DIVISION 5 WATER COURT- OCTOBER 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 OCTOBER 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.***

26CW3108 GRAND COUNTY, Application for Finding of Reasonable Diligence. Applicant: The City and County of Denver, acting by and through its Board of Water Commissioners ("Denver Water"). Please direct all correspondence to Denver Water's attorneys: Daniel J. Arnold, No. 35458, James M. Wittler, No. 44050, Crystal J. Easom, No. 55130, Denver Water, 1600 West 12th Avenue, Denver,Colorado 80204, (303) 628-6469. daniel.arnold@denverwater.org, james.wittler@denverwater.org, crystal.easom@denverwater.org. Applicant requests a finding of reasonable diligence and continuation of the following conditional water right: 2. Name of Structures: A. Darling Creek Enlargement and Extension of the Williams Fork Diversion Project. B. Williams Fork Power Conduit. C. Moffat Tunnel Collection System. 3. Description of Conditional Water Right and Information From Previous Decree: A. Date of Original Decree: November 7, 1974, nunc pro tunc as of May 30, 1972, Civil Action 1430, Grand County District Court. B. Subsequent Decrees Awarding Findings of Diligence: (1) Date of Decree: April 29, 1982, Case No. W-3757-78, Court: Water Division No. 5. (2) Date of Decree: February 8, 1984, Case No. 82CW127, Court: Water Division No. 5. (3) Date of Decree: May 26, 1988, Case No. 86CW129, Court: Water Division No. 5. (4) Date of Decree: October 7, 1992, Case No. 90CW116, Court: Water Division No. 5. (5) Date of Decree: February 2, 2001, Case No. 98CW189, Court: Water Division No. 5. (6) Date of Decree: March 4, 2014, Case No. 07CW029, Court: Water Division No. 5. (7) Date of Decree: October 25, 2020, Case No. 2020CW3041, Court: Water Division No. 5. C. Points of Diversion and Places of Storage: (1) Darling Creek Enlargement and Extension of the Williams Fork Diversion Project: Locations of the several points of diversion of the canals of the Darling Creek Enlargement and Extension of the Williams Fork Diversion Project are as follows: (a) Points of Diversion: i. West Branch of Darling Creek: a point on the South bank of the West branch of Darling Creek whence the southeast corner of Section 8, Township 3 South, Range 77 West, of the 6th P.M., bears South 39º27' West a distance of 11,939 feet. ii. The North Fork of Darling Creek: a point on the North bank of the North Fork of Darling Creek whence the southeast corner of Section 8, Township 3 South, Range 77 West, of the 6th P.M., bears South 49º53' West a distance of 16,640 feet. iii. The South Fork of Darling Creek: a point on the South bank of the South Fork of Darling Creek whence the southeast corner of Section 8, Township 3 South, Range 77 West, of the 6th P.M. bears South 59º39' West a distance of 15,368 feet. iv. Eleventh Creek: a point on the South bank of Eleventh Creek, whence the southeast corner of Section 8, Township 3 South, Range 77 West, of the 6th P.M. bears South 67º16' West a distance of 12,705 feet. v. Those points along the unnamed streams described under sources where the project facilities intersect said streams. (b) The places of storage in Water Division 1 are as follows: i. Gross Reservoir: a dam constructed across the bed of South Boulder Creek in Boulder County, Colorado located in Tracts 48 and 49, Township 1 South, Range 71 West, of the 6th P.M. (where the North one-half (N1/2) of the Southeast quarter (SE1/4) of Section 20, Township 1 South, Range 71 West, the 6th P.M. would be located by ordinary survey practices), and creates a reservoir covering parts of Tracts 47, 48, 49, 44, 45, 63, 107, 108, 109, 110, the South half (S1/2) of the South half (S1/2) of Section 18, Section 19, Section 30, the South half (S1/2) of the Northeast quarter (NE1/4) of Section 25, and the East half (E1/2) of the Southeast quarter (SE1/4) of Section 24, all in Township 1 South, Range 71 West, of the 6th P.M. in Boulder County, Colorado. ii. Ralston Reservoir: the dam for which is located on or near the East side of the Northeast quarter (NE1/4) of the Southeast quarter (SE1/4) of Section 32, Township 2 South, Range 70 West, of the 6th P.M. and creates a reservoir which covers parts of Section 32, Township 2 South, Range 70 West, of the 6th P.M., and Sections 5 and 6, Township 3 South, Range 70 West of the 6th P.M., in Jefferson County, Colorado. iii. Marston Reservoir: the dam for which is located in Jefferson County, Colorado in Township 5 South, Range 69 West, of the 6th P.M. iv. Two Forks Reservoir: a dam to be constructed across the South Platte River at one of the following places: (1) a dam located in Section 30, Township 7 South, Range 69 West, of the 6th P.M. in the bed of the South Platte River. (1) a dam to be located in Section 1, Township 8 South, Range 70 West, of the 6th P.M. across the bed of the South Fork of the South Platte River. v. Cheesman Reservoir: is formed by a dam across the South Fork of the South Platte River located in the Southwest quarter (SW1/4) of Section 6, Township 10 South, Range 70 West, of the 6th P.M., in Douglas and Jefferson Counties. vi. Eleven Mile Canõn Reservoir: located in the stream above an arch-type dam across the bed of the South Fork of the South Platte River located near the center of the Southwest quarter (SW1/4) of Section 20, Township 13 South, Range 72 West, of the 6th P.M., in Park County, Colorado. vii. Antero Reservoir: located in the stream above a dam across the bed of the South Fork of the South Platte River in Sections 21 and 28, Township 12 South, Range 76 West, of the 6th P.M., in Park County, Colorado. (2) Williams Fork Power Conduit: The point of diversion for the Williams Fork Power Conduit is located in the Williams Fork Reservoir Dam, the Southeast end of the dam which is at a point whence Southeast corner of Section 23, Township 1 North, Range 79 West, of the 6th P.M. bears South 24º53' East a distance of 2,175 feet. (3) Moffat Tunnel Collection System: (a) Points of Diversion: i. Meadow Creek: a point on the South bank of said creek from which point the Northwest corner of Section 15, Township 1 North, Range 75 West, of the 6th P.M., bears North 44°14.2' West a distance of 2,689.6 feet. ii. Trail Creek: a point on the South bank of said creek from which point the Southeast corner of Section 15, Township 1 North, Range 75 West, of the 6th P.M., bears South 60°26.5' East a distance of 1,149.3 feet. iii. Hurd Creek: a point on the South bank of said creek from which point the Southwest corner of Section 26, Township 1 North, Range 75 West, of the 6th P.M., bears South 83°08.4' West a distance of 2,105.5 feet. iv. Hamilton Creek: a point on the South bank of said creek from which point the Northeast corner of Section 2, Township 1 South, Range 75 West, of the 6th P.M., bears North 76°53.1' East a distance of 2,642.8 feet. v. Cabin Creek: a point on the North bank of said creek from which point the Northeast corner of Section 2, Township 1 South, Range 75 West, of the 6th P.M., bears North 21°29.2' East a distance of 4,930.4 feet. vi. Little Cabin Creek: a point on the South bank of said creek from which point the Northeast corner of Section 11, Township 1 South, Range 75 West, of the 6th P.M., bears North 20°27.5' East a distance of 2,580.4 feet. vii. Beaver Creek: a point on the North bank of said creek from

which point the Southeast corner of Section 14, Township 1 South, Range 75 West, of the 6th P.M., bears South 7°38.3' East a distance of 2,633.4 feet. (b) Places of Storage in Water Division No. 5: i. Meadow Creek Reservoir: a dam constructed across Meadow Creek, the right abutment of which is at a point from which the Northwest corner of Section 14, Township 1 North, Range 75 West, 6th P.M., bears North 84°09.1' West a distance of 4,226.1 feet. ii. Cabin Creek Reservoir: a dam to be constructed across Cabin Creek, the right abutment of which is at point from which the Northeast corner of Section 2, Township 1 South, Range 75 West, 6th P.M., bears North 17°21' East a distance of 4,517.8 feet. (c) Places of storage in Water Division No. 1: i. Gross Reservoir: a dam constructed across the bed of South Boulder Creek in Boulder County, Colorado located in Tracts 48 and 49, Township 1 South, Range 71 West, of the 6th P.M. (where the North half (N1/2) of the Southeast quarter (SE1/4) of Section 20, Township 1 South, Range 71 West, the 6th P.M., would be located by ordinary survey practices) and creates a reservoir covering parts of Tracts 47,48, 49, 44, 45, 63, 107, 108, 109, 110, the South half (S1/2) of the South half (S1/2) of Section 18, Section 19, Section 30, the South half (S1/2) of the Northeast quarter (NE1/4) of Section 25, and the East half (E1/2) of the Southeast quarter (SE 1/4) of Section 24, all in Township 1 South, Range 71 West, of the 6th P.M. in Boulder County, Colorado. ii. Ralston Reservoir: the dam for which is located on or near the East side of the Northeast quarter (NE1/4) of the Southeast quarter (SE1/4) of Section 32, Township 2 South, Range 70 West, of the 6th P.M., and creates a reservoir which covers parts of Section 32, Township 2 South, Range 70 West, 6th P.M., in Sections 5 and 6, Township 3 South, Range 70 West, of the 6th P.M., in Jefferson County, Colorado. iii. Marston Reservoir: the dam for which is located in Jefferson County, Colorado in Township 5 South, Range 69 West, of the 6th P.M. iv. Two Forks Reservoir: a dam to be constructed across the South Platte River at one of the following places: (1) a dam located in Section 30, Township 7 South, Range 69 West, 6th P.M., in the bed of the South Platte River; or (2) a dam to be located in Section 1, Township 8 South, Range 70 West, of the 6th P.M., across the bed of the South Fork of the South Platte River. v. Cheesman Reservoir: is formed by a dam across the South Fork of the South Platte River located in the Southwest quarter (SW1/4) of Section 6, Township 10 South, Range 70 West, 6th P.M., in Douglas and Jefferson Counties. vi. Eleven Mile Canõn Reservoir: located in the stream above an arch-type dam across the bed of the South Fork of the South Platte River located near the center of the Southwest quarter (SW1/4) of Section 20, Township 13 South, Range 72 West, of the 6th P.M., in Park County, Colorado. vii. Antero Reservoir: located in the stream above a dam across the bed of the South Fork of the South Platte River in Sections 21 and 28, Township 12 South, Range 76 West, 6th P.M., in Park County, Colorado. D. Source of Water: (1) Darling Creek Enlargement and Extension of the Williams Fork Diversion Project: West Branch of Darling Creek, North Fork of Darling Creek, South Fork of Darling Creek, Eleventh Creek and tributary and intervening tributary drainage thereto and unnamed streams between those streams which are named and the point of connection of the system with Claimant's present facilities at McQueary Creek. (2) Williams Fork Power Conduit: Williams Fork River. (3) Moffat Tunnel Collection System: Tributaries of the Fraser River and intervening drainage thereto. E. Appropriation Dates: (1) Darling Creek Enlargement and Extension of the Williams Fork Diversion Project: August 26, 1953. (2) Williams Fork Reservoir Power Conduit: October 9, 1956. (3) Moffat Tunnel Collection System: August 30, 1963. F. Amounts: (1) Darling Creek Enlargement and Extension of the Williams Fork Diversion Project: (a) For direct and immediate use from: West Branch Darling Creek: 5 cfs. North Fork of Darling Creek: 25 cfs. South Fork of Darling Creek: 25 cfs. Eleventh Creek and tributary drainage: 35 cfs. Total: 90 cfs, conditional. (b) For Storage for later use, the following amounts in: Gross Reservoir: 113,078 acre-feet. Ralston Reservoir: 12,758 acre-feet. Marston Reservoir: 19,800 acre-feet. Two Forks Reservoir: 600,000 acre-feet. Cheesman Reservoir: 79,000 acre-feet. Eleven Mile Canõn Reservoir: 97,779 acre-feet. Antero Reservoir: 85,564 acre-feet. (2) Williams Fork Reservoir Power Conduit. For direct and immediate use: 105 cfs, conditional, 295 cfs, absolute, 400 cfs, total. (3) Moffat Tunnel Collection System for direct and immediate use. (a) For direct and immediate use from: 100 cfs, conditional. (b) For storage and later use, the following amounts: Meadow Creek Reservoir: 5,100 acre-feet. Cabin Creek Reservoir: 4,250 acre-feet Gross Reservoir: 113, 078 acre-feet. Ralston Reservoir: 12,758 acre-feet. Marston Reservoir: 19,800 acre-feet. Two Forks Reservoir: 600,000 acre-feet. Cheesman Reservoir: 79,000 acre-feet. Eleven Mile Canõn Reservoir: 81,917 acre-feet. Antero Reservoir: 85,564 acre-feet. G. Uses: (1) Darling Creek Enlargement and Extension of the Williams Fork Diversion Project: All municipal uses, including domestic use, mechanical use, manufacturing use, generation of electric power, power generally, fire protection, use for sewage treatment, street sprinkling, watering of parks, lawns and grounds, the maintaining of adequate storage reserves, irrigation, exchange, replacement, and the adjustment and regulation of the units of the Denver Municipal Water System within themselves and with other water users. (2) Williams Fork Reservoir Power Conduit: For the mechanical purpose of generating electric energy, and in part as an adjunct to additional uses, through exchange for the following purposes: All municipal uses, including domestic use, mechanical use, manufacturing use, generation of electric power, power generally, fire protection, sewage treatment, street sprinkling, watering of parks, lawns and grass, maintaining of adequate storage reserves, irrigation, replacement and the adjustment and regulation of the units of the Denver Municipal Water System within themselves and with other water users. (3) Moffat Tunnel Collection System: All municipal uses, including domestic use, mechanical use, manufacturing use, generation of electric power, power generally, fire protection, use for sewage treatment, street sprinkling, watering of parks, lawns and grounds, the maintaining of adequate storage reserves, irrigation, exchange, replacement and the adjustment and regulation of the units of the Denver Municipal Water System within themselves and with other water users. **CLAIM FOR FINDING OF REASONABLE DILIGENCE** 4. Diligence Activities. The following activities describe Denver Water's steady application of effort to complete the appropriation in a reasonably expedient and efficient manner under all the facts and circumstances: A. Amounts Expended: Paragraphs 4.B through 4.H below describes Denver Water's effort to maintain and fully develop the subject water rights, which will address a system imbalance between the north and south portions of Denver Water's collection system. Over the last diligence period, Denver Water has spent at least $533,470,460.00 on work within the north portion of its collection system. These projects, which are further described below, allow for greater system-wide reliability and operational resilience. B. The following activities describe work in the Williams Fork Collection System ("WFCS") which is completed in furtherance of maintaining the ability to divert water in the future from the Darling Creek Enlargement and Extension of the Williams

