

DIVISION 5 WATER COURT- AUGUST 2026 RESUME

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

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

26CW3087 (19CW3130, 06CW249). DISTRICT COURT, WATER DIVISION NO. 5, STATE OF COLORADO, 109 Eighth Street, Suite 104, Glenwood Springs, CO. 81601. CONCERNING THE APPLICATION FOR WATER RIGHTS OF THE CRYSTAL RIVER RANCH CO., LLC, IN GARFIELD COUNTY, COLORADO. APPLICATION FOR FINDING OF REASONABLE DILIGENCE. 1. Name and Address of Applicant: Crystal River Ranch Co., LLC, c/o Sue Anschutz-Rodgers, General Partner, 555 Seventeenth Street, Suite 2400, Denver, CO. 80202, 303-299-1361. 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. (a) Sue's Four Mile Reservoir No. 1. (b) Sue's Four Mile Reservoir No. 2. 3. Description of the Subject Water Rights. The subject water rights were decreed by the District Court in and for Water Division No. 5, State of Colorado (the "Water Court") on November 7, 2013, in Case No. 06CW249. (a) Name of structures: Sue's Four Mile Reservoir No. 1 and Sue's Four Mile Reservoir No. 2. (b) Legal description of the points of diversion: i. Sue's Four Mile Reservoir No. 1: The point of diversion from Four Mile Creek is located at the headgate of the McKown Ditch, located at a point on the South bank of Four Mile Creek at a point whence the South ¼ corner, Section 27, Township 7 South, Range 89 West, 6th P.M. bears North 6°30' East 1,570 feet. The Reservoir will also intercept springs and seeps in the Freeman Creek drainage tributary to the east end of the dam, which is located at a point 2400 feet west of the east section line and 2700 feet south of the north section line of Section 26, Township 7 South, Range 89 West, 6th P.M. ii. Sue's Four Mile Reservoir No. 2: The point of diversion from Four Mile Creek is located at the headgate of the McKown Ditch, located at a point on the South bank of Four Mile Creek at a point whence the South ¼ corner, Section 27, Township 7 South, Range 89 West, 6th P.M. bears North 6°30' East 1,570 feet. The Reservoir will also intercept springs and seeps tributary to the northeast end of the dam, which is located at a point 1500 feet east of the west section line and 700 feet north of the south section line of Section 24, Township 7 South, Range 89 West, 6th P.M. (c) Source: Four Mile Creek, a tributary of the Roaring Fork River. (d) Appropriation date: December 1, 2006. (e) Amount claimed: i. Sue's Four Mile Reservoir No. 1: 500 acre-feet, conditional. ii. Sue's Four Mile Reservoir No. 2: 500 acre-feet, conditional. The maximum fill rate for either or both reservoirs is 35 cfs. (f) Uses: Stock watering, piscatorial, wildlife, and irrigation. The land to be irrigated is located in Sections 14, 23, 24, 25, and 26, Township 7 South, Range 89 West, 6th P.M. Augmentation and exchange uses of the subject storage rights will require prior Water Court approval of a plan for augmentation and/or exchange. (g) Dam measurements: i. Sue's Four Mile Reservoir No. 1: 55 feet high and 950 feet long. The surface area when full is 22 acres. ii. Sue's Four Mile Reservoir No. 2: 55 feet high and 800 feet long. The surface area when full is 30 acres. A map depicting the locations of the subject water rights and irrigated lands is attached as Exhibit A. 4. Detailed outline of work done to complete project and apply water to beneficial use. During the subject diligence period Applicant determined from geotechnical investigations of the reservoir sites that the location of Sue's Four Mile Reservoir No. 1 has significant foundation concerns and that a storage facility at this location is not feasible. Therefore, it was determined that this conditional water right be abandoned and all diligence efforts be focused on Sue's Four Mile Reservoir No. 2. In April of 2025 a measuring flume was installed in King Gulch for purposes of measuring tailwater runoff from irrigation on the Deer Park Ranch above Sue's Four Mile Reservoir No. 2. Measuring flows at this location will allow the Applicant to estimate the volume of tailwater from the Deer Park Ranch that could potentially be recaptured in Sue's Four Mile Reservoir No. 2 when it is constructed. The flume was installed by Kuerstan Construction. The selected flume was a 7 cfs EzFlow Ramp flume. The flume was installed where King Gulch leaves the canyon and enters the hay meadows on the main Crystal River Ranch. This site was selected since it would capture all return flows from Deer Park Ranch but would remain above any return flows from irrigation in the lower hay meadows. A Sontek IQ meter was placed in the flume entrance to track the water level and flowrate in the flume. The meter is capable of measuring both the water depth and the velocity withing the flume section. Measurements were taken in 2025. However, due to the low snowpack, no runoff was observed in 2026 as water barely made it to the irrigated pastures before the irrigation water right was called out. 5. Name and address of the owner of the land on which the subject conditional water rights are located. Applicant. WHEREFORE Applicant requests that the Water Court issue a final decree that (1) finds reasonable diligence in applying the Sue's Four Mile Reservoir No. 2 to beneficial use, (2) continues the Sue's Four Mile Reservoir No. 2 in full force and effect, (3) abandons the conditional water right for Sue's Four Mile Reservoir No. 1, and (4) grants such other and further relief as may be appropriate.

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

26CW3088 GRAND COUNTY, Application for Findings of Reasonable Diligence. Applicant: David Loser; *please direct all correspondence to Applicant's attorneys:* Mary Elizabeth Geiger, Garfield & Hecht, P.C., 910 Grand Avenue, Suite 201, Glenwood

Springs, CO 81601, (970)947-1936, megeiger@garfieldhecht.com. *Applicant requests findings of reasonable diligence with regard to the following water right: Crooked Creek No. 1 Ditch (CC No. 1), First Enlargement. Description of conditional water right: Date of original decree: January 17, 1996. Case number: 95CW054. Court: District Court, Water Division No. 5. Subsequent Diligence Findings: Case No. 07CW181; 14CW3049; 20CW3008. Location: At a point 1350 feet from the North Section line and 2400 feet from the West Section line of Section 22, Township 1 South, Range 76 West, 6th P.M., Grand County. Source: Crooked Creek, tributary to Fraser River, tributary to Colorado River. Appropriation date: January 1, 1995. Amount: 1.0 c.f.s., conditional. Uses: Irrigation and fire protection. Owner of land upon which point of diversion is located: Applicant. The Application includes a detailed description of the work performed during the diligence period and the application of the water rights to beneficial use. (4 pages).*

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

26CW3089 GRAND COUNTY, APPLICATION FOR FINDINGS OF REASONABLE DILIGENCE. 1. Applicant: Company Land & Water LLC, c/o Patterson Shaw, Company Ranch LLC, 1401 E Quincy Avenue, Cherry Hills Village, CO 80113. Direct pleadings to: Thomas W Korver, David S Hayes, Hayes Poznanovic Korver LLC, 700 17th Street, Suite 1800, Denver, CO 80202. 2. Name of structure: Sylvan Reservoir (WDID: 5103701). 3. Description of conditional water right: A. Original decree: August 3, 1911, Case No. 183, in the District Court of Grand County, State of Colorado. A map filed with the State Engineer on January 2, 1909, by Mr. A. F. Polhemus, the original claimant, which described the lands intended to be irrigated, along with a U.S.G.S. topographic map generally depicting those same lands, are attached as Exhibit 1. B. Subsequent decrees: Subsequent findings of reasonable diligence and/or make absolute have been entered by the Division No. 5 Water Court in Case Nos.: June 25, 1971, W-161; November 14, 1972, W-676; October 17, 1979, W-676-78 (made absolute 1,133.74 acre feet for the Sylvan Reservoir); September 3, 1983, 82CW347; March 30, 1987, 86CW303; March 9, 1998, 93CW072; November 8, 2005, 04CW046; December 15, 2013, 11CW154; and August 16, 2020, 19CW3172. C. Legal description: Sylvan Reservoir is located in the S1/2 of Section 4 and in the N1/2 of Section 9, Township 1 South, Range 78 West of the 6th P.M., Grand County, Colorado (UTM coordinates: Easting 404152.8, Northing: 4426252, NAD83, Zone 13). The mid-point of Sylvan Dam is located at a point approximately 1,200 feet north of the south section line of Section 4 and 2,600 feet east of the west section line of Section 4. A map of the Sylvan Reservoir, including distances from section lines, is included as Exhibit 2. D. Source: Little Muddy Creek, also known as Little Muddy River, a tributary of the Colorado River. The water is supplied through the Sylvan Ditch. The decreed point of the headgate of the Sylvan Ditch is on the west bank of Little Muddy Creek, at a point whence the Southeast corner of Section 11, Township 1 South, Range 78 West of the 6th P.M. bears S27°33'00"E, 859 feet. The headgate is located at a point approximately 775 feet north of the south section line of Section 11, and 400 feet west of the east section line of Section 11. Said ditch is 3.3 miles in length and runs in a Northwesterly direction and has a capacity of 76.8 c.f.s. A map of the ditch, including distances from section lines, is included as Exhibit 2. E. Appropriation date: November 3, 1907, Priority No. 250, being Reservoir No. 6 in Water District 51, State of Colorado. F. Remaining conditional amount: 1,133.74 acre-feet, conditional. G. Uses: Irrigation, augmentation, replacement, and exchange. 4. Detailed outline of what has been done toward completion of the appropriation and application to a beneficial use: The subject water rights are part of an integrated system for supplying Applicant's water demands. The application contains a summary of specific projects and work undertaken during the diligence period in furtherance of the foregoing water rights, and is available for inspection at the office of the Division 5 Water Clerk or CCE. The list is not intended to be all inclusive and may be supplemented by additional evidence at any hearing in this matter. 5. Name(s) and address(es) of owner(s) or reputed owners of the land upon which any new diversion or storage structure, or modification to any existing diversion or storage structure is or will be constructed or upon which water is or will be stored, including any modification to the existing storage pool: Applicant; the United States Bureau of Land Management, P.O. Box 68, Kremmling, Colorado 80459-0068. WHEREFORE, Applicant requests that the Court enter a decree granting this application, finding that Applicant has exercised reasonable diligence in developing and completing the conditional portion of the Sylvan Reservoir water right during the Diligence Period, and continuing the conditional decree and the conditional portion of the water right in full force and effect for six years from the month in which a final decree is entered in this case. 5 Pages.

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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.

