78 West, 6<sup>th</sup> P.M.; and sections 1, 2, 3, 4, 5, 10, 11, 12, 13, and 14, Township 8 South, Range 79 West, 6<sup>th</sup> P.M. in Lake, Summit and Eagle counties. The Jones Gravel Pit is located in the East half of Township 9 South, Range 80 West, of the 6<sup>th</sup> P.M., approximately two miles northwest of the town of Leadville, in Lake County, Colorado, as located in Exhibit B-2. After first use in Climax's system, the unconsumed portion of the water can be reused through its existing facilities, directly or by exchange within its system, or such water may be released to meet Climax's replacement obligations, if any. 3.6.2.2. The water diverted by the Columbine Ditch will also be used by the City of Aurora throughout its current and future service areas served by its municipal water supply and water reuse systems and any areas within the South Platte River Basin capable of being served by the existing and future infrastructure of Aurora's municipal water supply system, including areas served by its connections with other systems, and to meet any water replacement obligations pursuant to Aurora's water court decrees existing now or hereafter, as well as those water supply contracts of Aurora existing as of the date this decree is entered. Currently, Aurora is located in Township 3 South, Ranges 64, 65, 66 and 67 West, 6<sup>th</sup> P.M. in Adams County; Township 4 South, Ranges 64, 65, 66 and 67 West and Township 5 South, Ranges 65, 66 and 67 West, 6<sup>th</sup> P.M. in Arapahoe County; and Township 6 South, Ranges 65 and 66 West, 6<sup>th</sup> P.M. in Douglas County. Aurora's service area has changed from time to time and will continue to do so. Aurora may also use the water to meet replacement obligations pursuant to Aurora's water court decrees in Water Division 2 existing now or hereafter, as well as those water supply contracts of Aurora existing as of the date of the Original Decree. For purposes of this decree, existing contracts shall include new contracts extending or replacing contracts for existing obligations. 3.7. Remarks: A 60 cfs appropriation for the Columbine Ditch was decreed in Civil Case No. 963, District Court for Eagle County, on October 3, 1936. That senior Columbine Ditch water right was subsequently changed in WD-5, Case No. 90CW340, wherein volumetric limits were imposed to confine diversions pursuant to the original appropriation to historical levels prior to the change. Those volumetric limits remained intact when the senior Columbine Ditch water right was further changed in WD-5, Case No. 09CW187, adjudicated concurrently with the adjudication of the Junior Columbine Water Right. The purpose of the Junior Columbine Water Right is to divert and store water in excess of the single year, 20-year, and 60-year volumetric limits to which the original Columbine Ditch appropriation, as changed, is subject. 4. DETAILED OUTLINE OF WHAT HAS BEEN DONE TOWARD COMPLETION OR FOR COMPLETION OF THE APPROPRIATIONS AND APPLICATION OF WATER TO A BENEFICIAL USE AS CONDITIONALLY DECREED: During the diligence period of August 28, 2019 through June 30, 2026, FPDC and its shareholders performed the following work and made the following expenditures toward completion of the appropriations and application of the water rights decreed in the Original Decree to beneficial use (expenditure numbers are rounded to the nearest \$1,000): 4.1. Project Specific Efforts: FPDC and its shareholders have done at least the following project specific work toward completion of the appropriations and application of the conditional water right decreed in Case No. 09CW188 to beneficial use: 4.1.1. Fremont Pass Ditch Company Operating Expenses: During this diligence period, in excess of \$209,000 was spent by Climax and Aurora to operate the Fremont Pass Ditch Company. These expenditures were made for activities including snow removal for opening the ditch and the access road, ditch cleaning, ditch and road maintenance, gate and flume maintenance, equipment rental, fuel, and supplies. 4.1.2. Legal Constraints on Diversions. FPDC and its shareholders have taken all reasonable actions to be prepared to divert water under the Junior Columbine Water Right when water is legally available to it. The ditch is in existence but cannot be enlarged. As indicated in Paragraph 3.7, above, water is not legally available to the Junior Columbine Water Right except at times diversions by the senior Columbine Ditch water right are precluded due to its volumetric limitations. Diversions occurring between the entry of the 90CW340 decree and the 09CW187 decree demonstrated that the existing ditch is capable of diverting water in greater long-term average annual volumes than the volumetric limits imposed in 90CW340. FPDC is taking all water legally and physically available under the senior Columbine Ditch Water Right and must wait until the conditions allowing lawful diversions under the Junior Columbine Water Right naturally occur in order to make the latter water right absolute. 4.1.3. Legal Activities: During the subject diligence period, the shareholders of FPDC spent in excess of \$61,000 on legal activities related to protecting the company's water rights and defending its ditch easement. 4.2. Aurora's System-wide Efforts: Pursuant to the Original Decree, this water right is part of unified extensive systems operated by its shareholders for the collection, treatment and distribution of water. For the purposes of showing diligence as to completion of the appropriative rights originally decreed in Case No. 09CW188, diligence as to any part of the FPDC, or its shareholders' water rights systems used to operate or benefiting from this water right shall be diligence as to the completion of this water right. During this diligence period, FPDC's shareholders have done the following work to develop and maintain their respective water systems: 4.2.1. Colorado River Basin: Aurora made the following diligent efforts with regard to its water supply system components in the Colorado River Basin that are necessary for continuation of its reusable supplies from the Colorado River Basin. 4.2.1.1. Aurora has continued to pursue development of a joint project or projects as contemplated in a 1998 Memorandum of Understanding with Vail Associates, Upper Eagle River Regional Water Authority, Eagle River Water and Sanitation District, Cypress Climax Mining Company and the Colorado River Water Conservation District. On June 21, 2004, the City of Aurora entered into an additional Water Exchange Agreement with the Eagle Park Reservoir Company, the Colorado River Water Conservation District, the Eagle River Water and Sanitation District, the Upper Eagle Regional Water Authority,

and Vail Associates, Inc. to supplement a 1998 Water Exchange Agreement. This agreement affects operations of the Homestake water rights and deliveries of reusable water to Aurora for use in the exchanges herein. On January 5, 2010, the City of Aurora entered into a Consolidated Water Exchange Agreement to supplement, merge and consolidate the 1998 and 2004 agreements. Aurora seeks to further maximize the operations of the Homestake water rights with these projects. A diligence application was filed by the parties to the agreements in regard to the subject exchange rights in 2023.

4.2.1.2. Homestake Project: During this diligence period, work was done on the Homestake Arkansas River Diversion Channel to reduce erosion, including riprap and installation of a new roadway culvert. Additionally, Homestake Reservoir underwent resurfacing and improvement. Once water is transported under the Continental Divide to Twin Lakes Reservoir and then from there, through the Otero Pump Station and Homestake Pipeline, it is then transported to Spinney Mountain Reservoir in the South Platte Basin.

4.2.1.3. During this diligence period, Aurora prosecuted Case No. 2023CW3031, 2020CW3024 and 2023CW3087 in Water Division 5 through the Homestake Partners, comprising the City of Aurora and the City of Colorado Springs Utility. These water court matters seek a decree confirming diligence and continuing in effect the conditional water rights originally decreed in Case No. 98CW270, which comprise part of the Homestake Project.

4.2.1.4. During this diligence period, Aurora executed a Recovery Agreement (3-27-20) with the United States and Wildlife Service regarding the Recovery Implementation Program for Endangered Fish Species in the Upper Colorado River Basin (Recovery Program). The purpose of the Recovery Agreement is to formalize Aurora's participation in the Recovery Program, provide certainty that Aurora's Colorado River depletions can occur consistent with the Endangered Species Act, and provide that Aurora will take reasonable actions to support implementation for the Recovery Elements specified in the 1999 Programmatic Biological Opinion. During the previous diligence period, the Upper Colorado River Endangered Fish Recovery Program, Recovery Implementation Program and Recovery Action Plan Participation Agreement (11-01-13) was executed with Northern Colorado Water Conservancy District, and a Ruedi Insurance Water Cost Participation Agreement (11-01-13) with the City and County of Denver. Through implementation of these agreements, the east slope water users' commitment for 5412.5 acre-feet of water annually to the Recovery Program is being met. Aurora has and continues to provide its annual pro rata share of operation and maintenance costs associated with these agreements. In addition, Aurora participates and annually contributes to the Colorado Water Congress Colorado River Project for collaboration and support of the Recovery Program by the water users in Colorado, Utah, and Wyoming.

4.2.2. Arkansas River Basin: Aurora made the following diligent efforts with regard to maintaining and enlarging its water supply system components in the Arkansas River Basin which are necessary for continuation and transport of its reusable supplies from the Arkansas River Basin.

4.2.2.1. Assessments Paid for Use of Twin Lakes Reservoir: During this diligence period Aurora continued to pay its annual assessments to the Twin Lakes Reservoir and Canal Company, which among other things has allowed Aurora to store water diverted pursuant to the FPDC water rights in Twin Lakes Reservoir prior that water being taken to the South Platte Basin via the Otero Pump Station.

