

DIVISION 5 WATER COURT-DECEMBER 2021 RESUME

SUBSTITUTE WATER SUPPLY PLAN AND PRODUCED NONTRIBUTARY GROUNDWATER NOTIFICATION LIST

Section 37-92-308(6), C.R.S. directs the State Engineer to establish a notification list for each water division for the purpose of notifying interested parties of requests for the State Engineer's approval of substitute water supply plans ("SWSP") filed in that water division pursuant to section 37-92-308, C.R.S. The SWSP notification list is also used to provide notice of proposed water right loans to the Colorado Water Conservation Board for use as instream flows under section 37-83-105(2)(b)(II), C.R.S., notice of applications for the State Engineer's approval of interruptible water supply agreements under section 37-92-309(3)(a), C.R.S., notice of applications for fallowing-leasing pilot projects under section 37-60-115(8)(e)(II), C.R.S., and notice of storm water detention and infiltration facilities under section 37-92-602(8)(d), C.R.S.

Pursuant to Rule 17.5(B)(2) of the Rules and Regulations for the Determination of the Nontributary Nature of Ground Water Produced Through Wells in Conjunction with the Mining of Minerals, at 2 CCR 402-17 ("Rules"), the State Engineer is publishing this invitation to persons to be included on the Produced Nontributary Ground Water Notification List. According to Rule 17.5(B)(2) of the Rules, the State Engineer must establish a Produced Nontributary Ground Water Notification List for each water division within the State of Colorado for the purposes of ensuring that water users within each water division receive adequate notice of proceedings held pursuant to the Rules. In order to establish such notification list, the State Engineer is directed, in January of each year, to cause to have published in the water court resume for each water division this invitation to be included on the Produced Nontributary Ground Water Notification List for the applicable water division.

This notice is an invitation to be included on the SWSP or Produced Nontributary Groundwater notification lists. Sign up for these or other notification lists maintained by the State Engineer at: <https://dwr.colorado.gov/public-information/notification-lists>. Additional information is available on the Division of Water Resources' website at: <https://dwr.colorado.gov/>.

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

21CW6 (09CW53) GARFIELD COUNTY- COLORADO RIVER. David Lawson; 0011 Browning Dr.; Rifle, CO 81650. (970)379-3478. Anderson Spring No. 1, No. 2 and No. 3- Application to Make Absolute In Whole or In Part. Legal Descriptions: Anderson Spring No. 1- UTM: E4377743 N0258564 Z13; NE¼NE¼ Sec. 19, T.6S, R.93W. of the 6th p.m. 986 ft. from the north sec. line and 197 ft. from the east sec. line. Anderson Spring No. 2- UTM: E4377786 N0258518 Z13; NE¼NE¼ Sec. 19, T.6S, R.93W. of the 6th p.m. 122 ft. from the north sec. line and 45 ft. from the east sec. line. Anderson Spring No. 3- UTM: E437770 N0258694 Z13; NE¼NE¼ Sec. 19, T.6S, R.93W. of the 6th p.m. 120 ft. from the north sec. line and 343 ft. from the east sec. line. Appropriation for all structures: Jan. 1, 2009. Amounts: Anderson Spring No. 1 - 2.35 g.p.m., absolute; Anderson Spring No. 2 - 9.8 g.p.m., absolute; Anderson Spring No. 3 - 8.2 g.p.m., absolute. Uses: irrigation, stock watering and fire protection. An outline of work performed during the diligence period is included with the application.

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21CW7 MESA COUNTY- MESA CREEK TRIBUTARY TO THE COLORADO RIVER. Thomas and Tammi Bieser; P.O. Box 266; Mesa, CO 81643. (970)268-5448. Bieser Ditch #2 and Bieser Spring- Amended Application for Absolute Water Rights (Surface). Legal Descriptions: Bieser Ditch #2-NE¼NE¼ of Sec. 6, T.11S., R.96W. of the 6th P.M., 286 ft. from the East sec. line and 1,255 ft. from the North sec. line. UTM Coordinates: E4334456.9 N745689.8 Z12. Bieser Spring - NW¼NW¼ of Sec. 5, T.11S., R.96W. of the 6th P.M. 572 ft. from the West sec. line and 4,390 ft. from South sec. line. UTM Coordinates: E4335430.92 N745931.02 Z12. Appropriation for both structures: 1967. Amounts and Uses: Bieser Ditch #2- 0.50 c.f.s., absolute for irrigation. Bieser Spring-5.0 g.p.m., absolute for animals, livestock and irrigation.

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21CW3145 GRAND COUNTY – APPLICATION FOR UNDERGROUND WATER RIGHT, SURFACE WATER RIGHTS, STORAGE WATER RIGHT, AND APPROVAL OF A PLAN FOR AUGMENTATION WITH EXCHANGE RIGHTS – 1. Name, Address, Phone Number, and E-Mail Address of Applicants. Tiehen Realty, LLC, a Missouri limited liability company, 3401 College Boulevard, Suite 250, Leawood, Kansas 66211; TTG – Guest Ranch, LLC, a Kansas limited liability company, 3401 College Boulevard, Suite 250, Leawood, Kansas 66211; QMR AVR Sidecar LLC, an Illinois limited liability company, 552 Lincoln Avenue, Winnetka, Illinois 60093. The agent and contact for all Applicants in this matter is: The Tiehen Group, Inc., c/o Mike Tiehen, President, 3401 College Boulevard, Suite 250, Leawood, Kansas 66211, Phone: (816) 694-2102, E-mail: Mike@tiehengroup.com. Attorneys for Applicant: David F. Bower, Johnson & Repucci LLP, 850 W. South Boulder Road, Suite 100, Louisville, Colorado 80027. 2. Overview. Applicants are the co-owners of the Arapaho Valley Ranch (the “Ranch”), an approximately 39-acre property located adjacent to Arapaho Creek between Monarch Lake and Lake Granby. The Ranch currently operates a guest ranch supporting a range of accommodations, including camping sites, cabins, and a single-family residence. The ranch facilities also include a bar and historic lodge and dance hall. By this application, Applicants are claiming (i) a conditional underground water right for the Ranch’s potable water supply, (ii) conditional surface rights for irrigation and other uses on the property, and (iii) a storage water right for an existing on-channel pond located on the Ranch. Applicants also seek approval of a plan for augmentation with exchange rights to replace out-of-priority depletions associated with the Ranch. A map of the Ranch and subject structures is attached to the application. 3. Claim for Conditional Underground Water Right. (a) Name of Well Structure. Arapaho Valley Ranch Well. (b) Permit Information. The Arapaho Valley Ranch Well is currently permitted under Permit No. 22267-F, issued May 2, 1977. The Arapaho Valley Ranch Well will be re-permitted after the plan for augmentation is approved in this matter. (c) Location. NE1/4 SE1/4 of Section 23, Township 2 North, Range 75 West of the 6th P.M., at a point described as Zone 13, NAD83, Easting 435558 m, Northing 4441124 m. (d) Source. Groundwater tributary to Irving Hale Creek, tributary to Arapaho Creek, tributary to Lake Granby, tributary to the Colorado River. (e) Depth of Well. 80 feet. (f) Appropriation Date. March 15, 1977, which is the day that a permit application was received by the Division of Water Resources for the Arapaho Valley Ranch Well. (g) Amount. 0.056 cfs (25 gpm), conditional. (h) Uses. Domestic, commercial, stock watering, and fire protection. (i) Remarks. Depletions from the Arapaho Valley Ranch Well accrue to Irving Hale Creek in the Arapaho Valley Ranch Pond described in paragraph 6 below. 4. Claim for Conditional Surface Right. (a) Name of Diversion Structure. Wild Pipeline No. 1 (First Enlargement). (b) Decreed Location. NE1/4 of the SE1/4 of Section 23, Township 2 North, Range 75 West of the 6th P.M., at a point whence the East Quarter Corner of said Section 23 bears North 100 feet. (c) Physical Location. NE1/4 SE1/4 of Section 23, Township 2 North, Range 75 West of the 6th P.M., at a point described as Zone 13, NAD83, Easting 435942 m, Northing 4441192 m. This location is within 500 feet of the decreed location. (d) Source. Irving Hale Creek, tributary to Arapaho Creek, tributary to Lake Granby, tributary to the Colorado River. (e) Appropriation Date. Date of application. (f) Amount. 0.033 cfs (15 gpm), conditional. (g) Uses. Irrigation and fire protection. Irrigation will be for a total of up to 3.5 acres of pasture, lawn, and landscaping on the subject property. (h) Remarks. The Wild Pipeline No. 1 was originally decreed in Case No. W-2391, Water Division 5, dated March 20, 1975, for 0.033 cfs, for domestic, commercial, and livestock water. This First Enlargement only seeks to add irrigation and fire protection as decreed uses for the structure. 5. Claim for Conditional Surface Right. (a) Name of Diversion Structure. Arapaho Valley Ranch Diversion. (b) Location. NE1/4 SE1/4 of Section 23, Township 2 North, Range 75 West of the 6th P.M., at a point described as Zone 13, NAD83, Easting 435744 m, Northing 4441098 m. (c) Source. Irving Hale Creek, tributary to Arapaho Creek, tributary to Lake Granby, tributary to the Colorado River. (d) Appropriation Date. Date of application. (e) Amount. 0.033 cfs (15 gpm), conditional. (f) Uses. Domestic, commercial, irrigation, stock watering, and fire protection. Irrigation will be for a total of up to 3.5 acres of pasture, lawn, and landscaping on the subject property. (g) Remarks. The location of the Arapaho Valley Ranch Diversion is approximate. Applicants request the right to locate a diversion structure (either temporary or permanent) at any location along the ~300-foot stretch of Irving Hale Creek between the Arapaho Valley Ranch Pond and Applicants’ eastern property line. 6. Claim for Conditional Storage Right. (a) Name of Storage Structure. Arapaho Valley Ranch Pond. (b) Location. NE1/4 SE1/4 of Section 23, Township 2 North, Range 75 West of the 6th P.M., at a point described as Zone 13, NAD83, Easting 435622 m, Northing 4441032 m. (c) Source. Irving Hale Creek, tributary to Arapaho Creek, tributary to Lake Granby, tributary to the Colorado River. (d) Name and Rate of Filler Structures. The Arapaho Valley Ranch Pond is an on-channel reservoir structure. (e) Appropriation Date. Date of application. (f) Amount. 15.0 acre-feet, conditional, with the right to fill and refill in priority. (g) Uses. Fish and wildlife habitat, recreation, fire protection, and augmentation. (h) Surface Area of the High Water Line. ~1.9 acre. (i) Height and Length of Dam. The Arapaho Valley Ranch Pond dam is less than 10 feet in height with a length of approximately 50 feet. (j) Total Capacity. ~10.0 acre-feet, to be confirmed by pond survey. The claim for the total amount for the right will be reduced to the surveyed capacity of the structure. (k) Remarks. The Arapaho Valley Ranch Pond is an on-channel reservoir created by the impoundment of Irving Hale Creek. In order to replace all out-of-priority depletions that may result from the structure, out-of-priority evaporative depletions will be replaced by the plan for augmentation claimed in this matter. The structure is estimated to have an average annual evaporation rate of 35 inches per year (2.92 feet per year). As an on-channel structure, net average evaporation from the pond that must be replaced is estimated to be 3.62 acre-feet/year. 7. Request for Approval of Plan for Augmentation. (a) Name of Structures to be Augmented. (i) Arapaho Valley Ranch Well, as described in paragraph 3 above. (ii) Wild Pipeline No. 1, as described in paragraph 4 above. (iii) Arapaho Valley Ranch Diversion, as described in paragraph 5 above. (iv) Arapaho Valley Ranch Pond, as described in paragraph 6 above. (b) Water Rights to be Used for Augmentation. (i) MPWCD

Contract Water. Applicants' domestic, commercial, irrigation, and stockwatering depletions will be replaced with augmentation water provided by the Middle Park Water Conservancy District ("MPWCD") from supplies that MPWCD owns or controls in (A) Lake Granby pursuant to its Windy Gap allotment contract and (B) Wolford Mountain Reservoir. MPWCD may also substitute additional or alternative sources of supply that it may be allowed to use in the future for augmentation and replacement purposes. (ii) CRWCD Contract Water. Evaporative depletions from the Arapaho Valley Ranch Pond will be replaced with augmentation water provided pursuant to a contract with the Colorado River Water Conservation District ("CRWCD") from (A) Wolford Mountain Reservoir or (B) Ruedi Reservoir. (iii) Arapaho Valley Ranch Pond. If Applicants' out-of-priority domestic, commercial, irrigation, and stockwatering depletions cannot be replaced using MPWCD Contract Water, Applicants may also use water stored in the Arapaho Valley Ranch Pond for augmentation and replacement purposes. If Applicants' out-of-priority evaporative depletions from the Arapaho Valley Ranch Pond cannot be replaced using CRWCD Contract Water, Applicants will draw down the pond commensurate with its evaporation rate. (iv) Additional or Alternative Sources. Pursuant to C.R.S. § 37-92-305(8), Applicants reserve 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. (c) Detailed Description of Plan for Augmentation. Applicants will replace all out-of-priority depletions using the augmentation supplies as set forth above. The total water demand is estimated to be approximately 12.6 acre-feet/year and the total depletion is estimated to be 5.9 acre-feet/year. A detailed description of Applicants' demands and depletions are set forth below. For the purpose of evaluating the amount of replacement water needed to operate the plan for augmentation, 100% of the depletions are assumed to be out-of-priority. (i) Projected Demands. The total domestic and commercial demand is estimated to be 7.42 acre-feet/year. The irrigation demand is assumed to be 1.51 acre-feet/year. Evaporation from the Arapaho Valley Ranch Pond is calculated to be 3.62 acre-feet/year. (ii) Projected Depletions. Wastewater from the domestic and commercial use will be treated via an on-site septic system. Accordingly, the domestic and commercial use is expected to be 10% consumptive, resulting in an estimated depletion of 0.742 acre-feet/year. For the purposes of this plan, irrigation and evaporation are assumed to be 100% consumptive, resulting in an anticipated depletion of 1.51 acre-feet/year and 3.62 acre-feet/year, respectively. (d) Exchange Reaches. Because the MPWCD and CRWCD augmentation supplies are downstream of the points of depletion, the proposed plan for augmentation may at times operate by substitution and/or exchange. Therefore, to the extent necessary to properly operate this plan for augmentation, Applicants claim an appropriate right of exchange and/or exchange project rights from the furthest downstream point where replacement water may be released into the Colorado River up to the further upstream point of depletion for the subject rights on Irving Hale Creek. A map showing the location of the replacement supplies and exchange reaches is attached to the application. The components of the exchange rights are as follows: (i) Downstream Termini. (A) Lake Granby Exchange. Replacement water from the MPWCD Contract will, at times, be released directly from Lake Granby into the Colorado River at a point located in the SE1/4 NE1/4 of Section 11, Township 2 North, Range 76 W of the 6th P.M., at a point described as Zone 13, NAD 83, Easting 426239 m, Northing 4444556 m. (B) Wolford Mountain Reservoir Exchange. Replacement water from the MPWCD Contract and the CRWCD Contract will, at times, be released from Wolford Mountain Reservoir and flow down Muddy Creek to its confluence with the Colorado River, which is located in the NW1/4 NE1/4 of Section 19, Township 1 North, Range 80 West of the 6th P.M., at a point described as Zone 13, NAD 83, Easting 380748.2 m, Northing 4433448.3 m. (C) Ruedi Reservoir Exchange. Replacement water from the CRWCD Contract will, at times, be released from Ruedi Reservoir and flow down the Fryingpan and Roaring Fork Rivers to the confluence with the Colorado River, which is located in the SE1/4 NW1/4 of Section 9, Township 6 South, Range 89 West of the 6th P.M., at a point described as Zone 13, NAD 83, Easting 299753.7 m, Northing 4380367.2 m. (ii) Upstream Termini. (A) Arapaho Valley Ranch Well. Replacement water from the MPWCD Contract will be exchanged up to the point where the Arapaho Valley Ranch Well depletions accrue to Irving Hale Creek, which is located in the Arapaho Valley Ranch Pond as described in paragraph 6 above. (B) Wild Pipeline No. 1. Replacement water from the MPWCD Contract will be exchanged up to the point where the Wild Pipeline No. 1 diverts from Irving Hale Creek, as described in paragraph 4 above. (C) Arapaho Valley Ranch Diversion. Replacement water from the MPWCD Contract will be exchanged up to the point where the Arapaho Valley Ranch Diversion diverts from Irving Hale Creek, as described in paragraph 5 above. (D) Arapaho Valley Ranch Pond. Replacement water from the CRWCD Contract will be exchanged up to the point where Arapaho Valley Ranch Pond impounds Irving Hale Creek, as described in paragraph 6 above. (iii) Exchange Rate. 0.086 cfs (38.5 gpm), conditional, not to exceed 5.9 acre-feet/year, for all of the upstream exchange termini, combined. This is based on combined instantaneous rate of depletion from the Arapaho Valley Ranch Well (2.5 gpm), diverting from the Wild Pipeline No. 1 (15 gpm) and Arapaho Valley Ranch Diversion (15 gpm), and the maximum monthly evaporation rate from the Arapaho Valley Ranch Pond (6 gpm). (iv) Date of Appropriation. Date of application. (v) Uses. Water will be exchanged to augment and replace out-of-priority depletions from the domestic, commercial, irrigation, stock watering, fire protection, fish and wildlife habitat, and recreation uses of the augmented structures, as well as to replace evaporation from the Arapaho Valley Ranch Pond. (vi) Remarks. Applicants will only operate the requested exchange at such times when deliveries of the replacement water at the downstream exchange terminus will satisfy the downstream calling water right. 8. Integrated System. The water rights and structures claimed by Applicants in this application are components of an integrated water system. For the purposes of future diligence applications, work on one of the subject structures may be considered as evidence of reasonable diligence on other structures in the system. 9. 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 of the subject structures are on land owned by Applicants except the Wild Pipeline No. 1. The Wild Pipeline No. 1 is on land identified in the Grand County real property records as owned by the United States of America, Shadow Mountain National Recreation Area, Washington D.C. 20013. For the purposes of notice, Applicants are also sending a copy of this application to the United States of America, USDA Forest Service – Arapaho and Roosevelt National Forest, 2150 Centre Ave., Bldg. E, Fort Collins, Colorado 80526-8119. WHEREFORE, Applicants respectfully request that the Court (1) grant the claim for water rights set forth in paragraphs 3–6 above; (2) find that there will be no injury to any owner of, or person entitled to use, water under a vested water right or conditionally

decreed water right as a result of Applicants' requested plan for augmentation and exchange rights as described in paragraph 7 above; and (3) approve the plan for augmentation and exchange rights described in paragraph 7 above.

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21CW3146 PITKIN COUNTY, ROARING FORK AND COLORADO RIVERS. Application for Conditional Water Storage Right and Conditional Surface Water Rights. Blue Cabin LLC, c/o Beattie Hout & Jarvis, PO Box 1669, Basalt, CO 970-945-8659. All structures: Date of appropriation: 06/20/20. Location of irrigated area: Applicant's property at 3877 Sopris Mountain Ranch Road, Basalt, with Pitkin County Parcel No. 246534301013. Number of acres proposed to be irrigated: Up to 35 acres. Boy's Pond: Location: SW1/4 SW1/4 Sec 34, T 8 S, R 87 W 6th PM. UTM: NAD 83, Zone 13N, Easting: 318753.87835, Northing: 4353168.96297. Source: Surface water of an unnamed trib of Dry Creek, which includes discharge from springs, snowmelt and local runoff. Name of structures used to fill reservoir: Elk Wallow Pipeline and Middle Spring. Amount: 0.35 af. Max rate of diversion: 1.0 cfs. Uses: Irrigation, animal watering, fire suppression, and aesthetics. Surface area: 5,000 sf (approx 0.12 acres). Vertical height: No more than 9 ft. Length: Approx 100 ft. Total and active capacity: 0.35 af. Elk Wallow Pipeline: Location: SW1/4 SW1/4 Sec 34, T 8 S, R 87 W 6th PM. UTM: NAD 83, Zone 13N, Easting: 318825, Northing: 4352978. Source: Surface water of an unnamed trib of Dry Creek, which includes discharge from springs, snowmelt and local runoff. Amount: 0.25 cfs. Uses: Irrigation, animal watering, fire suppression, and to fill Boy's Pond. Middle Spring: Location: NW1/4 NE 1/4 Sec 3 T 9 S, R 87 W 6th PM. UTM: NAD 83, Zone 13N, Easting: 319676, Northing: 4352740. Source: Unnamed tributaries to Dry Creek. Amount: 1.0 cfs. Uses: Irrigation, animal watering, fire suppression, and to fill Boy's Pond. Diversions from the Middle Spring are intercepted by a ditch that flows in a northwesterly direction until it reaches Applicant's property, where the water will be put to beneficial use and used to fill Boy's Pond. Owners of land – Boy's Pond and Elk Wallow Pipeline: Applicant; Middle Spring: United States Forest Service, White River National Forest Supervisor's Office, 900 Grand Ave, Glenwood Springs, CO. (5 pages, 2 exhibits)

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21CW3147 MESA COUNTY - COLORADO RIVER; R&P Sturdevant Family Trust; c/o John R. Pierce, DUFFORD WALDECK, 744 Horizon Court, Suite 300, Grand Junction, CO 81506, (970) 248-5865; APPLICATION TO MAKE CONDITIONAL RIGHTS ABSOLUTE AND REQUEST FOR FINDING OF REASONABLE DILIGENCE; Name, mailing address, and telephone number of applicant: R&P Sturdevant Family Trust; 2216 L Road; Grand Junction, CO 81505; (970) 245-3694; Request for finding of diligence: Name of structure: Sturdevant Spring; Description of conditional water right: Case No. of original decree: 2015CW3008; Subsequent decrees awarding diligence: NA; Legal description of point of diversion: NW¼ SW¼ of Section 6, Township 1 North, Range 1 West of the Ute Principal Meridian 1,783 feet from the south section line and 1,013 feet from the west section line; Source: Surface flows tributary to the Colorado River; Appropriation date: January 20, 2015; Amount claimed: 10 gpm, conditional; Use: Stockwatering; Request to make absolute: During the last diligence period Applicant improved the spring collection system by installing a gravity-fed collection basin, as well as a pump and pipeline to deliver water from the collection basin to an area appropriate for stockwater use. The system installed by Applicant captures the full flow of the spring; Request for diligence: Applicant requests a finding of reasonable diligence with regard to any portion of the conditional water right in the Sturdevant Spring not made absolute in this case. (3 pages)

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CLERK FOR WATER DIVISION 5 DURING THE MONTH OF DECEMBER 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.*

21CW3148 PITKIN COUNTY, SNOWMASS CREEK. Deerfield Investments, LLC c/o Patrick, Miller & Noto, P.C. 229 Midland Avenue, Basalt, CO, Scott C. Miller, Esq. and Lisa A. Claxton, Esq., (970) 920-1030. **APPLICATION TO MAKE ABSOLUTE.**

Claim: To Make Absolute. Name of structure: Deerfield Exchange. Description of conditional water right: Original decree: Case No. 12CW192, December 20, 2015. Legal Description: Downstream Termini: The points of replacement on the Roaring Fork and/or Colorado Rivers of the BWCD's water rights listed in paragraph 3.C of the Application and described with particularity as follows: For the exchange of Green Mountain Reservoir water: The confluence of the Roaring Fork and Colorado Rivers, located in the SE ¼ NW ¼ of Section 9, Township 6 South, Range 89 West of the 6th P.M., at a point approximately 2,200 feet from the North Section line and 2,350 feet from the West Section line; For the exchange of Ruedi Reservoir and/or Troy and Edith Ditch water: The confluence of the Roaring Fork and Frying Pan Rivers located in the SW ¼ SE ¼ of Section 7, Township 8 South, Range 86 West of the 6th P.M., at a point 647 feet from the South Section line and 1,475 feet from the East Section line; and For the exchange of Robinson Ditch water: The point of diversion for the Robinson Ditch on the Roaring Fork River, located in the NW ¼ SE ¼ of Section 11, Township 8 South, Range 87 West of the 6 P.M., at a point 2,307 feet from the South Section line and 2,309 feet from the East Section line. A map of the BWCD's augmentation supplies is on file with the Court as Figure 3. Upstream Terminus: The headgate of the Deerfield Ditch, located in the NW ¼ NW ¼ of Section 2, Township 9 South, Range 86 West of the 6th P.M., at a point approximately 419 feet from the North Section line and 594 feet from the West Section line (Pitkin County). A map is on file with Court as Figure 2. Source: Basalt Water Conservancy District ("BWCD") Water Allotment Contract No. 619 for 3.8 acre-feet from the water rights owned or controlled by the BWCD as described in paragraph 3.C of the Application. Appropriation date: September 1, 2012. Rate: 0.06 c.f.s., conditional. Volume: 3.8 acre-feet, conditional. Plan of operation: The plan for augmentation described in Case No. 12CW192 includes an appropriative right of exchange of the augmentation water released pursuant to Applicant's BWCD Water Allotment Contract, extending from the lower termini described above to the upper terminus described above. Applicant will operate the exchange only when it is in priority. Claim to make absolute: Date of beneficial use: September 15, 2016. Amount: 0.06 c.f.s. (3.8 a.f.). Use: Exchange in the plan for augmentation decreed in Case No. 12CW192. Description of place of use: Applicant's property at 2316 Snowmass Creek Rd, Snowmass, CO 81654. Maps are on file with the Court as Figures 1 and 2. Statement of beneficial use: Applicant attaches records from the Division of Water Resources records as evidence that the Deerfield Well Pond System was out of priority on September 15, 2016, and that the Deerfield Exchange needed to operate to replace out-of-priority diversions. See Exhibit A on file with the Court.

YOU ARE HEREBY NOTIFIED THAT YOU HAVE until the last day of FEBRUARY 2022 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 DECEMBER 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.*

21CW3149 EAGLE COUNTY, CATTLE CREEK ALLUVIUM, A TRIBUTARY OF THE ROARING FORK AND COLORADO RIVERS. Ten Peaks Mesa Homeowners Association c/o Patrick, Miller & Noto, P.C. 229 Midland Avenue, Basalt, CO, Paul L. Noto, Esq. and Lisa A. Claxton, Esq., (970) 920-1030. **APPLICATION FOR FINDING OF REASONABLE DILIGENCE AND TO MAKE ABSOLUTE IN PART.** **Claim:** To Make Absolute in Part and for Finding of Reasonable Diligence. Name of water right: Ten Peaks Well No. 1. Description of conditional water right: Original decree: Consolidated Case Nos. 96CW378 and 96CW379, October 23, 1998, an amended decree was issued on December 12, 2001. Previous diligence decrees: Case No.: 07CW250, May 27, 2009. Case No. 15CW3036, December 24, 2015. Legal description: The Ten Peaks Well No. 1 is situated in the SE ¼ of the SW ¼ of Section 4, Township 7 South, Range 87 West of the 6th P.M., at a point 350 feet North of the South Section line and 1600 feet East of the West Section line of Section 4 in Eagle County, Colorado. A map of the well location is on file with the Court as Exhibit A. Source: Cattle Creek Alluvium, a tributary of the Roaring Fork and Colorado Rivers. Appropriation date: November 8, 1996. Amount: Total amount decreed: 0.1 c.f.s. (45 gallons per minute). Amount made absolute: 0.055 c.f.s. (25 gallons per minute) was made absolute in 15CW3036 for domestic and fire protection purposes. Amount remaining conditional: 0.1 c.f.s. (45 gallons per minute), conditional, for livestock watering and irrigation purposes; and 0.045 c.f.s. (20 gallons per minute), conditional, for domestic and fire protection purposes. Use: Domestic, irrigation, livestock watering, and fire protection purposes. Well depth: Approximately 90 feet. Well Permit No.: 57108-F, issued on February 21, 2002. Claim for finding of reasonable diligence: A detailed outline of work performed toward completion of the appropriation and application of water during the relevant diligence period, including expenditures, is on file with the Court as Exhibit B. Claim to make water right absolute in part: Date water applied to beneficial use: June 1, 2020. Amount: 0.055 c.f.s. (25 gallons per minute), out of the 0.1 c.f.s. (45 gallons per minute) originally decreed. Use: Irrigation. Description of place of use: Applicant's property described in Paragraph 3.C. Statement of beneficial use: Applicant attaches its water use report, detailing water use for the Ten Peaks Well No.1 during the water year beginning November 1, 2020 and ending October 31 2021, as evidence Applicant used water from the Ten Peaks Well No. 1 for irrigation on the Applicant's property. See Exhibit C on file with the court. Name and

address of landowner of the land on which the structure is located: X Bar Ranch, LLC; c/o Robert Holmes, 1375 Red Butte Dr., Aspen, CO 81611. Name and address of landowner of the land upon which the water use occurs: Applicant. Remark: Ten Peaks Well No. 1 is part of an integrated water supply project decreed in Consolidated Case Nos. 96CW378 & 96CW379 and Case Nos. 96CW380 & 96CW381.

YOU ARE HEREBY NOTIFIED THAT YOU HAVE until the last day of FEBRUARY 2022 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 DECEMBER 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.*

2021CW3150 GARFIELD COUNTY, COLORADO RIVER FIRST AMENDED APPLICATION FOR FINDING OF REASONABLE DILIGENCE. Name and address of Applicant: The Town of Silt, c/o Town Administrator, P.O. Box 70, Silt, Colorado 81652. Please direct all correspondence, motions, and pleadings to Michael J. Sawyer or Joely R. Denking, KARP NEU HANLON, P.C., 201 14th Street, Suite 200, P.O. Drawer 2030, Glenwood Springs, CO 81602 (970) 945-2261. Transfer of Water Right: A Notice of Transfer of ownership of the subject water rights was filed with the District Court in and for Water Division No. 5 on August 31, 2021. **FIRST CLAIM—APPLICATION FOR FINDING OF REASONABLE DILIGENCE. Name of structure: *Stillwater Pond No. 8.* Date of original decree: December 3, 1999, in Case No. 95CW326, in the District Court in and for Water Division No. 5. Subsequent decrees awarding findings of diligence: April 24, 2009, in Case No. 05CW249, and December 20, 2015, in Case No. 15CW3029, in the District Court in and for Water Division No. 5. Legal description: The centerpoint of the dam is located at a point in the SW1/4 of Section 10, Township 6 South, Range 92 West of the 6th P.M., approximately 1855 feet north of the south section line and 175 feet east of the west section line of said Section 10. Source: Colorado River. Appropriation date: August 28, 1995. Amount: 0.86 a.f., conditional. Uses: Irrigation, aesthetic, piscatorial, recreational, domestic, commercial, industrial, and for augmentation and exchange purposes. Maximum height of dam: Excavated pond less than 10.0 feet. Length of dam: 100.0 feet. Total capacity of reservoir: 0.86 a.f. Active capacity of reservoir: 0.85 a.f. Dead storage: 0.10 a.f. Fill rate: 5.0 c.f.s. Name and capacity of ditch leading to reservoir: Last Chance Ditch (54.82 c.f.s.). Remarks: Out of priority depletions by Stillwater Pond No. 8 are replaced pursuant to the plan for augmentation approved in Case No. 98CW131, subject to the restriction included in the deed recorded at Reception No. 915293 in Garfield County. Claim for diligence: Applicant requests a finding of diligence for 0.86 a.f., conditional, for the Stillwater Pond No. 8 for irrigation, aesthetic, piscatorial, recreational, domestic, commercial, industrial, and for augmentation and exchange purposes. The Application contains a detailed outline of what has been done by Applicant during the diligence period toward or for completion of the appropriation and application of the conditional water rights to beneficial use as decreed, including expenditures. **SECOND CLAIM—APPLICATION FOR FINDING OF REASONABLE DILIGENCE. Name of structure: *Stillwater Pond No. 9.* Date of original decree: December 3, 1999, in Case No. 95CW326, in the District Court in and for Water Division No. 5. Subsequent decrees awarding findings of diligence: April 24, 2009, in Case No. 05CW249 and December 20, 2015, in Case No. 15CW3029, in the District Court in and for Water Division No. 5. Legal description: The centerpoint of the dam is located at a point in the SE1/4 of Section 9, Township 6 South, Range 92 West of the 6th P.M., approximately 1910 feet north of the south section line and 90 feet west of the east section line of said Section 9. Source: Colorado River. Appropriation date: August 28, 1995. Amount: 7.14 a.f., conditional. Uses: Irrigation, aesthetic, piscatorial, recreational, domestic, commercial, industrial, and for augmentation and exchange purposes. Maximum height of dam: Excavated pond less than 10.0 feet. Length of dam: 100.0 feet. Total capacity of reservoir: 7.14 a.f. Active capacity of reservoir: 7.00 a.f. Dead storage: 0.14 a.f. Fill rate: 5.0 c.f.s. Name and capacity of ditch leading to reservoir: Last Chance Ditch (54.82 c.f.s.). Remarks: Out of priority depletions by Stillwater Pond No. 9 are replaced pursuant to the plan for augmentation approved in Case No. 98CW131, subject to the restriction included in the deed recorded at Reception No. 915293 in Garfield County. Claim for diligence: Applicant requests a finding of diligence for 7.14 a.f., conditional, for the Stillwater Pond No. 9 for irrigation, aesthetic, piscatorial, recreational, domestic, commercial, industrial, and for augmentation and exchange purposes. The Application contains a detailed outline of what has been done by Applicant during the diligence period toward or for completion of the appropriation and application of the conditional water rights to beneficial use as decreed, including expenditures. **THIRD CLAIM—APPLICATION FOR FINDING OF REASONABLE DILIGENCE. Name of structure: *Stillwater Pond No. 10.* Date of original decree: December 3, 1999, in Case No. 95CW326, in the District Court in and for Water Division No. 5. Subsequent decrees awarding findings of diligence: April 24, 2009, in Case No. 05CW249 and December 20, 2015, in Case No. 15CW3029, in the District Court in and for Water Division No. 5. Legal description: The centerpoint of the dam is located at a point in the SE1/4 of Section 9, Township 6 South, Range 92 West of the 6th P.M., approximately 1675 feet north of the south section line and 495 feet west of the east section line of said Section 9. Source: Colorado River. Appropriation date: August 28, 1995. Amount: 3.16 a.f., conditional. Uses: Irrigation, aesthetic, piscatorial, recreational, domestic, commercial, industrial, and for augmentation and exchange purposes. Maximum height of dam: Excavated pond less than 10.0 feet. Length of dam: 200.0 feet. Total capacity of reservoir: 3.16 a.f. Active capacity of reservoir: 3.0 a.f. Dead storage: 0.16 a.f. Fill rate: 5.0 c.f.s. Name and capacity of ditch leading to reservoir: Last Chance Ditch (54.82 c.f.s.). Remarks: Out of priority depletions******

by Stillwater Pond No. 10 are replaced pursuant to the plan for augmentation approved in Case No. 98CW131, subject to the restriction included in the deed recorded at Reception No. 915293 in Garfield County. Claim for diligence: Applicant requests a finding of diligence for 3.16 a.f., conditional, for the Stillwater Pond No. 10 for irrigation, aesthetic, piscatorial, recreational, domestic, commercial, industrial, and for augmentation and exchange purposes. The Application contains a detailed outline of what has been done by Applicant during the diligence period toward or for completion of the appropriation and application of the conditional water rights to beneficial use as decreed, including expenditures. Names and addresses of owners of land upon which structures are located: Applicant. A map depicting the location of the structures to be decreed, outline of diligence activities including expenditures are on file with the Water Court (9 pp. with exhibits)

YOU ARE HEREBY NOTIFIED THAT YOU HAVE until the last day of FEBRUARY 2022 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 DECEMBER 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.*

21CW3151 NOTICE OF FILING OF FINAL DECENNIAL ABANDONMENT LIST FOR WATER DIVISION NO. 5: The State Engineer and the Division Engineer for Water Division 5, by and through the Attorney General hereby provide notice of the filing with the Water Clerk of the decennial abandonment list for Water Division 5 under section 37-92-401(4)(c), C.R.S. (2021). Notice is hereby given that, pursuant to section 37-92-401(4) C.R.S. (2021), the Division Engineer, in consultation with the State Engineer, has revised and finalized the decennial abandonment list, which contains those water rights that the Division Engineer has determined to have been abandoned in whole or in part. The decennial abandonment list, when concluded by judgment and decree, shall be conclusive as to the water rights determined to have been abandoned. The initial abandonment list (published in July 2020) and the final revised abandonment list are available online at: <https://dwr.colorado.gov/services/water-administration/water-rights>. The initial and final revised decennial abandonment lists may also be inspected after December 31, 2021, at the offices of the State Engineer, Division Engineer, and Clerk of the Water Court. Contact the respective offices for information on hours and/or appointments. This decennial abandonment proceeding, including any protest proceedings, are subject to Rule 12 of the Uniform Local Rules for All State Water Court Divisions (Water Court Rules), effective as amended on December 13, 2018 and available on the Water Court's website at: <https://www.courts.state.co.us/Courts/Water>. Any person who wishes to protest the inclusion of any water right on the final decennial abandonment list shall file a written protest with the Water Clerk and the Division Engineer in accordance with the procedures set forth in section 37-92-401(5), C.R.S (2021) not later than June 30, 2022. The fee for filing such a protest with the Water Clerk is forty-five dollars (\$45.00). The protest shall set forth in detail the factual and legal basis therefor. A form for such a protest (JDF 304W) is available on the Water Court website.

YOU ARE HEREBY NOTIFIED THAT YOU HAVE until the last day of FEBRUARY 2022 to file with the Water Clerk a verified Statement of Opposition setting forth facts as to why this application should not be granted or why it should be granted in part or on certain conditions. A copy of such statement of opposition must also be served upon the applicant or the applicant's attorney and an affidavit or certificate of such service shall be filed with the Water Clerk, as prescribed by Rule 5, CRCP. (Filing Fee: \$192.00) KATHY POWERS, Water Clerk, Water Division 5; 109 8th Street, Suite 104 Glenwood Springs, CO 81601.

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

21CW3152 GRAND COUNTY. APPLICATION FOR UNDERGROUND WATER RIGHTS AND APPROVAL OF A PLAN FOR AUGMENTATION INCLUDING EXCHANGE. Applicants: Ardith and Sydney White, 8431 Nelson Court, Arvada, CO 80005. Applicants are represented by Kent Whitmer and Katie Randall, The Whitmer Law Firm, LLC, P.O. Box 38, Hot Sulphur Springs, CO 80451, (970) 725-3460. Claim for Conditional Underground Water Right – Marquez Well. Type of Structure: Well. Name of Well: Marquez Well, Permit No. 51472-F. Depth: 802 feet. Legal Description: Marquez Well is located in the NE1/4 NW1/4, S25, T3N, R76W of the 6th P.M. at the following UTM Coordinates: Zone 13 Easting: 427090.7 Northing: 4450025.1. Source: Ground water tributary to Granby Reservoir, tributary to the Colorado River. Date of Appropriation: February 7, 1997. Amount: 0.033 c.f.s. (15 g.p.m.), conditional. Uses: Household use and irrigation of up to 1,000 sq. ft. of outdoor landscaping. Remarks: Depletions accrue directly to Granby Reservoir. Request for Plan for Augmentation Including Exchange: Applicants seek approval of a plan to augment out-of-priority depletions attributable to Marquez Well, including by exchange. The Middle Park Water Conservancy District has

approved a Contract to provide Applicants an annual entitlement of up to 1.0af. Structure to be Augmented: Marquez Well, as described above. Water Rights to be Used for Augmentation and Exchange: Augmentation water will be provided by Granby Reservoir or Wolford Mountain Reservoir to replace depletions to the Colorado River caused by Applicants' diversion, in amounts as determined by the Division Engineer, and at such times as diversions by Applicants would ordinarily be curtailed due to the call of senior downstream water rights. Replacement of depletions to Granby Reservoir will be made, as necessary, pursuant to Paragraph 19 of the decree in Case No. 99CW261, Water Division 5. Appropriative Right of Exchange – Marquez Well Exchange: Appropriation Date: February 7, 1997. Rate of Exchange: 0.00007 c.f.s., limited to 0.046 af/yr, conditional. Exchange Reach: Downstream Terminus: the confluence of Muddy Creek and the Colorado River, NW1/4 NE1/4, S19, T1N, R80W, 6th P.M., at a point described as Zone 13, NAD 83, Easting 380748.2 m, Northing 4433448.3 m. Upstream Terminus: Replacement water from the MPWCD contract will be exchanged up to the point where the Marquez Well depletions accrue to the Colorado River in Granby Reservoir at a point located in the SE1/4 NE1/4 of S11, T2N, R76W, 6th P.M., described as Zone 13, NAD 83, Easting 426239 m, Northing 4444556 m. Additional Information: The Application sets forth detailed information about the underground water rights and proposed plan for augmentation, including Applicants' estimated water requirements, consumptive uses, and delayed impacts. (19 pages).

