

DIVISION 5 WATER COURT-AUGUST 2021 RESUME

1. PURSUANT TO C.R.S., §37-92-302, AS AMENDED, YOU ARE NOTIFIED THAT THE FOLLOWING PAGES COMPRISE A RESUME OF THE APPLICATIONS AND AMENDED APPLICATIONS FILED WITH THE WATER CLERK FOR WATER DIVISION 5 DURING THE MONTH OF AUGUST 2021. *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.*

21CW3111 MESA COUNTY, COLORADO RIVER, Trevor D. Taylor and Sheri L. Taylor, 3583 Grand Valley Canal RD., Palisade CO 81526, (970) 261-0403, taylor@taylorfarmranch.com, C/O Kirsten M. Kurath, #24649, 744 Horizon Court, Suite 115, Grand Junction, CO 81506, (970) 242-6262, kmkurath@wth-law.com. APPLICATION FOR A FINDING OF REASONABLE DILIGENCE AND TO MAKE CONDITIONAL WATER RIGHTS PARTIALLY ABSOLUTE. Structures: Taylor Pipeline and Taylor Pit Well. Original Decree: August 23, 2015, Case No.: 2014CW3146, District Court, Div. 5. Subsequent Decrees: NA. Taylor Pipeline Legal Description: The point of diversion of the pipeline is located in Mesa County in the NE¼ of the SE¼ of Section 5, Township 1 South, Range 2 East, Ute Meridian, at a point 1,942 feet from the south section line and 1,079 feet from the east section line of said Section 5 (Source: Colorado Division of Water Resources AquaMap). The UTM coordinates for this point are as follows: Northing: 4333014.10 Easting: 206932.02 Datum: NAD83; Units: meters; Zone 13; Source and Accuracy: Digitized from Colorado Division of Water Resources AquaMap. See Exhibit A attached to Application. Source: A drainage channel known as the Whitehead Drain, tributary to the Colorado River. Date of App: July 6, 2012. Amount: 0.67 c.f.s., of which 0.45 c.f.s. is absolute and 0.22 c.f.s. is conditional. Use: irrigation of up to 47.75 acres of land on Applicants' Property. Taylor Pit Well. Legal Description: The approximate center of the pit well is located in Mesa County in the NE¼ of the SE¼ of Section 5, Township 1 South, Range 2 East, Ute Meridian, at a point 1,649 feet from the south section line and 873 feet from the east section line of said section 5 (Source: Colorado Division of Water Resources AquaMap). The UTM coordinates for this point are as follows: Northing: 4332923.07 Easting: 206994.11 Datum: NAD83; Units: meters; Zone 13; Source and Accuracy: Digitized from Colorado Division of Water Resources AquaMap. See Exhibit A. Source: Groundwater tributary to the Colorado River. The Taylor Pit Well is not in a critical area of the Colorado River, and it does not operate pursuant to a decreed plan for augmentation. Depth: 12 feet. Date of App: March 12, 2013. Amount: 300 g.p.m. of which 200 g.p.m. is absolute and 100 g.p.m. is conditional. Amount in acre feet: 59.70 acre feet per year projected maximum diversion for all of the uses. Of this amount, 2.44 acre feet are absolute for evaporation uses, 17.54 acre feet are absolute for irrigation purposes and 36.60 acre feet are conditional for irrigation, 3.0 acre feet conditional for evaporation and 0.12 acre feet conditional for stockwatering uses. Uses: irrigation uses of up to 47.7 acres on Applicants' Property, evaporation from a pond with a maximum surface area of 1.25 acres, livestock watering, and wildlife and waterfowl watering and habitat, fire protection and non-consumptive recreational uses on Applicants' Property. Wildlife and waterfowl watering and habitat, fire protection and non-consumptive recreational uses were previously decreed absolute to the extent of the groundwater exposed in the pond that comprises the Taylor Pit Well. 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, is contained in the Application. Claim to Make Water Rights Partially Absolute: Taylor Pipeline: The Applicants have diverted water under this water right at the rate of 300 g.p.m and have irrigated 47.75 acres of Applicants' Property. Applicants' Property and the point of diversion for this water right are below the calling controlling water rights on the Colorado River, and there was no call on the Colorado River in this vicinity while the Applicants put the water diverted under this water right to beneficial use. Therefore, the full 0.67 c.f.s. (300g.p.m.) of this water right should be decreed absolute for irrigation. Taylor Pit Well: The Applicants have diverted water under this water right at the rate of 300 g.p.m. and irrigated 47.75 acres of Applicants' Property. They also had 15 cows use the water diverted under this water right for stock water in 2016. The Applicants expanded the pond and the current free water surface area of the Taylor Pit Well is approximately 0.65 acres. Therefore, the full 300 g.p.m. of this water right; 59.70 acre feet for irrigation; the full 0.12 acre feet for stockwater; and 2.83 (or an additional 0.29 acre feet) acre feet for evaporation should be decreed absolute. Name and Address of Landowners: Applicants. Applicant requests that the Court adjudge and decree that the Taylor Pipeline water right be made absolute for irrigation in the full amount claimed and the Taylor Pit Well water right be decreed absolute in the amounts and for the uses set forth above, and in the alternative, that the Applicants have been reasonably diligent in the development of the Taylor Pipeline and Taylor Pit Well conditional water rights to the extent the same are not decreed absolute, that the remaining conditional portions of the Taylor Pipeline and Taylor Pit Well conditional water rights be continued in full force and effect. (7 pages) **YOU ARE HEREBY NOTIFIED THAT YOU HAVE until the last day of OCTOBER 2021 to file with the Water Clerk a verified Statement of Opposition setting forth facts as to why this application should not be granted or why it should be granted in part or on certain conditions. A copy of such statement of opposition must also be served upon the applicant or the applicant's attorney and an affidavit or certificate of such service shall be filed with the Water Clerk, as prescribed by Rule 5, CRCP. (Filing Fee: \$192.00) KATHY POWERS, Water Clerk, Water Division 5; 109 8th Street, Suite 104 Glenwood Springs, CO 81601.**

2. PURSUANT TO C.R.S., §37-92-302, AS AMENDED, YOU ARE NOTIFIED THAT THE FOLLOWING PAGES COMPRISE A RESUME OF THE APPLICATIONS AND AMENDED APPLICATIONS FILED WITH THE WATER CLERK FOR WATER DIVISION 5 DURING THE MONTH OF AUGUST 2021. *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.*

21CW3112 GRAND COUNTY, Amended Application for Findings of Reasonable Diligence. Applicant: Lambright, LLC; please direct all correspondence to Applicant's attorneys: Mary Elizabeth Geiger, Garfield & Hecht, P.C., 901 Grand Avenue, Suite 201, Glenwood Springs, CO 81601, (970)947-1936, megeiger@garfieldhecht.com. The Applicant requests findings of reasonable diligence with regard to the following water rights: **TRAIL MOUNTAIN WELLS NOS. 1 through 9**: Location: Legal description of wells: Trail Mountain Well No. 1: In the NE1/4 SE1/4 Section 33, T3N, R76W, 6th P.M., at a point 2400 feet north of the south line, and 770 feet west of the

