

DIVISION 5 WATER COURT- FEBRUARY 2023 RESUME

1. PURSUANT TO C.R.S., §37-92-302, AS AMENDED, YOU ARE NOTIFIED THAT THE FOLLOWING PAGES COMPRISE A RESUME OF THE APPLICATIONS AND AMENDED APPLICATIONS FILED WITH THE WATER CLERK FOR WATER DIVISION 5 DURING THE MONTH OF FEBRUARY 2023. *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.*

23CW3005 (16CW3086), (09CW43), (99CW311). 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 EAGLE COUNTY, COLORADO. APPLICATION FOR FINDING OF REASONABLE DILIGENCE.** 1. Name and Address of Applicant: Crystal River Ranch Co., LLC, c/o Sue Anschutz-Rodgers, General Partner, 555 Seventeenth Street, Suite 2400, Denver, CO. 80202. Direct all pleadings to: Glenn E. Porzak, Porzak Law, LLC, 1111 Spruce Street, Suite 303, Boulder, Colorado 80302, (303) 589-0909. 2. Name of Structures: Roberts Pond Nos. 1 and 2. Bobson Pond No. 1 First Enlargement. 3. Name and Decreed Location of Structures (“Subject Water Rights”). a) Roberts Pond No. 1. The pond is located in Section 14, Township 6 South, Range 87 West of the 6th P.M., at a point 400 feet from the west section line and 1600 feet from the north section line of said Section 14 and is on-stream. b) Roberts Pond No. 2. The pond is located in Section 23, Township 6 South, Range 87 West of the 6th P.M., at a point 2400 feet from the west section line and 200 feet from the north section line of said Section 23 and is on-stream. c) Bobson Pond No. 1, First Enlargement. The pond is located in Section 14, Township 6 South, Range 87 West of the 6th P.M., at a point 1770 feet from the west section line and 2440 feet from the south section line of said Section 14 and is on-stream. A map of the Subject Water Rights is attached as Figure 1. 4. Description of the Subject Water Rights. a) Decree: The Subject Water Rights were originally adjudicated by the Judgment and Decree entered by the District Court in and for Water Division No. 5, State of Colorado (the “Water Court”) on May 20, 2003, in Case No. 99CW311. b) Source: Spring water, run-off, and return flows tributary to East Coulter Creek, Cattle Creek, and the Roaring Fork River. c) Appropriation Date: December 15, 1999. d) Amount: 8 acre-feet for each pond for a total of 24 acre-feet, with the right to fill and refill when in priority. The refill right is for the purpose of keeping each of the ponds as full as possible for the uses stated in paragraph 4(e) below. The refill right will not exceed the capacity of 8 acre-feet for each pond. At no time will the water stored in any one pond be greater than the decreed amount of 8 acre-feet. e) Uses: Livestock and wildlife watering, aesthetics, fire protection, irrigation of 5 acres immediately downstream of each pond (for a total of 15 acres), and fish culture purposes. 5. Work Performed in Support of Claimed Conditional Amounts. a) In Case No. 09CW43 the Water Court found that the Subject Water Rights are appurtenant to a 420-acre parcel that was acquired by the Applicant in 2007, and this parcel and the Subject Water Rights have been integrated into the appurtenant 9,554.84 acre working ranch known as Cottonwood Ranch. The Cottonwood Ranch includes a number of additional water rights decreed in Garfield County District Court Civil Action No. 1390 and Water Court Case No. 97CW277 (collectively the “Cottonwood Water Rights”). The Cottonwood Water Rights include the Von Springs Reservoirs Nos. 1 and 2, the Thomas McNulty-Coulter Creek Ditch, and other storage rights. As such, the Water Court found in Case No. 09CW43 that the Subject Water Rights and the Cottonwood Water Rights are now a part of an integrated system of water rights, such that for purposes of showing reasonable diligence with respect to said water rights, work performed, and expenses incurred in connection with the Cottonwood Ranch and any of the foregoing water rights shall be considered to be in furtherance of the diligence development of each of the Subject Water Rights. b) During the subject diligence period, Applicant spent funds on engineering, design, permitting and construction work to reconstruct the dam and spillway for Von Springs Reservoir No. 1 and repair and pipe the Thomas McNulty-Coulter Creek Ditch. The amount of these expenditures were \$585,106.00. c) During the subject diligence period, Applicant did a comprehensive analysis of reservoir sites on the Cottonwood Ranch. This included the site of the Bobson Pond and a site that would inundate Roberts Pond No. 1. It also completed detailed engineering and construction of the Bianco Pond located on the Cottonwood Ranch. \$412,139.00 has been spent on this work. 6. Land Ownership: Applicant is the owner of the land on which the subject water rights will be located. Given the foregoing, Applicant claims that it has been reasonably diligent toward the development of the Subject Water Rights, the appropriations are not speculative, and that the Subject Water Rights can and will be completed within a reasonable time. Accordingly, it is entitled to an award of reasonable diligence for the Subject Water Rights. **YOU ARE HEREBY NOTIFIED THAT YOU HAVE until the last day of APRIL 2023 to file with the Water Clerk a verified Statement of Opposition setting forth facts as to why this application should not be granted or why it should be granted in part or on certain conditions. A copy of such statement of opposition must also be served upon the applicant or the applicant’s attorney and an affidavit or certificate of such service shall be filed with the Water Clerk, as prescribed by Rule 5, CRCP. (Filing Fee: \$192.00) KATHY POWERS, Water Clerk, Water Division 5; 109 8th Street, Suite 104 Glenwood Springs, CO 81601.**