YOU ARE HEREBY NOTIFIED THAT YOU HAVE until the last day of FEBRUARY 2022 to file with the Water Clerk a verified Statement of Opposition setting forth facts as to why this application should not be granted or why it should be granted in part or on certain conditions. A copy of such statement of opposition must also be served upon the applicant or the applicant's attorney and an affidavit or certificate of such service shall be filed with the Water Clerk, as prescribed by Rule 5, CRCP. (Filing Fee: \$192.00) KATHY POWERS, Water Clerk, Water Division 5; 109 8th Street, Suite 104 Glenwood Springs, CO 81601.

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

21CW3153 GRAND COUNTY. Winter Park Water and Sanitation District, c/o Kent Bosshard, Manager, P.O. Box 7, Winter Park, CO 80482. Applicant is represented by Kent Whitmer and Katie Randall, The Whitmer Law Firm, LLC, P.O. Box 38, Hot Sulphur Springs, CO 80451, (970) 725-3460. APPLICATION FOR FINDING OF REASONABLE DILIGENCE. Name of Structure: Jim Creek Ditch. Source: Jim Creek, tributary to the Fraser River, tributary to the Colorado River. Legal Description: Grand County, Tract 44A, Township 2 South, Range 75 West, 6th P.M. beginning at Southwest Corner of said Tract 44A, thence N 33°08'18" W 1,240 feet to a point on Jim Creek. The point of diversion can also be described as being at a point in the SW1/4 NW1/4, Section 14, Township 2 South, Range 75 West, 6th P.M., 3,900 feet from the South Section line and 4,050 feet from the East Section Line. Use: All municipal uses including irrigation, fire protection, domestic and commercial. Amount: 1.0 c.f.s., conditional. Appropriation Date: August 11, 1999. Original Decree: December 17, 2001, Case No. 00CW287, Water Division No. 5. Subsequent Decrees: January 24, 2009, Case No. 08CW003, Water Division No. 5; December 13, 2015, Case No. 15CW3017, Water Division No. 5. Additional Information: The application and attached exhibit contain a detailed outline of the work performed during the diligence period (6 pages).

YOU ARE HEREBY NOTIFIED THAT YOU HAVE until the last day of FEBRUARY 2022 to file with the Water Clerk a verified Statement of Opposition setting forth facts as to why this application should not be granted or why it should be granted in part or on certain conditions. A copy of such statement of opposition must also be served upon the applicant or the applicant's attorney and an affidavit or certificate of such service shall be filed with the Water Clerk, as prescribed by Rule 5, CRCP. (Filing Fee: \$192.00) KATHY POWERS, Water Clerk, Water Division 5; 109 8th Street, Suite 104 Glenwood Springs, CO 81601.

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

21CW3154 GRAND COUNTY. APPLICATION FOR UNDERGROUND WATER RIGHTS AND APPROVAL OF A PLAN FOR AUGMENTATION INCLUDING EXCHANGE. Applicants: James and Laura Peyton, P.O. Box 2149, Granby, CO 80446. Applicants are represented by Kent Whitmer and Katie Randall, The Whitmer Law Firm, LLC, P.O. Box 38, Hot Sulphur Springs, CO 80451, (970) 725-3460. Claim for Conditional Underground Water Right – Peyton Ranch Well. Type of Structure: Well. Name of Well: Peyton Ranch Well, Permit No. 217580. Depth: 150 feet. Legal Description: Peyton Ranch Well is located in the SW1/4 SW1/4 of S12, T1N, R77W of the 6th P.M., 1175 feet from the South line and 450 feet from the West line of said Section 12. Source: Ground water tributary to the Fraser River, tributary to the Colorado River. Date of Appropriation: October 26, 2021. Amount: 15 g.p.m., conditional, limited to 1.0af per year. Uses: Household use, irrigation of up to 1,000 square feet of outdoor landscaping, and livestock watering of up to four horses. Request for Plan for Augmentation Including Exchange: Applicants seek approval of a plan to augment out-of-priority depletions attributable to Peyton Ranch Well, including by exchange. The Middle Park Water Conservancy District has approved contracts to provide Applicants an annual entitlement of up to 0.4af. Structure to be Augmented: Peyton Ranch Well, as described above. Water Rights to be Used for Augmentation and Exchange: Augmentation water will be provided by Granby Reservoir or Wolford Mountain Reservoir to replace depletions to the Colorado River caused by Applicants' diversion, in amounts as determined by the Division Engineer, and at such times as diversions by Applicants would ordinarily be curtailed due to the call of senior downstream

water rights. Appropriative Right of Exchange – Peyton Ranch Well Exchange: Appropriation Date: October 26, 2021. Rate of Exchange: 0.0334 c.f.s. (15 g.p.m.), limited to 0.2 af/yr, conditional. Exchange Reach: Upstream Terminus: The point where the Peyton Ranch Well depletions accrue to the Fraser River, at a point located on or near the SW1/4 SE1/4 of S36, T2N, R77W of the 6th P.M., at a point described as Zone 13, NAD 83, Easting 417672 m, Northing 4437857 m. Downstream Termini: (i) Granby Reservoir Exchange: The confluence of the Colorado River and the Fraser River, currently located at a point in the SW1/4 SW1/4 of S25, T2N, R77W of the 6th P.M., at a point described as Zone 13, NAD 83, Easting 416964 m, Northing 4439326 m. (ii) Wolford Mountain Reservoir Exchange: The confluence of the Colorado River and Muddy Creek, currently located at a point in the NW1/4 NE1/4, S19, T1N, R80W, 6th P.M., at a point described as Zone 13, NAD 83, Easting 380762 m, Northing 4433496 m. Additional Information: The Application sets forth detailed information about the underground water rights and proposed plan for augmentation, including Applicants' estimated water requirements, consumptive uses, and delayed impacts. (12 pages).

YOU ARE HEREBY NOTIFIED THAT YOU HAVE until the last day of FEBRUARY 2022 to file with the Water Clerk a verified Statement of Opposition setting forth facts as to why this application should not be granted or why it should be granted in part or on certain conditions. A copy of such statement of opposition must also be served upon the applicant or the applicant's attorney and an affidavit or certificate of such service shall be filed with the Water Clerk, as prescribed by Rule 5, CRCP. (Filing Fee: \$192.00) KATHY POWERS, Water Clerk, Water Division 5; 109 8th Street, Suite 104 Glenwood Springs, CO 81601.

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

21CW3155 GRAND COUNTY. Grand County Water and Sanitation District No. 1, c/o William Borrás, Manager, P.O. Box 3077, Winter Park, CO 80482. Applicant is represented by Kent Whitmer and Katie Randall, The Whitmer Law Firm, LLC, P.O. Box 38, Hot Sulphur Springs, CO 80451, (970) 725-3460. APPLICATION FOR FINDING OF REASONABLE DILIGENCE. Name of Structure: Grand County Water and Sanitation District No. 1 Pipeline No. 3. Source: The Fraser River, tributary to the Colorado River. Legal Description: Pipeline No. 3 is located at the point whence the SE Corner of S33, T1S, R75W of the 6th P.M. bears North 2 degrees 3 minutes East a distance of 3,000 feet. This point is in the NW1/4 of the SW1/4 of S3, T2S, R75W of the 6th P.M., 1005 feet from the South section line and 465 feet from the West section line. Use: All municipal uses including fire protection and industrial uses. Amount: 3.0 c.f.s., conditional. Appropriation Date: November 4, 1982. Original Decree: December 29, 1986, Case No.: 82CW404, Water Division No. 5. Subsequent Decrees: October 3, 1995, Case No: 92CW277; May 6, 2002, Case No: 01CW244; May 27, 2009, Case No: 08CW43; December 13, 2015, Case No: 15CW3040, all in Water Division No. 5. Additional Information: The application and attached exhibits contain a detailed outline of the work performed during the diligence period (9 pages).

YOU ARE HEREBY NOTIFIED THAT YOU HAVE until the last day of FEBRUARY 2022 to file with the Water Clerk a verified Statement of Opposition setting forth facts as to why this application should not be granted or why it should be granted in part or on certain conditions. A copy of such statement of opposition must also be served upon the applicant or the applicant's attorney and an affidavit or certificate of such service shall be filed with the Water Clerk, as prescribed by Rule 5, CRCP. (Filing Fee: \$192.00) KATHY POWERS, Water Clerk, Water Division 5; 109 8th Street, Suite 104 Glenwood Springs, CO 81601.

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

21CW3156 GARFIELD COUNTY. COLORADO RIVER AND ITS TRIBUTARIES. Application for Confirmation of Absolute Water Right. Applicant: Sidney R. Lindauer, c/o Balcomb & Green, P.C., P.O. Drawer 790, Glenwood Springs, CO 81602; 970-945-6546. Description of Water Right and Structure: **Van Horn Ditch**. Orig. Decree: W-99, Dist. Ct., Water Div. 5, entered on 06/18/1971. Subsequent Decrees: 96CW80 and 97CW121 (consolidated) (diligence); Case No. 05CW105 (diligence); 05CW184 (change in point of diversion), 12CW74 (diligence), 15CW3045 (diligence), and 18CW3203 (absolute), all in Dist. Ct., Water Div. 5. Legal Description: The headgate is in the NW1/4 of the NW1/4 of Sec. 12, T. 7 S., R. 96 W. at a distance of 1,177 ft. from the W. Sec. line and 1,131 ft. from the N. Sec. line of said Sec. 12. Global Positioning System Coordinates: Projection is UTM Zone 12, Datum: NAD 83, Easting: 752554, Northing 4371578 as decreed in Case No. 05CW184. Source: Parachute Creek and Colorado River. Date of Approp.: 03/01/1935. Amt.: 0.5 c.f.s., which is Applicant's interest in the 3.8 c.f.s. decreed to the Van Horn Ditch Use: Irr. Place of Use: 20 acres located in the NW 1/4 of the NW 1/4 of Sec. 12, T. 7 S., R. 96 W. as depicted on the map attached as Exhibit A to the Decree entered in Case No. 18CW3203. Remarks: In 05CW184, this Ct. approved a change in the point of diversion for Applicant's 0.5 c.f.s. to the headgate of the Diamond Ditch. In 18CW3203 this Ct. confirmed Applicant's 0.5 c.f.s. is absolute based on use for its decreed purpose. The absolute status of Applicant's 0.5 c.f.s. is recognized in the Colo DOWR Structure Summary Report for Diamond Ditch (3900549). Confirming Absolute: This application is filed in response to a notice of cancellation issued by the Water Ct. from the Decree entered in 15CW3045, which preceded the Decree in 18CW3203 that made the previously conditional water right absolute. This application requests the Ct. to conform the record for 15CW3045 with the absolute use already determined and decreed in 18CW3203

and to confirm termination of future obligations for findings of diligence or absolute use. The Decree in 8CW3203 made the Applicant's 0.5 c.f.s. absolute, and that decree is controlling and preclusive of the issues determined therein. (4 pages of original application)

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

21CW3157 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 FOR WATER RIGHT AND PLAN FOR AUGMENTATION.** 1. Name, Address, and Telephone Number of Applicant: Galloway, Inc., d/b/a Blue Valley Ranch ("Applicant"), 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. Overview: Applicant intends to construct a fish hatchery adjacent to the Blue River on a parcel of land owned by Applicant within the Blue Valley Ranch located in the SE ¼ of the NE ¼ of Section 33, Township 1 South, Range 80 West of the 6th P.M. (the "Fish Hatchery"). Applicant seeks a junior diversion water right from the Blue River in an amount up to 75 gallons per minute ("gpm") for any and all uses associated with the Fish Hatchery (hereinafter the "BVR Fish Hatchery Diversion"), as further described in Paragraph 3, below. Applicant also seeks approval of a plan for augmentation to replace the out-of-priority depletions associated with the BVR Fish Hatchery Diversion, as described in Paragraph 4, below. 3. Description of Junior Diversion Water Right: A. Name of Structure: BVR Fish Hatchery Diversion, B. Description of Structure: The BVR Fish Hatchery Diversion will consist of a water collection system connected to the Fish Hatchery that is fed by two adjacent laterals buried in the riverbed of the Blue River, C. Point of Diversion: The BVR Fish Hatchery Diversion will be located in the SE ¼ NE ¼ of Section 33, Township 1 South, Range 80 West of the 6th, in Grand County, Colorado, approximately 1750 feet from the North Line and 674 feet from the East line of said Section. UTM: NAD 83 Zone 13S 384807mE 4420117mN. Source of UTM: Google Earth, D. Source: Alluvial groundwater hydraulically connected to the Blue River, tributary to the Colorado River, E. Appropriation Date: December 23, 2021, F. Means of Appropriation: by filing of this Application, G. Amount: 75 gpm, conditional, H. Uses: Any and all uses associated with a fish hatchery and the construction and industrial uses related thereto including, but not limited to, construction of the hatchery, aquaculture, hatchery operations, hatchery maintenance and cleaning, fish transport, periodic land disposal of waters, and similar uses associated with the fish hatchery, I. Remarks: A map showing the approximate location of the BVR Fish Hatchery Diversion and Fish Hatchery is attached hereto as **Exhibit A**. 4. Description of Plan for Augmentation: A. Structure to be Augmented: BVR Fish Hatchery Diversion. *See* Paragraph 3 above, B. Source of Augmentation Water: i. Green Mountain Reservoir: Applicant currently holds Contract No. 8-07-60-W0713 for use of 2,000 acre-feet of augmentation water from Green Mountain Reservoir, which was decreed by the United States District Court for the District of Colorado in Consolidated Case Nos. 2782, 5016, and 5017 for 154,645 acre-feet with an appropriation date of August 1, 1935. The Reservoir is located on the Blue River in Sections 11, 12, 13, 14, 15, and 24, T. 2 S., R. 80 W., and Sections 18, 19, 20, 21, 28, 29, and 34, T. 2 S., R. 79 W., 6th P.M., Summit County, Colorado, C. Statement of Plan for Augmentation: Applicant will meter its water intake at the BVR Fish Hatchery Diversion and the depletion to the Blue River resulting from such diversions will be instantaneous. There will be some loss of water within the Fish Hatchery due to evaporation, periodic water disposal, and other incidental losses of water associated with operation of a hatchery which are not expected to exceed approximately 5 acre-feet a year ("Hatchery Depletions"). Average Hatchery Depletions will be based upon engineering calculations and assumptions and/or the difference between the measured water intake at the BVR Fish Hatchery Diversion and measured return flow from the Fish Hatchery ("Hatchery Return Flow"), i. When the applicable senior call is located downstream of the Fish Hatchery, replacement water released from Green Mountain Reservoir may be limited to just Hatchery Depletions, ii. The Colorado Water Conservation Board ("CWCB") has an instream flow water right on the Blue River decreed in Case No. 87CW299 for 60 cfs between May 1st and July 15th and 85 cfs between July 16th and April 30th ("Blue River ISF Right"). When the Blue River ISF Right is placing a valid call that is being administered against the BVR Fish Hatchery Diversion, Applicant will replace (i) the full amount of diversions at the BVR Fish Hatchery Diversion; or (ii) pump the Hatchery Return Flow to a point immediately below the BVR Fish Hatchery Diversion and replace only the Hatchery Depletions; or (iii) replace only the Hatchery Depletions after obtaining CWCB approval of injury with mitigation pursuant to Rule 8i(3) of the Rules Concerning the Colorado Instream Flow and Natural Lake Level Program by implementing mitigation measures on the Blue River between the BVR Fish Hatchery Diversion and the location of the Hatchery Return Flow. 5. Owner of land upon which any new diversion or storage structure or modification to any existing diversion or storage structure or existing storage pool is or will be constructed or upon which water is or will be stored: Applicant. WHEREFORE, Applicant respectfully requests that the Court enter a decree (1) granting its request for a new junior water right for the BVR Fish Hatchery Diversion in the amount of 75 gpm for any and all uses associated with a fish hatchery, as further described in Paragraph 3, above; (2) approving the plan for augmentation described in Paragraph 4, above; (3) finding that

operation of the augmentation plan described above will allow the BVR Fish Hatchery Diversion to operate continuously out-of-priority without injury to vested water rights; and (4) granting such other and further relief as the Court deems just and proper. (4 pages + Exhibit). **YOU ARE HEREBY NOTIFIED THAT YOU HAVE until the last day of FEBRUARY 2022 to file with the Water Clerk a verified Statement of Opposition setting forth facts as to why this application should not be granted or why it should be granted in part or on certain conditions. A copy of such statement of opposition must also be served upon the applicant or the applicant's attorney and an affidavit or certificate of such service shall be filed with the Water Clerk, as prescribed by Rule 5, CRCP. (Filing Fee: \$192.00) KATHY POWERS, Water Clerk, Water Division 5; 109 8th Street, Suite 104 Glenwood Springs, CO 81601.**

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

21CW3158 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: CHIMNEY ROCK RANCH, A LIMITED LIABILITY COMPANY. IN **GRAND COUNTY, COLORADO.** APPLICATION FOR JUNIOR WATER RIGHTS. 1. Name, Address, and Telephone Number of Applicant: Chimney Rock Ranch, a Limited Liability Company ("Applicant"), Attn: John Leede, 1520 West Canal Court, Suite 220, Littleton, CO 80120, (303) 570-6305. Direct All Pleadings to: Steven J. Bushong, Cassidy L. Woodard, Bushong & Holleman PC, 1525 Spruce Street, Suite 200, Boulder, CO 80302. 2. Overview: Applicant seeks to confirm its historical appropriation of two water rights on Kinney Creek for irrigation. Both water rights are used for the irrigation of lands owned by Applicant as further described herein. 3. Description of Junior Water Rights: A. Name of Structure: Kinney Ditch No. 3., i. Point of Diversion: The approximate location of the headgate of Kinney Ditch No. 3 is in the SE1/4 of the SE1/4 of Section 25, Township 2 North, Range 78 West of the 6th P.M. at a point approximately 725 feet north of the south section line and 10 feet west of the east section line of said Section 25. UTM Coordinates: Zone 13, NAD 83, Easting: 408970.20207, Northing: 4439657.84403. Source of UTM's: Colorado Decision Support System MapViewer. See Exhibit A., ii. Source: Kinney Creek, tributary to the Colorado River, iii. Appropriation Date: June 1, 1987. Although the use of this structure is believed to have started many decades earlier, the lessee of Applicant's ranch personally witnessed diversions for irrigation at the Kinney Ditch No. 3 since 1987, iv. Means of Appropriation: Diversion of water in priority for the beneficial use of irrigation, v. Amount: 1.0 cubic feet per second ("cfs"), absolute, vi. Uses: irrigation, vii. Remarks: Kinney Ditch No. 3 is used to irrigate approximately 14 acres located in the SW1/4 of the SW1/4 and the SE1/4 of the SW1/4 of Section 30, Township 2 North, Range 77 West of the 6th P.M. See Exhibit A. B. Name of Structure: Kinney Ditch No. 4, i. Point of Diversion: The approximate location of the headgate of Kinney Ditch No. 4 is in the NE1/4 of the NW1/4 of Section 31, Township 2 North, Range 77 West of the 6th P.M. at a point approximately 38 feet south of the north section line and 2,066 feet east of the west section line of said Section 31. UTM Coordinates: Zone 13, NAD 83, Easting: 409603.59016, Northing: 4439394.24445. Source of UTM's: Colorado Decision Support System MapViewer. See Exhibit A., ii. Source: Kinney Creek, tributary to the Colorado River, iii. Appropriation Date: June 1, 1987. Although the use of this structure is believed to have started many decades earlier, the lessee of Applicant's ranch personally witnessed diversions for irrigation at the Kinney Ditch No. 4 since 1987, iv. Means of Appropriation: Diversion of water in priority for the beneficial use of irrigation, v. Amount: 0.5 cfs, absolute, vi. Uses: irrigation, vii. Remarks: Kinney Ditch No. 4 is used to irrigate approximately 5.5 acres located in the NE1/4 of the NW1/4 and NW1/4 of the NE1/4 of Section 31, Township 2 North, Range 77 West of the 6th P.M. See Exhibit A. 4. Owner of land upon which any new diversion or storage structure or modification to any existing diversion or storage structure or existing storage pool is or will be constructed or upon which water is or will be stored: A. Kinney Ditch No. 3: Is located near Applicant's property line, but believed to be located on land of the United States of America, Bureau of Land Management, P.O. Box 68, Kremmling, CO 80459-0068, B. Kinney Ditch No. 4: Applicant. WHEREFORE, Applicant respectfully requests that the Court enter a decree (1) granting the water rights as described in Paragraph 3 above; and (2) granting such other and further relief as the Court deems just and proper. (4 pages + Exhibit)

YOU ARE HEREBY NOTIFIED THAT YOU HAVE until the last day of FEBRUARY 2022 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.

17. 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 DECEMBER 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.*

21CW3159 GRAND COUNTY - APPLICATION TO MAKE CONDITIONAL WATER RIGHTS ABSOLUTE - AND FOR A FINDING OF REASONABLE DILIGENCE - 1. Name and Address of Applicant. Sheep Mountain Ridge Estates Homeowners Association, Inc., c/o Paul Larkins, P.O. Box 1687, Fraser, Colorado 80442-1687. Copies of all pleadings to: Stephen C. Larson, Adam K. Alexander, Johnson & Repucci LLP, 850 W. South Boulder Road #100, Louisville, Colorado 80027, Phone: (303) 442-1900. 2.

Overview. Applicant is the homeowners association for a 23-lot subdivision known as Sheep Mountain Ridge Estates (“SMRE”) located southwest of Tabernash, Colorado in the S1/2 of the S1/2 and N1/2 of the SW1/4 of Section 9, Township 1 South, Range 76 West of the 6th P.M. In Case No. 99CW147, the Division 5 Water Court decreed: (i) a conditional water storage right for Skunk Creek Reservoir No. 3; (ii) conditional underground water rights for SMRE Well Nos. 1-23; (iii) a plan for augmentation to augment SMRE Well Nos. 1-23 (the “Augmentation Plan”); and (iv) conditional appropriative rights of exchange. In Case No. 06CW223, the Division 5 Water Court made absolute Skunk Creek Reservoir No. 3, portions of nine (9) of the 23 wells, and an appropriative right of exchange; and continued as conditional the remainder of the water rights described therein. In Case Nos. 02CW407 and 13CW3066, the Division 5 Water Court decreed amendments to the Augmentation Plan. Also in Case No. 13CW3066, one of the appropriative rights of exchange involving an exchange of Applicant’s Crooked Creek Ditch No. 1 water right into Meadow Springs Reservoir No. 2 was abandoned. By the application in this case, Applicant seeks to make portions of three (3) additional wells absolute and a finding of reasonable diligence with respect to the remainder of the conditional water rights for SMRE Well Nos. 1-23 as described herein. A map depicting the general location of these water rights is attached hereto as Exhibit A. 3. Name and Description of Conditional and Absolute Underground Water Rights from Prior Decrees. A. SMRE Well Nos. 1-23. i. Original Decree: SMRE Well Nos. 1-23, were originally decreed in the amounts and for the uses stated below pursuant to the Decree of the Division 5 Water Court, entered on October 17, 2000, in Case No. 99CW147. ii. Location: SMRE Well Nos. 1-23 are located on twenty-three (23) lots within the SMRE subdivision in the South 1/2 of the South 1/2 and the North 1/2 of the Southwest 1/4 of Section 9, Township 1 South, Range 76 West of the 6th P.M., Grand County, Colorado. iii. Source: groundwater tributary to Skunk Creek, which is tributary to Pole Creek, which is tributary to Crooked Creek, which is tributary to the Fraser River. iv. Amounts and Uses: Each of the wells is decreed for 15 gpm and 0.314 acre feet annually, for in-house domestic uses only, pursuant to the decree in Case No. 99CW147. v. Appropriation Date: April 20, 1999. vi. Comment: In Case No. 02CW407, Water Division 5, an enlargement of the water rights for SMRE Well Nos. 1-23 was decreed, through the addition of horse watering as another conditional use of the water rights. As more particularly set forth in Case No. 02CW407, 0.61 acre feet of combined annual depletions from the wells was approved for horse-watering uses (in addition to the 0.314 acre feet per year for in-house domestic uses described herein) and an enlargement right of 1.5 acre-feet for Skunk Creek Reservoir No. 3 was also granted. The horse watering use and the storage enlargement right come up for diligence in July 2023, per the decree in 16CW3022. B. Wells Made Absolute and Continued as Conditional in Case Nos. 06CW223 and 15CW3020. (i) The following wells were made absolute in part, with the remaining portions continued as conditional, in Case Nos. 06CW223 and 15CW3020, for in-house domestic uses inside one single family dwelling for each well, at the following rates:

Name of Water Right	Amount Made Absolute in Case Nos. 06CW223 and 15CW3020	Amount Continued as a Conditional Water Right in Case Nos. 06CW223 and 15CW3020
SMRE Well No. 1		15 gpm
SMRE Well No. 2		15 gpm
SMRE Well No. 3		15 gpm
SMRE Well No. 4	7 gpm	8 gpm
SMRE Well No. 5		15 gpm
SMRE Well No. 6		15 gpm
SMRE Well No. 7	10 gpm	5 gpm
SMRE Well No. 8	12 gpm	3 gpm
SMRE Well No. 9		15 gpm
SMRE Well No. 10	5 gpm	10 gpm
SMRE Well No. 11		15 gpm
SMRE Well No. 12	10 gpm	5 gpm
SMRE Well No. 13		15 gpm
SMRE Well No. 14		15 gpm
SMRE Well No. 15	13 gpm	2 gpm
SMRE Well No. 16	10 gpm	5 gpm
SMRE Well No. 17		15 gpm
SMRE Well No. 18	10 gpm	5 gpm
SMRE Well No. 19	10 gpm	5 gpm
SMRE Well No. 20	5 gpm	10 gpm
SMRE Well No. 21		15 gpm
SMRE Well No. 22	4 gpm	11 gpm
SMRE Well No. 23		15 gpm

(ii) SMRE Well Nos. 1, 2, 3, 5, 6, 9, 11, 13, 14, 17, 21 and 23 were continued as conditional water rights in Case No. 15CW3020 for the entire decreed amount of 15 gpm and 0.314 acre-feet annually per well for in-house domestic use inside one single family dwelling. 4. Owners of the Land Upon Which the Structures are Located. The three (3) wells sought be made absolute by this application are located on the lots of the following landowners. A. SMRE Well No. 2, is located on lot 2 in SMRE, owned by Richard J. Jansing and

Patricia A. Kemper-Jansing, P.O. Box 985, Granby, Colorado 80446-0985. B. SMRE Well No. 6, is located on lot 6 in SMRE, owned by Karla J. Tate and Jennifer L. Tate, 1302 Salazar Trail, San Antonio, Texas 78216-7722. C. SMRE Well No. 21, is located on lot 21 in SMRE, owned by Jeffrey J. Schott, 7830 Eagle Lane, Unit 1, Spring, Texas 77379-3137. 5. Integrated System. SMRE Well Nos. 1-23, Skunk Creek Reservoir No. 3 and Applicant's exchange right originally decreed in Case No. 99CW147, all as amended by Case Nos. 02CW407 and 13CW3066, are all component parts of one integrated water supply system, pursuant to Paragraph 8.B of the decree entered in Case No. 15CW3020. 6. Claim to Make Conditional Underground Water Rights Absolute in Part. Applicant seeks to make absolute the following portions of three (3) wells, for in-house domestic uses inside one single family dwelling for each well, in the amounts described below. A. SMRE Well No. 2: Well Permit No. 80235-F was issued on September 9, 2016 for a well on Lot 2, SMRE, at a point in Zone 13, Easting 422897.0, Northing 4424618, Section 9, Township 1 South, Range 76 West of the 6th P.M. The well was drilled and put to use inside one single family dwelling on July 19, 2017. Applicant seeks to make this water right absolute in the amount of 7 gpm (continuing 11 gpm as conditional). B. SMRE Well No. 6: Well Permit No. 80417-F was issued on November 15, 2016 for a well on Lot 6, SMRE, at a point in Zone 13, Easting 423473.0, Northing 4424686 in Section 9, Township 1 South, Range 76 West of the 6th P.M. The well was drilled and put to use inside one single family dwelling on September 21, 2017. Applicant seeks to make this water right absolute in the amount of 15 gpm (continuing 0 gpm as conditional). C. SMRE Well No. 21: Well Permit No. 81974-F was issued on May 3, 2018 for a well on Lot 21, SMRE, at a point 500 feet from the south section line and 1300 feet from the west section line of Section 9, Township 1 South, Range 76 West of the 6th P.M. The well was drilled and put to use inside one single family dwelling on September 27, 2018. Applicant seeks to make this water right absolute in the amount of 7 gpm (continuing 9 gpm as conditional). 7. Claim for a Finding of Reasonable Diligence. Applicant seeks a finding of reasonable diligence for the remaining conditional portions of SMRE Well Nos. 2 and 21 identified in paragraph 6 above, the remaining conditional portions of the eleven (11) wells which were continued as conditional in Case No. 15CW3020 (see paragraph 3.B.i. above), and the remaining nine (9) wells that have yet to be drilled or used (SMRE Well Nos. 1, 3, 5, 9, 11, 13, 14, 17, and 23 for in-house domestic use inside one single family dwelling, for 15 gpm and 0.314 acre-feet annually per well). 8. Diligence Activities. In accordance with paragraph 8.B of the decree in Case No. 15CW3020, the SMRE Well Nos. 1-23 and Skunk Creek Reservoir No. 3, along with the Augmentation Plan and Applicant's exchange right are component features of an integrated system, and work on one feature of the system shall be considered in finding that reasonable diligence has been shown in the development of water rights for all features of the entire system, pursuant to C.R.S. § 37-92-301(4)(b). The following activities were undertaken during the diligence period toward completion and application of all of the subject conditional water rights to their decreed beneficial uses: During the subject diligence period, sales efforts continued in regard to lots with fully conditional well rights; and several lots in SMRE were sold (Lots 21, 22 and 23). One new home is under construction (Lot 23). In addition, there were two new wells drilled, SMRE Well Nos. 2 and 6. These sales, sale efforts, construction activities and well drilling activities represent steps taken to develop the specific water rights associated with each such lot and, by extension, represent steps taken to develop all of the other conditional water rights sought to be continued herein, all being component parts of the same integrated system. During the subject diligence period, Applicant also engaged Bishop-Brogden Associates, Inc. ("BBA") for assistance with water resource issues associated with the subject conditional water rights. Specifically, BBA (i) performed water accounting work related to the subject water rights; and (ii) provided consulting services in connection with Case No. 17CW3022 related to the subject water rights. During the subject diligence period, Applicant incurred hundreds of dollars for water accounting and consulting services related to the subject conditional water rights. During the subject diligence period, Applicant also engaged legal counsel to prosecute to completion Case No. 17CW3022 involving the subject wells and other water rights which are component features of the integrated system described herein. In Case No. 17CW3022, the Division 5 Water Court entered a decree finding that Applicant had been diligent in its effort to develop the separately decreed horse watering use for the SMRE Well Nos. 1-23 and the Skunk Creek Reservoir No. 3 First Enlargement, which are component features of the integrated system described herein. Applicant incurred legal expenses in the amount of \$10,323.50 in connection with all such matters during the diligence period. WHEREFORE, Applicant respectfully requests that the Court enter a decree finding (i) Sheep Mountain Ridge Estates Well Nos. 2, 6 and 21 in the amounts and for the uses set forth in Section 6 (A-C) above shall be made absolute; (ii) to the extent that any amounts claimed as absolute for SMRE Well Nos. 2, 6 and 21 are not made absolute, Applicant requests a finding of reasonable diligence with respect to such rights; and (iii) with respect to all of the conditional water rights described herein, including the conditional water rights for SMRE Wells described in Section 3.B and Section 7 above, Applicant requests a finding that those activities outlined in Section 8 above constitute reasonable diligence toward the completion of such conditional appropriations, and Applicant requests the Court to continue such rights as conditional in the amounts and for the uses described above. (8 pages)

YOU ARE HEREBY NOTIFIED THAT YOU HAVE until the last day of FEBRUARY 2022 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.

18. 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 DECEMBER 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.*

21CW3160 PITKIN AND EAGLE COUNTIES. POPCORN CREEK AND MCFARLANE GULCH, TRIBUTARIES OF THE ROARING FORK RIVER. Morningstar Owners' Association c/o Patrick, Miller & Noto, P.C., 229 Midland Avenue, Basalt, CO 81621, Kevin L. Patrick, Esq. and Lisa A. Claxton, Esq., (970) 920-1030. **APPLICATION FOR FINDINGS OF REASONABLE DILIGENCE AND CLAIM TO MAKE ABSOLUTE IN PART. First Claim: For Finding of Reasonable Diligence.** Name of water right: **Cabin Ditch.** Date of original decree: March 20, 2009, in Case No. 02CW398 and 03CW324, as consolidated, in District Court, Water Division 5. Previous diligence case: December 13, 2015, Case No. 15CW3025. Legal description: NW ¼ SW ¼ Section 28, Township 10 South, Range 84 West, 6th P.M., 975 feet from the south section line and 50 feet from the west section line of said Section 28. See map on file with the court as Exhibit A. Source: Popcorn Creek, a tributary of the Roaring Fork River. Appropriation date: July 24, 2002. Total amount decreed: 1.0 c.f.s., conditional, of which 0.1 c.f.s. of the 1.0 c.f.s. is for irrigation use via a pressurized irrigation system. Decreed uses: Irrigation via the pressurized system or direct irrigation use from water delivered to the Vulcan Pond System by the Cabin Ditch. The Vulcan Pond System is comprised of the McFarlane Pond and Wildwood Pond, decreed in Case No. 02CW232. The water right decreed herein to the Cabin Ditch is delivered to the Vulcan Pond System for subsequent uses of piscatorial, recreation, irrigation, fire protection, stock watering, wildlife watering, and augmentation and exchange as decreed in Case No. 02CW232, with the right to fill and refill the said storage structures when in priority. In addition, the Cabin Ditch water right may be used directly for fire protection and stock watering, and water delivered by the Cabin Ditch to the Vulcan Pond System will also be allowed to flow into the Black Diamond Pond, the Meadowood Pond, and will be delivered via pipeline to the East Carney Pond and West Carney Pond ("Carney Pond System") for subsequent use for fire protection, stock watering, recreational, piscatorial, and direct wildlife usage. Number of acres proposed to be irrigated: Up to 3.72 acres, of which 1.77 acres will be permanently irrigated and 1.95 acres will be irrigated temporarily to establish native vegetation. Legal description of acreage: Lands lying in the SW ¼ of Section 28, Township 10 South, Range 84 West, 6th P.M. See map on file with the court as Exhibit B. A detailed outline of work performed toward completion of the appropriation and application of water during the relevant diligence period, including expenditures, is on file with the court as Exhibit C. Owner of the land upon which the structure is decreed: 131 Popcorn LLC, 9893 Georgetown Pike #124, Great Falls, VA 22066. **Second Claim: For Finding of Reasonable Diligence.** Name of water right: **McFarlane Pipeline.** Date of original decree: March 20, 2009, in Case No. 02CW398 and 03CW324, as consolidated, in District Court, Water Division 5. Previous diligence case: December 13, 2015, Case No. 15CW3025. Decreed legal description: The point of diversion is a point on the south bank of McFarlane Creek in the SE ¼ SE ¼ Section 29, Township 10 South, Range 84 West, 6th P.M. which bears North 22 degrees 21'14" West 1,140 feet from the SW corner of Section 28, which can also be described as the following PLSS Distances from BLM Section Lines: 1,046 feet from the south section line and 468 feet from the east section line of said Section 29, Township 10 South, Range 84 West, 6th P.M. See map on file with the court as Exhibit A. Source: McFarlane Gulch, tributary to the Roaring Fork River. Appropriation date: November 12, 2004. Total amount decreed: 0.5 c.f.s., conditional. Decreed uses: The pipeline is to fill and refill the Vulcan Pond System, from which water will flow into the Black Diamond Pond and the Meadowood Pond and will be delivered to the Carney Pond System. The Black Diamond Pond, Meadowood Pond and Carney Pond System will be used for fire protection, stock watering, recreational, piscatorial, and direct wildlife usage, but it will not be used for irrigation. Water stored in the Vulcan Pond System via McFarlane Pipeline will also be used for augmentation purposes, but not for irrigation. A detailed outline of work performed toward completion of the appropriation and application of water during the relevant diligence period, including expenditures, is on file with the court as Exhibit C. Owner of the land upon which the structure will be located: U.S. Forest Service, Office of the White River National Forest, 900 Grand Ave., Glenwood Springs, CO 81601. **Third Claim: For Finding of Reasonable Diligence.** Name of water right: **Black Diamond Pond.** Date of original decree: March 20, 2009, in Case No. 02CW398 and 03CW324, as consolidated, in District Court, Water Division 5. Previous diligence case: December 13, 2015, Case No. 15CW3025. Decreed legal description: SW ¼ SW ¼ of Section 28, Township 10 South, Range 84 West, 6th P.M., 1050 feet north of the south section line and 375 feet east of the west section line. See map on file with the court as Exhibit A. Sources: *McFarlane Pipeline*, as described above; *Black Diamond Ditch*: 2.0 c.f.s. diverting from the Roaring Fork River in the SW ¼ Section 28, Township 10 South, Range 84 West, 6th P.M., Pitkin County, Colorado, whence the southwest corner of said Section 28 bears South 34 degrees 42'43" West for a distance of 1337.73 feet and whence the west 1/16 corner of said Section 28 and Section 33 bears South 26 degrees 52'25" East for a distance of 1234.52 feet, as decreed in Case No. 02CW232; and *McFarlane Ditch*: 2.0 c.f.s. diverting from the Roaring Fork River in the SW ¼ Section 28, Township 10 South, Range 84 West, 6th P.M., Pitkin County, Colorado, whence the southwest corner of said Section 28 bears South 39 degrees 51'23" West for a distance of 1229.80 feet and whence the west 1/16 corner of said Section 28 and Section 33 bears South 29 degrees 20'48" East for a distance of 1084.83 feet, as decreed in Case No. 02CW232. The above ditches and pipeline will deliver water to the Vulcan Pond System and the Black Diamond Pond. Appropriation date: November 12, 2004. Total amount decreed: 0.45 a.f., conditional. Decreed uses: Fire protection, stock watering, recreational, piscatorial, and direct wildlife usage. Water stored in the Black Diamond Pond will not be used for augmentation or irrigation, except as an irrigation control structure. Surface area of high water line: 0.138 acres. Maximum height of dam: less than 10 feet. Length of dam: 200 feet (maximum). Total Capacity of Pond: 0.45 a.f. Active Capacity: 0.45 a.f. Dead Storage: None. A detailed outline of work performed toward completion of the appropriation and application of water during the relevant diligence period, including expenditures, is on file with the court as Exhibit C. Owner of the land upon which the structure will be located: Difficult LLC, 408 Little John Ln., Houston, TX 77024. **Fourth Claim: For Finding of Reasonable Diligence.** Name of water right: **Meadowood Pond.** Date of original decree: March 20, 2009, in Case No. 02CW398 and 03CW324, as consolidated, in District Court, Water Division 5. Previous diligence case: December 13, 2015, Case No. 15CW3025. Decreed legal description: SW ¼ SW ¼ of Section 28, Township 10 South, Range 84 West, 6th P.M., 965 feet north of the south section line and 390 feet east of the west section line. See map on file with the court as Exhibit A. Sources: *McFarlane Pipeline*, as described above; *Black Diamond Ditch*: 2.0 c.f.s. diverting from the Roaring Fork River in the SW ¼ Section 28, Township 10 South, Range 84