east line of said Section 33. Trail Mountain Well No. 2: In the NE1/4 SE1/4 Section 33, T3N, R76W, 6th P.M., at a point 1350 feet north of the south line, and 740 feet west of the east line of said Section 33. Trail Mountain Well No. 3: In the SE1/4 SE1/4 Section 33 T3N, R76W, 6th P.M., at a point 600 feet north of the south line, and 1100 feet west of the east line of said Section 33. Trail Mountain Well No. 4: In the SE1/4 SE1/4 Section 33 T3N, R76W, 6th P.M., at a point 1100 feet north of the south line, and 1300 feet west of the east line of said Section 33. Trail Mountain Well No. 5: In the SW1/4 SE1/4 Section 33 T3N, R76W, 6th P.M., at a point 600 feet north of the south line, and 1800 feet west of the east line of said Section 33. Trail Mountain Well No. 6: In the SW1/4 SE1/4 Section 33 T3N, R76W, 6th P.M., at a point 600 feet north of the south line, and 2400 feet west of the east line of said Section 33. Trail Mountain Well No. 7: In the SE1/4 SW1/4 Section 33 T3N, R76W, 6th P.M., at a point 600 feet north of the south line, and 2300 feet west of the east line of said Section 33. Trail Mountain Well No. 8: In the NE1/4 SE1/4 Section 33 T3N, R76W, 6th P.M., at a point 1750 feet north of the south line, and 200 feet west of the east line of said Section 33. Trail Mountain Well No. 9: In the NW1/4 of the NW1/4 Section 34 T3N, R76W, of the 6th P.M., at a point 2150 feet north of the south line, and 250 feet east of the west line of said Section 33. Note: These wells may be relocated anywhere on the subject parcel as owned by Applicant and described in paragraph I (a) below. *Source of water for wells:* All wells will develop groundwater tributary to Lake Granby, tributary to the Colorado River. *Depth:* Approximately 100 to 300 feet. *Appropriation date for all wells:* September 9, 2000. *Amount claimed:* 100 g.p.m. for each well with the total aggregate pumping rate not to exceed 100 g.p.m. from all wells. *Proposed uses:* Irrigation Use: Total number of acres proposed to be irrigated from Wells: 5 acres maximum: Legal description of the irrigated land: Land owned by Applicant in the SW ¼ SE ¼ and the E ½ of the SE ¼ of Section 33, and in the W ½ of the SW ¼ of Section 34, all in Township 3 North, Range 76 West, 6th P.M., Grand County, Colorado. 1.5 acres of irrigation and landscaping are in the Shadow Mountain National Recreation Area. Non-irrigation Uses: Water will be used as part of a municipal water system to be operated and maintained by a special district, or other qualified operator for municipal purposes including, but not limited to domestic (in-house), fire suppression, household, watering of animals, commercial, and related purposes. In the event that a special district or other governmental entity does not take over the management of this decree the municipal use shall not be applicable and shall be deleted in the next diligence or application to make absolute filing with the court. *Owner of land upon which wells will be located:* Applicant. The Applicant requests findings of reasonable diligence with regard to the following water right: **THE RED TOP POND NO. 1.** *Location:* Red Top Pond No. 1 is an off-channel pond with 12 acre-feet capacity and a water surface area of two acres at the high water line. From the SE corner of Section 33, Township 3 North, Range 76 West of the 6th P.M. the left abutment of the proposed dam bears North 61°30' West, a distance of 2460 feet; thence North 30°0' West along the dam crest a distance of 280 feet. The pond will be filled via diversions from Red Top Valley Ditch, described below. *Source:* the pond will be filled with water diverted through the Red Top Valley Ditch which is diverted from the North Fork of the Grand (Colorado) River; and Stillwater Creek in said Water District No. 51. If the pond intercepts groundwater such water is tributary to the Colorado River. *Appropriation date:* September 9, 2000. *Amount:* 12.0 acre-feet, conditional with the right to fill and refill in priority. Reservoir dimensions: Surface area of pond at high water line: 2 acres. Maximum height of dam in feet: 8 feet. Length of dam in feet: 280 feet. Reservoir capacity: Total capacity: 12 acre feet. Activity capacity: 12 acre feet. Dead storage: 0 acre feet. *Uses:* The water will be used for recreation, piscatorial, wildlife, stock watering, fire suppression, fish and wildlife propagation. *Owner of land upon which pond will be located:* Applicant. Applicant requests findings of reasonable diligence with regard to the following water right: **THE RED TOP VALLEY DITCH, RED TOP ENLARGEMENT:** *Location:* There are two points of diversion for the Red Top Valley Ditch one on the North Fork of the Colorado River and one on Stillwater Creek all as set out in the decree for the Red Top Valley Ditch. The decree specifies that the points of diversion are "the upper head-gate in on the right bank of the North Fork of the Grand River from which stream said ditch derives and diverts 93 and 1/3 of its water at a point whence the center of Section 2 Township 3 North, Range 76 West 6th P.M. bears NE a short distance, the lower headgate of said ditch is on the right bank of Stillwater Creek from which stream said ditch derives and diverts 6 and 2/3rds % of its water at a point which bears N 55° 40' E 1660 feet from the West quarter corner of section 22, Township 3 North, Range 76 West of the 6th P.M. being the point at which the ditch crosses Stillwater Creek; all as decreed in Civil Action No. 112. *Source:* North Fork of the Colorado River (Grand) and Stillwater Creek. *Appropriation date:* September 9, 2000. *Amount:* 1 c.f.s. conditional. *Uses:* to fill the Red Top Pond No. 1 for recreation, wildlife, piscatorial, stock watering, fire suppression, and wildlife propagation. *Owner of land upon which point of diversion will be located:* Applicant. The Application includes a detailed description of activities undertaken during the diligence period toward the application of the subject water rights to beneficial use. (7 pages).

YOU ARE HEREBY NOTIFIED THAT YOU HAVE until the last day of OCTOBER 2021 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.

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21CW3113 (15CW3016), Division: 5. DISTRICT COURT, WATER DIVISION NO. 5, STATE OF COLORADO, 109 8th Street, Suite 104, Glenwood Springs, CO 81601, (970) 928-3065. CONCERNING THE APPLICATION FOR WATER RIGHTS OF: GALLOWAY, INC., d/b/a BLUE VALLEY RANCH, IN GRAND COUNTY, COLORADO. APPLICATION TO MAKE

ABSOLUTE, FOR FINDINGS OF REASONABLE DILIGENCE, AND FOR CANCELLATION OF CONDITIONAL WATER RIGHT. 1. Name, Address, and Telephone Number of Applicant: Galloway, Inc., d/b/a Blue Valley Ranch, 6915 Highway 9, P.O. Box 1120, Kremmling, CO 80459, (970) 724-3768. Direct All Pleadings to: Steven J. Bushong, Cassidy L. Woodard, Bushong & Holleman PC, 1525 Spruce Street, Suite 200, Boulder, CO 80302. 2. Names of Structures: A. Eagle Pass Ranch Spring No. 1; and B. Blue Valley Ranch North Spruce Creek Diversion. 3. Description of Conditional Water Rights: A. Eagle Pass Ranch Spring No. 1: i. Original Decree: Case No. 93CW293, dated May 16, 1995, District Court in and for Water Division No. 5 (the “Water Court”), ii. Diligence Decrees: Case No. 01CW148, dated January 16, 2002, Case No. 07CW182, dated March 24, 2009 (the “07CW182 Decree”), and Case No. 15CW3016, dated August 31, 2015 (the “15CW3016 Decree”), iii. Legal Description: Eagle Pass Ranch Spring No. 1 is located in the NE1/4 NW1/4 of Section 5, T. 1 S., R. 80 W. of the 6th P.M. at a point whence the NE corner of said Section 5 bears N. 76° E, approximately 3,500 feet, which point is approximately 800 feet from the north line and 1,750 feet from the west line of said Section 5. See Exhibit A, iv. Source: the spring is decreed as a surface water right tributary to the Blue River, tributary to the Colorado River, v. Appropriation Dates: September 28, 1993, for domestic use; December 28, 1999, for irrigation of landscaping, further described in Paragraph 3.A.vii, below, vi. Amount: 50 gallons per minute (“gpm”) total of which 28 gpm is absolute for all uses and 22 gpm remains conditional, vii. Uses: domestic use and irrigation of landscaping for approximately 4.3 acres around the Ranch House and Office, viii. Remarks: Eagle Pass Ranch Spring No. 1 was originally decreed for domestic use only in Case No. 93CW293. In Water Court Case No. 99CW305, dated October 3, 2001 (the “99CW305 Decree”) Eagle Pass Ranch Spring No. 1 was granted an additional conditional water right for irrigation of land scaping for approximately 4.3 acres around the Ranch House and Office, B. Blue Valley Ranch North Spruce Creek Diversion: i. Original Decree: the 99CW305 Decree, ii. Diligence Decrees: the 07CW182 Decree and the 15CW3016 Decree, iii. Legal Description: at a point in the NW1/4 NE1/4 of Section 30, T. 1 S. R. 80 W. of the 6th P.M. whence the NE corner of said Section 30 bears N. 85° E. approximately 2,000 feet. See Exhibit A, iv. Source: North Spruce Creek, tributary to the Blue River, tributary to the Colorado River, v. Appropriation Date: December 1, 1998, vi. Amount: 1.65 cubic feet per second (“cfs”) of which 0.75 cfs is absolute and 0.9 cfs is conditional, vii. Use: irrigation. 4. Request to Make Absolute: Applicant seeks to make an additional 0.25 cfs absolute of the Blue Valley Ranch North Spruce Creek Diversion water right for a total of 1 cfs absolute. The capacity of the irrigation system used to deliver water from the Blue Valley Ranch North Spruce Creek Diversion is 1 cfs, and Applicant has routinely diverted water through the irrigation system at its maximum capacity in priority. 5. Request for Findings of Reasonable Diligence: Applicant seeks a finding that it has exercised reasonable diligence in development of the remaining 22 gpm conditional decreed to the Eagle Pass Ranch Spring No. 1. 6. Diligence Activities: A. Eagle Pass Ranch Spring No. 1 currently serves Applicant’s main lodge house and office. Applicant has plans to construct additional houses in the vicinity of Eagle Pass Ranch Spring No. 1. At this time, Applicant is actively moving forward with the planning and preparation to construct additional houses that will be served by Eagle Pass Ranch Spring No. 1. Work performed in furtherance of this activity includes site preparation, soil investigations and geotechnical studies for the house foundations, and development of preliminary house design and plans. Engineers have also been engaged to design a new water treatment system required to serve the new homes with the spring. All these activities are in furtherance of perfecting the conditional portion of the Eagle Pass Ranch Spring No. 1 water right. In total, approximately \$50,000 has been expended to prepare for construction of these additional houses that will be provided domestic water service by the Eagle Pass Ranch Spring No. 1 water right and in improving the water service capabilities, B. Applicant continues to place the Blue Valley Ranch North Spruce Creek Diversion water right to irrigation use on the so-called “New Field” located in the NW1/4 of Section 17, T. 1 S. R. 80 W. of the 6th P.M., consisting of approximately 35 acres, in the amount of 1 cfs, which is the capacity of the irrigation system, C. Out of priority depletions from both the Eagle Pass Ranch Spring No. 1 water right and the Blue Valley Ranch North Spruce Creek Diversion water right are augmented pursuant to the plan for augmentation approved in the 99CW305 Decree. Applicant continues to operate this plan for augmentation and maintain its contract rights for augmentation water necessary for full development and use of both water rights, D. Applicant’s Green Mountain Reservoir contract for augmentation water supplies expires in 2023, and Applicant has initiated the process for requesting a renewal of the contract with the Bureau of Reclamation, E. Applicant conducts annual maintenance and repair on all of the ditch and water system infrastructure located on its property, F. Applicant continues to maintain its water rights portfolio by placing conditional water rights to beneficial use. During the diligence period, Applicant applied for and obtained a decree in Water Court Case No. 17CW3237, dated May 27, 2018, making conditional water rights fully absolute for the King Creek Upper Spring Enlargement, the King Lower Spring Collection System Enlargement, and the King Creek Exchange. 7. Request for Cancellation of Conditional Water Right: Applicant requests that the Water Court cancel the remaining 0.65 cfs conditional portion of the Blue Valley North Spruce Creek Diversion that is not already absolute or requested to be made absolute in paragraph 4 above. 8. Land Ownership: Applicant. WHEREFORE, Applicant respectfully requests that the Court enter a decree (1) granting its request to make absolute an additional 0.25 cfs of the Blue Valley Ranch North Spruce Creek Diversion water right, as described in Paragraph 4 above; (2) making a finding of reasonable diligence for the remaining conditional portion of the Eagle Pass Ranch Spring No. 1 water right as described in Paragraphs 5 and 6, above, so that said conditional water right shall continue in full force and effect for all decreed amounts and uses; (3) canceling 0.65 cfs of the Blue Valley Ranch North Spruce Creek Diversion water right, as described in Paragraph 7, above; and (4) granting such other and further relief as the Court deems just and proper. (5 pages + Exhibit)