Fork Diversion Project and Moffat Tunnel Collection System: i. In April 2021, Denver Water entered into an agreement with Metcalf Archaeological Consultants Inc for a cultural analysis on the Steelman Creek and McQueary Creek diversions. The total cost of this agreement is approximately $17,930. ii. In December 2021, Denver Water entered into an agreement with Matrix Design Group for Williams Fork post-fire recovery support. The total cost of this agreement is approximately $71,409. iii. In March 2022, Denver Water entered into an agreement with Matrix Design Group for phase 2 of Williams Fork post-fire recovery support. The total cost of this agreement is approximately $28,941. iv. In April 2022, Denver Water entered into an agreement with the US Forest Service to evaluate streamside reforestation for post-fire source water protection. The total cost of this agreement is approximately $90,000. v. In July 2022, Denver Water received a temporary special use permit from the US Forest Service to complete maintenance on the McQueary Creek diversion structure. This work was then completed in 2023 by Denver Water staff. vi. In May 2023, Denver Water entered into an agreement with Matrix Design Group for phase 3 of Williams Fork post-fire recovery support. The total cost of this agreement is approximately $54,843. vii. In May 2024, Denver Water entered into an agreement with Matrix Design Group for additional Williams Fork post-fire recovery support. The total cost of this agreement is approximately $52,990. viii. In May 2025, Denver Water entered into an agreement with Matrix Design Group for additional Williams Fork post-fire recovery support. The total cost of this agreement is approximately $31,965. C. The following activities describe work at Williams Fork Dam and Reservoir which serves to maintain Denver Water's ability to fully develop the Williams Fork Reservoir Power Conduit and operate exchanges from the Darling Creek Enlargement and Extension of the Williams Fork Diversion Project and Moffat Tunnel Collection System: i. In October 2020, Denver Water entered into an agreement with D&M Roofing and Sheet Metal LLC for roof repairs on a home used by facility operators below Williams Fork Dam. The total cost of this agreement is approximately $19,000. ii. In December 2020, Denver Water entered into an agreement with GEI Consultants Inc for Williams Fork Dam access road improvements. The total cost of this agreement is approximately $114,667. iii. In December 2020, Denver Water entered into an agreement with GEI Consultants Inc for a liquefication analysis of the Williams Fork west dike. The total cost of this agreement is approximately $26,646. iv. In July 2021, Denver Water entered into an agreement with Tezak Heavy Equipment Co. Inc for Williams Fork Reservoir road improvements. The total cost of this agreement is approximately $462,125. v. In June 2022, Denver Water entered into an agreement with Coblaco Service Inc for recoating of the Williams Fork Dam spillway gate. The total cost of this agreement is approximately $284,621. vi. In September 2022, Denver Water entered into an agreement with GEI Consultants Inc for a Federal Energy Regulatory Commission Part 12D comprehensive assessment. The total cost of this agreement is approximately $344,781. vii. In February 2023, Denver Water entered into an agreement with HDR Engineering Inc for Williams Fork comprehensive inspection consulting services. The total cost of this agreement is approximately $47,980. viii. In April 2023, Denver Water entered into an agreement with Gannett Fleming Inc for Williams Fork Dam comprehensive assessment workshop participation. The total cost of this agreement is approximately $22,560. ix. In May 2024, Denver Water entered into an agreement with GEI Consultants Inc for Williams Fork Dam geotechnical mapping, investigations, and stability analysis. The total cost of this agreement is approximately $185,686. x. In February 2025, Denver Water entered into an agreement with Hazen and Sawyer for Williams Fork Reservoir water quality data analysis and dashboard design. The total cost of this agreement is approximately $129,300. xi. In April 2025, Denver Water entered into an agreement with the US Geological Survey for monitoring and interpretation of harmful algal blooms in Williams Fork Reservoir. The total cost of this agreement is approximately $150,000. D. The following activities describe work at the Moffat Tunnel Collection System which will convey water diverted under the conditional water rights via the Darling Creek Enlargement and Extension of the Williams Fork Diversion Project and Moffat Tunnel Collection System: i. In May 2020, Denver Water entered into an agreement with the USDA Forest Service for timber removal on the Ranch Creek Canal.. ii. In August 2020, Denver Water entered into an agreement with CTL Thompson Inc for a geotechnical investigation of the Moffat Tunnel East Portal. The total cost of this agreement is approximately $3,500. iii. In August 2025, Denver Water entered into an agreement with DeZurik Inc for procurement of a throttling knife gate valve for Meadow Creek Reservoir. To date, Denver Water has spent approximately $365,460 on this project. iv. In April 2026, Denver Water entered into an agreement with Metcalf Archaeological Consultants Inc for a cultural resource inventory of Meadow Creek Reservoir. The total cost of this agreement is approximately $13,564. v. In June 2026, Denver Water entered into an agreement with T. Lowell Construction Inc for replacement of the upstream control valve on the Meadow Creek Dam outlet conduit. The total cost of this agreement is approximately $1,460,000. E. The following activities describe work at Gross Reservoir which will store water diverted via the Darling Creek Enlargement and Extension of the Williams Fork Diversion Project and Moffat Tunnel Collection System: i. In April 2024, Denver Water entered into an agreement with RockSol Consulting Group Inc to conduct a rockfall hazard assessment along Gross Dam Road. The total cost of this agreement is approximately $42,455. ii. In December 2024, Denver Water entered into an agreement with Harrison Western Construction Corporation for Rock Hazard removal along Gross Dam Road. The total cost of this agreement is approximately $62,994. iii. Denver Water has entered into at least 87 additional contracts related to the Gross Reservoir Expansion Project. These contracts involve work done at Gross Reservoir, as well as interconnected parts of the system, such as South Boulder Creek, the Fraser River Diversion Project, and the Williams Fork Diversion Project. The total amount for these contracts is approximately $516,419,813. F. The following activities describe work at the South Boulder Diversion Canal which will convey the water diverted under the conditional water rights via the Darling Creek Enlargement and Extension of the Williams Fork Diversion Project and Moffat Tunnel Collection System: i. In September 2020, Denver Water entered into an agreement with Bridge Diagnostics Inc for inspection of the South Boulder Diversion Dam gate. The total cost of this agreement is approximately $18,519. ii. In September 2021, Denver Water entered into an agreement with Jefferson Center Metropolitan District No. 1 to replace a portion of open-channel South Boulder Canal with an underground box culvert. The total cost of this agreement is approximately $232,744. iii. In May 2025, Denver Water entered into an agreement with GeoStabilization International for the Eldorado Canyon Rockbolt Project. The total cost of this agreement is approximately $300,000. iv. In August 2025, Denver Water entered into an agreement with Marvin and Sallie Lewis for sale of the Lazy Heart Ranch property located adjacent to

Ralston Reservoir and surrounding the South Boulder Diversion Canal. The total cost of this agreement is approximately $5,605,354. v. In October 2025, Denver Water entered into an agreement with Olsson Inc for ALTA/NSPS boundary surveys of the Lazy Heart Ranch. The total cost of this agreement is approximately $39,329. vi. In May 2026, Denver Water entered into an agreement with American West Construction LLC for South Boulder Diversion Dam gate replacement. The total cost of this agreement is approximately $2,385,500. G. The following activities describe work at Ralston Reservoir which is completed in furtherance of storing water diverted under the conditional water rights via the Darling Creek Enlargement and Extension of the Williams Fork Diversion Project and Moffat Tunnel Collection System: i. In April 2020, Denver Water entered into an agreement with DeZurik Inc for renovation of the Ralston Reservoir outlet works. The total cost of this agreement is approximately $895,440. ii. In June 2020, Denver Water entered into an agreement with W.W. Wheeler and Associates Inc for an investigation of Ralston Dam slope stability. The total cost of this agreement is approximately $32,092. iii. In August 2020, Denver Water entered into an agreement with AECOM Technical Services for engineering services related to installation of the Ralston Dam upstream control valve. The total cost of this agreement is approximately $28,210. iv. In October 2020, Denver Water entered into an agreement with W.W. Wheeler and Associates Inc for supplemental geotechnical support on the Ralston upstream controls project. The total cost of this agreement is approximately $49,964. v. In March 2021, Denver Water entered into an agreement with Ferguson Waterworks for procurement of a stainless steel hydraulic pipe. The total cost of this agreement is approximately $81,399. vi. In March 2021, Denver Water entered into an intergovernmental agreement with the City of Arvada and North Table Mountain Water and Sanitation District to replace an upstream control valve, refurbish the emergency slide gate, and resolve potential dam safety risks at Ralston Dam. The total amount for this project is approximately $429,200. vii. In August 2021, Denver Water entered into an agreement with AECOM Technical Services for work in support of Ralston outlet works services during construction. The total cost of this agreement is approximately $52,378. viii. In November 2021, Denver Water entered into an agreement with Century Link to relocate copper facilities around Ralston Reservoir. The total cost of this agreement is approximately $29,534. H. The following activities describe work at the recently completed Northwater Treatment Plant which will treat and distribute water diverted under the conditional water rights via the Darling Creek Enlargement and Extension of the Williams Fork Diversion Project and Moffat Tunnel Collection System: i. In August 2020, Denver Water entered into an agreement with United Power Inc for an electric line extension to Northwater Treatment Plant. The total cost of this agreement is approximately $1,687,514. ii. In July 2020, Denver Water entered into an agreement with TI DRP LLC for consultation on concrete used in construction of Northwater Treatment Plant. The total cost of this agreement is approximately $20,000. iii. In May 2024, Denver Water entered into an agreement with Kiewit Infrastructure Co. for consulting and on-call services at the Northwater Treatment Plant. The total cost of this agreement is approximately $623,855. iv. In 2024, Northwater Treatment Plant came online and began treating water from the north portion of Denver Water's collection system. v. In July 2025, Denver Water entered into an agreement with Guarantee Electrical Contracting LLC for updates to the Northwater Treatment Plant drying beds. The total cost of this agreement is approximately $393,198. 5. Remarks: The points of diversion for the Darling Creek Enlargement and Extension of the Williams Fork Diversion Project, Williams Fork Power Conduit, and the Moffat Tunnel Collection System are generally depicted in the General Location Map attached hereto as **Exhibit A.** The place of use of any water diverted or stored under this water right is subject to and will be in accordance with the terms of the Colorado River Cooperative Agreement effective September 26, 2013 or as amended. Denver Water is a home rule municipal corporation of the State of Colorado. Denver Water derives its authority and power to operate a water supply system under the state constitution, the Denver City Charter and provisions of state law. Pursuant to the Denver City Charter, Denver Water provides all treated and raw water necessary for the full development of land within the City and County of Denver. Pursuant to perpetual water service agreements, Denver Water serves as the water utility for other governmental entities outside the City and County of Denver, but within Denver Water's Service Area, providing all treated and raw water necessary to serve the full development of all land within the Service Area depicted in **Exhibit B.** Denver Water also has commitments to provide nearly 68,000 acre-feet of treated and raw water to customers outside its Service Area under perpetual fixed amount contracts listed on **Exhibit C.** The entities receiving water under fixed amount contracts are all located within the Counties of Adams, Arapahoe, Douglas and Jefferson and the City and County of Broomfield. From time to time, Denver Water provides treated and raw water to customers under temporary arrangements. 6. Names and Addresses of Owners of Land on which Structures are Located.: The following list includes the names and addresses of owners of the land upon which any new diversion or storage structure or modification to any existing diversion or storage structure or existing storage pool is or will be constructed or upon which water is or will be stored. Denver Water is providing notice to the following entities because this application relates to certain structures and property in which the following entities may have a property interest. A. United States of America, c/o USDA Forest Service – Arapaho, 2150 Centre Avenue, Building E, Fort Collins, CO 80526-8119 B. United States of America, Bureau of Land Management, PO Box 68, Kremmling, CO 80459-0068 C. Climax Molybdenum Co, c/o Henderson Operations, PO Box 68, Empire, CO 80438-0068 D. City of Englewood, c/o Department of Utilities, Englewood Civic Center, 1000 Englewood Parkway, Englewood, CO 80110-2373. WHEREFORE, Denver Water respectfully requests that the Water Court enter a decree finding that Denver Water has been reasonably diligent in the development of the conditional portions of the Darling Creek Enlargement and Extension of the Williams Fork Diversion Project, Williams Fork Power Conduit, and the Moffat Tunnel Collection System, and continue the conditional portions for a subsequent diligence period.