4.2.2.2. Intergovernmental Agreement with SECWCD: On October 3, 2003, Aurora entered into an Intergovernmental Agreement with the Southeastern Colorado Water Conservancy District ("SECWCD"), replacing an agreement between the parties dated December 7, 2001. Under this new IGA, Aurora and SECWCD agreed to support proposed federal legislation relating to the Fryingpan-Arkansas Project to include, among other things, re-operations of the existing water storage facilities, studies for enlargements to Pueblo and Turquoise Reservoirs, and confirming the authority of the Bureau of Reclamation to enter into contracts with Aurora for use of the facilities including long-term contracts. Aurora's ability to use Fryingpan-Arkansas facilities is expanded under this IGA and Aurora is obligated to make certain payments to SECWCD in consideration for the expanded use. Under this IGA, SECWCD also agrees not to oppose Aurora's attempts to contract with the Bureau of Reclamation for use of the Fryingpan-Arkansas Project facilities, to facilitate delivery of Aurora's water, and to settle opposition to each other's water court applications, including this case. During this diligence period, Aurora made payments of more than \$1,105,000 to SECWCD under this IGA.

4.2.2.3. Box Creek Reservoir: Entered into a mining lease with Titan Au to mine precious metals within the Box Creek site for a term through December of 2028. Aurora Completed 30% design of the Box Creek Reservoir and appurtenant facilities in 2019. Aurora expended \$8,700 for an intake pipeline alignment study to avoid potential wetlands on SLB property.

4.2.2.4. Agreements for Use of the Holbrook Reservoir System Facilities: On March 1, 2005, Aurora entered into two agreements pertaining to the use of the diversion, conveyance and storage facilities of the Holbrook Mutual Irrigating Company ("Holbrook"). These agreements implement a program to recapture and store yield from foregone diversions of senior water rights. During this diligence period, Aurora made payments of approximately \$501,000 to Holbrook under this agreement. Aurora and Holbrook extended the storage Agreement on February 6, 2025, for an additional 5-year term.

4.2.2.5. Recovery of Yield ("ROY"): On August 17, 2016, Aurora, along with Colorado Springs, the Pueblo Board of Water Works, the City of Fountain, and the Southeastern Colorado Water Conservancy District, obtained a decree in Case No. 06CW120 adjudicating exchanges necessary as a result of the 2004 Regional Intergovernmental Agreement ("IGA") between the various water providers and the City of Pueblo, whereby the water providers agreed to allow certain of their senior flows to pass through Pueblo's RICD reaches on the condition those flows could be diverted downstream and exchanged back upstream. Aurora expended significant sums on these efforts during the diligence period. The ROY partners have acquired land to prospectively be used as a reservoir site at a cost of more than \$770,000 to Aurora. The ROY partners are in the process of executing an agreement to form a water authority to facilitate the cooperative efforts of the ROY entities. The principals have executed the formation agreement, and the initial meeting of the ROY Authority is being scheduled.

4.2.3. South Platte River Basin: Aurora made the following diligent efforts with regard to its water supply system components in the South Platte River Basin which are necessary for continuation of its reusable supplies from the South Platte River Basin.

4.2.3.1. Metro Wastewater Reclamation District Charges: Aurora expended in excess of \$223,326,000 during this diligence period for fees for wastewater treatment of its water at the Metro Wastewater Reclamation facility. Such treatment is necessary for indirect reuse of the water diverted pursuant to the water rights that are the subject of this application.

4.2.3.2. Sand Creek Water Reuse Plant Improvements: Aurora operates this 5-million-gallon per day facility that provides treated water used for irrigation throughout the City and for discharge into Sand Creek for use as a replacement source for Aurora's exchanges.

Improvements of this facility and operating costs completed during this diligence period cost in excess of \$21,865,000. These improvements are necessary for indirect reuse of the water diverted pursuant to the water rights that are the subject of this application.

4.2.3.3. Quantification and Determination of Lawn Irrigation Return Flows: Aurora obtained a decree in Case No. 02CW341, Water Division 1, on September 25, 2008, quantifying LIRFs from its municipal system (and subsequent requantifications as required by the Decree in 02CW341), generated as a result of use of transmountain water rights, fully consumable in-basin water rights, decreed and permitted non-tributary sources and any other fully consumable water available to Aurora. During this diligence period, Aurora has expended over \$62,000 in engineering costs requantifying the LIRFs adjudicated in Case No. 02CW341 available for exchange which enables maximum use of the water derived from by the rights decreed herein.

4.2.3.4. Spinney Mountain Reservoir: Aurora expended substantial sums for facility upgrades during the diligence period, including internal outlet works inspections, applications of protective coatings on outlet pipes, assessment, design and extension of the storm drainage systems below the dam, installation of filter trench drains, measurement devices, and installation of heater jackets over valve operators. Installed new energy dissipation hoods on the outlet works at Spinney, repaired spillway and upstream flume at a cost of \$1,700,000.

4.2.3.5. Griswold Water Treatment Plant Renovations. This facility treats a portion of the raw water that is a replacement source herein before it is delivered to Aurora's customers. More than \$84,117,000 was spent by Aurora during this diligence period for improvements to this facility, which includes expenditures directly by Aurora for renovation of the facility.

4.2.3.6. Wemlinger Water Treatment Plant Improvements. During this diligence period, Aurora spent more than \$38,024,000 for improvements to the Wemlinger Water Treatment Plant which treats raw water before it is delivered to Aurora's customers.

4.2.3.7. Rampart Reservoir Improvement. More than \$17,756,000 was spent by Aurora during this diligence period for improvements to the Rampart Reservoir delivery system, including improvements to the 54" raw water transmission pipeline between Rampart Reservoir and storage and water treatment facilities within the city. Rampart Reservoir is used to store the water that has been imported from the Arkansas and Colorado River Basins before it is transported through the parallel 54" and 40" pipelines to Aurora. Rampart Reservoir is important for regulation of the flow through these parallel pipelines.

4.2.3.8. Improvements to Extend or Improve Water Service in and to Aurora: More than \$152,140,000 was spent by Aurora during this diligence period for extension and upgrade of its water transmission and distribution system necessary to deliver the water derived from the subject water rights to Aurora's customers.

4.2.3.9. Prairie Waters Project: The Prairie Waters Project is a large comprehensive water recapture, supply, storage and treatment project which in part recovers reusable return flows from Aurora's water sources from the South Platte River. To facilitate this project Aurora obtained various decrees in Case Nos. 06CW104, 03CW414, and 03CW415, Water Division 1. This project allows further reuse of much of the water decreed to Aurora, including water conveyed to its municipal system by the rights herein. Reuse water recovered by this project is one of the sources at Aurora's water treatment plants for replacement under the operations at issue here. During the diligence period, Aurora obtained a decree in Case No. 13CW3088 (decreed 11/4/2020) and Aurora obtained a decree in Case No. 21CW3028, WD-1, (decreed 12/09/2021) finding reasonable diligence for the water rights decreed conditionally in 03CW415 (decreed March 2, 2015) and in 14CW3065, and Aurora filed an application in Case No. 23CW3175 seeking to make absolute portions of the rights decreed conditionally in Case No. 06CW104, and 15CW3064, WD-1, and seeking a finding of reasonable diligence on the remainder. Aurora has expended at least \$33,091,000 on elements of the Prairie Waters Project during this diligence period.

4.2.3.10. Automated Meter Reading System: Aurora spent more than \$20,897,000 during this diligence period for upgrades to its automated utility reading system.

4.2.3.11. South Platte Exchange: On June 24, 2020, Aurora obtained a decree in Case No. 19CW3185, Water Division 1, granting a finding of reasonable diligence and making absolute portions of conditional exchange rights originally decreed in 79CW375 and decreed as to diligence and partially absolute in Case Nos. 89CW078, 98CW294 and 08CW253. These water rights allow Aurora to exchange certain reusable water from the confluence of Tarryall Creek and the South Platte River to Spinney Mountain Reservoir.

4.2.3.12. Binney Water Purification Facility: This state-of-the-art water purification and recycling plant owned and operated by Aurora treats water derived from the water rights that are the subject of this application for use throughout the city. Over \$18,968,000 was spent by Aurora during the diligence period for improvements to this facility.

4.2.4. Non-Basin Specific: 4.2.4.1. Protection Efforts: During this diligence period, Aurora spent more than \$5,000,000 on legal services for participation in Water Divisions 1, 2 and 5 cases to protect the rights and interests of Aurora with regard to its water supply system and prosecution of changes of water rights to integrate acquired water rights into Aurora's municipal water rights portfolio.

4.3. Climax's System-wide Efforts. 4.3.1. During this diligence period, at least \$184,000,000 was spent by Climax for improvements to its Property Discharge Water Treatment Plant ("PDWTP") and the expansion of that water treatment system – the Moly Removal Water Treatment Plant ("MRWTP"). This work was necessary in order to treat the water from the Columbine Ditch. 4.3.2. Engineering Costs. Engineering costs in the amount of \$42,933.00 were expended during the diligence period in connection the PDWTP and MRWTP for well testing and data analysis. 4.3.3. Legal Fees. Legal fees in the amount of \$160,000.00 were expended during the diligence period for the regular monitoring of filings of other water users and review of Water Court resumes for the water rights protection and opposition on behalf of Climax.

4.4. FPDC reserves the right to identify additional relevant efforts that may be later discovered or to make upward adjustments to amounts expended on certain projects.

5. NAMES AND ADDRESSES OF OWNERS OF THE LAND UPON WHICH ANY NEW DIVERSION OR STORAGE STRUCTURE OR MODIFICATION TO ANY EXISTING DIVERSION OR STORAGE STRUCTURE OR EXISTING STORAGE POOL IS OR WILL BE CONSTRUCTED OR UPON WHICH WATER IS OR WILL BE STORED. To the best of Applicant's knowledge, the owners of the underlying land on which the structures listed above are currently as follows:

5.1. The Columbine Ditch is located on land owned by the United States Forest Service, White River National Forest, 900 Grand Ave. P.O. Box 948, Glenwood Springs, Colorado 81602, and Climax Molybdenum Company, 1742 County Road 202, P.O. Box 68, Empire, Colorado 80438.