2. PURSUANT TO C.R.S., §37-92-302, AS AMENDED, YOU ARE NOTIFIED THAT THE FOLLOWING PAGES COMPRISE A RESUME OF THE APPLICATIONS AND AMENDED APPLICATIONS FILED WITH THE WATER CLERK FOR WATER DIVISION 5 DURING THE MONTH OF FEBRUARY 2023. *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.*

23CW3006 GRAND COUNTY. Pole Creek Meadows Owners Association, c/o John Conneely, P.O. Box 211, Tabernash, CO 80478. Applicant is represented by Katie Randall and Kent Whitmer, 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 Structures: Pole Creek Meadows Ponds 1, 2, and 3. Decrees: June 28, 1995 (94CW223); July 25, 2002 (01CW161); August 15, 2010 (08CW090); March 4, 2017 (16CW3065); all in Water Court Division No. 5. Type of Structures: Ponds. Legal Description: Pole Creek Meadows Pond 1: Located in the NW1/4SE1/4 of Section 3, Township 1 South, Range 76 West, 6th P.M. with the center of the pond located at a point approximately 3960 feet from the North and 3900 feet from the West section line of said Section 3. Pole Creek Meadows Pond 2: Located in the

SE1/4NW1/4 of Section 3, Township 1 South, Range 76 West, 6th P.M. with the center of the pond to be located at a point approximately 2090 feet from the North and 1650 feet from the West section line of said Section 3. Pole Creek Meadows Pond 3: Located in the NE1/4SE1/4 of Section 3, Township 1 South, Range 76 West, 6th P.M., with the center of the pond located at a point approximately 3960 feet from the North and 4600 feet from the West section line of said Section 3. Source: Springs and drainages tributary to Crooked Creek, tributary to Fraser River, tributary to Colorado River. Appropriation Date: Ponds 1 and 2: September 30, 1994. Pond 3: November 30, 1994. Amount: 10 acre-feet with refill for each water right. In Case No. 01CW161, the following amounts were made absolute for recreation, wildlife, fish propagation, irrigation, domestic, and fire protection uses: Pole Creek Meadows Pond 1: 3.91 acre-feet. Pole Creek Meadows Pond 3: 4.0 acre-feet. Uses: Recreation, wildlife, fish propagation, irrigation, domestic, fire protection, replacement and augmentation. Additional Information: Applicant requests a finding of diligence on the conditional portions of the water rights for Pole Creek Meadows Ponds 1, 2, and 3. The application and attached exhibits contain a detailed outline of the work performed during the diligence period (19 pages).