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

26CW3109 (PITKIN COUNTY) APPLICATION TO MAKE CONDITIONAL WATER RIGHTS ABSOLUTE AND FOR FINDING OF REASONABLE DILIGENCE 1. Name and address of Applicant: Owl Creek Meadows, LLC ("Meadows") P.O. Box 7877 Aspen, Colorado 81612 *Direct all pleadings to:* Michael W. Daugherty Lindsey A. Ratcliff Oliver W. Skelly Somach Simmons & Dunn, P.C. 1155 Canyon Blvd., Suite 110 Boulder, Colorado 80302 2. Description of Conditional Water Rights: 2.1. Structures: 2.1.1. Mitchell Pond No. 1 Second Enlargement 2.1.2. Owl Creek Ranch - South Ponds #1 through #8 2.1.3. Owl Creek Ranch - South Augmentation Ponds #1 and #2 2.1.4. Owl Creek Ranch - South Pump and Pipeline 2.1.5. Owl Creek Ranch - South Well #1 2.1.6. Owl Creek Ranch - South Well #2 2.1.7. Owl Creek Ranch - South Wells #3, #4, and #5 A map denoting the decreed locations for the above referenced structures is attached hereto as **Exhibit A**. 2.2. Decrees: In Case No. 91CW243 on October 8, 1993, the District Court in and for Water Division No. 5, State of Colorado (the "Water Court") awarded conditional water rights for the structures listed in paragraph 2.1 ("91CW243 Decree"). Portions of these water rights have subsequently been made absolute and findings of diligence for the remaining conditional amounts and uses occurred in Case Nos. 99CW226, 06CW163, 13CW3014 and 20CW3048. 2.3. Locations: 2.3.1. Mitchell Pond No. 1 Second Enlargement: The decreed location is the NE1/4 NW1/4 of Section 4, T. 10 S., R. 85 W., 6th P.M., at a point 425 feet South of the North line and 3170 feet West of the East line of said Section 4. 2.3.2. Owl Creek Ranch - South Ponds #1 through #8: The decreed location of these ponds is the SW1/4 of Section 4, the S1/2 of Section 5, and the N1/2 of Section 8, T. 10 S., R. 85 W., 6th P.M. 2.3.3. Owl Creek Ranch - South Augmentation Ponds #1 and #2: The decreed location of these ponds is the SW1/4 of Section 4, S1/2 of Section 5, and the N1/2 of Section 8, T. 10 S., R. 85 W., 6th P.M. 2.3.4.Owl Creek Ranch - South Pump and Pipeline: The point of diversion is located in the NE1/4 SE1/4 of Section 5, T. 10 S., R. 85 W., 6th P.M. at a point whence the East 1/4 corner of said Section 5 bears N. 70 degrees E., 3,250 feet. 2.3.5. Owl Creek Ranch - South Well #1: The decreed location is 2600 feet North of the South Section line, and 2250 feet West of the East Section line of Section 5, T. 10 S., R. 85 W., 6th P.M. 2.3.6. Owl Creek Ranch - South Well #2: The decreed location is 2200 feet North of the South Section line and 4900 feet West of the East Section line of Section 4, T. 10 S., R. 85 W., 6th P.M. 2.3.7. Owl Creek Ranch - South Wells #3, #4, and #5: The decreed location for these wells is the SW1/4 of Section 4, the S1/2 of Section 5, and the N1/2 of Section 8, T. 10 S., R. 85 W., 6th P.M. 2.4. Sources: 2.4.1. Mitchell Pond No. 1 Second Enlargement; Owl Creek Ranch - South Augmentation Ponds #1 and #2: Spring and Owl Creeks, tributary to the Roaring Fork River, tributary to the Colorado River. 2.4.2. Owl Creek Ranch - South Ponds #1 through #8: Owl and Spring Creeks and groundwater from the Owl Creek Ranch – South Wells #1 through #5, all tributary to the Roaring Fork River, tributary to the Colorado River. 2.4.3. Owl Creek Ranch - South Pump and Pipeline: Spring Creek, tributary to the Roaring Fork River, tributary to the Colorado River. 2.4.4. Owl Creek Ranch - South Wells #1 through #5: Groundwater tributary to the Roaring Fork River, tributary to the Colorado River. 2.5. Appropriation Dates: 2.5.1. Mitchell Pond No. 1 Second Enlargement: April 1, 1991. 2.5.2. Owl Creek Ranch - South Ponds #1 through #8; Owl Creek Ranch - South Augmentation Ponds #1 and #2; Owl Creek Ranch - South Pump and Pipeline: November 26, 1991. 2.5.3. Owl Creek Ranch - South Well #1: March 5, 1991. 2.5.4. Owl Creek Ranch - South Well #2: March 15, 1991. 2.5.5. Owl Creek Ranch - South Wells #3, #4, and #5: The original 91CW243 Decree is silent as to the appropriation date for these wells. 2.6. Amounts: 2.6.1. Mitchell Pond No. 1 Second Enlargement: 6 acre-feet ("AF"), conditional, for all uses. 2.6.2. Owl Creek Ranch - South Pond #1: 0.11 AF, absolute, for all uses; 1.89 AF, conditional, for all uses. 2.6.3. Owl Creek Ranch - South Pond #2: 1.21 AF, absolute, for all uses; 0.79 AF, conditional, for all uses. 2.6.4. Owl Creek Ranch - South Ponds #3 through #8: 2 AF each, conditional, for all uses. 2.6.5. Owl Creek Ranch - South Augmentation Ponds #1 and #2: 6 AF each, conditional, for all uses. 2.6.6. Owl Creek Ranch - South Pump and Pipeline: 0.5 cubic feet per second ("cfs"), conditional, for all uses. 2.6.7. Owl Creek Ranch - South Well #1: 35 gallons per minute ("gpm") (0.078 cfs), conditional, for all uses. 2.6.8. Owl Creek Ranch - South Well #2: 60 gpm (0.134 cfs), conditional, for all uses. 2.6.9. Owl Creek Ranch - South Wells #3, #4, and #5: 30 gpm (0.067 cfs) each, conditional, for all uses. 2.7. Uses: 2.7.1. Mitchell Pond No. 1 Second Enlargement: Domestic, commercial, irrigation, recreation, livestock, and all other beneficial uses. 2.7.2. Owl Creek Ranch - South Ponds #1 through #8; Owl Creek Ranch - South Augmentation Ponds #1 and #2: Domestic, commercial, livestock, irrigation, recreation, and firefighting uses. 2.7.3. Owl Creek Ranch - South Pump and Pipeline; Owl Creek Ranch - South Wells #1 through #5: Domestic, commercial, livestock, irrigation, recreation, filling of the Owl Creek Ranch – South Ponds, and firefighting purposes. 3. Request for Finding of Integrated Water Supply System: "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). The water rights described in paragraph 2 are part of an integrated water system. 4. Request to Make the Owl Creek Ranch – South Pond No. 3 Absolute: Meadows seeks confirmation that it has made absolute a portion of the Owl Creek Ranch – South Pond No. 3 conditional water right. Meadows has diverted and put the water right to beneficial use as described below: 4.1. Portion Made Absolute: 1.593 AF absolute for all decreed uses, based on the combined capacity of the pond and sedimentation structure (1.575 AF + 0.018 AF), with an appropriation date of June 12, 2025. 4.2. Remaining Conditional Portion: 0.407 AF, for all decreed uses. 5. Request for a Finding of Reasonable Diligence on Remaining Conditional Water Rights: Meadows seeks a finding of reasonable diligence with regard to the remaining conditional portions of the water rights described in paragraph 2. The subject rights are part of an integrated water supply project. Evidence of Meadows' diligence includes, but is not limited to, the following: 5.1. In 2023, High County Engineering ("HCE") designed improvements for Owl Creek Ranch - South Pond #3, providing 1.61 AF of storage for all decreed uses. According to an as-constructed survey prepared by HCE in January 2026, Owl Creek Ranch - South Pond No. 3 was constructed with a capacity of 1.575 AF. A Parshall

flume and a small concrete sedimentation pond with a volume of 0.018 AF were also constructed immediately upstream of the pond. 5.2. Spheros Environmental inspected Owl Creek Ranch - South Pond #3 on June 12, 2025, and observed that the pond was full and discharging over the spillway. 5.3. During the diligence period, Meadows evaluated two ponds south of and upgradient from Owl Creek Ranch - South Pond #3, with a combined conceptual capacity of 1.12 AF, and developed conceptual grading plans. 5.4. HCE surveyed the area south of Owl Creek Ranch - South Ponds #5 and #6 and found a natural depression that seasonably holds water. Resource Engineering, Inc. developed a conceptual grading plan with a total capacity of 3.0 AF. 5.5. In May 2026, Spheros Environmental prepared a conceptual grading plan for Owl Creek Ranch - South Augmentation Ponds #1 and #2 with a proposed capacity of 13.8 AF. If the constructed capacity exceeds the combined 12.0 AF decreed for the two augmentation ponds, all or a portion of the storage right for Owl Creek Ranch - South Pond #8 may be assigned to the additional capacity. 5.6. In May 2026, Spheros Environmental prepared a conceptual grading plan for the full 6.0 AF decreed to the Mitchell Pond No. 1 Second Enlargement. 5.7. Owl Creek and Spring Creek are sources of supply for the storage water rights. In 2021, Meadows installed an 18-inch Parshall flume to measure diversions from the creeks by the property and downstream ditch users. Meadows also installed two 12-inch Parshall flumes on the Upper and Lower Wenger Ditches. Meadow's personnel records readings for all property diversions several times each week. 6. Name and Address of Owner Upon Which the Subject Water Rights are Located: Meadows. WHEREFORE, Meadows respectfully requests the Water Court to enter the following findings: A. 1.593 AF, absolute, out of 2.0 AF of the Owl Creek Ranch – South Pond No. 3 is made absolute for domestic, commercial, livestock, irrigation, recreation, and firefighting uses. B. Meadows exercised reasonable diligence during the preceding diligence period in the development of all water rights that are the subject of this case, and all portions thereof not made absolute are continued as conditional in full force and effect for all remaining amounts and uses. C. Any such other and further relief as this Court deems just and proper.

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

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

26CW3110 PITKIN COUNTY – TRIBUTARY TO WOODY CREEK, TRIBUTARY TO ROARING FORK RIVER AND COLORADO RIVER. GRE II, LP c/o Kevin L. Patrick and John M. Sittler, Patrick, Miller & Noto, P.C., 229 Midland Ave., Basalt, CO 81621 (970) 920-1030. APPLICATION FOR FINDINGS OF REASONABLE DILIGENCE AND TO MAKE WATER RIGHT ABSOLUTE IN PART. **First Claim:** GRE Pond and Water Features. Original Decree: December 15, 2013, Case No. 11CW117, Division 5 Water Court. Subsequent diligence decree: October 30, 2020, Case No. 19CW3157, Division 5 Water Court. Legal: The centerline of the GRE Pond Dam is located in the SW ¼ SW ¼ of Section 23, Township 9 S., Range 85 W. of the 6th P.M., 1,082 feet from the South section line and 643 feet from the West section line. GRE Water Features surround the primary residence on Applicant's Property. The general location of the residence is in the SE ¼ SW ¼ of Section 23, Township 9 S., Range 85 W. of the 6th P.M., approximately 1,109 feet from the South section line and 1,307 feet from the West section line. Source: Run-off and precipitation occurring on-site that is tributary to an unnamed drainage, tributary to Woody Creek, tributary to the Roaring Fork and Colorado Rivers. The pond will also be filled by the change of water right and consumptive use credits decreed in Case No. 11CW117. Fill rate: 0.375 c.f.s. with the right to fill and refill when water is physically and legally available, for purposes of replacing seepage and evaporation losses. Appropriation date: April 5, 2011. Amount: 4.0 acre-feet. 1.57 acre-feet was decreed absolute at the GRE Pond and Water Features in Case No. 11CW117, with an appropriation date of September 12, 2000. The decree in Case No. 19CW3157 made 0.0052 acre-foot (1,683 gallons) absolute for aesthetic and recreation uses. Thus, 2.4248 acre-feet remains conditional for aesthetic and recreation uses; the full 2.43 acre-feet remains conditional for livestock and piscatorial uses. Uses: Aesthetic, livestock, piscatorial, and recreational. Surface area of high water line: 1.05 acres (the GRE Pond has a surface area of 0.83 acre and the associated water features have a surface area of 0.22 acre). Max dam height: Under 10 feet. Max dam length: 400 feet. Terms and conditions: The GRE Pond and Water Features are augmented under the plan for augmentation decreed in Case No. 11CW117. The GRE Pond and Water Features shall not intercept groundwater. The GRE Pond has historically served as an irrigation control structure for Applicant's 0.375 c.f.s. interest in the Red Mountain Extension Ditch Priority 205 water right. Applicant may continue to use water delivered to the GRE Pond and Water Features under Priority 205 for irrigation purposes within the established parameters of an irrigation control structure temporary storage of water. However, Applicant shall not use any water delivered to the GRE Pond and Water Features under Priority 205 for aesthetic, piscatorial, livestock, or recreation uses (aside from the 0.057 c.f.s. legally changed in Case No. 11CW117). Applicant shall further not use water stored in the GRE Pond and Water Features under the junior storage water right decreed in Case No. 11CW117 for irrigation purposes. Applicant shall only deliver water to the GRE Pond and Water Features under its interest in the Red Mountain Extension Ditch Priority 205 water right at times when it is irrigating or using the structures as irrigation control structures. Applicant shall meter all water entering and exiting the pond to ensure that its Priority 205 water only remains within the pond for a maximum of 72 hours (aside from the 0.057 c.f.s. legally changed in Case No. 11CW117). Applicant shall not augment, but rather shall curtail by bypassing via low-level outlet at the GRE Pond, all on-site precipitation and runoff collected in the GRE Pond and Water Features when