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21CW3114 MESA COUNTY - COLORADO RIVER; Sixbey Investments, LLC; c/o John R. Pierce, DUFFORD WALDECK, 744 Horizon Court, Suite 300, Grand Junction, CO 81506, (970) 248-5865; APPLICATION FOR FINDING OF REASONABLE DILIGENCE; Name, address, and telephone number of applicant: Sixbey Investments, LLC, 2102 Highway 6 & 50, Grand Junction, CO 81505, (970) 241-5164; Request for finding of diligence: Name of structure: River Canyon Pump & Pipeline and River Canyon Pump & Pipeline Alternate Point; Description of conditional water right: Case No. of original decree: 2007CW129; Subsequent decrees awarding diligence: 2014CW13; Legal description of structures: The decreed location of the River Canyon Pump & Pipeline is in the NE/4 SW/4 of Section 28, Township 1 North, Range 2 West of the Ute Principal Meridian, at a point 1,700 feet from the south section line and 3,000 feet from the east section line. The decreed location of the River Canyon Pump & Pipeline Alternate Point is in the NE/4 SW/4 of Section 28, Township 1 North, Range 2 West of the Ute Principal Meridian, at a point 1,500 feet from the south section line and 2,650 feet from the east section line; Source: Colorado River; Appropriation date: June 1, 2005; Amount for both structures: 0.17 c.f.s. cumulative, conditional; Use: Irrigation and filling and refilling the River Canyon Pond Nos. 1-4; Outline of what has been done toward completion of appropriation and application of water to beneficial use: During the diligence period, Applicant acquired the property on which the subject water rights are to be located and used. Applicant has been diligently pursuing the development of the property as a residential subdivision and has expended approximately \$113,000 on design plans and permitting, all of which are conditions precedent for the development of the water rights. Specifically with regard to the development of the water rights, Applicant has taken the following action: Hiring Vortex Engineering to survey the elevation and grade for the water structures and delivery system at a cost of \$1,237; Multiple meetings with irrigation consultants and water engineers regarding design, specifications, and configuration of water delivery system; Construction of approximately 2,500 feet of roadway to provide access to the river at a cost of approximately \$4,000; Request for finding of diligence: Name of structure: River Canyon Pond Nos. 1-4; Description of conditional water right: Case No. of original decree: 2007CW129; Subsequent decrees awarding diligence: 2014CW13; Legal description of ponds: River Canyon Pond No. 1: SE/4 SW/4 of Section 28, Township 1, North, Range 2 West of the Ute Principal Meridian at a point 700 feet from the south section line and 3,400 feet from the east section line of Section 28; River Canyon Pond No. 2: SE/4 SW/4 of Section 28, Township 1, North, Range 2 West of the Ute Principal Meridian at a point 400 feet from the south section line and 3,400 feet from the east section line of Section 28; River Canyon Pond No. 3: SE/4 SW/4 of Section 28, Township 1, North, Range 2 West of the Ute Principal Meridian at a point 300 feet from the south section line and 3,000 feet from the east section line of Section 28; River Canyon Pond No. 4: SW/4 SE/4 of Section 28, Township 1, North, Range 2 West of the Ute Principal Meridian at a point 100 feet from the south section line and 2,200 feet from the east section line of Section 28; Source: Colorado River, delivered through the River Canyon Pump & Pipeline and River Canyon Pump & Pipeline Alternate Point; Appropriation date: June 1, 2005; Amount for both structures: The decreed capacity of each of the River Canyon Pond Nos. 1-4 is 2.5 a.f.; Use: Each of the Ponds is decreed for irrigation, recreation, piscatorial, and refilling to replace evaporative losses; Outline of what has been done toward completion of appropriation and application of water to beneficial use: During the diligence period, Applicant acquired the property on which the subject water rights are to be located and used. Applicant has been diligently pursuing the development of the property as a residential subdivision and has expended approximately \$113,000 on design plans and permitting, all of which are conditions precedent for the development of the water rights. Specifically with regard to the development of the water rights, Applicant has taken the following action; Hiring Vortex Engineering to survey the elevation and grade for the water structures and delivery system at a cost of \$1,237; Multiple meetings with irrigation consultants and water engineers regarding design, specifications, and configuration of water delivery system; Construction of approximately 2,500 feet of roadway to provide access to the river at a cost of approximately \$4,000. (5 pages)