YOU ARE HEREBY NOTIFIED THAT YOU HAVE until the last day of APRIL 2023 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 entry of appearance must also be served upon the applicant or the applicant's attorney and an affidavit or certificate of such service shall be filed with the Water Clerk, as prescribed by Rule 5, CRCP. (Filing Fee: \$192.00) KATHY POWERS, Water Clerk, Water Division 5; 109 8th Street, Suite 104 Glenwood Springs, CO 81601.

3. PURSUANT TO C.R.S., §37-92-302, AS AMENDED, YOU ARE NOTIFIED THAT THE FOLLOWING PAGES COMPRISE A RESUME OF THE APPLICATIONS AND AMENDED APPLICATIONS FILED WITH THE WATER CLERK FOR WATER DIVISION 5 DURING THE MONTH OF FEBRUARY 2023. *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.*

23CW3007 (2016CW3078) GARFIELD COUNTY. CEASE CREEK, TRIB. TO SWEETWATER CREEK, TRIB. TO COLORADO RIVER. Application for Finding of Reasonable Diligence. Applicant: Rivi's Ranch LLC, c/o Garfield & Hecht, P.C., 910 Grand Ave., Suite 201, Glenwood Springs, CO 81601, (970)947-1936. Name and Description of Conditional Water Right: Stephens Pond No. 3. Decree Information: Original decree was entered on May 15, 1989 in Case No. 89CW018, District Court, Water Division No. 5. Subsequent decrees finding reasonable diligence and/or making partially absolute were entered in Case Nos. 95CW082, 02CW126, 09CW118, and 16CW3078. Location: From Original Decree: Ponds, inlets, outlets and diversion points are all situated in Section 21, Township 3 South, Range 87 West of the 6th P.M. in Garfield County. Ditch used to fill reservoir is Four Creek Ditch with capacity of 15 c.f.s. Primary point of diversion from said ditch is into Cease Creek at Tie #1 described to W1/4 Sec. 21, bearing N. 08°33'42" E. a distance of 940.90'. From this point water flows through Cease Creek to Tie #2 described W1/4 Sec. 21, bearing N. 60°37'38" W. a distance of 994.71' diverting flow to proposed Stephens Pond No. 3 at inlet Tie #4, W1/4 Sec. 21, S. 64°30'10" W. for a distance of 772.13' through proposed outlet Tie #5, W1/4 Sec. 21, S. 74°37'50" W. 878.69'. Flow from this point returns to Cease Creek drainage on to a diversion point of Tie #6, W1/4 Sec. 21, bearing S. 81°54'46" W. 1800.43' into existing ditch of 2 c.f.s. capacity to proposed inlet of proposed Stephens Pond No. 2 at Tie #7, W1/4 Sec. 21 bearing N. 80°38'15" W. 2168.15'. Flow from pond #2 outlet Tie #8, W1/4 Sec. 21 bearing N. 80°11'34" W. 2475.68' into natural drainage to existing inlet of Stephens Pond No. 1 located by Tie #9, E1/4 Sec. 21, bearing N. 45°26'33" E., 1150.96'. Outlet of existing pond #1 is Tie #10, E1/4 Sec. 21, N. 25°53'41" E. 799.74'. Flow from pond #1 is into existing drainage of Riland Creek flowing into Sweetwater Creek. Described in distances from Section lines: In the SW1/4 NW1/4 of Section 21, Township 3 South, Range 87 West of the 6th P.M., at a location 910 feet from the west section line and 2240 feet from the north section line of said Section 21. See map filed with application as Exhibit A. Source: Cease Creek and the Four Creek Ditch, tributary to Sweetwater Creek, a tributary to the Colorado River. Date of Appropriation: October 25, 1988. Amount: 8.0 acre-feet, conditional. Uses: Fish culture for recreational purposes. Remarks: Stephens Pond No. 3 water right was originally decreed for 10 acre-feet, conditional. In case No. 02CW126, 2.0 acre-feet of the water right were made absolute for all decreed uses. Integrated System: In Case No. 21CW3073, the Water Court ruled that the Stephens Pond No. 3 is a component part of an integrated water supply system to serve Applicant's property that also includes the Stephens Pond No. 2 and Perry Pond Nos. 1-3. Pursuant to C.R.S. § 37-92-301(4)(b), work on any one feature of the water supply system shall be considered in finding that reasonable diligence has been shown in the development of water rights for all features of the system as a whole. Claim for Finding of Reasonable Diligence: The application includes a detailed description of what has been done toward or for completion of the appropriation and application of water to beneficial use as conditionally decreed, including expenditures. Name and address of the owner or reputed owner 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: Stephens Pond No. 3 is located and used on land owned by Applicant. Applicant requests the Court to enter a decree finding and concluding that the Applicant has shown reasonable diligence in the development of the remaining conditional portion of the Stephens Pond No. 3 water right and continuing such conditional water right in full force and effect.