5.2. Robinson Reservoir, Chalk Mountain Reservoir, Buffehr's Lake, Climax Mine Underground Levels, Mayflower Pond, Tenmile Pond, Robinson Pond, and Jones Pit are located on land owned by Climax Molybdenum Company, 1742 County Road 202, P.O. Box 68 Empire, Colorado 80438.

5.3. Turquoise and Twin Lakes Reservoirs are located on land owned by the

United States Department of Interior, Bureau of Reclamation, Eastern Colorado Area Office, 11056 West County Road 18-E, Loveland, Colorado 80537-9711. 5.4. The Box Creek Reservoir will be built on lands primarily owned by the City of Aurora, c/o Director of Utilities, 15151 East Alameda Parkway, Suite 3600, Aurora, Colorado 80012. Depending on the final reservoir configuration and location, it may also inundate lands currently owned by: Bureau of Land Management, U.S. Dept. of Interior, 3028 East Main St., Canon City, CO 81212; U.S. Forest Service, P.O. Box 970, Leadville, CO 80461; State of Colorado (State Land Board), 1313 Sherman St, Rm 618, Denver, CO 80203; Dennis Smith, 1165 S. Oneida St., Apt. B, Denver, CO, 80224; Mt Elbert Mining Co. LLC, 32460 Inverness Drive, Evergreen, CO 80439. 5.5. Clear Creek Reservoir is located on land owned by the Board of Water Works of Pueblo, Colorado, Attn: Executive Director, 319 West Fourth Street, Pueblo, Colorado 81003, and the U.S. Forest Service, San Isabel National Forest, 2840 Kachina Drive, Pueblo, Colorado 81008. 5.6. The Strontia Springs Dam and Reservoir Complex are located on owned by the City and County of Denver, acting by and through its Board of Water Commissioners 1600 West 12th Avenue, Denver, Colorado 80204-3412. 5.7. Spinney Mountain Reservoir, Aurora Rampart Reservoir, Quincy Reservoir, Aurora Reservoir, ARR-A, Challenger Gravel Pit Reservoir, Kirby-Dersham Gravel Pit Reservoir, and Fort Lupton Reservoir Complex No. 1 are located on land owned by the City of Aurora, c/o Director of Utilities, 15151 East Alameda Parkway, Suite 3600, Aurora, Colorado 80012. 5.8. The East Reservoir sites are located on land owned by the parties listed on the attached Exhibit C. 5.9. The Tucson South site is located on land owned by Amrize, 1687 Cole Blvd Ste 300, Golden, Colorado 80401 and the City of Aurora, c/o Director of Utilities, 15151 East Alameda Parkway, Suite 3600, Aurora, Colorado 80012. 5.10. Robert W. Walker Reservoir is located on land owned by the City of Aurora, c/o Director of Utilities, 15151 East Alameda Parkway, Suite 3600, Aurora, Colorado 80012. 5.11. Stillwater Ranch Reservoir is located on land owned by Carl F. Eiberger, 303 South Broadway B-200, Denver, Colorado 80209 and Amrize, 1687 Cole Boulevard, Suite 300, Lakewood, Colorado 80401-3318. Wherefore, Applicant respectfully requests that the Court find diligence in the development of these appropriative rights, and continue the conditional decree for said structures and conditional amounts for the statutory period, and provide any other relief it finds just and appropriate in these circumstances.

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

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

**26CW3064 EAGLE COUNTY – EAGLE RIVER AND COLORADO RIVER.** The Town of Gypsum, c/o Kevin L. Patrick and Jason M. Groves, Patrick, Miller & Noto, P.C., 229 Midland Ave., Basalt, CO 81621. (970) 920-1030. APPLICATION FOR FINDINGS OF REASONABLE DILIGENCE. **First Claim:** Gypsum River Dance Intake. Type: Pump and pipeline, surface water right. The Gypsum River Dance Intake structure is a “near-surface structure” and will be administered as a surface water structure. Original decree: Case No. 2017CW3248, Water Division 5, June 14, 2020. Subsequent diligence decrees: N/A. Legal: SW ¼, NE ¼ of Section 2, Township 5 South, Range 86 West of the 6th P.M., at a point approximately 1,930 feet from the East section line and 2,330 feet from the North section line. **Source: Eagle River, tributary to the Colorado River.** Appropriation date: April 1, 2017. Amount: 0.18 c.f.s., conditional. Uses: Municipal use, including, but not limited to, domestic, irrigation, commercial, and fire protection. Landowner information: FCAP River Dance LLC, P.O. Box 8690 Avon, CO 81620. **Second Claim:** Gypsum River Dance Intake Alternate Point of Diversion. Type: Pump and pipeline, surface water right. Original decree: Case No. 2017CW3248, Water Division 5, June 14, 2020. Subsequent diligence decrees: N/A. Legal: SW ¼, NE ¼ of Section 2, Township 5 South, Range 86 West of the 6th P.M., at a point approximately 1,910 feet from the East section line and 2,315 feet from the North section line. **Source: Eagle River, tributary to the Colorado River.** Appropriation date: April 1, 2017. Amount: 0.18 c.f.s., conditional, 25 c.f.s cumulative. Uses: Municipal use, including, but not limited to, domestic, irrigation, commercial, and fire protection. Landowner information: FCAP River Dance LLC, P.O. Box 8690 Avon, CO 81620. **Third Claim:** Gypsum River Dance Well Field. Original decree: Case No. 2017CW3248, Water Division 5, June 14, 2020. Subsequent diligence decrees: N/A. Legal: A well field which is described as beginning at a point whence the northeast corner of Section 2, Township 5 South, Range 86 West of the 6th P.M. bears N 39°37'30.47” E a distance of 2,731.93 feet to the point of beginning. Thence S 18°36'53.45” E a distance of 101.45 feet; thence S 63°40'43.79” W a distance of 396.27 feet; thence N 88°43'1.58” W a distance of 582.15 feet; thence N 61°51'3.83” W a distance of 312.81 feet; thence N 00°16'51.64” E a distance of 70.97 feet; thence S 88°39'33.15” E a distance of 919.89 feet; thence N 76°43'38.30” E a distance of 267.89 feet to the point of beginning (Eagle County), comprising 4.92 acres more or less. **Source: Groundwater tributary to the Eagle River, tributary to the Colorado River.** Depth: 10 to 100 feet. Appropriation date: December 29, 2017. Amount: 0.25 c.f.s. cumulative between all wells in the well field with a cumulative limit of 66.1 acre-feet per year, conditional. Uses: Commercial, domestic, irrigation, municipal, and fire protection. Landowner information: FCAP River Dance LLC, P.O. Box 8690 Avon, CO 81620. **Fourth Claim:** Gypsum River Dance Exchanges. Original decree: Case No. 2017CW3248, Water Division 5, June 14, 2020. Subsequent diligence decrees: N/A. Legal: Wolford Mountain Reservoir Releases: Upper termini: Gypsum River Dance Intake (described in First Claim); Gypsum River Dance Intake Alternate Point of Diversion (described in Second Claim); Gypsum River Dance Well Field (described in Third Claim). Lower terminus: the confluence of the Eagle River and Colorado River located in Eagle County, which coincides with a point located in the SW ¼, NE

¼ of Section 5, Township 5 South, Range 86 West of the 6th P.M., approximately 1,880 feet from the East section line and 2,550 feet from the North section line. Ruedi Reservoir Releases: Upper termini: Gypsum River Dance Intake (described in First Claim); Gypsum River Dance Intake Alternate Point of Diversion (described in Second Claim); Gypsum River Dance Well Field (described in Third Claim). Lower terminus: the confluence of the Roaring Fork River and Colorado River located in Garfield County, which coincides with a point located in the SW ¼, NW ¼ of Section 9, Township 6 South, Range 89 West of the 6th P.M., approximately 2,340 feet from the West section line and 2,290 feet from the North section line. Source: Water allotment contract with the Colorado River Water Conservation District. Appropriation date: December 29, 2017 for the Wolford Mountain Reservoir Exchange. April 30, 2018 for the Ruedi Reservoir Exchange. Amount: 0.051 c.f.s. up to 17.0 acre-feet, conditional. Uses: Replacement of depletions as described in the plan for augmentation in Case No. 2017CW3248. Landowner information: FCAP River Dance LLC, P.O. Box 8690 Avon, CO 81620. Remarks applicable to all claims: Under C.R.S. § 37-92-301(4)(b), the subject water rights are a component of the Applicant's integrated water supply system. Decree 17CW3248, ¶66. Maps and supporting documentation, including a list of diligence activities, are on file with the court.

