

**DISTRICT COURT, WATER DIVISION 6, COLORADO
TO ALL PERSONS INTERESTED IN WATER APPLICATIONS
IN WATER DIVISION 6**

Pursuant to C.R.S. 37-92-302, you are hereby notified that the following pages comprise a resume of Applications and Amended Applications filed in the office of Water Division 6, during the month of **April 2023**.

2023CW3009 ROUTT COUNTY (16CW3007; 09CW29; 00CW78) ROUTT COUNTY, COLORADO APPLICATION FOR FINDING OF REASONABLE DILIGENCE. 1. Name, address, telephone number, and email address of Applicant: Creek Ranch Owners Association, c/o Randy Hoff, President, 24950 Headquarters Road, Oak Creek, CO 80467; 970-367-6226; stbmia@gmail.com. *Please direct communications to* Karl D. Ohlsen and Sarah B. Wiedemann, Carlson, Hammond & Paddock, L.L.C., 1900 Grant St., Suite 1200, Denver, Colorado 80203-4539; Phone Number: (303) 861-9000; E-mail: kohlsen@chp-law.com, swiedemann@chp-law.com. **2. Name of Structure:** Whetstone Reservoir, First Enlargement. **3. Describe conditional water rights giving the following from the Referee's Ruling and Judgment and Decree:** A. Date of Original Decree: July 3, 2003, Case No. 00CW78, Routt County District Court, Water Division No. 6. B. Subsequent decrees awarding findings of diligence: March 6, 2010, Case No. 09CW29, District Court, Water Division No. 6, State of Colorado; April 23, 2017, Case No. 16CW3007, Routt County District Court, Water Division No. 6. C. Location: In the NE 1/4 of Section 20, T.5N., R.85W., of the 6th P.M. A map showing the location of Whetstone Reservoir and the First Enlargement is attached as Exhibit A. D. Source: Whetstone Creek and its tributaries and natural runoff of the Whetstone Creek drainage above the Whetstone Reservoir, including natural springs located in said drainage, all tributary to Trout Creek, a tributary of the Yampa River. E. Date of Appropriation: December 20, 2000. F. How Appropriation was Initiated: By the concurrence of the formation of a specific intent to appropriate water and the completion of substantial steps in furtherance of that intent, including the preparation of a survey of the proposed reservoir enlargement. G. Date Water Applied to Beneficial Use: Not applicable. H. Amount Decreed: 126.24 acre-feet, with a refill of 23.76 acre-feet, conditional. I. Use: Irrigation, livestock, piscatorial, recreation, aesthetics, augmentation, replacement, and exchange. Irrigation use is for approximately 75 acres located in the W1/2 NW1/4 of Section 17, the SW1/4 SW1/4 of Section 8, and the E1/2 NE1/4 of Section 18, T.5N., R.85W. of the 6th P.M. Augmentation, replacement, and exchange use shall be for all uses within the Creek Ranch development, located in portions of Sections 7, 8, 9, and 17 through 21, T.5N., R.85W. of the 6th P.M., as well as all current and future uses of the DP Wells No. 3 and 4, which are owned by the Deerwood Service Company and which have been adjudicated in Water Division No. 6 in Cases No. 94CW93, 99CW13, and 01CW81 and are currently before the court on diligence proceedings in Case No. 15CW3042. Whetstone Reservoir, First Enlargement, was also identified as an augmentation source for out of priority depletions from uses identified in Case No. 05CW23, application of Deerwood Service Company. A map of the planned irrigated area is attached as Exhibit B. Of the three areas outlined on the map, the area to be irrigated under the decree entered in Case No. 00CW78 is labeled as such. The other two areas on the map are not lands to be irrigated under the First Enlargement. J. Surface Area at High Water Line: 16.3 acres. K. Maximum Height of Dam: 35 feet. L. Length of Embankment: 505 feet. M. Total Capacity of Lake: 150 acre-feet. i. Active capacity: 150 acre-feet. ii. Dead storage: 0 acre-feet. N. Integrated Systems: The Whetstone Reservoir, First Enlargement is a part of an integrated system of water rights serving the Creek Ranch development and shall be considered as such for purposes of findings of reasonable diligence, including the rights that are the subject of Cases No. 99CW73 and 99CW74. In addition, as decreed in Paragraph 9 of the decree in 21CW3005, the Whetstone Reservoir, First Enlargement is also part of an integrated system of water rights known as the "Deerwood Water System." The Applicant is majority owner of the Deerwood Service Company, LLC, which, in turn, is the owner of various water rights decreed for the benefit of three adjacent subdivisions: Deerwood Ranches; Creek Ranch; and the Wilkerson Property. DP Well No. 3, DP Well No. 4, DP Well No. 4B, and the Deerwood Pond water structures are part of an integrated system of delivery of water to the developments served by the Applicant ("The Deerwood Water System"). The Deerwood Water System includes DP Wells No. 3, No. 4, and No. 4B, with three separate appropriations adjudicated in Cases No. 94CW93 (01CW22, 08CW70, 15CW3042 and 22CW3099), 99CW13 (05CW48, 12CW3017, and 21CW3005), 01CW81 (08CW11 and 18CW3021); and the Deerwood Pond, with three separate appropriations adjudicated in Cases No. 94CW148 (02CW16, 08CW40, 15CW3028, and 22CW3080), 99CW13 (05CW48, 12CW3017, and 21CW3005), and 01CW81 (08CW11 and 18CW3021); as well as the augmentation plan that is the subject of Case No. 05CW23 and the water rights incorporated therein, including those water rights decreed to Whetstone Reservoir and the Whetstone Reservoir, First Enlargement, all in Water Division No. 6. **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. During the diligence period, the Applicant expended approximately \$213,240 for repairs, maintenance, and upgrades of the various structures comprising the Creek Ranch development integrated water system, including the rights that are the subject of Case Nos. 99CW74 and 99CW73. B. During the diligence period, the Applicant incurred approximately \$26,130 in legal fees pertaining to prosecuting and maintaining the water rights that comprise its integrated water supply system, including the rights that are the subject of Case Nos. 99CW74 and 99CW73. C. During the diligence period, in Case No. 20CW3014, the Applicant obtained a decree finding reasonable diligence for the water rights originally decreed in Case No. 99CW94 and finding that the Applicant made absolute the full amount decreed to the Headquarters Lake Feeder Ditch and Baker Lake Feeder Ditch structures. D. The Whetstone Reservoir, First Enlargement, is a decreed augmentation source for the Deerwood Service Company's DP Well No. 3 and DP Well No. 4, as described in the decree entered in Case No. 05CW23. DP Well No. 4 is the primary source of water for the three subdivisions served by the Deerwood Water System. During the diligence period, the Applicant discovered that the casing for DP Well No. 4 was failing, causing silt and debris to clog and potentially damage the well pump. Thereafter, Applicant incurred and paid in excess of \$65,000 on engineering and consulting fees related to repair and/or replacement of DP Well No.4 and more than \$152,000 on expenses related to drilling and installation of a replacement well for DP Well No. 4. In addition, on January 11, 2021, the Applicant filed an Application for Change of Water Rights to Add Alternate Point of Diversion Well for DP Well No. 4 in Case No. 21CW3001, District Court, Water Division No. 6, to allow the Applicant to use an existing well drilled pursuant to a monitoring well permit as an alternate point of diversion for the water rights decreed to DP Well No. 4 in Cases No. 94CW93, 99CW13, and 01CW81. As part of this effort, Applicant obtained permit no. 85673-F for DP Well 4B, which was issued on June 23, 2021. A decree was entered on March 31, 2022, in Case No. 21CW3001, adding an alternate point of diversion at DP Well No. 4B. E. During the diligence period, Applicant filed an application in Case No. 18CW3021 for a finding of reasonable diligence as to the conditional water rights originally decreed to DP Well No. 3, DP Well No. 4, and Deerwood Pond (Third Filling) in Case No. 01CW81 (Wilkerson Property subdivision). A decree finding reasonable diligence in that case was entered by the Court on June 5, 2019. F. During the diligence period, Applicant filed an application in Case No. 21CW3005 for a finding of reasonable diligence as to the conditional water rights originally decreed to DP Well No. 3, DP Well No. 4, and Deerwood Pond (Second Filling) in Case No. 99CW13 (Creek Ranch Subdivision), and to make that DP Well No. 4 conditional right absolute in part. A decree was entered on March 31, 2022 in Case No. 21CW3005 making the water right decreed to DP Well No. 4 (05CW48) absolute in the amount of 41 g.p.m. for 6 additional lots, and continuing as conditional the remaining water rights decreed in Case No. 99CW13 to DP Well No. 3, DP Well No.4, and Deerwood Pong (Second Filing). G. During the diligence period, on June 30, 2022, Applicant filed an application in Case No. 22CW3080 for a finding of reasonable diligence as to the conditional water rights originally decreed to Deerwood Pond (First Filing) in Case No. 94CW148. **5. Names(s) and address(es) of owner(s) or reputed owners of the land upon which any new diversion or storage structure, or modification to any existing diversion or storage structure is or will be constructed or upon which water is or will be stored, including any modification to the existing storage pool:** A. The land on which the Whetstone Reservoir, First Enlargement is located is owned by the Creek Ranch Owners Association. WHEREFORE, Applicant requests that the Court enter an order and to make a finding of reasonable diligence in the development of the conditional water rights decreed to the Whetstone Reservoir, First Enlargement.