West, 6th P.M., Pitkin County, Colorado, whence the southwest corner of said Section 28 bears South 34 degrees 42'43" West for a distance of 1337.73 feet and whence the west 1/16 corner of said Section 28 and Section 33 bears South 26 degrees 52'25" East for a distance of 1234.52 feet, as decreed in Case No. 02CW232; and *McFarland Ditch*: 2.0 c.f.s. diverting from the Roaring Fork River in the SW ¼ Section 28, Township 10 South, Range 84 West, 6th P.M., Pitkin County, Colorado, whence the southwest corner of said Section 28 bears South 39 degrees 51'23" West for a distance of 1229.80 feet and whence the west 1/16 corner of said Section 28 and Section 33 bears South 29 degrees 20'48" East for a distance of 1084.83 feet, as decreed in Case No. 02CW232. The above ditches and pipeline will deliver water to the Vulcan Pond System, from which the water will be delivered to and through the Black Diamond Pond and then to the Meadowood Pond. Appropriation date: August 22, 2006. Total amount decreed: 0.40 a.f., conditional. Decreed uses: Fire protection, stock watering, recreational, piscatorial, and direct wildlife usage. Water delivered to the Meadowood Pond will not be used for augmentation or irrigation, except as an irrigation control structure. Surface area of high water line: 0.122 acres. Maximum height of dam: less than 10 feet. Length of dam: 250 feet (maximum). Total Capacity of Pond: 0.40 a.f. Active Capacity: 0.40 a.f. Dead Storage: None. A detailed outline of work performed toward completion of the appropriation and application of water during the relevant diligence period, including expenditures, is on file with the court as Exhibit C. Owner of the land upon which the structure will be located: Rebecca S. Cline Revocable Trust Dated 08-12-2015, 1587 Hawthorne Ln., Wheaton, IL 60189. **Fifth Claim: For Finding of Reasonable Diligence and Claim to Make Absolute in Part.** Name of water right: **Carney Pond System** (a/k/a Benson Pond) comprised of the East Carney Pond and the West Carney Pond. Date of original decree: March 20, 2009, in Case No. 02CW398 and 03CW324, as consolidated, in District Court, Water Division 5. Previous diligence case: December 13, 2015, Case No. 15CW3025. Decreed legal description: *West Carney Pond*: The centerpoint of the West Carney Pond dam is located in the SW ¼ Section 28, Township 10 South, Range 84 West, 6th P.M., at a point that bears North 34 degrees 22'11" East a distance of 1,089.13 feet. This location can also be described as being in the SW ¼ SW ¼ Section 28, Township 10 South, Range 84 West, 6th P.M., at a point located approximately 910 feet north of the south section line and 586 feet east of the west section line. See map on file with the court as Exhibit A. *East Carney Pond*: The centerpoint of the East Carney Pond dam is located in the SW ¼ Section 28, Township 10 South, Range 84 West, 6th P.M., at a point that bears North 36 degrees 38'56" East a distance of 1,167.26 feet. This location can also be described as being in the SW ¼, SW ¼ Section 28, Township 10 South, Range 84 West, 6th P.M., at a point located approximately 950 feet north of the south section line and 665 feet east of the west section line. See map on file with the court as Exhibit A. Sources: *McFarlane Pipeline*, as described above; *Black Diamond Ditch*: 2.0 c.f.s. diverting from the Roaring Fork River in the SW ¼ Section 28, Township 10 South, Range 84 West, 6th P.M., Pitkin County, Colorado, whence the southwest corner of said Section 28 bears South 34 degrees 42'43" West for a distance of 1337.73 feet and whence the west 1/16 corner of said Section 28 and Section 33 bears South 26 degrees 52'25" East for a distance of 1234.52 feet, as decreed in Case No. 02CW232; and *McFarland Ditch*: 2.0 c.f.s. diverting from the Roaring Fork River in the SW ¼ Section 28, Township 10 South, Range 84 West, 6th P.M., Pitkin County, Colorado, whence the southwest corner of said Section 28 bears South 39 degrees 51'23" West for a distance of 1229.80 feet and whence the west 1/16 corner of said Section 28 and Section 33 bears South 29 degrees 20'48" East for a distance of 1084.83 feet, as decreed in Case No. 02CW232. The above ditches and pipeline will deliver water to the Vulcan Pond System, from which the water will be delivered to the Carney Pond System. Appropriation date: October 21, 2005. Total amount decreed: 0.10 a.f., conditional (0.05 a.f. each for the West Carney Pond and the East Carney Pond). Decreed uses: Fire protection, stock watering, recreational, piscatorial, and direct wildlife usage. Water delivered to the Carney Pond System will not be used for augmentation or irrigation, except as an irrigation control structure. Surface area of high water line: 0.014 acres, cumulative for the two ponds. Maximum height of dams: less than 10 feet. Length of dams: 50 feet (maximum each). Total Capacity of Pond: 0.10 a.f. Active Capacity: 0.10 a.f. Dead Storage: None. A detailed outline of work performed toward completion of the appropriation and application of water during the relevant diligence period, including expenditures, is on file with the court as Exhibit C. Claim to make absolute in part: Date of beneficial use: May 18, 2018. Amount: 0.05 a.f., absolute, for all beneficial uses decreed (fire protection, recreation, wildlife uses, and piscatorial uses). 0.05 a.f. remaining conditional to be continued for all decreed beneficial uses. Uses: Fire protection, recreation, wildlife uses, and piscatorial uses. Description of Place of use: Within the property depicted on the map on file with the court as Exhibit A. Statement of beneficial use: The Carney Pond system was constructed and filled to the capacity of 0.05 a.f. on May 18, 2018. The pond has served as a fire protection pond, watered wildlife, as a recreational amenity, and has been stocked for fish. Owner of the land upon which the structure is located: Deborah Gorlin, 150 Difficult Ln., Aspen, CO 81611. **Sixth Claim: For Finding of Reasonable Diligence.** Name of water right: **Black Diamond Well**. Date of original decree: March 20, 2009, in Case No. 02CW398 and 03CW324, as consolidated, in District Court, Water Division 5. Previous diligence case: December 13, 2015, Case No. 15CW3025. Decreed legal description: SW ¼ SW ¼ of Section 28, Township 10 South, Range 84 West, 6th P.M., 1,105 feet north of the south section line and 300 feet east of the west section line. See map on file with the court as Exhibit A. Use of well: Ordinary household use in one-single-family dwelling (no outside use). Source: groundwater tributary to the Roaring Fork River. Depth: 60 feet. Annual amount to be withdrawn: 0.7 a.f. Appropriation Date: November 12, 2004. Amount: 15 g.p.m., conditional. A detailed outline of work performed toward completion of the appropriation and application of water during the relevant diligence period, including expenditures, is on file with the court as Exhibit C. Owner of the land upon which the structure will be located: Difficult LLC, 408 Little John Ln., Houston, TX 77024. **Seventh Claim: For Finding of Reasonable Diligence.** Name of water right: **Morningstar Appropriate Right of Exchange**. Date of original decree: March 20, 2009, in Case No. 02CW398 and 03CW324, as consolidated, in District Court, Water Division 5. Previous diligence case: December 13, 2015, Case No. 15CW3025. Decreed legal description: Upper Termini: the points of diversion for the McFarlane Pipeline, the Black Diamond Ditch, McFarland Ditch and the Black Diamond Well, as described above. Downstream Terminus: the confluence of the Roaring Fork River and the Fryingpan River located approximately SW ¼ SE ¼ Section 7, Township 8 South, Range 86 West, 6th P.M. Appropriation date: November 12, 2004. Total amount decreed: 0.025 c.f.s. with an annual limit of 4.75 a.f. Amount

made absolute: 0.012 c.f.s. with an annual limit of 1.84 a.f. was made absolute in 15CW3025. Amount remaining conditional: 0.013 c.f.s. with an annual limit of 2.91 a.f. remains conditional. A detailed outline of work performed toward completion of the appropriation and application of water during the relevant diligence period, including expenditures, is on file with the court as Exhibit C. Remark: The water rights described herein with the plan for augmentation including exchange described in Case No. 02CW398 and 03CW324, as consolidated, and the water rights decreed in Case No. 02CW232, are component parts of Applicant's integrated legal water supply plan. See Paragraph 18 of the Decree in Case No. 02CW398 and 03CW324, as consolidated.

YOU ARE HEREBY NOTIFIED THAT YOU HAVE until the last day of FEBRUARY 2022 to file with the Water Clerk a verified Statement of Opposition setting forth facts as to why this application should not be granted or why it should be granted in part or on certain conditions. A copy of such statement of opposition must also be served upon the applicant or the applicant's attorney and an affidavit or certificate of such service shall be filed with the Water Clerk, as prescribed by Rule 5, CRCP. (Filing Fee: \$192.00) KATHY POWERS, Water Clerk, Water Division 5; 109 8th Street, Suite 104 Glenwood Springs, CO 81601.

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

21CW3161 EAGLE COUNTY, EAGLE AND COLORADO RIVERS. Application for Surface Water Right. John & Margaret Kelly, c/o Beattie Hout & Jarvis, PO Box 1669, Basalt, 970-945-8659. Kelly Spring: Location: in the SW¹/₄NE¹/₄, Sec 18, T 5 S, R 82 W 6th PM, Eagle County. UTM: Easting 361267.7, Northing 4386719.7, Zone 13, NAD 83. Source: Springwater trib to East Lake Creek, trib to Eagle and Colo Rivers. Date of appropriation: 07/31/21. Date water applied to beneficial use: 07/31/21. Amount: 8.3 gpm, absolute. Uses: Wildlife habitat and watering and aesthetic purposes. Owners of land: Applicants. (3 pages, 1 exhibit).

YOU ARE HEREBY NOTIFIED THAT YOU HAVE until the last day of FEBRUARY 2022 to file with the Water Clerk a verified Statement of Opposition setting forth facts as to why this application should not be granted or why it should be granted in part or on certain conditions. A copy of such statement of opposition must also be served upon the applicant or the applicant's attorney and an affidavit or certificate of such service shall be filed with the Water Clerk, as prescribed by Rule 5, CRCP. (Filing Fee: \$192.00) KATHY POWERS, Water Clerk, Water Division 5; 109 8th Street, Suite 104 Glenwood Springs, CO 81601.

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

21CW3162 PITKIN COUNTY. COLORADO RIVER OR ITS TRIBUTARIES. James and Michele Cardamone, c/o Patrick, Miller & Noto, P.C., 229 Midland Avenue, Basalt, CO 81621, Scott C. Miller, Esq. and John M. Sittler, Esq., (970) 920-1030. APPLICATION FOR UNDERGROUND WATER RIGHT, STORAGE WATER RIGHT, AND APPROVAL OF PLAN FOR AUGMENTATION INCLUDING EXCHANGE. **First Claim: For Underground Water Right.** Name of structure: Cardamone Well. Type: Well. Well Permit No. 136377-A. Description of water right: Legal description: The Cardamone Well is located in the NE ¹/₄ of the NW ¹/₄ of Section 24, Township 8 South, Range 87 West of the 6th P.M., at a point approximately 350 feet from the North section line and 1,645 feet from the West section line (Pitkin County). UTM NAD 83 Z13 – Northing: 4357545, Easting: 322354. A map of the well location is on file with the Court as Exhibit A. Source: West Sopris Creek alluvium, tributary to Sopris Creek, tributary to the Roaring Fork River, tributary to the Colorado River. Depth: 72 feet. Date of appropriation: August 30, 2021. How appropriation was initiated: Field inspection, formulation of intent to apply water to beneficial use, and development of plans for the well, and use of the well for domestic purposes. Date water applied to beneficial use: February 7, 1989 for domestic use inside one single-family home. N/A as to all other uses. Amount: 15 g.p.m., absolute for domestic use inside one single-family home, conditional for all other uses. Uses: Domestic inside one single-family home and one ADU, and irrigation. Note, the Cardamone Well is currently permitted as an exempt well for household use only inside one single-family home. Upon final decree, Applicant will re-permit the well to include the uses applied for in this case. If irrigation: Number of acres historically irrigated: 0; proposed to be irrigated: 5,800 square feet (0.13 acre). The irrigated acreage will be on Applicant's property as shown on Exhibit A. Does the Applicant intend to use this water right to supplement irrigation on an area of land already irrigated under another water right? No. Applicant currently irrigates approximately 4 acres of open field under the Cardamone Ditch right. The new irrigation from the well will be lawn and garden irrigation in the vicinity of the home on Applicant's property. If non-irrigation, describe purpose fully: Domestic use inside one single family home and one ADU. Applicant owns the land on which the water right will be located and where the water will be put to beneficial use. **Second Claim: For Storage Water Right.** Name of structure: Cardamone Pond. Type: Pond. Description of water right: Legal description: The Cardamone Pond is located in the NE ¹/₄ NW ¹/₄ of Section 24, Township 8 South, Range 87 West of the 6th P.M., approximately 118 feet from the North section line and 1,620 feet from the West section line (Pitkin County). UTM NAD 83 Z13 – Northing: 4357617, Easting: 322345. A map of the pond location is on file with the Court as Exhibit A. Source: Cardamone Ditch, tributary to West Sopris Creek, tributary to Sopris Creek, tributary to the Roaring Fork River, tributary to the Colorado River. If off-channel reservoir, name and capacity of structure used to fill reservoir, and legal description of each point of diversion: Names of structures used to fill reservoir and capacity in c.f.s.: Cardamone Ditch at 0.27 c.f.s. Legal description of each point of diversion: The headgate of the Cardamone Ditch is located on the

North bank of West Sopris Creek in the NE ¼ NW ¼, Section 24, Township 8 South, Range 87 West of the 6th P.M., at a point approximately 1,400 feet from the West section line and 485 feet from the North section line (Pitkin County). Date of appropriation: August 30, 2021. How appropriation was initiated: Field inspection, formulation of intent to apply water to beneficial use, and development of plans for the pond. Date water applied to beneficial use: N/A. Amount: 1 acre-foot, conditional, with the right to fill and re-fill when in priority or as augmented. Uses: Aesthetic, recreation, piscatorial, augmentation and exchange. Surface area of high-water line: 0.17 acre. Height of dam: 4 feet. The pond will be 50 percent excavated. Length of dam: Approximately 40 feet. Total capacity of reservoir: 1 acre-foot. Active capacity: 0.83 acre-foot. Dead storage: 0.17 acre-foot. Applicant owns the land on which the water right will be located and where the water will be put to beneficial use. **Third Claim: For Approval of Plan for Augmentation.** Name of structures to be augmented: Cardamone Well and Cardamone Pond. Legal description of structures to be augmented: Cardamone Well, as described in paragraph 3.A, of the Application. Cardamone Pond, as described in paragraph 3.B, of the Application. Water rights to be used for augmentation: Basalt Water Conservancy District (“BWCD”) Allotment Contract for Green Mountain Reservoir and Ruedi Reservoir water rights owned or controlled by BWCD as described in paragraph 10.A of the Application. Complete statement of plan for augmentation, covering all applicable matters under C.R.S. § 37-92-103(9), -302(1)(2), and -308(8): Background: Applicant is constructing a new ADU and pond on their property. The existing Cardamone Well is currently permitted as an exempt well for household use only inside one single-family dwelling. Upon final decree, Applicant will re-permit the Cardamone Well to serve the home and ADU, and 5,800 square feet of irrigation. The Cardamone Pond will fill from Applicant’s existing Cardamone Ditch structure (WDID 3801980) diverting from West Sopris Creek. Water requirements: A table describing the water demands and depletions for Applicant’s water uses is on file with the Court as Table 1. Applicant’s engineer estimated domestic annual demand for the home and ADU at 0.60 acre-feet (0.05 acre-feet/month; based on 0.033 acre-feet/month for the home and 0.017 acre-feet/month for the ADU). Total annual residential depletion, assuming 15 percent consumptive use (based on utilizing onsite septic and leach field), is 0.09 acre-feet, as shown in Column 4 of Table 1. There will be a maximum of 5,800 square feet of lawn and garden irrigation in and around the residence, served by the Well. The Blaney-Criddle Method for field grass utilizing Pochop Method with high altitude correction was used to estimate irrigation requirements, indicating a net irrigation requirement of 2.2 feet per acre. Therefore, the total annual irrigation demand for Applicant’s 5,800 square feet is 0.29 acre-feet, as shown on Table 1, Column 2. Assuming an irrigation efficiency of 80 percent, the total annual irrigation depletion is 0.23 acre-foot, as shown on Column 5. Applicant’s engineer calculated the annual gross evaporation from the Cardamone Pond using NOAA Technical Release NWS 33 along with the State Engineer’s Office monthly distribution for ponds located above 6,500 feet, with no claim for effective precipitation under SEO Policy 2004-3. Net evaporation is equal to gross evaporation adjusted to account for icing temperatures. The surface area of the Cardamone Pond is 0.17 acre, and the total evaporative depletion is 0.51 acre-feet per year, as shown on Table 1, Column 6. The total annual diversions and depletions from all sources is 1.40 acre-feet and 0.83 acre-feet, respectively. Downstream call: If the calling water right is below the confluence of the Roaring Fork River and Sopris Creek, the out-of-priority depletions from the Cardamone Well and Cardamone Pond will be augmented using releases pursuant to Applicant’s BWCD allotment contract which utilizes water rights owned by the BWCD, as described above. Applicant is in the process of applying for an allotment contract with the BWCD. The BWCD augmentation water will be administered through use of the Cardamone Exchange, applied for below. The Table 2 on file with the Court, outlines the anticipated augmentation schedule for a downstream call, such as the Cameo Call. Local call: In the event of a local call on Sopris Creek, Applicant will replace out of priority depletions from the Cardamone Well with releases from the Cardamone Pond, as described above, back to West Sopris Creek (upstream of the confluence of West Sopris Creek and Sopris Creek). The Cardamone Pond will be lined to prevent seepage; and will store adequate amount of water to replace out of priority depletions from the Cardamone Well in a local call scenario. In a validly administered local call, the Cardamone Pond itself will be curtailed, meaning all inflows will equal outflows (or otherwise not be stored), and the Cardamone Pond will be allowed to naturally evaporate. Table 2, Column 8 represents the estimated Cardamone Pond augmentation releases during a dry year local call on Sopris Creek. The Cardamone Well will continue to provide domestic and irrigation water so long as there are adequate releases from the Cardamone Pond. Alternatively, Applicant may elect to curtail irrigation use, while augmenting domestic use, to keep more water in the Cardamone Pond. The Table 2 augmentation schedule may be adjusted during the course of this proceeding. Applicant owns the land on which the augmented water rights will be located and where the water will be put to beneficial use. **Fourth Claim: For Appropriative Right of Exchange.** Name of structure: Cardamone Exchange. Type: Appropriative Exchange. Description of water right: Location of downstream termini: as describe in paragraph 14. A. of the Application. Location of upstream termini: The Cardamone Pond and the Cardamone Well, as described above. A map is on file with the Court as Exhibit B. Source: The water rights owned or controlled by the BWCD and for which Applicant is in the process of applying for an Allotment Contract for the use of, all as described in paragraph 10.A, of the Application. Date of appropriation: December 29, 2021. How appropriation was initiated: Application to the water court in the month of December. Date water applied to beneficial use: N/A. Amount: 0.003 c.f.s. (1.07 g.p.m.), conditional. Use: Exchange to implement the plan for augmentation applied for above.

YOU ARE HEREBY NOTIFIED THAT YOU HAVE until the last day of FEBRUARY 2022 to file with the Water Clerk a verified Statement of Opposition setting forth facts as to why this application should not be granted or why it should be granted in part or on certain conditions. A copy of such statement of opposition must also be served upon the applicant or the applicant’s attorney and an affidavit or certificate of such service shall be filed with the Water Clerk, as prescribed by Rule 5, CRCP. (Filing Fee: \$192.00) KATHY POWERS, Water Clerk, Water Division 5; 109 8th Street, Suite 104 Glenwood Springs, CO 81601.

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

21CW3163 EAGLE COUNTY, COLORADO. APPLICATION FOR FINDING OF REASONABLE DILIGENCE. Name and address of Applicant: Pilgrim Downs Homeowners Association, c/o Jim Childers, Ranch Manager, Pilgrim Downs Subdivision, 102 Pilgrim Drive, Edwards, CO 81632. Please direct all correspondence, motions and pleadings to Michael J. Sawyer or Danielle T. Skinner, KARP NEU HANLON, P.C., 201 14th Street, Suite 200, P.O. Drawer 2030, Glenwood Springs, CO 81602, (970) 945-2261 **FIRST CLAIM—APPLICATION FOR FINDING OF REASONABLE DILIGENCE.** Name of structure: *Pilgrim Ranch Pond Nos. 2, 3, 4, 5, 6, 8, 11, 12, 13, 14, and 16.* Date of original decree: September 22, 1984, in Case No. 83CW304, in the District Court in and for Water Division No. 5. Subsequent decrees awarding findings of diligence: Case No. 88CW272 entered on February 27, 1989, Case No. 95CW032 entered on January 15, 1998, 06CW277 entered on December 3, 2008, and 14CW3178 entered on December 13, 2015. Legal description (from Case No. 83CW304): The decreed locations for the Pilgrim Ranch Pond Nos. 2 through 16 are located on Lots 1 through 8 and Lots 12 through 18, respectively, of the Pilgrim Downs Subdivision, Eagle County, Colorado. The subdivision is generally located in Sections 18 and 19, Township 5 South, Range 82 West of the 6th P.M. The locations of the as-built ponds that are the subject of this Application: Pilgrim Ranch Pond No. 3: The as built location of the dam for the pond is 2300 feet from the North section line and 1880 feet from the West section line in Section 19, Township 5 South, Range 82 West of the 6th P.M. Pilgrim Ranch Pond No. 4.A.: There is no dam as Pond 4.A. is an excavated pond. The as built location of Pond 4.A. is 3080 feet from the North section line and 2300 feet from the West section line in Section 19, Township 5 South, Range 82 West of the 6th P.M. Pilgrim Ranch Pond No. 4.B.: There is no dam as Pond 4.B. is an excavated pond. The as built location of Pond 4.B. is 2990 feet from the North section line and 2330 feet from the West section line in Section 19, Township 5 South, Range 82 West of the 6th P.M. Pilgrim Ranch Pond No. 5: The as built location of the dam for Pond 5 is 3400 feet from the North section line and 2250 feet from the West section line in Section 19, Township 5 South, Range 82 West of the 6th P.M. Pilgrim Ranch Pond No. 6.A.: The as built location of the dam for Pond 6.A. is 3881 feet from the North section line and 1990 feet from the West section line in Section 19, Township 5 South, Range 82 West of the 6th P.M. Pilgrim Ranch Pond No. 6.B.: The as built location of the dam for Pond 6.B. is 3825 feet from the North section line and 1570 feet from the West section line in Section 19, Township 5 South, Range 82 West of the 6th P.M. **Source: West Lake Creek, tributary to the Eagle River, tributary to the Colorado River.** Appropriation date: September 12, 1983 for each pond. Amount: The amount of water decreed to each of the Pilgrim Ranch Pond Nos. 2 through 16 is 0.33 acre-feet, conditional, with the right to fill and refill in priority. The decreed status of the water rights that are the subject of this Application: Pilgrim Ranch Pond No. 2: 0.33 acre-feet, conditional, for all uses. Pilgrim Ranch Pond No. 3: 0.11 acre-feet, absolute, in Case No. 06CW277, for irrigation of 1 acre on Lot 2, fish and wildlife propagation, recreation and piscatorial purposes. The amount of 0.22 acre-feet for Pilgrim Ranch Pond No. 3 is conditional for all uses. Pilgrim Ranch Pond No. 4: Two smaller ponds were constructed for Pond No. 4. Pond 4.A.: 0.07 feet, absolute, in Case No. 06CW277, for irrigation of 1 acre on Lot 3, fish and wildlife propagation, recreation and piscatorial purposes (together with Pond 4.B.). Pond 4.B.: 0.07 acre-feet, absolute, in Case No. 06CW277, for irrigation of 1 acre on Lot 3, fish and wildlife propagation, recreation and piscatorial purposes (together with Pond 4.A.). The amount of 0.19 acre-feet for Pilgrim Ranch Pond No. 4 is conditional for all uses. Pilgrim Ranch Pond No. 5: 0.03 acre-feet, absolute, in Case No. 06CW277, for the irrigation of 1 acre on Lot 4. 0.03 acre-feet for fish and wildlife propagation, recreation and piscatorial purposes was made absolute in Case No. 95CW32. The amount of 0.30 acre-feet for Pilgrim Ranch Pond No. 5 is conditional for all uses. Pilgrim Ranch Pond No. 6: Two smaller ponds were constructed for Pond No. 6: Pond 6.A.: 0.1 acre-feet, absolute, in Case No. 06CW277; for irrigation of 1 acre on Lot 5 (together with Pond 6.B.). In Case No. 88CW272, 0.33 acre-feet was made absolute for fish and wildlife propagation, recreation and piscatorial purposes. Pond 6.B.: 0.2 acre-feet, absolute, in Case No. 06CW277, for the irrigation of 1 acre on Lot 5 (together with Pond 6.A.). In Case No. 88CW272, 0.33 acre-feet was made absolute for fish and wildlife propagation, recreation and piscatorial purposes. The amount of 0.03 acre-feet for the Pilgrim Ranch Pond No. 6 is conditional for irrigation purposes. Pilgrim Ranch Pond No. 8: 0.33 acre-feet, conditional, for all uses. Pilgrim Ranch Pond No. 11: 0.33 acre-feet, conditional, for all uses. Pilgrim Ranch Pond No. 12: 0.33 acre-feet, conditional, for all uses. Pilgrim Ranch Pond No. 13: 0.33 acre-feet, conditional, for all uses. Pilgrim Ranch Pond No. 14: 0.33 acre-feet, conditional, for all uses. Pilgrim Ranch Pond No. 16: 0.33 acre-feet, conditional, for all uses. Uses: Irrigation, fish and wildlife propagation, recreation and piscatorial. The name and capacity of the ditches leading to the ponds are: Casteel Ditch and Casteel Ditch, First Enlargement out of Casteel Creek, tributary to West Lake Creek, tributary to the Eagle River. The Casteel Ditch was decreed for 1 c.f.s. for irrigation purposes on October 3, 1936, in Civil Action No. 963 in Eagle County District Court with an appropriation date of June 1, 1886. The Casteel Ditch First Enlargement with an appropriation date of June 1, 1933, was decreed for 1 c.f.s. for irrigation purposes in Civil Action No. 963 in the District Court in and for Eagle County. West Lake Creek Ditch, out of West Lake Creek, tributary to the Eagle River, with an appropriation date of June 1, 1905, decreed for 5.014 c.f.s. for irrigation purposes on October 3, 1936, in Civil Action No. 963 in the District Court in and for Eagle County. Smith Pallister Ditch out of West Lake Creek Ditch, tributary to Lake Creek, tributary to Eagle River with an appropriation date of July 10, 1901, decreed for 1.6 c.f.s. for irrigation purposes on March 17, 1919, in Civil Action No. 706 in the Eagle County District Court. The decree entered in Case No. 06CW277 states that neither the Casteel Ditch nor the Casteel Ditch, First Enlargement are used as a source of water for the Pilgrim Ranch Pond Nos. 3, 4, 5 and 6. The Applicant abandoned the right to fill said ponds with the Casteel Ditch and the Casteel Ditch, First Enlargement in Case No. 14CW3178. Remarks: The water rights for Pilgrim Ranch Pond Nos. 2, 8, 12, 13 and 16 are the subject of Case No. 20CW3147 in which the locations of these ponds will be changed to the Pilgrim Open Space Pond. Claim for diligence: Applicant requests a finding of diligence as follows: Pilgrim Ranch Pond No. 2: 0.33 acre-feet, conditional, for all uses. Pilgrim Ranch Pond No. 3: 0.22 acre-feet, conditional, for all uses. Pilgrim Ranch Pond No. 4: 0.19 acre-feet, conditional, for all uses. Pilgrim Ranch Pond No. 5: 0.30 acre-feet, conditional, for all uses. Pilgrim Ranch Pond No. 6: 0.03 acre-feet, conditional, for irrigation purposes. Pilgrim Ranch Pond No. 8: 0.33 acre-feet, conditional, for all uses. Pilgrim Ranch Pond

No. 11: 0.33 acre-feet, conditional, for all uses. Pilgrim Ranch Pond No. 12: 0.33 acre-feet, conditional, for all uses. Pilgrim Ranch Pond No. 13: 0.33 acre-feet, conditional, for all uses. Pilgrim Ranch Pond No. 14: 0.33 acre-feet, conditional, for all uses. Pilgrim Ranch Pond No. 16: 0.33 acre-feet, conditional, for all uses. The Application contains a detailed outline of what has been done by Applicant during the diligence period toward or for completion of the appropriation and application of the conditional water rights to beneficial use as decreed, including expenditures. Names and addresses of owners of land upon which structures are located: Pilgrim Ranch Pond No. 2, Robert C. Bennett, Jr. Family Trust, 111 Pilgrim Drive, Edwards, CO 81632. Pilgrim Ranch Pond No. 3, Traylor 2012 Family Trust, c/o Harding & Carbone, Inc., 1235 North Loop W Ste 205, Houston, TX 77008. Pilgrim Ranch Pond No. 4, Clearview Inspiration LLC, 6668 S. Oxford Ave., Tulsa, OK 74136. Pilgrim Ranch Pond No. 5, LND Family Realty LP, PO Box 7138, Garden City, NY 11530. Pilgrim Ranch Pond No. 6, Jennifer L. & David W. Bullock, 387 Pilgrim Dr., Edwards, CO 81632. Pilgrim Ranch Pond No. 8, Ambwani-Bellofatto Family Trust, 705 Evergreen St., Menlo Park, CA 94025. Pilgrim Ranch Pond No. 11, Martin C. Tacon & Lesley Ann Murray, 167 The Portofino Pak To Avenue, Clearwater Bay Kowloon, Hong Kong. Pilgrim Ranch Pond No. 12, 1125 Pilgrim Drive LLC, c/o Denise Tavani, 52 Turtle Mountain Rd., Tuxedo Park, NY 10987. Pilgrim Ranch Pond No. 13, 1255 Pilgrim Drive Trust, c/o Douglas Zinser, 2736 N. Lakewood Ave., Chicago, IL 60614. Pilgrim Ranch Pond No. 14, Sarah & Peter Millett, 975 Pilgrim Dr, Edwards, CO 81632. Pilgrim Ranch Pond No. 16, Theda J. & Jon M. Werthen, 415 E. Houston St., Broken Arrow, OK 74012. The Pilgrim Ranch Pond Nos. 2, 3, 4, 5, 6, 8, 11, 12, 13, 14, and 16 are part of the integrated water system of the Pilgrim Downs Subdivision. Pursuant to C.R.S. § 37-92-301(4)(b), when an integrated water system is composed of several features, work on one feature of the system is considered in finding that reasonable diligence has been shown in the development of water rights for all features of the entire system. A map depicting the location to the structures to be decreed and an outline of diligence activities including expenditures are on file with the Water Court (10 pp. with exhibits)

YOU ARE HEREBY NOTIFIED THAT YOU HAVE until the last day of FEBRUARY 2022 to file with the Water Clerk a verified Statement of Opposition setting forth facts as to why this application should not be granted or why it should be granted in part or on certain conditions. A copy of such statement of opposition must also be served upon the applicant or the applicant's attorney and an affidavit or certificate of such service shall be filed with the Water Clerk, as prescribed by Rule 5, CRCP. (Filing Fee: \$192.00) KATHY POWERS, Water Clerk, Water Division 5; 109 8th Street, Suite 104 Glenwood Springs, CO 81601.

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

21CW3164 IN EAGLE COUNTY COLORADO, COLORADO RIVER WATER CONSERVATION DISTRICT c/o Peter C. Fleming, Jason V. Turner, Colorado River Water Conservation District, 201 Centennial Street, Suite 200, Glenwood Springs, CO 81601, (970) 945-8522; **EAGLE RIVER WATER AND SANITATION DISTRICT** and **UPPER EAGLE REGIONAL WATER AUTHORITY**, c/o Kristin H. Moseley, Daniel F. McCarl, Somach Simmons & Dunn, P.C., 2033 11th Street, Suite 5, Boulder, CO 80302, (30) 449-2834. **APPLICATION FOR FINDING OF REASONABLE DILIGENCE.** 1. Name and address of Applicants (collectively, "Co-Applicants"): A. Colorado River Water Conservation District ("River District"), c/o Andy Mueller, General Manager, 201 Centennial Street, Suite 200, Glenwood Springs, CO 8160; B. Eagle River Water and Sanitation District ("Water District"), Upper Eagle Regional Water Authority ("Water Authority"), c/o General Manager, 846 Forest Road, Vail, Colorado 81657. Claim for Finding of Reasonable Diligence. A. Name of Structure: Piney River Unit (AKA, the 170 cfs Piney Right). B. Description of Conditional Water Right: Original Decree: January 21, 1987, Civil Action No. 1548, District Court in and for Eagle County, Colorado. Subsequent Diligence Decrees: Civil Action No. 2371 (Jan. 21, 1987); Case No. 02CW125 (Nov. 28, 2007); Case No. 13CW3079 (Dec. 13, 2015). Legal Description: As Decreed: At or above elevation 9,300 above mean sea level on the Piney River and intervening tributary drainage associated therewith in Township 4 South, Range 81 West of the 6th P.M., Eagle County, Colorado. PLSS (as provided in 13CW3079): Section 9, Township 4 South, Range 81 West of the 6th P.M., at a point 646 feet South of the North line and 2,344 feet West of the East line. Remarks: The location of the Piney River Unit is depicted on the map attached as Exhibit A to the application on file with the court. Source: **Piney River and intervening tributary drainage associated therewith.** Appropriation Date: June 8, 1965. Amount: 170 cfs, conditional. Use: All municipal uses, including domestic use, irrigation, mechanical use, manufacturing use, generation of electric power, power generally, fire protection, use for sewage treatment, street sprinkling, watering of parks, lawns and grounds, the maintaining of adequate storage reserves, replacement and exchange. C. Detailed Outline of Work Performed Toward Completion Including Expenditures: Among other work, during the last diligence period: i) Co-Applicants retained Helton & Williamsen, P.C. to conduct an engineering analysis of the Piney River Unit water right, including a water availability analysis over a 50-year historical study period. The engineering study quantifies the historically available water to the Piney River Unit water right for storage in the Eagle-Colorado Reservoir, aka Wolcott Reservoir. Denver Water assigned this water right to the Co-Applicants through negotiations in the settlement of Denver Water's claims for continued diligence on its conditional water rights in Case Nos. 02CW125 and 07CW126 for their proposed Eagle-Piney and Eagle-Colorado transmountain diversion projects. The Settlement Agreement specifies that the Piney River Unit would be changed in diversion location to the State Bridge Pumping Plant on the Colorado River but "limited to amount of water available in priority at the original point of diversion." This water could only be used to fill a joint use Eagle-Colorado Reservoir. The Settlement Agreement and Amended Settlement Agreement are attached as a component of Exhibit B to the application on file with the court. This engineering analysis was required to support the required change case of the Piney River Unit. ii) Co-Applicants, together with other Eagle River Memorandum of Understanding (the "ERMOU") partners, retained Wilson Water Group, LLC, Helton & Williamsen, P.C.,

Leonard Rice Engineers, Inc., RJH Consultants, Inc., and W.W. Wheeler & Associates, Inc., to conduct an ERMOU Project Alternatives Phase 2 Study, which provides evaluations of project alternatives to develop water storage and conveyance projects in the Eagle River basin for West Slope and East Slope interests. Wolcott Reservoir was a component of this Phase 2 Study. iii) Co-Applicants retained LRE Water to produce a comprehensive Eagle River basin engineering model to facilitate water supply planning in the Eagle River basin and scenario development for the Eagle River Community Water Plan. iv) Co-Applicants expended in excess of \$1,750,000.00 during the diligence period associated with the above referenced activities. D. Name/Address of Landowners: The structure as decreed will be located on lands owned by the United States Forest Service. Notice of this application will be provided via certified mail to the United States Forest Service at the following address: United States Forest Service, Eagle-Holy Cross Ranger District, Attn: District Ranger, 24747 US Highway 24, Minturn, CO 81645. The water will be placed to beneficial use within the extensive boundaries of the River District and/or the Water District and Water Authority. The specific owners of land upon which the water rights will be placed to beneficial use will be determined at future dates as the project is developed. The water right may be put to beneficial use on lands owned by many thousands of individuals and entities. Therefore, it is not feasible to list at this time the names and addresses of the owners of land upon which water may be placed to beneficial use. Note: On October 14, 2021, Co-Applicants filed an unopposed motion to amend the underlying judgment and decree entered in Case No. 13CW3079. Co-Applicants' motion seeks to amend Paragraphs 9 and 19 of the judgment and decree, regarding timing of cancellation of the Piney Right in the event Co-Applicants and Denver Water fail to reach a joint use agreement on the development of a joint use reservoir in the Wolcott area. Co-Applicants' unopposed motion is attached as Exhibit B to the application on file with the court. WHEREFORE, Co-Applicants request that the Court: (a) enter a decree in this case finding that Co-Applicants have exercised reasonable diligence as to the Piney River Unit conditional water right; and (b) afford all other relief the Court deems proper to further the purposes of Co-Applicants claims in this application.

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21CW3165 – EAGLE COUNTY – APPLICATION FOR SIMPLE CHANGE IN POINT OF DIVERSION PURSUANT TO C.R.S. § 37-92-305(3.5) – 1. Name, Address, Phone Number, and E-Mail Address of Applicant. The Piney Valley Ranches Trust (“PVRT”), c/o Daniel J. Leary, Trustee, P.O. Box 9429, Avon, Colorado 81620; Phone: (970) 949-6776; E-mail: danleary@traercreek.com. Copies of all pleadings to: Richard A. Johnson, David F. Bower, Michael S. Davidson, Johnson & Repucci LLP, 850 W. South Boulder Road, Suite 100, Louisville, Colorado 80027. 2. Description of Water Right for Which Simple Change is Sought. (a) Name of Structure. A&W Diversion Point (WDID 3701244). (b) Original Decree. Case No. 93CW68, Water Division 5, dated March 15, 1994. (c) Decreed Location. SE1/4 SW1/4 of Section 18, Township 3 South, Range 83 West of the 6th P.M., at a point on the right bank of Alkali Creek, from which the SW corner of said Section 18 bears South 85'00" West a distance of 2,000 feet. (d) Source. **Alkali Creek, tributary to the Eagle River, tributary to the Colorado River, and storage releases from Welsh Reservoir located upstream on Alkali Creek in Section 13, Township 3 South, Range 84 West of the 6th P.M.** (e) Description of Water Rights Decreed to Divert at Structure. (i) Alkali Ditch (Priority No. 28). (A) Original Decree. Original adjudication by the Eagle County District Court, Case No. 294, dated December 17, 1889. (B) Amount. 1.5 cfs. (C) Use. Irrigation. (D) Appropriation Date. November 15, 1884. (ii) Welsh Ditch (Priority No. 248). (A) Original Decree. Supplemental adjudication by the Eagle County District Court, Case No. 446, dated June 4, 1907. (B) Amount. 3.2 cfs. (C) Use. Irrigation. (D) Appropriation Date. September 15, 1904. (f) Decreed Place of Use. 65.9 acres in portions of the NE1/4 NE1/4, SE1/4 NE1/4, and SW1/4 NE1/4 of Section 19 and the SW1/4 NW1/4 of Section 20, Township 3 South, Range 83 West of the 6th P.M. A map showing the irrigated acreage is attached as Figure 1. 3. Description of Proposed Simple Change in Surface Point of Diversion. (a) Complete Statement of Change. In Case No. 93CW68, Applicant changed its interests in the Alkali Ditch and Welsh Ditch to divert at the A&W Diversion Point. Construction of the A&W Diversion Point and associated irrigation ditch was completed in the summer of 2017. On September 3, 2021, while preparing maps of Applicant's water rights, Applicant's water resources consultant determined that the decreed location of the A&W Diversion Point is located approximately 1,600 feet downstream of where the diversion was constructed. Accordingly, this application seeks a simple change in point of diversion to recognize that the decreed location of the A&W Diversion Point is the point where the diversion structure was actually built and has been physically accomplished pursuant to C.R.S. § 37-92-305(3.5)(III)(A). The requested change qualifies for a simple change because (i) this change is not combined with and does not include any other type of change of water right, (ii) there are no intervening surface diversion points or inflows between the new point of diversion and the decreed diversion point, and (iii) the change does not include a change in point of diversion from below or within a stream reach for which there is an intervening surface diversion point or inflow or decreed instream flow right to an upstream location within or above that reach. Furthermore, all terms and conditions of the decree entered in Case No. 93CW68 shall remain in full force and effect, including that (i) Applicant will install and maintain measuring devices and implement accounting procedures as required by the Division Engineer, (ii) diversion of the Alkali Ditch and Welsh Ditch rights shall be restricted to their historic season of use of 4/15 to 10/31 and 4/25 to 10/31, respectively, (iii) Applicant shall be limited to an annual consumptive use of

104.6 acre-feet, and (iv) no more than 65.9 acres will be irrigated by the changed rights. (b) Changed Location. NW1/4 SW1/4 of Section 18, Township 3 South, Range 83 West of the 6th P.M., at a point described as Zone 13, NAD83, Easting 350957 m, Northing 4405875 m. A map showing the decreed location and the changed location of the A&W Diversion Point is attached hereto as Figure 1. 4. Name and Address of Landowner Upon which any New or Modified Diversion or Storage Structure is Located, Including Any Modification to the Storage Pool. The A&W Diversion Point is on land owned by Applicant. WHEREFORE, Applicant respectfully requests that the Court grant the simple change of the point of diversion for the A&W Diversion Point as set forth in paragraph 3 above.