26CW3090 GRAND COUNTY. Middle Park Water Conservancy District, P.O. Box 145, Granby, CO 80446. 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 and Type of Structure: Fraser Valley Downstream Reservoir, Fraser Valley Upstream Reservoir, Fraser Valley Downstream Ditch No. 1, and Fraser Valley Upstream Ditch No. 1 (collectively "the Fraser Project"). Location: Fraser Valley Downstream Reservoir: A point on the Fraser River whence the Southwest corner of Section 6, T1S, R75W of the 6th P.M. bears South 15°5' West a distance of 3,240 feet. Fraser Valley Upstream Reservoir: A point on the Fraser River whence the Southwest corner of Section 18, T1S, R75W of the 6th P.M. bears South 62°00' West a distance of 5,270 feet. Fraser Valley Downstream Ditch No. 1: A point on the Fraser River whence the Southwest corner of Section 6, T1S, R75W of the 6th P.M. bears South 15°5' West a distance of 3,240 feet. Fraser Valley Upstream Ditch No. 1: A point on the Fraser River whence the Southwest corner of Section 18, T1S, R75W of the 6th P.M. bears South 62°00' West a distance of 5,270 feet. Source: **The Fraser River and its tributaries, tributary to the Colorado River.** Date of Appropriation: 12/12/86, except hydroelectrical power production which is 7/14/1993. Prior Decrees: 8/20/90 (Case Nos. 86CW363 and 86CW364); 3/3/1994 (93CW197); 7/24/2000 (00CW24); 4/27/2007 (06CW138); 11/10/2013 (13CW42); 8/16/2020 (19CW3140); all in Water Division No. 5. Amount: Fraser Valley Downstream Reservoir 155.1af conditional, 14.9af absolute; Fraser Valley Upstream Reservoir 170 af, conditional; Fraser Valley Downstream Ditch No. 1 170 cfs, conditional; Fraser Valley Upstream Ditch No. 1 170 cfs, conditional. Use: Hydroelectric power production, replacement, recreation, domestic, irrigation, stock watering, industrial, and municipal. 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 exhibits contain a detailed outline of the work performed during the diligence period (28 pages).

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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 AUGUST 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.*

26CW3091 Siena Dev, LLC, 3570 Juniper Hills Rd., Aspen, Colorado 81611, Telephone: (970) 452-9447. APPLICATION FOR FINDINGS OF REASONABLE DILIGENCE in EAGLE AND GARFIELD COUNTIES. Please send all pleadings and correspondence to: William D. Wombacher, Esq., Stacy L. Brownhill, Esq., NAZARENS STACK & WOMBACHER LLC, 5105 DTC Parkway, Suite 200, Greenwood Village, Colorado 80111. **2. Background.** Applicant seeks findings of reasonable diligence towards the development of conditional surface water rights, storage water rights and appropriative rights of exchange. The Subject Water Rights support a golf course and residential development, the Brightwater Club, south of Gypsum, Colorado ("Project"). A map generally depicting the locations of the Subject Water Rights is attached as **Exhibit A**. **3. Decree Information.** The original decree for the Subject Water Rights was entered on August 4, 2013, in Case No. 02CW388 ("02CW388 Decree"). Additional portions of the originally decreed water rights were made absolute in Case No. 19CW3113 ("19CW3113 Decree"). **I. SURFACE WATER RIGHTS** **4. Structure Name.** Stratton and Company Ditch 2002 Enlargement. **4.1. Point of Diversion.** The SE1/4 of the NE1/4 of Section 5, Township 6 South, Range 85 West of the 6th P.M., Eagle County, Colorado, at a distance 650 feet from the east Section line and 2250 feet from the north Section line. **4.2. Source.** **Gypsum Creek, tributary to the Eagle River, tributary to the Colorado River.** **4.3. Appropriation Date.** December 31, 1997. **4.4. Amount.** 5.0 cfs, conditional. **4.5. Uses.** Irrigation, augmentation and exchange and other beneficial uses that are necessary and attendant to the water needs of a year-round recreational, golf, and residential development project (such as dust suppression, construction, street cleaning, environmental mitigation). Regarding irrigation use, up to 320 acres will be irrigated by the Stratton and Company Ditch 2002 Enlargement in Sections 29, 30, 31, and 32, Township 5 South, Range 85 West of the 6th P.M., Eagle County, Colorado, within the property boundary generally depicted on **Exhibit B**. In each future application to make absolute the Subject Water Rights, Applicant shall identify the lands irrigated by the Subject Water Rights. **4.6. Remarks.** The Stratton and Company Ditch 2002 Enlargement water right was confirmed absolute for commercial, recreation, fish and wildlife propagation, and fire protection uses in the 02CW388 Decree; the absolute portion of the right is not at issue in this case. **5. Structure Name.** HOR Ditch 2002 Enlargement. **5.1. Point of Diversion.** The SE1/4 of the NE1/4 of Section 31, Township 5 South, Range 85 West of the 6th P.M., Eagle County, Colorado, at a distance 750 feet from the east Section line and 2375 feet from the north Section line. **5.2. Source.** Gypsum Creek, tributary to the Eagle River, tributary to the Colorado River. **5.3. Appropriation Date.** June 26, 2002. **5.4. Amount.** 3.0 cfs, conditional. **5.5. Uses.** Commercial, irrigation, recreation, fish and wildlife propagation, fire protection, augmentation and exchange purposes, and other beneficial uses that are necessary and attendant to the water needs of a year-round recreational, golf, and residential development project (such as dust suppression, construction, street cleaning, environmental mitigation). Regarding irrigation use, up to 105 acres will be irrigated by the HOR 2002 Ditch Enlargement in Sections 29, 30, 31, and 32, Township 5 South, Range 85 West of the 6th P.M., Eagle County, Colorado, within the property boundary generally depicted on **Exhibit B**. In each future application to make absolute the Subject Water Rights, Applicant shall identify the lands irrigated by the Subject Water Rights. **II. STORAGE WATER RIGHTS** **6.**

Structure Names. Brightwater Club Pond Nos. 11 through 19 (collectively, the “Brightwater Club Ponds”)(Brightwater Club Pond Nos. 1 through 10 were made fully absolute for all decreed uses in Case No. 19CW3113.) (. 6.1. Locations. 6.1.1. Brightwater Club Pond No. 11. The center of this pond is located in Section 29, Township 5 South, Range 85 West of the 6th P.M., Eagle County, Colorado, 2457 feet from the west Section line and 351 feet from the south Section line of said Section 29. 6.1.2. Brightwater Club Pond No. 12. The center of this pond is located in Section 29, Township 5 South, Range 85 West of the 6th P.M., Eagle County, Colorado, 2275 feet from the west Section line and 175 feet from the south Section line of said Section 29. 6.1.3. Brightwater Club Pond No. 13. The center of this pond is located in Section 29, Township 5 South, Range 85 West of the 6th P.M., Eagle County, Colorado, 700 feet from the west Section line and 600 feet from the south Section line of said Section 29. 6.1.4. Brightwater Club Pond No. 14. The center of this pond is located in Section 29, Township 5 South, Range 85 West of the 6th P.M., Eagle County, Colorado, 550 feet from the west Section line and 1250 feet from the south Section line of said Section 29. 6.1.5. Brightwater Club Pond No. 15. The center of this pond is located in Section 29, Township 5 South, Range 85 West of the 6th P.M., Eagle County, Colorado, 2800 feet from the west Section line and 1250 feet from the south Section line of said Section 29. 6.1.6. Brightwater Club Pond No. 16. The center of this pond is located in Section 29, Township 5 South, Range 85 West of the 6th P.M., Eagle County, Colorado, 3100 feet from the west Section line and 2150 feet from the south Section line of said Section 29. 6.1.7. Brightwater Club Pond No. 17. The center of this pond is located in Section 29, Township 5 South, Range 85 West of the 6th P.M., Eagle County, Colorado, 2351 feet from the west Section line and 3310 feet from the south Section line of said Section 29. 6.1.8. Brightwater Club Pond No. 18. The center of this pond is located in Section 29, Township 5 South, Range 85 West of the 6th P.M., Eagle County, Colorado, 2450 feet from the west Section line and 2600 feet from the south Section line of said Section 29. 6.1.9. Brightwater Club Pond No. 19. The center of this pond is located in Section 29, Township 5 South, Range 85 West of the 6th P.M., Eagle County, Colorado, 1900 feet from the west Section line and 1750 feet from the south Section line of said Section 29. 6.2. Source for Brightwater Club Ponds 11-19. Stratton and Company Ditch 2002 Enlargement (5.0 cfs) and local runoff, all tributary to Gypsum Creek, tributary to the Eagle River, tributary to the Colorado River. 6.3. Appropriation Dates. 6.3.1. Brightwater Club Ponds 11-14. June 26, 2002. 6.3.2. Brightwater Club Ponds 15-19. December 27, 2002. 6.4. Uses. Commercial, irrigation, recreation, fish and wildlife propagation, fire protection, augmentation and exchange purposes, and other beneficial uses as are necessary and attendant to the water needs for the operation and maintenance of the development and operation of a year-round recreational, golf, and residential project (such as dust suppression, construction, street cleaning, environmental mitigation). Regarding irrigation, up to 320 acres will be irrigated by the Stratton and Company 2002 Enlargement and up to 105 acres will be irrigated by the HOR 2002 Enlargement in Sections 29, 30, 31, and 32, Township 5 South, Range 35 West of the 6th P.M., Eagle County, Colorado within the property boundary generally depicted on **Exhibit B**. In each future application to make absolute the Subject Water Rights, Applicant will identify the lands irrigated by the Subject Water Rights. The commercial purposes of the Brightwater Club Ponds are those that may be associated with the operations of the Ponds in connection with the Project. 6.5. Amounts. 6.5.1. Brightwater Club Pond 11. 5.8 acre feet, conditional for all decreed uses. 6.5.2. Brightwater Club Pond 12. 3.5 acre feet, conditional for all decreed uses. 6.5.3. Brightwater Club Pond 13. 5.0 acre feet, conditional for all decreed uses. 6.5.4. Brightwater Club Pond 14. 4.0 acre feet, conditional for all decreed uses. 6.5.5. Brightwater Club Pond 15. 5.5 acre feet, conditional for all decreed uses. 6.5.6. Brightwater Club Pond 16. 9.1 acre feet, conditional for all decreed uses. 6.5.7. Brightwater Club Pond 17. 1.0 acre feet, conditional for all decreed uses. 6.5.8. Brightwater Club Pond 18. 20.7 acre feet, conditional for all decreed uses. 6.5.9. Brightwater Club Pond 19. 56.4 acre feet, conditional for all decreed uses. 6.6. Reservoir Characteristics. 6.6.1. Brightwater Club Pond 11. Dam length-23 feet; surface area-0.952 acres. 6.6.2. Brightwater Club Pond 12. Dam length-200 feet; surface area-0.6 acres. 6.6.3. Brightwater Club Pond 13. Dam length-700 feet; surface area-1.0 acres. 6.6.4. Brightwater Club Pond 14. Dam length-300 feet; surface area-1.0 acres. 6.6.5. Brightwater Club Pond 15. Dam length-350 feet; surface area-0.8 acres. 6.6.6. Brightwater Club Pond 16. Dam length-400 feet; surface area-1.1 acres. 6.6.7. Brightwater Club Pond 17. Dam length-30 feet; surface area-0.6 acres. 6.6.8. Brightwater Club Pond 18. Dam length-800 feet; surface area-2.8 acres. 6.6.9. Brightwater Club Pond 19. Dam length-900 feet; surface area-3.0 acres. 6.7. Remarks. 6.7.1. As applied to all Ponds, the dam height will be less than 10 feet. 6.7.2. All storage capacity will be active, meaning each Pond will be construed to have a low-level outlet. 6.7.3. The Ponds may operate as part of a flow-through system comprising any number of ponds and stream features. Out-of-priority depletions from the system will be augmented under the plan for augmentation approved in the 02CW388 Decree. 6.7.4. Applicant may construct any combination of the Brightwater Club Ponds, each with surface areas and storage capacities less than or greater than the surface areas and capacities stated above, provided that: (i) the Pond is constructed within 200 feet of the location described above; (ii) the total combined surface area of all constructed Ponds and associated new stream channels does not exceed the 27.25 total surface acres described above; and (iii) the total combined storage capacity of all constructed Ponds does not exceed the total 213.1 acre feet. 6.7.5. The Brightwater Club Ponds will not be excavated below the groundwater level or they will be lined and isolated from groundwater to the applicable standards of the State Engineer. **III. APPROPRIATIVE RIGHT OF EXCHANGE.** 7. Conditional Exchange. In order for the plan for augmentation approved in the 02CW388 Decree to operate, a conditional right of exchange was also decreed. 7.1. Appropriation Date. June 26, 2002. 7.2. Exchange Reaches and Amounts. 7.2.1. Wolford Mountain Reservoir Water Releases. This reach is from the confluence of the Eagle River and the Colorado River, located in the SW1/4 of the NE1/4 of Section 5, Township 5 South, Range 86 West of the 6th P.M., Eagle County, Colorado, at a point approximately 2400 feet from the north Section line and 1900 feet from the east Section line, up to the Stratton and Company Ditch in the SE1/4 of the NE1/4 of Section 5, Township 6 South, Range 85 West of the 6th P.M., Eagle County, Colorado, at a distance 650 feet from the east Section line and 2250 feet from the north Section line. The rate of this exchange is up to 0.25 cfs, conditional. 7.2.2. Ruedi Reservoir Water Releases. This reach is from the confluence of the Roaring Fork River and the Colorado River, located in the SE1/4 of the NW1/4 of Section 9, Township 6 South, Range 89 West of the 6th P.M., Garfield County, Colorado, at a point approximately 2200 feet from the north Section line and 2350 feet from the west Section line, up to the Stratton and Company