2023CW3 MOFFAT COUNTY Application for Due Diligence. **Applicant:** Doug and Kay Weeldreyer; P.O. Box 115 Hamilton, CO 81638; 970-629-8906; kayweel@yahoo.com. **Name of Structures:** Weeldreyer Pump. **Date of Original Decree:** May 27th, 2017 Case # 2016CW9. **Legal Description:** Moffat NE ¼ of NW ¼ Section 28, Township 5N, Range 91W, Principal Meridian 6; **Source of Water:** Morapas Tributary to Williams Fork Tributary to Yampa River. **Date of Appropriation:** June 27th, 2016. **Amount:** 2 cfs. **Use:** Irrigation. **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:** When we filed in May 2017, we had a pump but it did not have measuring device so we were only able to use it in spring – (freewater). In 2022 we went to the NRCS and got on a list to get assistance in buying a solar pump with measure device. We are up this year to complete the application. I have enclosed a letter from NRCS detailing our plan. **UTM:** E278058, N4471500 Zone 13. **Street Address:** 351 CR 39 Hamilton CO 81638. **Source of UTM's:** GPS. **Accuracy of location displayed on GPS device:** Within 2 feet. **Distance from section lines:** 10 feet from N and 2012 feet from W. **Source of PLSS information:** Division of Water Resources. **Street Address:** 437 Yampa Ave, Craig CO 81625. **Landowner:** Kay and Doug Weeldreyer; P.O. Box 115 Hamilton, CO 81625.

2023CW3006 JACKSON COUNTY; Previous Case Nos. 16CW3015 and 08CW88 – DIAMOND PEAK RANCH, INC.; c/o David Hammer, President, 12210 US Highway 40, Kremmling, CO 80459. Please address all pleadings and inquiries regarding this matter to Applicants' attorneys: Bernard F. Gehris and Peter D. Jaacks; Burns, Figa & Will, P.C.; 6400 S. Fiddlers Green Circle, Suite 1000, Greenwood Village, CO 80111; (303) 796-2626. Application for Finding of Reasonable Diligence in **ROUTT COUNTY**. 2. Conditional Decree: A. Original Case No.: 08CW88, Water Division No. 6. B. Original Decree Date: May 16, 2010. Conditional Water Rights: A. Duck Pond Spring: 1. Location: in the NE1/4 of the NW1/4 of Section 24, Township 5 North, Range 82 West, 6th P.M., Jackson County Colorado, approximately 950 feet from the North line and 2160 feet from the West line of Section 24. The GPS location for the Duck Pond Spring, with averaged points, is Northing 4472251.8; Easting 368196.4, Zone 13. 2. Source: a naturally flowing spring in an unnamed intermittent stream drainage that is tributary to Grizzly Creek, which is tributary to the North Platte River. 3. Amount and Use: 15 Gallons per minute, conditional for livestock watering, wildlife, and/or used to fill the Duck Pond (as decreed in Case No. 08CW88). 4. Appropriation Date: December 31, 1956 B. Spruce Blowdown Spring: 1. Location: located in the SE1/4 of the NW1/4 of Section 24, Township 5 North, Range 82 West, 6th P.M., Jackson County, Colorado, approximately 2891 feet from the South line and 1920 feet from the West line of Section 24. The GPS location for the Spruce Blowdown Spring, with averaged points, is Northing 4471662; Easting 368115, Zone 13. 2. Source: a naturally flowing spring in an unnamed intermittent stream drainage that is tributary to Grizzly Creek, which is tributary to the North Platte River. 3. Amount and Use: 15 Gallons per minute, conditional for livestock watering and wildlife. 4. Appropriation Date: September 24, 1996. 4. 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. Developed further enhancements, including measurement of flow and additional of pipework to help water flow on the decreed Camp Spring, located approximately one mile from the Spruce Blowdown Spring and Duck Spring, to improve that spring for wildlife and livestock. b. Developed improvement plan with property manager to add similar improvements to Duck Pond and Spruce Blowdown Springs this summer. c. Removed miles of high fencing from around the property to improve wildlife migration corridors in the area. d. Acquired approximately 2,300 acres of adjacent property to expand wildlife range. e. Observed cattle, elk, and other wildlife use both Duck Pond and Spruce Blowdown Springs. 5. Applicant intends to continue activities toward development of these water rights and structures on the property, and Applicant intends to develop and use these conditional water rights. Development of these conditional rights is feasible, and there is no intent to abandon these conditional water rights. This diligence conducted and work performed evidences Diamond Peak Ranch, Inc.'s intent to fully develop these conditional water rights. WHEREFORE, the Applicant, Diamond Peak Ranch, Inc., requests that a finding of reasonable diligence be made with respect to the above-referenced conditional water rights, by reason of the activities and expenditure of monies.