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21CW3115 Timberline Ministries, Inc., a Colorado non-profit corporation, PO Box 3311, Winter Park, CO, 80482. Matthew S. Poznanovic, Eric K. Trout, Hayes Poznanovic Korver LLC, 1999 Broadway, Suite 3200, Denver, CO, 80202. Application for Finding of Reasonable Diligence in **GRAND COUNTY**. Structures/Conditional Water Rights: Timberline Well No. 1. Timberline Well No. 2. Timberline Pond and Enlargement. Prior Decree Information: Originally decreed in Case No. 99CW171 on August 28, 2000. The Case No. 99CW171 decree confirmed the conditional water rights for the Timberline Well Nos. 1 and 2, the Timberline Pond and Enlargement, and an augmentation plan for the wells and pond. In Case No. 06CW194, a finding of reasonable diligence for the conditional water rights was decreed. A portion of the conditional water rights was made absolute and a finding of reasonable diligence

was found in Case No. 14CW3166 on August 12, 2015. The period of diligence which is the subject of this application is from the date of decree in Case No. 14CW3166 being August 12, 2015. Description of Conditional Water Rights: Timberline Well No. 1 (formerly known as Tally Ho Ranch Well No. 1): Location: SW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 23, T 1S, R76W, 6th P.M. Grand County, Colorado, approximately 2145' from the north section line and 406' from the west section line. Source: Groundwater tributary to Spring Branch Creek, a tributary of Crooked Creek and the Fraser River. Use: Commercial, irrigation, in addition to domestic and livestock uses decreed in W-2162. Amount: The original decreed rate was 15 gpm, conditional for commercial and irrigation. The decree in Case No. 14CW3166 made 5 gpm absolute for commercial and irrigation uses, and found diligence on the remaining 10 gpm for commercial and irrigation uses. Total diversions for all uses, including these new uses and the previously decreed uses, shall not exceed 15 gpm. Priority Date: August 30, 1999. Timberline Well No. 2. Location: SW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 23, T 1S, R76W, 6th P.M. Grand County, Colorado, approximately 2940 feet from the south section line and 245 feet from the west section line. Source: Groundwater tributary to Spring Branch Creek, a tributary of Crooked Creek and the Fraser River. Use: Commercial, domestic and irrigation. Amount: 15 gpm, conditional. Priority Date: August 30, 1999. Pursuant to the Case No. 06CW194 decree, diversions for irrigation use from Timberline Well Nos. 1 and 2 is limited to 0.51 acres located on lands identified in Figure 1 attached to this application. Timberline Pond and Enlargement. Location: Timberline Pond is an on-stream reservoir on Spring Branch Creek. The dam is located in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 23, T 1S, R76W, 6th P.M. approximately 1816 feet from the north section line and 363 feet from the west section line. Source: Spring Branch Creek and its tributaries, tributary to Crooked Creek, tributary to the Fraser River, tributary to the Colorado River. Use: Commercial, domestic, irrigation, recreation, piscatorial. Manner of use: Storage, augmentation. Amount: Timberline Pond: The original decreed amount was 3 acre-feet conditional for commercial, domestic and irrigation uses. In Case No. 99CW171, 3 acre-feet was decreed absolute for recreation and piscatorial uses. The decree in Case No. 14CW3166 made 3 acre-feet absolute for commercial, domestic, and irrigation uses, with storage and augmentation as the manner of use. Enlargement: 3.5 acre-feet conditional, with right to fill and refill when in priority. The decree in Case No. 14CW3166 made 1.24 acre-feet absolute for all decreed uses, including commercial, domestic, irrigation, recreation, and piscatorial uses with storage and augmentation as the manner of use, and found diligence on the remaining 2.26 acre-feet for all decreed uses, including commercial, domestic, irrigation, recreation, and piscatorial uses with storage and augmentation as the manner of use. Priority Date: Timberline Pond: January 21, 1972. Enlargement: August 30, 1999. **APPLICATION FOR FINDING OF REASONABLE DILIGENCE.** This Application for Finding of Reasonable Diligence is filed in a timely manner pursuant to the Water Right Determination and Administration Act of 1969, Sec. 37-92-302, C.R.S. During this diligence period, in continuing the development of the conditional water rights, Applicant has been diligent in the continued use and development of the water rights involved. These activities performed by Applicant, including expenditures for consulting, engineering, design, repair and maintenance work, include, but are not limited to, the following: In August 2017, a new wastewater treatment plant was constructed at a cost of approximately \$350,781. In February 2017, a new wastewater plant operator was hired at a cost of approximately \$22,737 since hiring. A grounds manager was hired, whose duties include reading water meters, maintaining accounting for the augmentation plan, and providing needed maintenance and upgrades to the water, irrigation, and domestic supply systems. In spring 2018, two totalizing flow meters were purchased and installed on hose bibs used to deliver water to irrigate gardens at the Timberline Lodge, and a third totalizing flow meter was purchased and installed as a replacement meter on the waterline to measure water pumped from the Timberline Pond to the irrigation system at a total cost of approximately \$466.00. In July 2020 a timer-based low-flow irrigation system was installed to water a half-acre of lawn around Timberline Lodge at a cost of approximately \$150. Repair of broken irrigation heads was also completed at a cost of approximately \$356.42, and excavation and repair of broken irrigation lines leading from the pump house to the irrigation system base station was completed. Replacement of the Timberline Pond pump and flow meter was completed at a cost of approximately \$1,223. Grand Environmental Services was retained to provide information on maintaining a healthy stream for Spring Branch Creek, reducing sediment deposits into Timberline Pond, the effects of wastewater treatment options, and to determine wetland boundaries around Timberline Lodge, at an approximate cost of \$1,216. In 2018, culvert repair was completed along Spring Branch Creek to allow water to continue to flow into Timberline Pond. Water use records are maintained and provided to the water commissioner, including pond storage, Timberline Lodge water use, pond irrigation use, and pond releases for augmentation and replacement. The Water Commissioner has been consulted in the operation of the Timberline Well No. 1 and Timberline Pond pursuant to the Case No. 99CW171 decree. Water was diverted under the augmentation plan and beneficially used for decreed uses. The work and expenditures listed above are illustrative and not exhaustive. Additional work and additional or revised expenditures may be claimed in support of this application. Applicant is the owner of land upon which structures for the water rights are located. Applicant requests that this Court enter a decree finding that Applicant has exercised reasonable diligence in the development of the conditional water rights, continue the conditional water rights, and for such other and further relief as this Court deems just and proper in the premises. 6 pages.

YOU ARE HEREBY NOTIFIED THAT YOU HAVE until the last day of OCTOBER 2021 to file with the Water Clerk a verified Statement of Opposition setting forth facts as to why this application should not be granted or why it should be granted in part or on certain conditions. A copy of such statement of opposition must also be served upon the applicant or the applicant's attorney and an affidavit or certificate of such service shall be filed with the Water Clerk, as prescribed by Rule 5, CRCP. (Filing Fee: \$192.00) KATHY POWERS, Water Clerk, Water Division 5; 109 8th Street, Suite 104 Glenwood Springs, CO 81601.

6. PURSUANT TO C.R.S., §37-92-302, AS AMENDED, YOU ARE NOTIFIED THAT THE FOLLOWING PAGES COMPRISE A RESUME OF THE APPLICATIONS AND AMENDED APPLICATIONS FILED WITH THE WATER CLERK FOR WATER DIVISION 5 DURING THE MONTH OF AUGUST 2021. *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.