Ditch in the SE1/4 of the NE1/4 of Section 5, Township 6 South, Range 85 West of the 6th P.M., Eagle County, Colorado, at a distance 650 feet from the east Section line and 2250 feet from the north Section line. The rate of this exchange is up to 0.25 cfs, conditional.

7.2.3. Eagle Park Reservoir Water Releases. This reach is from the confluence of Gypsum Creek and the Eagle River, located in the SW1/4 of the NW1/4 of Section 5, Township 5 South, Range 85 West of the 6th P.M., Eagle County, Colorado, at a point approximately 1375 feet from the north line and 1100 feet from the west line, up to the Stratton and Company Ditch in the SE1/4 of the NE1/4 of Section 5, Township 6 South, Range 85 West of the 6th P.M., Eagle County, Colorado, at a distance 650 feet from the east Section line and 2250 feet from the north Section line. The rate of this exchange is up to 0.25 cfs, conditional.

7.3. These exchanges will only be operated when the subject exchange reaches have exchange potential and capacity.

7.4. The use for the exchanges is augmentation of evaporation.

8. Integrated Water Supply. The Subject Water Rights are individual components of Applicant's integrated water supply system for the Project; therefore, the beneficial use of each of the Subject Water Rights is necessary and attendant to the water needs for the operation and maintenance of the year-round recreational, golf, and residential project. Consequently, in subsequent diligence proceedings, work on any one feature of Applicant's water supply system shall be considered in finding that reasonable diligence has been shown in the development of water rights for all features of Applicant's water supply system. See 02CW388 Decree, ¶¶ 7, 41; 19CW3113, ¶ 32; C.R.S. § 37-92-301(4)(b).

9. Detailed Outline of Activity During the Diligence Period. During the diligence period, Applicant has taken steps to diligently develop the Subject Water Rights including, without limitation, the activities described below. This list is not intended to be inclusive and may be supplemented by additional evidence.

9.1. Applicant purchased the Subject Water Rights and property on which they are decreed for beneficial use on March 22, 2022, and engaged the undersigned attorney to perform diligence on the Subject Water Rights prior to purchase. Contemporaneously with the purchase, Applicant discovered a title issue with the Subject Water Rights that was resolved at closing to ensure that the Subject Water Rights were properly transferred to Applicant.

9.2. Applicant has developed a new Master Plan for the Property and engaged the undersigned attorney to provide legal advice regarding the role of the Subject Water Rights in the Master Plan, including implications for stormwater management.

9.3. Applicant installed a drainage headgate in Brightwater Club Pond No. 8 in May 2025 and installed a magnetic flow meter in Brightwater Club Pond No. 1 in June 2026.

9.4. Applicant acquired several additional properties around the Brightwater Club and the associated water rights to facilitate a future expansion of the Property and to provide drought resiliency to the water supply.

9.5. Applicant constructed 5 homes within the Brightwater Club on lots that it owns.

9.6. In the summer of 2025, Applicant renovated the golf course irrigation system for holes 9–18.

9.7. On an annual basis, Applicant performs vegetation management on the ditches and ponds within the Property.

9.8. In May 2026, Applicant conducted a survey of all pond perimeters and elevations.

9.9. Applicant has engaged Colorado River Engineering to assist with the operation and maintenance of the Subject Water Rights and to provide advice regarding the accounting for the same.

9.10. Applicant has operated and maintained the Brightwater Club Golf Course.

9.11. Applicant has maintained its water contract with the Colorado River District, which serves as the source of replacement water from the plan for augmentation decreed in Case No. 02CW388.

10. Name and Address 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. Applicant. WHEREFORE, Applicant respectfully requests that the Court enter a decree (i) finding that reasonable diligence has been shown in the development of the Subject Water Rights; (ii) continuing the same in full force and effect; and (iii) granting such further relief to Applicant as the Court deems just and proper. (10 pages, 2 exhibits).

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

26CW3092 GRAND COUNTY, COLORADO. APPLICATION FOR FINDING OF REASONABLE DILIGENCE. I. Name, Address, and Telephone Number of Applicant. Colorado River Water Conservation District, acting by and through its Colorado River Water Projects Enterprise, c/o Andrew A. Mueller, Secretary/General Manager, 201 Centennial Street, Suite 200, Glenwood Springs, Colorado 81601, Telephone: (970) 945-8522. Please direct all pleadings and correspondence in this case to: Peter C. Fleming, Jason V. Turner and Bruce C. Walters. II. Introduction. This Application for Finding of Reasonable Diligence (this "Application") is filed pursuant to sections 37-92-301(4), C.R.S. The Colorado River Water Conservation District, acting by and through its Colorado River Water Projects Enterprise (the "River District") is a political subdivision of the State of Colorado formed by the Colorado legislature in 1937 for the purpose of safeguarding for the State of Colorado the beneficial consumptive use in Colorado of that portion of the waters of the Colorado River equitably apportioned to the state by interstate compact and of promoting the welfare of the inhabitants of the River District. See §§ 37-46-101, C.R.S., *et seq.* Geographically, the River District encompasses an area of approximately 29,000 square miles, including all of twelve and parts of three western Colorado counties. The River District's geographical boundaries include the headwaters and tributaries of the Colorado River mainstem and its principal tributaries, the Gunnison, White, and Yampa Rivers. The general powers of the River District, set forth in section 37-46-107, C.R.S., *inter alia*, direct the River District to make surveys and investigations to ascertain the best method of utilizing stream flows within the River District and to make appropriations "for the use

and benefit of the ultimate appropriators . . .” This statute further directs the River District “to perform all acts and things necessary or advisable to secure and insure [sic] an adequate supply of water, present and future, for irrigation, mining, manufacturing, and domestic purposes within said districts.” The conditional water right that is the subject of this Application was obtained in furtherance of these statutory directives. The River District’s Board of Directors has maintained its intent to develop the conditional water right that is subject of this Application. The water right involved in this Application was decreed on June 2, 2000, in Case No. 98CW237, and findings of reasonable diligence were decreed by the Water Court in and for Water Division No. 5 on May 29, 2007, in Case No. 06CW146, on January 24, 2014, in Case No. 13CW3008, and on August 16, 2020, in Case No. 20CW3005.

III. Description of conditional water right (as to each structure as depicted on the map attached hereto as Exhibit A) giving the following from the Referee’s Ruling and Judgment and Decree.

A. Name of Structure: Wolford Mountain Reservoir Refill Right (the “Refill Right”).

1. Date of Original Decree, Case Number, and Court: June 2, 2000, Case No. 98CW237, Water Division No. 5.

2. Legal Description: a. As Decreed: (Location of Dam) The dam is located in the SW¼ of the NE¼ of Section 25, T.2N., R.81W. of the 6th P.M. The as-built intersection of the dam axis (Sta. D19+35.61) with the West Access Road (Sta. WR50+55.05), as shown on the Colorado River Water Conservation District, Wolford Mountain Project, Ritschard Dam construction drawing "Dimensional Dam Layout" sheet 8 of 94, occurs at a point which bears south 53°24'56" east a distance of 3,395.51 feet from the NW Corner of said Section 25; the bearing of said dam axis from Sta. 19+35.61 to Sta. 0+00 being south 75°28'29" east. b. PLSS: SW¼ of the NE¼ of Section 25, T.2N., R.81W. of the 6th P.M. at a point 1,940 feet south of the north section line and 2,760 feet east of the west section line.