YOU ARE HEREBY NOTIFIED THAT YOU HAVE until the last day of FEBRUARY 2022 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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21CW3166 PITKIN COUNTY, CAPITOL CREEK, SNOWMASS CREEK, ROARING FORK RIVER, COLORADO RIVER. Peter M. McGrath and Janet E. Fox, c/o Oates, Knezevich, Gardenswartz, Kelly & Morrow, P.C., 533 E. Hopkins Avenue, 3rd Floor, Aspen, CO 81611, (970) 920-1700. APPLICATION FOR CONDITIONAL STORAGE WATER RIGHTS, APPROVAL OF PLAN FOR AUGMENTATION AND APPROPRIATIVE RIGHT OF EXCHANGE. **Information Common to Storage Claims:** Source: Capitol Creek, tributary to Snowmass Creek, Roaring Fork River and Colorado River via deliveries from the Boram and White Ditch structure. Legal Description: The decreed location of the headgate of the Boram and White Ditch is on the W. bank of Capitol Creek at a point about 3.5 miles above the mouth of Capitol Creek in Pitkin County. UTM Coordinates (NAD83 Z13: 326230m E; 4350204m N). Fill Rate: 1.112 c.f.s. Date of Appropriation: December 31, 2021. How appropriation was initiated: Formation of intent to appropriate water coupled with the filing of the Water Court application. Date water applied to beneficial use: N/A. **First Storage Claim.** McGrath Pond System. Legal description of location of dam: The McGrath Pond System is bounded by upper and lower termini. The upper terminus is located in the NE 1/4 of Sec. 4, Tsp 9 S., R. 86 W., 6th P.M. (UTM NAD83 Z13: 328239.3m E, 4352573.5m N) and the lower terminus outlet located in the NE 1/4 of Sec. 4, Tsp 9 S., R. 86 W., 6th P.M. (UTM NAD83 Z13: 328241.6m E, 4352494.4m N). Amount claimed: 0.45 a.f., conditional, with a right to fill and re-fill when water is physically and legally available. Surface area: 0.15 acres. Proposed use: Fire protection, piscatorial, recreation, aesthetic, augmentation, and delivery of water to McGrath House Pond for subsequent irrigation. **Second Storage Claim.** McGrath House Pond. Legal description of location of dam: The McGrath House Pond centroid is located at the NW 1/4 of Sect. 3, Tsp 9 S, R. 86 W., 6th P.M. (UTM NAD83 Z13: 328306.4m E, 4352586.5m N). Amount claimed: 0.70 acre-feet, cond., with a right to fill and re-fill when water is physically and legally available. Surface area: 0.24 acres. Proposed use: Irrigation of approximately 1.0 acre of lawn and garden irrigation around the proposed residence located in the NW 1/4 of Sect. 3 and N/E 1/4 of Sect. 4, Tsp 9 S., R. 86 W., 6th P.M., fire protection, piscatorial, recreation, aesthetic and augmentation. Remarks: In addition to filling and refilling the McGrath Pond System and McGrath House Pond (collectively the "Ponds"), the Ponds shall both be used as irrigation control structures for the Applicants' interest in the Boram and White Ditch with no storage exceeding 72 hours to continue to irrigate historically irrigated lands on the Applicants' property under the senior right. Applicants own an undivided 38/550ths interest, or an approximate 6.9% interest, in the Boram and White Ditch water rights, all as more fully described in the Application (1.112 cfs abs.). All evaporation from the Ponds and additional irrigation around the new residence will be augmented or administered pursuant to the plan for augmentation described below. This will not create an expansion of use since evaporative losses from the Ponds will be augmented or administered pursuant to the subject plan for augmentation. The new irrigated areas around the proposed residence can be considered an expansion of use. As such, this plan will provide augmentation for these depletions. The McGrath Pond System and McGrath House Pond are component parts of an integrated water supply project for Applicant's property along with the Appropriative Right of Exchange. **Third Claim: Plan for Augmentation.** Structures to be augmented: McGrath Pond System and McGrath House Pond. Water rights to be used for augmentation: Basalt Water Conservancy District ("BWCD") Water Allotment Contract utilizing the District's water marketing supplies comprised of 2.7 acre feet of the following: Green Mountain Reservoir, Ruedi Reservoir, Troy Ditch and Edith Ditch water rights and/or the Robinson Ditch water rights, all as more fully described in the Application. Statement of plan for augmentation: Applicants intend to augment out-of-priority diversions from the Ponds by releases pursuant to a water allotment contract with the BWCD from either Ruedi Reservoir or Green Mountain Reservoir whenever there is a call on the Colorado River or the Roaring Fork River below its confluence with the Fryingpan River. Applicants anticipate out-of-priority depletions associated with both evaporation and irrigation. The maximum annual evaporation from a total of 0.39 acres of open water surface from the Ponds will be 0.563 acre-feet from the McGrath Pond System and 0.900 acre-feet from the McGrath House Pond. There are no delayed depletions associated with the Ponds. The evaporation is depletive to Capitol Creek. Applicants also plan to irrigate up to a maximum of 1.0 acre of lawn and landscape areas around a proposed new residence with its interest in the Boram and White Ditch. Using the Blaney-Criddle Method, the total annual evapotranspiration demand for irrigation of 1.0 acre is 1.924 feet per acre and the total annual irrigation diversion requirement will be 2.41 acre-feet based on an assumed irrigation efficiency of 80 percent. There will be approximately three months for delayed irrigation return flows to arrive at Capitol Creek based on a Glover analysis. Applicants are in the process of obtaining a BWCD contract for 2.7 acre-feet to cover evaporation and irrigation depletions

whenever a valid call occurs on the Roaring Fork River above its confluence with the Fryingpan River or on Snowmass Creek or Capitol Creek. Applicants anticipate their diversions will be subject to administrative calls from water rights on the Colorado River and/or the Roaring Fork River downstream of its confluence with the Fryingpan River for three weeks in April, one week in May, mid-June through October and one week of November of each year. Diversions during those periods will be replaced with releases pursuant to the BWCD contract from April through November. Should a call downstream of the confluence of the Roaring Fork River and the Frying Pan River, including a mainstem call on the Colorado River, occur outside those time periods, Applicants will curtail diversions. Local calls originating from water users located along the Roaring Fork River within the reach extending from its confluence with the Fryingpan River up to the confluence with Snowmass Creek, or from water users on Snowmass Creek or Capitol Creek are not expected. If a valid local call were to occur, the Ponds will be lowered commensurate with the evaporation rate and irrigation diversions from the Ponds associated with the newly irrigated areas will cease. In such event, Applicants may continue irrigating pursuant to an exempt well located on the property. Alternatively, the Applicants have the ability to by-pass diversions from storage in the Ponds. **Exchange:** Augmentation of the McGrath House Pond and McGrath Pond System using water rights available by contract with the Basalt Water Conservancy District will be accomplished by exercise of an appropriative right of exchange, for which Applicants seek a conditional right of exchange described as follows: Exchange Plan Reach: Downstream Termini: Green Mountain Reservoir exchange: The confluence of the Colorado River and the Roaring Fork River, more particularly described as a point in the SE 1/4 of the NW 1/4 of Sect. 9, Tsp 6 S., R. 89 W. of the 6th P.M. at a point approximately 2,200 feet from the N. Sect. line and 2,350 feet from the W. Sect. line (Garfield County; UTM NAD83 Zone 13: 299744.3m E; 4380368.3m N). Ruedi Reservoir and/or Troy and Edith Ditch Exchange: The confluence of the Roaring Fork River and the Fryingpan River located in the SW 1/4 of the SE 1/4 of Sect. 7, Tsp 8 S., R. 86 W., in the 6th P.M. at a point 647 feet from the S. Sect. line, and 1475 feet from the E. Sect. line (Eagle and Pitkin Counties; UTM NAD83 Zone 13: 324743.9m E; 4359431.9m N). Robinson Ditch Exchange: The point of diversion is located on the N. bank of the Roaring Fork River one-half mile below the mouth of Sopris Creek in Sect. 11, Tsp 8 S., R. 87 W. of the 6th P.M. (Eagle County; UTM NAD83 Zone 13: 321622m E; 4359863m N). Upper terminus of exchange reach: The decreed location of the headgate of the Boram and White Ditch is on the W. bank of Capitol Creek at a point about 3.5 miles above the mouth of Capitol Creek in Pitkin County (UTM NAD83 Zone 13: 326230m E; 4350204 m N). Rate claimed: 0.04 cfs, conditional, with a maximum volume of 2.7 acre-feet. Date of initiation of appropriation: December 31, 2021. How appropriation was initiated: By formulation of intent to appropriate a water right coupled with the filing of the Water Court application. Date water applied to beneficial use by exchange: N/A. Applicants will install and maintain such measuring devices and implement such accounting procedures as may be required to verify that the amount of augmentation and exchange water equals or exceeds the amount of out-of-priority depletions resulting from the use of water under the claimed plan for augmentation and exchange. The Applicants own the land upon which the structures are located and where the water will be use. Maps and tables are on file with the Court as Figures 1 – 4 and Tables 1 – 7.

YOU ARE HEREBY NOTIFIED THAT YOU HAVE until the last day of FEBRUARY 2022 to file with the Water Clerk a verified Statement of Opposition setting forth facts as to why this application should not be granted or why it should be granted in part or on certain conditions. A copy of such statement of opposition must also be served upon the applicant or the applicant's attorney and an affidavit or certificate of such service shall be filed with the Water Clerk, as prescribed by Rule 5, CRCP. (Filing Fee: \$192.00) KATHY POWERS, Water Clerk, Water Division 5; 109 8th Street, Suite 104 Glenwood Springs, CO 81601.

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

21CW3167 MESA COUNTY, COON CREEK, PLATEAU CREEK, COLORADO RIVER The Donald L. Fisher Revocable Trust c/o Don Fisher, Trustee, 3845 Pomar Vista Court, Palisade, CO 81526, (970) 464-0171, Dsfshr2002@bresnan.net C/O Kirsten M. Kurath, #24649 WILLIAMS, TURNER & HOLMES, P.C., 744 Horizon Court, Suite 115, Grand Junction, CO 81502, (970) 242-6262, kmkurath@wth-law.com. APPLICATION FOR SIMPLE CHANGE IN SURFACE POINT OF DIVERSION PURSUANT TO § 37-92-305(3.5), C.R.S. Structure: McGeoch Ditch. Decree: July 25, 1941, C.A. 5812, District Court, County of Mesa. Legal description: The decreed location for the headgate is located at a point on the right bank of Coon Creek, whence the Northwest corner of Section 99 Township 11 South, Range 96 West of the 6th P.M. bears North 33° 56' West 5720 feet. The CDSS records show the location as UTM x: 229677.4 and UTM y: 4332549.6. Source of water: Coon Creek, tributary to Plateau Creek, tributary to the Colorado River. App. Date: (i) Admin. Number 30895.23607: August 20, 1914; (ii) Admin. Number 30895.23970: August 18, 1915; (iii) Admin Number 32811.00000: November 1, 1939. Total amount decreed to structure: (i) Admin. Number 30895.23607: 1.56 c.f.s.; (ii) Admin. Number 30895.23970: 0.83 c.f.s.; (iii) Admin Number 32811.00000: 0.61 c.f.s., Decreed uses: irrigation. Amount of water that applicant intends to change: (i) Admin. Number 30895.23607: 14%, 0.2184 c.f.s. (ii) Admin. Number 30895.23970: 14%, 0.1162 c.f.s. (iii) Admin Number 32811.00000: 14%, 0.0854 c.f.s. Detailed description of proposed change in a surface point of diversion: The Applicant desires to change the surface point of diversion described above to a new location downstream on Coon Creek. See Exhibit A attached to the Application. The new point of diversion is located on Applicant's property. Exhibit A shows all of the Applicant's property outlined in yellow and the irrigable area in green. The irrigable area is approximately 20 acres. The total amount diverted under each water right at the new point of diversion described below will be measured and will not exceed the decreed amounts listed above for each water right. The requested change meets the definition of a simple change in a surface point of diversion because the requested change is not combined with and does not include any other type of change of the water rights and there are no intervening surface diversion points

or inflow, as defined by C.R.S. § 37-92-305.5 (a)(I), between the new point of diversion and the decreed point of diversion from which the change is sought. The requested change in the surface point of diversions will not: (I) result in diversion of a greater flow rate or amount of water than has been decreed to the water rights and, without requantifying the water right, is physically and legally available at the diversion point from which a change is being made; or (II) injuriously affect the owner or persons entitled to use water under a vested water right or decreed conditional water right. Location of the new surface point of diversion: The new point of diversion is located in the NE1/4NE1/4 of Section 8, Township 11 South, Range 96 West of the 6th P.M. at Latitude 39.108970 and Longitude - 108.137922 as determined with a Garmin GPS with an accuracy of +/- 12 feet. This converts to UTM x: 228671.13 and UTM y: 4333558.61, NAD83, Zone 13. See Exhibit A. Applicant plans to have a second headgate within 25 feet of this point. Name and Address of Landowner: Applicant. Applicant requests that the Court grant the application for simple change in surface point of diversion and that the Court grant the Applicant such other and further relief as may be appropriate. (5 pages)

YOU ARE HEREBY NOTIFIED THAT YOU HAVE until the last day of FEBRUARY 2022 to file with the Water Clerk a verified Statement of Opposition setting forth facts as to why this application should not be granted or why it should be granted in part or on certain conditions. A copy of such statement of opposition must also be served upon the applicant or the applicant's attorney and an affidavit or certificate of such service shall be filed with the Water Clerk, as prescribed by Rule 5, CRCP. (Filing Fee: \$192.00) KATHY POWERS, Water Clerk, Water Division 5; 109 8th Street, Suite 104 Glenwood Springs, CO 81601.

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

21CW3168 EAGLE, PITKIN, SUMMIT and GARFIELD COUNTIES, trib. to Otto Creek and Fryingpan River. Application for Surface Water Rights and for Approval of Plan for Augmentation Including Appropriative Right of Exchange. Applicant: Arch Angel 2003 Trust, 1880 Century Park East, #1600, Los Angeles, CA 90067; c/o Garfield & Hecht, P.C., 901 Grand Avenue, Suite 201, Glenwood Springs, CO 81601, (970)947-1936. First Claim. Application for Surface Water Right. Name of Structure: Alfred M. Sloss Spring No. 1 First Enlargement. Legal Description: Located in the SW1/4 SE1/4 of Section 6, Township 8 South, Range 85 West of the 6th P.M., at a point 844 feet from the south section line and 2,434 feet from the east section line, in Eagle County. UTM Zone 13N, NAD 83, Northing 4360996 meters and Easting 334160 meters. See Water Right Location Map attached to the application as Exhibit A. Source: Spring water trib. to the Fryingpan River, trib. to the Roaring Fork River, trib. to the Colorado River. Date of Appropriation: June 1, 2016. How appropriation was initiated: Diversion and use of water for irrigation. Amount: 0.25 c.f.s., absolute. Uses: Fill and refill of Arch Angel Pond No. 2, irrigation, and fire protection. Description of irrigated area: Supplemental irrigation of 2.4 acres of land located in SW1/4 SE1/4 of Section 6 and NW1/4 NE1/4 of Section 7, Township 8 South, Range 85 West of the 6th P.M. See Exhibit A map. Remarks: Alfred M. Sloss Spring No. 1 is part of the Alfred M. Sloss Pipeline for Spring No. 1 and Spring No. 2, decreed in CA No. 3082, Garfield County District Court, in the amount of 0.15 c.f.s. The First Enlargement water right applied for herein pertains to the appropriation of water from the Alfred M. Sloss Spring No. 1 in excess of 0.15 c.f.s. Second Claim. Application for Storage Water Rights. Name of Structure: Arch Angel Pond No. 1. Legal Description: Centroid is located in the NW1/4 SE1/4 of Section 6, Township 8 South, Range 85 West of the 6th P.M., at a point 1,577 feet from the south section line and 2,292 feet from the east section line, in Eagle County. UTM Zone 13N, NAD 83, Northing 4361220.5 meters and Easting 334211.8 meters. Source: On-channel with Otto Creek, trib. to the Fryingpan River, trib. to the Roaring Fork River, trib. to the Colorado River. Date of Appropriation: June 1, 1999. How appropriation was initiated: Formation of intent to appropriate water and construction and filling of pond. Amount: 0.91 acre-foot, absolute; which may be filled and refilled. Surface area: 0.145 acre. Dam height: Less than 10 vertical feet. Dam length: Approx. 170 feet. Uses: Fire protection, aesthetic, piscatorial, and recreation. The pond also may be used as an irrigation forebay for Applicant's irrigation water rights. Remarks: Arch Angel Pond No. 1 is on-channel with Otto Creek. Name and address of owner or reputed owner of the land upon which the 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. Name of Structure: Arch Angel Pond No. 2. Legal Description: Centroid is located in the SW1/4 SE1/4 of Section 6, Township 8 South, Range 85 West of the 6th P.M., at a point 293 feet from the south section line and 2,353 feet from the east section line, in Eagle County. UTM Zone 13N, NAD 83, Northing 4360832.6 meters and Easting 334182.2 meters. Source: Alfred M. Sloss Spring No. 1 First Enlargement, trib. to the Fryingpan River, trib. to the Roaring Fork River, trib. to the Colorado River. Date of Appropriation: September 15, 2019. How appropriation was initiated: Formation of intent to appropriate water and construction and filling of pond. Amount: 0.35 acre-foot, absolute; which may be filled and refilled. Surface area: 0.07 acre. Dam height: Less than 10 vertical feet. Dam length: Approx. 110 feet. Uses: Fire protection, aesthetic, piscatorial, and recreation. The pond also may be used as an irrigation forebay for Applicant's irrigation water rights. Name and address of owner or reputed owner of the land upon which the 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. Third Claim. Application for Approval of Plan for Augmentation Including Appropriative Right of Exchange. Names of structures to be augmented: Alfred M. Sloss Spring No. 1 First Enlargement, described above (only augmented for use to fill and refill Arch Angel Pond No. 2). Arch Angel Pond No. 1, described above. Arch Angel Pond No. 2, described above. Water rights to be used for augmentation: Basalt Water Conservancy District Supplies. Applicant obtained Water Allotment Contract No. 772 from the Basalt Water Conservancy District ("BWCD" or the "District") for 0.5 acre-foot per year of storage or other augmentation water owned or controlled by BWCD. Pursuant to the Contract, BWCD will provide releases of

augmentation water from the sources of supply described below. In Case No. 02CW77, Decree 2 of 2, the Court confirmed the District may use the following water rights for augmentation, including by exchange, pursuant to the District's Umbrella Plan. These District water rights are in and to the Ruedi Reservoir, Green Mountain Reservoir, the Troy & Edith Ditch, the Robinson Ditch, and the Favre Domestic Pipeline. Information from previous decree for Ruedi Reservoir: Source: Fryingpan River, tributary of Colorado River. Legal Description: An on-channel reservoir located in Sections 7, 8, 9, 11, and 14 through 18, Township 8 South, Range 84 West of the 6th P.M. The reservoir is located in portions of Eagle and Pitkin counties. Adjudication Date: June 20, 1958. Appropriation Date: July 29, 1957. Case No.: C.A. 4613. Court: Garfield County District Court. Decreed Amount: 102,369 AF (Originally decreed for 140,697.3 AF; reduced to 102,369 AF in Case No. W-789-76). The full amount was made absolute in Case No. 88CW85. Decreed Uses: Generation of electric energy, domestic, municipal, piscatorial, industrial, and irrigation Refill: By decree of the Water Court in Case No. 81CW34, Ruedi Reservoir was decreed a refill right in the amount of 101,280 AF, conditional. In Water Court Case No. 95CW95, 44,509 AF of the refill right was made absolute. In Water Court Case 01CW269, an additional 25,257 AF of the refill right was made absolute, for a total of 69,766 AF absolute in the refill right. District Interest: The District holds contract numbers 2-07-70-W0546, 009D6C0014, 039F6C0012 and 139D6C0099 with the United States Bureau of Reclamation. These four contracts collectively entitle the District to delivery of 1790 AF of water annually from the regulatory capacity of Ruedi Reservoir, subject to the terms and conditions of the contracts between the District and Bureau of Reclamation. Information from previous decree for Green Mountain Reservoir: Source: Blue River, tributary of Colorado River. Legal Description: Located approximately 16 miles Southeast of the Town of Kremmling in Summit County, Colorado, and more particularly in all or parts of Sections 11, 12, 13, 14, 15, and 24 of Township 2 South, Range 80 West, and in Sections 17, 18, 19, 20, 21, 28, 29, and 34, Township 2 South, Range 79 West of the 6th P.M. Adjudication Date: October 12, 1955. Appropriation Date: August 1, 1935. Case Nos.: 2782, 5016, and 5017. Court: United States District Court, District of Colorado. Decreed Amount: 154,645 AF. Decreed Uses: In accordance with paragraph 5(a), (b), and (c) of the section entitled "Manner of Operation of Project Facilities and Auxiliary Facilities" in Senate Document 80. District Interest: The District holds Contract No. 8-07-60-W0727 with the United States Bureau of Reclamation. This contract entitles the District to delivery of 1000 AF of water annually from the marketable yield of Green Mountain Reservoir, subject to the terms and conditions of the contracts between the District and Bureau of Reclamation. Information from previous decrees for Troy Ditch and Edith Ditch rights:

Structure	Priority	Case No.	Adj. Date	App. Date	Decreed Amount (CFS.)	Use (4)	AMOUNT SOLD, OR TRANSFERRED OR RESERVED					AMOUNT REMAINING FOR DISTRICT (10)	
							(5)	(6)	(7)	(8)	(9)	CFS	AF
Troy Ditch (1)	370	3082	08/25/1936	05/01/1906	5.10	I	0.000	0.000	0.095	0.064	0.035	4.906	N/A
Troy Ditch 1st Enlg	427	3082	08/25/1936	05/01/1928	10.80	I	0.000	0.000	0.200	0.134	0.073	10.393	N/A
Troy Ditch 2nd Enlg	669	4613	06/20/1958	06/01/1942	6.20	I	0.000	0.000	0.115	0.077	0.042	5.966	N/A
Edith Ditch	353	3082	08/25/1936	05/01/1904	2.72	I	0.110	0.1320	0.050	0.000	0.018	2.410	N/A
Edith Ditch 1st Enlg	673	4613	06/20/1958	07/01/1946	3.23	I	0.000	0.000	0.060	0.000	0.022	3.148	N/A
Troy Ditch Water System a.k.a. Lower Headgate	(2)	W-2281			15.50 (3)	I, D, M, C, P	0.110	0.1320	0.520	0.275	0.190	14.273	412.89

- (1) Originally diverted from Miller Creek. All others originally diverted from Fryingpan River.
- (2) Alternate point for all priorities of Troy and Edith Ditches.
- (3) Combined amount limited to 15.5 cfs. and 453 AF of consumptive use, 300 AF of which can be stored.
- (4) I = Irrigation, D = Domestic, M = Municipal, C = Industrial and P = Piscatorial.
- (5) Transferred to Edith Ditch Well in Case No. 80CW1 with 1.0 AF.
- (6) Transferred to three springs on Cap K Ranch in Case No. 82CW189 (1.29 AF assumed to be included).
- (7) Deeded to George Yates with 15.4 AF in 1983. 0.2 cfs and 10.60 cfs was included in Case No. 82CW357 for Ruedi South Shores plan for augmentation.
- (8) Deeded to Joan Wheeler in 1987 for diversion at the Troy Ditch 1st and 2nd Enlargement (16.9 AF assumed to be included).
- (9) Reserved for augmentation of Cap K Ponds with 5.52 AF. Case No. 91CW220.
- (10) A total of 40.11 AF of the original 453.00 AF has been sold or transferred.

In Case No. W-2281, Division 5, the Court decreed that 453 AF of annual consumptive-use credits were available to these ditches, and that 300 AF could be stored in an unnamed reservoir. Applicant owns 412.89 AF of the 453 AF and makes the water rights available to contract allottees for use pursuant to an approved substitute supply plan or decree of Court. This Court changed the use of the 412.89

AF to include augmentation and exchange in Case Nos. 98CW26 and 98CW89 (Consolidated). The Troy and Edith augmentation water can be delivered to the Fryingspan, Roaring Fork or Colorado rivers by bypassing water at the headgate on the Fryingspan River. Information from previous decrees for Robinson Ditch rights:

STRUCTURE	DECREED AMOUNT/ (CFS)	AMOUNT OWNED BY DISTRICT (CFS)(1)	ADJ. DATE	APP. DATE	PRIOR -ITY	CASE NO. (2)
ROBINSON DITCH	5.00	1.21	05/11/1889	06/15/1882	38	132
ROBINSON DITCH	2.50	0.60	05/11/1889	04/15/1886	140	132
ROBINSON DITCH	2.00	0.48	05/11/1889	11/15/1886	167	132
ROBINSON DITCH	10.70	2.59	12/29/1903	04/25/1899	212C	1061
ROBINSON DITCH	20.06	4.85	08/25/1936	04/25/1900	326	3082

(1) The District owns 441 shares of Class 1 stock issued by the Robinson Ditch Company. The said 441 shares equal 24.16% of the total shares and are associated with 9.73 cfs of the 40.26 cfs decreed to the Robinson Ditch.

(2) District Court in and for Garfield County

Legal Description: The point of diversion, as decreed, is located on the North bank of the Roaring Fork River one-half mile below the mouth of Sopris Creek in Section 11, Township 8 South, Range 87 West, 6th P.M. Historical Use: Irrigation of approximately 137.2 acres of hay and pasture under District’s interest in the Robinson Ditch water rights. In Case No. 93CW319, the Court decreed that 360 AF of annual consumptive-use credits are associated with said irrigation. In that case, the Court also decreed a change of use of District’s Robinson Ditch rights to include augmentation. The District makes the credits available to contract allottees for use pursuant to an approved substitute supply plan or decree of Court. The District applies the credits principally to the augmentation of Blue Creek and the Roaring Fork River. Information from previous decrees for Favre Domestic Pipeline rights:

(1)

STRUCTURE	AMOUNT ¹ (CFS)	ADJ. DATE	APP. DATE	PRIORITY	CASE NO. ²
FAVRE DOM. PL. SP. NO. 1	0.50	06/20/1958	08/11/1937	649	4613
FAVRE DOM. PL. SP. NO. 2	0.50	06/20/1958	04/15/1912	666	4613

Amount: Each spring is decreed for 0.50 cfs, but the use of both has a combined limit of 0.50 cfs (2) District Court in and for Garfield County Legal Description: Favre Domestic Pipeline-Spring No. 1: Located at a point whence the E1/4 corner, Section 34, Township 7 South, Range 87 West, 6th P.M. bears South 34 degrees 26' East, 890.9 feet. Favre Domestic Pipeline-Spring No. 2: Located at a point whence the E1/4 corner, Section 34, Township 7 South, Range 87 West, 6th P.M. bears South 37 degrees 24' East 721.4 feet. Source: Blue Creek, which is tributary to Roaring Fork River. Decreed Use: Domestic and augmentation. Historical Use: The District owns the Favre Domestic Pipeline rights. The springs historically provided a majority of the domestic water supply for El Jebel, a community of 364 Equivalent Residential Units (“EQR”), consisting of 291 single-family residential units, irrigation of 12.5 acres of lawn and landscape, and commercial development. In Case No. 93CW319, the Court decreed that 142.82 AF of historical consumptive-use credits were available to Blue Creek as a result of such historical use; and that 67.2 AF of historical consumptive-use credits were available to the Roaring Fork River as a result of such historical use. In 93CW319, the Court also decreed a change of use of said credits to include augmentation. The District makes the credits available to contract allottees for use pursuant to an approved substitute supply plan or decree of Court. Statement of plan for augmentation: Nature and Purpose of Plan. Applicant owns two parcels of land in Eagle County, Colorado, known as Parcels 4 and 5, Otto Creek Subdivision, shown on the map attached as Exhibit A. The purpose of the plan for augmentation is to augment out-of-priority evaporative depletions from the Arch Angel Pond No. 1 and Arch Angel Pond No. 2 so that the ponds may be refilled and remain full throughout the year. Out-of-priority evaporation from and refill of the ponds will be augmented directly or by exchange using BWCD augmentation water described above. The plan will augment for a downstream senior water right call on the Fryingspan River, Roaring Fork River, and/or Colorado River. Estimated Water Depletions: Depletions to be augmented under this plan consist solely of out-of-priority evaporation from the Arch Angel Pond Nos. 1 and 2. Evaporation is considered 100 percent depletive to the stream. Evaporation from Arch Angel Pond No. 1 is depletive to Otto Creek, tributary to the Fryingspan River. Evaporation from Arch Angel Pond No. 2 is depletive to the Fryingspan River at or below its confluence with Otto Creek. The Arch Angel Pond Nos. 1 and 2 have a combined surface area of 0.22 acre. Total evaporation losses for Applicant’s 0.22 acre of pond surface area are estimated to be 0.613 acre-foot per year (0.375 AF per year from Arch Angel Pond No. 1 and 0.238 AF per year from Arch Angel Pond No. 2), calculated using the SEO method outlined in the General Guidelines for Substitute Water Supply Plans for Sand and Gravel Pits and SEO Policy 2004-3. The annual gross free water surface evaporation is 45.0 inches based on NOAA Technical Report NWS 33. Effective precipitation was utilized for Arch Angel Pond No. 1 as it is on-channel and includes 70 percent of the average precipitation as determined by PRISM. Effective precipitation is zero for the Arch Angel Pond No. 2 as it is off-channel. According to PRISM, snow and ice cover occurs from November 17th through March 20th. The evaporation rate and schedule of monthly

diversions and depletions are shown on Table 1 attached to the application. Augmentation Requirements: The augmented structures will operate under their respective water rights so long as they are in priority. When a valid administrative call is placed by a senior water right located downstream of the augmented structures and is being enforced, out-of-priority evaporation from and refill of the Arch Angel Pond Nos. 1 and 2 will be replaced with water from the Applicant's BWCD water allotment contract directly or by exchange. Transit losses associated with the BWCD replacement water sources have been accounted for. Table 1 shows the anticipated schedule of monthly depletions and augmentation requirements for fill and refill of Arch Angel Pond Nos. 1 and 2. Total annual depletions are expected to be 0.613 acre-foot, including 0.433 acre-foot of potential out-of-priority depletions that may occur under a call from downstream senior water rights on the Colorado River (Cameo Call). The augmentation schedule covers a downstream senior water right call for 16 days in April, one week in May, mid-June through October, and one week in November. Should a downstream senior call occur outside of those periods, refill diversions to the Arch Angel Pond No. 2 will be curtailed, and Arch Angel Pond No. 1 will be administered (lowered) by its evaporation rate via a low-level outlet. The Applicant will augment out-of-priority evaporation from and refill of the Arch Angel Pond Nos. 1 and 2 using the BWCD augmentation water described above, according to the schedule of augmentation requirements set forth in Table 1. To satisfy its augmentation requirements, Applicant obtained BWCD Water Allotment Contract No. 772 for 0.5 acre-foot per year of the BWCD's augmentation water. The contracted amount includes 10 percent of Applicant's augmentation requirements to cover transit losses associated with the delivery of water from the BWCD's augmentation water sources. Water right calls originating from Otto Creek within the reach extending from its confluence with the Fryingpan River up to the Arch Angel Pond No. 1 are not expected. To the extent that there is a future senior water right call on Otto Creek, the Arch Angel Pond No. 1 will be administered (lowered) by its evaporation rate via a low-level outlet. Arch Angel Pond No. 2 is filled by water tributary to the Fryingpan River and is not subject to a local call on Otto Creek. Claim for Appropriative Right of Exchange: At times when a valid senior call against the water rights for the Arch Angel Pond Nos. 1 and 2 and the Alfred M. Sloss Spring No. 1 First Enlargement (pond refill use only) originates downstream of the confluence of Otto Creek and the Fryingpan River, water may be released from the BWCD's augmentation supplies under Applicant's BWCD water allotment contract to satisfy the call. During such times, Applicant claims an appropriative right of exchange associated with water released under its water allotment contract. The stream reaches associated with the exchange are shown on Exhibit B, attached to the application. Exchange Location 1: Alfred M. Sloss Spring No. 1 First Enlargement and Arch Angel Pond No. 2 are tributary to the Fryingpan River at or below its confluence with Otto Creek. Location 1 of Applicant's appropriative right of exchange is associated with water released to augment evaporation from Arch Angel Pond No. 2 and refill of the pond from Alfred M. Sloss Spring No. 1 First Enlargement. Upstream Terminus: Confluence of Otto Creek and the Fryingpan River, located in the NW1/4 NE1/4 of Section 7, Township 8 South, Range 85 West of the 6th P.M. at a point 189 from the north section line and 2,216 feet from the east section line (Eagle County; UTM NAD83 Z13: 4360668.6m N, 334212.3m E). Downstream Termini: The points of replacement of the BWCD's water rights on the Roaring Fork River and/or Colorado River, described as follows: Lower Terminus 1 (Exchange of Green Mountain Reservoir water): The confluence of the Roaring Fork and Colorado Rivers, located in the SE1/4 NW1/4 of Section 9, Township 6 S., Range 89 W. of the 6th P.M., at a point approximately 2,200 feet from the north section line and 2,350 feet from the west section line (Garfield County; UTM NAD83 Zone 13 X=299744.3m E; Y=4380368.3m N); and Lower Terminus 2 (Exchange of Robinson Ditch water): The point of diversion is located on the North bank of the Roaring Fork River one-half mile below the mouth of Sopris Creek in Section 11, Township 8 South, Range 87 West, 6th P.M. (Eagle County; UTM NAD83 Zone 13 X=321622m E; Y=4359863m N). Exchange Location 2: Arch Angel Pond No. 1 is on-channel with Otto Creek. Location 2 of Applicant's appropriative right of exchange is associated with water released to augment evaporation from Arch Angel Pond No. 1 and refill of the pond from Otto Creek. Upstream Terminus: Arch Angel Pond No. 1 located in the NW1/4 SE1/4 of Section 6, Township 8 South, Range 85 West, of the 6th P.M. at a point 1,577 feet from the south section line and 2,292 feet from the east section line (Eagle County; UTM NAD83 Z13: 4361220.5m N, 334211.8m E). Downstream Termini: The points of replacement of the BWCD's water rights on the Fryingpan River, Roaring Fork River, and/or Colorado River, described as follows: Lower Terminus 1 (Exchange of Green Mountain Reservoir water): Location described above; Lower Terminus 2 (Exchange of Robinson Ditch water): Location described above; and Lower Terminus 3 (Exchange of Ruedi Reservoir and/or Troy and Edith Ditch water): The confluence of Otto Creek and the Fryingpan River, located in the NW1/4 NE1/4 of Section 7, Township 8 South, Range 85 West of the 6th P.M. at a point 189 from the north section line and 2,216 feet from the east section line (Eagle County; UTM NAD83 Z13: 4360668.6m N, 334212.3m E). Date of Appropriation: December 30, 2021. How appropriation was initiated: Completion of Water Allotment Contract with BWCD for augmentation supply, formation of intent to appropriate water for the exchange, and completion and filing of application for appropriative right of exchange. Rate of Exchange: 0.003 c.f.s., conditional. Volume of Exchange: 0.5 acre-foot per year. Uses: Fill and refill of Arch Angel Pond Nos. 1 and 2 for fire protection, aesthetic, piscatorial, and recreation uses. Applicant requests the court to issue a decree confirming the water rights for the Alfred M. Sloss Spring No. 1 First Enlargement, Arch Angel Pond No. 1, and Arch Angel Pond No. 2 and approving the plan for augmentation including appropriative right of exchange requested herein.

YOU ARE HEREBY NOTIFIED THAT YOU HAVE until the last day of FEBRUARY 2022 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.

27. 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 DECEMBER 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.*

21CW3169 IN PITKIN COUNTY, COLORADO. LITTLE ELK CREEK, TRIBUTARY TO CAPITOL CREEK, SNOWMASS CREEK, ROARING FORK RIVER AND COLORADO RIVER. Bear at Door LLC, c/o Oates, Knezevich, Gardenswartz, Kelly & Morrow, P.C., 533 E. Hopkins Avenue, 3rd Floor, Aspen, CO 81611, (970) 920-1700. APPLICATION FOR CHANGE OF WATER RIGHTS. First Claim. Structure: East Child Spring Pipeline. Date of original decree: 11/5/1971. Civil Action No. 5884. Court: Water Div. 5. Decreed legal description: The intake of the pipeline is at a point whence the SE Corner of Sect. 24, Tsp 9 S, R. 87 W of the 6th P.M. bears S. 52 deg. 23 min W. 5868.08 ft. (Pitkin County). Source: The East Child Spring, trib. to Little Elk Creek, Capitol Creek, Snowmass Creek, Roaring Fork River, Colorado River. Approp. Date: 12/31/1910. Amt: 0.01 cfs, abs. Use: Domestic and other beneficial uses, including stockwatering. Second Claim. Structure: West Child Spring. Date of original decree: 11/5/1971. Civil Action No. 5884. Court: Water Div. 5. Decreed legal description: The spring is located at a point whence the SE Corner of Sect. 24, Tsp 9 S, R 87 W of the 6th P.M. bears S. 48 deg 43 min. W. 5626.01 ft. (Pitkin County). Source: The East Child Spring, tributary to Little Elk Creek, Capitol Creek, Snowmass Creek, Roaring Fork River, Colorado River. Approp. Date: 12/31/1910. Amt: 0.01 cfs, abs. Use: Stockwatering and other beneficial uses, including domestic. Proposed change: Applicant seeks to change the originally decreed points of diversion for the East Child Spring Pipeline and West Child Spring to correspond with their actual locations. Applicant seeks to change the decreed point of diversion for the East Child Spring Pipeline to the following: The actual location of the East Child Spring Pipeline is in the NW1/4 of the NE1/4 of Sect. 19, Tsp 9 S, R 86 W of the 6th P.M. The UTM Coordinates are NAD83 Zone 13, Easting 324428.7 m, Northing 4347658.5 m. Applicant seeks to change the decreed point of diversion for the West Child Spring to the following: The actual location of the West Child Spring is in the NW1/4 of the NE1/4 of Sect. 19, Tsp 9 S, R 86 W of the 6th P.M. The UTM Coordinates are NAD83 Zone 13, Easting 324289.5 m, Northing 4347705.4 m. There are no intervening water rights between the original decreed points of diversion and the corrected points of diversion. Both the decreed and proposed points of diversion are located on Applicant's property. A map showing the decreed and actual locations of the water rights is on file with the Court.

YOU ARE HEREBY NOTIFIED THAT YOU HAVE until the last day of FEBRUARY 2022 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.

28. 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 DECEMBER 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.*

21CW3170 PITKIN COUNTY – ROARING FORK RIVER. MC McLain Flats LLC, c/o Scott C. Miller, Esq. and John M. Sittler, Esq. Patrick, Miller & Noto, P.C., 229 Midland Ave, Basalt, CO 81621, (970) 920-1030. APPLICATION FOR CONDITIONAL STORAGE WATER RIGHT. Structure name: MC McLain Flats Pond. Legal description: The MC McLain Flats Pond is located in the NE ¼ of the SE ¼ of Section 27, Township 9 South, Range 85 West of the 6th P.M., at a point approximately 942 feet from the East section line and 2,315 feet from the South section line (Pitkin County). UTM (NAD 83, Z13): Easting – 3392216, Northing – 4345019. A map is on file with the court as Exhibit A. Source: Applicant's lateral off the Salvation Ditch. The decreed point of diversion for the Salvation Ditch is on the north bank of the Roaring Fork River at a point whence the East quarter corner of Section 7 in Township 10 South, Range 84 West of the 6th Principal Meridian bears north 2 degrees 48 minutes west 5,633.4 feet. Appropriation date: March 19, 2021. Amount: 1.847 acre-feet, conditional. Use: recreation, piscatorial, aesthetic, fire protection. Dimensions: Surface area: 0.455 acres; the pond will be excavated; all dead storage. Applicant owns the land on which the above water right is located and water will be put to beneficial use. Remark: The MC McLain Flats Pond may be used as an irrigation control structure for Applicant's Salvation Ditch water rights, with outflows exceeding inflows every 72 hours.

YOU ARE HEREBY NOTIFIED THAT YOU HAVE until the last day of FEBRUARY 2022 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.