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

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

**26CW3065** Climax Molybdenum Company ("Climax"), c/o Aaron Hilshorst, Henderson Mine, Empire, Colorado 80438, Telephone: (303) 271-0107. **APPLICATION FOR FINDING OF REASONABLE DILIGENCE in GRAND COUNTY.** Please direct all correspondence or inquiries regarding this matter to the attorneys for Climax: Sheela S. Stack, #32768, Stacy L. Brownhill, #48641, Nazareus Stack & Wombacher LLC, 5105 DTC Parkway, Suite 200, Greenwood Village, Colorado 80111. **2. Remarks.** Climax is the owner of the Henderson Mine and Mill. The Henderson Mine is generally located beneath the Continental Divide in Clear Creek and Grand Counties. The Henderson Mill is located in the Williams Fork River basin in Grand County. Molybdenum ore is mined at the Henderson Mine and conveyed to the Henderson Mill via a 14.6-mile-long conveyance mechanism, 9.6 miles of which are located underground. At the Henderson Mill, the ore is milled, processed, and refined; water is an integral component of these processes. Climax owns a number of rights in the Williams Fork River basin, including water rights on Lost Creek, Mule Creek, Skylark Creek, and Battle Creek (collectively, the "Skylark Ranch Water Rights"). In Consolidated Case Nos. 96CW3681 and 96CW3682 (consolidated into Case No. 96CW3681) in Water Division 5, the Skylark Ranch Water Rights were changed from agricultural use to, among other uses, use as sources of substitute supply for a number of exchanges decreed in Case No. 96CW3681 (the "Skylark Exchanges"). The Skylark Exchanges were continued as conditional by the decree entered in Case No. 09CW59 on November 7, 2013. This Decree finds that Climax has developed these conditional exchanges with reasonable diligence and that these conditional rights should continue, subject to the terms and conditions decreed in Case Nos. 96CW3681, 09CW59, and 19CW3150. Other water rights that provide a reliable water supply for the Henderson Mill operations and are included in Climax's integrated system were decreed in Case Nos. W-528 and W-528-76. **3. Description of Conditional Rights of Exchange.** Five different exchanges were originally decreed in Case No. 96CW3681 and continued as conditional in Case Nos. 09CW59 and 19CW3150. This section provides the legal description of the end points of those exchanges and then describes each exchange. A map illustrating the exchange reaches is attached hereto as **Exhibit A. 3.1. Description of End Points and Substitute Supplies Involved in the Exchanges.** 3.1.1. Lower End Points of Exchange Reaches. 3.1.1.1. Confluence of Skylark Creek with Williams Fork River. The confluence of Skylark Creek with the Williams Fork River is located in Section 17, Township 1 South, Range 78 West of the 6th P.M., 1,590 feet from the North section line and 520 feet from the West section line, Grand County, Colorado. 3.1.1.2. Williams Fork Reservoir. The Williams Fork Reservoir dam is located in Section 23, Township 1 North, Range 79 West of the 6th P.M., 2,150 feet from the South section line and 1,470 feet from the East section line, Grand County, Colorado. 3.1.1.3. East Branch Flood Bypass Pipeline. The East Branch Flood Bypass Pipeline is located at a point in Section 24, Township 2 South, Range 78 West of the 6th P.M., 2,370 feet from the South section line and 1,670 feet from the West section line, Grand County, Colorado. 3.1.2. Upper End Points of Exchange Reaches. 3.1.2.1. The Henderson Mill Water System. The Henderson Mill Water System is an integrated water system comprised of the following intakes. Exchanged water may be diverted into these intake points singularly or in combination: 3.1.2.1.1. Intake 1 – Williams Fork Pipeline. The Williams Fork Pump Station is located on the Williams Fork River, in Section 25, Township 2 South, Range 78 West, 6th P.M., 2,530 feet from the North section line and 1,220 feet from the East section line, Grand County, Colorado. From the pump station, water may be diverted (a) directly to the Henderson Mill system for use in industrial processes or (b) to the East Branch Reservoir, Lost Creek Reservoir, Ute Creek Reservoir, and/or the Henderson Mill Tailings Pond for storage. 3.1.2.1.2. Intake 2 – Henderson Mill Potable Water Pipeline. The Henderson Mill Potable Water Pipeline is located at a point in unsurveyed Township 2 South, Range 78 West, 6th P.M., whence the Southeast corner of Section 36, Township 2 South, Range 78 West of the 6th P.M. bears South 61°48'41" and East a distance of 9,407.35 feet, Grand County, Colorado. 3.1.2.1.3. Intake 3 – Ute Creek Pipeline. The headgate of the Ute Creek Pipeline is located at a point in unsurveyed Township 2 South, Range 78 West, 6th P.M., whence the Southeast corner of Section 36, Township 2 South, Range 78 West of the 6th P.M. bears South 61°54'25" and East a

distance of 9,341.93 feet, Grand County, Colorado. 3.1.2.1.4. Intake 4 – Lower Ute Creek Intake. The Lower Ute Creek Intake is located at a point in unsurveyed Township 2 South, Range 78 West, 6th P.M., whence the Southeast corner of Section 36, Township 2 South, Range 78 West of the 6th P.M. bears South 53°10' East a distance of 7,854.93 feet, Grand County, Colorado. 3.1.2.1.5. Intake 5 – Lost Creek Intake. The point of diversion of the Lost Creek Intake is at the Lost Creek Pump Station, to be located at a point in unsurveyed Township 2 South, Range 78 West, 6th P.M., whence the Northeast corner of Section 32, Township 1 South, Range 78 West of the 6th P.M. bears North 410' and East a distance of 8,700 feet, at the outlet works of the Lost Creek Dam, Grand County, Colorado. 3.1.2.1.6. Intake 6 – Lost Creek Reservoir. Lost Creek Reservoir presently consists of a partially constructed dam (outlet works only). The right abutment of the dam axis is to be located at a point in unsurveyed Township 2 South, Range 78 West, 6th P.M., whence the Northeast corner of Section 32, Township 1 South, Range 78 West of the 6th P.M. bears North 1°10' and East a distance of 9,420 feet, Grand County, Colorado. 3.1.2.1.7. Intake 7 – East Branch Reservoir. The right abutment of the dam axis of East Branch Reservoir is located at a point in Section 25, Township 2 South, Range 78 West, 6th P.M., 660 feet from the North section line and 390 feet from the West section line, Grand County, Colorado. 3.1.2.1.8. Intake 8 – Ute Creek Reservoir. The right abutment of the dam axis of Ute Creek Reservoir is located at a point in unsurveyed Township 2 South, Range 78 West, 6th P.M., whence the Southeast corner of Section 36, Township 2 South, Range 78 West, 6th P.M., bears South 61°58'37" and East a distance of 9,278.92 feet, Grand County, Colorado. 3.1.2.2. The Henderson Tunnel Pipeline. The Henderson Tunnel Pipeline will begin at or near the West portal of the Henderson Haulage Tunnel, located in the NW1/4 of the NW1/4 of Section 16, Township 3 South, Range 77 West, 6th P.M., Grand County, Colorado. Water delivered to the Henderson Tunnel Pipeline will be conveyed by the pipeline through the Henderson Haulage Tunnel and pumped through mine shafts in the Henderson Mine to Woods Creek, a tributary of Clear Creek, for delivery to the City of Golden, pursuant to the April 4, 1978 agreement between Climax's parent company at the time, AMAX, and the City of Golden. There are three proposed intakes for the Henderson Tunnel Pipeline: 3.1.2.2.1. Intake 1 – Darling Creek Intake, located in Section 9, Township 3 South, Range 77 West of the 6th P.M., 960 feet from the South section line and 120 feet from the West section line, Grand County, Colorado. 3.1.2.2.2. Intake 2 – Williams Fork Intake, located in Section 16, Township 3 South, Range 77 West of the 6th P.M., 890 feet from the North section line and 510 feet from the West section line, Grand County, Colorado. 3.1.2.2.3. Intake 3 – South Fork Intake, located in Section 8, Township 3 South, Range 77 West of the 6th P.M., 190 feet from the South section line and 860 feet from the East section line, Grand County, Colorado. 3.1.2.3. Sources of Substitute Supply. The Skylark Exchanges utilize the Skylark Ranch Water Rights, as changed in Case No. 96CW3681, for use as sources of substitution, augmentation, and exchange. The Skylark Ranch Water Rights are described in **Table 1**, below.

**TABLE 1 – SKYLARK RANCH WATER RIGHTS**

STRUCTURE	CIV ACT # (GRAND CTY DISTRICT)	ADJUD DATE	APPROP DATE	SOURCE	AMOUNT	DECREED POINT OF DIVERSION
<b>LOST CREEK WATER RIGHTS</b>						
Gervens No. 1 Ditch	183	8/03/11	6/02/1902	Lost Creek	2.000 cfs	The north bank of Lost Creek at a point whence the NW corner, Sec 33, T1S, R78W, 6th PM, bears N 43° W 2,820 ft.
Gervens No. 2 Ditch	183	8/03/11	9/30/1904	Lost Creek	1.375 cfs	The left bank of Lost Creek at a point whence the SW corner of Sec 33, T1S, R78W, 6th PM, bears S 35°2' W 1,146 ft.
Lost Creek Ditch	183	8/03/11	9/16/1908	Lost Creek	8.000 cfs	The west bank of Lost Creek at a point whence the NW corner, Sec 17, T2S, R78W, 6th PM, bears N 40°14' W 3,887 ft.
Gervens No. 2 Ditch	259	3/18/16	9/30/1904	Lost Creek	1.125 cfs	The left bank of Lost Creek at a point whence the SW corner of Sec 33, T1S, R78W, 6th PM, bears S 35°2' W 1,146 ft.
<b>MULE CREEK WATER RIGHTS</b>						
B.W. Field Mule Creek No. 1 Ditch	183	8/03/11	5/31/1889	Mule Creek	2.500 cfs	The west bank of the W fork of Mule Creek at a point whence the NW corner, Sec 8, T2S, R78W, 6th PM, bears N 12°50' E 2,770 ft.
John Shore Ditch	183	8/03/11	10/01/1888	Mule Creek	2.500 cfs	The north bank of Mule Creek at a point whence the NW corner of the NE 1/4 of Sec 32, T1S, R78W, 6th PM, bears S 37° E 3,920 ft. Transferred to the John Shore #1 headgate.
John Shore #1 Ditch	183	8/03/11	6/30/1890	Mule Creek	2.000 cfs	The north bank of Mule Creek at a point whence the SE corner of the NE 1/4 of Sec 32, T1S, R78W, 6th PM, bears S 25° E 2,200 ft.