3. Source: Muddy Creek and its tributaries, all tributary to the Colorado River.

4. Appropriation Date: November 17, 1998.

5. Amount: Total amount 30,000 acre-feet (“AF”), of which 12,856 AF was previously decreed absolute for all decreed purposes, and 15,895 AF was previously decreed absolute for recreation, piscatorial, and flood control purposes.

6. Uses: Certain of the beneficial uses previously adjudicated for Wolford Mountain Reservoir in Cases Nos. 87CW283 and 95CW281, Water Division No. 5.

a. Case No. 87CW283: Wolford Mountain Reservoir is used to satisfy the requirements of the Windy Gap Settlement made with the Municipal Subdistrict of the Northern Colorado Water Conservancy District. This includes, but is not limited to domestic, municipal, agricultural, and recreational uses.

b. Case No. 95CW281: All beneficial uses by and for the benefit of the inhabitants of the River District, including but not limited to domestic, municipal, industrial, irrigation, agricultural, piscatorial and recreational; such uses will include environmental mitigation, including environmental mitigation requirements associated with Applicant's Wolford Mountain Reservoir Project; such uses will be made directly or by substitution, augmentation, or exchange. None of the water stored in the exercise of the right decreed herein will be delivered directly or by exchange, substitution, or otherwise for use outside of Colorado in Water Division No. 5.

c. The Refill Right will not be used in conjunction with the discrete portion of the capacity in Wolford Mountain Reservoir (i.e., 24,000 AF) which is specifically allocated for the supply of water to the City and County of Denver, acting by and through its Board of Water Commissioners (“Denver Water”) under Applicant's contractual relationship with Denver Water, or the discrete portion of the capacity in Wolford Mountain Reservoir (i.e., 6,000 AF) which is specifically allocated for releases to benefit the Upper Colorado River Endangered Fish Recovery Program.

IV. Integrated Project. Pursuant to section 37-92-301(4)(b), C.R.S., “[w]hen a project or integrated system is comprised of several features, work on one feature of the project or system shall be considered in finding that reasonable diligence has been shown in the development of water rights for all features of the entire project or system.” Where work on a component of a system is “necessary to the ultimate goal of putting the water to beneficial use,” it is considered part of the integrated system. See *Metro. Suburban Water Users Ass’n v. Colo. River Water Cons. Dist.*, 365 P.2d 273, 289 (Colo. 1961). The Refill Right is part of the larger Wolford Mountain Reservoir Project. The water rights for Wolford Mountain Reservoir were appropriated for a variety of uses including, but not limited to, satisfaction of the Windy Gap Settlement, releases for environmental mitigation, hydropower use, and the irrigation of wetlands (Cases Nos. 87CW283, 95CW251, 95CW281, 98CW236). The Refill Right will be used for the same purposes listed in the identified decrees and the beneficial use of the Refill Right depends on the proper functioning of other aspects of Wolford Mountain Reservoir. Thus, use of the Refill Right cannot be achieved independent of the other components of Wolford Mountain Reservoir. In Cases Nos. 06CW146, 13CW3008, and 20CW3005, the Water Court for Water Division No. 5 found that the Refill Right was a component feature of the Wolford Mountain Reservoir Project and that work on other features of the Wolford Mountain Project will be considered in determining whether reasonable diligence has been shown for the Refill Right. See Case No. 06CW146 at ¶ 9.A.; Case No. 13CW3008 at ¶ 21; and Case No. 20CW3005 at ¶ 19.

V. Claim for Finding of Reasonable Diligence. The River District seeks a finding of reasonable diligence for the conditional portions of the Wolford Mountain Reservoir Refill right, as originally decreed in Case No. 98CW237, Water Division No. 5.

VI. Provide a detailed outline of what has been done toward completion or for completion of the appropriation and application of water to beneficial use as conditionally decreed including expenditures. During the latest diligence period, the River District conducted the activities identified below toward development of the conditional water right that is the subject of this Application. Unless otherwise noted, the expenditures listed herein do not include salaries of River District staff. The explanation of work accomplished is not all inclusive but is representative of the work accomplished.

A. Declaration of Intent. The Board of Directors of the River District, by formal action on April 22, 2026, declared its continuing intent to develop the conditional water right that is the subject of this Application.

B. Wolford Mountain Reservoir Operations.

1. The River District spent approximately \$11,213,010.00 on operations at Wolford Mountain Reservoir. These operational expenses include facilities maintenance and repair, utilities expenses, operation of the potable water system, weed control, water quality analysis, USGS water quality monitoring, USGS stream flow gauging, operation and maintenance expenses associated with the recreation area, road maintenance at the reservoir, surveying and mapping of the reservoir, instrumentation and reservoir facility monitoring, mitigation area operation and maintenance and modeling in support of the River District’s Water Marketing Program. These activities contribute to the development of the Refill Right and demonstrate the River District’s continuing intent to develop and maximize all components of Wolford Mountain Reservoir of which the Refill Right is an integrated and necessary component for the River District’s maximum use of the reservoir.

2. The River District negotiated and entered into approximately 68 water marketing

contracts pursuant to its Water Marketing Program for Colorado River Supplies which include Wolford Mountain Reservoir as a source of supply. The Wolford Mountain Reservoir Refill Right is integral to the continued maximization of the River District's Water Marketing Program. C. Endangered Species. Federal environmental legislation and related regulations on water development activities often make successful acquisition of needed federal permits one of the most predominant concerns regarding a water development project. A significant concern regarding the development of projects in Water Division No. 5 is the status of four native fish species which have been listed as "endangered" by the United States Fish and Wildlife Service pursuant to the federal Endangered Species Act. Because water depletions in the Colorado River basin are alleged to jeopardize the continued existence of those fish species, it is necessary for the River District and others who may need federal permit authorizations for their water projects to successfully address the alleged jeopardy of those identified species. To that end, in 2012, the River District obtained a contract with the Bureau of Reclamation for 5,412.5 acre-feet of water in Ruedi Reservoir to satisfy the West Slope's obligation. During the latest diligence period, the River District has continued to maintain and administer that contract for the benefit of endangered fish species. These efforts are necessary and appropriate for the River District and other water users within its boundaries to secure permitting approvals for the construction and operation of water projects, including the projects utilizing the water right that is the subject of this Application. D. Legislation. The River District annually participates actively in legislative processes regarding water-related matters before both the United States Congress and the Colorado General Assembly. The River District has monitored and lobbied concerning the activities of various committees of the United States Congress concerning environmental legislation, particularly the Endangered Species Act, Clean Water Act, and the National Environmental Policy Act, as such federal environmental acts relate to the construction of projects and utilization of water within western Colorado. The River District also monitors and lobbies in the Colorado General Assembly on matters related to water rights and water project development. E. Wild and Scenic Alternative Management Plan. The River District expended significant staff time and financial resources in developing a stakeholder driven alternative management plan to federal wild and scenic designation for the Colorado River mainstem. A federal wild and scenic designation could have had significant impacts on the development of the conditional water right at issue in this Application. F. Salinity. The River District continues to participate and fund efforts to reduce the salinity of the Colorado River, as well as the operation of the Colorado River mainstem reservoirs, to ensure to the River District, as well as to the State of Colorado, an adequate supply of water from the Colorado River as provided by the Colorado River Compacts. G. USGS Gauging. The River District participates in the funding of the United States Geological Survey ("USGS") hydrology and water quality gauging stations throughout the District to better assess the availability of water for development pursuant to its various projects. H. Weather Modification. Throughout the diligence period, the River District has participated in, and is now administering, the Central Colorado Mountains River Basin Weather Modification Program. The program is designed to increase snow fall, and thus improve water supplies, over the central Colorado mountains including areas in the vicinity of the projects utilizing the water right that is the subject of this Application. I. Water Court Activities. The River District opposed numerous water right applications during the diligence period in order to prevent or mitigate adverse effects to its water rights, including Wolford Mountain Reservoir's Refill Right that is the subject of this Application. VII. Names and Addresses of Owners of Lands on which Structures for the Water Right are Located: The lands on which the dam for Wolford Mountain Reservoir and the lands within the Reservoir's high water line are owned by the following and identified in Exhibit B, attached hereto and incorporated herein by this reference. A. Colorado River Water Conservation District (Applicant). B. Bureau of Land Management, Kremmling Field Office, P.O. Box 68, Kremmling, CO 80459. WHEREFORE, the River District respectfully requests that the Water Court find and rule that: (1) the River District has exercised reasonable diligence in the development of any remaining conditional portion of the Refill Right; (2) the remaining conditional amounts of the Refill Right be continued in full force and effect; (3) a date for a subsequent application for a finding of reasonable diligence be established; and (4) re-affirm that the Refill Right is a component feature of an integrated system of water rights, and that work done on one feature of the project shall be considered in finding that reasonable diligence has been shown in the development of water rights for all features of the entire project. (11 pages)

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

26CW3093 GRAND COUNTY. Application For Change of Water Right. Applicant: Fraser's Ridge, LLC, c/o Balcomb & Green, P.C., P.O. Drawer 790, Glenwood Springs, CO 81602, (970) 945-6546; balcombgreen.com. **Claim for Change of Water Right.** Name of Structure: Fraser's Ridge Pond. Previous Decree: Case No. 23CW3066, entered 12/19/2024, Dist. Ct., Water Div. No. 5. Decreed Storage Location: located off-channel in the SW1/4 NW1/4 of Sec. 19, T.1S., R.75W. of the 6th P.M., UTM Zone 13, NAD 83, Easting 429304, Northing 4422123. See Fig. 1 Map. Decreed POD Location for Structures Used to Fill Reservoir: located in the SW1/4 of the NW1/4 of Sec. 19, T.1S., R.75W. of the 6th P.M., UTM Zone 13, NAD 83, Easting 429253, Northing 4422135. Structure Used to Fill Reservoir: Fraser's Ridge Pump, at a diversion rate of 1 cfs. Source: St. Louis Creek, tributary to Fraser River, tributary to Colorado River. Approp. Date: 05/31/2023. Amt.: 2 af for filling and 4 af for refilling, cond., with a cumulative volumetric limit of 6 af per storage

year. Use: Rec., fire protection, pisc., and aug. Physical Properties: Approx. 0.5-acre surface area at high-water line; vertical height of dam less than 10 ft.; length of dam approx. 20 ft.; active capacity 2 af; dead storage N/A. Remarks: The SWR shall be constructed with a low-level outlet capable of gravity releases and shall have no less than 1.98 af of storage. Applicant must file a Notice of Intent to Construct a Non-Jurisdictional Water Impoundment Structure with the Div. of Water Resources pursuant to C.R.S. § 37-85-105 before construction. The SWR must be constructed so it will not expose groundwater; Applicant will backfill or line the SWR if groundwater is exposed and must obtain all necessary permits before construction. Proposed Change: Applicant requests a change of the SWR's decreed storage location to a location within Applicant's property at 855 Grand County Road 731, aka 855 Arena Road, Fraser, CO 80442. Applicant proposes no other change to the SWR. The type, place, and time of use, POD, and means of diversion will remain as decreed. The proposed change will not alter the plan for aug. approved in Case No. 23CW3066. See Exh. 1 Letter. Changed Storage Location: located off-channel in the SE1/4 NE1/4 of Sec. 24, T.1S., R.76W. of the 6th P.M., UTM Zone 13, NAD 83, Easting 428966, Northing 4422142. See Fig. 1 Map. Amt. to be Changed: N/A. Landowner: Applicant. (5 pages of original application).