21CW3116 PITKIN COUNTY, IN THE ROARING FORK RIVER OR ITS TRIBUTARIES. Application for Finding of Reasonable Diligence. Aspen Skiing Company, LLC c/o Meghan N. Winokur, Hayley K. Siltanen, Holland & Hart LLP 600 E. Main Street, Suite 104 Aspen, CO 81611-199, (970) 925-3476, mwinokur@hollandhart.com hksiltanen@hollandhart.com. Name of Structures: Barrilla Pipeline and Barrilla Spring Nos. 1, 2 and 3. Description of Conditional Water Right: Date of Original Decree: March 15, 1994 Case No.: 89CW100, Court: Water Division 5. Subsequent decrees awarding diligence: Date of Decree: August 9, 2015, Case No.: 14CW3076, Court: Water Division 5. Date of Decree: September 24, 2001. Case No.: 00CW260. Court: Water Division 5. Date of Decree: June 11, 2008. Case No.: 07CW170. Court: Water Division 5. Legal description: The point of diversion is located as a proposed pump station in unsurveyed Section 30, Township 10 South, Range 84 West of the 6th Principal Meridian, at a point whence Corner No. 4 of the Iron Silver Placer, M.S. No. 5963, bears S. 11°47'20" W., a distance of 3,954.14 feet. This point of diversion may also be described based on UTM coordinates acquired from a handheld GPS unit as follows: In unsurveyed Section 30, Township 10 South, Range 84 West of the 6th Principal Meridian: UTM Grid Zone: 13S; Easting: 343852 meters; Northing: 4335399 meters. The pipeline then proceeds along the following course from the pump house: Thence N. 90°00' W. 1,250 feet; Thence N. 31°00' W. 700 feet; Thence N. 64°00' W. 190 feet; Thence N. 09°40' W. 320.0 feet; Thence N. 22°00' W. 530.0 feet; Thence N. 43°00' W. 670.0 feet; Thence N. 28°00' W. 660.0 feet; Thence N. 38°00' W. 325.0 feet; Thence N. 88°30' W. 300.0 feet; Thence S. 48°30' W. 470.0 feet; Thence N. 65°30' W. 485.0 feet; Thence N. 66°30' W. 345.0 feet to an existing storage tank whence the NW Corner of Section 30, Township 10 South, Range 84 West of the 6th Principal Meridian bears S. 15°24' E. 546.00 feet and the points of diversion for the three springs are: Barrilla Spring #1, whence Corner 4 of the Iron Silver Placer, M.S. No. 5963, bears S. 08°47'27" W. 3,782.33 feet to Barrilla Spring #2, whence Corner 4 of said Iron Silver Placer bears S. 08°55'55" W. 3,723.05 feet to Barrilla Spring #3, whence Corner 4 of said Iron Silver Placer bears S. 09°42'38" W. 3,581.50 feet. The locations of the subject water rights are shown on the map attached to the Application as Exhibit A and incorporated therein by this reference. Source: unnamed springs tributary to the Roaring Fork River, tributary to the Colorado River. Appropriation date: September 9, 1986. Amount: Barrilla Spring No. 1: 0.2 c.f.s., conditional; Barrilla Spring No. 2: 0.6 c.f.s., conditional; Barrilla Spring No. 3: 0.2 c.f.s., conditional. Uses: irrigation of five acres, domestic, recreation, fire protection, snowmaking, industrial, livestock watering, commercial, emergency service uses, open space and park uses, road, trail, and cleaning, dust suppression, construction, car and other vehicle washing, gondola and other lift maintenance and operation uses, restaurant, café, and lounge uses, health club uses, water fountains, day care uses, restroom uses, and such other beneficial uses that are attendant to the construction, operation, and maintenance of the Aspen Mountain Ski Area. Remarks: The decreed points of diversion for the subject water rights are located on United States Forest Service land. Any access to and use of adjacent land described as Parcel C in connection with Applicant's exercise of the subject water rights shall be governed by the Water Works, Access and Utility Easement Agreement recorded in the Pitkin County public records on April 23, 2015 at Reception No. 619275. Integrated System: The subject water rights are components of Applicant's integrated water supply system to meet its future anticipated water needs serving the demands of the Iron Silver Placer and Aspen Mountain Ski Area. Given the interrelated and interdependent nature of the various components of Applicant's integrated water system to serve the Iron Silver Placer and Aspen Mountain Ski Area, in subsequent diligence proceedings, work on any one feature of Applicant's water supply system shall be considered in determining whether reasonable diligence has been shown in the development of water rights for all features of Applicant's water supply system. See C.R.S. § 37-92-301(4)(b); see, e.g., paragraph 5 of the Decree in Case No. 19CW3137; paragraph 7 of the Decree in Case No. 18CW3155. A detailed outline of activities during the diligence period is included in the Application. Name(s) and address(es) of owner(s) or reputed owners of the land upon which any new diversion or storage structure, or modification to any existing diversion or storage structure is or will be constructed or upon which water is or will be stored, including any modification to the existing storage pool: Applicant; and United States Forest Service, 620 Main Street, Carbondale, CO 81623. (8 pages incl. exhibit)

YOU ARE HEREBY NOTIFIED THAT YOU HAVE until the last day of OCTOBER 2021 to file with the Water Clerk a verified Statement of Opposition setting forth facts as to why this application should not be granted or why it should be granted in part or on certain conditions. A copy of such statement of opposition must also be served upon the applicant or the applicant's attorney and an affidavit or certificate of such service shall be filed with the Water Clerk, as prescribed by Rule 5, CRCP. (Filing Fee: \$192.00) KATHY POWERS, Water Clerk, Water Division 5; 109 8th Street, Suite 104 Glenwood Springs, CO 81601.

7. PURSUANT TO C.R.S., §37-92-302, AS AMENDED, YOU ARE NOTIFIED THAT THE FOLLOWING PAGES COMPRISE A RESUME OF THE APPLICATIONS AND AMENDED APPLICATIONS FILED WITH THE WATER CLERK FOR WATER DIVISION 5 DURING THE MONTH OF AUGUST 2021. 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.

21CW3117 PITKIN, EAGLE AND GARFIELD COUNTY, CASTLE CREEK, ROARING FORK RIVER. Music Associates of Aspen, Inc., c/o Mark E. Hamilton, Esq. and Hayley K. Siltanen, Esq., Holland & Hart LLP, 600 E. Main St., Suite 104, Aspen, CO 81611, (970) 925-3476, mehamilton@hollandhart.com; hksiltanen@hollandhart.com. Application for Findings of Reasonable Diligence and/or to Make Conditional Water Rights Absolute. Summary: Applicant owns and operates the Aspen Music Festival and School Campus along Castle Creek in Pitkin County. During the past six years, Applicant has undertaken and completed a complete redevelopment of the Campus, which now houses the Aspen Music Festival and School and the Aspen Country Day School. The redevelopment included construction and/or reconstruction of an integrated non-potable water system for the Campus site as originally decreed in Case No. 11CW198, Water Division 5. Applicant now seeks findings of reasonable diligence and/or to make the following