YOU ARE HEREBY NOTIFIED THAT YOU HAVE until the last day of APRIL 2023 to file with the Water Clerk a verified Statement of Opposition setting forth facts as to why this application should not be granted or why it should be granted in part or on certain conditions. A copy of such statement of opposition must also be served upon the applicant or the applicant's attorney and an affidavit or certificate of such service shall be filed with the Water Clerk, as prescribed by Rule 5, CRCP. (Filing Fee: \$192.00) KATHY POWERS, Water Clerk, Water Division 5; 109 8th Street, Suite 104 Glenwood Springs, CO 81601.

4. PURSUANT TO C.R.S., §37-92-302, AS AMENDED, YOU ARE NOTIFIED THAT THE FOLLOWING PAGES COMPRISE A RESUME OF THE APPLICATIONS AND AMENDED APPLICATIONS FILED WITH THE WATER CLERK FOR WATER DIVISION 5 DURING THE MONTH OF FEBRUARY 2023. 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.

23CW3008 PITKIN COUNTY – SNOWMASS CREEK OR ITS TRIBUTARIES. Wildcat Reservoir Company, Wildcat Ranch Association, Popish LLC, and Perpetual LLC. Wildcat Reservoir Company and Wildcat Ranch Association c/o Somach Simmons & Dunn 1155 Canyon Blvd., Suite 110 Boulder, CO 80302 (303) 449-2834; and Popish LLC and Perpetual LLC c/o Patrick, Miller & Noto, P.C. 229 Midland Avenue Basalt, CO 81621 (970) 920-1030. **First Claim:** For Finding of Reasonable Diligence. Name of structure: Twin Pines Reservoir. Original decree: Decreed by the District Court in and for Water Division No. 5 in Case No. W-22, dated May 27, 1971. Previous diligence decrees: Case No. 94CW91, dated October 19, 1994; Case No. 00CW212, dated October 3, 2001; and Case No. 07CW189, dated February 22, 2017. Location of water right: The right abutment of the dam is located on the East bank of Snowmass Creek at a point whence the NE Corner of Section 3, T. 10 S., R. 86 W. of the 6th P.M. bears S. 7°00' E. 11,600 feet. See map on file with the Court as Figure 1. Source: Snowmass Creek, tributary to the Roaring Fork River, tributary to the Colorado River. Date of Appropriation: September 28, 1968. Amount: 300 acre-feet, conditional. Uses: Recreation, irrigation, domestic, fishery, and wildlife. Claim for finding of reasonable diligence: A detailed outline of work performed toward completion of the appropriation, including expenditures, is on file with the Court as Exhibit A. Applicant Perpetual LLC owns the land upon which the structure will be located. Applicants Wildcat Reservoir Company, Wildcat Ranch Association, Popish LLC, and Perpetual LLC own the land where water will be put to beneficial use.

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5. PURSUANT TO C.R.S., §37-92-302, AS AMENDED, YOU ARE NOTIFIED THAT THE FOLLOWING PAGES COMPRISE A RESUME OF THE APPLICATIONS AND AMENDED APPLICATIONS FILED WITH THE WATER CLERK FOR WATER DIVISION 5 DURING THE MONTH OF FEBRUARY 2023. 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.