2023CW3005 RIO BLANCO COUNTY (16CW0003, 07CW0180, Div 5), Rio Blanco County, Colorado. Application for Findings of Reasonable Diligence. Piceance Creek, tributary to the White River. Applicant: James Burke/Estate of James Burke c/o Stacey Burke, Personal Representative 31944 County Road 5 Rifle, Colorado 81650. c/o Edward B. Olszewski, Olszewski, Massih & Maurer, P.C., P.O. Box 916, Glenwood Springs, Colorado 81602. **CLAIM FOR FINDING OF REASONABLE DILIGENCE.** Name of Structure: Corner Pump. Date of Original Decree: October 1, 2009; Case No: 07CW180; Court: Water Court, Water Division No. 5 (transferred to Division 6). B. Point of diversion: NW ¼, NE ¼ of Section 11, Township 1 South Range 97 West, Sixth P.M., 40 feet south of the North section line, and 1946 feet west of the East section line. The water is diverted by pump and is applied to direct use on applicant's property or pumped into storage tanks located on Applicant's property. The storage tanks are then used to fill water trucks for off-site uses. Water will not be stored in the storage tanks for more than 72 hours. Source: Piceance Creek, tributary to the White River. Appropriation Date: June 12, 2007. Amount: 2.25 cfs (1.75 cfs, conditional and 0.5 cfs, made absolute in 16CW0003) Use: The Corner pump shall be used for fully consumptive industrial and commercial purposes for or relating to: mining, exploration and /or production of oil, gas, gravel and/or other minerals; dust suppression, and road construction/repair. The name and address of the owner of the land upon which the point of diversion is located: K.C. Burke (Brother of James Burke), 31946 C.R. 5, Rifle, CO 81650. The name and address of the owner of the land upon which the place of use is located: K.C. Burke, 31946 C.R. 5, Rifle, CO 81650 and off-site. The Application provides a detailed outline of what has been done toward placing water to beneficial use, including expenditures. Applicants' activities and expenditures establish that Applicants have been reasonably diligent in the development of the conditional water rights. Applicant's

activities and expenditures establish that Applicant has been reasonably diligent in the development of the conditional water right referenced herein. The Corner Pump is located on lands owned by K.C. Burke. WHEREFORE, the Applicant requests a finding that the Applicant has exercised reasonable diligence toward the development of the aforementioned conditional water right as described above. (5 pages, including 4 exhibits).