conditional water rights absolute, as described below. Structures: (1) MAA Spring. *Location*: the spring consists of a seep/spring area located in the SE 1/4 SE 1/4 of Sec. 14, T. 10 S., R. 85 W., 6th P.M., at a point 820 ft from the South sec. line and 100 ft. from the East sec. line of said Sec. 14, Pitkin County, Colorado. *Source*: seepage from hillside tributary to Castle Creek, tributary to the Roaring Fork River, tributary to the Colorado River. *Uses*: irrigation*, fire protection, and filling Great Pond and Shallow Pond for such uses as well as for replacement of evaporation, augmentation, recreation and aesthetic purposes. *Amounts*: 0.25 c.f.s., absolute, for replacement of pond evaporation, recreation and aesthetic purposes. 0.25 c.f.s., conditional, for irrigation, fire protection, and augmentation. *Approp. dates*: October 24, 1945 (absolute uses), April 24, 2007 (conditional uses). (2) MAA Pump & Pipeline. *Location*: the point of diversion is located in the SE 1/4 SE 1/4 of Sec. 14, T. 10 S., R. 85 W., 6th P.M., at a point 1210 ft from the South sec. line and 50 ft. from the East sec. line of said Sec. 14, Pitkin County, Colorado. *Source*: Castle Creek, tributary to the Roaring Fork River, tributary to the Colorado River. *Uses*: irrigation*, fire protection, and filling Great Pond and Shallow Pond for such uses as well as for replacement of evaporation, augmentation, recreation and aesthetic purposes. *Amount*: 0.50 c.f.s., conditional. *Approp. date*: April 24, 2007. (3) MAA Enchanted Pond Well. *Location*: the centerline of the dam at the outlet pipe is located in the SW 1/4 SW 1/4 of Sec. 13, T. 10 S., R. 85 W., 6th P.M., at a point 960 ft from the South sec. line and 70 ft. from the West sec. line of said Sec. 13, Pitkin County, Colorado. *Source*: groundwater tributary to Castle Creek, tributary to the Roaring Fork River, tributary to the Colorado River. *Uses*: irrigation*, fire protection, recreation and aesthetic purposes. *Amount*: 0.002 c.f.s. (1.0 g.p.m.), 0.50 acre-feet annual diversion, absolute. *Surface area*: 0.18 acres. *Depth*: 4.0 feet. *Approp. date*: October 24, 1945. (4) MAA Shallow Pond. *Location*: the centerline of the dam at the outlet is in the SE 1/4 SE 1/4 of Sec. 14, T. 10 S., R. 85 W., 6th P.M., at a point 1180 ft. from the South sec. line and 20 ft. from the East sec. line of said Sec. 14, Pitkin County, Colorado. *Source*: MAA Spring (0.25 c.f.s.) and MAA Pump & Pipeline (0.50 c.f.s.), described above. *Uses*: irrigation*, fire protection, geothermal heat exchange, recreation and aesthetic, augmentation. *Amount*: 1.75 acre-feet (all active storage) with the right to fill and refill in priority (with cumulative refills of MAA Shallow Pond and MAA Great Pond not to exceed 5.0511 acre-feet per year); absolute for recreation and aesthetic, conditional for other uses. *Surface area*: 0.32 acres. *Dam information*: Length--150 ft; Height: < 10 ft. *Approp. dates*: October 24, 1945 for absolute uses; April 24, 2007 for conditional uses. (5) MAA Great Pond. *Location*: the centerline of the dam is in the SW 1/4 SW 1/4 of Sec. 13, T. 10 S., R. 85 W., 6th P.M., at a point 1120 ft. from the South sec. line and 130 ft. from the West sec. line of said Sec. 13, Pitkin County, Colorado. *Source*: MAA Spring (0.25 c.f.s.) and MAA Pump & Pipeline (0.50 c.f.s.), both of which divert surface water directly from or tributary to Castle Creek, tributary to the Roaring Fork River, tributary to the Colorado River. *Uses*: irrigation*, fire protection, geothermal heat exchange, recreation and aesthetic, irrigation, augmentation. *Amount*: 4.3 acre-feet (3.2 AF active storage, 1.1 AF dead storage), conditional, with the right to fill and refill in priority (with cumulative refills of MAA Shallow Pond and MAA Great Pond not to exceed 6.0511 acre-feet per year. *Surface area*: 0.80 acres. *Dam information*: Length--350 ft; Height <10 ft. *Approp. date*: April 24, 2007. (6) MAA Exchange No. 1. *Location*: *Upstream Termini*: each of the structures described above; *Downstream Terminus*: the confluence of the Roaring Fork and Fryingpan Rivers. *Approp. date*: April 24, 2007. *Maximum rate of exchange*: 0.50 c.f.s., instantaneous, 0.02 c.f.s. monthly average, conditional. *Uses*: irrigation, fire protection, recreation, and replacement of evaporative losses. (7) MAA Exchange No. 2. *Upstream Termini*: each of the structures described above. *Downstream Terminus*: the confluence of the Roaring Fork and Colorado Rivers. *Approp. date*: April 24, 2007. *Maximum rate of exchange*: 0.50 c.f.s., instantaneous, 0.02 c.f.s. monthly average, conditional. *Uses*: irrigation, fire protection, recreation, and replacement of evaporative losses. *Claims to make absolute*: (1) MAA Spring. Commencing on June 1, 2016, Applicant has diverted an additional 0.25 c.f.s. and applied such water to beneficial use for irrigation and augmentation purposes and used such water to fill the MAA Shallow Pond and the MAA Great Pond for these uses as well as for augmentation, recreation and aesthetic purposes. Applicant therefore requests that the conditional portion of this water right be made fully absolute in the amount of 0.50 c.f.s. for all decreed uses. (2) MAA Pump and Pipeline. Commencing on June 1, 2015, Applicant has pumped and used up to 0.50 c.f.s. of water from the MAA Pump & Pipeline for irrigation and fire protection. Applicant therefore request that this conditional water right be made absolute in the amount of 0.50 c.f.s. for these uses. (3) MAA Shallow Pond. Commencing on June 1, 2016, Applicant has re-constructed and stored 1.75 acre-feet of water in the MAA Shallow Pond. Applicant therefore requests that the conditional water storage right for the MAA Shallow Pond be made fully absolute in the amount of 1.75 acre-feet for all decreed uses, including irrigation, fire protection, geothermal heat exchange, recreation, aesthetic and augmentation purposes pursuant to C.R.S. § 37-92-301(4)(e), which provides that “a decreed conditional storage right shall be made absolute for all decreed purposes to the extent of the volume of the appropriation that has been captured, possessed and controlled at the decreed storage structure.” (4) MAA Great Pond. Commencing on June 1, 2016, Applicant has constructed and stored a total of 4.3 acre-feet of water in the MAA Great Pond. Applicant therefore requests that the water storage right for the MAA Great Pond be made absolute in the amount of 4.3 acre-feet for all decreed uses, including irrigation, fire protection, geothermal heat exchange, recreation, aesthetic purposes pursuant to C.R.S. § 37-92-301(4)(e), which provides that “a decreed conditional storage right shall be made absolute for all decreed purposes to the extent of the volume of the appropriation that has been captured, possessed and controlled at the decreed storage structure.” (5) MAA Exchange No. 1. Commencing on July 17, 2018, Applicant began operating the MAA Exchange No. 1 at up to its maximum decreed rate (0.50 c.f.s instantaneous, 0.02 c.f.s. average) for all decreed purposes. Applicant therefore requests that the MAA Exchange No. 1 be made fully absolute. (6) MAA Exchange No. 2. Commencing on July 17, 2018, Applicant has operated the MAA Exchange No. 2 at up to its maximum decreed rate (0.50 c.f.s instantaneous, 0.02 c.f.s. average) for all decreed purposes. Applicant therefore requests that the MAA Exchange No. 2 also be made fully absolute. *Additional information*: *The area that may be irrigated is described as up to 1.13 acres in the NW¼ SW¼ SW¼ of Sec. 13, and the NE¼ SE¼ SE¼ of Sec. 14, T. 10 S., R. 84 W., 6th P.M.; (2) all structures are on Applicant’s property; (3) all of these water rights are part of an integrated water system for purposes of application of C.R.S. § 37-92-301(4)(b). A detailed outline of activities and expenditures during the diligence period is set forth in the Application. (9 pages)

YOU ARE HEREBY NOTIFIED THAT YOU HAVE until the last day of OCTOBER 2021 to file with the Water Clerk a verified Statement of Opposition setting forth facts as to why this application should not be granted or why it should be granted in part or on certain conditions. A copy of such statement of opposition must also be served upon the applicant or the applicant's attorney and an affidavit or certificate of such service shall be filed with the Water Clerk, as prescribed by Rule 5, CRCP. (Filing Fee: \$192.00) KATHY POWERS, Water Clerk, Water Division 5; 109 8th Street, Suite 104 Glenwood Springs, CO 81601.

8. PURSUANT TO C.R.S., §37-92-302, AS AMENDED, YOU ARE NOTIFIED THAT THE FOLLOWING PAGES COMPRISE A RESUME OF THE APPLICATIONS AND AMENDED APPLICATIONS FILED WITH THE WATER CLERK FOR WATER DIVISION 5 DURING THE MONTH OF AUGUST 2021. 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.