29. 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 DECEMBER 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.*

21CW3171 ROARING FORK RIVER, GARFIELD CTY, App for Change of Water Right. App Eric Rudd c/o Sherry A Caloia, PO Box 443 Glenwood Springs CO 81602. Water right for change: Basin Ditch: Decreed: CA 0132 Adj 5/11/1889 Approp 10/20/1882 Amt

5 cfs Use Irr. CA 0132 Adj 5/11/1889 Approp 3/27/1885 Amt 5 cfs Use Irr. CA 0132 Adj 5/11/1889 Approp 3/25/1886 Amt 1.8 cfs Use Irr. CA 3082 Adj 8/25/1936 Amt 3/1/1890 Amt 33.2 cfs Use Irr. Case 3082 describes Basin Ditch headgate as “takes its supply from the Roaring Fork River in Garfield County, Colorado. The Headgate is located on the N bank of said river at a point whence the quarter corner common to sections 32 and 33, T7S, R87W6th P.M. bears N 40° 41’ W 1079 ft.” Source: Roaring Fork River, Total decreed 45 cfs Abs. Use: Irr. Amt to be changed: N/A (change is to land irrigated, not amount) description of proposed change: Applicant owns land in Garfield Cty in Secs 31 + 32, T7S R87W 6th PM. App has 727 shares of Basin Ditch. Land sold to Colorado Department of Transportation in 1973 resulted in 8.4 acres of historically irrigated land with these shares Basin Ditch dried up by App predecessor. Conveyance to CDOT did not include water rights. App seeks to transfer irrigation from land sold and dried up to irrigate 8.35 acres located above Basin Ditch on his property not historically irrigated. Historically irrigated and dried up land is 8.4 acres located generally in NW1/4NE1/4 Sec 31, NE1/4 NE1/4 Sec 31, SE1/4NE1/4 Sec 31, NW1/4NW1/4 Sec 32 and SW1/4NW1/4 Sec 32, T7S, R87W 6th P.M. CHANGED TO 8.35 acres located NE1/4NE1/4 Sec 31 and NW1/4NW1/4 Sec 32, T7S, R87W 6th P.M. Return flows from change not significantly change in place or time. Copy of diversion records and maps w/loc of Div Pt and historically irrigated and new acreage to be irrigated attached. Basin Ditch Headgate located: UTM coordinates Easting 317462.0 Northing 4363290.0 Zone 13. No change in headgate, amt or Ditch. 5 pages

YOU ARE HEREBY NOTIFIED THAT YOU HAVE until the last day of FEBRUARY 2022 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.

30. 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 DECEMBER 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.*

21CW3172 Division: 5. DISTRICT COURT, WATER DIVISION NO. 5, STATE OF COLORADO, 109 8th Street, Suite 104, Glenwood Springs, CO 81601. CONCERNING THE APPLICATION FOR WATER RIGHTS OF SCOTT AND CAPPIE GREEN, IN GARFIELD COUNTY, COLORADO. APPLICATION TO CHANGE CONDITIONAL RIGHTS TO ALLOW ALTERNATE PLACES OF STORAGE AND A CLAIM FOR A NEW WATER RIGHT. 1. Name, Address, and Telephone Number of Applicant: Scott and Cappie Green (“Applicants”), 600 Cottonwood Pass Rd., Gypsum, CO 81637, (970) 376-4080. Direct All Pleadings to: Steven J. Bushong, Cassidy L. Woodard, Bushong & Holleman PC, 1525 Spruce Street, Suite 200, Boulder, CO 80302. 2. Overview: Applicants request an alternate place of storage for a portion of the 10.7 acre-feet originally decreed for conditional storage in the Upper McLean Reservoir. The new places of storage are two new ponds constructed immediately downstream of Upper McLean Reservoir and connected thereto so they can be filled with the same sources. Applicants further seek a new water right for the Green Spring located on their property. 3. Description of Original and Alternate Places of Storage: A. Name of Original Structure: Upper McLean Reservoir, i. Original Decrees: The Upper McLean Reservoir (or “Reservoir”) was originally decreed in in Case No. 90CW328 (1 of 3) by the District Court, Water Division No. 5 (the “Water Court”) on May 5, 1992. Subsequent decrees confirming the exercise of reasonable diligence on the conditional water right decreed thereto were entered by the Water Court in Case Nos. 98CW81 on November 9, 1998, 04CW190 on March 3, 2006, 12CW45 on October 2, 2012, and 18CW3161 on March 17, 2019, ii. Decreed Location: The legal description of the dam is located in the NW1/4 SW1/4 and the SW1/4 NW1/4 of Section 27, Township 3 South, Range 87 West of the 6th P.M. Its outlet is located 2,810 feet South of the North section line and 820 feet East of the West section line of said Section 27 (Eagle County). See **Exhibit A**. Without changing the decreed location, the UTM Coordinates of the outlet are UTM Coordinates NAD 83, Zone 13, Northing: 4403846.05, Easting: 315415.52. (Source of UTMs: Aerial Image, Google Earth.), iii. Sources: **The source of water for the Reservoir is Lake, Darnell, Grunner, Cease, and Riland Creeks, all of which are tributary to Sweetwater Creek, which is tributary to the Colorado River**, iv. Appropriation Date: December 31, 1984, v. Amount: 9.3 acre-feet, absolute, and 10.7 acre-feet, conditional, vi. Uses: piscatorial and irrigation, vii. Remarks: Of the remaining 10.7 acre-feet conditional, only 3.58 acre-feet are the subject of this Application based on the capacities of the requested alternate places of storage, B. Other Decreed Sources for Upper McLean Reservoir: i. Horse Meadow Ditch, Four Creek Enlargement: a. Original Decree: Water Court Case No. 90CW329 (2 of 2), on June 10, 1991, b. Description of Original Points of Diversion: As originally decreed, the headgate of Horse Meadow Ditch, Four Creek Enlargement is situated on the Right bank of Lake Creek, or, as it is sometimes called, Pool Creek, from which stream said Ditch derives its supply of water at a point whence the SE Corner of Sec. 16, T. 3 S., R. 87 W. of the 6th P.M. bears S. 78° 56’ E. 14094 feet; also from Middle Lake Creek at a point where the stream intersects with the said Horse Meadows Ditch; also from East Lake Creek at the point where said stream intersects with said Horse Meadows Ditch; also from the Right bank of Gruner Creek at a point whence the SE Corner of Sec. 16, T. 3 S., R. 87 W. of the 6th P.M. bears N. 85° 49’ E. 8090 feet; also from East Gruner Creek at a point whence the said stream intersects the said ditch; also from Sease Creek at a point whence the said stream intersects the said ditch; also from Riland Creek at the point whence the said stream intersects the said Ditch; also from Newman Creek at a point whence the SE Corner of Sec. 22, T. 3 S., R. 87 W. of the 6th P.M. bears S. 81° 57’ E. 1224 feet (Eagle County), c. Description of Changed Points of Diversion: In Water Court Case No. 91CW257, decreed on June 15, 1992 (the “91CW257 Decree”), the water right decreed to the Horse Meadow Ditch, Four Creek Enlargement was changed to be diverted at the Four Creek Ditch. The headgates and points of diversion for the Four Creek Ditch, as described in the 91CW257 Decree, are located on separate branches of Lake Creek,

tributary to Sweetwater Creek, as follows: Headgate 1 is located at a point whence Corner No. 3 of Tract 32, Sec. 18, T. 3 S., R. 87 W. of the 6th P.M. bears S. 52° 46' E., 3,250 feet; Headgate No. 2 is located at a point whence Corner No. 3 of Tract 43, Sec. 18, T. 3 S., R. 87 W. of the 6th P.M. bears S. 60° 00' E. 3,094 feet; Headgate No. 3 is located at a point whence Corner No. 3 of Tract 43, Sec. 18, T. 3 S., R. 87 W. of the 6th P.M. bears S. 61° 16' E. 2,972 feet; and Headgate No. 4 is located at a point whence Corner No. 3 of Tract 43, Sec. 18, T. 3 S., R. 87 W. of the 6th P.M. bears S. 87° 34' E. 2,004 feet (Eagle County), d. Appropriation Date: December 31, 1972, e. Sources: The decreed sources are all tributary to Sweetwater Creek, a tributary of the Colorado River, f. Amount: 2 cfs, absolute, g. Use: delivery of water into storage within the Upper McLean Reservoir and Lower McLean Reservoir and for the irrigation of 100 acres. C. Description of Change of Water Rights to Allow Alternate Places of Storage: Applicant seeks to change 3.58 acre-feet of the remaining 10.7 acre-feet conditional portion of the Upper McLean Reservoir to allow storage in Green Pond Nos. 1 and 2, which are described in Paragraph 3.D, below. Upper McLean Reservoir is equipped with an outlet capable of releasing water that flows into Green Pond No. 1 and/or into Green Pond No. 2. The requested change also includes the location of storage allowed under the Horse Meadow Ditch, Four Creek Enlargement which, as described above, was decreed for filling the Reservoir (including the prior change thereof to Four Creek Ditch). The requested changes in location of storage do not modify the previously decreed amounts, uses, or sources of water. D. Alternate Places of Storage for Upper McLean Reservoir Water Right: i. Green Pond No. 1: Location: The legal description of the approximate center of Green Pond No. 1 is in the SW1/4 of the NW1/4 of Section 27, Township 3 South, Range 87 West of the 6th P.M. at a point approximately 2,655 feet south of the north section line and 840 feet east of the west section line of said Section 27. See **Exhibit A**. UTM Coordinates NAD 83, Zone 13, Northing: 4403798.23128, Easting: 315457.70900. (Source of UTMs: Colorado Decision Support System MapViewer.), b. Amount: 1.82 acre-feet, conditional, under Upper McLean Reservoir priority and Horse Meadow Ditch, Four Creek Enlargement priority, c. Sources. In addition to the sources decreed for storage in the Upper McLean Reservoir as described above in Paragraphs 3.A and 3.B, Green Pond No. 1 will also have a separate source for storage under the Green Spring priority described below at Paragraph 4, ii. Green Pond No. 2: a. Location: The legal description of the approximate center of Green Pond No. 2 is in the SW1/4 NW1/4 of Section 27, Township 3 South, Range 87 West of the 6th P.M. at a point approximately 2,734 feet south of the north section line and 977 feet east of the west section line of said Section 27, See **Exhibit A**. UTM Coordinates NAD 83, Zone 13, Northing: 4403769.11439, Easting: 315497.24122. (Source of UTMs: Colorado Decision Support System MapViewer.), b. Amount: 1.76 acre-feet, conditional, under Upper McLean Reservoir priority and Horse Meadow Ditch, Four Creek Enlargement priority, c. Sources. In addition to the sources decreed for storage in the Upper McLean Reservoirs as described above in Paragraphs 3.A and 3.B, Green Pond No. 2 will also have a separate source for storage under the Green Spring priority described below at Paragraph 4, iii. Remarks: Green Pond No. 1 and Green Pond No. 2 will serve as alternate places of storage under the Upper McLean Reservoir water right, including the Horse Meadow Ditch, Four Creek Enlargement, and will also store Green Spring water. Green Pond No. 1 and Green Pond No. 2 were constructed in 2021. 4. Claim for Spring Right: A. Name of Structure: Green Spring, B. Location: Green Spring is located in the NW1/4 of the SW1/4 of Section 27, Township 3 South, Range 87 West of the 6th P.M. at a point 2,571 feet north of the south section line and 945 feet east of the west section line of said Section 27. See **Exhibit A**. UTM Coordinates NAD 83, Zone 13, Northing: 4403738.15844, Easting: 315479.94349. (Source of UTMs: Colorado Decision Support System MapViewer.), C. Source: spring water tributary to an unnamed drainage, tributary to Sweetwater Creek, tributary to the Colorado River, D. Appropriation Date: December 30, 2021, E. Means of Appropriation: by the filing of this Application, F. Amount: 0.2 cfs, conditional, G. Uses: the filling and refilling Green Pond Nos. 1 and 2 described in Paragraph 3.D above for subsequent irrigation and domestic uses, and for in-storage piscatorial and recreational uses. The Green Spring water right requested herein may be used to accomplish multiple refills of Green Pond Nos. 1 and 2 in a year. 5. Owner of land upon which any new diversion or storage structure or modification to any existing diversion or storage structure or existing storage pool is or will be constructed or upon which water is or will be stored: Applicants. WHEREFORE, Applicants respectfully request that the Court enter a decree (1) granting their request for a change of water rights to allow alternate places of storage for the remaining conditional portion of Upper McLean Reservoir as further described in Paragraph 3 above; (2) granting their request for a spring right as further described in Paragraph 4 above; and (3) granting such other and further relief as the Court deems just and proper. (6 pages + Exhibit)

YOU ARE HEREBY NOTIFIED THAT YOU HAVE until the last day of FEBRUARY 2022 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.

31. 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 DECEMBER 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.*

21CW3173 DISTRICT COURT, WATER DIVISION NO. 5, STATE OF COLORADO, 109 8th Street, Suite 104, Glenwood Springs, CO 81601. CONCERNING THE APPLICATION FOR WATER RIGHTS OF GREEN'S LANDING HOMEOWNERS ASSOCIATION, INC, IN EAGLE COUNTY, COLORADO. APPLICATION FOR WATER RIGHTS. 1. Name, Address, and Telephone Number of Applicant: Green's Landing Homeowners Association, Inc., a Colorado nonprofit corporation ("Applicant") Attn: Scott Green, President, 600 Cottonwood Pass Rd., Gypsum, CO 81637, (970) 376-4080, Direct All Pleadings to: Steven J. Bushong, Cassidy L. Woodard, Bushong & Holleman PC, 1525 Spruce Street, Suite 200, Boulder, CO 80302. 2. Overview: Applicant seeks to

decreed new junior storage rights for a series of six existing interconnected ponds (collectively "Irrigation Ponds"). The Irrigation Ponds are used in connection with a raw water irrigation system used to irrigate ten lots in the Green's Landing Subdivision, Town of Gypsum, consisting of approximately thirty-six total acres located in the SW1/4NE1/4, SE1/4NE1/4, NW1/4SE1/4, NE1/4SE1/4 of Section 18, Township 5 South, Range 85 West of the 6th P.M., Eagle County, Colorado (the "Property"). The irrigation system relies on diversions under McBrayer Ditch water rights which historically irrigated the Property and are not being changed. Four of the Irrigation Ponds are used in conjunction with the McBrayer Ditch water to charge the irrigation system and two of the Irrigation Ponds are used to remove sediments from the McBrayer Ditch water. McBrayer Ditch water will only be temporarily detained in the Ponds (seventy-two hours or less) before being applied to irrigation. The junior storage rights allow long-term storage in the Irrigation Ponds for the uses described below. In addition, Applicant seeks water rights for two small Historical Ponds on the Property that are not connected to the irrigation system.

3. Description of New Storage Water Rights for Irrigation Ponds: A. Name of Storage Structure: Green's Landing Pond No. 1, i. Location: in the NE1/4 of the SE1/4 of Section 18, Township 5 South, Range 85 West of the 6th P.M. The approximate center of the structure is located approximately 950 feet west of the east section line and 2,427 feet north of the south section line of said Section 18. UTM Coordinates: NAD 83, Zone 13: 331725.54099 Easting, 4387000.57135 Northing. Source of UTMs: Colorado Decision Support System MapViewer. See Exhibit A., ii. Sources: **precipitation, runoff, and irrigation return flows tributary to Gypsum Creek, and diversions from Gypsum Creek through the McBrayer Ditch at a rate up to 0.4878 c.f.s., all tributary to the Eagle River, tributary to the Colorado River**, iii. Appropriation Date: December 13, 2007, iv. Means of Appropriation: by original construction, v. Amount: 1.37 acre-feet, absolute, with continuous refills when in priority up to a collective 1.37 acre-feet in refills, vi. Uses: Storage for subsequent irrigation use and in-storage use for stock watering, recreation, wildlife, and incidental aesthetic purposes, vii. Remarks: A description of the McBrayer Ditch for filling Green's Landing Pond No. 1 and the other Irrigation Ponds is set forth in Paragraph 3.G, below. B. Name of Storage Structure: Green's Landing Pond No. 2, i. Location: in the NE1/4 of the SE1/4 of Section 18, Township 5 South, Range 85 West of the 6th P.M. The approximate center of the structure is located approximately 623 feet west of the east section line and 2,469 feet north of the south section line of said Section 18. UTM Coordinates: NAD 83, Zone 13, 331819.65991 Easting, 4387006.54836 Northing. Source of UTMs: Colorado Decision Support System MapViewer. See Exhibit A, ii. Sources: precipitation, runoff, and irrigation return flows tributary to Gypsum Creek, and diversions from Gypsum Creek through the McBrayer Ditch at a rate up to 0.4878 c.f.s., all tributary to the Eagle River, tributary to the Colorado River, iii. Appropriation Date: December 31, 2020, iv. Means of Appropriation: by original construction, v. Amount: 1.0 acre-foot, absolute, with continuous refills when in priority up to a collective 1.0 acre-feet in refills, vi. Uses: Storage for subsequent irrigation use and in-storage use for stock watering, recreation, wildlife, and incidental aesthetic purposes, vii. Remarks: A description of the McBrayer Ditch for filling Green's Landing Pond No. 2 and the other Irrigation Ponds is set forth in Paragraph 3.G, below. C. Name of Storage Structure: Green's Landing Pond No. 3, i. Location: in the SE1/4 of the NE1/4 of Section 18, Township 5 South, Range 85 West of the 6th P.M. The approximate center of the structure is located approximately 880 feet west of the east section line and 1,725 feet south of the north section line of said Section 18. UTM Coordinates: NAD 83, Zone 13, 331751.49369 Easting, 4387345.31431. Source of UTMs: Colorado Decision Support System MapViewer. See Exhibit A, ii. Sources: precipitation, runoff, and irrigation return flows tributary to Gypsum Creek, and diversions from Gypsum Creek through the McBrayer Ditch at a rate up to 0.4878 c.f.s., all tributary to the Eagle River, tributary to the Colorado River, iii. Appropriation Date: December 31, 2020, iv. Means of Appropriation: by original construction, v. Amount: 1.52 acre-feet, absolute, with continuous refills when in priority up to a collective 1.52 acre-feet in refills, vi. Uses: Storage for subsequent irrigation use and in-storage use for stock watering, recreation, wildlife, and incidental aesthetic purposes, vii. Remarks: A description of the McBrayer Ditch for filling Green's Landing Pond No. 3 and the other Irrigation Ponds is set forth in Paragraph 3.G, below. D. Name of Storage Structure: Green's Landing Pond No. 4, i. Location: in the SE1/4 of the NE1/4 of Section 18, Township 5 South, Range 85 West of the 6th P.M. The approximate center of the structure is located approximately 744 feet west of the east section line and 1,710 feet south of the north section line of said Section 18. UTM Coordinates: NAD 83, Zone 13, 331791.31585 Easting, 4387354.54051 Northing. Source of UTMs: Colorado Decision Support System MapViewer. See Exhibit A, ii. Sources: precipitation, runoff, and irrigation return flows tributary to Gypsum Creek, and diversions from Gypsum Creek through the McBrayer Ditch at a rate up to 0.4878 c.f.s., all tributary to the Eagle River, tributary to the Colorado River, iii. Appropriation Date: December 31, 2020, iv. Means of Appropriation: by original construction, v. Amount: 2.70 acre-feet, absolute, with continuous refills when in priority up to a collective 2.70 acre-feet in refills, vi. Uses: Storage for subsequent irrigation use and in-storage use for stock watering, recreation, wildlife, and incidental aesthetic purposes, vii. Remarks: A description of the McBrayer Ditch for filling Green's Landing Pond No. 4 and the other Irrigation Ponds is set forth in Paragraph 3.G, below. E. Name of Storage Structure: Green's Landing Sediment Pond A, i. Location: in the NE1/4 of the SE1/4 of Section 18, Township 5 South, Range 85 West of the 6th P.M. The approximate center of the structure is located approximately 774 feet west of the east section line and 2,385 feet north of the south section line of said Section 18. UTM Coordinates: NAD 83, Zone 13, 331778.24433 Easting, 4386987.71948 Northing. Source of UTMs: Colorado Decision Support System MapViewer. See Exhibit A, ii. Sources: precipitation, runoff, and irrigation return flows tributary to Gypsum Creek, and diversions from Gypsum Creek through the McBrayer Ditch at a rate up to 0.4878 c.f.s., all tributary to the Eagle River, tributary to the Colorado River, iii. Appropriation Date: December 31, 2020, iv. Means of Appropriation: by original construction, v. Amount: 0.14 acre-foot, absolute, with continuous refills when in priority up to a collective 0.14 acre-foot in refills, vi. Uses: Storage for subsequent irrigation use and in-storage use for stock watering, recreation, wildlife, and incidental aesthetic purposes, vii. Remarks: A description of the McBrayer Ditch for filling Green's Landing Sediment Pond A and the other Irrigation Ponds is set forth in Paragraph 3.G, below. F. Name of Storage Structure: Green's Landing Sediment Pond B, i. Location: in the SE1/4 of the NE1/4 of Section 18, Township 5 South, Range 85 West of the 6th P.M. The approximate center of the structure is located approximately 680 feet west of the east section line and 2,089 feet south of the north section line of said Section 18. UTM Coordinates: NAD 83, Zone 13, 331810.29083 Easting, 4387235.73767 Northing. Source of UTMs: Colorado

Decision Support System MapViewer. See Exhibit A, ii. Sources: precipitation, runoff, and irrigation return flows tributary to Gypsum Creek, and diversions from Gypsum Creek through the McBrayer Ditch at a rate up to 0.4878 c.f.s., all tributary to the Eagle River, tributary to the Colorado River, iii. Appropriation Date: December 31, 2020, iv. Means of Appropriation: by original construction, v. Amount: 0.7 acre-foot, absolute, with continuous refills when in priority up to a collective 0.7 acre-foot in refills, vi. Uses: Storage for subsequent irrigation use and in-storage use for stock watering, recreation, wildlife, and incidental aesthetic purposes, vii. Remarks: A description of the McBrayer Ditch for filling Green's Landing Sediment Pond B and the other Irrigation Ponds is set forth in Paragraph 3.G, below. G. Description of Filling Structure for Irrigation Ponds (McBrayer Ditch): The McBrayer Ditch is one of the sources for the Irrigation Ponds described in Paragraphs 3.A – 3.F. Diversions into the McBrayer Ditch under the water rights for the Irrigation Ponds is sought at a maximum collective rate of 0.4878 c.f.s., i. Original Decrees. The McBrayer Ditch was decreed multiple priorities; however, the only priorities used for irrigation of the Property through the Irrigation Ponds is a portion of Priority No. 22 with a June 1, 1884, appropriation date originally decreed on December 17, 1889, in Civil Action No. 294, Eagle County, and a portion of Priority No. 22EX with a December 31, 1914, appropriation date originally decreed on June 7, 1915, in Civil Action No. 294, Eagle County, ii. Decreed Headgate Location. The originally decreed headgate location for the McBrayer Ditch is on the east bank of Gypsum Creek at a point whence the Qtr. Section stone between Sections 18 and 19 bears S. 46° 10' E. 820 feet distant in Eagle County. Water Court Case No. 02CW369, decreed on August 4, 2013, stated that the originally decreed legal description was inaccurate and described the historic physical point of diversion as located in the SW1/4 of the SE1/4 of Section 18, Township 5 South, Range 85 West of the 6th P.M., at a point approximately 210 feet from the south section line and 2,380 feet from the east section line. 4. Description of New Storage Water Rights for Historical Ponds: i. Name of Storage Structure: Green's Landing Historical Pond No. 1, ii. Location: in the SW1/4 of the NE1/4 of Section 18, Township 5 South, Range 85 West of the 6th P.M. The approximate center of the structure is approximately 1,505 feet west of the east section line and 2,107 feet south of the north section line of said Section 18. UTM Coordinates NAD 83, Zone 13, 331560.89197 Easting, 4387235.09493 Northing. Source of UTMs: Colorado Decision Support System MapViewer. See Exhibit A, iii. Sources: precipitation, runoff, and irrigation return flows tributary to Gypsum Creek, tributary to the Eagle River, tributary to the Colorado River, iv. Appropriation Date: September 16, 2001, v. Means of Appropriation: by personally witnessing the storage of water upon purchase of the Property, vi. Amount: 1.16 acre-feet, absolute, with continuous refills when in priority up to a collective 1.16 acre-feet of refills, vii. Uses: In-storage use for stock watering, recreation, wildlife, and incidental aesthetic purposes, B. Name of Storage Structure: Green's Landing Historical Pond No. 2, i. Location: in the SW1/4 of the NE1/4 of Section 18, Township 5 South, Range 85 West of the 6th P.M. The approximate center of the structure is approximately 1,565 feet west of the east section line and 2,600 feet south of the north section line of said Section 18. UTM Coordinates NAD 83, Zone 13, 331537.53013 Easting, 4387087.57425 Northing. Source of UTMs: Colorado Decision Support System MapViewer. See Exhibit A, ii. Sources: precipitation, runoff, and irrigation return flows tributary to Gypsum Creek, tributary to the Eagle River, tributary to the Colorado River, iii. Appropriation Date: September 16, 2001, iv. Means of Appropriation: by personally witnessing the storage of water upon purchase of the Property, v. Amount: 0.40 acre-foot, absolute, with continuous refills when in priority up to a collective 0.40 acre-foot of refills, vi. Uses: In-storage use for stock watering, recreation, wildlife, and incidental aesthetic purposes. 5. Owner of land upon which any new diversion or storage structure or modification to any existing diversion or storage structure or existing storage pool is or will be constructed or upon which water is or will be stored: A. Green's Landing Pond No. 1: Scott A. and Cappie A. Green, P.O. Box 1182, Gypsum, CO 81637-1182. B. Green's Landing Pond No. 2 and Green's Landing Sediment Pond A: Kylan C. and Lisa M. Kottenstette, P.O. Box 4044, Gypsum, CO 81637-4044. C. Green's Landing Pond No. 3: Nicholas A. & Kristin L. Wilhelm, P.O. Box 5944, Eagle, CO 81631-5944. D. Green's Landing Pond No. 4 and Green's Landing Sediment Pond B: Laura R. and Thomas C. Jensen, P.O. Box 5212, Gypsum, CO 81637-5212. E. Green's Landing Historical Pond No. 1: Martye L. Bailey, 160 Kings Meadow Dr., Gypsum, CO 81637. F. Green's Landing Historical Pond No. 2: Green's Landing LLC, 600 Cottonwood Pass Rd., Gypsum, CO 81637-9709. WHEREFORE, Applicant respectfully request that the Court enter a decree (1) granting its request for new storage water rights for the Irrigation Ponds including diversions at the McBrayer Ditch, as further described in Paragraph 3 above; (2) granting its request for new storage water rights for the Historical Ponds as further described in Paragraph 4, above; and (3) granting such other and further relief as the Court deems just and proper. (9 pages + Exhibit)

YOU ARE HEREBY NOTIFIED THAT YOU HAVE until the last day of FEBRUARY 2022 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.

32. 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 DECEMBER 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.*

21CW3174 EAGLE COUNTY. APPLICATION FOR SURFACE AND STORAGE WATER RIGHTS. Applicant: G. Jouflas Ranches, LLC, P.O. Box 55245, Grand Junction, CO 81505. Please direct all pleadings and correspondence to Applicant's attorney: William H. Caile, Holland & Hart LLP, 555 17th Street, Suite 3200, P.O. Box 8749 Denver, CO 80201-8749. Telephone No.: (303) 295-8000. Email Address: whcaile@hollandhart.com 2. Name of Structures: A. R&G Club Pond No. 1. B. R&G Club Pond No. 2. C. R&G Club Kids Pond. D. Jouflas Warm Spring Pond. E. R&G Club Spring. 3. First Claim for Water Storage Right: R&G Club Pond

No. 1. A. Legal Description: i. The centerline of the dam at the outlet is located in the NW ¼ of the NE ¼, Section 22, Township 4 South, Range 83 West, 6th P.M., at a point approximately 660 feet from the north section line and 2,225 feet from the east section line of said Section 22, Eagle County, Colorado, based on the BLM digital section lines. See map on file with the Court as Exhibit A. ii. UTM Zone 13 NAD83 Coordinates: Easting 356,306 m Northing 4,395,229 m. B. Source: i. **Springs (including Joufflas Spring No. 29) and runoff in an unnamed tributary to the Eagle River, tributary to the Colorado River.** ii. Joufflas Spring No. 29 was decreed in Case No. 91CW155, by decree dated February 10, 1992. It is located in NW 1/4 NE 1/4 of Section 22, Township 4 South, Range 83 West of the 6th P.M. See Exhibit A. C. Name and capacity of the ditches used to fill the pond: N/A. D. Appropriation: i. Appropriation date: September 30, 1999. ii. How appropriation was initiated: Pond was in existence in September of 1999 as seen in aerial photographs, water was stored during periods of free river in 1999 and placed to beneficial uses. Also, field investigation, formation of intent to appropriate water rights, and filing of the water court application herein. iii. Date water applied to beneficial use: September 30, 1999. E. Amount claimed: 0.6 acre-feet (AF), Absolute. F. Use: Livestock watering, wildlife, piscatorial, commercial fishing and recreation. G. Surface Area of High Waterline: Approximately 0.12 acre. H. Vertical Height of Dam: Less than 10 feet. I. Length of Dam: 85 feet. J. Total Capacity of Pond: 0.60 AF, Active capacity: 0.00 AF, Dead storage: 0.60 AF. K. Remarks: Commercial uses are associated with the Vail Rod & Gun Club. 4. Second Claim for Water Storage Right: R&G Club Pond No. 2. A. Legal Description: i. The centerline of the dam at the outlet is located in the NW ¼ of the NE ¼, Section 22, Township 4 South, Range 83 West, 6th P.M., at a point approximately 400 feet from the north section line and 2,095 feet from the east section line of said Section 22, Eagle County, Colorado, based on the BLM digital section lines. See Exhibit A. ii. UTM Zone 13 NAD83 Coordinates: Easting 356,347 m Northing 4,395,301 m. B. Source: i. Springs (including Joufflas Spring No. 29) and runoff in an unnamed tributary to the Eagle River, tributary to the Colorado River. ii. Joufflas Spring No. 29 was decreed in Case No. 91CW155, by decree dated February 10, 1992. It is located in NW 1/4 NE 1/4 of Section 22, Township 4 South, Range 83 West of the 6th P.M. See Exhibit A. C. Name and Capacity of the Ditches Used to Fill the Pond: N/A. D. Appropriation: i. Appropriation date: September 30, 1999. ii. How appropriation was initiated: Pond was in existence in September of 1999 as seen in aerial photographs, water was stored during periods of free river in 1999 and placed to beneficial uses. Also, field investigation, formation of intent to appropriate water rights, and filing of the water court application herein. iii. Date water applied to beneficial use: September 30, 1999. E. Amount claimed: 1.0 AF, Absolute. F. Uses: Livestock watering, wildlife, piscatorial, commercial fishing, and recreation. G. Surface Area of High Waterline: 0.20 acre. H. Vertical Height of Dam: Less than 10 feet. I. Length of Dam: 150 feet J. Total Capacity of Pond: 1.0 AF, Active capacity: 0.0 AF, Dead storage: 1.0 AF. K. Remarks: Commercial uses are associated with the Vail Rod & Gun Club. 5. Third Claim for Water Storage Right: R & G Club Kids Pond. A. Legal Description: i. The centerline of the dam at the outlet is located in the SW ¼ of the SE ¼, Section 15, Township 4 South, Range 83 West, 6th P.M., at a point approximately 415 feet from the south section line and 2,520 feet from the west section line of said Section 15, Eagle County, Colorado, based on the BLM digital section lines. See Exhibit A. ii. UTM Zone 13 NAD83 Coordinates: Easting 356,222 m Northing 4,395,552 m. B. Source: Springs (including R & G Club Spring) and runoff in an unnamed tributary to the Eagle River, tributary to the Colorado River. C. Name and Capacity of the Ditches Used to Fill the Pond: N/A. D. Appropriation: i. Appropriation date: August 31, 2006. ii. How Appropriation was Initiated: By construction of pond identified on aerial photograph in August of 2006, storage of water during periods of free river, and beneficial use. Also, field investigation, formation of intent to appropriate water rights, and filing of the water court application herein. iii. Date Water Applied to Beneficial Use: On or before June 1, 2007. E. Amount Claimed: 2.25 AF, Absolute. F. Uses: Livestock watering, wildlife, piscatorial, commercial fishing operation, and recreation. G. Surface Area of High Waterline: 0.32 acre. H. Vertical Height of Dam: Less than 10 feet. I. Length of Dam: 150 feet. J. Total Capacity of Pond: 2.25 AF, Active capacity: 2.0 AF, Dead storage: 0.25 AF. K. Remarks: Commercial uses are associated with the Vail Rod & Gun Club. 6. Fourth Claim for Water Storage Right: Joufflas Warm Spring Pond. A. Legal Description: i. The centerline of the dam at the outlet is located in the SE ¼ of the SE ¼, Section 16, Township 4 South, Range 83 West, 6th P.M., at a point approximately 760 feet from the east section line and 330 feet from the south section line of said Section 16, Eagle County, Colorado, based on the BLM digital section lines. See Exhibit A. ii. UTM Zone 13 NAD83 Coordinates: Easting 355,153 m Northing 4,395,550 m. B. Source: i. Springs (including Joufflas Spring No. 16) and runoff in an unnamed tributary to South Canyon Creek, tributary to the Colorado River. ii. Joufflas Spring No. 16 was decreed in Case No. 91CW155, by decree dated February 10, 1992. It is located in SE 1/4 SE 1/4 of Section 16, Township 4 South, Range 83 West of the 6th P.M. See Exhibit A. C. Name and Capacity of the Ditches Used to Fill the Pond: N/A. D. Appropriation: i. Appropriation date: September 30, 1999. ii. How Appropriation was Initiated: Pond was in existence in September of 1999 as seen in aerial photographs, water was stored during periods of free river in 1999 and placed to beneficial uses. Also, field investigation, formation of intent to appropriate water rights, and filing of the water court application herein. iii. Date Water Applied to Beneficial Use: September 30, 1999. E. Amount Claimed: 0.2 AF, Absolute. F. Uses: Livestock watering, fire protection and recreation. G. Surface Area of High Waterline: 0.05 acres. H. Vertical Height of Dam: Less than 10 feet I. Length of Dam: 70 feet. J. Total Capacity of Pond: 0.2 AF, Active capacity: 0.0 AF, Dead storage: 0.2 AF. 7. Claim for Surface Water Right: R&G Club Spring. A. Legal Description: i. The point of diversion is from a spring located in the NE ¼ of the NW ¼, Section 22, Township 4 South, Range 83 West, 6th P.M., at a point approximately 483.1 feet from the north section line and 2520.2 feet from the west section line of said Section 22, Eagle County, Colorado, based on the BLM digital section lines. See Exhibit A. ii. UTM Zone 13 NAD83 Coordinates: Easting 356,148 m Northing 4,395,280 m. B. Source: Spring tributary to an unnamed tributary to South Canyon Creek, tributary to the Colorado River. C. Appropriation: i. Appropriation date: August 31, 2006. ii. How Appropriation was initiated: By use to fill the R&G Club Kids Pond, field investigation, formation of intent to appropriate water rights, and filing of the water court application herein. iii. Date Water Applied to Beneficial Use: On or before June 1, 2007. D. Amount Claimed: 1.32 cfs, conditional for irrigation, absolute for all other uses. E. Uses: Absolute for fire protection, livestock watering, piscatorial, commercial and recreation, all subsequent to storage; conditional for irrigation. i. Location of irrigation will be approximately 21 acres in the S 1/2 SE 1/4 of Section

15, Township 4 South, Range 83 West of the 6th P.M. See Exhibit A. F. Remarks: Commercial uses are associated with the Vail Rod & Gun Club. Irrigation is for supplemental irrigation on 21 acres as shown on Exhibit A. 8. Alternate Claim for Conditional Water Rights. To the extent that absolute water rights are not adjudicated herein for all amounts and uses claimed, Applicant requests that the Court approve any such amounts and uses as conditional water rights. 9. Integrated System: The water rights claimed herein are components of an integrated water supply system (including a number of springs, ponds, wells, ditches and water supply plans) for Applicant's property. When a project or integrated system is comprised of several features, work on one feature shall be considered in finding that reasonable diligence has been shown in the development of water rights for all features of the entire project or system. C.R.S. § 37-92-301(4)(b). 10. Name and address of owner of land upon which any new or existing diversion or storage structure, or modification to any existing diversion or storage structure is or will be located: Applicant. See above. WHEREFORE, Applicant respectfully requests that the Court enter a decree confirming and adjudicating the water rights claimed herein, and for such other relief as the Court deems just and proper.

YOU ARE HEREBY NOTIFIED THAT YOU HAVE until the last day of FEBRUARY 2022 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.

33. 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 DECEMBER 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.*

21CW3175 PITKIN COUNTY, ROARING FORK AND COLORADO RIVERS. Application for Approval of Plan for Augmentation and Conditional Appropriative Rights of Exchange. Snowmass Club LLC, Snowmass Club Investors LLC, ABA Investors, LLC and Woodmont Properties at Bridgewater, LLC c/o Beattie Houpt & Jarvis, PO Box 1669, Basalt, 970-945-8659. Applicants own the Snowmass Club Golf Course in Snowmass Village and are filing this Plan for Augmentation to replace out-of-priority evaporative depletions associated with its six golf course ponds. The out-of-priority evaporative depletions will be replaced with water provided pursuant Applicants' rights under a Basalt Water Conservancy District ("BWCD") contract and in the Snowmass Effluent Pipeline. Name of structure to be augmented: Snowmass Reservoir: Original decree: CA 5884, entered 11/05/71; subsequent decrees: 80CW153, 84CW163, 88CW182, 94CW110, 01CW315 and 08CW79. Legal description: The reservoir is located in the channel of Brush Creek in Sec 31, T 9 S, R 85 W 6th PM. The initial point of survey of the high water line of the reservoir is located at a point whence the NE corner of said Sec 31, bears N 19°42'E 1,920.9 ft, Pitkin County. The decree entered in 08CW17 also describes the reservoir as being located in the SW1/4 NE1/4, Sec 31, T 9 S, R 85 W 6th PM approx 2,080 ft from N sec line and 1,508 ft from E section line. Source: Brush Creek, a trib of the Roaring Fork and Colo Rivers. Appropriation date: 04/04/65. Amounts and uses: 59.3 af, absolute, for irrigation; 750 af, conditional, including the right to refill, for domestic, municipal, recreation, industrial, and irrigation uses. Applicants only own 59.3 af, absolute, for irrigation, which is the only portion of the Snowmass Reservoir that is the subject of this application. This application does not apply to the 750 af that remains conditional. This application only applies to that portion of the water right made absolute in 84CW163. Water rights to be used for augmentation: Up to 20.22 acre feet of water annually pursuant to a water allotment contract between Applicants and BWCD ("BWCD Contract"). Those sources are summarized as follows: Ruedi Reservoir: An on-channel reservoir located in Secs 7, 8, 9, 11, and 14-18, T 8 S, R 84 W 6th PM in portions of Eagle and Pitkin counties, which diverts and stores waters of the Fryingpan River, a trib of the Roaring Fork and Colo Rivers, under water rights decreed in CA 4613, Garfield County District Court, and Case Nos. W-789-76, 81CW34 and 01CW269, District Court in and for Water Division 5; Green Mountain Reservoir: Located in all or parts of Secs 11-15, and 24 of T 2 S, R 80 W, and in Secs 17-21, 28, 29, and 34, T 2 S, R 79 W 6th PM, Summit County and which diverts and store waters of the Blue River, a trib of the Colo River, under water rights decreed in Case Nos. 2782, 5016, and 5017, U.S. District Court for the District of Colorado; Troy and Edith Ditch: Decreed for diversion from the Fryingpan River, a trib of the Roaring Fork and Colo Rivers, in Case Nos. 3082 and 4613, District Court in and for Garfield County, and Case No. W- 2281, District Court in and for Water Division 5; and Robinson Ditch: Located on the N bank of the Roaring Fork River one-half mile below the mouth of Sopris Creek in Sec 11, T 8 S, R 87 W 6th PM, which diverts waters of the Roaring Fork River pursuant to decrees entered in Case Nos. 132, 1061 and 3082, District Court in and for Garfield County, and Case No. 93CW319 District Court in and for Water Division 5. Snowmass Effluent Pipeline: Original decree: CA 5884, entered 11/05/71, by the Garfield County District Court; subsequent decrees: Case Nos. W-835, W-835-76, 84CW166, 88CW95, 94CW111, 03CW95 and 10CW138. Location: The point of diversion is located at a point 20 ft below the outlet of the Polishing Pond of the Snowmass Water and Sanitation District Sewage Treatment Plant whence the witness corner of the SW Corner of Sec 31, T 9 S, R 85 W 6th PM bears S 77°33'30" W 3,354 ft. A supplemental legal description of the point of diversion is as follows: SW¼ SE¼ of Sec 31, T 9 S, R 85 W 6th PM at a point 1,030 ft from S sec line and 2,020 ft from E sec line. Source: Snowmass Water and Sanitation District Sewage Treatment Plant Polishing Pond, trib to Brush Creek, trib to Roaring Fork and Colo Rivers. Appropriation date: 10/29/65. Amounts and uses: 3.28 cfs conditional for irrigation, 5.0 cfs conditional for industrial and other non-potable beneficial uses associated with a year-round recreational resort. 1.72 cfs absolute for irrigation. Statement of plan for augmentation: The six ponds operate pursuant to the Snowmass Reservoir right, described above. When a valid administrative call is being enforced that would otherwise require curtailment of the Snowmass Reservoir right, Applicants may continue to divert water into the ponds to replace out-of-priority evaporation using the augmentation water

described above. More specifically, out-of-priority evaporation will be replaced into the Roaring Fork and/or Colorado Rivers from sources identified pursuant to Applicant's BWCD Contract. When conditions permit, the BWCD Contract water will be exchanged to the points of diversion described above pursuant to the appropriate rights of exchange described below. When a valid administrative call is being enforced above the confluence of the Roaring Fork and Fryingpan Rivers and there is no exchange opportunity that may be exercised in priority, out-of-priority evaporation will be replaced with water rights decreed to the Snowmass Effluent Pipeline. All exchanges: Upstream terminus: Carrol Ditch headgate located on Brush Creek in the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Sec 1, T 10 S, R 86 W 6th PM. UTM Coordinates: Easting 332164.3m, Northing 4341993.1m, Zone 13; Diversion Point 12 located on Brush Creek in the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Sec 31, T 9 S, R 85 W 6th PM. UTM Coordinates: Easting 333712.4m, Northing 4342856.2m, Zone 13; and Diversion Point 13 located on Brush Creek in the E $\frac{1}{2}$ SE $\frac{1}{4}$ of Sec 31, T 9 S, R 85 W 6th PM. UTM Coordinates: Easting 334104.5m, Northing 4343154.3m, Zone 13. Source: Water delivered to the stream at the downstream termini is derived from the BWCD Contract. Appropriation date: 12/30/21. Amount: 0.08 cfs, conditional. Use: Augmentation. Max annual volume: 18.2 af (the combined volume of all exchanges claimed herein shall not exceed 18.2 af). Snowmass Club Fryingpan Exchange: Downstream terminus: Confluence of Fryingpan and Roaring Fork Rivers, described as being in the SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec 7, T 8 S, R 86 W 6th PM. UTM coordinates: Easting: 324744m, Northing 4359432m, Zone 13. Snowmass Club Robinson Ditch Exchange: Downstream terminus: The point of diversion of the Robinson Ditch, the decreed location of which is on the N bank of the Roaring Fork River one-half mile below the mouth of Sopris Creek in Sec 11, T 8 S, R 87 W 6th PM. UTM coordinates: Easting: 321622, Northing: 4359863, Zone 13. Snowmass Club Colorado Exchange: Downstream terminus: The confluence of the Roaring Fork and Colorado Rivers, which is located in the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Sec 9, T 6 S, R 89 W 6th PM, at a point approx 2,200 ft from N sec line and 2,350 ft from W sec line. UTM coordinates: Easting: 299744m, Northing: 4380368m, Zone 13. (9 pages, 5 exhibits)

YOU ARE HEREBY NOTIFIED THAT YOU HAVE until the last day of FEBRUARY 2022 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.