TABLE 1 – SKYLARK RANCH WATER RIGHTS						
STRUCTURE	CIV ACT # (GRAND CTY DIST CT)	ADJUD DATE	APPROP DATE	SOURCE	AMOUNT	DECREED POINT OF DIVERSION
Burtcher Ditch	183	8/03/11	12/31/1897	Mule Creek	2.500 cfs	The west bank of Mule Creek at a point whence the SW corner, Sec 32, T1S, R78W, 6th PM, bears N 65° W 1,950 ft.
B.W. Field Mule Creek No. 2 Ditch	183	8/03/11	7/15/1908	Mule Creek	1.000 cfs	At a point whence the SW corner, Sec 8, T2S, R78W, 6th PM, bears S 13°34' E 1,469 ft. Now diverted at the Burtcher Ditch headgate described above.
SKYLARK CREEK WATER RIGHTS						
F.A. Field Ditch	112	8/03/06	5/15/1889	Skylark Creek	3.250 cfs	The west bank of Skylark Creek at a point whence the SW corner, Sec 31, T1S, R78W, 6th PM, bears S 16°30' W 1,237.5 ft.
Scholl Ditch	183	8/03/11	12/01/1887	Skylark Creek	1.500 cfs	The west bank of Skylark Creek at a point whence the quarter corner between Sec 19 and Sec 30, T1S, R78W, 6th PM, bears N 3°12' E 2,640 ft.
Williams Ditch	183	8/03/11	5/20/1888	Skylark Creek	3.000 cfs	The west bank of Skylark Creek at a point whence the quarter corner between Sec 30 and Sec 31, T1S, R78W, 6th PM, bears N 13°5' W 2,150 ft.
Skylark Reservoir	183	8/03/11	12/31/1903	Skylark Creek	12.23 acre-feet (Climax owns a ½ interest in this water right)	The headgate of the feeder canal is located on Skylark Creek at a point whence the quarter corner between Sec 30 and Sec 31, T1S, R78W, 6th PM, bears N 40° W 1,070 ft.
McCandliss Ditch	356	7/12/19	7/26/1917	Skylark Creek	1.500 cfs	The east bank of Skylark Creek at a point whence the SW corner of Sec 31, T1S, R78W, 6th PM, bears S 74°29' W 93.4 ft.
North Skylark Ditch	814	11/11/52	6/01/1913	North Fork of Skylark Creek	3.000 cfs	The left bank of North Skylark Creek at a point whence the NE corner, Sec 1, T2S, R79W, 6th PM, bears N 54°25' E 3,053 ft.
South Skylark Ditch	814	11/11/52	8/01/1949	South Fork of Skylark Creek	1.500 cfs	The right or east bank of South Skylark Creek at a point whence the NE corner, Sec 1, T2S, R79W, 6th PM, bears N 29°45' E 2,066 ft.
BATTLE CREEK WATER RIGHTS						
Langholen #4 Ditch	183	8/03/11	9/30/1889	Battle Creek	1.125 cfs	The west bank of Battle Creek at a point whence the quarter corner between Sec 24 (Sec 25) and Sec 26, T1S, R79W, 6th PM, bears S 74°30' W 645 ft.
Langholen #3 Ditch	183	8/03/11	9/30/1889	Battle Creek	1.250 cfs	The north bank of Battle Creek at a point whence the quarter corner between Sec 26 and Sec 27, T1S, R79W, 6th PM, bears S 74°40' W 2,217 ft.
Langholen #2 Ditch	183	8/03/11	7/01/1890	Battle Creek	1.250 cfs	The south bank of Battle Creek at a point whence the quarter corner between Sec 26 and Sec 27, T1S, R79W, 6th PM, bears N 19° W 205 ft.
Langholen #1 Ditch	183	8/03/11	7/31/1890	Battle Creek	1.250 cfs	The north bank of Battle Creek at a point whence the quarter corner between Sec 26 and Sec 27, T1S, R79W, 6th PM, bears S 1°15' W 280 ft.
Shore #1 Ditch	183	8/03/11	7/31/1890	Battle Creek (The decree erroneously states Mule Creek)	2.000 cfs	The left bank of Battle Creek at a point whence the E quarter corner of Sec 27, T1S, R79W, 6th PM, bears N 78° (68°?)15' E 4,143 ft.

TABLE 1 – SKYLARK RANCH WATER RIGHTS						
STRUCTURE	CIV ACT # (GRAND CTY DIST CT)	ADJUD DATE	APPROP DATE	SOURCE	AMOUNT	DECREED POINT OF DIVERSION
Shore #2 & #3 Ditch	183	8/03/11	4/20/1908	Battle Creek	2.000 cfs (Combined diversion not to exceed 2.000 cfs)	The right bank of north fork of Battle Creek at a point whence the E quarter corner of Sec 27, T1S, R79W, 6th PM, bears N 70°30' E 2,213 ft.
Buehler #1 Ditch	304	8/11/17	12/31/1905	Battle Creek	0.500 cfs	The north bank of the middle fork of Battle Creek at a point whence the E quarter corner of Sec 27, T1S, R79W, 6th PM, bears N 48°12' E 3,093 ft.
Buehler #2 Ditch	304	8/11/17	12/31/1913	Battle Creek	0.500 cfs	The east bank of the south branch of the middle fork of Battle Creek at a point whence the E quarter corner of Sec 27, T1S, R79W, 6th PM, bears N 44°45' E 3,801 ft.
Buehler #3 Ditch	304	8/11/17	12/31/1913	Battle Creek	0.500 cfs	The west bank of the south branch of the middle fork of Battle Creek at a point whence the E quarter corner of Sec 27, T1S, R79W, 6th PM, bears N 35°27' E 4,850 ft.
Buehler #4 Ditch	304	8/11/17	12/31/1913	Battle Creek	0.500 cfs	The south bank of the middle fork of Battle Creek at a point whence the E quarter corner of Sec 27, T1S, R79W, 6th PM, bears N 46°50' E 5,051ft

The Terms and Conditions outlined in paragraph 2.4 of the decree entered in Case No. 96CW3861 and paragraph 2.1.4 of the decrees in Case Nos. 09CW59 and 19CW3150 continue to apply to the use of the Skylark Ranch Water Rights in the subject exchanges. **3.2. Description of Exchanges.** 3.2.1. Skylark Creek to Henderson Mill Exchange. 3.2.1.1. Exchange Reach. The Skylark Creek-Henderson Mill Exchange will run from the confluence of Skylark Creek and the Williams Fork River to the Henderson Mill Water System intake points. Under the exchange, historic depletion credits attributable to the Lost Creek, Mule Creek, and Skylark Creek Water Rights will be delivered to the Williams Fork River. Simultaneous with such deliveries, an equal amount of water that would otherwise be out-of-priority shall be diverted by exchange at one or more of the Henderson Mill Water System intakes. 3.2.1.2. Amount of Exchange. The amount of the exchange shall not exceed 9.0 cfs. 3.2.1.3. Sources of Substitute Supply. The sources of substitute supply for the Skylark Creek-Henderson Mill Exchange will be the historic depletion credit attributable to the Lost Creek, Mule Creek, and Skylark Creek Water Rights. 3.2.1.4. Use of Exchanged Water. Water that is exchanged by the Skylark Creek-Henderson Mill Exchange, may be used either directly or after storage for all beneficial purposes, including, without limitation: industrial, domestic, fire suppression, reclamation, wetlands mitigation, and augmentation use associated with the Henderson Mill. The water diverted under this exchange may be used, reused, successively used, and disposed of to extinction; including successive use as a source of substitute supply for the East Branch Flood Bypass Pipeline to Henderson Tunnel Pipeline Exchange, described below. 3.2.1.5. Appropriation Date. September 20, 1994. 3.2.2. Williams Fork Reservoir to Henderson Mill Exchange. 3.2.2.1. Exchange Reach. The Williams Fork Reservoir-Henderson Mill Exchange will run from the Williams Fork Reservoir Dam to the Henderson Mill Water System intake points. Under the exchange, historic depletion credits attributable to the Battle Creek Water Rights will be delivered to the Williams Fork River. Simultaneous with such deliveries, an equal amount of water that would otherwise be out-of-priority shall be diverted by exchange at one or more of the Henderson Mill Water System intakes. 3.2.2.2. Amount of Exchange. The amount of the exchange shall not exceed 1.5 cfs. 3.2.2.3. Sources of Substitute Supply. The sources of substitute supply for the Williams Fork Reservoir-Henderson Mill Exchange will be the historic depletion credits attributable to the Battle Creek Water Rights. 3.2.2.4. Use of Exchanged Water. Water that is exchanged by the Williams Fork Reservoir-Henderson Mill Exchange may be used either directly or after storage for all beneficial purposes, including, without limitation: industrial, domestic, fire suppression, reclamation, wetlands mitigation, and augmentation use associated with the Henderson Mill. The water diverted under this exchange may be used, reused, successively used, and disposed of to extinction; including successive use as a source of substitute supply for the East Branch Flood Bypass Pipeline to Henderson Tunnel Pipeline Exchange, described below. 3.2.2.5. Appropriation Date. September 20, 1994. 3.2.3. Skylark Creek to Henderson Tunnel Pipeline Exchange. 3.2.3.1. Exchange Reach. The Skylark Creek-Henderson Tunnel Exchange will run from the confluence of Skylark Creek and the Williams Fork River to one or more of the Henderson Tunnel Pipeline intakes. Under the exchange, historic depletion credits attributable to the Lost Creek, Mule Creek, and Skylark Creek Water Rights will be delivered to the Williams Fork River. Simultaneous with such deliveries, an equal amount of water that would otherwise be out-of-priority shall be diverted by exchange at one or more of the Henderson Tunnel Pipeline intakes. 3.2.3.2. Amount of Exchange. The amount of the exchange shall not exceed 9.0 cfs. 3.2.3.3. Sources of Substitute Supply. The sources of substitute supply for the Skylark Creek-Henderson Tunnel Pipeline Exchange will be historic depletion credits attributable to the Lost Creek, Mule Creek, and Skylark Creek Water Rights. 3.2.3.4. Use of Exchanged Water. Water that is exchanged by the Skylark Creek-Henderson Tunnel Pipeline Exchange may be used for all purposes in the Henderson Mine, including, without limitation: industrial, domestic, fire suppression, and augmentation use. Exchanged water may also be delivered via the Henderson Tunnel Pipeline to the Clear Creek drainage for delivery to the City of Golden for municipal purposes.