21CW3118 (21CW3042) (14CW3078) (07CW138) – EAGLE COUNTY – APPLICATION FOR FINDING OF REASONABLE DILIGENCE – 1. Name, Address, Phone Number, and E-Mail Address of Applicant. Roundup River Ranch, c/o Ruth B. Johnson, President and CEO, P.O. Box 8589, Avon, Colorado 81620, Phone: 970-524-5726, E-mail: ruth@roundupriverranch.org. Attorneys for Applicant: Richard A. Johnson, David F. Bower, Johnson & Repucci LLP, 850 W. South Boulder Road, Suite 100, Louisville, Colorado 80027. **2. Overview.** Roundup River Ranch (“Applicant”) is a non-profit organization that owns and operates a free camp for kids with chronic and life-threatening illnesses and their families. The camp is located on approximately 124 acres of land along the Colorado River. A general location map depicting the camp and the subject structures is attached as Exhibit A. The camp is expanding its facilities and requires new water rights to satisfy the increased water demands. In addition, the camp needs to enlarge its existing water rights and amend its plan for augmentation to address the increased uses from the expansion. **3. Claim for Conditional Underground Water Rights.** (a) Name of Structures. (i) Roundup River Ranch Well No. 3. (ii) Roundup River Ranch Well No. 4. (iii) Roundup River Ranch Well No. 5. (b) Approximate Legal Description of Structures. (i) Roundup River Ranch Well No. 3 will be located in the NW1/4 of the SE1/4 of Section 3, Township 4 South, Range 86 West of the 6th P.M., at a point described as Zone 13, NAD83, Easting 326717.0m, Northing 4399724.0m. (ii) Roundup River Ranch Well No. 4 will be located in the NE1/4 of the SW1/4 of Section 3, Township 4 South, Range 86 West of the 6th P.M., at a point described as Zone 13, NAD83, Easting 326640.9m, Northing 4400034.1m. (iii) Roundup River Ranch Well No. 5 will be located in the SE1/4 of the NW1/4 of Section 3, Township 4 South, Range 86 West of the 6th P.M., at a point described as Zone 13, NAD83, Easting 326512.6m, Northing 4400206.9m. (c) Source. **Alluvial groundwater tributary to the Colorado River.** (d) Estimated Depth. 30 feet. (e) Amount. 0.223 cfs (100 gpm), each, conditional. (f) Uses. Domestic, commercial, irrigation of approximately 11 acres, fire protection, and recreational, piscatorial, wildlife watering, and aesthetic uses. A map of the approximate location of the irrigated acreage is attached as Exhibit B. (g) Date of Appropriation. Date of application. (h) Remarks. The location, depth, and amount claimed for Roundup River Ranch Well Nos. 3–5 are estimated based on current development plans and characteristics of the underlying aquifer and nearby wells. Applicant reserves the right to locate the wells anywhere on the subject property. **4. Claim for Enlargement of Decreed Water Rights.** (a) Original and Subsequent Decrees. The conditional water rights that are the subject of this claim were originally decreed in Case No. 07CW138, Water Division 5, dated June 13, 2008. The conditional rights were continued in their entirety pursuant to the diligence decree entered in Case No. 14CW3078, Water Division 5, dated March 22, 2015, and are also the subject of the pending application to make absolute in part and for a finding of reasonable diligence in Case No. 21CW3042, Water Division 5, dated March 29, 2021. (b) Name and Description of Water Rights to be Enlarged. (i) Roundup River Ranch Well No. 1. (A) Legal Description. NW1/4 of the SE1/4 of Section 3, Township 4 South, Range 86 West of the 6th P.M., at a point approximately 2,370 feet from the east section line and 1,660 feet from the south section line of said Section 3. (B) Source. Alluvial groundwater tributary to the Colorado River. (C) Amount. 0.223 cfs (100 gpm), conditional. (D) Uses. Domestic, commercial, irrigation of not more than three acres, fire protection, and recreational, piscatorial, wildlife watering, and aesthetic uses. (E) Date of Appropriation. June 20, 2007. (F) Remarks. In Case No. 21CW3042, Applicant has claimed 0.043 cfs (19.5 gpm) absolute for domestic, commercial, irrigation, and fire protection purposes, with the rest remaining conditional. (ii) Roundup River Ranch Well No. 2. (A) Legal Description. NW1/4 of the SE1/4 of Section 3, Township 4 South, Range 86 West of the 6th P.M., at a point approximately 2,380 feet from the east section line and 1,810 feet from the south section line of said Section 3. (B) Source. Alluvial groundwater tributary to the Colorado River. (C) Amount. 0.223 cfs (100 gpm), conditional. (D) Uses. Domestic, commercial, irrigation of not more than three acres, fire protection, and recreational, piscatorial, wildlife watering, and aesthetic uses. (E) Date of Appropriation. June 20, 2007. (F) Remarks. In Case No. 21CW3042, Applicant has requested continuing the entire right as conditional. (iii) Roundup River Ranch Pump Station. (A) Legal Description. SE1/4 of the NW1/4 of Section 3, Township 4 South, Range 86 West of the 6th P.M., at a point approximately 3,200 feet from the east section line and 2,350 feet from the north section line of said Section 3. (B) Source. Colorado River. (C) Amount. 2.0 cfs, conditional. (D) Uses. Irrigation of not more than three acres, fire protection, and recreational, piscatorial, wildlife watering, and aesthetic uses. (E) Date of Appropriation. June 20, 2007. (F) Remarks. In Case No. 21CW3042, Applicant has claimed 0.75 cfs absolute for all decreed uses, with the rest remaining conditional. (iv) Roundup River Ranch Pond. (A) Legal Description. SW1/4 of the NE1/4 of Section 3, Township 4 South, Range 86 West of the 6th P.M., at a point approximately 2,180 feet from the east section line and 2,060 feet from the north section line of said Section 3. (B) Source. Colorado River, including natural runoff and surface drainage. (C) Filler Structures. Roundup River Ranch Well Nos. 1 and 2 and Roundup River Ranch Pump Station. (D) Rate of Fill. 2.0 cfs. (E) Amount. 20 acre-feet, with the right to fill and refill, conditional. (F) Uses. Domestic, commercial, irrigation of not more than three acres, fire protection, and recreational, piscatorial, wildlife watering, and aesthetic uses. (G) Date of Appropriation. June 20, 2007. (H) Remarks. In Case No. 21CW3042, Applicant has claimed 9.1 acre-feet absolute for all decreed uses, with the rest remaining conditional. (c) Requested Enlargement. All of the subject rights are currently decreed for “irrigation of not more than three acres.” Applicant seeks to

enlarge the decreed use of the rights so that they can irrigate approximately 11 acres of landscaping as generally shown on the map attached as Exhibit B. Applicant also seeks to add the Roundup River Ranch Well Nos. 3–5 as decreed points of diversion for filling the Roundup River Ranch Pond. No other change is sought in the location, source, amount, or use of any of the water rights. **5. Claim for Amendment to Plan for Augmentation.** (a) Original and Subsequent Decrees. The plan for augmentation to be amended was originally approved in Case No. 07CW138, Water Division 5, dated June 13, 2008. (b) Description of Amendment to Plan for Augmentation. Since the original plan for augmentation was approved, the size of the camp property has increased and additional facilities and irrigated acreage are planned. In addition, three new wells are claimed to provide water supply. Therefore, Applicant seeks to amend the existing plan for augmentation to allow for the estimated increase in demand and depletions and cover the additional structures. (c) Complete Statement of Amended Plan for Augmentation. (i) Name and Description of Structures to be Augmented. (A) Roundup River Ranch Well Nos. 1–5. (B) Roundup River Ranch Pump Station. (C) Roundup River Ranch Pond. (ii) Water Rights to be Used for Augmentation. Colorado River District Contract Water, which may be provided from Wolford Mountain Reservoir or Ruedi Reservoir pursuant to a contract with the Colorado River Water Conservation District (“Colorado River District”). Applicant currently has a contract with the Colorado River District (Contract No. CW07004) for 13.3 acre-feet to cover 12.52 acre-feet of depletions and transit losses. Applicant will amend its existing contract or obtain a new contract for an additional 15.2 acre-feet (or such other amount as determined by final decree) to cover all anticipated depletions. (iii) Projected Demands. Total anticipated water demands associated with increased camp operations are estimated to be ~47.7 acre-feet/year. Total indoor demands are estimated to be ~16.3 acre-feet/year annually based on an average per capita use rate of 80 gpd. Total horse water demands are estimated to be ~0.14 acre-feet/year based upon 12 gpd per horse. Irrigation water demands are estimated to be ~26.9 acre-feet/year based upon an irrigation requirement of 2.5 acre-feet per acre. Pond evaporation has been calculated at 4.34 acre-feet/year annually based upon a total pond surface area of ~1.5 acres (for the Roundup River Ranch Pond and its settling pond) and a net evaporation rate of 2.89 acre-feet per surface acre. (iv) Projected Depletions. Total consumptive use is estimated to be 26.8 acre-feet/year. This is based on a consumptive use factor of 5% for indoor use, 80% sprinkler irrigation, 95% for drip irrigation, and 100% for stock watering and pond evaporation. (v) Operation of Plan for Augmentation. All out-of-priority depletions resulting from diversions at the augmented structures shall be replaced by storage releases from Wolford Mountain Reservoir and/or Ruedi Reservoir by the Colorado River District. Additional releases may be made to compensate for transit loss. (vi) Enlargement of Exchange Right. The original plan for augmentation included an appropriative right of exchange for Applicant’s augmentation obligations that were satisfied with releases from Ruedi Reservoir. Applicant seeks to expand the exchange reach to also cover depletions from the new wells and enlarge the rate of the exchange right to account for the increase in demands and depletions under this amended plan as follows: (A) Downstream Terminus. The confluence of the Colorado River and the Roaring Fork River, located in the SE1/4 of the NW1/4 of Section 9, Township 6 South, Range 89 West of the 6th P.M. (B) Original Upstream Terminus. Roundup River Ranch Well Nos. 1 and 2, which are located in the NW1/4 of the SE1/4 of Section 3, Township 4 South, Range 86 West of the 6th P.M. (C) Expanded Upstream Terminus. The farthest upstream point of depletion on the property from the Roundup River Ranch Well No. 5, which is located in the SE1/4 of the NW1/4 of Section 3, Township 4 South, Range 86 West of the 6th P.M. (D) Original Exchange Rate. Up to 0.10 cfs, conditional. In Case No. 21CW3042, Applicant has claimed this full amount absolute. (E) Additional Exchange Rate. Up to 0.10 cfs, conditional. (F) Date of Original Appropriation. June 20, 2007. (G) Date of Enlargement. Date of application. (H) Exchange Project Right. Pursuant to the Division of Water Resources draft memorandum regarding Water Exchange Projects in Plans for Augmentation, this exchange right may be characterized as an Exchange Project. Applicant requests that the original exchange right and enlargement thereof be recognized as an appropriative right of exchange and/or Exchange Project Right, as appropriate, in order for the plan for augmentation to be approved and properly administered by the Division Engineer. (vii) Remarks. All other terms and conditions decreed in Case No. 07CW138, except as expressly modified by the decree entered in this matter, shall remain in full force and effect. Pursuant to C.R.S. § 37-92-305(8), the Division Engineer shall curtail all out-of-priority diversions, the depletions from which are not so replaced as to prevent injury to vested water rights. Applicant shall install and maintain such meters, gauges, or other measuring and recording devices as may be reasonably required by the State or Division Engineer to administer the amended plan for augmentation. Applicant reserves the right to operate this plan using a different mix in uses so long as the calculation of depletions is in accordance with the depletion factors decreed herein and Applicant’s replacement supply is sufficient to cover all out-of-priority depletions. Applicant further reserves the right to use additional or alternative sources of water for replacement on a temporary or permanent basis, subject to approval by the Water Court and/or the State Engineer’s Office. **6. Name and Address of Landowner Upon which any New or Modified Diversion or Storage Structure is Located, Including Any Modification to the Storage Pool.** All structures are located on land owned by Applicant. (8 pages, plus exhibits)

YOU ARE HEREBY NOTIFIED THAT YOU HAVE until the last day of OCTOBER 2021 to file with the Water Clerk a verified Statement of Opposition setting forth facts as to why this application should not be granted or why it should be granted in part or on certain conditions. A copy of such statement of opposition must also be served upon the applicant or the applicant’s attorney and an affidavit or certificate of such service shall be filed with the Water Clerk, as prescribed by Rule 5, CRCP. (Filing Fee: \$192.00) KATHY POWERS, Water Clerk, Water Division 5; 109 8th Street, Suite 104 Glenwood Springs, CO 81601.