such collection is out-of-priority due to a valid and administered call. **Second Claim:** GRE Exchange. Original decree: December 15, 2013, Case No. 11CW117, Division 5 Water Court. Subsequent diligence decree: October 30, 2020, Case No. 19CW3157, Division 5 Water Court. Legal: Downstream termini: Points of replacement on the Roaring Fork and/or Colorado Rivers of the BWCD's water rights: For the exchange of Green Mountain Reservoir water: The confluence of the Roaring Fork and Colorado Rivers, located in the SE ¼ NW ¼ of Section 9, Township 6 S., Range 89 W. of the 6th P.M., at a point approximately 2,200 feet from the North section line and 2,350 feet from the West section line. The decree in Case No. 11CW117 describes the confluence of the Roaring Fork and Colorado Rivers as located in the SE ¼ of the NW ¼ of Section 9, Township 6 South, Range 89 West of the 6th P.M., at a point 2,940 feet from the East section line and 3150 feet from the South section line. The legal description used in this application and the decree in Case No. 19CW3157 is 31 feet from the previously described location in Case No. 11CW117. For the exchange of Ruedi Reservoir and/or Troy and Edith Ditch water: The confluence of the Roaring Fork and Fryingpan Rivers, located in the SW ¼ SE ¼ of Section 7, Township 8 S., Range 86 W. of the 6th P.M., at a point approximately 647 feet from the South section line and 1,475 feet west of the East section line. The decree in Case No. 11CW117 describes the confluence of the Roaring Fork and Fryingpan Rivers as located in the SW ¼ of the SE ¼ of Section 7, Township 8 South, Range 86 West of the 6th P.M. at a point 1440 feet from the East section line and 750 feet from the South section line. The legal description used in this application and the decree in Case No. 19CW3157 is 108 feet from the previously described location in Case No. 11CW117. For the exchange of Robinson Ditch water: The point of diversion for the Robinson Ditch on the Roaring Fork River, located in the NW ¼ SE ¼ of Section 11, Township 8 S., Range 87 W. of the 6th P.M., at a point approximately 2,307 feet from the South section line and 2,309 feet from the East section line. Upstream terminus: Point where return flows from the 0.057 c.f.s. of Applicant's interest in Red Mountain Ditch, Priority 205 water right changed in Case No. 11CW117 historically accrued to Woody Creek. The point is estimated to be located in the NW ¼ NW ¼ of Section 23, Township 9 S., Range 85 W. of the 6th P.M., approximately 785 feet from the North section line and 1,149 feet from the West Section Line. Source: 0.5 acre-feet of water rights owned or controlled by the BWCD, as described in paragraph 7.B.ii. of the decree in Case No. 11CW117. Appropriation date; May 18, 2011. Amount: 0.004 c.f.s. with a volumetric limit of 0.4 acre-feet per year. 0.001 c.f.s. was canceled in Case No. 19CW3157. Thus, 0.003 c.f.s. remains conditional. Use: Exchange of water under the plan for augmentation decreed in Case No. 11CW117. Operation: Applicant shall replace lagged non-irrigation season return flows associated with the change of water right decreed in Case No. 11CW117 pursuant to the 11CW117 plan for augmentation by this exchange. Terms and conditions: The GRE Exchange has a volumetric limit of 0.4 acre-foot. Applicant shall install any reasonable measuring devices requested by the Division Engineer and shall develop accounting acceptable to the Division Engineer to operate the GRE Exchange. Applicant shall give adequate notice to the Division Engineer prior to operating the GRE Exchange. Date water applied to beneficial use: October 1, 2024. Amount 0.003 c.f.s. Use: Exchange of water under the plan for augmentation decreed in Case No. 11CW117. Applicant owns the property where the GRE Pond and Water Features are located and are or will be put to beneficial use. Maps and supporting documentation are on file with the Court.

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

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

26CW3111 (Prior Case Nos. 01CW41, 06CW32, 11CW98, and 19CW3100) APPLICATION FOR FINDING OF REASONABLE DILIGENCE OF THE GRAND RIVER RANCH OWNERS ASSOCIATION, INC. IN GRAND COUNTY. 1. Name, mailing address, email address, and telephone number of Applicant: (Applicant Grand River Ranch Owners Association, Inc., is the only co-applicant named in previous diligence actions that owns remaining conditional water rights originally decreed in Case No. 01CW41.) Grand River Ranch Owners Association, Inc., c/o Garth Eichler, Manager, Grand River Ranch, P.O. Box 1568, Kremmling, CO 80459; Email: garth@thegrandriverranch.com; Phone: (970) 724-8912. Send all correspondence to Karl D. Ohlsen and Sarah B. Wiedemann, Carlson, Hammond & Paddock, L.L.C., 1900 N. Grant Street, Suite 1200, Denver, Colorado 80203- 4539; Phone: (303) 861-9000; Fax: (303) 861-9026; Email: kohlsen@chp-law.com, swiedemann@chp-law.com. 2. Names of structures: The Muddy Pond; Jones Reservoir No. 2; Jones Reservoir No. 3; Jones Reservoir Supply Ditch Headgate No. 2; the Strawberry Ditch; the P.J. Martin Ditch No. 2 Middle Fork Headgates Nos. 1, 2, and 3; the Low Aspen Feeder Ditch; and the North Forth Pump Station. The location of each structure is as follows: A. The Muddy Pond is located on an intermittent tributary of Muddy Creek at a point in the SW1/4 SE1/4 of Section 25, T2N, R81W of the 6th P.M. from whence the South quarter-corner of said Section 25 bears South 40° 05'56" West a distance of 757.4 feet. State Plane Coordinates: NAD83 N-Zone: N 1,282,799; E 2,743,810. B. Jones Reservoir No. 2 is located on the South Fork of Sheep Creek, and as decreed in Case No. 82CW452 – the South end of the reservoir axis is located at a point whence the Northeast corner of Section 15, T1N, R81W of the 6th P.M. bears South 15º54' East for 816.18 feet. Located in E1/2 SE1/4 Section 10, T1N, R81W, 6th P.M. C. Jones Reservoir No. 3 is located on the Middle Branch of Sheep Creek, and the North end of the axis of the reservoir is located at a point whence the corner common to Sections 2, 3, 10, and 11, T1N, R81W of the 6th P.M., Grand County, Colorado, bears North 88°2' East a distance of 2,188 feet. D. The Jones Reservoir Supply Ditch Headgate No. 2 diversion is located on

the South Fork of Sheep Creek at a point in the SW1/4 NE1/4 of Section 10, T1N, R81W of the 6th P.M., approximately 2,450 feet from the East section line and 1,950 feet from the North section line (this ditch delivers water to the Jones Reservoirs No. 1 and No. 2). E. The Strawberry Ditch diversion is located on the Middle Fork of Sheep Creek, at a point whence the SE corner of Section 5, T1N, R81W of the 6th P.M. bears South 30° 35' East a distance of 2,490 feet. F. The P.J. Martin Ditch No. 2, Headgate No. 1, at a point on the north bank of No. 1 Branch of Sheep Creek whence the SW corner of Section 33, T2N, R81W of the 6th P.M. bears North 41°45' East a distance of 2,850 feet; Headgate No. 2, at a point on the north bank of No. 2 Branch of Sheep Creek whence the SW corner of said Section 33, bears North 83° East a distance of 1,220 feet; and Headgate No. 3, at a point on the north bank of No. 3 Branch of Sheep Creek whence the SW corner of said Section 33 bears South 40°15' East a distance of 1,450 feet. G. The Low Aspen Feeder Ditch diversion is located on the South Fork of Sheep Creek at a point whence the SW corner of Section 4, T1N, R81W of the 6th P.M. bears North 69° 34'39" West a distance of 5,737.5 feet. According to the CDSS database, the UTM coordinates for the Low Aspen Feeder Ditch diversion point are: NAD83 N-Zone: N 374,998; E 4,436,267. H. The North Fork Pump Station is a pumped diversion from the North Fork of Sheep Creek, located in the SE1/4 NW1/4 of Section 4, T1N, R81W of the 6th P.M. at a point whence the SE1/4 of Section 32, T2N, R81W bears North 26°26'59" West a distance of 2,921.02 feet. State Plane Coordinates: NAD83 N-Zone: N 1,274,748; E 2,726,198. 3. Describe conditional water right including the following information from previous decree: A. Appropriative Right of Substitution and Exchange – Red Dirt Creek to unnamed tributary of Muddy Creek. i. Date of original decree: June 20, 2005, Case No. 01CW41, District Court, Water Division No. 5. The decree entered on March 18, 2009, in Case No. 06CW32, District Court, Water Division No. 5, added Wolford Mountain Contract Water supply as a source of water for the appropriative rights of substitution and exchange originally decreed in Case No. 01CW41. ii. Subsequent decrees awarding finding of reasonable diligence: August 25, 2013, Case No. 11CW98, District Court, Water Division No. 5; October 25, 2020, Case No. 19CW3100, District Court, Water Division No. 5. iii. Description of Appropriative Rights of Substitution and Exchange: The water lawfully available in priority to the 2.867 c.f.s. in the Red Dirt Valley Ditch (and changed to the Herde Ditch), less ditch losses, will be left in Red Dirt Creek and allowed to flow down to its confluence with Muddy Creek, and then will be permitted to flow down Muddy Creek to its confluence with the unnamed tributary on which the Muddy Pond is located, and then the water will be diverted upstream by exchange on the unnamed tributary and stored in the Muddy Pond. iv. Substitution and Exchange Reaches: Water available to the Red Dirt Valley Ditch water right at or near the headgate of the Herde Ditch, located at a point on the south bank of Red Dirt Creek whence the SE corner of Section 4, T2N, R81W of the 6th P.M. bears South 87°50' East 730 feet, will be allowed to flow downstream to Muddy Creek. The water in Muddy Creek will then be exchanged from Muddy Creek upstream on an unnamed tributary of Muddy Creek into the Muddy Pond (as described in paragraph 2, above). v. Source of Water: Muddy Creek and its tributaries above its confluence with the Colorado River. vi. Appropriation Date: December 12, 2000, for the Red Dirt Valley Ditch water right. The decree in 06CW32 established March 23, 2006, as the date of appropriation for the exchanges using Wolford Mountain Contract Water Supply. vii. Rate of Substitution and Exchange: The maximum rate of flow is 2.867 c.f.s., conditional. viii. Water Rights Used in Substitution and Exchange: 1) Red Dirt Valley Ditch Water, as changed in Case No. 01CW41; and 2) Wolford Mountain Contract Water supply, as approved in Case No. 06CW32. ix. Use: The uses decreed in Cases No. 01CW41 and 06CW23 for the Applicants' Red Dirt Valley Ditch water right and Wolford Mountain Reservoir contract water supply, which include irrigation, livestock water, fish and wildlife use, fire protection on the Ranch, augmentation and exchange. B. Appropriative Rights of Substitution and Exchange – Red Dirt Creek to Sheep Creek. i. Date of Original Decree: June 20, 2005, Case No. 01CW41, District Court, Water Division No. 5. The decree entered on March 18, 2009, in Case No. 06CW32, District Court, Water Division No. 5, added Wolford Mountain Contract Water supply as a source of water for the appropriative rights of substitution and exchange originally decreed in Case No. 01CW41. ii. Subsequent decrees awarding finding of reasonable diligence: August 25, 2013, Case No. 11CW98, District Court, Water Division No. 5, October 25, 2020, Case No. 19CW3100, District Court, Water Division No. 5; October 25, 2020, Case No. 19CW3100, District Court, Water Division No. 5. iii. Description of Appropriative Rights of Substitution and Exchange: The water lawfully available to the 2.867 c.f.s. in the Red Dirt Valley Ditch (and changed to the Herde Ditch), less ditch loss, will be left in Red Dirt Creek and allowed to flow into Muddy Creek and then down Muddy Creek to its confluence with the Colorado River, and then allowed to flow down the Colorado River to its confluence with Sheep Creek located in the SW1/4 of Section 13, T1N, R81W of the 6th P.M., and then diverted upstream by exchange on Sheep Creek and its branches at the points of diversion listed below. In lieu of use of the Red Dirt Valley Ditch water right, the Applicants may use water released from Wolford Mountain Reservoir, as approved in Case No. 06CW32, stored by exchange in Jones Reservoirs No. 2 or 3. 1) Downstream Terminus: the confluence of Sheep Creek and the Colorado River described in the preceding paragraph. 2) Upstream Termini: Jones Reservoir Supply Ditch Headgate No. 2, Jones Reservoir No. 2, Jones Reservoir No. 3, Strawberry Ditch, P.J. Martin Ditch No. 2, Middle Fork Headgate, P.J. Martin Ditch No. 2 Headgate Nos. 1, 2, and 3, Low Aspen Feeder Ditch, and the North Fork Pump Station, each as described in paragraph 2 above. iv. Source of Water: Muddy Creek and its tributaries above its confluence with the Colorado River. v. Appropriation Date: December 12, 2000, for the Red Dirt Valley Ditch water right. The decree in 06CW32 established March 23, 2006, as the date of appropriation for the exchanges using Wolford Mountain Contract Water Supply. vi. Water Rights Used in Substitution and Exchange: 1) Red Dirt Valley Ditch Water, as changed in Case No. 01CW41; and 2) Wolford Mountain Contract Water supply, as approved in Case No. 06CW32, stored by exchange in Jones Reservoirs No. 2 or 3. vii. Rate of Substitution and Exchange: The maximum rate of flow is 2.867 c.f.s., conditional. viii. Use: The uses decreed in Cases No. 01CW41 and 06CW23 for the Applicants' Red Dirt Valley water right and Wolford Mountain Reservoir contract water supply, which include irrigation, livestock water, fish and wildlife use, fire protection on the Ranch, augmentation and exchange. C. Appropriative Rights of Substitution and Exchange – Sheep Creek Basin Exchanges. i. Date of Original Decree: June 20, 2005, Case No. 01CW41, District Court, Water Division No. 5. The decree entered on March 18, 2009, in Case No. 06CW32, District Court, Water Division No. 5, added Wolford Mountain Contract Water supply as a source of water for the appropriative rights of substitution and exchange originally decreed in Case No. 01CW41. ii. Subsequent