23CW3009 GARFIELD COUNTY, CLEAR CREEK, ROAN CREEK, COLORADO RIVER. Chevron U.S.A. Inc. ("Chevron") Rick Cross, 760 Horizon Dr., Grand Junction, CO, (970) 683-4073, RickCross@chevron.com c/o Kirsten M. Kurath, Williams, Turner & Holmes, P.C., 858 Grand Ave., Suite 1, Grand Junction, CO 81501, 970-242-6262, kmkurath@wth-law.com APPLICATION FOR FINDING OF REASONABLE DILIGENCE AND TO MAKE CONDITIONAL WATER RIGHT PARTIALLY ABSOLUTE. Structures: Chevron Central Man Camp Well, Chevron Valley Man Camp Well, Chevron Office Complex Well, Chevron Central Production Facility Well ("Chevron Wells"), the Chevron Fresh Water Pond and the Chevron Fresh Water Pond Feeder Pipeline. The conditional water rights decreed at these structures will be referred to collectively as the "Conditional Water Rights." Original decree: July 12, 2010; Case No. 08CW58, Water Court, Water Div. 5. Subsequent Decrees: February 26, 2017, Case No. 2016CW3049, Water Court, Water Div. 5. Locations: A map showing the relative locations of the structures is attached to Application as Figure 1. The Chevron Wells are located as follows: The Chevron Central Man Camp Well is located in the SW1/4 NW1/4 of Section 34, Township 6 South, Range 98 West, 6th P.M., at a point 2,287 feet from the North Section Line and 1,103 feet from the West Section Line of said Section 34. The Chevron Valley Man Camp Well is located in the NE1/4 NE1/4 of Section 16, Township 6 South, Range 98 West, 6th P.M., at a point 310 feet from the North Section Line and 230 feet from the East Section Line of said Section 16. The Chevron Office Complex Well is located in the SW1/4 SE1/4 of Section 22, Township 6 South, Range 98 West, 6th P.M., at a point 1,180 feet from the South Section Line and 2,510 feet from the East Section Line of said Section 22. The Chevron Central Production Facility Well is located in the SW1/4 NW1/4 of Section 36, Township 5 South, Range 98 West, 6th P.M., at a point 2,280 feet from the North Section Line and 230 feet from the West Section Line of said Section 36. The Chevron Stage III Production Facility Well is located in the SW1/4 NE1/4 of Section 22, Township 6 South, Range 98 West, 6th P.M., at a point 1,860 feet from the North Section Line and 2,340 feet from the East Section Line of said Section 22. The Chevron Fresh Water Pond is located in the SW1/4 NW1/4 of Section 36, Township 5 South, Range 98 West, 6th P.M., at a point 1,785 feet from the North Section Line and 250 feet from the West Section Line of said Section 36. This point is the center of the west embankment of the ring dam for the pond. The point of diversion of the Chevron Fresh Water Pond Feeder Pipeline is located in the SE1/4 NE1/4 of Section 35, Township 5 South, Range 98 West, 6th P.M., at a point 1,490 feet from the North Section Line and 100 feet from the East Section Line of said Section 35. Sources: The source of each of the Chevron Wells is the alluvial aquifer of Clear Creek, tributary to Roan Creek, tributary to the Colorado River. The source of water for the Chevron Fresh Water Pond and the Chevron Fresh Water Pond Feeder Pipeline is Clear Creek, tributary to Roan Creek, tributary to the Colorado River. App Date: March 13, 2007. Amounts: The amounts for the Chevron Wells are as follows: Chevron Central Man Camp Well: 50 g.p.m. (0.11 c.f.s.), conditional, with a maximum annual diversion of 3.53 acre feet. Chevron Valley Man Camp Well: 50 g.p.m. (0.11 c.f.s.), conditional, with a maximum annual diversion of 10.71 acre feet. Chevron Office Complex Well: 50 g.p.m. (0.11 c.f.s.), conditional, with a maximum annual diversion of 5.63 acre feet. Chevron Central Production Facility Well: 50 g.p.m. (0.11 c.f.s.), conditional, with a maximum annual diversion of 0.59 acre feet. Chevron Stage III Production Facility Well: 50 g.p.m. (0.11 c.f.s.), conditional, with a