2023CW3007 RIO BLANCO COUNTY (03CW309, Water Div. 5; 15CW3010, Water Div. 6) *IN RIO BLANCO COUNTY - APPLICATION FOR FINDINGS OF REASONABLE DILIGENCE AND TO MAKE PARTIALLY ABSOLUTE* Caerus Piceance LLC (“Caerus”), c/o Jennifer M. DiLalla, Joshua B. Boissevain, Moses, Wittemyer, Harrison and Woodruff, P.C., 2529 Canyon Blvd., Suite 240, Boulder, Colorado 80302 1. Name, address, and telephone number of Applicant: Caerus Piceance LLC (“Caerus”), c/o Legal Department, 1001 17th St., Suite 1600, Denver, CO 80202 2. Little Hill Spring Enlargement (WDID 4303185): 2.1 Original decree: Case No. 03CW309, entered Mar. 20, 2009, Dist. Court, Water Div. 5 (“03CW309 Decree”). 2.2 Prior diligence decree: Case No. 15CW3010, entered Apr. 23, 2017, Dist. Court, Water Div. 6 (“15CW3010 Decree”). 2.3 Point of diversion: NE1/4 SW1/4 Sec. 35, T1N, R97W, 6th P.M., 2,260 feet from the West section line and 1,910 feet from the South section line, as shown on **Ex. A.** (UTM: 222860.1 East, 4433991.2 North.) All UTM coordinates given in this Application are NAD 83, Zone 13. The 03CW309 Decree gives UTM coordinates in Zone 12 (735044.0 East, 4432362.0 North); the Zone 13 coordinates above are from Colorado’s Decision Support Systems (“CDSS”). 2.4 Source: A spring tributary to Piceance Creek, tributary to the White River. 2.5 Appropriation date: Dec. 12, 2003. 2.6 Amount: 1.0 cfs (448.8 gallons per minute). 2.7 Conditional uses: Stock water, wildlife, industrial, mining, commercial, dust suppression, and fire-fighting. 3. Fence Post Spring (WDID 4303188): 3.1 Original decree: 03CW309 Decree. 3.2 Prior diligence decree: 15CW3010 Decree. 3.3 Point of diversion: NW1/4 NE1/4 Sec. 2, T1S, R97W, 6th P.M., 340 feet from the North line and 2,265 feet from the East line, as shown on **Ex. A.** (UTM from CDSS: 222713.0 East, 4433309.3 North.) 3.4 Source: A spring tributary to Piceance Creek, tributary to the White River. 3.5 Appropriation date: Dec. 15, 2003. 3.6 Amount: 0.75 cfs. 3.7 Conditional uses: Stock water, wildlife, industrial, mining, commercial, dust suppression, and fire-fighting. 4. Norell Slough Spring (WDID 4303189): 4.1 Original decree: 03CW309 Decree. 4.2 Prior diligence decree: 15CW3010 Decree. 4.3 Point of diversion: NW1/4 NE1/4 Sec. 2, T1S, R97W, 6th P.M., 1,790 feet from the North line and 2,295 feet from the East line, as shown on **Ex. A.** (UTM from CDSS: 222690.4 East, 4432867.9 North.) 4.4 Source: A spring tributary to Piceance Creek, tributary to the White River. 4.5 Appropriation date: Dec. 27, 2003. 4.6 Amount: 0.5 cfs. 4.7 Conditional uses: Stock water, wildlife, irrigation, industrial, mining, commercial, dust suppression, and fire-fighting. 4.8 Place of irrigation use: Land owned by Caerus and identified with pink cross-hatching on the map attached as **Ex. B.** 5. Little Hill Spring No. 3, EnCana Enlargement (WDID 4302112): 5.1 Original decree: 03CW309 Decree. 5.2 Prior diligence decree: 15CW3010 Decree. 5.3 Point of diversion: SW1/4 SE1/4 Sec. 35, T1N, R97W, 6th P.M., 2,401 feet from the East line and 310 feet from the South line; 5,400 feet South 30° 30' East from NW1/4, Sec. 35; as shown on **Ex. A.** (UTM from CDSS: 223026.4 East, 4433495.9 North.) 5.4 Source: A spring tributary to Piceance Creek, tributary to the White River. 5.5 Appropriation date: Dec. 15, 2003. 5.6 Amount: 1.0 cfs. 5.7 Conditional uses: Stock water, wildlife, irrigation, industrial, mining, commercial, dust suppression, and fire-fighting. 5.8 Place of irrigation use: Land owned by Caerus and identified with green cross-hatching on the map attached as **Ex. B.** 6. Encana Spring No. 1 (WDID 4303190): 6.1 Original decree: 03CW309 Decree. 6.2 Prior diligence decree: 15CW3010 Decree. 6.3 Point of diversion: NE1/4 SE1/4 Sec. 32, T1S, R97W, 6th P.M., 2,235 feet from the South line and 1,115 feet from the East line, as shown on **Ex. A.** (UTM from CDSS: 217905.6 East, 4424007.7 North.) 6.4 Source: A spring tributary to Piceance Creek, tributary to the White River. 6.5 Appropriation date: Dec. 27, 2003. 6.6 Amount: 0.75 cfs. 6.7 Conditional uses: Stock water, wildlife, irrigation, domestic, industrial, mining, commercial, dust suppression, and fire-fighting. 6.8 Place of irrigation use: Land owned by Caerus and identified with blue cross-hatching on the map attached as **Ex. B.** 7. Encana Pump and Pipeline No. 1 (WDID 4303191): 7.1 Original decree: 03CW309 Decree. 7.2 Prior diligence decree: 15CW3010 Decree. 7.3 Point of diversion: NW1/4 NE1/4 Sec. 2, T1S, R97W, 6th P.M., 2,600 feet from the North line and 2,600 feet from the East line, as shown on **Ex. A.** (UTM from CDSS: 222589.9 East, 4432625.0 North.) 7.4 Source: Piceance Creek, tributary to the White River. 7.5 Appropriation date: Dec. 27, 2003. 7.6 Amount: 2.0 cfs. 7.7 Conditional uses: Stock water, wildlife, irrigation, industrial, mining, commercial, dust suppression, and fire-fighting. 7.8 Place of irrigation use: Land owned by Caerus and identified with thin black cross-hatching on the map attached as **Ex. B.** 8. Encana Pump and Pipeline No. 2 (WDID 4303192): 8.1 Original decree: 03CW309 Decree. 8.2 Prior diligence decree: 15CW3010 Decree. 8.3 Point of diversion: SE1/4 SW1/4 Sec. 35, T1N, R97W, 6th P.M., 1,215 feet from the South line, 2,970 feet from the East line, as shown on **Ex. A.** (UTM from