decrees awarding finding of reasonable diligence: August 25, 2013, Case No. 11CW98, District Court, Water Division No. 5, October 25, 2020, Case No. 19CW3100, District Court, Water Division No. 5; October 25, 2020, Case No. 19CW3100, District Court, Water Division No. 5. iii. Description of Appropriative Rights of Substitution and Exchange: 1) Downstream terminus: the confluence of Sheep Creek and the North Fork of Sheep Creek in Section 11, T1N, R81W of the 6th P.M. 2) Upstream termini: Jones Reservoir Supply Ditch Headgate No. 2, Jones Reservoir No. 2, Jones Reservoir No. 3, Strawberry Ditch, P.J. Martin Ditch No. 2 Middle Fork Headgate, P.J. Martin Ditch No. 2 Headgate Nos. 1, 2, and 3, Low Aspen Feeder Ditch, and the North Fork Pump Station, each as described in paragraph 2 above. iv. Rate of Substitution and Exchange: The maximum combined rate of flow is 29.3 c.f.s., conditional. v. Appropriation Date: December 12, 2000, for the Red Dirt Valley Ditch water right. The decree in 06CW32 established March 23, 2006, as the date of appropriation for the exchanges using Wolford Mountain Contract Water Supply. vi. Water Rights Used in Substitution and Exchange: 1) 2.867 c.f.s. of Red Dirt Valley Ditch Water, as changed in Case No. 01CW41, that is stored in Jones Reservoir No. 2 or No. 3; and 2) Wolford Mountain Contract Water supply, as approved in Case No. 06CW32, stored by exchange in Jones Reservoirs No. 2 or 3. vii. Use: The uses decreed in Cases No. 01CW41 and 06CW23 for the Applicants' Red Dirt Valley water right and Wolford Mountain Reservoir contract water supply, which include irrigation, livestock water, fish and wildlife use, fire protection on the Ranch, augmentation and exchange. 4. Provide a detailed outline of what has been done toward completion or for completion of the appropriation and application of water to a beneficial use as conditionally decreed, including expenditures. A. In Case No. 19CW3100, the Court reaffirmed its earlier rulings that the appropriative rights of substitution and exchange that are the subject of this application are part of the integrated water supply system for the Grand River Ranch. During the diligence period, October 2020 through October 2026, Applicant Owners Association has continued to prosecute with reasonable diligence the development of the integrated water supply system for the Grand River Ranch. The activities constituting diligence in the development of the Grand River Ranch integrated water supply system include, but are not limited to, the following: i. Applicant Owners Association has continued to perform general water administration and accounting on behalf of its members/owners and ordinary maintenance and repair of diversion and conveyance infrastructure during the diligence period. During the diligence period, Applicant Owners Association spent approximately $50,000 on legal services related to the Grand River Ranch's integrated water supply project and system. ii. Applicant Owners Association continued managing livestock grazing leases for all of Grand River Ranch. Additionally, in May 2024, the Owners Association and Farrell Livestock transitioned into a 4-year grazing lease versus a year-by-year lease. With this lease, the Owners Association continues to maintain and improve water systems to offer stock watering. iii. Applicant Owners Association has continued to engage ranch managers for the members/owners, contractors, and Owners Association employees to monitor flows and all flumes, gages, and streams to ensure the continuous and accurate operation of the augmentation plan decreed in Case No. 01CW41 that benefits all the water rights and infrastructure that make up the integrated water supply project and system that serves the Ranch. Included in this work is the accurate measurement and recording of water available at flumes and measuring devices, including, but not limited to, those in Lower Sheep Creek, the Cipoletti Weir-Shale Ditch, Sheep Creek Ditch, Middle Fork Sheep Creek, the Jones Reservoir No. 2 Inlet Flume, the Jones Reservoir No. 1 Feeder Ditch, the Kremmling South Feeder Ditch, the Jones Reservoir No. 2 Outlet, the Jones Reservoir No. 2 level gage, the Jones Reservoir No. 1 level gage, the Jones Reservoir No. 1 outlet flume, the Siphon Ditch flume, the Middle Fork above the P.J. Martin diversion flume, and the Middle Fork below the P.J. Martin diversion flume, the P.J. Martin diversion above the Island Pond flume, the Strawberry Ditch diversion flume, the Jones diversion ditch to the North Fork flume, the DeBerard overflow, the Muddy Creek Pump Station meter, the Town Pumping Plant exchange, Wolford Reservoir releases for the benefit of the integrated water supply project and system, the Low Aspen Pond flow and gages, the Martin Dairy Well meter for deliveries to the Tailwater Cabins, the Jones domestic water meter, the Jones irrigation water meter, and the Lodge domestic and irrigation water meter for Lodge Well No. 1. These measurements are made and reported periodically during months when water is available. Members pay annual association fees to the Owners Association to ensure continued compliance with the requirements of the augmentation plan and related water rights decrees. iv. Applicant Owners Association have performed the following diligence activities for the Lodge Well No. 1: yearly inspection and maintenance, upgrades to the landscaping irrigation system to conserve water usage, replacing the well pump contractor coil (2x); performing water testing to maintain safe drinking water; and weed control, all costing approximately $15,000 over the diligence period. v. Applicant Owners Association annually performed removal of snow pack and ice from the Jones Reservoir No. 1 Feeder Ditch to allow for the proper flow of water in early spring at an average cost of $2,000 a year; and f) spraying of noxious weeds on waterways, dams, and ditches as needed at a cost of $2,500 a year. In 2025, Owners Association spent $875 to add cobble and 1.5" rock to the Parshall flume at the Jones Reservoir No. 1 Feeder Ditch. vi. On July 31, 2025, Applicant Owners Association filed an application in Case No. 25CW3117 with the Water Court in Water Division No. 5 seeking a finding of reasonable diligence in the development of the remaining conditional water rights for the Gould Pond No. 1, Gould Pond No. 2, and Kid's Pond Enlargement, and the appropriative rights of substitution decreed in Case No. 01CW40. These water rights are part of the integrated water supply project and system that serves the Ranch. Applicant successfully prosecuted the application and a decree was entered on April 17, 2026. vii. On September 30, 2022, Applicant Owners Association filed an application in Case No. 22CW3104 with the water court in Water Division No. 5 seeking a finding of reasonable diligence for the conditional water right for the Martin Dairy Well enlargement, a part of the plan for augmentation decreed in Case No. 01CW41 (as amended in Case No. 06CW32), both of which are a part of the integrated water supply project and system for the Applicants in the current Application. Applicant successfully prosecuted the application and a decree was entered on September 15, 2023. viii. Applicant Owners Association continued to exercise the appropriative rights of substitution decreed in Case No. 01CW40 and to work with the Town of Kremmling to determine when and if appropriate to operate such appropriative rights of substitution to maximize the utility of available water supplies. In addition, Applicant Owners Association operated the plan for augmentation decreed in Case No. 01CW41, as amended by Cases No. 06CW32 and 14CW3099, in order to allow the maximum utilization of the integrated water supply project and system and infrastructure that serves the Grand River Ranch. B. With respect to

the structures used to exercise the appropriative rights of substitution and exchange at issue in this Application, Applicants completed the following diligence activities during the diligence period: i. Applicant Owners Association continued to operate pursuant to a Water Supply Contract with the Colorado River Water Conservation District for deliveries of water from Wolford Mountain Reservoir. Pursuant to that contract, Applicant Owners Association is entitled to 100 acre-feet of water annually for 40 years and contracted to annually pay a share of project operations and maintenance. Currently, the Applicant Owners Association pays annual fees of $4,125 for this agreement to cover operational and maintenance costs. ii. In connection with the adjudication of water rights and plan for augmentation for the Grand River Ranch, Applicant Owners Association continued to operate under a Water Supply Agreement with the Town of Kremmling. Pursuant to that agreement the Applicants have the right to use the town's pumping plant to deliver water to the Grand River Ranch in connection with its integrated water supply system. The Water Supply Agreement with the Town of Kremmling also includes a Reservoir Operation and Maintenance Agreement between the Town of Kremmling and the Applicants. That agreement addresses the procedures for operation, maintenance and repair of Jones Reservoirs No. 1 and 2. The Water Supply Agreement with the Town of Kremmling also provides for the delivery of water to Jones Reservoir No. 2 by means of contract exchanges and use of the Town of Kremmling's pumping plant on the Colorado River. iii. In 2023, Applicant Owners Association removed an old fence surrounding the Martin Dairy Well and rebuilt a new fence and access gate for approximately $3,800. During this time, the Owners Association also collaborated with the Town of Kremmling to cut, remove, and burn willows on the Jones Reservoir No. 2 dam face. The Owners Association also hauled in 4 loads of 3/4" road base to resurface the dam road for $4,500. The Owners Association collaboration with Kremmling cost approximately $4,500 for labor and equipment. The Owners Association also cut, removed, and burned vegetation on the Jones Reservoir No. 1 dam face at a cost of $1,250. iv. On September 29, 2023, Applicant Owners Association filed an application in Case No. 23CW3145 with the water court in Water Division No. 5 seeking a finding of reasonable diligence in the development of the remaining portion of conditional water rights in Jones Reservoir No. 1 (second filling) and Jones Reservoir No. 2 (second filling). These water rights are part of the integrated water supply project and system for the Applicants in this Application. Applicant successfully prosecuted the application and a decree was entered on April 15, 2024. v. On September 30, 2025, Applicant Owners Association, along with several co- applicants, filed an application in Case No. 25CW3156 with the Water Court in Water Division No. 5 seeking a finding of reasonable diligence at to make conditional rights absolute in part for the Beavers Pond, Collett Pond, Low Aspen Pond, PJ Martin Ponds, Middle Fork Ponds, North Fork Pump Station, and Lodge Well No. 1, all of which are a part of the integrated water supply project and system for the Applicants in the current application. The request to make conditional water rights absolute in part was withdrawn, however, and a decree finding reasonable diligence for all remaining conditional water rights was entered on March 30, 2026. vi. Member of Applicant Owners Association Wildest Dreams, LLC performed the following diligence activities for the Low Aspen Pond during the diligence period: Since January 2021, Wildest Dreams, LLC's property manager conducted repairs and hired third-party contractors to repair water leaks at Low Aspen Pond. Third-party costs related to that repair and maintenance work totaled $1,364.70. Wildest Dreams, LLC's manager also conducts regular repairs to the dock at the Low Aspen Pond. Wildest Dreams, LLC regularly stocks Low Aspen Pond rainbow trout, cutthroat trout, and brook trout for fishing and other recreational activities. Low Aspen Pond is also used as a source of water for domestic and wild animals, including cattle under Owners Association's grazing lease. vii. Member of Applicant Owners Association Bison Ridge Ranch annually conducts basic maintenance operations at the P.J. Martin Ditch No. 2 and performs weed control on ditch areas. viii. In 2025, Owners Association cleaned and removed debris on and around the Strawberry Ditch Parshall flume for $200. ix. During the diligence period, Colorado River Cattle Ranch annually performed vegetation removal, dead tree removal, and weed spraying around the Jones Reservoir No. 3 dam and vicinity. Expenses associated with these activities during the diligence period totaled about $4,000. C. Attached to this application as Exhibit A is a map showing the location of the conditional water rights that are the subject of this application. D. The Applicants request a finding that they have exercised reasonable diligence in the development of each of the conditional water rights described herein and that these water rights remain a part of the Grand River Ranch integrated water supply system for purposes of finding of reasonable diligence. The Applicants further seek a decree continuing the remaining conditional water rights for an additional six years from the date of any decree herein, to the extent not made absolute water rights. E. The Applicants request that any diligence activities undertaken after the date of filing of this application and prior to entry of a decree herein be considered as diligence in the development of the conditional water rights for purposes of the next diligence period, and that any decree entered herein not preclude the Applicants from relying upon such activities to assist in demonstration of reasonable diligence in the next diligence period. 5. If claim to make absolute in whole or in part: N/A. 6. Names(s) and address(es) of owner(s) or reputed owners of the land upon which any new diversion or storage structure, or modification to any existing diversion or storage structure is or will be constructed or upon which water is or will be stored, including any modification to the existing storage pool. Grand River Ranch Owners Association, North Fork Pump Station, Jones Reservoir No. 2, Stated above; Capstone Property Group, LLC, Muddy Pond, c/o Woolf, McClane, Bright, Allen & Carpenter PLLC-Kevin N. Perkey, PO Box 484, Talbott, TN 37877; Colorado River Cattle Ranch, Jones Reservoir No. 3, c/o John T. Pfannenstein, 700 Broadway, Suite 800 Denver, CO 80203; Y Recreation & Therapy, LLC, P.J. Martin Ditch No. 2 Headgate No. 1, PO Box 10, 1241 Central Avenue, Wilmette, IL 60091; Wildest Dreams, LLC, Low Aspen Feeder Ditch, Jones Reservoir Supply Ditch Headgate No. 2, c/o Glenn Lange and Steve Wahl; One Best Drive PO Box 158, Ferdinand, IN 47532; Rose City Holdings, LLC, Strawberry Ditch; P.J. Martin Ditch No. 2 Middle Fork Headgate, PO Box 100, Huntingburg, IN 47542. 7. Remarks or any other pertinent information: N/A.