maximum annual diversion of 0.59 acre feet. The amount for the Chevron Fresh Water Pond is 14.06 acre feet, absolute, together with the right to fill and refill the pond when water is available in priority in order to keep the pond full and 1.14 acre feet, conditional, together with the right to fill and refill the pond when water is available in priority in order to keep the pond full. The amount for the Chevron Fresh Water Pond Feeder Pipeline is 0.245 c.f.s., absolute and 0.755 c.f.s., conditional. Uses: The water from the Chevron Wells will be used for domestic, commercial and related purposes in connection with the operation of the facilities that the Chevron Wells serve. Water stored in the Chevron Fresh Water Pond will be used to augment and replace out-of-priority depletions from the Chevron Wells. Water stored in the Chevron Fresh Water Pond will also be used for commercial and industrial purposes related to the production of oil and gas on real property owned or leased by Chevron and/or its subsidiary and affiliated companies. The commercial and industrial uses to be made of the water by Chevron and/or its subsidiary and affiliated companies include dust control, construction activities, well drilling and completion work, product processing and similar commercial and industrial uses necessary or related to the production of oil and gas. Water diverted under the Chevron Fresh Water Pond Feeder Pipeline water right will be used to fill, and will be stored in, the Chevron Fresh Water Pond. Such water will be used for the purposes described above. Remarks: Use of water from the Valley Man Camp Well began in Aug of 2018, however, Chevron learned in preparing this Application that through oversight and changes in personnel, the augmentation plan decreed in Case No. 08CW58 was not operated to replace any out-of-priority depletions. Chevron has implemented procedures to ensure this will not happen again. Chevron will reach out to the Water Commissioner and going forward will augment and replace out-of-priority depletions from the Chevron Wells with releases to Clear Creek from the Chevron Fresh Water Pond as decreed in the augmentation plan in Case No. 08CW58. Claim To Make Absolute In Whole Or In Part: The Chevron Valley Man Camp Well has been diverting water for beneficial use since August 2018. See Exhibit A attached to the Application, Chevron Valley Man Camp Well Accounting. Since August 2018, Chevron has diverted a total of 192,700 gallons (0.5914 acre feet), or approximately 44,000 gallons per year (0.135 acre feet) from the Chevron Valley Man Camp Well. In 2019, the Chevron Valley Man Camp Well diverted at the rate of 50 g.p.m. (0.11 c.f.s.) a total of 26,952 gallons (0.0827 acre feet) while in priority. See Exhibit A for accounting and Exhibit B attached to the Application, CDSS Call Record for 2019. Chevron diverted 0.0827 acre feet from the Chevron Valley Man Camp Well at the rate of 50 g.p.m. while in priority, therefore, the Chevron Valley Man Camp Well should be decreed absolute in the amount of 50 g.p.m. (0.11 c.f.s.) and 0.0827 acre feet per year. The Application contains a detailed outline of what has been done toward completion or for completion of the appropriation and application of water to a beneficial use as conditionally decreed to Conditional Water Rights described above, including expenditures. In Case No. 08CW58, the Chevron Wells, the Chevron Fresh Water Pond, the Chevron Fresh Water Pond Feeder Pipeline and all of the water diversion, storage, and transportation structures described herein were decreed components of an integrated project for purposes of future findings regarding reasonable diligence. Therefore, pursuant to C.R.S. § 37-92-301 (4)(b), work performed with respect to one of the Conditional Water Rights constitutes diligence toward the development of all the Conditional Water Rights. Name and address of owner(s) of the land: Each of the Chevron Wells is located on land owned by Chevron except for the Chevron Stage III Production Facility Well, which is located on land owned by Mahogany Energy LLC, P.O. Box 957, Meeker, CO, 81641. The Chevron Fresh Water Pond and the point of diversion for the Chevron Fresh Water Pond Feeder Pipeline are located on land owned by Chevron. Applicant requests that the Court adjudge and decree Applicant has been reasonably diligent in the development of the Conditional Water Rights, that the Chevron Valley Man Camp Well be decreed absolute in the amount of 50 g.p.m. (0.11 c.f.s.) and 0.0827 acre feet per year for all its decreed purposes as described in Paragraph 3.F.1, above, and that the remaining conditional portions of the Chevron Central Man Camp Well, Chevron Valley Man Camp Well, Chevron Office Complex Well, Chevron Central Production Facility Well, the Chevron Fresh Water Pond and the Chevron Fresh Water Pond Feeder Pipeline be continued in full force and effect.