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

26CW3094 CONCERNING THE APPLICATION FOR WATER RIGHTS OF THE COLORADO DIVISION OF PARKS AND WILDLIFE AND THE PARKS AND WILDLIFE COMMISSION (Rifle Gap Wells) In **GARFIELD 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: Elizabeth M. Joyce, Senior Assistant Attorney General, Ema I.G. Schultz, Second Assistant Attorney General; 1300 Broadway, 10th Floor, Denver, CO 80203; elizabeth.joyce@coag.gov, 720-508-6761; ema.schultz@coag.gov, 720-508-6307. APPLICATION FOR FINDINGS OF REASONABLE DILIGENCE 1. Name, mailing address, e-mail address, and telephone number of Applicant: Colorado Division of Parks and Wildlife ("CPW"); Attn: Pete Conovitz, Water Rights Program Administrator; 6060 Broadway, Denver, CO 80216; 970-666-1365; pete.conovitz@state.co.us. 2. Description of absolute and conditional water rights: A. Rifle Gap Well No. 1, Permit No. 76933-F, WDID 3905706. 1) Date of Original Decree: August 4, 2013, Case No. 11CW187. 2) Subsequent Decrees Awarding Findings of Diligence: August 16, 2020, Case No. 19CW3111. 3) Previous Permit No.: 236191. 4) Location: SE 1/4 NE 1/4 Section 8, Township 5 South, Range 92 West, 6th P.M., 1525 feet from the North Section Line, 1135 feet from the East Section Line, Garfield County. See USGS map attached as Exhibit A. 5) **Source: Alluvial groundwater tributary to East Rifle Creek, tributary to Rifle Creek, tributary to the Colorado River.** The well is within 100 feet of the high water line of Rifle Gap Reservoir and within the East Rifle Creek alluvium. 6) Appropriation Date: June 24, 2002. 7) Amount: 40 gpm, of which 27.7 gpm was confirmed absolute for commercial, domestic (which includes but is not limited to sanitary), irrigation, recreation (which includes but is not limited to stock watering and fish and wildlife) and fire protection use by the decree in Case No. 19CW3111. 12.3 gpm remaining conditional for all uses. 8) Use: Commercial; domestic (which includes but is not limited to sanitary); irrigation; recreation (which includes but is not limited to stock watering and fish and wildlife); and fire protection. All uses are within Rifle Gap State Park. 9) Well Depth: 91 feet. B. Rifle Gap Well No. 2, Permit No. 76932-F, WDID 3905707. 1) Date of Original Decree: August 4, 2013, Case No. 11CW187. 2) Subsequent Decrees Awarding Findings of Diligence: August 16, 2020, Case No. 19CW3111. 3) Previous Permit No.: 236192. 4) Location: SW 1/4 NE 1/4 Section 8, Township 5 South, Range 92 West, 6th P.M., 1820 feet from the North Section Line, 2400 feet from the East Section Line, Garfield County. See USGS map attached as Exhibit A. 5) **Source: Alluvial groundwater tributary to East Rifle Creek, tributary to Rifle Creek, tributary to the Colorado River.** The well is in 100 feet of the high water line of Rifle Gap Reservoir and within the East Rifle Creek alluvium. 6) Appropriation Date: June 24, 2002. 7) Amount: 40 gpm, of which 25.0 gpm was confirmed absolute for commercial, domestic (which includes but is not limited to sanitary), irrigation, recreation (which includes but is not limited to stock watering and fish and wildlife), and fire protection.; 15.0 gpm remaining conditional for domestic (which includes but is not limited to sanitary); and 2.6 gpm conditional for commercial, irrigation, recreation (which includes but is not limited to stock watering and fish and wildlife) and fire protection uses. 8) Use: Commercial; domestic (which includes but is not limited to sanitary); irrigation; recreation (which includes but is not limited to stock watering and fish and wildlife); and fire protection. All uses are within Rifle Gap State Park. 9) Well Depth: 110 feet. C. Rifle Gap Well No. 3, Permit No. 76934-F, WDID 3905708. 1) Date of Original Decree: August 4, 2013, Case No. 11CW187. 2) Subsequent Decrees Awarding Findings of Diligence: August 16, 2020, Case No. 19CW3111. 3) Previous Permit No.: 236193. 4) Location: NE 1/4 NE 1/4 Section 8, Township 5 South, Range 92 West, 6th P.M., 1000 feet from the North Section Line, 800 feet from the East Section Line, Garfield County. See USGS map attached as Exhibit A. 5) **Source: Alluvial groundwater tributary to East Rifle Creek, tributary to Rifle Creek, tributary to the Colorado River.** The well is in 100 feet of the high water line of Rifle Gap Reservoir and within the East Rifle Creek alluvium. 6) Appropriation Date: June 24, 2002. 7) Amount: 40 gpm, of which 8.6 gpm was confirmed absolute for commercial, domestic (which includes but is not limited to anitary), irrigation, recreation (which includes but is not limited to stock watering and fish and wildlife) and fire protection uses by the decree in Case No. 19CW3111; 31.4 gpm remaining conditional for all uses. 8) Use: Commercial; domestic (which includes

but is not limited to sanitary); irrigation; recreation (which includes but is not limited to stock watering and fish and wildlife); and fire protection. All uses are within Rifle Gap State Park. 9) Well Depth: 72 feet. B. Remarks: 1) These wells were originally drilled pursuant to test permits and then re-permitted for commercial use on August 19, 2002. In Case No. 02CW150, Rifle Gap Well No. 1 is identified as Permit No. 236191, Rifle Gap Well No. 2 is identified as Permit No. 236192, and Rifle Gap No. 3 is identified as Permit No. 236193. 2) Out-of-priority depletions from these wells are augmented under the plan for augmentation decreed in Case No. 02CW150. CPW obtained new permits for these wells for uses as decreed in Case No. 02CW150 and Case No. 11CW187. 3) The maximum rate of diversion for each well for out-of-priority depletions covered under the plan for augmentation in Case No. 02CW150 is 40 gpm, as long as the total annual pumping volumes and maximum monthly depletion limits described in Case No. 02CW150, including the 30.96 acre-foot limitation on diversions from the three wells combined are not exceeded. 4) The uses in this case will be subject to the same monthly and annual pumping limits as decreed in Case No. 02CW150. 5) Delayed return flows resulting from the initial use of water previously pumped by the wells in priority under this decree may be recognized as offsetting out-of-priority diversions by the wells under the plan for augmentation approved in Case No. 02CW150. 6) The decree in Case No. 02CW150 recognized that these wells are located within 100 feet of the high water line of Rifle Gap Reservoir and within the Rifle Creek alluvium; therefore they can be administered as having instantaneous depletions to Rifle Creek. Diversions by the wells pursuant to the decree in Case No. 11CW187 will be administered as having instantaneous depletions to Rifle Creek. These wells may be re-drilled in the future and operate pursuant to the decree in Case No. 02CW150 and the decree in Case No. 11CW187 so long as they are within 200 feet of the decreed location and within 100 feet of the high water line of Rifle Gap Reservoir or East Rifle Creek. 3. Detailed outline of what has been done toward completion or for completion of the appropriation and application of water to a beneficial use as conditionally decreed, including expenditures: The Rifle Gap Wells water rights serve the needs of a visitor's center and camping facilities at Rifle Gap State Park, located approximately 15 minutes from the Town of Rifle, Colorado. Rifle Gap State Park has 5 campgrounds and 89 campsites which are open year-round. In addition to the public visitors to this park, CPW has permanent and temporary employees and volunteers working and living at the park. The Rifle Gap Wells No. 1-3 provide essential services and support to CPW's operation of the state park for current and anticipated future visitor needs. During the applicable diligence period, CPW has taken the following steps to diligently develop the Rifle Gap Wells Nos. 1-3 conditional water rights. This list is not intended to be exclusive and may be supplemented by additional evidence: A. CPW has continued to operate the Rifle Gap Well Nos. 1-3 in accordance with the augmentation plan decreed in Case No. 02CW150 and has provided monthly accounting records to the Division of Water Resources. B. During this diligence period, CPW has diverted and put to beneficial use on average approximately 5-12 gpm from the Rifle Gap Well Nos. 1-3. CPW currently maintains pumping records aggregated at weekly intervals; instantaneous pump rates may have been higher during this period but not reflected in the aggregated data. C. CPW has had annual expenditures for permanent and seasonal staff salaries and for general operation and routine maintenance of the wells for use at Rifle Gap State Park from 2020 to 2026. D. CPW annually contracts to pump water out of the evaporation ponds connected to the potable water system, in order to remove wastewater from the reverse osmosis system, at an average cost between \$5-\$15,000 per year. In addition to the above ongoing activities, CPW has performed a number of projects to maintain and update the park water system facilities and operations, for continued and expanded use, including: E. In 2021, CPW upgraded the park water control system for the water plant to better regulate water flows and treatment application in the potable water system, at an estimated cost of \$75,351. F. In 2021, CPW also completed sanitary and safety upgrades to a campground shower house, at an estimated cost of \$6,081. G. In 2024, CPW invested in a potable water system rehabilitation project to improve the efficiency of the potable water system. This included pulling and cleaning the well pump and jetting and cleaning the well column. Additionally, the media filters for all three wells were professionally cleaned and the media replaced. The rehabilitation project cost an estimated \$19,475. H. In 2025, CPW replaced the leachfield that serves the park facilities including one of the campgrounds, for an estimated cost of \$49,901. 4. Claim for a finding of reasonable diligence: CPW requests that this court determine and decree that CPW has demonstrated reasonable diligence and that the remaining conditional amounts for the Rifle Gap Wells Nos. 1-3 shall continue as conditional. 5. Integrated water supply system: The subject conditional water rights each constitute a feature of an integrated water supply system designed to provide a sufficient and reliable water supply for the Rifle Gap State Park. "When 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." C.R.S. § 37-92-301(4)(b). 6. Names of owners of land upon which structures are located: Bureau of Reclamation, Grand Junction Area Office, 2764 Compass Drive, PO Box 60340, Grand Junction, CO 81506. CPW has a management agreement with the United States Bureau of Reclamation who owns the property on which the wells are located. WHEREFORE, the Colorado Division of Parks and Wildlife respectfully requests that this Court find that CPW has demonstrated reasonable diligence towards developing the conditional water rights for Rifle Gap Wells Nos. 1-3 and enter a decree maintaining the remaining conditional amounts and for other such relief as the Court determines.