CDSS: 222863.4 East, 4433779.1 North.) 8.4 Source: Piceance Creek, tributary to the White River. 8.5 Appropriation date: Dec. 27, 2003. 8.6 Amount: 2.0 cfs. 8.7 Conditional uses: Stock water, wildlife, irrigation, industrial, mining, commercial, dust suppression, and fire-fighting. 8.8 Place of irrigation use: Land owned by Caerus and identified with thick black cross-hatching on the map attached as **Ex. B**. 9. Subject Water Rights: Together, the conditional water rights described in pars. 2 through 8 above are referred to in this Application as the “Subject Water Rights.” 10. Detailed outline of work and expenditures toward completion of the appropriations and application of the water to beneficial use: 10.1 Diligence Period and Caerus’ acquisition of the Subject Water Rights: The diligence period for the Subject Water Rights is April 2017 through April 2023 (“Diligence Period”). In July 2017, Caerus acquired all of Encana Oil & Gas (USA), Inc.’s (“Encana”) assets in the Piceance geologic basin, including Encana’s water rights and associated infrastructure and Encana’s surface and subsurface interests (“Encana Acquisition”). The Subject Water Rights were part of the Encana Acquisition. 10.2 Integrated system: In par. 10 of the decree entered on Sept. 25, 2016, in Case No. 14CW3039 in the Dist. Court for Water Div. 5, the Court found that the Subject Water Rights were part of Encana’s extensive “integrated system of water rights used in connection with Encana’s oil and gas drilling operations on lands located in Garfield, Rio Blanco, or Mesa County.” “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 the water rights for all features of the entire project or system.” C.R.S. § 37-92-301(4)(b). Consequently, all work and expenditures by Encana and Caerus in connection with their oil and gas drilling operations in the Piceance geologic basin directly and indirectly constitute part of Encana’s and Caerus’ reasonable diligence in developing the Subject Water Rights to be used in Caerus’ water system, which supplies those oil and gas drilling operations and related uses. 10.3 Encana’s diligence work and expenditures: During the Diligence Period, and until consummation of the Encana Acquisition, Encana worked diligently to develop the Subject Water Rights, complete the appropriations, and place the water to beneficial use. Encana’s diligence expenditures included at least \$25,000 in legal fees for activities related to development and protection of its integrated system of water rights, including the Subject Water Rights. Those activities included, without limitation, filing and prosecuting water court applications for other water rights within Encana’s integrated system; monitoring the water court filings of other water users to protect Encana’s water rights, including the Subject Water Rights, and participating in water court cases as an objector; developing and maintaining its supply of fresh water; and entering into and maintaining water supply agreements with other water users. 10.4 Caerus’ diligence work and expenditures: During the Diligence Period, as of and following consummation of the Encana Acquisition, Caerus worked diligently to develop the Subject Water Rights, complete the appropriations, and place the water to beneficial use, as demonstrated by the following activities and expenditures: 10.4.1 Caerus acquired all of Encana’s assets in the Piceance geologic basin. Of Caerus’ total expenditure on the Encana Acquisition, \$122,000,000 was allocated to acquisition of Encana’s water rights and associated infrastructure and facilities, including without limitation the Subject Water Rights and associated infrastructure and facilities. 10.4.2 As a result of the Encana Acquisition, Caerus engaged a project management team to complete a company-wide evaluation of all of Caerus’ assets, including water rights and associated infrastructure and facilities. Of Caerus’ total expenditure of \$527,000 for the project management team’s work, approximately \$131,750 pertained to the project management team’s evaluation and assessment of water rights and associated infrastructure and facilities. 10.4.3 Caerus spent approximately \$32,973,691 in direct water infrastructure costs, including without limitation costs for pipelines, pits, storage tanks, river outtakes, and satellite facilities that are used to divert, store, and transport both fresh water, including water that will be diverted under the Subject Water Rights, and flowback/produced water for use in connection with Caerus’ oil and gas drilling and completions operations. 10.4.4 Caerus spent approximately \$779,882,866 on mineral development, including expenditures for drilling, completions, and production facilities. 10.4.5 Caerus devoted and continues to devote significant personnel resources to its integrated water supply system. Caerus currently has eighteen employees and full-time contractors solely dedicated to water-gathering and management (three foremen and fifteen operators). These Caerus employees and contractors are responsible for short- and long-range water balance planning, water treatment operations, fresh water diversions, water recycling, water accounting and reporting, water capital infrastructure planning and construction, and all other operations related to Caerus’ integrated water system. 10.4.6 Caerus spent approximately \$208,950 in legal consulting costs related to development and protection of its water rights, including the Subject Water Rights, and its water supply and water infrastructure within Caerus’ integrated system. Legal consulting activities included, without limitation, filing and prosecuting water court applications for other water rights within the integrated system; monitoring the water court filings of other water users to protect Caerus’ water rights, including the Subject Water Rights, and participating in water court cases as an objector; developing and maintaining its supply of fresh water; and entering into and maintaining water supply agreements with other water users. 10.4.7

Caerus spent approximately \$526,635 on engineering consulting costs related to development and protection of its water rights, including the Subject Water Rights. 10.4.8 Caerus directed its water rights counsel to complete a detailed inventory of Caerus' water rights. The purpose of the inventory was to assist Caerus in determining the highest and best use of its water rights, including without limitation the Subject Water Rights, following the Encana Acquisition; since then, Caerus has periodically updated the inventory to encompass further acquisitions. 10.4.9 Caerus spent approximately \$60,000 to engage WestWater Research to evaluate Caerus' integrated water rights portfolio and to advise Caerus regarding water planning. 10.4.10 Caerus obtained diligence decrees for other water rights in the integrated system in Division 5 Case Nos. 19CW3066, 19CW3108, and 20CW3164, and in Division 6 Case Nos. 17CW3015, 18CW3015, and 20CW3035; and obtained a decree correcting the location of an established but erroneously described point of diversion for one of the integrated system water rights in Division 5 Case No. 19CW3154. 11. Claims to make absolute: 11.1 Norell Slough Spring: 11.1.1 Date water applied to beneficial use: Apr. 29 – Sept. 30, 2014. 11.1.2 Amount claimed as absolute: 0.5 cfs. 11.1.3 Use: Irrigation. 11.1.4 Supporting evidence: BBA Water Consultants report attached as **Ex. C** ("BBA Report"). 11.1.5 Place of irrigation use: Land identified with pink cross-hatching on the map attached as **Ex. B**. 11.2 Little Hill Spring No. 3, EnCana Enlargement: 11.2.1 Date water applied to beneficial use: May 12 – 24, 2011. 11.2.2 Amount claimed as absolute: 1.0 cfs. 11.2.3 Use: Irrigation. 11.2.4 Supporting evidence: The BBA Report. 11.2.5 Place of irrigation use: Land identified with green cross-hatching on the map attached as **Ex. B**. 11.3 Encana Spring No. 1: 11.3.1 Date water applied to beneficial use: June 10 – July 11, 2011, and Apr. 29 – Oct. 7, 2014, for irrigation; Feb. 1 – Mar. 31, 2021, for stock water and wildlife. 11.3.2 Amount claimed as absolute: 0.75 cfs for irrigation; 0.51 cfs for stock water and wildlife. 11.3.3 Use: As described in par. 11.3.2 above. 11.3.4 Supporting evidence: The BBA Report. 11.3.5 Place of irrigation use: Land identified with blue cross-hatching on the map attached as **Ex. B**. 11.4 Encana Pump and Pipeline No. 1: 11.4.1 Date water applied to beneficial use: Sept. 13, 2020. 11.4.2 Amount claimed as absolute: 2.0 cfs. 11.4.3 Use: Irrigation. 11.4.4 Supporting evidence: The BBA Report. 11.4.5 Place of irrigation use: Land identified with thin black cross-hatching on the map attached as **Ex. B**. 11.5 Encana Pump and Pipeline No. 2: 11.5.1 Date water applied to beneficial use: May 25, 2014, for industrial; May 25 – 31, 2021, for irrigation. 11.5.2 Amount: 0.5 cfs for industrial; 1.5 cfs for irrigation. 11.5.3 Use: As described in par. 11.5.2 above. 11.5.4 Supporting evidence: The BBA Report. 11.5.5 Description of place of use: Land identified with thick black cross-hatching on the map attached as **Ex. B**. 12. 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: Not applicable. Based on the foregoing, Caerus requests that the Court enter a decree (i) granting this Application; (ii) finding that Caerus and Encana exercised reasonable diligence in developing the appropriations of the Subject Water Rights during the Diligence Period; (iii) making the Subject Water Rights partially absolute in the amounts and for the uses claimed in par. 11 above; and (iv) continuing in full force and effect for an additional diligence period those portions of the Subject Water Rights that are not made absolute in this case.