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

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

26CW3112 GRAND CTY. Application for Finding of Reasonable Diligence: Sunset Ridge Property Owners Association, c/o Balcomb & Green, P.C.; P.O. Drawer 790, Glenwood Springs, CO 81602: (970) 945-6546. Applicant seeks a finding of reasonable diligence with respect to the remaining conditional portions of the SRPOA Lot 1 Well, SRPOA Lot 2 Well, SRPOA Lot 4 Well, and SRPOA Tract E Exchange. **SRPOA Lot 1 Well.** Originally decreed in Case No. 13CW3041, Dist. Ct., Water Div. No. 5, entered March 9, 2014. Continued in Case No. 20CW3039, entered October 11, 2020, in which 10 g.p.m. was confirmed absolute and 5 g.p.m. continued as conditional. Location: SE1/4 of NW1/4, Sec. 8, T. 1 S., R. 75 W. of the 6th P.M, 1,630 ft. from the N. Sec. line and 1,910 ft. from the W. Sec. line. UTM coordinates: 13 S 431181 m E 4425465 m N (NAD 83, Zone 13). The actual location is 13 S 431165 m E 4425509 m N and is within 200 ft. of the decreed location. Source: Groundwater tributary to the Fraser River, tributary to the CO River. Approp. Date: October 30, 2006. Amt.: 10 g.p.m. absolute; 5 g.p.m., conditional, subject to an annual volumetric limit of 0.44 a.f. Uses: Dom. and Irr.. Dom.: In-house use in the single-family residence located on Lot 1 of Tract E, Sunset Ridge SubDiv., Filing 2. Irr.: 1,500 square ft. of Irr. on Lot 1 of Tract E, Sunset Ridge SubDiv., Filing 2, Grand Cty., CO, located within the NW1/4, Sec. 8, T. 1 S., R. 75 W. of the 6th P.M, depicted on **Exhibit A**. **SRPOA Lot 2 Well.** Originally decreed in Case No. 13CW3041, Dist. Ct., Water Div. No. 5, entered March 9, 2014. Continued in Case No. 20CW3039, entered October 11, 2020, in which 10 g.p.m. was confirmed absolute and 5 g.p.m. continued as conditional. Location: SE1/4 of NW1/4, Sec. 8, T. 1 S., R. 75 W. of the 6th P.M, 1,410 ft. from the N. Sec. line and 1,690 ft. from the W. Sec. line. UTM coordinates: 13 S 431114 m E 4425530 m N (NAD 83, Zone 13). The actual location is 13 S 431121 m E 4425538 N and is within 200 ft. of the decreed and permitted locations. Source: Groundwater tributary to the Fraser River, tributary to the CO River. Approp. Date: October 30, 2006. Amt.: 10 g.p.m, absolute; 5 g.p.m., conditional; subject to an annual volumetric limit of 0.44 a.f. Uses: Dom. and Irr.. Dom.: In-house use in the single-family residence located on Lot 2 of Tract E, Sunset Ridge SubDiv., Filing 2. Irr.: 1,500 square ft. of Irr. on Lot 2 of Tract E, Sunset Ridge SubDiv., Filing 2, Grand Cty., CO, located within the NW1/4, Sec. 8, T. 1 S., R. 75 W. of the 6th P.M. **SRPOA Lot 4 Well.** Originally decreed in Case No. 13CW3041, Dist. Ct., Water Div. No. 5, entered March 9, 2014. Continued in Case No. 20CW3039, Dist. Ct., Water Div. No. 5, entered October 11, 2020, in which the entire 15 g.p.m. water right was continued as conditional. Location: NE1/4 of NW1/4, Sec. 8, T. 1 S., R. 75 W. of the 6th P.M. 1,010 ft. from the N. Sec. line and 1,380 ft. from the W. Sec. line. UTM coordinates: 13 S 431020 m E 4425653 m N (NAD 83, Zone 13). Source: Groundwater tributary to the Fraser River, tributary to the CO River. Approp. Date: October 30, 2006. Amt.: 15 g.p.m, conditional; subject to an annual volumetric limit of 0.44 a.f. Uses: Dom. and Irr.. Dom.: In-house use in the single-family residence located on Lot 4 of Tract E, Sunset Ridge SubDiv., Filing 2. Irr.: 1,500 square ft. of Irr. on Lot 4 of Tract E, Sunset Ridge SubDiv., Filing 2, Grand Cty., CO, located within the NW1/4, Sec. 8, T. 1 S., R. 75 W. of the 6th P.M. SRPOA Lots 1-4 Wells operate pursuant to the plan for Aug. decreed in Case No. 13CW3041. **SRPOA Tract E Exchange**. Originally decreed in Case No. 13CW3041, Dist. Ct., Water Div. No. 5, entered March 9, 2014. Continued in Case No. 20CW3039, entered October 11, 2020, in which, 0.416 a.f. was confirmed absolute and 0.014 a.f. continued as conditional. Location of Exchange: Upstream Terminus: At which the depletions from the SRPOA Lot 1– 4 Wells impact the Fraser River, located on the Fraser River in the SE1/4, NE1/4, Sec. 7, T. 1 S., R. 75 W. of the 6th P.M., 1,200 ft. from the E. Sec. line and 2,110 ft. from the N. Sec. line, with coordinates of UTMx 430232 (Easting) and UTMy 4425321 (Northing). Downstream Terminus: At the outlet of the Fraser Valley Downstream Reservoir, which is located on the Fraser River whence the S.W. corner of Sec. 6, T. 1 S., R. 75 W. of the 6th P.M. bears S. 15° 5' W. a distance of 3,240 ft. UTM coordinates: 13 S 429265 m E 4426922 m N (NAD 83, Zone 13). Approp. Date: August 30, 2009. Amt.: 0.416 a.f., 0.001 c.f.s., absolute; 0.014 a.f., conditional. Uses: Exchange for Dom. and Irr. uses. The exchange replaces depletions from the SRPOA Lots 1-4 Wells described above pursuant to the Aug. plan decreed in Case No. 13CW3041 and operates using Aug. water released pursuant to Applicant's interest in the Fraser Valley Downstream Reservoir.

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

26CW3113 GARFIELD COUNTY, COLORADO. GROUNDWATER TRIBUTARY TO THE ROARING FORK RIVER, TRIBUTARY TO THE COLORADO RIVER. Application for Findings of Reasonable Diligence. 893. Hunt Ranch, LLC, c/o Holland & Hart LLP, 600 E. Main St., Ste. 104, Aspen, CO 81611, 970-925-3476, mehamilton@hollandhart.com. Name of structures: Hunt Ranch Well Nos. 3 & 4 ("Subject Water Rights"). Previous Decrees: *Original Decree*:10/31/07, 05CW301, Water Div. 5, District Court, State of Colorado. *Subsequent Decrees*: 03/09/14, 13CW3072, Water Div. 5, District Court, State of Colorado; 10/11/20,

20CW3035, Water Div. 5, District Court, State of Colorado. *Legal Descriptions*: Hunt Ranch Well No. 3: a well located in the NE1/4 SE1/4 Sec. 20, T. 7S., R. 87W. of the 6th P.M., at a point 1,471 ft. from the S. Sec. Line and 1,094 ft. from the E. Sec. Line of Sec. 20. Hunt Ranch Well No. 4: a well located in the SE1/4 NE1/4 Sec. 20, T.7S., R. 87W. of the 6th P.M., at a point 2,735 ft. from the S. Sec. Line and 35 ft. from the E. Sec. Line of Sec. 20. *Source*: Groundwater tirb. to an unnamed tributary of the Roaring Fork River, trib. to the Colorado River. *Depth*: Hunt Ranch Well No. 3: 205 feet. Hunt Ranch Well No. 4: 235 ft. *Appropriation date*: October 13, 2005. *Amount*: 50 g.p.m., conditional; the combined cumulative maximum pumping rate between Hunt Ranch Wells No. 3-6 shall not exceed 100 g.p.m. *Uses*: Domestic, fire protection and irrigation of 1.1 acres, in conjunction with Hunt Ranch Wells No. 3-6, for lawn and garden areas within the property described in **Exhibit A** attached to the Application. A map of the locations is also attached as **Exhibit B** to the Application. Integrated Water Supply System: The Subject Water Rights are part of an integrated water supply for Applicant's property as decreed in Case No. 05CW301. A detailed outline of what has been performed towards completion of the appropriation during the diligence period is included in the Application. *Names and addresses of owners or reputed owners of the land upon which any new diversion or storage structure, or modification to any existing diversion or storage structure is or will be constructed or upon which water is or will be stored, including any modification to the existing storage pool:* Applicant. (5 pages)

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

26CW3115 (Prior Case Nos. 20CW3013, 13CW3022, 06CW31, 99CW134, and 91CW191) EAGLE COUNTY APPLICATION FOR FINDINGS OF REASONABLE DILIGENCE 1. Name, Mailing Address, and Telephone Number of Applicant: DNC Parks & Resorts at Camp Hale, Inc. ("DNC Parks" and/or "Applicant") c/o Delaware North Companies, Inc. 250 Delaware Avenue Buffalo, NY 14202 Attn: Legal Department Please send all pleadings and correspondence to Applicant's counsel: Dulcinea Z. Hanuschak, Reg. No. 44342 and Jack A. Wold-McGimsey, Reg. No. 59382 BROWNSTEIN HYATT FARBER SCHRECK, LLP 675 15th Street, Suite 2900 Denver, CO 80202-4432 Phone: 303.223.1100 Fax: 303.223.1111 Email: dhanuschak@bhfs.com; jwold-mcgimsey@bhfs.com **DESCRIPTION OF CONDITIONAL WATER RIGHTS** 2. Name of structure: Cabin Well, Permit No. 51587-F. A. Date of original decree: July 6, 1993, Case No. 91CW191, Division 5 Water Court. B. Diligence decrees: 99CW134, March 6, 2000; 06CW31, May 29, 2007; 13CW3022, January 24, 2014; 20CW3013, October 25, 2020. C. Legal description: Located in the NE¼ NE¼ of Section 16, Township 7 South, Range 80 West of the 6th P.M. at a point 630 feet from the East section line and 430 feet from the North section line. *See* map attached as **Exhibit A**. D. Source: Eagle River alluvium, tributary to the Eagle River and Colorado River. E. Appropriation date: November 16, 1990. F. Total amount decreed: 50 g.p.m. i. Amount absolute: 15 g.p.m. (Case No. 99CW134) ii. Amount conditional: 35 g.p.m. G. Use: Domestic, commercial, irrigation, and fire protection. The area to be irrigated is 1.15 acres of lawns and landscape irrigation in the S½, SE¼ of Section 9 and the NE¼, NE¼ of Section 16, Township 7 South, Range 80 West of the 6th P.M. H. General description of place of use: 007088 Highway 24 (according to the Eagle County Assessor). 80+ acres generally located in Sections 9 & 16, Township 7 South, Range 84 West of the 6th P.M. in Eagle County. *See* map attached as **Exhibit B**. I. Depth: 41 feet. 3. Name of structure: Nova Well No. 1, Permit No. 50975-F. A. Date of original decree: July 6, 1993, Case No. 91CW191, Division 5 Water Court. B. Diligence decrees: 99CW134, March 6, 2000; 06CW31, May 29, 2007; 13CW3022, January 24, 2014; 20CW3013, October 25, 2020. C. Legal description: Located in the NE¼ NE¼ of Section 16, Township 7 South, Range 80 West of the 6th P.M. at a point 620 feet from the East section line and 530 feet from the North section line. *See* **Exhibit A**. D. **Source: Eagle River alluvium, tributary to the Eagle River and Colorado River**. E. Appropriation date: November 16, 1990. F. Total amount decreed: 50 g.p.m. i. Amount absolute: 15 g.p.m. (Case No. 99CW134) ii. Amount conditional: 35 g.p.m. G. Use: Domestic, commercial, irrigation, and fire protection. The area to be irrigated is 1.15 acres of lawns and landscape irrigation in the S½, SE¼ of Section 9 and the NE¼, NE¼ of Section 16, Township 7 South, Range 80 West of the 6th P.M. H. General description of place of use: 007088 Highway 24 (according to the Eagle County Assessor). 80+ acres generally located in Sections 9 & 16, Township 7 South, Range 84 West of the 6th P.M. in Eagle County. *See* **Exhibit B**. I. Depth: 51 feet. 4. Name of structure: Nova Well No. 2, Permit No. 63727-F. A. Date of original decree: July 6, 1993, Case No. 91CW191, Division 5 Water Court. B. Diligence decrees: 99CW134, March 6, 2000; 06CW31, May 29, 2007; 13CW3022, January 24, 2014; 20CW3013, October 25, 2020. C. Legal description: Located in the NE¼ NE¼ of Section 16, Township 7 South, Range 80 West of the 6th P.M. at a point 660 feet from the East section line and 670 feet from the North section line. *See* map attached as **Exhibit A**. D. Source: Eagle River alluvium, tributary to the Eagle River and Colorado River. E. Appropriation date: November 16, 1990. F. Total amount decreed: 50 g.p.m. i. Amount absolute: 15 g.p.m. (Case No. 13CW3022) ii. Amount conditional: 35 g.p.m. G. Use: Domestic, commercial, irrigation, and fire protection. The area to be irrigated is 1.15 acres of lawns and landscape irrigation in the S½, SE¼ of Section 9 and the NE¼, NE¼ of Section 16, Township 7 South, Range 80 West of the 6th P.M. H. General description of place of use: 007088 Highway 24 (according to the Eagle County Assessor). 80+ acres generally located in Sections 9 & 16, Township 7 South, Range 84 West of the 6th P.M. in Eagle County. *See* map attached as **Exhibit B**. I. Depth: 70 feet. 5. Name of structure: Storage Well, Permit No. 50977-F. A. Date of original decree:

July 6, 1993, Case No. 91CW191, Division 5 Water Court. B. Diligence decrees: 99CW134, March 6, 2000; 06CW31, May 29, 2007; 13CW3022, January 24, 2014; 20CW3013, October 25, 2020. C. Legal description: Located in the SW¼ SE¼ of Section 9, Township 7 South, Range 80 West of the 6th P.M. at a point 1480 feet from the East section line and 320 feet from the South section line. *See* map attached as **Exhibit A**. D. Source: Eagle River alluvium, tributary to the Eagle River and Colorado River. E. Appropriation date: November 16, 1990. F. Total amount decreed: 50 g.p.m. i. Amount absolute: 15 g.p.m. (Case No. 99CW134) ii. Amount conditional: 35 g.p.m. G. Use: Domestic, commercial, irrigation, and fire protection. The area to be irrigated is 1.15 acres of lawns and landscape irrigation in the S½, SE¼ of Section 9 and the NE¼, NE¼ of Section 16, Township 7 South, Range 80 West of the 6th P.M. H. General description of place of use: 007088 Highway 24 (according to the Eagle County Assessor). 80+ acres generally located in Sections 9 & 16, Township 7 South, Range 84 West of the 6th P.M. in Eagle County. *See* map attached as **Exhibit B.** I. Depth: 57 feet. 6. The subject water rights are component parts of an integrated water supply system serving Applicant's property and originally decreed in Case Nos. 91CW190, 91CW191 and 91CW192, Water Division No. 5. 7. Names and addresses of owners or reputed owners of the land upon which any new diversion or storage structure, or modification to any existing diversion or storage structure is or will be constructed or upon which water is or will be stored, including any modification to the existing storage pool: All structures are located on Applicant's property. 8. Detailed outline of what has been done toward completion or for completion of the appropriation and application of water to a beneficial use as conditionally decreed, including expenditures during the diligence period. This following summary of Applicant's diligence activities is not exclusive and may be supplemented with additional evidence of these or of other diligence activities. A. On October 3, 2022, Applicant purchased the property associated with the subject water rights (the "Property"), including the accompanying main resort building, houses and cabins, and associated wells and conditional water rights at issue in this Application, for approximately $23 million. Applicant acquired the subject conditional water rights for the purpose of putting them to the decreed beneficial uses on the Property and expanding and enhancing the existing development. B. Applicant retained Spheros Environmental (formerly known as Leonard Rice Engineers) ("Spheros") to conduct a preliminary water rights evaluation of existing water use on the Property as well as potential future demands necessitating use of the subject water rights at a cost of approximately $6,000. C. Applicant retained Spheros to assist with water rights accounting associated with Applicant's augmentation plan decreed in Case No. 91CW192, with applies to the subject water rights, and evaluation of existing and potential augmentation water supplies at a cost of approximately $6,600. D. Applicant retained Samuelson Pump to maintain the pumps that are currently used in connection with the subject water rights at a cost of over $23,000. E. Applicant retained a Certified Water Operator, Spencer Brown, to help manage their water usage and comply with Colorado Department of Public Health and Environment obligations. F. Applicant spent more than $273,000 in consultant legal fees to evaluate, negotiate, and conduct due diligence in connection with its efforts to acquire the Property and the subject water rights, and to develop and protect those water rights subsequent to the purchase. WHEREFORE Applicant requests that the Court enter a decree entering a finding of reasonable diligence for the subject water rights and granting such further relief as the Court deems just and proper.

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

26CW3116 (19CW3163, 13CW22, 06CW100, 99CW168) DISTRICT COURT, WATER DIVISION NO. 5, STATE OF COLORADO, 109 8th Street, Suite 104, Glenwood Springs, Colorado 81601 (970) 928-3065. **IN THE MATTER OF THE APPLICATION FOR WATER RIGHTS OF VAIL ASSOCIATES, INC., IN EAGLE COUNTY, COLORADO**, Please send all pleadings and correspondence to P. Fritz Holleman, Lesley Lawrence-Hammer and Emily C. McCrary, 1966 13th Street, Suite 270, Boulder, Colorado 80302. **APPLICATION FOR FINDING OF REASONABLE DILIGENCE AND TO MAKE ABSOLUTE IN PART. 1. Name, mailing address, e-mail address and telephone number of applicant:** The Vail Corporation, d/b/a Vail Associates, Inc. ("VAI"), c/o Courtney Irons, 390 Interlocken Crescent, Suite 100, Broomfield, Colorado 80021, Courtney.b.irons@vailresorts.com, (208) 965-3666. **2. Description of water rights from previous decree:** A. **Name of Structure.** Vail-Jouflas Eagle River Diversion 1st Enlargement. B. **Original Decree**. By the District Court in and for Water Division No. 5, Case No. 99CW168, entered on May 25, 2000. C. **Subsequent Decrees Awarding Findings of Diligence.** Decrees finding reasonable diligence and making a portion of the conditional water right absolute were entered in Case No. 06CW100, dated March 5, 2007, and Case No. 19CW3163, dated October 11, 2020 District Court, Water Division No. 5, and decrees finding reasonable diligence were entered in Case No. 13CW22, dated December 15, 2013 and Case No. 19CW3163, District Court, Water Division No. 5. D. **Legal Description.** The headgate is located in the NW 1/4 SE 1/4 of Section 15, Township 4 South, Range 83 West, of the 6th P.M., at a point whence the SE corner of said Section 15 bears South 47°27'32" East a distance of 2301.7 feet, as depicted on **FIGURE 1**. E. **Source**. **Eagle River, tributary to the Colorado River**. F. **Amount.** 2.0 cfs, 0.91 cfs of which was made absolute in Case No. 06CW100 and Case No. 2019CW3163, leaving 1.09 cfs conditional. G. **Appropriation Date.** February 1, 1999. H. **Use.** Domestic, irrigation, recreation and commercial. 3. **Detailed outline of work performed to complete application of water to beneficial use:** The subject water right is part of an integrated water supply system

used by VAI to provide water service to the Red Sky Ranch development. Red Sky Ranch is a 780 acre residential and golf course development, which includes homes, two golf courses, open space and other recreational amenities. The subject water right is necessary to meet the water demands at Red Sky Ranch within the development area. VAI has engaged in numerous activities during the relevant diligence period that demonstrate diligence toward the application of the water right to the decreed beneficial uses, and has incurred significant expense in investigations and capital improvements related to its water supply facilities in order to provide a dependable legal and physical supply of water for the Red Sky Ranch development. All such expenditures are necessary steps in the development of VAI's Red Sky Ranch integrated system and the subject water right in particular. VAI's efforts toward development of the subject conditional water right during the diligence period include, but are not limited to, the following: A. VAI has incurred significant expense in the further planning, development, and construction of residential and golf course improvements at Red Sky Ranch. The subject water right continues to be used to supply raw water for irrigation at Red Sky Ranch, including golf course irrigation. B. Since the last diligence application was filed, over twenty (20) new homes have been constructed in the Red Sky Ranch residential development. The subject water right continues to be used to supply raw water to the water treatment plant at Red Sky Ranch for subsequent treatment and domestic use. The water treatment plant at Red Sky Ranch has been continuously maintained and repaired with funds provided by the Holland Creek Metropolitan District. C. VAI has operated the augmentation plans for the Red Sky Ranch development decreed in Case Nos. 97CW298, 99CW168, and 09CW169. D. VAI has adjudicated several other applications for water rights in Water Division No. 5 for the Red Sky Ranch development that are part of the integrated water supply system for the development, including decrees in Case Nos. 22CW3065 and 23CW3052. The Vail-Jouflas Eagle River Diversion 1st Enlargement water right is part of the integrated water supply system used by VAI to provide water service to the Red Sky Ranch development. E. VAI has regularly monitored the filings of other water users, and has incurred legal and engineering costs in connection with numerous cases to protect its water rights. F.VAI continues to rely upon the subject water right and has no intention to abandon same. VAI has a continuing need for the remaining conditional portion of the subject water right as development of Red Sky Ranch continues. 4. **Claim to make absolute in part**: A. **Date water first applied to beneficial use**: On September 14, 2021, 1.0 cfs was diverted by the subject water right, which is 0.09 cfs more than the amount currently decreed absolute. *See* **Exhibit A**. B. **Amount**: VAI seeks to make an additional 0.09 cfs absolute, for a total absolute amount of 1.0 cfs, 1.0 cfs, conditional. C. **Uses**: All decreed uses. D. **Description of place of use where water is applied to a beneficial use**: Red Sky Ranch development and Red Sky Ranch golf courses. 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**: Not applicable. No new or modified diversion or storage structures will be constructed. **WHEREFORE**, VAI requests that the Court issue a final decree (i) finding that VAI has been reasonably diligent with respect to the remaining conditional portion of the subject water right; (ii) continuing the conditional portion of the subject water right; (iii) finding that the subject water right has been made absolute in the additional amount of 0.09 cfs, for a total absolute amount of 1.0 cfs, leaving 1.0 cfs conditional; and (iv) granting such other and further relief as may be appropriate. (5 Pages + 2 attachments)

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

26CW3117 (19CW3171, 12CW151, 05CW93, 98CW29, 91CW154) DISTRICT COURT, WATER DIVISION NO. 5, STATE OF COLORADO, 109 8th Street, Suite 104, Glenwood Springs, Colorado 81601 (970) 928-3065. **IN THE MATTER OF THE APPLICATION FOR WATER RIGHTS OF VAIL ASSOCIATES, INC., AND BEAR GULCH HOMEOWNERS ASSOCIATION IN EAGLE COUNTY, COLORADO**, Please send all pleadings and correspondence to P. Fritz Holleman, Lesley Lawrence-Hammer and Emily C. McCrary, Bushong & Holleman, PC, 1966 13th Street, Suite 270, Boulder, Colorado 80302 and to Scott Grosscup and Blake Peterson, Balcomb & Green, PC, 818 Colorado Avenue, Glenwood Springs, Colorado 81601. **APPLICATION FOR FINDING OF REASONABLE DILIGENCE**. 1. **Name, mailing address, e-mail address and telephone number of Applicants**: A. The Vail Corporation, d/b/a Vail Associates, Inc. ("VAI"), c/o Courtney Irons, 390 Interlocken Crescent, Suite 100, Broomfield, Colorado 80021, Courtney.b.irons@vailresorts.com, (208) 965-3666. B. Bear Gulch Homeowners Association ("Bear Gulch"), c/o Andrew Neumann, P.O. Box 610, Wolcott, Colorado 81655, andrewmeumann@ymail.com, (262) 765-8113. 2. **Names of structures and description of conditional water rights:** A. **Jan Jouflas Pond**. This right is claimed by VAI and Bear Gulch. i. Original Decree. By the District Court in and for Water Division No. 5, Case No. 91CW154, entered on February 10, 1992. ii. Subsequent Decrees Finding Diligence and/or Making Absolute. Case No. 98CW29, entered on May 13, 1999; Case No. 05CW93, entered on October 14, 2006; Case No. 12CW151, entered on December 15, 2013; and Case No. 19CW3171, entered on October 25, 2020, all by the District Court in and for Water Division No. 5. iii. Legal Description. The center of the dam is located 3500 feet from the South section line and 4420 feet from the East section line of Section 27, T. 4 S., R. 83 W. of the 6th P.M. See **Figure 1**. iv. **Source. Unnamed tributaries of the Eagle River and, as added in Case No. 94CW288, Jouflas Spring No. 39, tributary to the**