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

26CW3095 GRAND COUNTY – VASQUEZ CREEK AND LELAND CREEK, TRIBUTARIES TO FRASER AND COLORADO RIVERS. Cornerstone Winter Park Holdings, LLC, c/o Kevin L. Patrick and Jason M. Groves, Patrick, Miller & Noto, P.C., 229 Midland Ave., Basalt, CO 81621, (970) 920-1030. APPLICATION FOR CHANGE OF WATER RIGHTS. Background: The water storage rights that are the subject of this case were originally decreed in Case No. 99CW315, Water Division 5. Since that date, Applicant has constructed, filled, and beneficially used segments of the reservoirs in some cases more than 500 feet from their decreed locations and in different configurations than originally decreed. Augmentation releases have occurred from these structures accruing to the same location on the Fraser River as decreed. The purpose of this application is to reconcile the decreed locations of the reservoirs with their as-built locations. Applicant filed an application for findings of reasonable diligence for the subject water rights in pending Case No. 26CW3020, Water Division 5. First Claim: Maryvale K-1a Reservoir, decreed for 7.0 acre feet; Maryvale K-1b Reservoir, decreed for 5.0 acre feet; Maryvale K-2 Reservoir, decreed for 10.0 acre feet; Maryvale J-2 Reservoir, decreed for 2.0 acre feet; Maryvale J-3 Reservoir, decreed for 6.0 acre feet; Maryvale E-F Reservoir, decreed for 6.0 acre feet. All foregoing reservoirs are decreed to fill and refill when water is physically and legally available. Original Decree: December 31, 2002, Case No. 99CW315, Water Division 5. Subsequent diligence decree: November 11, 2012, Case No. 08CW194, Water Division 5. Legals: Maryvale K-1a Reservoir: NW ¼ NE ¼ of Section 29, Township 1 S., Range 75 W. of the 6th P.M.; Maryvale K-1b Reservoir: NE ¼ NE ¼ of Section 29, Township 1 S., Range 75 W. of the 6th P.M.; Maryvale K-2 Reservoir: NE ¼ NE ¼ and SE ¼ SE ¼ of Section 29, Township 1 S., Range 75 W. of the 6th P.M.; Maryvale J-2 Reservoir: NE ¼ NE ¼ of Section 29 and NW ¼ NW ¼ of Section 28, Township 1 S., Range 75 W. of the 6th P.M.; Maryvale J-3 Reservoir: NW ¼ NW ¼ and SW ¼ NW ¼ of Section 28, Township 1 S., Range 75 W. of the 6th P.M.; Maryvale E-F Reservoir: SE ¼ NW ¼ of Section 28, Township 1 S., Range 75 W. of the 6th P.M. Sources: Vasquez Creek, via deliveries from the Cozens Ditch Priority 66 water right as described in the plan for augmentation decreed in Case No. 98CW41, Water Division 5; and Leland Creek, via deliveries from the Cozens Ditch Extension water right as decreed in Case No. 99CW314, Water Division 5, tributaries to the Fraser and Colorado Rivers. Appropriation date: September 26, 1986. Uses: Irrigation, aesthetic, piscatorial, recreation, municipal, commercial, industrial, and augmentation and exchange. Proposed changes: The subject water rights are component parts of the plan for augmentation decreed in Case No. 98CW41, known as the Detention Reservoirs. Applicant has constructed an interconnected reservoir system and plans to enlarge such as an integrated pond system known as the Consolidated Release Pond System (CRPS) to satisfy the augmentation release obligations in the 98CW41 plan. These rights are being transferred to the CRPS. Legal: Downstream dam axis is located at a point described as: UTMX: 431123.5m UTM Y: 4421311.9m, located in the SE ¼ SW ¼ of Section 20, Township 1 S., Range 75 W. of the 6th P.M.; and Upstream dam edge is located at a point described as: UTMX: 431575.8m UTM Y: 4421006.9m, located in the NW ¼ NE ¼ of Section 29, Township 1 S., Range 75 W. of the 6th P.M. Applicant owns the land upon which water will be stored and put to beneficial use. Rendezvous Colorado, LLC owns the land upon which the decreed points of storage for the J-2 Reservoir, J-3 Reservoir, and E-F Reservoir are located; by agreement with Applicant, the rights are owned by Applicant. Rendezvous Colorado, LLC's address is: c/o Jeff Sheets, Koelbel & Company, 5291 East Yale Ave., Denver, CO 80222. Remarks: The municipal use of the subject water rights may be made by Fraser pursuant to the Correction Bargain and Sale Deed dated October 17, 2011 and recorded at Reception No. 2011008600, Grand County Clerk and Recorder. Because the ponds are lined and filled by the same source, the change has no material effect of the Fraser River system. Second Claim: MR-1 Reservoir. Original decree: December 31, 2002; Case No. 99CW315, Water Division 5. Subsequent diligence decree: November 11, 2012; Case No. 08CW194, Water Division 5. Legal: SE ¼ NE ¼ of Section 29, Township 1 S., Range 75 W. of the 6th P.M. Sources: Vasquez Creek, via deliveries from the Cozens Ditch and Leland Creek, via deliveries from the Cozens Ditch Extension water right as decreed in Case Nos. 99CW314 and 99CW315, Water Division 5, tributaries to the Fraser and Colorado Rivers. Appropriation date: September 26, 1986. Decreed amount: 10 acre-feet conditional with the right to fill and re-fill when water is physically and legally available. Uses: Irrigation, aesthetic, piscatorial, recreation, municipal, commercial, industrial, and augmentation and exchange. Proposed changes: Applicant seeks to make the following locations alternate places of storage for this water right: 2.7 acre feet at the Village Pond is located at a point described as: UTMX: 432391.4m UTM Y: 4420141.5m, located in the NW ¼ SW ¼ of Section 28, Township 1 S., Range 75 W. of the 6th P.M.; 3.6 Acre feet at the Leland Pond No. 1 located at a point described as: UTMX: 432295.3mm UTM Y: 4420232.9m, located in the NW ¼ SW ¼ of Section 28, Township 1 S., Range 75 W. of the 6th P.M.; and 3.7 acre feet at the Leland Pond No. 2 located at a point described as: UTMX: 432126.2m UTM Y: 4420414.7m, located in the SE ¼ NW ¼ of Section 29, Township 1 S., Range 75 W. of the 6th P.M. Applicant owns the land upon which water is stored and put to beneficial use. 0.3 acre feet may be put to beneficial use on lands owned by the Town of Fraser, Colorado pursuant to the Correction Bargain and Sale Deed dated October 17, 2011 and recorded at Reception No. 2011008600, Grand County Clerk and Recorders. Remarks: The new places of storage are more than 200 feet from the original place of storage but their historical return flow point and fill source are not changed. Accordingly, the change has no material effect on the Fraser River system. Third Claim: MR-2 Reservoir. Original decree: December 31, 2002; Case No. 99CW315, Water Division 5. Subsequent diligence decree: November 11, 2012; Case No. 08CW194, Water Division 5. Legal: SE ¼ NE ¼ of Section 29, Township 1 S., Range 75 W. of the 6th P.M. Sources: Vasquez Creek, via deliveries from the Cozens Ditch and Leland Creek, via deliveries from the Cozens Ditch Extension water right as decreed in Case Nos. 99CW314 and 99CW315, Water Division 5, tributaries to the Fraser and Colorado Rivers. Appropriation date: December 31, 1999. Decreed amount: 10 acre-feet conditional, with the right to fill and re-fill when water is physically and legally available Uses: Irrigation, aesthetic, piscatorial, recreation, municipal, commercial, industrial, and augmentation and exchange. Proposed changes: Applicant seeks to make the following locations alternate places of storage for this water right: 4 acre feet at the CRPS described in the First Claim; 1.3 acre feet at the Leland No 2 Pond located at a point described as: UTMX: 432126.2m UTM Y: 4420414.7m, located in the SE ¼ NW ¼ of Section 29, Township 1 S., Range 75 W. of the 6th P.M.; 2 acre