2023CW3008 RIO BLANCO COUNTY. Application For Finding Of Reasonable Diligence. Applicant: Mountain Water LLC, 3200 County Road 31, Rifle, CO 81650, (970) 878-3674. Attorney: The Law Firm of John D. Buchanan, 2806 N Speer Blvd, Denver, Colorado 80212, (720) 413-2773. Conditional water rights for which diligence is sought: 1. Name of Structure. Larson Reservoir Enlargement. a. Original decree: Case No. 88CW420 entered by the district court, Water Division 5, on August 13, 1991 ("88CW420 Decree"). b. Subsequent diligence decrees: Case No. 97CW191, entered on March 27, 1999 ("97CW191 Decree"), and Case No. 05CW41, entered on March 21, 2010 ("05CW41 Decree"), both by the district court, Water Division 5; Case No. 16CW3006, entered on April 30, 2017, by the district court, Water Division 6 ("16CW3006 Decree") c. Legal Description. A parcel of land containing 35.78 acres, more or less, situated in the W1/2 NE1/4 and the W1/2 SE1/4 of Section 33, Township 3 South, Range 94 West of the Sixth P.M., Rio Blanco County; said parcel being more particularly described in the application. The Dam Outlet for the Larson Reservoir Enlargement is located as follows: Beginning at the Southeast Corner of Section 33, Township 3 South, Range 94 West of the 6th P.M., and assuming a bearing of East between the Southwest and Southeast Corners of Said Section 33, thence N 45°07'25"W a distance of 2618.54 feet to the True Point of Beginning, which is the existing outlet from the Larson Reservoir. The location of the Dam Outlet may be changed during construction of the Larson Reservoir Enlargement, but will be located on the property described above. d. Source. Piceance Creek and surface drainage into Larson Reservoir Enlargement from an unnamed tributary, sometimes known as Nineteen Mile Creek. e. Name and Capacity of Ditches Used to Fill Larson Reservoir Enlargement and Legal Description of Each Point of Diversion. i. Piceance Creek Point of Diversion. Name of Ditch. Larson Ditch.

Capacity. 10.0 c.f.s. Legal Description of the Point of Diversion. Beginning at the Southeast Corner of Section 33, Township 3 South, Range 94 West of the 6th P.M., and assuming a bearing of East between the Southwest and Southeast Corners of Said Section 33, thence S 32°05'43"E a distance of 2881.73 feet to the True Point of Beginning, which is the headgate on Piceance Creek. ii. Unnamed Tributary of Piceance Creek, Sometimes Known as Nineteen Mile Creek, Point of Diversion. Name of Ditch. The unnamed tributary discharges directly into Larson Reservoir Enlargement. Capacity. 10.0 c.f.s. Legal Description of the Point of Diversion. Beginning at the Southeast Corner of Section 33, Township 3 South, Range 94 West of the 6th P.M., and assuming a bearing of East between the Southwest and Southeast Corners of Said Section 33, thence N 50°45'11" W 1707.07 feet to a point on the easterly line of said W1/2 SE1/4, thence North approximately 2000 feet to the True Point of Beginning; which is approximately the point the water enters the Larson Reservoir Enlargement on land owned by Mountain Water. f. Appropriation Date. April 5, 1988. g. Amount. 600 acre-feet per year, conditional, and an additional 600 acre-feet per year to fill and refill the Larson Reservoir Enlargement, conditional. The water right will be diverted at a rate of 10 cfs from Piceance Creek and 10 cfs from Nineteen Mile Creek. h. Use. Domestic, industrial, commercial, irrigation, stockwatering, recreation, and fish and wildlife purposes. The water may be used for a) immediate application to beneficial uses; b) for storage and subsequent application to beneficial uses; c) for substitution and exchange; d) for replacement of depletions; and e) for augmentation. Mountain Water shall have the right to fully consume the water during the first use of the water, or to recapture and reuse the water until the water is fully consumed. The conditional water rights will be used as a source of augmentation water for the augmentation plan described in the 88CW420 Decree. 2. Name of Structure. Piceance Creek Substitution and Exchange. a. Original decree: 88CW420 Decree. b. Subsequent diligence decrees: 16CW3006 Decree, 97CW191 Decree, and 05CW41Decree. c. Location. The withdrawal of water from wells described in the 88CW420 Decree may result in depletions to Piceance Creek within an area along Piceance Creek beginning at approximately Section 3, Township 3 South, Range 96 West of the 6th P.M. and ending at approximately Sections 11 and 12, Township 1 North, Range 97 West of the 6th P.M. d. Source. The following water will be substituted and exchanged for the water depleted from Piceance Creek by operation of the wells on the Sodium Leases pursuant to the plan for augmentation described in the 88CW420 Decree: (a) the fully consumable portion of the direct flow agricultural water rights and as changed pursuant to the 88CW420 Decree; (b) the fully consumable portion of the water stored under the storage water right for Larson Reservoir and as changed pursuant to the 88CW420 Decree; (c) the water attributable to the well water rights described in the 88CW420 Decree; (d) the water attributable to the water stored pursuant to the Larson Reservoir Enlargement water right described above; and (e) the Wolf Ridge Reservoir and Wolf Ridge Feeder Pipeline water rights described in the 88CW420 Decree. e. Appropriation Date. April 5, 1988. f. Amount. 2.21 c.f.s., conditional. g. Use. The water will be used for substitution and exchange for the water depleted from Piceance Creek by operation of the wells described in the 88CW420 Decree. 3. Name of Structure. Yellow Creek Substitution and Exchange. a. Original decree: 88CW420 Decree. b. Subsequent diligence decrees: 16CW3006 Decree, 97CW191 Decree, and 05CW41Decree. c. Location. The withdrawal of water from the wells described in the 88CW420 Decree may result in depletions to Yellow Creek, including Corral Gulch and Stake Springs Draw, within an area along Yellow Creek beginning at approximately Section 6, Township 2 South, Range 98 West of the 6th P.M. and ending at approximately Sections 15 and 16, Township 2 North, Range 98 West of the 6th P.M. d. Source. The following water will be substituted and exchanged for the water depleted from Yellow Creek by operation of the wells described in the 88CW420 Decree: (a) the fully consumable portion of the direct flow agricultural water rights and as changed pursuant to the 88CW420 Decree; (b) the fully consumable portion of the water stored under the storage water right for Larson Reservoir and as changed pursuant to the 88CW420 Decree; (c) the water attributable to the well water rights described in the 88CW420 Decree; (d) the water attributable to the water stored pursuant to the Larson Reservoir Enlargement water right described above; and (e) the Wolf Ridge Reservoir and Wolf Ridge Feeder Pipeline water rights described in the 88CW420 Decree. e. Appropriation Date. April 5, 1988. f. Amount. 2.21 c.f.s., conditional. g. Use. The water will be used for substitution and exchange for the water depleted from Yellow Creek by operation of the wells described in the 88CW420 Decree. 4. Name of Structure. White River Substitution and Exchange. a. Original decree: 88CW420 Decree. b. Subsequent diligence decrees: 16CW3006 Decree, 97CW191 Decree, and 05CW41Decree. c. Location. The withdrawal of water from the wells described in the 88CW420 Decree may result in depletions to water rights located on the White River downstream of the point of diversion of the Wolf Ridge Feeder Pipeline, which is located on the left bank of the White River whence Corner No. 2 of Tract 46, Section 34, Township 2 North, Range 97 West of the 6th P.M. bears North 77°44' West a distance of 545 feet. d. Source. The following water diverted pursuant to the Wolf Ridge Feeder Pipeline water right described in the 88CW420 Decree will be substituted and exchanged for the water depleted from Piceance Creek and Yellow Creek pursuant to the plan for augmentation described in the 88CW420 Decree: (a) the fully consumable portion of the direct