After such initial uses, the water diverted pursuant to this exchange may be reused, successively used, and disposed of to extinction. 3.2.3.5. Appropriation Date. September 20, 1994. 3.2.4. Williams Fork Reservoir to Henderson Tunnel Pipeline Exchange. 3.2.4.1. Exchange Reach. The Williams Fork Reservoir-Henderson Tunnel Exchange will run from the Williams Fork Reservoir Dam to one or more of the Henderson Tunnel Pipeline intakes. Under the exchange, historic depletion credits attributable to the Battle Creek Water Rights will be delivered to the Williams Fork River. Simultaneous with such deliveries, an equal amount of water that would otherwise be out-of-priority shall be diverted by exchange at one or more of the Henderson Tunnel Pipeline intakes. 3.2.4.2. Amount of Exchange. The amount of the exchange shall not exceed 1.5 cfs. 3.2.4.3. Sources of Substitute Supply. The sources of substitute supply for the Williams Fork Reservoir-Henderson Tunnel Pipeline Exchange will be the historic depletion credits attributable to the Battle Creek Water Rights. 3.2.4.4. Use of Exchanged Water. Water that is exchanged by the Williams Fork Reservoir-Henderson Tunnel Pipeline Exchange may be used for all purposes in the Henderson Mine, including, without limitation: industrial, domestic, fire suppression, and augmentation use. Exchanged water may also be delivered via the Henderson Tunnel Pipeline to the Clear Creek drainage for delivery to the City of Golden for municipal purposes. After such initial uses, the water diverted pursuant to this exchange may be reused, successively used, and disposed of to extinction. 3.2.4.5. Appropriation Date. September 20, 1994. 3.2.5. East Branch Flood Bypass Pipeline to Henderson Tunnel Pipeline Exchange. 3.2.5.1. Exchange Reach. The East Branch Flood Bypass Pipeline- Henderson Tunnel Exchange will run from the East Branch Flood Bypass Pipeline to one or more of the Henderson Tunnel Pipeline intakes. Under the exchange, historic depletion credits attributable to the Skylark Ranch Water Rights, which were stored in East Branch Reservoir, Ute Creek Reservoir, Lost Creek Reservoir, and/or the Henderson Mill Tailings Pond, will be delivered to the Williams Fork River through the East Branch Flood Bypass Pipeline. Simultaneous with such deliveries, an equal amount of water that would otherwise be out-of-priority shall be diverted by exchange at one or more of the Henderson Tunnel Pipeline intakes. 3.2.5.2. Amount of Exchange. The amount of the exchange shall not exceed 20.0 cfs. 3.2.5.3. Sources of Substitute Supply. The sources of substitute supply for the East Branch Flood Bypass Pipeline-Henderson Tunnel Pipeline Exchange will be the stored historic depletion credits attributable to the Skylark Ranch Water Rights. 3.2.5.4. Use of Exchanged Water. Water that is exchanged by the East Branch Flood Bypass Pipeline-Henderson Tunnel Pipeline Exchange may be used for all purposes in the Henderson Mine, including, without limitation: industrial, domestic, fire suppression, and augmentation use. Exchanged water may also be delivered via the Henderson Tunnel Pipeline to the Clear Creek drainage for delivery to the City of Golden for municipal purposes. After such initial uses, the water diverted pursuant to this exchange may be reused, successively used, and disposed of to extinction. 3.2.5.5. Appropriation Date. September 20, 1994. **3.3. Terms and Conditions on Exchanges**. The terms and conditions placed on the exchanges in the decrees entered in Case Nos. 96CW3168 and 09CW59 continue to be effective. **4. Detailed Outline of Work Done for the Completion of the Conditional Appropriation for Reasonable Diligence**. Pursuant to C.R.S. § 37-92-301(4)(b), for purposes of demonstrating diligence work on one feature of a project or system shall be considered in finding that reasonable diligence has been shown in the development of all water rights conditionally decreed herein, and shall constitute diligence toward the development of each of the conditional water rights decreed herein. During the diligence period Climax has done, at a minimum, the following work towards completion or for completion of the appropriations and application of water to a beneficial use as conditionally decreed (expenditure numbers are rounded to the nearest \$1,000). **4.1. Engineering**. During the diligence period, Climax spent over \$106,000 in engineering fees related to the Henderson Mill water rights portfolio, Henderson Mill water rights accounting, yield analysis, and operations consulting, including the water rights that are the subject of this Application. **4.2. Ditch Activities**. During the diligence period, Climax maintained federal entitlement to easements under the 1996 Ditch Bill on the ditches associated with the Skylark Ranch Water Rights and has also performed maintenance work on the ditches associated with the Skylark Ranch Water Rights according to the federal permits obtained, including performing weed and wildlife control. **4.3. Legal**. Climax continues to rely upon and develop the conditional water rights described herein and has no intent to abandon them. Climax has regularly monitored the filings of other water users. It has filed Statements of Opposition to and has incurred legal and engineering costs in connection with numerous cases to protect its water rights. Legal fees in the amount of \$120,115.00 were expended during the diligence period in water rights protection and opposition on behalf of Climax. **5. 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**. No new diversion or storage structures are or will be constructed and no modifications to existing diversion or storage structures are or will be constructed. The land upon which the structures are located are owned by Applicant, Climax Molybdenum Company. WHEREFORE, Climax Molybdenum Company requests that the Court enter a decree finding that reasonable diligence was performed during the diligence period in development of the conditional water rights which are the subject of this Application and that the conditional rights of the Skylark Exchanges should continue. (12 pages, 1 exhibit).

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

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

**26CW3066 EAGLE COUNTY, EAGLE AND COLORADO RIVERS.** Vail Valley Investments, LLC, c/o Ryan Jarvis and Laurel Quinto of JVAM PLLC, 305 Gold River Ct, Ste 200 Basalt CO 81621, (970) 922-2122. Application for Findings of Reasonable Diligence. First Claim: Name of Structure: VVRVR Wellfield. Original decree: 06CW15, entered 12/15/2013. Subsequent decrees: 19CW3166, entered 6/14/2020. Legal description: In the E½ of the SW¼ and the NW¼ SE¼, Sec 4 T5S R86W 6th PM., more particularly described as being that portion of the property located between the north bank of the Eagle River and 800 ft north of the Eagle River. See Ex. A & B to Application. **Source: Groundwater trib. to the Eagle River, trib. to the Colorado River.** Approp. date: 12/30/2005. Amount: 0.5 cfs, cond. Uses: Domestic, commercial, recreation, irrigation, and fire protection. Location of irrigated area: Ten acres within property, described in Exhibit A to Application. Depth: Approx. 150 ft. Remarks: Second Claim: Name of Structure: VVRVR Pump & Pipeline. Original decree: 06CW15, entered 12/15/2013. Subsequent decree: 19CW3166, entered on 6/14/2020. Legal description: The north bank of the Eagle River in the NE¼ SW¼, Sec 4 T5S R86W 6th PM., 2,500 ft from the west sec line and 1,650 ft from the south sec line and said Sec 4. See Ex. B to Application. Source: Eagle River, trib. to the Colorado River. Approp. date: 12/30/2005. Amount: 0.5 cfs, cond. Uses: Irrigation and fire protection. Location of irrigated area: Ten acres within property, described in Exhibit A to Application. Third Claim: Name of Structure: VVRVR Wolford Exchange. Original decree: 06CW15, entered 12/15/2013. Subsequent decree: 19CW3166, entered 6/14/2020. Downstream terminus: Confluence of Eagle and Colorado Rivers in the SW¼ NE¼ of Sec 5 T5S R86W 6th PM, at a point approx. 2,400 ft from the north sec line and 1,900 ft from the east sec line. Upstream terminus: Points of diversion of VVRVR Wellfield and VVRVR Pump & Pipeline. Approp. date: 12/30/2005. Max rate of exchange: 0.25 cfs, cond., limited to 22 AF annually. Fourth Claim: Name of Structure: VVRVR Ruedi Exchange. Original decree: 06CW15, entered 12/15/2013. Subsequent decree: 19CW3166, entered on 6/14/2020. Downstream terminus: Confluence of Roaring Fork River and the Colorado River in the SE¼ NW¼ of Sec 9 T6S R89W 6th PM, at a point approx. 2,200 ft from the north sec line and 2,350 ft from the west sec line. Upstream terminus: Points of diversion of VVRVR Wellfield and VVRVR Pump & Pipeline. Approp. date: 12/30/2005. Max rate of exchange: 0.25 cfs, cond., limited to 22 AF annually. Remarks: The subject water rights are approved to operate pursuant to the plan for augmentation decreed in 06CW15. The Application on file with the Court includes a list of activities demonstrating diligence toward the development of the subject water right. (7 pages, 2 exhibits).