feet at the Overlook Pond located at a point described as: UTMX: 431357.2m UTM Y: 4420762.6m, located in the NE ¼ NW ¼ of Section 29, Township 1 S., Range 75 W. of the 6th P.M.; and 2.7 acre feet at the MR4 Pond which is changed to the following location at a point described as: UTMX: 431455.7m UTM Y: 4420970.2m, located in the NW ¼ NE ¼ of Section 29, Township 1 S., Range 75 W. of the 6th P.M. Applicant owns the land upon which water is stored and put to beneficial use. Remarks: The municipal use of 4 acre feet of the water right may be made by Fraser pursuant to the Correction Bargain and Sale Deed dated October 17, 2011 and recorded at Reception No. 2011008600, Grand County Clerk and Recorder. The new places of storage are more than 200 feet from the original place of storage but their historical return flow point and fill source are not changed. Accordingly, the change has no material effect on the Fraser River system. Fourth Claim: MR-3 Reservoir. Original decree: December 31, 2002; Case No. 99CW315, Water Division 5. Subsequent diligence decree: November 11, 2012; Case No. 08CW194, Water Division 5. Legal: SW ¼ NE ¼ of Section 29, Township 1 S., Range 75 W. of the 6th P.M. Sources: Vasquez Creek, via deliveries from the Cozens Ditch and Leland Creek, via deliveries from the Cozens Ditch Extension water right as decreed in Case Nos. 99CW314 and 99CW315, Water Division 5, tributaries to the Fraser and Colorado Rivers. Appropriation date: December 31, 1999. Decreed amount: 10 acre-feet conditional, with the right to fill and re-fill when water is physically and legally available. Uses: Irrigation, aesthetic, piscatorial, recreation, municipal, commercial, industrial, and augmentation and exchange. Proposed change: Applicant requests a change in place of storage for the entirety of this water right as follows: Total amount of change: 10 acre-feet conditional, with the right to fill and re-fill when water is physically and legally available, for all decreed uses. Change to place of storage: The Overlook Pond which is located at a point described as: UTMX: 431357.2m UTM Y: 4420762.6m, located in the NE ¼ NW ¼ of Section 29, Township 1 S., Range 75 W. of the 6th P.M. Applicant owns the land upon which water is stored and put to beneficial use. Remarks: The new places of storage are more than 200 feet from the original place of storage but their historical return flow point and fill source are not changed. Accordingly, the change has no material effect on the Fraser River system. Fifth Claim: MR-4 Reservoir. Original decree: December 31, 2002; Case No. 99CW315, Water Division 5. Subsequent diligence decree: November 11, 2012; Case No. 08CW194, Water Division 5. Legal: NW ¼ NE ¼ of Section 29, Township 1 S., Range 75 W. of the 6th P.M. Sources: Vasquez Creek, via deliveries from the Cozens Ditch and Leland Creek, via deliveries from the Cozens Ditch Extension water right as decreed in Case Nos. 99CW314 and 99CW315, Water Division 5, tributaries to the Fraser and Colorado Rivers. Appropriation date: December 31, 1999. Decreed amount: 10 acre-feet conditional, with the right to fill and re-fill when water is physically and legally available. Uses: Irrigation, aesthetic, piscatorial, recreation, municipal, commercial, industrial, and augmentation and exchange. Proposed Change. Applicant requests the full water right be changed from its original place of storage to two alternate places of storage as follows: Applicant requests an alternate place of storage for 6.0 acre feet of this this water right to a location described as the Overlook Pond located: at a point described as: UTMX: 431357.2m UTM Y: 4420762.6m, located in the NE ¼ NW ¼ of Section 29, Township 1 S., Range 75 W. of the 6th P.M. Applicant requests an alternate place of storage for 1.0 acre feet of this water right at the Grand Park Willows Pond No. 1 located at a point described as: UTMX: 431951.7m UTM Y: 4420611.8m, located in the SE ¼ NW ¼ of Section 29, Township 1 S., Range 75 W. of the 6th P.M. Applicant requests an alternate place of storage for 0.9 acre feet at the Grand Park Willows Pond No. 2 located at a point described as: UTMX: 431846.2m UTM Y: 4420702.6m, located in the NE ¼ NW ¼ of Section 29, Township 1 S., Range 75 W. of the 6th P.M. Applicant requests The balance of this water right (2.1 acre feet) is to be moved to the new location for the MR4 Pond which is changed to the following location at a point described as: UTMX: 431455.7m UTM Y: 4420970.2m, located in the NW ¼ NE ¼ of Section 29, Township 1 S., Range 75 W. of the 6th P.M. Applicant owns the land upon which water is stored and put to beneficial use. Remarks: The new places of storage are more than 200 feet from the original place of storage but their historical return flow point and fill source are not changed. Accordingly, the change has no material effect on the Fraser River system. Sixth Claim: CWP-FM Reservoir. Original decree: July 8, 2012, Case No. 2005CW287, Water Division 5. Subsequent diligence decree: January 27, 2019 (2018CW3107) and May 14, 2026 (25CW3008) Water Division 5. Legal: The dam is located in the NW ¼ NW ¼ of Section 29, Township 1 South, Range 75 West of the 6th P.M., approximately 1,050 feet from the North section line and 170 feet from the West section line (Grand County). Source: Elk Creek, tributary to the Fraser and Colorado Rivers, via deliveries from the CWP-FM Pump and Pipeline decreed in the same proceeding. Appropriation date: July 27, 2005. Decreed amount: 25.0 acre-feet conditional, with the right to fill and re-fill when water is physically and legally available. Uses: Irrigation, aesthetic, piscatorial, recreation, aesthetic, and augmentation. Proposed change: Applicant requests an alternate place of storage for 15.0 acre feet of this water right at the Overlook Pond located at a point described as: UTMX: 431357.2m UTM Y: 4420762.6m, located in the NE ¼ NW ¼ of Section 29, Township 1 S., Range 75 W. of the 6th P.M. Applicant owns the land upon which water is stored and put to beneficial use. Remarks: The point at which water will be diverted will remain at the CWP-FM Pump and Pipeline and is unchanged by this application. Remarks as to all Claims: Nothing herein shall be deemed to modify, amend, open, or revisit the terms of the decrees entered in Case No. 98CW41 and Case Nos. 14CW3097/3098 Consolidated other than the change of the location of the water rights described herein. All diversion, release, and return flow points in said proceedings remain the same. Maps and supporting documentation are on file with the court.

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

26CW3096 SUMMIT COUNTY. (92CW255, 99CW89, 05CW180, 13CW3016, and 20CW3036). 1. Name and Address of Applicant: Triple Creek Ranch Holdings LLC. c/o Hitt Family Office, 2900 Fairview Park Drive, Falls Church, VA 22042. Please address all correspondence to: Geoffrey M. Williamson, Esq. Katherine Carter, Esq. Berg Hill Greenleaf Ruscitti LLP, 1712 Pearl Street, Boulder, Colorado 80302. (303) 402-1600. **APPLICATION FOR FINDING OF REASONABLE DILIGENCE AND TO CONFIRM ABSOLUTE.** 2. Summary of Application: Applicant submits this Application for Finding of Reasonable Diligence and to Confirm Absolute for the following conditional water rights decreed for use on the Triple Creek Ranch located near Silverthorne in Summit County, Colorado: the Triple Creek Ditch, Curran Ditch Enlargement, and the Sanders Pond Nos. 1, 2, 3, and 4 (the "Subject Water Rights"). Applicant requests confirmation the Triple Creek Ditch has been made absolute in its entirety and a finding of reasonable diligence for the remaining Subject Water Rights. Applicant purchased the Triple Creek Ranch and the Subject Water Rights from the previous owner, Triple Creek Ranch, LLC, on August 25, 2026, and work performed by the previous owner supports Applicant's claims herein. **FIRST CLAIM APPLICATION TO CONFIRM ABSOLUTE OR FOR FINDING OF REASONABLE DILIGENCE IN THE ALTERNATIVE** 3. Name of structure: Triple Creek Ditch. A. Original decree: May 11, 1993, in Case No. 92CW255, in the District Court in and for Water Division 5. B. Subsequent decrees awarding findings of diligence: Case Nos. 99CW89 on September 25, 1999; 05CW180 on May 29, 2007; 13CW3016 on March 23, 2014; and 20CW3036 on August 16, 2020, all in the District Court in and for Water Division 5. C. Legal description: The point of diversion will be located in the NE1/4 SE1/4, Section 8, Township 4 South, Range 78 West, 6th P.M. at a point located 1,000 feet North of the South line and 200 feet West of the East line. Depicted on Exhibit A. D. Source: Middle Rock Creek, tributary to Rock Creek, tributary to the Blue River, tributary to the Colorado River. E. Appropriation date: September 25, 1992. F. Decreed amount: 0.25 c.f.s., conditional. G. Uses: Aesthetics, fish habitat and fire protection. 4. Claim to confirm water right absolute, in its entirety. On May 9, 2022 (and on other days in May, June, and July of 2022), 0.25 c.f.s. of the Triple Creek Ditch water right was diverted from Middle Rock Creek into Sanders Pond No. 2 with flow through into Sanders Pond Nos. 3 and 4 for subsequent beneficial use. The diversions occurred consistent with the plan for augmentation decreed in Case No. 92CW255. See Exhibit B, attached hereto, for a report prepared by Spheros Engineering (the "Engineering Report") detailing this absolute claim. 5. Claim for diligence, in the alternative: If the Court denies Applicant's absolute claim above, then Applicant requests a finding of diligence for the 0.25 c.f.s., conditional, for the Triple Creek Ditch for aesthetics, fish habitat, and fire protection purposes. See Exhibit C for a detailed outline of the work and expenditures towards the development of the conditional water right. **SECOND CLAIM APPLICATION FOR FINDING OF REASONABLE DILIGENCE** 6. Name of structure: Curran Ditch Enlargement. A. Original decree: May 11, 1993, in Case No. 92CW255, in the District Court in and for Water Division 5. B. Subsequent decrees awarding findings of diligence: Case Nos. 99CW89 on September 25, 1999, 05CW180 on May 29, 2007, 2007, 13CW3016 on March 23, 2014, 20CW3036 on August 16, 2020 in the District Court in and for Water Division 5. C. Legal description: The point of diversion is located on the South bank of North Rock Creek at a point whence the 1/4 corner of Section 8, Township 4 South, Range 78 West of the 6th P.M. bears South 87°50' East 2,570 feet, which can be described as located in the NE1/4 of the SW1/4 of Section 8, 2,388 feet North of the South line and 2,531 feet West of the East line. Depicted on Exhibit A. Actual location: Location by UTM Zone 13 Coordinates, NAD27 Zone 13, NAD27 Datum (USGS Quad Maps) North 4,397,038 East 402,757; Location by UTM Zone 13 Coordinates, NAD27 Zone 13, NAD83 Datum, (GPS Receivers) North 4,397,042 East 401,579. D. Source: North Rock Creek, tributary to Rock Creek, tributary to the Blue River, tributary to the Colorado River. E. Appropriation date: September 25, 1992. F. Decreed amount: 3 c.f.s., of which 0.6 c.f.s. remains conditional and 2.4 c.f.s. is absolute for all decreed uses as confirmed in Case No. 13CW3016. G. Uses: Aesthetics, fish habitat and fire protection. 7. Claim for diligence: Applicant requests a finding of diligence for the remaining 0.6 c.f.s., conditional, decreed to the Curran Ditch Enlargement for aesthetics, fish habitat and fire protection purposes. See Exhibit C for a detailed outline of the work and expenditures towards the development of the conditional water right. **THIRD CLAIM APPLICATION FOR FINDING OF REASONABLE DILIGENCE** 8. Name of structure: Sanders Pond No. 1. A. Original decree: May 11, 1993, in Case No. 92CW355, in the District Court in and for Water Division 5. B. Subsequent decrees awarding findings of diligence: Case Nos. 99CW89 on September 25, 1999, 05CW180 on May 29, 2007, 13CW3016 on March 23, 2014, 20CW3036 on August 16, 2020 in the District Court in and for Water Division 5. C. Legal description: The outlet works for Pond No. 1 will be located in the NE1/4 SE1/4 of Section 8, Township 4 South, Range 78 West of the 6th P.M., at a point located 1,500 feet North of the South line and 400 feet West of the East line. Actual location: Location by UTM Zone 13 Coordinates, NAD27 Zone 13, NAD27 Datum (USGS Quad Maps) North 4,396,569 East 402,219; Location by UTM Zone 13 Coordinates, NAD27 Zone 13, NAD83 Datum, (GPS Receivers) North 4,396,777 East 402,172. This location is approximately 169 feet from the decreed location. Depicted on Exhibit A. D. Source: Triple Creek Ditch and Curran Ditch Enlargement, which has sources from the Middle Fork Rock Creek and North Rock Creek, tributaries to Rock Creek, tributary to the Blue River, tributary to the Colorado River. E. Appropriation date: September 25, 1992. F. Decreed amount: 1.0 acre-feet of which, 0.5 acre-feet remains conditional and 0.5 acre-feet is absolute for all decreed uses as confirmed in Case No. 13CW3016. The pond is decreed to fill and refill in priority for the total amount of water. G. Uses: backup fire protection for the Triple Creek Ranch, aesthetics and fish habitat. H. Remarks. Sanders Pond No. 1 operates pursuant to the plan for augmentation decreed in Case No. 92CW355, as amended in Case No. 04CW244. 9. Claim for diligence: Applicant requests a finding of diligence for 0.5 acre-feet, conditional, for Sanders Pond No. 1 for backup fire protection for the Triple Creek Ranch, aesthetics and fish habitat. See Exhibit C for a detailed outline of the work and expenditures towards the development of the conditional water right. **FOURTH CLAIM APPLICATION FOR FINDING OF REASONABLE DILIGENCE** 10. Name of structure: Sanders Pond No. 2. A. Original decree: May 11, 1993, in Case No. 92CW355, in the District Court in and for Water Division 5. B. Subsequent decrees awarding findings of diligence: Case Nos. 99CW89 on September 25, 1999, 05CW180 on May 29, 2007, 2007, 13CW3016 on March 23, 2014, 20CW3036 on August 16, 2020 in the District