flow agricultural water rights and as changed pursuant to the 88CW420 Decree; (b) the fully consumable portion of the water stored under the storage water right for Larson Reservoir and as changed pursuant to the 88CW420 Decree; (c) the water attributable to the well water rights described in the 88CW420 Decree; (d) the water attributable to the water stored pursuant to the Larson Reservoir Enlargement water right described above; and (e) the Wolf Ridge Reservoir and Wolf Ridge Feeder Pipeline water rights. E. Appropriation Date. April 5, 1988. F. Amount. 2.21 c.f.s., conditional, but not to exceed a total of 1600 acre-feet per year. G. Use. The water will be used for substitution and exchange for the water depleted from Piceance Creek and Yellow Creek by operation of the wells described in the 88CW420 Decree. 5. Name of Structure: Wolf Ridge Reservoir a. Original Decree: Case No. W-358 entered on November 19, 1971, by the District Court, Water Division No. 5. b. Subsequent Diligence Decrees: Case Nos. W-358-75 entered on January 29, 1976; 79CW143 entered on January 30, 1980; 83CW153 entered on October 20, 1983; 87CW140 entered on November 12, 1987; 93CW147 entered on November 8, 1993; 99CW265 entered on July 6, 2000; 06CW135 entered on April 23, 2010, all by the District Court, Water Division No. 5; and Case No. 16CW3010, entered on April 30, 2017, by the District Court, Water Division No. 6. c. Location: The initial point of survey of the high water line of the reservoir is located at a point whence the Northeast corner of Section 12, Township 1 South Range 98 West of the 6th P.M. bears North 08 44' East 4,663 feet. The high water line of the reservoir includes parts of Sections 12, 13, and 24, Township 1 South, Range 98 West of the 6th P.M. d. Source: An unnamed creek tributary to Yellow Creek, and the White River. e. Amount: 7379.70 acre-feet, conditional. f. Appropriation date: November 19, 1966. g. Use: The water right will be used for domestic, municipal, industrial, irrigation, and stock watering. 7. Name of Structure: Wolf Ridge Feeder Pipeline a. Original Decree: Case No. W-459 entered on August 23, 1973, by the District Court, Water Division No. 5. b. Subsequent Diligence Decrees: Case Nos. W-459-75 entered on January 29, 1976; 79CW144 entered on January 30, 1980; 83CW154 entered on October 20, 1983; 87CW139 entered on November 30, 1987; 93CW146 entered on November 8, 1993; 99CW264 entered on July 6, 2000; 06CW136 entered on April 23, 2010, all by the District Court, Water Division No. 5; and Case No. 16CW3011, entered on April 30, 2017, by the District Court, Water Division No. 6. c. Location: The point of diversion is located on the left bank of the White River whence Corner No. 2 of Tract 46, Section 34, Township 2 North, Range 97 West of the 6th P.M. bears North 7744' West a distance of 545 feet. d. Source: White River e. Amount: 100 cfs, conditional. f. Appropriation date: November 19, 1966. g. Use: The water right will be used for domestic, municipal, industrial, including all uses pertaining to production of oil and other products from oil shale, irrigation and other beneficial use and purposes, and uses authorized pursuant to the 88CW420 Decree. 7. Name of Structures: MMC IRI Wells 4, 5, 6, 7 and 8. a. Original Decree: Case No. 82CW429 entered on November 22, 1985, by the District Court, Water Division No. 5. The water rights for these wells were changed and added to the plan for augmentation in the 88CW420 Decree. b. Subsequent Diligence Decrees: Case Nos. 86CW308 on July 10, 1987; 93CW171 on January 10, 1994; 00CW09 on May 16, 2001; 07CW91 on April 23, 2010, all by the District Court, Water Division No. 5; and Case No. 16CW3012, entered on April 30, 2017, by the District Court, Water Division No. 6. c. Locations: i. MMC IRI Well 4: Located 1120 feet from the East line and 410 feet from the South line in Section 23, T1S, R98W of the 6th P.M., in Rio Blanco County, Colorado. ii. MMC IRI Well 5: Located 1370 feet from the East line and 650 feet from the South line in Section 23, T1S, R98W of the 6th P.M., in Rio Blanco County, Colorado. iii. MMC IRI Well 6: Located 1120 feet from the East line and 700 feet from the South line in Section 23, T1S, R98W of the 6th P.M., in Rio Blanco County, Colorado. iv. MMC IRI Well 7: Located 1300 feet from the East line and 510 feet from the South line in Section 23, T1S, R98W of the 6th P.M., in Rio Blanco County, Colorado. v. MMC IRI Well 8: Located 1230 feet from the East line and 580 feet from the South line in Section 23, T1S, R98W of the 6th P.M., in Rio Blanco County, Colorado. d. Source: Water tributary to Yellow Creek, a tributary of the White River. e. Amount: 448.8 gpm, or 1.0 cfs, conditional, for each of the five wells. f. Appropriation date: i. MMC IRI Well 4: January 31, 1981. ii. MMC IRI Well 5: January 31, 1981. iii. MMC IRI Well 6: March 31, 1981. iv. MMC IRI Well 7: April 30, 1981. v. MMC IRI Well 8: May 31, 1981. g. Use: Industrial, mining, domestic, municipal, and irrigation purposes, and uses authorized pursuant to the 88CW420 Decree. 8. Detailed Outline of Work Performed to Complete Application of Water to Beneficial Use. Applicant is the successor in interest with respect to the Subject Water Rights and subsidiary of Natural Soda LLC ("Natural Soda"). Natural Soda operates a sodium bicarbonate mining operation in Rio Blanco County, Colorado. The Subject Water Rights are part of an integrated water supply system that is used to supply water to the sodium bicarbonate mining operation and other operations. The sodium bicarbonate mining is conducted through use of solution mining technologies. Sodium bicarbonate is used for human food, animal food, pharmaceutical, air pollution control, cleaning and many other uses. Since the current diligence period began in April 2017, Mountain Water and Natural Soda have performed the following actions to continue to diligence develop the conditional water rights described in this application [note that the following is a partial list; a more complete list of diligence actions is included in the water