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

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

**26CW3067 EAGLE COUNTY, COLORADO RIVER BASIN.** Two Rivers Metropolitan District c/o Marchetti & Weaver, LLC, 28 Second Street, Suite 213, Edwards, CO 81632. Applicant is represented by Ryan Jarvis and Kaitlin Randall of JVAM PLLC, 305 Gold Rivers Ct., Ste 200, Basalt CO 81621. **APPLICATION FOR FINDING OF REASONABLE DILIGENCE AND TO MAKE ABSOLUTE.** Prior Decrees: 7/28/1998 (Case No. 97CW153); 11/2/2005 (04CW112); 8/4/2013 (11CW156); and 6/14/2020 (19CW3101); all by the District Court in and for Water Division 5. Appropriation Date for All Structures: 06/30/97. **Two Rivers Village Well Nos. 1 through 5:** Location: By decree entered in 04CW148, the originally-decreed individual points of diversion of the subject wells were changed to any point within the Two Rivers Metropolitan District Wellfield, the boundaries of which are co-terminus with the boundaries of the District, which is generally located in Tracts 42, 43, and 49, Sections 5 and 6, Township 5 South, Range 86 West of the 6th P.M., as more particularly described in the application. Source: Groundwater tributary to Colorado River. Depth: Well Nos. 1, 2, 4, and 5: 120 ft. Well No. 3: 56 ft. Amount: 0.45 c.f.s. each well; any combination of Two Rivers Village Wells Nos. 1-5 may divert up to the cumulative amount decreed to all five wells so long as cumulative diversions from all wells and Two Rivers Bass Lake Diversion Point and Two Rivers Trout Lake Diversion Point do not exceed 3.19 c.f.s. or 246 acre feet annually. 0.40 c.f.s. has previously been made absolute for Two Rivers Village Well No. 2. All remaining portions remain conditional. Absolute Claim, Two Rivers Village Well No. 1: Amount of water applied to beneficial use: 0.14 c.f.s. for all decreed uses, 0.31 c.f.s. remaining conditional. Date water applied to beneficial use: May 27, 2025. Place of beneficial use: within the Two Rivers Metropolitan District service area. Uses: Domestic, municipal, commercial, and irrigation. Out-of-priority depletions resulting from the exercise of these groundwater water rights are replaced according to the plan for augmentation previously approved in 97CW153 and 02CW374. **Two Rivers Bass Lake Diversion Point:** Location: In the NW1/4 of the SW1/4, Section 5, Township 5 South, Range 86 West, 6th PM, 3,392 ft South of the North Section line and 919 ft East of the West Section line of said Section 5. Source: Existing gravel ponds immediately adjacent and hydraulically connected to the Colorado River. Amount: 0.45 c.f.s., conditional. Use: Irrigation. Out-of-priority evaporative losses and depletions from Two Rivers Bass Lake are augmented pursuant to the plan for augmentation previously approved in 95CW66 and 02CW374. **Two Rivers Trout Lake Diversion Point:** Location: In the NE1/4 of the SW1/4, Section 5, Township 5 South, Range 86 West, 6th PM, 3,475 ft South of the North Section line and 1,542 ft East of the West Section line of said Section 5. Source: Existing gravel ponds immediately adjacent and hydraulically connected to the Colorado River. Amount: 0.45 c.f.s. total: 0.19 c.f.s. absolute, 0.26 c.f.s. conditional, as decreed in Case No. 19CW3101. Use: Irrigation. Out-of-priority evaporative losses and depletions from Two Rivers Trout Lake are augmented pursuant to the plan for augmentation previously approved in 95CW66 and 02CW374. Additional

**Information:** The prior decrees set forth additional terms and conditions that continue to be in effect for the subject water rights. The application and attached exhibits contain a detailed outline of the work performed during the diligence period. **Owners of Land:** Applicant and Two Rivers Properties, LLLP, 0010 Colorado River Road, Gypsum, CO, 81637 (14 pages).

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

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

**26CW3068 GROUNDWATER TRIBUTARY TO THE NORTH FORK OF THE COLORADO RIVER, TRIBUTARY TO THE COLORADO RIVER, IN GRAND COUNTY, COLORADO.** Edward and Callae Walcott Rounds, 140 S. Lake Ave., Suite 225, Pasadena, CA 91101. 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 Applicants. **APPLICATION FOR FINDING OF REASONABLE DILIGENCE *Mountain Meadows Well No. 1.*** Date of original decree: December 21, 1987, in Case No. 87CW184, in the District Court in and for Water Division No. 5. Subsequent decrees awarding findings of diligence: Case Nos. 93CW249 on April 23, 1994, 00CW52 on February 8, 2001, 07CW35 on December 17, 2007, 13CW3090 on June 2, 2014, and 20CW3016 on June 28, 2020. Legal description: As changed in Case No. 20CW3016, the decreed location is 200 ft. South of the North section line 600 ft West of the East section line Section 14, Township 3 North, Range 76 West of the 6th P.M. Tract 1, North Fork Acres Subdivision Exemption Recorded in the Grand County Records at Reception No. 268202. Source: Groundwater tributary to the North Fork of the Colorado River, tributary to the Colorado River. Appropriation date: June 9, 1987. Amount: 15 g.p.m. (or 0.033 c.f.s.), conditional. Uses: In-house domestic use. Depth: Well has not yet been drilled. Claim for Reasonable Diligence: Applicants request a finding of diligence for 15 g.p.m. (or 0.033 c.f.s.), conditional, for the Mountain Meadows Well No. 1 for in-house domestic use. Names and addresses of owners of land upon which structures are located: Eric Robert Keller and Karilyn Geha, 5425 S. Lowell Blvd., Littleton, CO 80123-2933. 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; (pp. 13 with exhibits)

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

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

**26CW3069 GRAND COUNTY. APPLICATION TO MAKE CONDITIONAL WATER RIGHT ABSOLUTE AND FOR FINDINGS OF REASONABLE DILIGENCE.** 1. Name, address, and telephone number of Applicant: Town of Granby, Colorado, c/o Town Clerk, PO Box 440, Granby, Colorado 80446, (970) 887-2501. Please send all correspondence to counsel for Applicant: Nathan Krob, Krob Law Office, LLC, 8400 E. Prentice Ave., Suite 1500, Greenwood Village, Colorado 80111. 2. Name of Structures: Val Moritz Wells Nos. 1 and 2. 2.2 Original Decree: The original decree for Val Moritz Wells Nos. 1 and 2 was entered in Case No. W-1748 on August 14, 1973, Water Division No. 2.3 Subsequent decrees awarding findings of diligence and/or making absolute: Case Nos. W-1748-76 on September 12, 1977; 80CW485 decreed on June 1, 1981; 84CW454 decreed on April 30, 1985; 88CW419 decreed on May 15, 1989; 95CW102 decreed on November 22, 1995; 01CW307 decreed on August 26, 2003; 09CW106 decreed on November 4, 2012; and 18CW3183 decreed on June 14, 2020. 2.4 Legal Description of the Structures: 2.4.1 Val Moritz Well No. 1 is located in the NE1/4 NW1/4 of Section 6, Township 1 North, Range 76 West of the 6th P.M., 1,219 feet south of the north section line and 2,219 feet east of the west line of said Section 6. 2.4.2 Val Moritz Well No. 2 is located in the SW1/4 NE1/4 of Section 6, Township 1 North, Range 76 West of the 6th P.M., at a point 1400 feet south of the north line and 1900 feet west of the east line of said Section 6. A map depicting the locations of the structures is attached to the Application as Exhibit A. 2.5 Source: Alluvium of Ten Mile Creek and the Fraser River, tributary to the Colorado River. 2.6 Appropriation Date: December 28, 1972. 2.7 Amount: Val Moritz well Nos 1 and 2 were decreed for 1.1 cfs, conditional, each in Case No. W-1748. The Court entered a decree in Case No. 18CW3183 decreeing Val Moritz Well No. 1 Right for 0.8 cfs absolute, with 0.3 cfs remaining conditional. 2.8 Use: Municipal (including domestic, commercial and incidental irrigation), irrigation, recreation, artificial snowmaking and other beneficial purposes associated with development. 2.9 Place of use: The Combined Service Area, within and adjacent to the Town of Granby, Colorado as shown on Exhibit B, attached to the application. 2.10 Depths: 2.10.1 Val Moritz Well No. 1 - 66 feet; Well Permit Val Moritz Well No. 1 - 17946-F. 2.10.2 Val Moritz