Court in and for Water Division 5. C. Legal description: The outlet works for Pond No. 2 will be located in the NE1/4 SE1/4 of Section 8, Township 4 South, Range 78 West of the 6th P.M. at a point located 1,400 feet North of the South line and 50 feet West of the East line. Actual location: Location by UTM Zone 13 Coordinates, NAD27 Zone 13, NAD27 Datum (USGS Quad Maps) North 4,396,521 East 402,383; Location by UTM Zone 13 Coordinates, NAD27 Zone 13, NAD83 Datum, (GPS Receivers) North 4,396,729 East 402,336. This location is approximately 27 feet from the decreed location. Depicted on Exhibit A. D. Source: Triple Creek Ditch and Curran Ditch Enlargement, which has sources from the Middle Fork Rock Creek and North Rock Creek, tributaries to Rock Creek, tributary to the Blue River, tributary to the Colorado River. E. Appropriation date: September 25, 1992. F. Decreed amount: 4.045 acre-feet, of which 1.945 acre-feet is conditional and 2.1 acre-feet is absolute for all decreed uses as confirmed in Case No. 13CW3016. The pond is decreed to fill and refill in priority for the total amount of water. Note: 0.455 acre-feet of the 4.5 acre-feet originally decreed to the water right was changed by decree to the Triple Creek Pond Nos 1-7 in Case No. 04CW244. G. Uses: backup fire protection for the Triple Creek Ranch, aesthetics and fish habitat. H. Remarks. Sanders Pond No. 2 operates pursuant to the plan for augmentation decreed in Case No. 92CW355, as amended in Case No. 04CW244. 11. Claim for diligence: Applicant requests a finding of diligence for 1.945 acre-feet, conditional, for Sanders Pond No. 2 for backup fire protection for the Triple Creek Ranch, aesthetics and fish habitat. See Exhibit C for a detailed outline of the work and expenditures towards the development of the conditional water right. FIFTH CLAIM APPLICATION FOR FINDING OF REASONABLE DILIGENCE 12. Name of structure: Sanders Pond No. 3. A. Original decree: May 11, 1993, in Case No. 92CW355, in the District Court in and for Water Division 5. B. Subsequent decrees awarding findings of diligence: Case Nos. 99CW89 on September 25, 1999, 05CW180 on May 29, 2007, 13CW3016 on March 23, 2014, 20CW3036 on August 16, 2020 in the District Court in and for Water Division 5. C. Legal description: The outlet works for Pond No. 3 will be located in the NW1/4 SW1/4 of Section 9, Township 4 South, Range 78 West of the 6th P.M. at a point located 1,600 feet North of the South line and 300 feet East of the West line. Actual location: Location by UTM Zone 13 Coordinates, NAD27 Zone 13, NAD27 Datum (USGS Quad Maps) North 4,396,600 East 402,470; Location by UTM Zone 13 Coordinates, NAD27 Zone 13, NAD83 Datum, (GPS Receivers) North 4,396,808 East 402,423. This location is approximately 64 feet from the decreed location. Depicted on Exhibit A. D. Source: Triple Creek Ditch and Curran Ditch Enlargement, which has sources from the Middle Fork Rock Creek and North Rock Creek, tributaries to Rock Creek, tributary to the Blue River, tributary to the Colorado River. E. Appropriation date: September 25, 1992. F. Decreed Amount: 7.7 acre-feet, of which 5.08 acre-feet remains conditional and 2.62 is absolute for all decreed uses as confirmed in Case No. 13CW3016. The pond is decreed to fill and refill in priority for the total amount of water. G. Uses: backup fire protection for the Triple Creek Ranch, aesthetics and fish habitat. H. Remarks. Sanders Pond No. 3 operates pursuant to the plan for augmentation decreed in Case No. 92CW355, as amended in Case No. 04CW244. 13. Claim for diligence: Applicant requests a finding of diligence for 5.08 acre-feet, conditional, for the for Sanders Pond No. 3 for aesthetics, fish habitat and fire protection. See Exhibit C for a detailed outline of the work and expenditures towards the development of the conditional water right. SIXTH CLAIM APPLICATION FOR FINDING OF REASONABLE DILIGENCE 14. Name of structure: Sanders Pond No. 4. A. Original decree: May 11, 1993, in Case No. 92CW355, in the District Court in and for Water Division 5. B. Subsequent decrees awarding findings of diligence: Case Nos. 99CW89 on September 25, 1999, 05CW180 on May 29, 2007, 13CW3016 on March 23, 2014, 20CW3036 on August 16, 2020 in the District Court in and for Water Division 5. C. Legal description: The outlet works for Pond No. 4 will be located in the NW1/4 SW1/4 of Section 9, Township 4 South, Range 78 West of the 6th P.M. at a point located 1,700 feet North of the South line and 450 feet East of the West line. Actual location: Location by UTM Zone 13 Coordinates, NAD27 Zone 13, NAD27 Datum (USGS Quad Maps) North 4,396,627 East 402,545; Location by UTM Zone 13 Coordinates, NAD27 Zone 13, NAD83 Datum, (GPS Receivers) North 4,396,835 East 402,498. This location is approximately 47 feet from the decreed location. Depicted on Exhibit A. D. Source: Triple Creek Ditch and Curran Ditch Enlargement, which has sources from the Middle Fork Rock Creek and North Rock Creek, tributaries to Rock Creek, tributary to the Blue River, tributary to the Colorado River. E. Appropriation date: September 25, 1992. F. Decreed Amount: 2.2 acre-feet of which 1.01 acre-feet remains conditional and 1.19 acre-feet is absolute for all decreed uses, as confirmed in Case No 13CW3016. The pond is decreed to fill and refill in priority for the total amount of water. G. Uses: backup fire protection for the Triple Creek Ranch, aesthetics and fish habitat. H. Remarks. Sanders Pond No. 4 operates pursuant to the plan for augmentation decreed in Case No. 92CW355, as amended in Case No. 04CW244. 15. Claim for diligence: Applicant requests a finding of diligence for 1.01 acre-feet, conditional, for Sanders Pond No. 4 for backup fire protection for the Triple Creek Ranch, aesthetics and fish habitat. See Exhibit C for a detailed outline of the work and expenditures towards the development of the conditional water right. 16. 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: Applicant. WHEREFORE, Applicant respectfully requests that this Court enter a decree finding that Applicant has exercised reasonable diligence toward completion of the appropriations for the decreed uses, and continuing the conditional water rights described herein in full force and effect for another six years, and granting such other relief as the Court deems just and proper. (21 pages incl. 4 exhibits)

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

26CW9 MESA COUNTY – UNNAMED TRIBUTARY TO COTTONWOOD CREEK TO PLATEAU CREEK TRIBUTARY TO THE COLORADO RIVER. Gary & Linda Rinderle; 542 – 33 Road; P.O. Box 1380; Clifton, CO 81520; (970)216-0446. GLR Spring – Application for Conditional Water Rights (Surface). Location: UTM: E39.15436 N108.00178 Z12. SW¼, Sec. 28, NW¼, Sec. 33, T.10S., R.95W. of 6th P.M. Appropriation Date: June 25, 2026. Amount: 10 g.p.m., conditional. Uses: domestic, residential and livestock water.

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

26CW10 (19CW11) PITKIN COUNTY – WARREN CREEK TRIBUTARY TO THE ROARING FORK RIVER TRIBUTARY TO THE COLORADO RIVER. James F. Hunting; 44125 Hwy. 82; Aspen, CO 81611. (970)948-4820. Kuhn Pond Ditch and Kuhne Pond-Application for Finding of Reasonable Diligence. Locations: Kuhne Pond Ditch- NW¼SE¼SE¼ of Sec. 20, T.10S., R.84W. of the 6th P.M. at point approximately 1,300 ft. north of the south sec. line and 720 ft. west of the east sec. line. Kuhne Pond - NW¼SE¼SE¼ of Sec. 20, T.10S., R.84W. of the 6th P.M. at point approximately 1,220 ft. north of the south sec. line and 850 ft. west of the east sec. line. Appropriation for both structures: Feb. 25, 1987. Amounts: Kuhn Pond Ditch- 0.25 c.f.s., conditional, for stockwatering and irrigation uses; Kuhne Pond – 0.405 a.f., conditional, for piscatorial, recreation and aesthetic uses and 0.43 a.f., conditional, for stockwatering and irrigation uses. An outline of work performed during the diligence period is included in the application.

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