34. 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 DECEMBER 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.*

21CW3176 ROUTT COUNTY, COLORADO RIVER. Application for Surface Water Rights and Water Storage Rights. Bar A Ranch c/o Beattie, Hought & Jarvis, PO Box 1669, Basalt, 970-945-8659. Steer Pasture Spring: Location: In the NE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec 31, T 1 N, R 85 W 6th PM, Routt County. UTM: Easting 332524, Northing 4431441, Zone 13, NAD 83. Source: Unnamed trib of S Branch of Egeria Creek, trib to Egeria Creek, trib to Rock Creek, trib to Colo River. Appropriation date: 03/15/95. Date water applied to beneficial use: 03/15/95. Amount: 5.0 gpm, absolute. Uses: Livestock and wildlife watering. Upper Steer Spring: Location: In the NE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec 31, T 1 N, R 85 W 6th PM, Routt County. UTM: Easting 332285, Northing 4431254.7, Zone 13, NAD 83. **Source: Unnamed trib of S Branch of Egeria Creek, trib to Egeria Creek, trib to Rock Creek, trib to Colo River.** Appropriation date: 03/15/95. Date water applied to beneficial use: 03/15/95. Amount: 5.0 gpm, absolute. Uses: Livestock and wildlife watering. Wilson Spring: Location: In the NE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec 32, T 1 N, R 85 W 6th PM, Routt County. UTM: Easting 333192.6, Northing 4430446.1, Zone 13, NAD 83. Source: Unnamed trib of S Branch of Egeria Creek, trib to Egeria Creek, trib to Rock Creek, trib to Colo River. Appropriation date: 12/22/97. Date water applied to beneficial use: 12/22/97. Amount: 5.0 gpm, absolute. Uses: Livestock and wildlife watering. Porcupine Bowl Spring: Location: In the SW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec 21, T 1 N, R 85 W 6th PM, Routt County. UTM: Easting 335239, Northing 4434285, Zone 13, NAD 83. Source: Unnamed trib of Egeria Creek, trib to Rock Creek, trib to Colo River. Appropriation date: 05/15/18. Date water applied to beneficial use: 05/15/18. Amount: 5.0 gpm, absolute. Uses: Livestock and wildlife watering. Smith Basin Spring: Location: In the SE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec 16, T 1 N, R 85 W 6th PM, Routt County. UTM: Easting 335137.7, Northing 4435664.4, Zone 13, NAD 83. Source: Unnamed trib of Smith Creek, trib to Egeria Creek, trib to Rock Creek, trib to Colo River. Appropriation date: 05/15/18. Date water applied to beneficial use: 05/15/18. Amount: 5.0 gpm, absolute. Uses: Livestock and wildlife watering. West Smith Basin Spring: Location: In the SW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec 16, T 1 N, R 85 W 6th PM, Routt County. UTM: Easting 334411, Northing 4435890, Zone 13, NAD 83. Source: Unnamed trib of Smith Creek, trib to Egeria Creek, trib to Rock Creek, trib to Colo River. Appropriation date: 05/15/18. Date water applied to beneficial use: 05/15/18. Amount: 5.0 gpm, absolute. Uses: Livestock and wildlife watering. Gumprecht Hill Spring: Location: In the NE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec 10, T 1 N, R 84 W 6th PM, Routt County. UTM: Easting 346421, Northing 4437487, Zone 13, NAD 83. Source: Newcomer Creek, trib to Toponas Creek, trib to Egeria Creek, trib to Rock Creek, trib to Colo River. Appropriation date: 03/16/95. Date water applied to beneficial use: 03/16/95. Amount: 5.0 gpm, absolute. Uses: Livestock and wildlife watering. Nay Spring: Location: In the NE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec 28, T 1 N, R 85 W 6th PM, Routt County. UTM: Easting 335699.4, Northing 4432665.8, Zone 13, NAD 83. Source: S Branch of Egeria Creek, trib to Egeria Creek, trib to Rock Creek, trib to Colo River. Appropriation date: 12/31/29. Date water applied to beneficial use: 12/31/29. Amount: 15.0 gpm, absolute. Uses: Domestic and livestock watering. This spring has been in use since 1929 to supply domestic water to three residences and provide stockwater. It currently provides stock water and a supplemental domestic water supply to three single family residences. The primary source of water for those residences is a well. Kissinger Spring: Location: In the SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec 19, T 1 N, R 84 W 6th PM, Routt County. UTM: Easting 342115, Northing 4433209.3, Zone 13, NAD 83. Source: Unnamed trib of King Creek, trib to Egeria Creek, trib to Rock Creek, trib to Colo River. Appropriation

date: 11/17/01. Date water applied to beneficial use: 11/17/01. Amount: 15.0 gpm, absolute. Uses: Domestic, livestock and wildlife watering. This spring currently provides a supplemental domestic water supply to one single family residence. Sterner Stock Pond: Location: In the SW¹/₄NE¹/₄, Sec 32, T 1 N, R 85 W 6th PM, Routt County. UTM: Easting 333800.7, Northing 4431011.8, Zone 13, NAD 83. Source: Unnamed trib of S Branch of Egeria Creek, trib to Egeria Creek, trib to Rock Creek, trib to Colo River. Name and capacity of ditch used to fill reservoir: Sterner Stock Pond is an on-channel reservoir filled by an unnamed trib of S Branch of Egeria Creek. Appropriation date: 07/07/17. Date water applied to beneficial use: 07/07/17. Amount: 0.9 af, absolute, with right to fill and refill continuously. Max rate of diversion: Not applicable. Uses: Livestock and wildlife watering. Surface area: 0.55 af. Vertical height: 5 feet. Length: 150 ft. Total capacity: 0.9 af. Active capacity: 0.8 af. Dead storage: 0.1 af. This pond was in existence and in use at the time Applicant acquired the property. This pond is equipped with an Agri-drain outlet. Wilson Stock Pond: Location: In the NW¹/₄SE¹/₄, Sec 33, T 1 N, R 85 W 6th PM, Routt County. UTM: Easting 335092, Northing 4430308, Zone 13, NAD 83. Source: S Branch of Egeria Creek, trib to Egeria Creek, trib to Rock Creek, trib to Colo River. Name and capacity of ditch used to fill reservoir: Wilson Stock Pond is an on-channel pond filled by the S Branch of Egeria Creek. Appropriation date: 12/22/97. Date water applied to beneficial use: 12/22/97. Amount: 0.4 af, absolute, with right to fill and refill continuously. Max rate of diversion: Not applicable. Uses: Livestock and wildlife watering. Surface area: 0.15 af. Vertical height: 8 feet. Length: 80 ft. Total capacity: 0.4 af. Active capacity: 0.0 af. Dead storage: 0.4 af. This pond was in existence and in use at the time Applicant acquired the property. Spruce Gulch Pond: Location: In the SW¹/₄SW¹/₄, Sec 26, T 1 N, R 85 W 6th PM, Routt County. UTM: Easting 337912, Northing 4431475.7, Zone 13, NAD 83. Source: Snowmelt and runoff trib to an unnamed trib of King Creek, trib to Egeria Creek, trib to Rock Creek, trib to Colo River. Name and capacity of ditch used to fill reservoir: Not applicable. Appropriation date: 11/17/01. Date water applied to beneficial use: 11/17/01. Amount: 0.9 af, absolute, with right to fill and refill. Max rate of diversion: Not applicable. Uses: Livestock and wildlife watering. Surface area: 0.35 af. Vertical height: 8 ft. Length: 75 ft. Total capacity: 0.9 af. Active capacity: 0.0 af. Dead storage: 0.9 af. This pond was in existence and in use at the time Applicant acquired the property. Charbonnel Stock Pond 1: Location: In the SE¹/₄NE¹/₄, Sec 27, T 1 N, R 85 W 6th PM, Routt County. UTM: Easting 337389, Northing 4432324, Zone 13, NAD 83. Source: Snowmelt and runoff trib to an unnamed trib of Egeria Creek, trib to Egeria Creek, trib to Rock Creek, trib to Colo River. Name and capacity of ditch used to fill reservoir: Not applicable. Appropriation date: 03/15/95. Date water applied to beneficial use: 03/15/95. Amount: 0.12 af, absolute, with right to fill and refill. Maximum rate of diversion: Not applicable. Uses: Livestock and wildlife watering. Surface area: 0.1 af. Vertical height: 4 ft. Length: 75 ft. Total capacity: 0.12 af. Active capacity: 0.0 af. Dead storage: 0.12 af. This pond was in existence and in use at the time Applicant acquired the property. Charbonnel Stock Pond 2: Location: In the SW¹/₄SE¹/₄, Sec 26, T 1 N, R 85 W 6th PM, Routt County. UTM: Easting 338591, Northing 4431735, Zone 13, NAD 83. Source: Snowmelt and runoff trib to an unnamed trib of King Creek, trib to Egeria Creek, trib to Rock Creek, trib to Colo River. Name and capacity of ditch used to fill reservoir: Not applicable. Appropriation date: 03/15/95. Date water applied to beneficial use: 03/15/95. Amount: 0.5 af, absolute, with right to fill and refill. Max rate of diversion: Not applicable. Uses: Livestock and wildlife watering. Surface area: 0.25 af. Vertical height: 6 ft. Length: 100 ft. Total capacity: 0.5 af. Active capacity: 0.0 af. Dead storage: 0.5 af. This pond was in existence and in use at the time Applicant acquired the property. Gumprecht Hill Pond: Location: In the NE¹/₄NW¹/₄, Sec 10, T 1 N, R 84 W 6th PM, Routt County. UTM: Easting 346421, Northing 4437487, Zone 13, NAD 83. Source: Gumprecht Hill Spring, trib to Newcomer Creek, trib to Toponas Creek, trib to Egeria Creek, trib to Rock Creek, trib to Colo River. Name and capacity of ditch used to fill reservoir: Not applicable. Appropriation date: 03/16/95. Date water applied to beneficial use: 03/16/95. Amount: 0.09 af, absolute. Max rate of diversion: 5.0 gpm. Uses: Livestock and wildlife watering. Surface area: 0.03 af. Vertical height: 8 ft. Length: 75 ft. Total capacity: 0.09 af. Active capacity: 0.0 af. Dead storage: 0.09 af. This pond was in existence and in use at the time Applicants acquired the property. Owner of land: Applicant. (15 pages, 3 exhibits)

YOU ARE HEREBY NOTIFIED THAT YOU HAVE until the last day of FEBRUARY 2022 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.

35. 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 DECEMBER 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.*

21CW3177 GARFIELD COUNTY – WEST COULTER CREEK. SGJD, LLC, c/o Scott C. Miller, Esq. and John M. Sittler, Esq. Patrick, Miller & Noto. P.C., 229 Midland Ave, Basalt, CO 81621, (970) 920-1030. APPLICATION FOR STORAGE WATER RIGHT, SURFACE WATER RIGHTS, AND APPROVAL OF PLAN FOR AUGMENTATION INCLUDING EXCHANGE. **First Claim: For Conditional Storage Right.** Name of structure: SGJD Pond. Legal: The SGJD Pond is located in the NE ¹/₄, NW ¹/₄ of Section 32, Township 6 South, Range 87 West of the 6th P.M., approximately 1,600 feet from the West section line and 1,270 feet from the North section line (Garfield County). UTM (NAD 83, Z13): Northing – 4373866, Easting – 316252. A map is on file with the court as Exhibit A. Source: Surface and spring water tributary to West Coulter Creek, tributary to Coulter Creek, tributary to Cattle Creek, tributary to the Roaring Fork River, tributary to the Colorado River; precipitation and runoff. Name of ditch used to fill reservoir: Ralston No. 1 Ditch at 1.0 c.f.s.; SGJD Lower Spring at 0.88 c.f.s. The Ralston No. 1 Ditch is located in the SE ¹/₄ SW ¹/₄ Section 29, Township 6 South, Range 87 West, 6th P.M., 3,390 feet from the East section line and 280 feet from the South section line (note Section

29 is an irregular section). The SGJD Lower Spring is described in paragraph 7 of the application. Appropriation date: May 6, 2021. How appropriation was initiated: Field inspection, development of plans for the pond, and formulation of intent to apply water to beneficial use. Date water applied to beneficial use: N/A. Amount: 7.5 acre-feet, conditional. Applicant claims the right to fill and refill in priority or as augmented herein. Uses. Aesthetic, recreation, piscatorial, fire protection, wildlife watering. If non-irrigation: Aesthetic, recreation, piscatorial, fire protection, and wildlife watering. Surface area: 0.85 acre. Height of dam: Less than 10 feet. Length of dam: 300 feet. Total capacity: 7.5 acre-feet. Active capacity: 7 acre-feet. Dead storage: 0.5 acre-feet. Applicant owns the land on which the water right will be located and where the water will be put to beneficial use. The United States Department of the Interior, Bureau of Land Management owns the land on which the Ralston No. 1 Ditch headgate is located. Applicant has a vested right-of-way for the Ralston No. 1 Ditch under R.S. § 2239, 43 U.S.C.S. § 661. Remark: The SGJD Pond may also be used as a flow through or irrigation control structure for Applicant's senior direct flow water rights, with outflows exceeding inflows every 72 hours. **Second Claim: For Conditional Surface Water Right.** Name of structure: SGJD Lower Spring. Legal: The SGJD Lower Spring is located in the NW ¼, NW ¼ of Section 32, Township 6 South, Range 87 West of the 6th P.M., at a point approximately 1,150 feet from the North section line and 730 feet from the West section line (Garfield County). UTM 13, NAD 83 – Northing: 4373893, Easting: 315986. A map is on file with the court as Exhibit A. Source: Spring tributary to West Coulter Creek, tributary to Coulter Creek, tributary to Cattle Creek, tributary to the Roaring Fork River, tributary to the Colorado River. Appropriation date: October 20, 2021. How appropriation was initiated: Field inspection, engineering analysis, formulation of intent to apply water to beneficial use, and development of plans for the spring. Date water applied to beneficial use: N/A. Amount: 0.88 c.f.s., conditional. Uses: Fill and re-fill of the SGJD Pond, wildlife, aesthetic. Applicant owns the land on which the SGJD Lower Spring is located and where the water will be put to beneficial use. **Third Claim: For Absolute Surface Water Right.** Name of structure: The SGJD Upper Spring is located in the NW ¼ NW ¼ of Section 28, Township 6 South, Range 87 West of the 6th P.M., at a point approximately 1,050 feet from the North section line and 190 feet from the West section line (Garfield County). UTM 13, NAD 83 – Northing: 4375432, Easting: 317478. A map is on file with the court as Exhibit A. Source: Spring tributary to West Coulter Creek, tributary to Coulter Creek, tributary to Cattle Creek, tributary to the Roaring Fork River, tributary to the Colorado River. Appropriation date: May 15, 2020. How appropriation was initiated: Field inspection, engineering analysis, placement of water to beneficial use. Date water applied to beneficial use: May 15, 2020. Amount: 0.50 c.f.s., absolute. Uses: Stock water, wildlife, and aesthetic. Applicant owns the land on which the SGJD Upper Spring is located and where the water is put to beneficial use. Note: To the extent absolute status cannot be proven, Applicant claims a conditional water right for this structure: **Fourth Claim: For Change of Water Rights.** Decreed right for which change is sought: Ralston No. 1 Ditch. Original and subsequent decrees: Civil Action No. 298, Garfield County District Court, April 18, 1890; Case No. 96CW322, Water Division 5, September 23, 1997. Legal: The Ralston No. 1 Ditch is located in the SE ¼ SW ¼ Section 29, Township 6 South, Range 87 West, 6th P.M., 3,930 feet from the East section line and 280 feet from the South section line (note Section 29 is an irregular section). Source: West Coulter Creek, tributary to Coulter Creek, tributary to Cattle Creek tributary to the Roaring Fork River, tributary to the Colorado River. Appropriation date: October 1, 1884. Amount: 1.0 c.f.s. Use: Irrigation. Amount Applicant intends to change: up to 0.1 c.f.s. Description of proposed changed: Applicant owns the entirety of the Ralston No. 1 Ditch, Priority No. 104A, which has been historically used to irrigate approximately 40 acres under the ditch on Applicant's property, generally located in the southwest portion of Applicant's property as shown on Exhibit A. Diversion records for the Ralston No. 1 Ditch are attached as Exhibit B. Applicant requests approval of a change of up to 1.0 c.f.s. of its Ralston No. 1 Ditch water right to include storage and augmentation as decreed uses. As a result of building footprints, pond footprints, and driveways constructed on Applicant's property, Applicant has dried up or will dry up approximately 4 acres of historically irrigated land on Applicant's property. The dry-up area will be depicted on a map to be included in any final decree in this matter. Applicant will employ accounting procedures and install measuring devices as required by the Division Engineer to ensure that this change of water right will not result in an expansion of historical use of the amount of water changed. Applicant's consulting engineer has determined that the 0.1 c.f.s. of water to be changed herein and historically used to irrigate the 4 acres of land being permanently dried up results in a consumptive use credit of 5.44 acre-feet of water per year (1.36 acre-feet per acre), based on a Blaney-Criddle analysis adjusted for altitude. A summary of the Blaney-Criddle analysis will be provided to the Court in an engineering report to be filed in the course of this proceeding. Applicant intends to by-pass such consumptive use credits at the Ralston No. 1 Ditch headgate and/or store and release the consumptive use credits in the SGJD Pond as an augmentation source under the plan for augmentation requested below. To the extent additional dry-up acreage is identified or needed under Applicant's development plans during the course of this proceeding, Applicant seeks to quantify and confirm the historic consumptive use associated with such additional acreage and utilize such credits for augmentation in the same manner described above. Applicant owns the land on which the water rights will be located and where the water will be put to beneficial use. The United States Department of the Interior, Bureau of Land Management owns the land on which the Ralston No. 1 Ditch headgate is located. **Fifth Claim: For Approval of Plan for Augmentation.** Name of structure to be augmented: SGJD Pond. Legal: As described in paragraph 3.A. Water rights to be used for augmentation. A Basalt Water Conservancy District ("BWCD") Allotment Contract from the water rights owner or controlled by the BWCD as described in paragraph 26.A; Consumptive use credits associated with the dry-up of 4 acres of historically irrigated acreage under the Ralston No. 1 Ditch. Complete statement of plan for augmentation: Background: Applicant plans to construct the SGJD Pond near a new single-family home to be built on its property. The SGJD Pond will provide aesthetic, recreation, piscatorial, fire protection, and wildlife watering benefits in situ. The Pond will be used to store historic consumptive use credits associated with the Ralston No. 1 Ditch dry-up, as described in the fourth claim above. The plan for augmentation replaces out-of-priority depletions associated with evaporation losses from the SGJD Pond. Water requirements: Applicant's engineer calculated the annual gross evaporation from the SGJD Pond using NOAA Technical Report NWS 33 along with the State Engineer's Office guidelines. Net evaporation is equal to gross evaporation adjusted to account for icing temperatures. The surface area of the SGJD Pond is 1.0 acre. The net evaporation rate is calculated at 41.3 inches and the total

evaporative depletion is 3.44 acre-feet per year from the SGJD Pond. Therefore, the total annual water requirement and consumption for the SGJD Pond is 3.44 acre-feet, which amount shall be augmented herein. Downstream call: If the calling water right is below the confluence of Cattle Creek and the Roaring Fork River, the out-of-priority depletions will be augmented using releases from water rights owned or controlled by the Basalt Water Conservancy District, as described above. Applicant is in the process of applying for an Allotment Contract for an adequate amount of replacement water to be dedicated to this augmentation plan. The contract will cover evaporative depletions from the SGJD Pond. The augmentation will be administered through the use of the SGJD Exchange, applied for below. Local call: In the event of a local call on West Coulter Creek, Coulter Creek, or Cattle Creek that would otherwise prevent Applicant from refilling and topping off the SGJD Pond, Applicant will continue to fill the pond with the Ralston No. 1 Ditch consumptive use credits applied for in this case. Those credits are sufficient to replace all evaporative depletions during the irrigation season. During a dry year, or at any time there is not enough consumptive use credits to fully augment evaporative depletions from the SGJD Pond, Applicant will curtail all out-of-priority diversions into the SGJD Pond and the pond level will drop commensurate with evaporation. However, Applicant may continue to use the SGJD Pond as an irrigation control structure for its senior water rights, to the extent those rights remain in priority. Return flows: Applicant will replace delayed return flows associated with dry-up of the 4 acres on Applicant's property under the Ralston No. 1 Ditch by either (or a combination of): (1) delivering the historic deep percolation component of the changed Ralston No. 1 Ditch water right into a recharge pit for exfiltration into the groundwater table and return to West Coulter Creek (the seepage will naturally lag in a way that mimics historic return flows); or (2) release of the required return flow component from the SGJD Pond. Applicant owns the land on which the augmented water rights are located and where the water will be put to beneficial use. **Sixth Claim: For Conditional Appropriative Right of Exchange.** Name of structure: SGJD Exchange. Legal: Location of downstream termini: The points of replacement on the Roaring Fork and/or Colorado Rivers of the BWCD's water rights described as follows: For exchange of Green Mountain Reservoir water: The confluence of the Roaring Fork and Colorado Rivers, located in the SE ¼ NW ¼ of Section 9, Township 6 South, Range 89 West of the 6th P.M. (Garfield County). UTM NAD 83 coordinates: Northing 4380346, Easting 299776, Zone 13. For exchange of Ruedi Reservoir, Troy and Edith Ditch, and Robinson Ditch water: The confluence of Cattle Creek and the Roaring Fork River, located in the NE ¼ NE ¼ of Section 12, Township 7 South, Range 89 West of the 6th P.M., at a point approximately 1,198 feet from the North section line and 800 feet from the East section line (Garfield County). UTM NAD 83 Z13 coordinates: Northing 4370626, Easting 304638. Location of upstream termini: The SGJD Lower Spring, as described in paragraph 7; The Ralston No. 1 Ditch, as described in paragraph 3.C.ii.1. A map is on file with the court as Exhibit C. Source: The water rights owned or controlled by the BWCD and for which Applicant has applied for an Allotment Contract for the use of, all as described in paragraph 26.A, above. Appropriation date: December 30, 2021. How appropriation was initiated: Filing of this application. Date water applied to beneficial use: N/A. Amount: 0.01 c.f.s., conditional. Use: Exchange to implement the plan for augmentation applied for in this case.

YOU ARE HEREBY NOTIFIED THAT YOU HAVE until the last day of FEBRUARY 2022 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.

36. 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 DECEMBER 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.*

21CW3178 GARFIELD COUNTY. DIVIDE AND DRY HOLLOW CREEKS AND COLORADO RIVER. APPLICATION FOR FINDINGS OF REASONABLE DILIGENCE. Applicant: Silt Farms, LLC, c/o Balcomb & Green, P.C., P.O. Drawer 790, Glenwood Springs, CO 81602; 970-945-6546. Applicant seeks a finding of reasonable diligence in the development of its interests in the Stillwater Ponds No. 5, 6 and 7, collectively referred to herein as the "Subject Water Rights." Applicant acquired the Subject Water Rights with purchase of a portion of the real property within the "Applicant's Property Boundary" depicted on Exhibit A; the Subject Water Rights are located on this Applicant's property. Name of Water Right: **Stillwater Pond No. 5.** Original decree: 12/03/1999, in Case No. 95CW326, in the Dist. Ct. in and for Water Div. No. 5. Subsequent Diligence Decrees: 04/24/2009, in Case No. 05CW249 and 12/20/2015, in Case No. 15CW3029; both in the Dist. Ct. in and for Water Div. No. 5. Legal description of reservoir dam: The centerpoint of the dam is located at a point in the NW1/4 of Sec. 14, T. 6 S., R. 92 W. of the 6th P.M., approximately 690 ft. S. of the N. sec. line and 215 ft. E. of the W. sec. line of said Sec. 14. Source: The pond is filled from Divide Creek through the Mineota Ditch and by direct deliveries from the Colorado River. Date of Approp.: 08/28/1995. Amt.: 17.81 a.f., conditional. Uses: Irr., aesthetic, piscatorial, rec., comm., industrial, and for aug. and exchange purposes. Maximum height of dam: Excavated pond less than 10.0 ft. Length of dam: 225.0 ft. Total capacity of reservoir: 17.81 a.f. Active capacity of reservoir: 16.81 a.f. Dead storage: 1.0 a.f. Fill rate: 5.0 c.f.s. Names and capacities of ditches leading to reservoir: Mineota Ditch (23.53 c.f.s.) and the Valley Farms Pump & Pipeline (4.5 c.f.s.). Remarks: This water right was also originally decreed for municipal and dom. use. Municipal use was eliminated by operation of the Decree entered in Case No. 98CW131, and dom. use was abandoned in the Decree entered in Case No. 15CW3029. Name of Water Right: **Stillwater Pond No. 6.** Original decree: 12/03/1999, in Case No. 95CW326, in the Dist. Ct. in and for Water Div. No. 5. Subsequent Diligence Decrees: 04/24/2009, in Case No. 05CW249 and 12/20/2015, in Case No. 15CW3029; both in the Dist. Ct. in and for Water Div. No. 5. Legal description of reservoir dam: The centerpoint of the dam is located at a point in the NE1/4 of Sec. 15, T. 6

S., R. 92 W. of the 6th P.M., approximately 435 ft. S. of the N. sec. line and 570 ft. W. of the E. sec. line of said Sec. 15. Source: The pond is filled from Divide Creek through the Mineota Ditch and by direct deliveries from the Colorado River. Date of Approp.: 08/28/1995. Amt.: 13.24 a.f., conditional Uses: Irr., aesthetic, piscatorial, rec., comm., industrial, and for aug. and exchange purposes. Maximum height of dam: Excavated pond less than 10.0 ft. Length of dam: 225.0 ft. Total capacity of reservoir: 13.24 a.f. Active capacity of reservoir: 12.24 a.f. Dead storage: 1.0 a.f. Fill rate: 5.0 c.f.s. Names and capacities of ditches leading to reservoir: Mineota Ditch (23.53 c.f.s.), Valley Farms Pump & Pipeline (4.5 c.f.s.), and the Rising Sun Pump & Pipeline (4.5 c.f.s.). Remarks: This water right was also originally decreed for municipal and dom. use. Municipal use was eliminated by operation of the Decree entered in Case No. 98CW131, and dom. use was abandoned in the Decree entered in Case No. 15CW3029. The Decree in Case No. 95CW236 identifies the Rising Sun Pump & Pipeline as a structure to fill this pond at a rate of 4.5 c.f.s. The correct name of the Rising Sun Pump & Pipeline is the McPherson Enlargement of the Rising Sun Ditch as decreed in Case No. CA 4954 on 07/09/1965 with a capacity of 4.0 c.f.s. "The headgate and point of diversion of said ditch and pipeline is located in Garfield Cnty., CO, at a point on the Southerly bank of the Colorado River, whence the SW corner of Sec. 11, T. 6 S., R. 92 W. of the Sixth P. M., bears S. 16°31' W. 1,589.1 ft." Decree, CA 4954. The McPherson Enlargement of the Rising Sun Ditch is commonly referred to as the Rising Sun Pump & Pipeline or, as in Colorado's Decision Support System maintained by the DWR, the Rising Sun Pump. Previous diligence decrees for the Stillwater Pond No. 6 water omit mention of this fill structure but it was not limited or eliminated by decree for use in filling Stillwater Pond No. 6. Applicant intends to include this structure, using its correct name and 4.0 c.f.s. filling-rate capacity, in the ruling entered in this case to resolve this inconsistency. Name of Water Right: **Stillwater Pond No. 7**. Original decree: 12/03/ 1999, in Case No. 95CW326, in the Dist. Ct. in and for Water Div. No. 5. Subsequent Diligence Decrees: 04/24/2009, in Case No. 05CW249 and 12/20/2015, in Case No. 15CW3029; both in the Dist. Ct. in and for Water Div. No. 5. Legal description of reservoir dam: The centerpoint of the dam is located at a point in the NW1/4 of Sec. 15, T. 6 S., R. 92 W. of the 6th P.M., approximately 475 ft. S. of the N. sec. line and 1940 ft. E. of the W. sec. line of said Sec. 15. Source: The pond is filled from irr. return flows trib. to the Colorado River supplied from Dry Hollow Creek and by direct deliveries from the Colorado River. Date of Approp.: 08/28/1995. Amt.: 4.63 a.f., conditional. Uses: Irr., aesthetic, piscatorial, rec., comm., industrial, and for aug. and exchange purposes. Maximum height of dam: Excavated pond less than 10.0 ft. Length of dam: 110.0 ft. Total capacity of reservoir: 4.63 a.f. Active capacity of reservoir: 4.50 a.f. Dead storage: 0.13 a.f. Fill rate: 5.0 c.f.s. Names and capacities of ditches leading to reservoir: Schatz Ditch (5.0 c.f.s.) and Rising Sun Pump & Pipeline (4.0 c.f.s.). Remarks: This water right was also originally decreed for municipal and dom. use. Municipal use was eliminated by operation of the Decree entered in Case No. 98CW131, and dom. use was abandoned in the Decree entered in Case No. 15CW3029. The decrees in Cases No. 95CW236 and 05CW249 identify the Rising Sun Pump & Pipeline as a structure to fill this pond at a rate of 4.5 c.f.s. The correct name of the Rising Sun Pump & Pipeline is the McPherson Enlargement of the Rising Sun Ditch as decreed in Case No. CA 4954 on 07/09/1965 with a capacity of 4.0 c.f.s. "The headgate and point of diversion of said ditch and pipeline is located in Garfield County, CO, at a point on the Southerly bank of the Colorado River, whence the SW corner of Sec. 11, T. 6 S., R. 92 W. of the Sixth P.M., bears S. 16°31' W. 1,589.1 ft." Decree, CA 4954. The McPherson Enlargement of the Rising Sun Ditch is commonly referred to as the Rising Sun Pump & Pipeline or, as in Colorado's Decision Support System maintained by the DWR, the Rising Sun Pump. The diligence decree in Case No. 15CW3029 also identified the Rising Sun Pump & Pipeline as a fill structure and revised the rate of fill from this structure from 4.5 c.f.s. to 4.0 c.f.s. consistent with the capacity of the McPherson Enlargement of the Rising Sun Ditch but did not supply the true name of the structure. Applicant intends to include the correct name for this fill structure in the ruling entered in this case to resolve this inconsistency. Integrated System: The Decree in Case No. 95CW326 states that the Subject Water Rights are part of an integrated storage water supply system. See Decree, Case No. 96CW236, para. 147. "When a project or integrated system is comprised of several features, work on one feature of the project or system shall be considered in finding that reasonable diligence has been shown in the development of water rights for all features of the entire project or system." C.R.S. § 37-92-301(4)(b). Name and address of owners of land on which structures are or will be located, upon which water is or will be stored, or upon which water is or will be placed to beneficial use: Applicant. (8 pages of original application, Exh. A)

YOU ARE HEREBY NOTIFIED THAT YOU HAVE until the last day of FEBRUARY 2022 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.

37. 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 DECEMBER 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.

21CW3179 GARFIELD COUNTY. DIVIDE AND DRY HOLLOW CREEKS AND COLORADO RIVER. APPLICATION FOR CHANGE OF WATER RIGHT. Applicant: Silt Farms, LLC, c/o Balcomb & Green, P.C., P.O. Drawer 790, Glenwood Springs, CO 81602; 970-945-6546. Applicant seeks a change of water rights in Stillwater Pond No. 5. The location of the Stillwater Pond No. 5 is depicted on Exhibit A. Applicant acquired the Stillwater Pond No. 5 with purchase of a portion of the real property within the "Applicant's Property Boundary" depicted on Exhibit A. The Stillwater Pond No. 5 is located on this Applicant's property. Name of Water Right: **Stillwater Pond No. 5**. Original decree: 12/03/1999, in Case No. 95CW326, in the Dist. Ct. in and for Water Div. No. 5. Subsequent Diligence Decrees: 04/24/2009, in Case No. 05CW249 in Case No. 15CW3029 in the Dist. Ct. in and for Water Div. No. 5.

Legal description of reservoir dam: The centerpoint of the dam is located at a point in the NW1/4 of Sec. 14, T. 6 S., R. 92 W. of the 6th P.M., approximately 690 ft. S. of the N. sec. line and 215 ft. E. of the W. sec. line of said Sec. 14. Source: The pond is filled from Divide Creek through the Mineota Ditch and by direct deliveries from the Colorado River. Date of Approp.: 08/28/1995. Amt.: 17.81 a.f., conditional. Uses: Irr., aesthetic, piscatorial, rec., comm., industrial, and for aug. and exchange purposes. Maximum height of dam: Excavated pond less than 10.0 ft. Length of dam: 225.0 ft. Total capacity of reservoir: 17.81 a.f. Active capacity of reservoir: 16.81 a.f. Dead storage: 1.0 a.f. Fill rate: 5.0 c.f.s. Names and capacities of ditches leading to reservoir: Mineota Ditch (23.53 c.f.s.) and the Valley Farms Pump & Pipeline (4.5 c.f.s.). Remarks: This water right was also originally decreed for municipal and dom. use. Municipal use was eliminated by operation of the Decree entered in Case No. 98CW131, and dom. use was abandoned in the Decree entered in Case No. 15CW3029. Proposed Change of Water Right. Background Information: Applicant purchased the Stillwater Pond No. 5 and underlying property from The Dixon Water Foundation on 10/28/2019. The Stillwater Pond No. 5 and underlying property were part of the historical Stillwater Ranch P.U.D., S. of Silt CO. The P.U.D. was not developed. Applicant is instead developing its portion of the historical P.U.D. property and Stillwater Pond No. 5 for commercial and other uses consistent with its decreed uses. Applicant did not, however, acquire interests in the Mineota Ditch and Valley Farms Pump & Pipeline structures identified by decree to fill Stillwater Pond No. 5. To ensure its ability to fill Stillwater Pond No. 5, Applicant seeks a decree confirming that this pond can be supplied through the McPherson Enlargement of the Rising Sun Ditch as follows. Proposed Structure Used to Fill Stillwater Pond No. 5: McPherson Enlargement of the Rising Sun Ditch. Previous Decree: Case No. CA 4954, 07/09/1965. Legal description: The headgate and point of diversion of said ditch and pipeline is located in Garfield Cty., CO, at a point on the Southerly bank of the Colorado River, whence the SW corner of Sec. 11, T. 6 S., R. 92 W. of the Sixth P.M., bears S. 16°31' West 1,589.1 ft. Source: Colorado River. Capacity: 4.0 c.f.s. Remarks. Applicant owns all interests in the McPherson Enlargement of the Rising Sun Ditch, including 4.0 c.f.s. decreed to this water right. The location of the headgate for the McPherson Enlargement of the Rising Sun Ditch is depicted on Exhibit B. This ditch traverses Applicant's property upgradient of the location of Stillwater Pond No. 5 and is suitable for use in delivery of water to the pond. The McPherson Enlargement of the Rising Sun Ditch headgate is downstream on the Colorado River from the points of diversion for the structures identified in Case No. 95CW236 to fill Stillwater Pond No. 5. Therefore, use of the McPherson Enlargement of the Rising Sun Ditch to fill the Stillwater Pond No. 5 will reduce the segment of the Colorado River that is impacted by diversions to fill this structure. As a result, no water rights intervening between the original points of diversion and the proposed point of diversion will be injured; more water may be available to other water rights intervening between the original points of diversion and the proposed point after this change. Diversions through the McPherson Enlargement of the Rising Sun Ditch to fill Stillwater Pond No. 5 will be limited to no more than 4.0 c.f.s., a 20 percent reduction in the currently confirmed rate of fill for this pond. As the diversion rate will decrease, there will be no injury to other water rights in the Colorado River; more water may be available to other appropriators after this change. Diversions to fill Stillwater Pond No. 5 through the McPherson Enlargement of the Rising Sun Ditch will only be made under the 1995 priority decreed to Stillwater Pond No. 5, not under the 1965 priority decreed to the McPherson Enlargement of the Rising Sun Ditch. No change of water right is sought for the McPherson Enlargement of the Rising Sun Ditch. This Application seeks only to use this structure to carry water diverted under the priority decreed to Stillwater Pond No. 5. The decree in Case No. 95CW236 identifies the Rising Sun Pump & Pipeline as a structure to fill Applicant's interests in other ponds located on its property, being Stillwater Pond No. 6 and Stillwater Pond No. 7. The correct name of the Rising Sun Pump & Pipeline is the McPherson Enlargement of the Rising Sun Ditch as described above. The McPherson Enlargement of the Rising Sun Ditch is commonly referred to as the Rising Sun Pump & Pipeline or, as in Colorado's Decision Support System maintained by the Division of Water Resources, the Rising Sun Pump. Applicant's proposed change to use the McPherson Enlargement of the Rising Sun Ditch to fill Stillwater Pond No. 5 is consistent with its use to fill these other ponds and will not increase the amount of water diverted at the McPherson Enlargement of the Rising Sun Ditch. The diversion rate to fill Stillwater Pond No. 5 will be limited to 4.0 c.f.s. cumulative with any diversions supplying Stillwater Pond No. 6 and Stillwater Pond No. 7. Upon approval of Applicant's requested change, the Mineota Ditch and the Valley Farms Pump & Pipeline will be eliminated as structures decreed to fill Stillwater Pond No. 5. There will be no alternate point operations. WHEREFORE, Applicant requests: 1) approval to change the point of diversion to fill its interest in Stillwater Pond No. 5 to the McPherson Enlargement of the Rising Sun Ditch; 2) approval of any other changes of the water rights described herein as may be necessary to accomplish the proposed change in point of diversion to fill Stillwater Pond No. 5; 3) for such other relief as the Court deems appropriate. (6 pages of original application, Exh. A-B)

YOU ARE HEREBY NOTIFIED THAT YOU HAVE until the last day of FEBRUARY 2022 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.