9. PURSUANT TO C.R.S., §37-92-302, AS AMENDED, YOU ARE NOTIFIED THAT THE FOLLOWING PAGES COMPRISE A RESUME OF THE APPLICATIONS AND AMENDED APPLICATIONS FILED WITH THE WATER CLERK FOR WATER DIVISION 5 DURING THE MONTH OF AUGUST 2021. 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.

21CW3120 GRAND COUNTY – ST. LOUIS CREEK, TRIBUTARY TO FRASER AND COLORADO RIVERS. CORNERSTONE WINTER PARK HOLDINGS, LLC; BYERS PEAK PROPERTIES, LLC; AND BYERS PEAK DOWNHILL PROPERTIES, LLC c/o Kevin L. Patrick and Jason M. Groves, Patrick, Miller & Noto, P.C., 229 Midland Ave., Basalt, CO 81623 (970) 920-1030. APPLICATION FOR NEW SURFACE AND STORAGE WATER RIGHTS. **First Claim:** Gaskill Ditch, Byers Peak Industrial Use Enlargement. Legal description: The decreed point of diversion of the Gaskill Ditch is on the East bank of St. Louis Creek at a point whence the Southwest Corner of Section 25, Township 1 South, Range 76 West of the 6th P.M.; bears South 27° 19' 30" West 3,896.2 feet. A map is on file with the Court as Exhibit A. UTM coordinates: Easting 427983 Northing: 4420600. Street Address: 748 St. Louis Creek Road. Source: St. Louis Creek, tributary to the Fraser and Colorado Rivers. Appropriation date: June 23, 2021. How appropriation was initiated: Field selection, investigations of industrial demands, pumping of water for industrial use, monumentation, and formulation of intent to appropriate and place water to beneficial use. Date water applied to beneficial use: N/A. Amount: 2.0 c.f.s., conditional. Use: Direct commercial and industrial use as well as delivery of water into storage for the subsequent uses of commercial and industrial uses in the Byers Peak Properties Pond System, previously decreed in Case No. 10CW309. Owner of land upon which point of diversion is located: Daniel D. and Anne O. Berkeley. Owners of land upon which water will be beneficially used: Applicants (see Application). Remarks: The subject water right is a component part of an integrated water supply plan for the water rights claimed in this application. **Second Claim:** Byers Peak Properties Pond System Industrial Use Enlargement. Legal description of the Pond System: One or more ponds located in Grand County, the lower terminus of the Pond System is in the SE ¼ of the SE ¼, Section 19, Township 1 South, Range 75 West of the 6th P.M., at a distance of 603 feet from the South section line and 898 feet from the East section line, and the upper terminus of the Pond System is in the NW ¼ of the SW ¼, Section 19, Township 1 South, Range 75 West of the 6th P.M., at a distance of 1,790 feet from the South section line and 1,069 feet from the West section line. A map of the Byers Peak Properties Pond System is on file with the court as **Exhibit A**. UTM coordinates Lower Terminus: Easting 429307 Northing: 4421667. UTM coordinates Upper Terminus: Easting 430305 Northing: 4421300. Street Address: 748 St. Louis Creek Road. Ditch used to fill and re-fill the Pond System: The Gaskill Ditch, Byers Peak Industrial Use Enlargement will fill and re-fill the structure (see First Claim above). The capacity of the Gaskill Ditch is estimated to be 10.0 cfs, of which Applicants have prior decreed water rights totaling 6.0 cfs and an additional owner has prior decreed water rights of 0.5 cfs. Source: St. Louis Creek, a tributary of the Fraser River and the Colorado River with diversions made through and by the water rights described in the First Claim. Appropriation date: June 23, 2021. How appropriation was initiated: Field selection, investigations of industrial demands, pumping of water for industrial use, monumentation, and formulation of intent to appropriate and place water to beneficial use. Amount: 50.0 acre-feet, conditional, with the right to fill and refill when water is legally and physically available. If off-channel reservoir, rate of diversion in c.f.s. for filling the reservoir: See above. Use: Commercial and industrial uses on the lands owned by Applicants and any additional contiguous lands that may be hereafter acquired by Applicants or their subsidiaries and related companies including, but not limited to the properties described in documents recorded as Reception Nos. 2003-016733 (Exhibits A-1 through A-6), 2003-016728, 2004-012690. 2008-008822, 2008-002706, and 2009-000279, Grand County Clerk and Recorder Office records. Surface area of highwater line: 25.50 acres for all ponds in the Byers Peak Properties Pond System decreed in this case and Case No. 10CW309, combined. Maximum height of dams in feet: 10.0. Maximum Length of dams in feet: 3,300. Total capacity of reservoir (inclusive of the water right decreed herein and Case No. 10CW309) in acre feet: Total active capacity: 232.0 acre-feet. Total dead storage: 0 acre-feet. All stored water can be released from gravity and/or pump and pipeline system. Applicant Byers Peak Properties, LLC owns the land under this claim upon which the subject storage structure is or will be constructed or upon which water is or will be or stored, including any modification to the existing storage pool. Remarks: The subject water right is a component part of an integrated water supply plan for the water rights claimed in this application.

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10. PURSUANT TO C.R.S., §37-92-302, AS AMENDED, YOU ARE NOTIFIED THAT THE FOLLOWING PAGES COMPRISE A RESUME OF THE APPLICATIONS AND AMENDED APPLICATIONS FILED WITH THE WATER CLERK FOR WATER DIVISION 5 DURING THE MONTH OF AUGUST 2021. *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.*

21CW2 (14CW11) MESA COUNTY-PLATEAU CREEK TRIBUTARY TO THE COLORADO RIVER. APPLICATION FOR FINDINGS OF REASONABLE DILIGENCE AND TO MAKE ABSOLUTE. Danny & Marcia Vroman; P.O. Box 487; Mesa, CO 81643; (970)268-5764. DESCRIPTION OF WATER RIGHT: Name of Structure: Jackson Ditch Vroman Enlargement. Location: SW¼NE¼ Sec. 18, T.10S., R.96W. of 6th P.M. UTM: E229182.2 N4342440.7 Z13. Appropriation Date: Mar. 15, 2006. Amount: 0.024 c.f.s. Uses: Fill Vroman Pond and augmentation of Vroman Well. CLAIM TO MAKE CONDITIONAL WATER RIGHT ABSOLUTE: Applicants seek a determination and decree that 0.024 c.f.s. of the Jackson Ditch Vroman Enlargement has been made absolute for all decreed uses based on in-priority diversion and application to beneficial use on May 27, 2008. In the alternative, Applicants seek a finding of reasonable diligence. An outline of work completed during the diligence period is included in the application. Applicants own the land on which the structure is located and upon which the water is/will be placed to beneficial use.

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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 AUGUST 2021. *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.*

21CW3 PITKIN COUNTY-WOODY CREEK RIVER TRIBUTARY TO THE ROARING FORK RIVER TRIBUTARY TO THE COLORADO RIVER. APPLICATION FOR CONDITIONAL UNDERGROUND WATER RIGHT. H. Louise Mead; P.O. Box 424; Woody Creek, CO 81656. (970)710-0522. DESCRIPTION OF WATER RIGHT: Name of Structure: Mead Well. Location: SE1/4NE1/4NE1/4 Sec. 28, T.9S., R.84W. of 6th P.M. 2,860 ft. from the south corner sec. and 1,300 ft. from the east corner sec. UTM: Easting 347214 Northing 4344928 Zone 13. Appropriation Date: July 18, 1973, based on obtaining Well Permit No. 258355 and purchase of the property. Amount: 15.0 g.p.m., conditional. Uses: domestic. Landowner on which structure is located: ARCPE I, LLC; 6200 S. Quebec St.; Centennial, CO 80111.

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