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6. PURSUANT TO C.R.S., §37-92-302, AS AMENDED, YOU ARE NOTIFIED THAT THE FOLLOWING PAGES COMPRISE A RESUME OF THE APPLICATIONS AND AMENDED APPLICATIONS FILED WITH THE WATER CLERK FOR WATER DIVISION 5 DURING THE MONTH OF FEBRUARY 2023. *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.*

23CW3010 (16CW3056, 05CW255) IN THE COLORADO RIVER AND ITS TRIBUTARIES IN MESA AND RIO BLANCO COUNTIES. Application for Finding of Reasonable Diligence. Applicant: Mahogany Energy Resources, LLC ("Applicant" or "MER"), by and through its counsel William H. Caile, Holland & Hart LLP 555 17th St., Suite 3200, Denver CO 80202, whcaile@hollandhart.com; telephone: (303) 295-8000. 1. Applicant's address: P.O. Box 957, Meeker, CO 81641. Please direct all pleadings and correspondence to Applicant's counsel at the contact information above. 2. Name of Structure: Shell Colorado River Pumping Plant 3. Description of Conditional Water Right: a. Original Decree: Case No. 05CW255, entered on July 13, 2010 by the District Court in and for Water Division 5. b. Subsequent Decree: Case No. 16CW3056, entered on February 26, 2017, Water Division 5. c. Legal Description of Point of Diversion: Located on the North bank of the Colorado River in the SE 1/4 NE 1/4 of Section 13, Township 1 North, Range 3 West of the Ute Meridian, Mesa County, Colorado and being more particularly described as being approximately 1,957 feet from the North line and 558 feet from the East line of said Section 13. This point is depicted on the map on file with the Court as Exhibit A. d. Source: Colorado River. e. Appropriation date: November 29, 2005. f. Amount: 225 cfs, conditional.

g. Use and Location of Use: i. The water diverted under this water right will be used for industrial and mining purposes, including but not limited to drilling activities, product recovery, processing and upgrading, power generation, refining, remediation, reclamation, dust control and other activities in connection with the mining, recovery, and production of oil and other products from oil shale, and for domestic and commercial purposes. Such uses shall be referred to in this Application as the “Decreed Uses.” ii. Applicant owns the surface and the mineral estate, including the oil shale deposits, beneath land in Western Colorado that Applicant plans to develop for the production of oil and gas from oil shale, to utilize in connection with the development of Applicant’s oil shale properties, and to utilize for ancillary uses. These lands consist of properties located both in the Colorado River basin and the White River basin. These properties shall be referred to herein as the “Mahogany Property.” The location of the lands comprising the Mahogany Property are shown generally on Figure 1 on file with the Court. iii. Water diverted under this water right may be used by Applicant on or in connection with the development of lands in which Applicant currently has a legally vested interest. The lands upon which the water may be used and in which Applicant currently has a legally vested interest are described on Exhibit B on file with the Court. These lands are a portion of Applicant’s property illustrated on Figure 1 and comprise the lands identified as the Wyatt Property, the Ertl-Mahogany Property, the portion of the Basin Lands identified on Figure 1 as the Mahogany Properties, and the Mack Property. iv. Water diverted under this water right may also be used by Applicant on or in connection with the development of lands in which Applicant has a reasonable expectation of procuring a legally vested interest in the future. Lands in which Applicant has a reasonable expectation of procuring a legally vested interest in the future are described on Exhibit C on file with the Court. These lands are illustrated on Figure 1 and comprise the lands identified on Figure 1 as the PRL lands. However, Applicant shall not be entitled to use water diverted under this water right on or in connection with development of lands described on Exhibit C unless and until Applicant obtains a legally vested interest in such lands. v. Water diverted under this water right may be used directly for the Decreed Uses. vi. Water diverted under this water right may also be stored in reservoirs on property owned or otherwise controlled by Applicant for use and subsequent release for any of the Decreed Uses. vii. Water diverted under this water right may also be used for augmentation of, for replacement of and/or by exchange for water diverted for Decreed Uses in connection with the development of the property identified above, and depletions from such diversions; provided, however, that such water can only be used by or for augmentation, replacement or exchange in connection with a plan approved in accordance with applicable law by the water court, the state engineer, or other appropriate administrative official. h. Remarks: The subject water right is part of an integrated water system that includes the water rights described on Exhibit D on file with the Court. C.R.S. § 37-92-301(4)(b). 4. The Application on file with the Court contains a detailed description of activities and expenditures demonstrating reasonable diligence. 5. The point of diversion of this water right will be located on land owned by Chevron USA Inc., P.O. Box 285, Houston TX 77001-0285. Any water stored under this water right will be stored on land owned or controlled by Applicant. Applicant respectfully requests entry of a decree finding that Applicant has demonstrated reasonable diligence in the development of the conditional water rights described herein, continuing the conditional water rights in full force and effect, and for such other relief as the Court deems appropriate.