Well No. 2 - 70.5 feet; Well Permit Val Moritz Well No. 2 – 17947-F. **3. Work Toward Completion of Appropriation During the Diligence Period:** 3.1 During the applicable diligence period, the Town has continuously invested substantial financial resources in the expansion, operation, maintenance, and improvement of its integrated municipal water system for the purpose of placing the subject water rights to beneficial use. The Val Moritz Wells are an integral component of the Town's municipal water supply system. During the diligence period, the Town expended in excess of \$2,516,914 on improvements to its municipal water system, including water treatment, transmission, distribution, monitoring, and control facilities. The Town also incurred more than \$25,000 in legal expenses associated with protecting and administering its municipal water rights and integrated water system. Water system improvements included the expansion and upsizing of main distribution lines, vault installations, magnetic flow meter installation, installation of two halogen systems, chemical pumps, a titanium flanged heater and turbidimeter, and SCADA and Pall treatment system upgrades. 3.2 Significant water distribution infrastructure was constructed by private developers and subsequently dedicated and conveyed to the Town for ownership, operation, and maintenance as part of the Town's integrated municipal water system, including, for the Timber Ridge Filing 13 (\$1,231,400), Greyhawk (\$757,471), and Filing 8-Phase 3 (\$230,500) developments. The total expended on such infrastructure exceeded \$2,219,371. Additional Town system water infrastructure has been completed by private developers and dedicated to the Town serving Filing 1B Phase 4, Filing 8 Phase 2, Filing 14 Phase 1, Wranglers Crossing, and Nuche Village developments. Upon acceptance by the Town, these facilities became part of the Town's integrated municipal water system and constitute substantial work toward completing the appropriation of the Val Moritz Well rights. 3.3 The Town continues to actively plan for future growth within the Combined Service Area. The continuing expansion of the Town's treatment and distribution facilities demonstrates the Town's ongoing intent to complete the appropriation and place the remaining conditional water rights to beneficial use in a reasonably expedient manner. 3.4 The work described above was performed as part of the Town's integrated municipal water supply system. Pursuant to §37-92-301(4)(b), C.R.S., work performed and expenditures incurred on any feature of an integrated municipal water system constitute diligence for all conditional water rights comprising that integrated system, including the Val Moritz Wells. **4. Claim To Make Absolute and for Finding of Reasonable Diligence Pursuant to C.R.S. § 37-92-301(4).** 4.1 The Town diverted and applied the remaining portion of the Val Moritz Well No. 1 right to beneficial municipal use on numerous occasions during the diligence period, including April 9, April 29, April 30, May 13, May 20, and May 27, 2026. During those pumping events, Val Moritz Well No. 1 was operated at the full decreed rate, subject to normal operational variation. Val Moritz Well No. 1 is connected to the Town's water treatment facility, which treats and distributes water for beneficial use within the Combined Service Area. The Val Moritz Well rights are operated pursuant to the augmentation plan decreed in Case W-1881, Consolidated Case Nos. 80CW297, 82CW043, 82CW181, and in Case No 90CW236. 4.2 The Town seeks a decree determining the entire 1.1 cfs of the Val Moritz Well No. 1 water right to be absolute. The Town further seeks a finding of diligence for the entire 1.1 cfs conditional water right for Val Moritz Well No. 2. **5. Names and addresses of owners or reputed owners of the land upon which any new 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 modifications to any existing diversion structures contemplated for either Val Moritz Well No. 1 or No. 2. 6. WHEREFORE, the Town requests the Court enter a decree (a) making the remaining 0.3 cfs of Val Moritz Well No. 1 right absolute; (b) finding reasonable diligence continuing the full conditional right for Val Moritz Well No. 2; and (c) such other and further relief as the Court deems just and proper.

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

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

**26CW3070 EAGLE COUNTY, EAGLE AND COLORADO RIVERS.** Vail Valley Investments, LLC c/o Ryan M. Jarvis and Laurel Quinto, JVAM PLLC, 305 Gold Rivers Court, Ste. 200, Basalt, CO 81621, (970) 922-2122. Application for Change of Conditional Water Rights. Summary of Application: Applicant owns two conditional water rights decreed to the WVRVR Wellfield and the VVRVR Pump & Pipeline, which operate pursuant to the augmentation plan decreed in Case No. 06CW15. The plan for augmentation utilizes two conditional exchanges decreed as the VVRVR Wolford Exchange and VVRVR Ruedi Exchange. Applicant seeks the right to use the subject water rights on land immediately adjacent to the originally described place of use. To accomplish this, Applicant seeks to change the point of diversion and place of use for the VVRVR Wellfield and to add an alternate point of diversion and change the place of use for VVRVR Pump & Pipeline. Applicant further seeks to change the VVRVR Wolford Exchange and VVRVR Ruedi Exchange to allow them to operate consistent with the proposed changes. First claim: Name of structure: VVRVR Wellfield. Original decree: 06CW15, entered 12/15/2013, Div 5. Subsequent decrees: 19CW3166, entered 6/14/2020. Decreed location: The VVRVR Wellfield is located entirely within the property described in Exhibit A, which is in the E½ SW¼ and the NW¼ SE¼, Sec 4 T5S R86W 6th PM, and is more particularly described as being that portion of the property described in Exhibit A located between the N bank of the Eagle River and 800 ft N of the Eagle River. **Source: Groundwater trib. to the Eagle River, trib. to the Colorado River.** Approp. date: 12/30/2005. Amount: 0.5 cfs, conditional. Uses: Domestic, commercial, recreation, irrigation, and fire protection. Location of irrigated

area: Ten acres located within the property described in Exhibit A. Amount of water Applicant intends to change: The entirety of the water right. Statement of Proposed Change: Applicant requests to change the point of diversion of the VVRVR Wellfield from the decreed location to anywhere within the property described in Exhibit C. Applicant also seeks to change the place of use to anywhere within the property described in Exhibit C. Second claim: Name of structure: VVRVR Pump & Pipeline. Original decree: 06CW15, entered 12/15/2013, Div 5. Subsequent decree: 19CW3166, entered 6/14/2020. Decreed point of diversion: The VVRVR Pump & Pipeline is located on the N bank of the Eagle River in the NE $\frac{1}{4}$  SW $\frac{1}{4}$ , Sec 4 T5S R86W 6th PM, 2500 ft from the W sec line and 1650 ft from the S sec line and said Sec 4. Source: Eagle River, trib. to the Colorado River. Approp. date: 12/30/2005. Amount: 0.5 cfs, conditional. Uses: Irrigation and fire protection. Location of irrigated area: Ten acres located within the property described in Exhibit A. Amount of water Applicant intends to change: The entirety of the water right. Statement of Proposed Change: Applicant seek an alternate point of diversion located in the NW $\frac{1}{4}$  SW $\frac{1}{4}$ , Sec 5 T5S R86W 6th PM at a point described as NAD 83, UTM Zone 13, UTMx (m): 324191 and UTM<sub>y</sub> (m) 4390151. Applicant also seeks to change the place of use to include anywhere within the property described in Exhibit C. The water may still be used on the property described in Exhibit A. Third claim: Name of Structure: VVRVR Wolford Exchange. Original decree: 06CW15, entered 12/15/2013, Div 5. Subsequent decree: 19CW3166, entered 6/14/2020. Downstream terminus: Confluence of Eagle and Colorado Rivers, which is located in the SW $\frac{1}{4}$  NE $\frac{1}{4}$  of Sec 5 T5S R86W 6th PM, at a point approx 2400 ft from the N sec line and 1900 ft from the E sec line. Upstream terminus: decreed points of diversion of VVRVR Wellfield and VVRVR Pump & Pipeline. Approp. date: 12/30/2005. Max rate of exchange: 0.25 cfs, conditional, limited to 22 af annually. Amount of water Applicant intends to change: The entirety of the water right. Statement of Proposed Change: Applicant seeks to change the location of the upstream terminus to the changed point of diversion of the VVRVR Wellfield and to include the alternate point of diversion for the VVRVR Pump & Pipeline. Fourth claim: Name of Structure: VVRVR Ruedi Exchange. Original decree: 06CW15, entered 12/15/2013, Div 5. Subsequent decree: 19CW3166, entered 6/14/2020. Downstream terminus: Confluence of Roaring Fork River and the Colorado River which is located in the SE $\frac{1}{4}$  NW $\frac{1}{4}$  of Sec 9 T6S R89W 6th PM, at a point approx 2200 ft from the N sec line and 2350 ft from the W sec line. Upstream terminus: decreed points of diversion of VVRVR Wellfield and VVRVR Pump & Pipeline. Approp. date: 12/30/2005. Max rate of exchange: 0.25 cfs, conditional, limited to 22 af annually. Amount of water Applicant intends to change: The entirety of the water right. Statement of Proposed Change: Applicant seeks to change the location of the upstream terminus to the changed point of diversion of the VVRVR Wellfield and to include the alternate point of diversion for the VVRVR Pump & Pipeline. Owner of land upon which any new diversion or storage structure or modification to any existing diversion or storage structure or existing storage pool is or will be constructed or upon which water is or will be stored: Applicant. (7 pages, 5 Exhibits)

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**26CW8 MESA COUNTY-NUNNERY DRAIN TRIBUTARY TO APPLETON DRAIN TRIBUTARY TO THE COLORADO RIVER.** Jonathon & Summer Cooley; 905 24  $\frac{1}{4}$  Rd., Grand Junction, CO 81505. (970)985-2119. Nunnery Drain – Application for Absolute Water Rights (Surface). Location: SW $\frac{1}{4}$ SW $\frac{1}{4}$  of Sec. 21, T.1N., R.1W. of the Ute P.M. UTM: E707034 N4334598 Z12. Source: Nunnery Drain, tributary to the Appleton Drain (Grand Valley Water Users Assoc.) to the Colorado River. Appropriation: April 13, 2026. Amount: 1.0 c.f.s., absolute. Uses: irrigation of 2.8 new acres for a total of 6 acres and around residence.

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