court application]: In October 2021, Natural Soda performed maintenance and repairs on Larson Reservoir including grading, adding road base, and compacting the dam crest; clearing and excavating the spillway inlet; excavating a culvert for spillway flow; and grading the hillside next to the spillway and constructing a dike to prevent erosion. Counsel for Mountain Water has reviewed the monthly water court resumes to determine whether any applications could cause injury to the Subject Water Rights. Mountain Water has filed statements of opposition in and has participated in several water court cases to protect the Subject Water Rights. On December 31, 2021, J.M. Huber Corporation (“Huber”) acquired Natural Soda and Mountain Water. Since acquisition, Huber has investigated how best to continue to develop the Subject Water Rights that are the subject of this application. Due to the recent and ongoing call on the White River, Mountain Water has been required to augment depletions to the White River caused by wells under the plan for augmentation approved in the 88CW420 Decree. Stream depletions from use of these wells are calculated and replaced as required by the 88CW420 Decree. Several of the Subject Conditional Water Rights are identified as augmentation water sources, which has further incentivized Mountain Water to continue to develop the Subject Conditional Water Rights to ensure a diversity of augmentation water supplies will be available to replace depletions under the call, which is expected to continue indefinitely. The sodium leases owned by Natural Soda were renewed by the BLM on July 1, 2021, for a period of ten additional years. The land surface area included in the sodium leases totals approximately 9,700 acres. The sodium leases are overlapped by oil and gas production leases. Mountain Water conducted negotiations with an oil and gas production company regarding the lease of the Subject Conditional Water Rights for use in oil and gas production. Production of sodium bicarbonate has continued to increase on an annual basis. In 2005, the nameplate production capacity of the sodium bicarbonate processing facility was 125,000 short tons per year. In 2013, the production capacity was increased to 250,000 short tons per year. In 2015, the BLM approved the expansion of the sodium bicarbonate processing facility to 500,000 short tons per year, which would enable further expansion of production capacity. Natural Soda anticipates that it will continue to increase sodium bicarbonate production consistent with past trends, and design and construction of the expansion to 500,000 short tons per year is ongoing. The nameplate production capacity for the plant is 300,000 short tons per year, and the plant recently attained record production of 257,000 short tons, more than 20,000 short tons over the prior record production amount. The increase in production will require additional groundwater use and require additional augmentation of surface water depletions, for which the Subject Water Rights will be used. With the increase in volume of sodium bicarbonate production there has been an increase in the amount of water used. Prior to the last diligence period, the average annual water use was 117 acre-feet per year. Since that time, average annual water use has increased to 296 acre-feet. Water use has increased even though Natural Soda uses various methods to conserve and reduce water use and ensure that the lowest volume of water is used per ton of sodium bicarbonate produced. The increased production has also increased the number of employees and contractors. As of the end of 2022, Natural Soda had 78 full time employees and approximately 18 full-time contractors to provide support to Natural Soda’s operations. Natural Soda is one of the largest employers in Rio Blanco County. Natural Soda has for many years been a major sodium bicarbonate supplier to North American and other international sodium bicarbonate users and is one of the largest private employers in Rio Blanco County. Expansion and de-bottlenecking activities at Natural Soda’s manufacturing facility have required numerous capital improvements including but not limited to, drilling, completion, and commissioning of a total of 15 production wells since 2016, installation of over 2 miles of new production well piping ranging in size from 6 inches to 16 inches, installation of a new boiler, 2 new economizers, a new heat exchanger, and a new steam condensate collection system. In addition, a new FSMA (Food Safety Modernization Act) compliant bulk truck load-out system, new packaging equipment including a 3-spout bagger, palletizer, stretch wrapper, and associated conveyors, a new/enlarged barren liquor storage tank, a new 20,000 gallon crystallizer, and a new dry cyclone separator on the #3 dryer circuit. Investments in state-of-the-art process control equipment with upgraded monitoring capabilities have also been completed. The foregoing description is not intended to be all-inclusive, but is merely illustrative of continued diligence in development of the water rights described in this application. 9. 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. a. Applicant. b. Bureau of Land Management, White River Field Office, 73544 Highway 64 Meeker, Colorado 81641. WHEREFORE, Mountain Water requests that the Court find and determine that the actions and expenditures constitute a sufficient demonstration of reasonable diligence in attempting to put the conditional water rights described herein to beneficial use, and Mountain Water further requests that the Court enter a decree finding and determining that Mountain Water has exercised reasonable diligence in the development of the described water rights and that said water rights shall be continued.

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.

You are hereby notified that you will have until the last day of **June 2023** to file with the Water Court a Verified Statement of Opposition, setting forth facts as to why a certain Application should not be granted or why it should be granted only in part or on certain conditions. A copy of such Statement of Opposition must be served on the Applicant or the Applicant's Attorney, with an affidavit or certificate of such service being filed with the Water Court, as prescribed by Rule 5, C.R.C.P. The filing fee for the Statement of Opposition is \$192.00, and should be sent to the Clerk of the Water Court, Division 6, 1955 Shield Dr. Unit 200, Steamboat Springs, CO 80487.

CARMMA PARKISON
CLERK OF COURT
ROUTT COUNTY COMBINED COURT
WATER DIVISION 6

/s/ Julie A. Edwards
Deputy Court Clerk