38. 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 DECEMBER 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.*

21CW3180 EAGLE, GARFIELD, GRAND AND PITKIN COUNTIES. APPLICATION FOR WATER RIGHT, APPROVAL OF PLAN FOR AUGMENTATION AND APPROPRIATIVE RIGHTS OF EXCHANGE. 1. Name, Address, Telephone Number, and Email of Applicant: Town of Minturn, Attn: Michelle Metteer, Town Manager, 301 Boulder Street, Minturn, CO 81645, (970) 827-

5645, manager@minturn.org, c/o Meghan N. Winokur, Esq., Hayley K. Siltanen, Esq., Holland & Hart LLP, 600 E. Main St., Ste. 104, Aspen, CO 81611, (970) 925-3476, mwinokur@hollandhart.com, hksiltanen@hollandhart.com. 2. Summary of Application: The Town seeks to improve the redundancy and resiliency of its water supply by incorporating an Eagle River surface diversion into its integrated municipal water system. Through the Application in this case the Town seeks approval of a new junior water right on the Eagle River and a plan for augmentation, including appropriative rights of exchange, to replace out-of-priority depletions associated with the operation of such new junior water right. The Town is engaged in ongoing discussions with the Eagle River Water and Sanitation District and the Upper Eagle Regional Water Authority regarding a comprehensive agreement to address outstanding water rights and operational matters among the parties. If the parties enter into such an agreement and the agreement causes this Application to be duplicative of the application pending in Case No. 21CW3030, then this Application will be withdrawn. **I. CLAIM FOR SURFACE WATER RIGHT: MINTURN ER-1.** 3. Name of Structure: Minturn Eagle River Diversion. A. Legal Description of Point of Diversion: Located within a reach of the Eagle River within 1000 feet downstream or upstream of a point described as located in the SE¹/₄ of the SW¹/₄ of Section 36, Township 5 South, Range 81 West of the 6th P.M., at a point 1,328 feet from the South section line and 2,193 feet from the West section line. The Minturn Eagle River Diversion will be a surface diversion or a headgate well. A map generally depicting the location of the point of diversion is attached to the Application as Exhibit A. B. Source: Eagle River, tributary to the Colorado River. C. Appropriation: i. Appropriation date: December 30, 2021. ii. How appropriation was initiated: By formation of necessary intent and overt acts sufficient to put other parties on notice, including but not limited to filing this Application. D. Amount: 4.0 c.f.s., conditional. E. Claimed Uses: Municipal, domestic, irrigation (including watering of lawns, landscaping, parks and grounds), piscatorial, recreational, commercial, industrial, aesthetic, augmentation, substitution and exchange, with the right for reuse and successive use to extinction. The place of use shall be within the Town's water service area, as it may change from time to time. A map depicting the Town's current and anticipated future water service area is attached to the Application as Exhibit B. F. Remarks: This water right is a component of a single, integrated water system for the Town that includes the water rights and plan for augmentation claimed in this Application as well as the water rights and plan for augmentation that are the subject of decrees previously entered by the Court in Case Nos. CA 671, 94CW355, 96CW324, 97CW161, 05CW262, 05CW263, 07CW225, and 16CW3124. **II. CLAIM FOR APPROVAL OF PLAN FOR AUGMENTATION.** 4. Structures to be Augmented (collectively, "Augmented Structures"): A. Minturn ER-1 water right, diverted at Minturn Eagle River Diversion. See Paragraph 3, above. B. Additional Structures. Applicant requests the right to include additional structures in the plan applied for herein, upon notice to the Division Engineer and upon such other terms and conditions as the Court may require. 5. Water Rights to Be Used for Augmentation (collectively, "Augmentation Water Rights"): A. Colorado River Supply Sources. Water from the Colorado River supply sources described below, made available to the Town pursuant to one or more contracts with the Colorado River Water Conservation District (the "River District"). This includes 5.0 acre-feet of water per year available under Contract No. CW10001. The Town may seek to contract with the River District for additional water from the River District's Colorado River supply sources, subject to the River District's Water Marketing Policy. i. Wolford Mountain Reservoir. The River District owns and operates Wolford Mountain Reservoir (f/k/a Gunsight Pass Reservoir) which has the following water rights. 1) Case No. 87CW283: Decree Date: November 20, 1989. Name of Structure: Gunsight Pass Reservoir. Legal description of place of storage: The dam is located in the SW¹/₄ of the NE¹/₄ of Section 25, T. 2 N., R. 81 W., 6th P.M. The intersection of the dam axis with the right abutment will occur at a point which bears S. 54°54'20" E. a distance of 3,716.46 feet from the NW Corner of said Section 25. Source: Muddy Creek and its tributaries, all tributary to the Colorado River. Amount: 59,993 acre feet conditional; of this amount, 32,986 acre feet were made absolute for piscatorial and recreational uses by decree entered in Water Court Case No. 95CW251, and the full amount was made absolute for all purposes by decree entered in Water Court Case No. 02CW107. Appropriation Date: December 14, 1987. Use: All beneficial uses, including but not limited to domestic, municipal, agricultural and recreational uses, which uses satisfy the requirements of the Windy Gap Settlement made with the Municipal Subdistrict of the Northern Colorado Water Conservancy District; use to meet the water requirements of the inhabitants of the River District for all uses, including uses in the Middle Park area; and use to meet the terms of a lease agreement executed March 3, 1987 between the River District and the City and County of Denver. 2) Case No. 95CW281: Decree Date: August 26, 1997. Name of Structure: Wolford Mountain Reservoir Enlargement. Legal description of place of storage: The dam is located in the SW¹/₄ of the NE¹/₄ of Section 25, T. 2 N., R. 81 W., 6th P.M. The as-built intersection of the dam axis (Sta. D19+35.61) with the West Access Road (Sta. WR50+55.05), as shown on the Colorado River Water Conservation District, Wolford Mountain Project, Ritschard Dam construction drawing "Dimensional Dam Layout" sheet 8 of 94, occurs at a point which bears S. 53°24'56" E. a distance of 3,395.51 feet from the NW Corner of said Section 25; the bearing of said dam axis from Sta. 19+35.61 to Sta. 0+00 being S. 75° 28' 29" E. Source: Muddy Creek and its tributaries, all tributary to the Colorado River. Amount: 6,000 acre feet, conditional. Appropriation Date: January 16, 1995. Use: All beneficial uses by and for the benefit of the inhabitants of the Colorado River Water Conservation District, including but not limited to domestic, municipal, industrial, irrigation, agricultural, piscatorial and recreational; such uses will include environmental mitigation, including environmental mitigation requirements associated with the Wolford Mountain Project; such uses will be made directly or by substitution, augmentation, or exchange. None of the water stored in the exercise of the right will be delivered directly or by exchange, substitution, or otherwise for use outside of Colorado Water Division No. 5. 3) Case No. 98CW237: Decree Date: July 6, 2000. Name of Structure: Wolford Mountain Reservoir. Legal Description of place of storage: Same as for 95CW281. Source: Muddy Creek and its tributaries, all tributary to the Colorado River. Amount: 30,000 acre feet conditional, with 15,895 acre feet being absolute for recreational and piscatorial and flood control. Appropriation Date: November 17, 1998. Use: Certain of the beneficial uses previously adjudicated for Wolford Mountain Reservoir in Case No. 87CW283, District Court for Colorado Water Division No. 5 (November 20, 1989 Judgment and Decree), and Case No. 95CW281, District Court for Colorado Water Division No. 5 (August 26, 1997 Judgment and Decree). 87CW283: The reservoir will be used to satisfy the requirements of the Windy Gap Settlement made with the Municipal Subdistrict of the Northern Colorado Water

Conservancy District. This will involve all uses, including but not limited to domestic, municipal, agricultural, and recreational uses. The reservoir will also be used to meet the water requirements of the inhabitants of the River District for all uses, including uses in the Middle Park area. 95CW281: All beneficial uses by and for the benefit of the inhabitants of the Colorado River Water Conservation District, including but not limited to domestic, municipal, industrial, irrigation, agricultural, piscatorial and recreational; such uses will include environmental mitigation, including environmental mitigation requirements associated with the Wolford Mountain Reservoir Project; such uses will be made directly or by substitution, augmentation, or exchange. Remarks: The Refill Right described herein will be exercised to provide supply for the Western Slope uses of water from Wolford Mountain Reservoir described above, including flood control, other operational purposes, and environmental mitigation and enhancement for the benefit of uses within the District. The Refill Right will not be used in conjunction with the Reservoir capacity (24,000 a.f.) which is allocated for the supply of water to the Denver Board of Water Commissioners under the contractual relationship with Denver, or the Reservoir capacity (6,000 AF) which is allocated for Colorado River endangered fish releases. 4) Case No. 03CW302: Decree Date: October 19, 2014. Name of Structure: Wolford Mountain Reservoir Second Enlargement. Legal description of place of storage: The dam is located in the SW1/4 of the NE1/4 of Section 25, T. 2 N., R. 81 W., 6th P.M. The as-built intersection of the dam axis (Sta. D19+35.61) with the West Access Road (Sta. WR50+55.05), as shown on the Colorado River Water Conservation District, Wolford Mountain Project, Ritschard Dam construction drawing "Dimensional Dam Layout" sheet 8 of 94, occurs at a point which bears S. 53 24'56" E. a distance of 3,395.51 feet from the NW Corner of said Section 25; the bearing of said dam axis from Sta. 19+35.61 to Sta. 0+00 being S. 75 28' 29" E. Source: Muddy Creek and its tributaries, all tributary to the Colorado River. Amount: The amount is 9.775 acre feet, for the initial fill, with the right to refill when in priority subject to a maximum amount of 9,775 acre feet, conditional. Appropriation Date: November 17, 2003. Uses: a. The WMR Second Enlargement storage right may be used for the purposes previously decreed to the Wolford Mountain Reservoir, including uses consistent with the Windy Gap Settlement made with the Municipal Subdistrict of the Northern Colorado Water Conservancy District; meeting the water requirements of the inhabitants of the River District for all uses; and uses consistent with the terms of a lease agreement executed March 3, 1987, between the River District and the City and County of Denver, as amended. b. The WMR Second Enlargement storage right also may be used for all beneficial uses, including but not limited to municipal, commercial, industrial, domestic, irrigation, agricultural, livestock, hydro-power production, evaporation, piscatorial and recreational (including in-reservoir and in-river fish habitat and river flow maintenance and enhancement uses, and uses in furtherance of the Upper Colorado River Basin Fishes Recovery Program) with the right to reuse and successively use the water to extinction; such uses will include environmental mitigation, including environmental mitigation requirements associated with the Wolford Mountain Reservoir Project; such uses will be made directly or by substitution, augmentation, replacement or exchange in Water Divisions 1, 2, and/or 5. c. Agreed Constraints on Use. Pursuant to the February 12, 2014, stipulation entered in this case between the River District and the GVVUA, the UWCD, and the OMID, the River District agrees that it will make water stored pursuant to the WMR Second Enlargement storage right available for uses within or to facilitate the diversion of water from Water Division No. 5 into Water Division No. 1 or Water Division 2 only pursuant to, and subject to the terms, of the express written consent of the GVVUA, the UWCD, and the OMID. Pursuant to paragraph III.E.19 of the CRCA, any use of the WMR Second Enlargement storage right for the benefit of Denver Water will require the prior approval of the Grand County Commissioners and the River District. 5) PLSS: The dam is located in the SW1/4 of the NE1/4 of Section 25, T. 2 N., R. 81 W., 6th P.M. The as-built intersection of the dam axis (Sta. D19+35.61) with the West Access Road (Sta. WR50+55.05), as shown on the Colorado River Water Conservation District, Wolford Mountain Project, Ritschard Dam construction drawing "Dimensional Dam Layout" sheet 8 of 94, occurs at a point 1,940 feet South of North section line and 2,760 feet East of the West section line of said Section 25. ii. Ruedi Reservoir. The River District holds Contracts No. 009D6C0111 (500 AF), 009D6C0118 (700 AF), 039F6C0011 (530 AF), 079D6C0106 (5,000 AF), and 139D6C0101 (4,683.5 AF) from the United States Bureau of Reclamation for 11,413.5 acre feet of annual supply from Ruedi Reservoir. This water will be used in addition to and substitution for Wolford Mountain Reservoir water in appropriate circumstances where Ruedi water is physically equivalent to Wolford water. 1) Legal description of place of storage: Ruedi Reservoir is located in Sections 7, 8, 9, 11 and 14 through 18, T. 8 S., R. 84 W., 6th P.M., in Eagle and Pitkin Counties. The dam axis intersects the right abutment at a point whence the SW corner of Section 7, T. 8 S., R. 84 W. of the 6th P.M. bears N. 82°10'W. a distance of 1,285 feet. 2) Source: Fryingpan River. 3) Previous storage decrees: a) Civil Action No. 4613: Decree Date: June 20, 1958. Court: Garfield County District Court. Amount: 140,697.3 acre feet, reduced to 102,369 acre feet pursuant to order of the Water Court in Case No. W-789-76. The full amount was made absolute in Case No. 88CW85. Appropriation Date: July 29, 1957. Use: Domestic, municipal, irrigation, industrial, generation of electrical energy, stock watering and piscatorial. b) Case No. 81CW34: Decree Date: April 8, 1985. Court: District Court, Water Div. No. 5. Amount: 101,280 acre feet (refill); of this amount, 44,509 acre feet were made absolute in Case No. 95CW95 and 25,257 acre feet were made absolute in Case No. 01CW269, for a total of 69,766 acre feet absolute. Appropriation Date: January 22, 1981. Use: Irrigation, domestic, municipal, generation of electrical energy, stock watering, industrial, piscatorial, recreation and maintenance of sufficient storage reserves to fulfill contractual obligations and provide stored water for recreation in times of drought. 4) PLSS: Ruedi Reservoir is located in Sections 7, 8, 9, 11 and 14 through 18, T. 8 S., R. 84 W., 6th P.M., in Eagle and Pitkin Counties. The dam axis intersects the right abutment at a point 130 feet South of the North section line and 1,280 feet East of the West section line of Section 7, T. 8 S., R. 84 W. of the 6th P.M. **B. Eagle Park Reservoir Project.** Water from the Eagle Park Reservoir Project and exchange supplies described below, made available to the Town pursuant to one or more contracts with the River District or with the Eagle River Water and Sanitation District ("ERWSD"). This includes, but is not limited to, 70 acre-feet of water per year available under Contract Nos. CW10002 and CW19006 with the River District. The Town may seek to contract with the River District for additional water from the Eagle Park Reservoir Project, subject to the River District's Water Marketing Policy. The Town may also seek to contract with ERWSD for water from the Eagle Park Reservoir Project. i. Eagle Park Reservoir. The River District and ERWSD are each entitled to annual releases and/or diversions from the Eagle Park Reservoir more

particularly described as follows: 1) Eagle Park Reservoir, decreed by the Water Court in Cases No. 92CW340 and 93CW301, for a combined total capacity of 27,600 acre feet, with an appropriation date of March 16, 1991, for 5,300 acre feet, and May 18, 1993, for 22,300 acre feet, together with the right to divert at the rate of 80 cfs under the August 10, 1956 appropriation date of the Pando Feeder Canal pursuant to the decree of the Water Court entered in Case No. 97CW288, for mining, milling, industrial, snowmaking, municipal, domestic, stock watering, recreation, fish and wildlife, irrigation, agricultural, exchange, replacement, augmentation and all other beneficial purposes. Eagle Park Reservoir is augmented by exchange by decree of the Water Court entered in Case No. 95CW348. The north abutment of the dam crest is located approximately 160 feet north of the south section line and 650 feet east of the west section line of Section 28, T. 7 S., R. 79 W., 6th P.M., Eagle County, Colorado. The source of Eagle Park Reservoir is the East Fork of the Eagle River including runoff, surface flow and seepage from the area above the reservoir and tributary thereto, and water tributary to Tenmile Creek a tributary of the Blue River. In addition to the tributary area upstream of the reservoir, the specific points of diversion into storage for Eagle Park Reservoir are as follows: a) The East Fork Interceptor Ditch, which has a capacity of 48 c.f.s. and diverts from unnamed tributaries of the East Fork of the Eagle River at the following points, all of which are located in Eagle County, Colorado (i) 900 feet south of the north section line and 1100 feet west of the east section line of Section 5, T. 8 S., R. 79 W., 6th P.M. (ii) 1250 feet south of the north section line and 700 feet east of the west section line of Section 4, T. 8 S., R. 79 W., 6th P.M. (iii) 1200 feet north of the south section line and 800 feet east of the west section line of Section 33, T. 7 S., R. 79 W., 6th P.M. (iv) Runoff, surface flow, and seepage from the area above the East Fork Interceptor Ditch as it runs between the above-described points of diversion and Eagle Park Reservoir. 2) The Chalk Mountain Interceptor Ditch, which has a capacity of 12 cfs and diverts runoff and seepage as it runs a distance of approximately 3.4 miles from Fremont Pass, located in the W1/2 of Section 11, T. 8 S., R. 79 W., 6th P.M., northwesterly along State Highway 91 and the South side of Robinson Tailing Pond, thence westerly to the south of Chalk Mountain Reservoir and Robinson Reservoir, thence northwesterly to Eagle Park Reservoir. The Chalk Mountain Interceptor Ditch diverts water from the headwaters of Tenmile Creek in Summit County and from the headwaters of the East Fork of the Eagle River in Eagle County. 3) The East Interceptor Ditch, which has a capacity of 20 cfs and runs northeasterly from a point whence the northeast corner of Section 2, T. 8 S., R. 79 W., 6th P.M. bears North 77°20' East a distance of 850 feet at the north fork of McNulty Creek, thence along the east side of Robinson and Tenmile Tailing Ponds into Supply Canal No.1 described below. The East Interceptor Ditch diverts water from the north fork of McNulty Creek and surface flow, seepage, and runoff from watersheds above it that are tributary to Tenmile Creek. 4) The Supply Canal No. 1, which has a capacity of 10 cfs and diverts water from the following tributaries of Tenmile Creek at the following points: a) On the west bank of Humbug Creek at a point whence the southwest corner of Section 18, T. 7 S., R. 78 W. bears South 71°35' West a distance of 3,250 feet. b) On the south bank of Mayflower Creek at a point whence the northeast corner of Section 24, T. 7 S., R. 79 W., 6th P.M. bears North 16°55' East a distance of 2,250 feet. c) Runoff, surface flow, and seepage from the area above the Supply Canal No. 1 as it runs between the above-described points of diversion and the Climax Mill. 5) The Supply Canal No. 2, which has a capacity of 10 cfs and diverts water from the following tributaries of Tenmile Creek at the following points: a) On the west bank of Searle Creek at a point whence U.S.L.M. Kokomo bears South 45°58' East 3740 feet (located in the NW1/4 of the SE1/4 of Section 13, T. 7 S., R. 79 W., 6th P.M.). b) On the south bank of Kokomo Creek at a point whence U.S.L.M. Kokomo bears North 39°36' east 2635 feet (located in the SE1/4 of Section 22, T. 7 S., R. 79 W., 6th P.M.). c) Runoff, surface flow, and seepage from the area above the Supply Canal No. 2 as it runs between the above-described points of diversion and the Climax Mill. 6) The East Fork Pumping Plant, which has a capacity of 6 cfs and diverts from the East Fork of the Eagle River at a point in the SE1/4 NE1/4 of Section 32, T. 7 S., R. 79 W., 6th P.M. at a point whence the NE corner of said Section 32 bears N. 31°53' E. a distance of 2,414 feet. The Eagle Park Reservoir Company must first receive the permission of Climax Molybdenum Company to use the East Fork Interceptor Ditch, Supply Canal No. 1 and Supply Canal No. 2 described above to divert water into Eagle Park Reservoir. Nevertheless, the firm yield of the River District's supply is not dependent on the use of those facilities. ii. Exchange Supply. Pursuant to a Memorandum of Understanding dated effective as of April 21, 1998 (the "MOU") among the City of Aurora, the City of Colorado Springs, the River District, Climax Molybdenum Company, Vail Associates, Inc., the Upper Eagle Regional Water Authority, and the Eagle River Water & Sanitation District; and the Water Exchange Agreement dated June 17, 1998 among Aurora, Colorado Springs, and the Eagle Park Reservoir Company, Aurora and Colorado Springs agreed to make up to 500 acre feet of water available for West Slope use from facilities owned and operated by Aurora and Colorado Springs in exchange for up to 800 acre feet of replacement water from the West Slope participants. The River District's 100 shares of Class B stock in the Eagle Park Reservoir Company entitle the River District to up to 100 acre feet per year of consumptive beneficial use water to be derived from fully consumable water annually diverted by and/or stored in the following structures owned and controlled by Aurora and Colorado Springs: 1) Homestake Project. Homestake Reservoir, also known as Elliott-Weers Reservoir, was decreed by the Eagle County District Court in Civil Action No. 1193 for 83,338.98 acre feet conditional, 43,504.7 acre feet of which is now absolute. This reservoir is located on Homestake Creek with a dam being located whence the NW Corner of Section 31, T. 7 S., R. 80 W., 6th P.M. bears N. 58°30.6' E. 24,659 feet from the East dam abutment and N. 62°25.8' E. 25,746 feet from the West dam abutment. The sources of supply of said Reservoir are the East Fork of Homestake Creek, the Middle Fork of Homestake Creek and Homestake Creek. 2) Camp Hale Project. Aurora and Colorado Springs may provide to the River District water released from those surface and ground water storage rights sought by Aurora and Colorado Springs in Cases No. 88CW449 and 95CW272, District Court for Colorado Water Division No. 5. River District Contractors' use of augmentation water from Homestake Reservoir made available through contract or other arrangement with the Eagle Park Reservoir Company shall be dependent upon the continued existence of, and conditions set forth in, the Water Exchange Agreement dated June 17, 1998 between the Cities of Aurora and Colorado Springs and the Eagle Park Reservoir Company, together with any modifications thereto, or constraints thereon, as may be necessitated by the decree entered in Case No. 98CW270, Water Division No. 5. Additional Information for Homestake Project. The detailed descriptions of the structures decreed by the Eagle County District Court in Civil Action No. 1193 for the Homestake Project are set forth below.

Structure:	Amount:
French Creek Intake: S. 82°18.3' E. 20988 ft. to NW corner Sec. 31, T. 7 S., R. 80 W.	60.1 cfs
Fancy Creek Intake: N. 85°10.5' E. 25280 ft. to NW corner Sec. 31, T. 7 S., R. 80 W.	38.6 cfs
Missouri Creek Intake: N. 77°12.4' E. 28800 ft. to NW corner Sec. 31, T. 7 S., R. 80 W.	39.8 cfs
Sopris Creek Intake: N. 74°7.6' E. 29848 ft. to NW corner Sec. 31, T. 7 S., R. 80 W.	41.3 cfs

East Fork Conduit. The East Fork Conduit diverts water from the East Fork of Homestake Creek pursuant to its appropriation of 70.8 cubic feet per second of time absolute and 189.2 cubic feet per second of time conditional therefrom and conveys these waters to Homestake Reservoir for conveyance to Homestake Tunnel or storage in the reservoir, said East Fork Conduit having a capacity of 260 cubic feet per second of time and total length of approximately 3,093 feet. The point of diversion of said conduit is on East Fork Homestake Creek at a point whence the Northwest corner of Section 31, T. 7 S., R. 80 W. bears N. 55°40.5' E., 22,917 feet. Homestake Tunnel. Homestake Tunnel under the Continental Divide for the conveyance of water into the Arkansas River Basin with its intake located at a point under Homestake Reservoir whence the Northwest corner of Section 10, T. 9 S., R. 81 W., 6th P.M. bears S. 15°27'08" E. 26,173.03 feet appropriates a maximum amount of 10 cubic feet per second of time conditional of water seeping and percolating into Homestake tunnel from former Water District No. 37 areas and 300 cubic feet per second of time absolute from Middle Fork of Homestake Creek, at its said Northerly portal, its point of diversion; said tunnel has a length of 27,400 feet and a capacity of 700 cubic feet per second of time. The tunnel will convey out of former Water District No. 37 up to 700 cubic feet per second of time of waters appropriated by the tunnel from the Middle Fork of Homestake Creek, together with water appropriated by the tunnel from the Homestake Creek and East Fork Conduits and Homestake Reservoir, to an outlet at a point from where the Northwest corner of Section 10, T. 9 S., R. 81 W., 6th P.M. bears N. 6°40'52" E., a distance of 2,173.54 feet. Homestake Reservoir. Homestake Reservoir, also known as Elliott-Weers Reservoir, has capacity of 83,338.98 acre feet conditional, is located on Homestake Creek with a dam whence Homestake Peak bears S. 73°26' E. 10,477 feet from the easterly end thereof and S. 74°57' E. 13,347 feet from the westerly end thereof, said dam having a maximum height of 411.5 feet and a length of 3,380 feet. The sources of supply of said reservoir are Homestake Conduit (the sources of this conduit as herein above set forth), East Fork Conduit (the source of this conduit as herein above set forth), the Middle Fork of Homestake Creek and Homestake Creek, and said reservoir has appropriated for storage 83,338.98 acre feet annually from said sources. Homestake Reservoir also conveys water from Homestake Conduit and East Fork Conduit to Homestake Tunnel. Existing Homestake Reservoir has a storage capacity of 43,504.7 acre feet absolute and is located on Homestake Creek with a dam whence the NW Corner of Section 31 T. 7 S., R. 80 W., 6th P.M. bears N. 58°30.6' E. 24,659 feet from the East dam abutment and N. 62°25.8' E. 25,746 feet from the West dam abutment, said dam has a maximum height of 265.0 feet and a length of 1,996 feet. The sources of supply of said existing Homestake Reservoir are Homestake Conduit, East Fork Conduit, the Middle Fork of Homestake Creek and Homestake Creek. Existing Homestake Reservoir has appropriated 43,504.7 acre feet annually from said sources and also conveys water from Homestake Conduit and East Fork Conduit to Homestake Tunnel. C. Bolts Lake (decreed in Case No. 96CW324): i. Legal description: 1) Location of dam: Bolts Lake is located in Homestead Entry Survey No. 40, Homestead Entry No. 021, containing a portion of the W½ of Section 1, and the E½ of Section 2, Township 6 South, Range 81 West of the 6th P.M. Eagle County, Colorado, and in Homestead Entry Survey No. 41, Homestead Entry No. 022, containing a portion of the SW¼ of Section 1, S½ of Section 2, N½ of Section 11, and NW¼ of Section 12, Township 6 South, Range 81 West of the 6th P.M. Eagle County, Colorado. All sections and portions of sections are projected, as this area is unsurveyed. 2) Legal description of point of diversion: Two alternate points of diversion for the filling of Bolts Lake are as follows: a) Minturn Municipal Headgate: An existing intake on the west bank of Cross Creek from whence the section corner common to Sections 35 and 36 of Township 5 South, Range 81 West of the 6th P.M. Eagle County, Colorado, bears North 38° 43' 20" East 2531.38 feet. b) Bolts Ditch Headgate: An existing ditch located at a point on the west bank of Cross Creek from whence the SW corner of Section 35, Township 5 South, Range 81 West of the 6th P.M. bears North 28° West 6,350 feet, as shown on the Minturn Quadrangle, U.S.G.S. 7.5 Minute Series. ii. Source: Cross Creek, tributary to Eagle River, tributary to Colorado River. iii. Appropriation date: September 14, 1995. iv. Original decree: Decree dated July 28, 1999 in Case No. 96CW324, Water Division 5. v. Amount: 1) Capacity of reservoir: 320 acre-feet, conditional. 2) Rate of diversion for filling the reservoir: 30 c.f.s., conditional. vi. Uses: Domestic, irrigation, fire protection, stock watering, commercial, industrial, municipal, power, recreation, fish and wildlife, and all other purposes related to the provision of a water supply within the now existing and future service area of the Town, for all beneficial uses by and for the benefit of the Town, and for reuse, successive use, right of disposition, substitution, exchange, and augmentation purposes. vii. Physical description of reservoir: 1) Surface area of high water line: 22 acres. 2) Maximum height of dam: 30 feet. 3) Length of dam: 485 feet. viii. Reservoir capacity: 1) Total capacity: 320 acre-feet. 2) Active capacity: 316 acre-feet. 3) Dead storage: 4 acre-feet. 4) Remarks: At the time of this application, the reservoir dam has been breached and no water is presently stored in the reservoir. D. 2006 Bolts Lake Storage Right (decreed in Case No. 06CW264): i. Legal Description for Bolts Lake: the existing off-channel reservoir known as Bolts Lake is located in Homestead Entry Survey No. 40, Homestead Entry No. 021, containing a portion of the W ½ of Section 1 and the E ½ of Section 2, Township 6 South, Range 81 West of the 6th P.M. Eagle County, Colorado, and in Homestead Entry Survey No. 41, Homestead Entry No. 022, containing a portion of the SW ¼ of Section 1, S ½ of Section 2, N ½ of Section 11 and NW ¼ of Section 12, Township 6 South, Range 81 West of the 6th P.M., Eagle County, Colorado. The enlarged Bolts Lake will be located in the E ½ of Section 2, Township 6 South, Range 81 West and the W ½ of Section 1, Township 6 South, Range

81 West of the 6th P.M., Eagle County, Colorado. All section and portions are projected, as this area is unsurveyed. ii. The approximate coordinates of the center of the proposed Bolts Lake dam is Lat. 39°33'22.828" N, Long. 106°24'11.831" W. iii. Water will be diverted at the following alternate points of diversion on Cross Creek and the Eagle River to fill Bolts Lake: 1) Bolts Ditch Headgate: as described in Paragraph 5.C.i(2)(b). 2) Minturn Water System Ditch: an existing intake located on the bank of Cross Creek from whence the section corner common to Sections 35 and 36 of Township 5 South, Range 81 West of the 6th P.M. Eagle County, Colorado, bears North 38°43'20" East 2,531.38 feet. A supplemental description for this location is the following GPS coordinates: Lat. 39.561318 N, Long. 106.419787 W. 3) Ginn Eagle River Diversion No. 2 (near Bolts Lake): a proposed diversion to be located on or adjacent to the Eagle River in an unsurveyed portion of Eagle County that, when surveyed, will likely be in the NE 1/4 of NE 1/4 of Section 11 of Township 6 South, Range 81 West, of the 6th P.M. Eagle County, Colorado, at a point 5465 feet West of the line common to Range 80 and 81 West, and 7265 feet South of the line common to Townships 5 and 6 South. 4) Ginn Eagle River Diversion No. 3 (near Bolts Lake): a proposed diversion to be located on or adjacent to the Eagle River in an unsurveyed portion of Eagle County that, when surveyed, will likely be in the NW 1/4 of SW 1/4 of Section 1 of Township 6 South, Range 81 West, of the 6th P.M. Eagle County, Colorado, at a point 4000 feet from the North section line and 4465 feet from the East section line. iv. Diversion rates to fill Bolts Lake: 30 cfs, conditional at any one or combination of the alternate points described above for diversions from Cross Creek and 50 cfs, conditional at any one or combination of the alternate points described above for diversion from Eagle River. v. Appropriation Date: December 28, 2006. vi. Amount: 100 acre-feet, conditional. vii. Decreed uses: Domestic, municipal use by the Town of Minturn, irrigation including watering of lawns, landscaping, parks and grounds), snowmaking, wetlands and habitat purposes, recreation, industrial, commercial, fire protection, construction, street sprinkling, piscatorial, aesthetic, augmentation, replacement, substitution and exchange, with the right for reuse and successive use to, extinction as approved in the decree entered in Case No. 06CW264. Irrigation and snowmaking are limited as described in paragraph 14 of the decree in Case No. 06CW264. E. 2007 Bolts Lake Storage Right (decreed in Case No. 06CW264): i. Legal Description for Bolts Lake: as described in Paragraphs 5.D.i and ii. ii. Water will be diverted from Cross Creek at the following alternate points of diversion to fill Bolts Lake: 1) Bolts Ditch Headgate: as described in Paragraph 5.C.i(2)(b). 2) Minturn Water System Ditch: as described in Paragraph 5.D.iii(2). 3) Minturn Water System Ditch Diversion Structure No. 2: located on the right (east) bank of Cross Creek at a point approximately 9,748 feet west of the line common to Range 80 and 81 West and 1,967 feet South of the line common to Townships 5 and 6 South of the 6th P.M. A supplemental description for this location is the following GPS Coordinates: Lat 39.561356 N, Long. 106.419239 W. 4) Maloit Park Diversion Structure: located within 500 feet upstream or downstream of a point on the right bank of Cross Creek that is approximately 9,131 feet west of the line common to Range 80 and 81 West and 1,238 feet south of the line common to Townships 5 and 6 South of the 6th P.M. 5) Lower Cross Creek Diversion Structure: located within 500 feet upstream or downstream of a point on the right bank of Cross Creek that is approximately 357 feet east of the West section line and 93 feet north of the South section line of Section 36, Township 5 South, Range 81 West of the 6th P.M. 6) Minturn Well No. 3 Enlargement: located in the NW1/4 of the NW1/4, Section 2, Township 6 South, Range 81 West of the 6th P.M., at a point 950 feet from the North line and 1200 feet from the West line, as described in the decree entered in Case No. 07CW225. Well No. 3 is currently in existence and permitted as Well Permit No. 47794-F. 7) Minturn Well No. 4 Enlargement: located in the SE1/4 of the SE1/4, Section 35, Township 5 South, Range 81 West of the 6th P.M., at a point 66 feet from the South line and 430 feet from the East line. Well No. 4 is currently in existence and permitted as Well Permit No. 13700-F-R. iii. Water will be diverted from Eagle River at the following alternate points of diversion to fill Bolts Lake: 1) Ginn Eagle River Diversion No. 2 (near Bolts Lake): as described in Paragraph 5.D.iii(3). 2) Ginn Eagle River Diversion No. 3 (near Bolts Lake): as described in Paragraph 5.D.iii(4). 3) Eagle River Pumpback: located within a reach of the Eagle River within 1,000 feet downstream of a point described as located in the SE 1/4 of the SW 1/4 of Section 36, Township 5 South, Range 81 West of the 6th P. M., at a point 1,328 feet from the South section line and 2,193 feet from the West section line, as described in the decree in Case No. 07CW225. The legal description of the location of the diversion structure will be provided to the Division Engineer upon construction of the diversion structure. 4) Dowd Junction Pumpback: Located within a reach of the Eagle River within 1000 feet downstream or upstream of a point described as located in the NW 1/4 of the NW 1/4 of Section 22, Township 5 South, Range 81 West of the 6th P.M., at a point 1, 415 feet from the North section line and 2,011 feet from the West section line, as described in the decree in Case No. 07CW225. The legal description of the location of the diversion structure will be provided to the Division Engineer upon construction of the diversion structure. iv. Diversion rates to fill Bolts Lake: 30 cfs, conditional at any one or combination of the alternate points described above for diversions from Cross Creek; and 50 cfs, conditional at any one or combination of the alternate points described above for diversion from Eagle River. v. Appropriation Date: December 19, 2007. vi. Amount: 790 af, conditional, with the right to refill in the amount of 600 af for recreation and aesthetic purposes only within the year of refill. Any carryover of water stored under the first fill or the refill under this water right will be booked over in the following year to the first fill under this water and as such can be used for all purposes listed below. vii. Decreed Uses: Domestic, municipal use by the Town, irrigation (including watering of lawns, landscaping, parks and grounds), snowmaking, wetlands and habitat purposes, recreation, industrial, commercial, fire protection, construction, street sprinkling, piscatorial, aesthetic, augmentation, replacement, substitution and exchange, with the right for reuse and successive use to extinction as approved in Case No. 06CW264. Irrigation and snowmaking are limited as described in 14 of the decree in Case No. 06CW264. F. Bolts Lake (application pending in Case No. 21CW3029): i. Legal Description: as described in Paragraphs 5.D.i and ii. ii. Source: Eagle River and Cross Creek, tributaries of the Eagle River, tributary to the Colorado River. iii. Points of Diversion: Water will be diverted at the following alternate points of diversion on Eagle River and Cross Creek to fill Bolts Lake: 1) Bolts Eagle River Diversion No. 1: to be located on the west bank of the Eagle River in the NE¼ of the NE¼ of Section 11, Township 6 South, Range 81 West, 6th P.M. at a point 190 feet from the East section line and 610 feet from the North section line. A supplemental description for this location is the following UTM coordinates: UTM NAD 83 Zone 13N, Easting 379309, Northing 4378339. 2) Bolts Eagle River Diversion No. 2: to be located on or adjacent to the Eagle River in

an unsurveyed portion of Eagle County that, when surveyed, will likely be in the NE¼ of NE¼ of Section 11 of Township 6 South, Range 81 West, of the 6 th P.M. Eagle County, Colorado, at a point 5,465 feet West of the line common to Range 80 and 81 West, and 7,265 feet South of the line common to Townships 5 and 6 South. 3) Bolts Eagle River Diversion No. 3: to be located on or adjacent to the Eagle River in an unsurveyed portion of Eagle County that, when surveyed, will likely be in the NW¼ of SW¼ of Section 1 of Township 6 South, Range 81 West, of the 6th P.M. Eagle County, Colorado, at a point 4,000 feet from the North section line and 4,465 feet from the East section line. 4) Bolts Ditch Headgate: as described in Paragraph 5.C.i(2)(b). 5) Bolts Ditch Headgate Alternate Diversion Points: a) Arminda Ditch Headgate: located on the east (right) bank of Cross Creek at a point whence the SW Corner of Section 36, Township 5 South, Range 81 West, 6th P.M., bears North 27°38' East 2,718 feet. b) Bolts Ditch Pumpstation No. 1: located within 500 feet upstream or downstream of a point on the east (right) bank of Cross Creek that is approximately 9,178 feet west of the line common to Range 80 and 81 West and 4,001 feet South of the line common to Townships 5 and 6 South of the 6th P.M. c) Bolts Ditch Pumpstation No. 2: located within 500 feet upstream or downstream of a point on the east (right) bank of Cross Creek that is approximately 8,911 feet west of the line common to Range 80 and 81 West and 3,692 feet South of the line common to Townships 5 and 6 South of the 6th P.M. 6) Maloit Park Diversion Structure: as described in Paragraph 5.E.ii(4). 7) Lower Cross Creek Diversion Structure: as described in Paragraph 5.E.ii(5). iv. Appropriation Date: March 12, 2021. v. Amount: 1,210 acre-feet, conditional, together with the right to refill in the amount of 1,210 acre-feet. vi. Direct Flow Diversion Rates, Volumetric Limit: 30 cfs, conditional at any one or combination of the alternate points described above for diversions from Cross Creek; 50 cfs, conditional at any one or combination of the alternate points described above for diversion from the Eagle River. In addition to these diversion rate limits, water diverted at the points of diversion described above will be subject to a cumulative annual volumetric limit of 2,420 acre-feet, the amount of a fill and refill of the storage right. vii. Use: Municipal, domestic, irrigation (including watering of lawns, landscaping, parks and grounds), snowmaking, wetlands and habitat purposes, recreation, industrial, commercial, fire protection, construction, street sprinkling, piscatorial, augmentation, replacement, substitution and exchange, with the right for reuse and successive use to extinction. G. Additional Augmentation Sources. Applicant requests the right to include additional augmentation sources in the plan decreed herein, upon notice to the Division Engineer and upon such other terms and conditions as the Court may determine. 6. Statement of Plan for Augmentation: A. Background. This plan for augmentation, including exchanges, will replace out-of-priority depletions associated with diversions from the Augmented Structures on a year-round basis up to a maximum of 500 acre-feet. B. Augmentation of Out-of-Priority Depletions. Under the subject plan for augmentation, out-of-priority depletions associated with diversion from the Augmented Structures will be replaced in time, place, and amount to prevent injury to senior water rights by the provision of augmentation supplies from any one or combination of the Augmentation Water Rights. Augmentation is required only in the event of a valid senior call against the Augmented Structures. C. Consumptive Use Assumptions. Total metered use (the total of the individual meters) during the months of November through April shall be considered inhouse uses with a consumptive use factor of 5%. The portion of the total metered use during the months of May through October that exceeds the average of the preceding November through April monthly metered use shall be considered irrigation water use with a consumptive use factor of 85%. i. The difference between total measured diversions and total metered use through individual user meters shall be considered system loss. D. Return Flows. Wastewater generated from inhouse uses will be centrally collected and treated at the regional wastewater treatment plant in Avon, Colorado, or a future wastewater treatment plant that may treat Minturn’s wastewater. Return flows from system loss and irrigation use will accrue to Cross Creek and the Eagle River. The augmentation obligation under this plan will be reduced by return flow credits from the Minturn ER-1 water right as calculated under the terms of this case, and from return flow credits from the Minturn Municipal Diversion and Minturn Well Field Nos. 1 and 2 as calculated under the terms of the decree entered in Case No. 07CW225. E. Reuse of Replacement Supplies. The Town retains the right to reuse under this plan for augmentation all replacement supplies that exceed the out-of-priority depletions of the water rights being augmented herein. Such reuse credit shall be exchanged, stored and/or used directly throughout the Town’s water service area, as changed from time to time. **III. CLAIM FOR APPROPRIATIVE RIGHTS OF EXCHANGE.** 7. Operation of Exchanges: Applicant claims conditional appropriative rights of exchange to allow the plan for augmentation, described in the Second Claim, to operate by exchange for the Colorado River Supply Sources (described in Paragraph 5.A, above) and for excess return flows which accrue at or upstream of the regional wastewater treatment plant in Avon, Colorado. (1) The downstream terminus of the exchange involving Wolford Mountain Reservoir water is the confluence of the Colorado River and Eagle River. (2) The downstream terminus of the exchange involving Ruedi Reservoir water is the confluence of the Roaring Fork River and Colorado River. (3) The downstream terminus of the exchange involving excess return flows accruing at or above the regional wastewater treatment plant at Avon is that treatment plant. (4) The downstream terminus of the exchange involving excess return flows accruing at or above Dowd Junction is Dowd Junction. The maximum rate of the exchanges involving Wolford Mountain Reservoir water and Ruedi Reservoir water is 3.4 c.f.s., conditional. The maximum rate of the exchanges involving excess return flows is 3.8 c.f.s., conditional. The appropriation date for the exchanges is December 30, 2021. A map depicting the upstream and downstream terminus locations for each claimed exchange is attached to the Application as Exhibit C.