Eagle River, tributary to the Colorado River. v. Amount. This water right was decreed for 3.0 acre feet, conditional. In Case No. 19CW3171, this right was made absolute for 2.8 acre feet for all decreed uses. The remaining conditional amounts are as follows: 0.2 acre feet for all decreed uses. vi. Appropriation Date. August 15, 1991. vii. Uses. Domestic, livestock watering, municipal, fire protection, commercial, recreation, piscatorial, storage and wildlife uses. In Case No. 94CW83, the Court confirmed 0.88 acre feet of the Jan Jouflas Pond for augmentation use in the Bear Gulch plan for augmentation decreed therein. In Case No. 97CW298, the Court decreed a change of 1.97 acre feet of the Jan Jouflas Pond water right to include domestic, municipal, irrigation, recreation, commercial, augmentation, replacement and exchange, by direct diversion or storage for the VAI and G. Jouflas Ranch plans for augmentation decreed therein. B. **James Jouflas Pond**. This right is claimed by VAI. i. Original Decree. By the District Court in and for Water Division No. 5, Case No. 91CW154, entered on February 10, 1992. ii. Subsequent Decrees Finding Diligence and/or Making Absolute. Case No. 98CW29, entered on May 13, 1999; Case No. 05CW93, entered on October 14, 2006; Case No. 12CW151, entered on December 15, 2013; and Case No. 19CW3171, entered on October 25, 2020, all by the District Court in and for Water Division No. 5. iii. Legal Description. The center of the dam as decreed in Case No. 91CW154 is 2290 feet from the South section line and 1500 feet from the East section line of Section 21, T. 4 S., R. 83 W. of the 6th P.M. See **Figure 1**. iv. Source. Unnamed tributaries of the Eagle River. v. Amount. This water right was decreed for 25 acre feet, conditional. vi. Appropriation Date. August 15, 1991. vii. Uses. Domestic, livestock watering, municipal, fire protection, commercial, recreation, piscatorial, storage and wildlife uses. In Case No. 97CW298, the Court decreed a change of the subject water right to include domestic, municipal, irrigation, recreation, commercial, augmentation, replacement and exchange, by direct diversion or storage for the VAI plan for augmentation decreed therein. C**. Holland Pond**. This right is claimed by VAI. i. Original Decree. By the District Court in and for Water Division No. 5, Case No. 91CW154, entered on February 10, 1992. ii. Subsequent Decrees Finding Diligence and/or Making Absolute. The Holland Pond was decreed by the District Court in and for Water Division No. 5, in Case No. 91CW154, entered on February 10, 1992. Subsequent decrees finding reasonable diligence and/or making portions of the subject water right absolute were entered in Case No. 98CW29, on May 13, 1999, in Case No. 05CW93, on October 14, 2006, in Case No 12CW151, entered on December 15, 2013, and in Case No. 19CW3171, entered on October 25, 2020, all by the District Court in and for Water Division No. 5. iii. Legal Description. The center of the dam is located 2850 feet from the South section line and 1000 feet from the East section line of Section 22, T. 4 S., R. 83 W. of the 6th P.M. See **Figure 1**. iv. Source. Unnamed tributaries of the Eagle River. v. Amount. This water right was decreed for 46 acre feet, conditional. In Case No. 19CW3171, this right was made absolute for 10.2 acre feet for all decreed uses. The remaining conditional amounts are as follows: 35.8 acre feet for all decreed uses. vi. Appropriation Date. August 15, 1991. vii. Uses. Domestic, livestock watering, municipal, fire protection, commercial, recreation, piscatorial, storage and wildlife uses. In Case No. 97CW298, the Court decreed a change of the subject water right to include domestic, municipal, irrigation, recreation, commercial, augmentation, replacement and exchange, by direct diversion or storage for the VAI plan for augmentation decreed therein. 3. **Detailed outline of work performed to complete application of water to beneficial use**: During the subject diligence period from October 2020 until the present date, Applicants' efforts toward development of the subject water rights include, but are not limited to, the following: A. In Case No. 05CW93, the Water Court found that the subject water rights are part of an integrated water supply system for VAI's Red Sky Ranch development and Bear Gulch. Red Sky Ranch is a 780 acre residential and golf course development, which includes homes, two golf courses, open space and other recreational amenities. VAI has engaged in numerous activities during the relevant diligence period that demonstrate diligence toward the application of the water rights to the decreed beneficial uses, and has incurred significant expense in investigations and capital improvements related to its water supply facilities in order to provide a dependable legal and physical supply of water for the Red Sky Ranch development. VAI incurred significant expenses during the diligence period in connection with maintenance and operation of the Jan Jouflas Pond, in addition to normal operating expenses in connection with the James Jouflas Pond and Holland Pond. All such expenditures are necessary steps in the development of VAI's Red Sky Ranch integrated system and the subject water rights in particular. B. Since the last diligence application was filed, over twenty (20) new homes have been constructed in the Red Sky Ranch residential development. The water treatment plant at Red Sky Ranch has been continuously maintained and repaired with funds provided by the Holland Creek Metropolitan District. C. VAI has operated the augmentation plans for the Red Sky Ranch development decreed in Case Nos. 97CW298, 99CW168, and 09CW169. D. VAI has adjudicated several other applications for water rights in Water Division No. 5 for the Red Sky Ranch development that are part of the integrated water supply system for the development, including decrees in Case Nos. 22CW3065 and 23CW3052. The Vail-Jouflas Eagle River Diversion 1st Enlargement water right is part of the integrated water supply system used by VAI to provide water service to the Red Sky Ranch development. E. The Bear Gulch Subdivision is a nine-lot residential community served entirely by individual wells for each lot. Bear Gulch relies on the Jan Jouflas Pond as an augmentation source, pursuant to the plan for augmentation decreed in Case No. 94CW83, for out-of-priority depletions associated with lot owners' use of the Bear Gulch wells during the non-irrigation season. F. Bear Gulch adjudicated and received decrees confirming its diligence in developing the Bear Gulch well water rights and the spring that feeds the Jan Jouflas Pond in Case Nos. 22CW3093 and 23CW3052. These rights are part of the integrated water supply system for the Bear Gulch Subdivision. Bear Gulch incurred expenses for legal and engineering fees. G. Bear Gulch members marketed and sold lots within the subdivision in reliance on the water supply operated under the plan for augmentation supported by the Jan Jouflas Pond. H. Bear Gulch member owner permitted, drilled and operated a new well (Permit No. 85123-F) for the Palmer Well #3 pursuant to the plan for augmentation supported by the Jan Jouflas Pond. I. Applicants have regularly monitored the filings of other water users, and have incurred legal and engineering costs in connection with numerous cases to protect the subject water rights. J. Applicants continue to rely upon the subject water rights and have no intention to abandon them. 4. **Claim to make absolute in whole or in part**: Not applicable. 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 is or will be constructed or upon which water is or will be stored, including any modification**

to the existing storage pool: The Jan Jouflas Pond, James Jouflas Pond and Holland Pond are all located on land owned by co-Applicant VAI. **WHEREFORE**, Applicants request that the Court issue a final decree (i) finding that VAI and Bear Gulch have been reasonably diligent with respect to the remaining conditional portions of the subject water rights described in paragraph 2; (ii) continuing the conditional portions of the subject water rights; and (iii) granting such other and further relief as may be appropriate. (8 pages + 1 attachment)

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

26CW3118 GRAND COUNTY. Granby Development Company, LLC, 1471 County Road 60, Granby, CO 80446. Applicant is represented by Kaitlin Randall and Kent Whitmer, JVAM PLLC, PO Box 878, Glenwood Springs, CO 81602, (970) 922-2122. APPLICATION FOR SURFACE WATER RIGHTS, APPROVAL OF PLAN FOR AUGMENTATION, AND CONDITIONAL EXCHANGE PROJECT. Conditional Surface Water Right: Name of structure: Cold Springs Diversion. Legal Description: The point of diversion is located in the NE¼ of the SE¼ of Section 33, Township 2 North, Range 76 West, of the 6th P.M. (Zone 13, NAD83, Easting 422830m, Northing 4437932m). **SOURCE: KOVACS DRAW, TRIBUTARY TO THE FRASER RIVER, TRIBUTARY TO THE COLORADO RIVER.** Date of appropriation: The date of filing this Application. How appropriation was initiated: By formation of intent to appropriate the water and the filing of this Application in Water Court. Amount: 0.15 cubic feet per second, conditional. Uses: Irrigation. Plan for Augmentation: The purpose of this plan for augmentation is to permit Applicant to divert water from Kovacs Draw when curtailment would otherwise be required to meet a valid senior call for water. Structure to be augmented: Cold Springs Diversion, as described above. Water sources to be used for augmentation: Augmentation water will be provided pursuant to a contract with Middle Park Water Conservancy District ("MPWCD") for up to 2.0 acre-feet of water from Granby Reservoir or Wolford Mountain Reservoir, which are described in detail in the Application. Does the Applicant intend to change a water right to provide source of augmentation: No. Water Requirements: Water will be diverted from Kovacs Draw for irrigation uses in a commercial greenhouse and for outdoor irrigation of trees, plants and shrubs. Out-of-priority depletions attributable to the Cold Springs Diversion are detailed in the Application. Depletions from the Cold Springs Diversion will be to the Kovacs Draw at a location described below. Out-of-priority depletions will be replaced by exchange to the Colorado River pursuant to Applicant's MPWCD contract. Operation of plan for augmentation: The Cold Springs Diversion will operate under its junior priority at times when there is no valid administered senior downstream call. When there is a valid senior downstream call that is administered on the Colorado River, this plan for augmentation replaces out-of-priority depletions with water available under Applicant's MPWCD contract. When there is a valid senior downstream call that is administered on the Fraser River or on Kovacs Draw, Applicant shall curtail diversions via the Cold Springs Diversion as required by the Division Engineer. The releases of water pursuant to Applicant's MPWCD contract will augment depletions by exchange of water up to the point of depletion for the Cold Springs Diversion. Exchange Project Right: Name of structure: Cold Springs Exchange. Upstream terminus: The upstream terminus is located in the NE¼ of the SE¼ of Section 33, Township 2 North, Range 76 West, of the 6th P.M. (Zone 13, NAD83, Easting 422830m, Northing 4437932m). Downstream termini: (1) Granby Reservoir. The confluence of the Colorado River and the Fraser River, currently located at a point in the SW1/4 SW1/4 of Section 25, Township 2 North, Range 77 West of the 6th P.M., at a point described as Zone 13, NAD 83, Easting 416964 m, Northing 4439326 m. (2) Wolford Mountain Reservoir. The confluence of the Colorado River and Muddy Creek, currently located at a point in the NW1/4 NE1/4, Section 19, Township 1 North, Range 80 West, 6th P.M., at a point described as Zone 13, NAD 83, Easting 380762 m, Northing 4433496 m. Source: Water delivered to the stream at the downstream termini is derived from the MPWCD contract sources described in the Application. Date of appropriation: The date of filing this Application. How appropriation was initiated: By formation of intent to appropriate the water and the filing of this Application in Water Court. Amount: 0.15 cubic feet per second. Use: Augmentation. Maximum annual volume of exchange: 2.0 acre-feet. Names and addresses of owners or reputed owners of the land upon which any new diversion or storage structure, or modification to any existing diversion or storage structure is or will be constructed or upon which water is or will be stored, including any modification to the existing storage pool: Applicant. No injury: The operation of the Cold Springs Diversion in accordance with this plan for augmentation will not cause injury to any owners of, or persons entitled to use, water under a vested water right or a decreed conditional right. The Application and supporting materials contain additional details about the water rights requested herein (12 pages).

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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 OCTOBER 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.***

26CW11 (20CW3038) SUMMIT COUNTY – ALLUVIUM OF THE BLUE RIVER TRIBUTARY TO THE COLORADO RIVER. Phalanx Investments, LLC c/o Rodney A. Cooper/Managing Member; 2 1st St., Colorado Springs, CO 80906; (970)343-9033; Seldom Acres Well No 2 and Seldom Acres Exchange-Application for Finding of Reasonable Diligence. Seldom Acres Well No. 2- SW1/4 NW1/4, Sec. 6, T. 6 S., R. 77 W. of the 6th P.M. at distance of 2,000 ft. from the N. Sec. line and 480 ft. from the W. Sec. line of said Sec. 6. Appropriation- 12/31/1992. Use: In-house domestic use. Amt.: 15 gpm, conditional, up to 0.39 acre ft. per year. Seldom Acres Exchange is operated by releasing water from Dillon Reservoir (lower terminus) up the Blue River to Seldom Acres Well No. 2 (upper terminus). The high water line of the Dillon Reservoir is located in the SW1/4 SE1/4, Sec. 31, T. 5 S., R. 77 W. of the 6th P.M., approximately 600 ft. from the S. Sec. line and 1,625 ft. from the E. Sec. line of said Sec. 31. Pursuant to an agreement between the City and County of Denver and Summit County, dated 9/18/1985, up to 0.156 acre ft. of 100 acre ft. per year is released from Dillon Reservoir to augment out-of-priority depletions resulting from the domestic water use in the Seldom Acres Subdivision. Appropriation- 3/16/1987. Use- Augmentation of out-of-priority depletions resulting from the use of water in the Seldom Acres Subdivision. Amt.: 1.5 gpm., conditional, up to 0.156 af per year. An outline of diligence activities is included in the application.

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