<u>Downstream Terminus:</u>	<u>Source:</u>	<u>Upstream Terminus:</u> Minturn Eagle River Diversion
(1) Confluence of Colorado River and Eagle River	Wolford Mountain Reservoir	3.4 c.f.s.
(2) Confluence of Roaring Fork River and Colorado River	Ruedi Reservoir	3.4 c.f.s.

(3) Avon Wastewater Treatment Plant	Excess return flows accruing at or above the Avon wastewater treatment plant	3.8 c.f.s.
(4) Dowd Junction	Excess return flows accruing at or above Dowd Junction	3.8 c.f.s.

8. Name and Address of Owners of Land Upon Which Structures are Located or Future Structures May be Located: See Exhibit D attached to the Application. (24 pages + exhibits)

YOU ARE HEREBY NOTIFIED THAT YOU HAVE until the last day of FEBRUARY 2022 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.

39. 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 DECEMBER 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.*

21CW3181 MESA COUNTY - COLORADO RIVER; Brock Boyack and Lynette Boyack; c/o John R. Pierce, DUFFORD WALDECK, 744 Horizon Court, Suite 300, Grand Junction, CO 81506, (970) 248-5865; **APPLICATION FOR SURFACE WATER RIGHTS AND WATER STORAGE RIGHT; Name and contact information for Applicants:** Brock and Lynette Boyack; 1426 M Road; Loma, CO 81524; (970) 201-5985; **Request for surface water right: Name of structure:** Boyack Pump No. 1; **Location of structure:** SW¼, SW¼, Section 35, Township 2 North, Range 3 West, Ute Principal Meridian, at a point approximately 1,275 feet from the south section line and 960 feet from the west section line; Zone 12, NAD83, 690769.94mE, 4340929.10mN; **Source:** Unnamed drainage tributary to East Reed Wash, tributary to the Colorado River; **Information regarding appropriation: Date of appropriation:** June 18, 2016; **How appropriation was initiated:** By installation of pump and by placing water to beneficial use for irrigation; **Date water applied to beneficial use:** June 18, 2016; **Amount claimed:** 0.25 c.f.s., absolute; **Uses:** Irrigation, livestock watering, dust control, fire protection; **Regarding irrigation:** Irrigation of 7.0 acres of land (4.0 acres currently irrigated plus additional 3.0 acres to be irrigated) on Applicants' property in Section 35, Township 2 North, Range 3 West of the Ute Principal Meridian; **Request for surface water right: Name of structure:** Boyack Pump No. 2; **Location of structure:** Adjacent to and across the wash from Boyack Pump No. 1 in the SW¼, SW¼, Section 35, Township 2 North, Range 3 West, Ute Principal Meridian, at a point approximately 1,275 feet from the south section line and 960 feet from the west section line; Zone 12, NAD83, 690769.94mE, 4340929.10mN.; **Source:** Unnamed drainage tributary to East Reed Wash, tributary to the Colorado River; **Information regarding appropriation: Date of appropriation:** July 1, 2021; **How appropriation was initiated:** By field inspection and by initiating this application process by contacting a water attorney; **Amount claimed:** 0.25 c.f.s., conditional; **Uses:** Irrigation, livestock watering, dust control, fire protection; **Regarding irrigation:** Irrigation of 7.0 acres of land on Applicants' property in Section 35, Township 2 North, Range 3 West of the Ute Principal Meridian; **Request for surface water right: Name of structure:** Boyack Wastewater Diversion; **Location of structure:** NW¼, SW¼, Section 35, Township 2 North, Range 3 West, Ute P.M., at a point approximately 1,610 feet from the south section line and 1,280 feet from the west section line; Zone 12, NAD83, 690868.78mE, 4341029.85mN; **Source:** Unnamed irrigation tailwater ditch located on Applicants' property, tributary to Reed Wash, tributary to the Colorado River; **Information regarding appropriation: Date of appropriation:** April 23, 2018; **How appropriation was initiated:** By physical inspection, planning, and by test diversion; **Amount claimed:** 0.6 c.f.s., conditional; **Uses:** Irrigation, filling and refilling Boyack Pond (requested below); **Regarding irrigation:** Irrigation of 7.0 acres of land on Applicants' property in Section 35, Township 2 North, Range 3 West of the Ute Principal Meridian; **Comments:** Applicants acknowledge that the wastewater right requested in this claim does not guarantee the continuation of any upstream irrigation practices, does not give Applicants the right to enter upstream properties, and cannot be used to place a call on any water users located upstream of Applicants' property; **Request for water storage right: Name of structure:** Boyack Pond; **Location of structure:** NW¼, SW¼, Section 35, Township 2 North, Range 3 West, Ute Principal Meridian, at a point approximately 1,485 feet from the south section line and 1,150 feet from the west section line; Zone 12, NAD83, 690825.91mE, 4340993.12mN; **Information regarding appropriation: Date of appropriation:** July 1, 2021; **How appropriation was initiated:** By physical inspection of pond location and by contacting legal counsel to begin application process; **Amount claimed:** 4.0 a.f., conditional; **If filled from a ditch:** The Boyack Pond will be filled with diversions from the Boyack Wastewater Diversion, requested above. Refilling will be required to allow storage of sufficient water for irrigation of 7 acres when no other sources are available. To support their request to refill, Applicants provide the following average monthly irrigation water requirements for 7 acres of pasture grass at the Applicants' property:

Month	IWR	Month	IWR
April	1.25	August	4.02
May	2.52	September	2.32
June	4.19	October	0.96
July	5.10		

Uses: piscatorial, wildlife watering, stock watering, fire protection, recreation, and irrigation; Regarding irrigation: Water from Boyack Pond will be stored, released, and replaced through refilling in order to irrigate 7.0 acres of land on Applicants' property in Section 35, Township 2 North, Range 3 West of the Ute Principal Meridian; Surface area of high-water line: 0.5 acres; Height of dam: The pond will be excavated with no embankment; Total capacity of reservoir: 4.0 acre-feet, all dead storage. (6 pages)

YOU ARE HEREBY NOTIFIED THAT YOU HAVE until the last day of FEBRUARY 2022 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.

40. 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 DECEMBER 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.*

21CW3182 DISTRICT COURT, WATER DIVISION NO. 5, STATE OF COLORADO, 109 Eighth Street, Suite 104, Glenwood Springs, CO. 81601. CONCERNING THE APPLICATION FOR WATER RIGHTS OF THE CRYSTAL RIVER RANCH CO., LLC, IN PITKIN AND GARFIELD COUNTIES, COLORADO. APPLICATION FOR WATER RIGHTS AND APPROVAL OF PLAN FOR AUGMENTATION AND EXCHANGE. 1. Name and Address of Applicant: Crystal River Ranch Co., LLC, 555 Seventeenth Street, Suite 2400, Denver, CO. 80202. Direct all pleadings to: Glenn E. Porzak, Porzak Law, LLC, 1111 Spruce Street, Suite 303, Boulder, Colorado 80302, (303) 589-0909. 2. Description of water rights to be adjudicated and augmented: Sweet Jessup Canal Stockwater Right claimed for 5 cfs absolute for stockwater purposes, the source of which is the **Crystal River, a tributary of the Roaring Fork River, a tributary of the Colorado River**, with an appropriation date of October 1, 2021, the point of diversion being located on the West bank of the Crystal River in Pitkin County, Colorado at a point whence the quarter corner between Sections 16 and 21 in Township 9 South, Range 88 West of the 6th P.M. bears North 66°05' East 865.4 feet; from thence said canal extends along a natural channel to a second headgate which is situated at a point North 31°18' East 362.9 feet from the former headgate and when said quarter corner bears North 86°08' East 603.97 feet. The UTM coordinates for the headgate are 308048m E, 4349399m N, UTM Zone 13 S. The Sweet Jessup Canal Stockwater Right is depicted on the map attached as Figure 1, and the places of stockwater use are depicted on the attached Figure 2. 3. Description of the water rights to be used as the source of augmentation water: Up to 2.0 acre feet of water from the West Divide Water Conservancy District ("District"), consisting of water from the following structures and water rights: (a) **Ruedi Reservoir**: (1) Source: Fryingpan River, tributary of Colorado River (2) Legal Description: An on-channel reservoir located in Sections 7, 8, 9, 11, and 14 through 18, Township 8 South, Range 84 West of the 6th P.M. The reservoir is located in portions of Eagle and Pitkin Counties. (3) Adjudication Date: July 20, 1958. (4) Appropriation Date: July 29, 1957. (5) Case No.: C.A. 4613. (6) Court: Garfield County District Court. (7) Decreed Amount: 102,369 acre feet (Originally decreed for 140,697.3 acre feet; reduced to 102,369 acre feet in Case No. W-789-76). The full amount was made absolute in Case No. 88CW85. (8) Decreed Uses: Generation of electric energy, domestic, municipal, piscatorial, industrial, irrigation and stockwatering. (9) Refill: By decree of the District Court in and for Water Division No. 5, State of Colorado ("Water Court") in Case No. 81CW34, Ruedi Reservoir was decreed a refill right in the amount of 101,280 acre feet, conditional. In Water Court Case No. 95CW95, 44,509 acre feet of the refill right was made absolute. In Water Court Case No. 01CW269, an additional 25,257 acre feet of the refill right was made absolute, for a total of 69,766 acre feet absolute in the refill right. (10) District Interest: The District has an interest in 600 acre feet of water from Ruedi Reservoir pursuant to a contract with the U.S. Bureau of Reclamation. (b) **Green Mountain Reservoir**: (1) Source: Blue River, tributary of the Colorado River. (2) Legal Description: Located approximately 16 miles Southeast of the Town of Kremmling in Summit County, Colorado, and more particularly in all or parts of Sections 11, 12, 13, 14, 15, and 24 of Township 2 South, Range 80 West, and in Sections 17, 18, 19, 20, 21, 28, 29, and 34, Township 2 South, Range 79 West of the 6th P.M. (3) Adjudication Date: October 12, 1955. (4) Appropriation Date: August 1, 1935. (5) Case Nos.: 2782, 5016, and 5017. (6) Court: United States District Court, District of Colorado. (7) Decreed Amount: 154,645 acre feet. (8) Decreed Uses: In accordance with paragraph 5(a), (b), and (c) of the section entitled "Manner of Operation of Project Facilities and Auxiliary Facilities" in Senate Document 80. (9) District Interest: The District has an interest of 200 acre feet of water from Green Mountain Reservoir pursuant to contract No. 8-07-60-W0726 dated October 21, 1998, with the U.S. Bureau of Reclamation. (c) **Wolford Mountain Reservoir**. The Colorado River Water Conservation District, ("Colorado River District"), owns and operates Wolford Mountain Reservoir (f/k/a Gunsight Pass Reservoir) which has the following water rights: (1) Case No. 87CW283; Decreed Date: November 20, 1989. Name of Structure: Gunsight Pass Reservoir. Legal description of place of storage: The dam is located in the SW1/4 of the NE1/4 of Section 25, T. 2 N., R. 81 W., 6th P.M. The intersection of the dam axis with the right abutment will occur at a point which bears W. 5454'20" East a distance of 3,716.46 feet from the NW Corner of said Section 25. Source: Muddy Creek and its tributaries. Amount: 59,993 acre feet conditional; of this amount, 32,986 acre feet was made absolute for piscatorial and recreational uses by decree entered in Water Court Case No. 95CW251. Appropriation Date: December 14, 1987 Use: All beneficial uses, including but not limited to domestic, municipal, agricultural and recreational uses, which uses satisfy the requirements of the Windy Gap Settlement made with the Municipal Subdistrict of the Northern Colorado Water Conservancy District; uses to meet the water requirements of the inhabitants of the Colorado River District for all uses, including uses in the Middle Park area; and use to meet the terms of a lease agreement executed March 3, 1987, between the Colorado River District and the City and County of Denver. (2)

Case No. 95CW281: Decreed Date: August 26, 1997. Name of Structure: Wolford Mountain Reservoir Enlargement. Legal description of place of storage: The dam is located in the SW1/4 of the NE1/4 of Section 25, T. 2 N., R. 81 W., 6th P.M The as-built intersection of the dam axis (Sta. D19+35.61) with the West Access Road (Sta. WR50+55.05), as shown on the Colorado River District, Wolford Mountain Project, Ritschard Dam construction drawing “Dimensional Dam Layout” sheet 8 of 94, occurs at a point which bears South 5324’56” E. a distance of 3,395.51 feet from the NW Corner of said Section 25; the bearing of said dam axis from Sta. 19+35.61 to Sta. 0+00 being S. 75°28’29” E. Source: Muddy Creek and its tributaries. Amount: 6,000 acre feet conditional. Appropriation Date: January 16, 1995. Use: All beneficial uses by and for the benefit of the inhabitants of the Colorado River District, including but not limited to domestic, municipal, industrial, irrigation, agricultural, piscatorial, and recreational; such uses will include environmental mitigation, including environmental mitigation requirements associated with the Wolford Mountain Project; such uses will be made directly or by substitution, augmentation, or exchange. None of the water stored in the exercise of the right will be delivered directly or by exchange, substitution, or otherwise for use outside of the Colorado Water Division No. 5. (3) Case No. 98CW237: Decree Date: July 6, 2000. Name of Structure: Wolford Mountain Reservoir. Legal Description of place of storage: Same as for 95CW281. Source: Muddy Creek and its tributaries. Amount: 30,000 acre feet conditional with 15,895 AF being absolute for recreational and piscatorial and flood control. Appropriation Date: November 17, 1998. Use: Certain of the beneficial uses previously adjudicated for Wolford Mountain Reservoir in Water Court Case No. 87CW283 (November 20, 1989, Judgment and Decree), and Water Court Case No. 95CW281, (August 29, 1997, Judgment and Decree). 87CW283: The reservoir will be used to satisfy the requirements of the Windy Gap Settlement made with the Municipal Subdistrict of the Northern Colorado Water Conservancy District. This will involve all uses, including but not limited to domestic, municipal, agricultural, and recreational uses. The reservoir will also be used to meet the water requirements of the inhabitants of the Colorado River District for all uses, including uses in the Middle Park area. 95CW281: All beneficial uses by and for the benefit of the inhabitants of the Colorado River District, including but not limited to domestic, municipal, industrial, irrigation, agricultural, piscatorial and recreational; such uses will include environmental mitigation, including environmental mitigation requirements associated with the Wolford Mountain Project; such uses will be made directly or by substitution, augmentation, or exchange. Remarks: The Refill Right described herein will be exercised to provide supply for the Western Slope uses of water from the Wolford Mountain Reservoir described above, including flood control, other operational purposes, and environmental mitigation and enhancement for the benefit of uses within the Colorado River District. The Refill Right will not be used in conjunction with the Reservoir capacity (24,000 a.f.) which is allocated for the supply of water to the Denver Board of Water Commissioners under the Colorado River District’s contractual relationship with Denver, or the Reservoir capacity (6,000 a.f.) which is allocated for Colorado River endangered fish releases. (4) Case No. 03CW302: Decree Date: October 19, 2014. Name of Structure: Wolford Mountain Reservoir Second Enlargement. Legal description of place of storage: The dam is located in the SW1/4 of the NE1/4 of Section 25, Township 2 North, Range 81 West, of the 6th P.M. The as-built intersection of the dam axis (Sta. D19+35.61) with the West Access Road (Sta. WR50+55.05), as shown on the River District, Wolford Mountain Project, Ritschard Dam construction drawing “Dimensional Dam Layout” sheet 8 of 94, occurs at a point which bears South 53°24’56” East a distance of 3,395.51 feet from the NW Corner of said Section 25; the bearing of said dam axis from Sta. 19+35.61 to Sta. 0+00 being South 75°28’29” East. Source: Muddy Creek and its tributaries, all tributary to the Colorado River. Amount: The amount is 9,775 acre feet, for the initial fill, with the right to refill when in priority subject to a maximum amount of 9,775 acre feet, conditional. Appropriation Date: November 17, 2003. Uses: a. The Wolford Mountain Reservoir Second Enlargement storage right may be used for the purposes previously decreed to the Wolford Mountain Reservoir, including uses consistent with the Windy Gap Settlement made with the Municipal Subdistrict of the Northern Colorado Water Conservancy District; meeting the water requirements of the inhabitants of the Colorado River District for all uses; and uses consistent with the terms of a lease agreement executed March 3, 1987, between the Colorado River District and the City and County of Denver, as amended. b. The Wolford Mountain Reservoir Second Enlargement storage right also may be used for all beneficial uses, including but not limited to municipal, commercial, industrial, domestic, irrigation, agricultural, livestock, hydro-power production, evaporation, piscatorial, and recreational (including in-reservoir and in-river fish habitat and river flow maintenance and enhancements uses, and uses in furtherance of the Upper Colorado River Basin Fishes Recovery Program) with the right to reuse and successively use the water to extinction; such uses will include environmental mitigation requirements associated with the Wolford Mountain Reservoir Project; such uses will be made directly or by substitution, augmentation, replacement or exchange in Water Divisions 1, 2, and/or 5. c. Agreed Constraints on Use. The terms of the February 12, 2014, stipulation entered in this case between the Colorado River District and the GVWUA, the UWCD, and the OMID. (5) Remarks: Any use of Wolford Mountain Reservoir shall be pursuant to the District’s having in force a water allotment contract from the Colorado River District. The District has a contract in place for 10 acre feet of the Colorado River District’s supplies, which includes Wolford Mountain Reservoir. The Colorado River District may increase the amount of Wolford Mountain Reservoir water under contract with the Colorado River District. 4. Application for water rights: Applicant seeks conditional water rights for the Sweet Jessup Canal Stockwater Right described in paragraph 2 above. 5. Description of the plan for augmentation and exchange: By this Application, the Applicant seeks the right to divert water in connection with the water rights described in paragraph 2 for stockwater use on the Applicant’s property described in the attached Exhibit A. At times when the diversions are out of priority during October through December with respect to a validly administered call for a water right senior to the Sweet Jessup Canal Stockwater Right below the location where Applicant’s augmentation water is delivered, the Applicant will replace the depletions associated with such diversions in accordance with the following plan for augmentation and exchange. As used in this decree, “validly administered call” means a call that is recognized and administered by the Division Engineer. The Division Engineer’s administration of a call is a water matter subject to review by the Water Court. (a) Augmentation plan. To permit the requested out of priority depletions, the Applicant has made Application for a long-term water supply contract from the Colorado River District in the amount of 2.0 acre feet. During periods that a

validly administered call is placed on the main-stem of Colorado and/or Roaring Fork Rivers for water rights senior to the Sweet Jessup Canal Stockwater Right and located downstream of the confluence of the Roaring Fork and Crystal Rivers, the Applicant, in concert with the District, will provide augmentation water to the river utilizing one or more of the water rights described in paragraph 3 above. The augmentation supply will offset the otherwise out of priority depletions associated with the Sweet Jessup Canal Stockwater Right.

(b) Depletions and Augmentation Requirements. The calculated potential depletions associated with the stockwater uses on Applicant's property during the months of October through December are 2.0 acre feet. The amount of water diverted and consumed by the stock is 100% consumptive. However, a major portion of the water diverted is necessary to keep the stockwater in the Sweet Jessup Canal ice free and will return to the Roaring Fork River in the SW1/4 NW1/4 of Section 20, Township 7 South, Range 88 West, of the 6th P.M. approximately 2,300 feet from the North section line and 100 feet from the West section line (Garfield County; UTM NAD 83 Zone 13 X = 305857m E; Y = 4367370m N). (c) Exchange plan reach and note. The Applicant seeks approval of a plan to augment by exchange the stream depletions resulting from the stockwater uses out of priority diversions of the Sweet Jessup Canal Stockwater Right during the months of October through December when augmented by the water rights described in paragraph 3 above. The maximum rate of exchange is 8 cfs conditional. A map showing the exchange reach is attached as Figure 3 and described as follows: (1) Downstream Termini. The points of replacement on the Roaring Fork and/or Colorado Rivers of the District's water rights are described as follows: * Lower Terminus 1 (Exchange of Green Mountain Reservoir and Wolford Reservoir water): The confluence of the Roaring Fork and Colorado Rivers, located in the SE1/4 NW1/4 of Section 9, Township 6 South, Range 89 West of the 6th P.M., at a point approximately 2,200 feet from the North section line and 2,350 feet from the West section line (Garfield County; UTM NAD83 Zone 13 X = 299776m E; Y = 4380346m N); * Lower Terminus 2 (Exchange of Ruedi Reservoir): The confluence of the Roaring Fork and Crystal Rivers located in the SW1/4 NW1/4 of Section 20, Township 7 South, Range 88 West, of the 6th P.M., at a point approximately 2,500 feet from the North section line and 300 feet from the West section line (Garfield County; UTM NAD Zone 13 X = 307496m E; Y = 4365650m N). (2) Upstream Terminus: The headgate of the Sweet Jessup Canal Stockwater Right is located in the NE1/4 NW1/4 of Section 21, Township 9 South, Range 88 West, of the 6th P.M. in Pitkin County as detailed in paragraph 2 above. (d) Priority date: The Applicant seeks a December 22, 2021, priority date in connection with the subject plan for exchange. (e) In priority diversions: The Applicant shall have the right to divert the Sweet Jessup Canal Stockwater Right described in paragraph 2 whenever it is in priority. The sources of augmentation water described in paragraph 3 shall be utilized when the Sweet Jessup Canal Stockwater Right described in paragraph 2 is out of priority during the months of October through December and when a validly administered call is placed for a senior water right below the location where Applicant's augmentation water is delivered and the location where the unused stockwater returns to the Roaring Fork River. The Sweet Jessup Canal Stockwater Right shall be curtailed during periods when a validly administered call is placed for a senior water right located above the location where Applicant's augmentation water is delivered and the location where the unused stockwater returns to the Roaring Fork River. (f) Terms and conditions. (1) To ensure proper operation of the Sweet Jessup Canal Stockwater Right and associated plan for augmentation and exchange, the Applicant will install and maintain such measuring devices and implement such accounting procedures as may be required by the Division Engineer to administer the terms of any decree entered in this case. (2) Pursuant to C.R.S. 37-92-305(8) the State Engineer shall curtail all out-of-priority diversions, the depletion from which are not so replaced as to prevent injury to vested water rights. 6. Remarks. The property on which the Sweet Jessup Canal Stockwater Right headgate is located is controlled by the Applicant. Ruedi Reservoir and Green Mountain Reservoir described in paragraphs 3(a) and 3(b) are owned by the United States of America, whose address is 11056 W. County Road 18E, Loveland, CO. 80537. The Applicant owns the land on which the stockwater use is located. WHEREFORE, Applicant requests that this Court enter a decree which: 1. The water right described in paragraph 2 above for the Sweet Jessup Canal Stockwater Right. 2. Approves the plan for augmentation and exchange described in paragraph 5 above; and 3. Finds that as a result of the subject plan for augmentation and exchange, there will be no injury to any owner of or persons entitled to use water under a vested water right or decreed conditional water right.

YOU ARE HEREBY NOTIFIED THAT YOU HAVE until the last day of FEBRUARY 2022 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.

41. 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 DECEMBER 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.

21CW3183 MESA COUNTY - COLORADO RIVER. Green Valley Ranch Estates, LLC; c/o John R. Pierce, DUFFORD WALDECK, 744 Horizon Court, Suite 300, Grand Junction, CO 81506, (970) 248-5865; **AMENDED APPLICATION FOR SURFACE WATER RIGHTS AND STORAGE RIGHTS;** Name, mailing address, and telephone number of Applicant: Green Valley Ranch Estates, LLC; P.O. Box 3390; Grand Junction, CO 81502; Remarks: This Amended Application was filed to correct the description of acreage to be irrigated by the water rights requested below. In all other respects the Amended Application is identical to the original Application; Request for surface water right: Structure name: McCurter Pump & Pipeline No. 1; Location of structure: NW¼, NE¼, Section 33, Township 9 South, Range 103 West, Ute Principal Meridian, at a point approximately 50 feet from the north section line and 2,540 feet from the east section line; Zone 12, NAD83, 681903.50mE, 4345356.68mN; Source: East Salt Wash, tributary to the Colorado River; Date of appropriation: November 30, 2021; How appropriation was initiated: By retaining hydrologist and attorney to begin preparation

of application for water rights and by site inspection; Amount claimed: 2.0 c.f.s. conditional; Uses: Filling and refilling McCurter Pond No. 1 as described below; Request for surface water right: Structure name: McCurter Pump & Pipeline No. 2; Location of structure: NE¼, SW¼, Section 28, Township 9 South, Range 103 West, Ute Principal Meridian, at a point approximately 2,025 feet from the south section line and 2,330 feet from the west section line; Zone 12, NAD83, 681783.51mE, 4345987.24mN; Source: Unnamed drainage tributary to West Salt Wash, tributary to Salt Wash, tributary to the Colorado River; Date of appropriation: November 30, 2021; How appropriation was initiated: By retaining hydrologist and attorney to begin preparation of application for water rights and by site inspection; Amount claimed: 2.0 c.f.s., conditional; Uses: Irrigation, filling and refilling McCurter Pond No. 2 as described below; Regarding irrigation: Irrigation of land on Applicant's property in Section 28, Township 9 South, Range 103 West of the Ute Principal Meridian; Request for surface water right: Structure name: McCurter Pond No. 2 Diversion; Location of structure: Southwest bank of the McCurter Pond No. 3 as described below. Point of diversion is located in the SW¼, NE¼ Section 28, Township 9 South, Range 103 West, Ute Principal Meridian, at a point approximately 1,350 feet from the north section line and 1,900 feet from the east section line; Zone 12, NAD83, 682092.45mE, 4346572.90mN; Source: Unnamed drainage tributary to West Salt Wash, tributary to Salt Wash, tributary to the Colorado River; Date of appropriation: November 30, 2021; How appropriation was initiated: By retaining hydrologist and attorney to begin preparation of application for water rights and by site inspection; Amount Claimed: 2.0 c.f.s. conditional; Uses: Irrigation and filling and refilling McCurter Pond No. 2 as described below; Regarding irrigation: Irrigation of land on Applicant's property in Section 28, Township 9 South, Range 103 West of the Ute Principal Meridian; Remarks: The McCurter Pond No. 2 Diversion will be used to deliver water by gravity flow. It will be used in conjunction with the McCurter Pump & Pipeline No. 2, which will deliver water by pumping; Request for water storage right: Name of structure: McCurter Pond No. 1; Location of structure: SW¼, SE¼, Section 28, Township 9 South, Range 103 West, Ute Principal Meridian, with the approximate center of the pond at a point approximately 335 feet from the south section line and 2,267 feet from the east section line; Zone 12, NAD83, 681986.95mE, 4345474.15mN; Source: Diversions from the McCurter Pump & Pipeline No. 1, requested above; Information regarding appropriation: Date of appropriation: November 30, 2021; How appropriation was initiated: By retaining hydrologist and attorney to begin preparation of application for water rights and by site inspection; Amount claimed: 34 a.f. conditional, with right to continuously refill when in priority to replace seepage, releases, and depletions associated with decreed uses; If filled from a ditch: McCurter Pond No. 1 will be filled with diversions from the McCurter Pump & Pipeline No. 1 described above. Refilling will be required for replacement of releases for irrigation, evaporation, and seepage losses. The average monthly losses associated with evaporation from the 7-acre water surface area and irrigation water requirements for 18 acres of alfalfa on Applicant's property are provided in the application; Uses: Irrigation, recreation, wildlife watering, waterfowl habitat, stock watering, and fire protection; Regarding irrigation: Water from the McCurter Pond No. 1 will be used to irrigate land on Applicant's property in Section 28, Township 9 South, Range 103 West of the Ute Principal Meridian; Surface area of high-water line: 7 acres; Height of dam: N/A; pond will be excavated with no embankment; Total capacity of reservoir: 34 a.f., all dead storage; Request for storage right: Name of structure: McCurter Pond No. 2; Location of structure: NE¼, SW¼, Section 28, Township 9 South, Range 103 West, Ute Principal Meridian, with the approximate center of the pond at a point approximately 2,400 feet from the south section line and 2,270 feet from the west section line; Zone 12, NAD83, 681758.90mE, 4346103.60mN; Source: McCurter Pump & Pipeline No. 2 and McCurter Pond No. 2 Diversion, described above; Information regarding appropriation: Date of appropriation: November 30, 2021; How appropriation was initiated: By retaining hydrologist and attorney to begin preparation of application for water rights and by site inspection; Amount claimed: 29 a.f., conditional, with right to continuously refill when in priority to replace seepage, releases, and depletions associated with decreed uses; If filled from a ditch: The McCurter Pond No. 2 will be filled with diversions from the McCurter Pump & Pipeline No. 2 and McCurter Pond No. 2 Diversion, described above. Refilling will be required for replacement of releases for irrigation, evaporation, and seepage losses. The average monthly losses associated with evaporation from the 6-acre water surface area and irrigation water requirements for 50 acres of alfalfa on Applicant's property are provided in the application; Uses: Irrigation, recreation, wildlife watering, waterfowl habitat, stock watering, and fire protection; Regarding irrigation: Water from McCurter Pond No. 2 will be used to irrigate land on Applicant's property in Section 28, Township 9 South, Range 103 West of the Ute Principal Meridian; Surface area of high-water line: 6 acres; Height of dam: N/A; pond will be excavated with no embankment; Total capacity of reservoir: 29 a.f., all dead storage; Request for water storage right: Name of structure: McCurter Pond No. 3; Location of structure: NW¼, NE¼ and SW¼, NE¼ of Section 28, Township 9 North, Range 103 West, Ute Principal Meridian. The approximate center of the dam for the on-channel structure is a point approximately 1,475 feet from the north section line and 1,940 feet from the east section line; Zone 12, NAD83, 682084.10mE, 4346532.0mN; Source: The McCurter Pond No. 3 will be an on-channel structure located on an unnamed drainage tributary to West Salt Wash, tributary to Salt Wash, tributary to the Colorado River; Information regarding appropriation: Date of appropriation: November 30, 2021; How appropriation was initiated: By retaining hydrologist and attorney to begin preparation of application for water rights and by site inspection; Amount claimed: 20 a.f. conditional, with right to continuously refill when in priority to replace seepage, releases, and depletions associated with decreed uses. The average monthly losses associated with evaporation from the four-acre water surface area and irrigation water requirements for 56 acres of alfalfa on Applicant's property are provided in the application; Uses: Irrigation, recreation, wildlife watering, waterfowl habitat, stock watering, and fire protection; Regarding irrigation: Water from the McCurter Pond No. 3 will be used to irrigate land on Applicant's property in Section 28, Township 9 South, Range 103 West of the Ute Principal Meridian; Surface area of high-water line: 4 acres; Height of dam: 9 feet; Total capacity of reservoir: 20 a.f., all dead storage; Request for water storage right: McCurter Pond No. 4; Name of structure: McCurter Pond No. 4; Location of structure: NE¼, SW¼ and NW¼, SE¼ and SW¼, NE¼ of Section 28, Township 9 North, Range 103 West, Ute Principal Meridian. The approximate center of the dam for the on-channel structure is a point approximately 1,920 feet from the south section line and 2,330 feet from the west section line; Zone 12, NAD83, 681783.34mE, 4345954.65mN; Source: The McCurter Pond No. 4 will be an on-channel structure on an unnamed drainage tributary to West Salt Wash,

tributary to Salt Wash, tributary to the Colorado River; Information regarding appropriation: Date of appropriation: November 30, 2021; How appropriation was initiated: By retaining hydrologist and attorney to begin preparation of application for water rights and by site inspection; Amount claimed: 20 a.f., conditional, with right to continuously refill when in priority to replace seepage, releases, and depletions associated with decreed uses. The average monthly losses associated with evaporation from the four-acre water surface area and irrigation water requirements for 35 acres of alfalfa on Applicant's property are provided in the application; Uses: Irrigation, recreation, wildlife watering, waterfowl habitat, stock watering, and fire protection; Regarding irrigation: Water from the McCurter Pond No. 4 will be used to irrigate land on Applicant's property in Section 28, Township 9 South, Range 103 West of the Ute Principal Meridian; Surface area of high-water line: 4 acres; Height of dam: 9 feet; Total capacity of reservoir: 20 a.f., all dead storage. (10 pages) **YOU ARE HEREBY NOTIFIED THAT YOU HAVE until the last day of FEBRUARY 2022 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.**

42. 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 DECEMBER 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.*

21CW3088 PITKIN COUNTY – LG GULCH, TRIBUTARY TO THE ROARING FORK RIVER, TRIBUTARY TO THE COLORADO RIVER. Second Amended Application for Finding of Reasonable Diligence 1. Applicant: M4 Aspen Trust, 9516 Bella Terra Drive, Fort Worth, TX 76126; c/o Robert M. Noone, Esq., The Noone Law Firm, P.C., P.O. Box 39, Glenwood Springs, CO 81602. 2. Summary of Second Amended Application: A. Finding Of Reasonable Diligence: Through this Second Amended Application for Finding of Reasonable Diligence ("Application") the Applicant seeks a finding of reasonable diligence for the LG Aspen Well (Permit No. 74948-F), the LG Aspen Pond, the LG Gulch Ditch, and the Appropriative Right of Exchange, all as decreed in Division 5 Water Court Case No. 2006CW0209 for use at the Applicant's real property located in Pitkin County at 43399 Highway 82, Aspen, Colorado 81611 (the "Subject Property"); 3. Application for Finding of Reasonable Diligence - Description of Conditional Water Rights: I. Name of Structure: LG Aspen Well (Well Permit No. 74948-F); A. Original Decree: Date entered: December 3, 2008; Case No. 2006CW209; Division 5 Water Court. B. Subsequent Decrees Awarding Findings of Diligence: Case Nos. 2014CW3160 (June 7, 2015), Division 5 Water Court. C. Legal Description: NW ¼ NE ¼, Section 20, Township 10 South, Range 84 West, 6th P.M., 1,000 feet south of the north section line and 1,900 feet west of the east section line. D. Source: Groundwater tributary to the Roaring Fork River, tributary to the Colorado River. E. Appropriation Date: April 25, 2006; Amount: 15 gpm (1.0 AF per year), conditional; F. Use: Irrigation of up to 5,000 sq. ft. of lawns and gardens; Domestic in-house use for a single-family residence including a caretaker dwelling unit and fire protection. G. Depth: 100 feet. II. Name of Structure: LG Aspen Pond A. Original Decree: December 3, 2008; Case No. 2006CW209; Division 5 Water Court B. Subsequent decrees awarding findings of diligence: Case Nos. 2014CW3160 (June 7, 2015), Division 5 Water Court. C. Legal Description: NW ¼ NE ¼, Section 20, Township 10 S., Range 84 W., 6th P.M., 1,100 feet south of the north section line and 1,800 feet west of the east section line. D. Source of Water: The LG Aspen Pond is an off-channel reservoir that will be filled and refilled by diversions from the LG Gulch Ditch, described below, which diverts from LG Gulch, a tributary of the Roaring Fork River, tributary to the Colorado River. E. Appropriation Date: April 25, 2006; Amount: 1.0 a.f. (0.25 cfs), conditional. F. Use: (1) Irrigation: N/A (2) Non-Irrigation: Aesthetics, fish and wildlife propagation, recreation, fire protection, and augmentation of depletions associated with the LG Aspen Well. III. Name of Structure: LG Gulch Ditch A. Date of Original Decree: December 3, 2008; Case No. 2006CW209; Division 5 Water Court B. Subsequent decrees awarding findings of diligence: Case Nos. 2014CW3160 (June 7, 2015); Division 5 Water Court. C. Legal Description: The LG Gulch Ditch diverts from LG Gulch in the NW¼ of the NE¼ of Section 20, Township 10 South, Range 84 West of the 6th P.M.; 740 feet from the North section line and 1,770 feet from the east section line. D. Source of Water: LG Gulch, a tributary of the Roaring Fork River, tributary to the Colorado River. E. Appropriation Date: April 25, 2006; Amount: 0.25 cfs, conditional. F. Use: (1) Irrigation: Up to 0.25 acres (2) Non-Irrigation: Fill and refill of the LG Aspen Pond, described above, aesthetics, pond evaporation, and augmentation of depletions associated with the LG Aspen Well diversions, fish and wildlife propagation, recreation and fire protection. IV. Appropriative Right of Exchange. Date of Original Decree: December 3, 2008; Case No. 2006CW209; Division 5 Water Court B. Subsequent decree awarding finding of diligence: Case No. 2014CW3160 (June 7, 2015); Division 5 Water Court. As a component of an integrated water project, the work described Case No. 2014CW3160 on any one feature of the project shall be considered in finding that reasonable diligence has been shown in the development of water rights for all features of the entire project, including the Exchange. C.R.S. § 37-92-301(4)(b). C. Description of Appropriative Right of Exchange: The reach of the Exchange is as follows: 1. Lower Terminus: The lower end of the Exchange reach is the confluence of the Roaring Fork River and the Frying Pan River in the SW¼ SE¼, Section 7, Township 8 South, Range 86 West, of the 6th P.M. 760 feet north of the south section line and 1,430 feet west of the east section line. 2. Upper Terminus: The upper end of the Exchange reach is a point on the Roaring Fork River nearest the LG Aspen Well in the NW¼ NE¼, Section 20, Township 10 South, Range 84 West, of the 6th P.M., 1,200 feet south of the north section line and 2,240 feet west of the east section line. D. Source: Roaring Fork River, tributary to the Colorado River. E. Date of Appropriation: The appropriation date of the Exchange is April 25, 2006. F. Amount: The amount of the Exchange is 0.25 cfs, which is equal to the maximum monthly stream depletion. Collectively, the foregoing described conditional water rights are referred to herein as the "Subject Water Rights." Outline of Diligent Efforts to Complete Appropriation: The Subject Water

Rights collectively comprise an integrated water project that is intended to provide for existing and future water needs in association with the development and use of the Subject Property. Pursuant to C.R.S. § 37-92-301(4)(b), when an integrated water project is composed of several features, as is the case here, work on one feature of the project is considered in finding that reasonable diligence has been shown in the development of water rights for all features of the entire system. During the most recent diligence period, the Applicants have expended in excess of \$2,000,000.00 in ongoing development costs, including professional and administrative fees incurred in connection with the development of this integrated water project and continuing interactions and negotiations with the Pitkin County Board of County Commissioners and County Staff ("County") for the development of the Subject Property where the Subject Water Rights are located and are to be used; environmental testing; the design and installation of site landscaping; the design and construction of drainage, water system and residential improvements; and installing the infrastructure required to deliver water to the subject property for the decreed uses. Specifically included as part of the work to complete its development activity for the main house and site grading, (1) On March 3, 2016, Applicant submitted an Application to the County and was issued a Change Order Permit; (2) on June 10, 2017, Applicant submitted an Application to the County and was issued a Change Order Permit; (3) On January 29, 2018, Applicant submitted an Application to the County and was issued a Change Order Permit; (4) On November 7, 2019, Applicant submitted an Application to the County and was issued a Change Order Permit; (5) On July 9, 2020, Applicant submitted an Application to the County and was issued a Change Order Permit; (6) On July 16, 2020, Applicant submitted an Application to the County and was issued a Change Order Permit; (7) On October 30, 2020, Applicant submitted an Application to the County and was issued a Change Order Permit; (8) On December 4, 2020, Applicant submitted an Application to the County and was issued a Change Order Permit; (9) On December 18, 2020, Applicant submitted an Application to the County and was issued a Change Order Permit; (10) On December 31, 2020, Applicant submitted an Application to the County and was issued a Change Order Permit; (11) On February 24, 2021, Applicant submitted an Application to the County and was issued a Change Order Permit; (12) On June 11, 2021, Applicant submitted an Application to the County and was issued a Change Order Permit; and (13) On July 30, 2021, Applicant submitted an Application to the County and was issued a Change Order Permit, pursuant to all of which Applicant continue its development activity for the integrated water project, the main house and site grading. In addition to the foregoing, the Applicant also retained the services of the Noone Law Firm, P.C., during the diligence period to monitor water rights filings in Division 5 for potential adverse impacts to the Subject Water Rights. 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: N/A. WHEREFORE, the Applicant requests that the Court enter an Order finding that diligent efforts have been made to put the foregoing described Subject Water Rights to beneficial use as an integrated water project pursuant to C.R.S. § 37-92-301(4)(b) and to continue the conditional status of the Subject Water Rights for an additional diligence period (6 pp., incl. exhibit).

YOU ARE HEREBY NOTIFIED THAT YOU HAVE until the last day of FEBRUARY 2022 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.