YOU ARE HEREBY NOTIFIED THAT YOU HAVE until the last day of APRIL 2023 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 FEBRUARY 2023. *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.*

23CW3011 (16CW3062, 07CW123, 99CW299) EAGLE COUNTY, EAGLE RIVER OR ITS TRIBUTARIES. The Town of Gypsum, c/o Kevin L. Patrick, Esq. and Jason M. Groves, Esq., Patrick, Miller & Noto, P.C., 229 Midland Avenue, Basalt, CO 81621, (970) 920-1030. APPLICATION FOR A FINDING OF REASONABLE DILIGENCE. Name: Gypsum Eagle Park 99-10 Exchange. Original decree: June 12, 2001, Case No. 99CW299, Water Division 5. Legal description: The exchange reaches originally decreed are between the confluence of Gypsum Creek and the Eagle River, and the following exchange termini. Little G Intake located at a point in the NE ¼ NE ¼ of Section 5, Township 6 South, Range 85 West of the 6th P.M., whence the SE Corner of said Section 5 bears South 10°45’ East a distance of 1,820 feet (Eagle County). Norgaard Ditch, Town Enlargement headgate located in the NW ¼ NW ¼ of Section 8, Township 5 South, Range 85 West of the 6th P.M. on the east bank of Gypsum Creek at a point whence the northwest corner of Section 8, Township 5 South, Range 85 West of the 6th P.M. bears North 79°30’ west a distance of 1,510 feet (said structure is also located 1,550 feet from the west section line and 250 feet from the north section line of Section 8) (Eagle County). Town of Gypsum Gravity System Water Works located at a point whence the East Quarter Corner of Section 5, Township 6 South, Range 85 West of the 6th P.M. bears North 9°38’ East 1,012.96 feet (Eagle County). Eye Lake Supply Ditch located in the unsurveyed SE ¼ SW ¼ of Section 8, Township 7 South, Range 84 West of the 6th P.M. at a point whence the S ¼ Corner of Section 32, Township 6 South, Range 84 West of the 6th P.M. bears North 4°15’ East 10,300 feet (Eagle County). Gypsum Eagle River Pump and Pipeline located on the south bank of the Eagle River in the NW ¼ NW ¼ of Section 5, Township 5 South, Range 85 West of the 6th P.M., at a point whence the northwest corner of Section 5 bears North 37°30’ West a distance of 1,730 feet (Eagle County). Gypsum Well No. 1 as decreed in Case No. 81CW473, and as augmented by Case Nos. 85CW600 and 99CW299, located in Tract 38, Section 6, Township 5 South, Range 85 West, 6th P.M. at a point whence the Southwest Corner of Lot 10, Eagle River Estates, Filing No. 3, Town of Gypsum bears North 83°30’

West 240 feet. Gypsum Well No. 2 as decreed in Case No. 81CW473, and as augmented by Case Nos. 85CW600 and 99CW299, located in Tract 67, Section 5, Township 5 South, Range 85 West, 6th P.M. at a point whence Angle Point No. 2 of said Tract 67 bears North 46°05' West 710 feet. Source: CRWCD Contract No. 99-10 for Eagle River supplies including Eagle Park Reservoir, Homestake Reservoir, the Camp Hale Project, and the water rights associated with each of these structures as listed in the 99CW299 Decree. Appropriation Date: December 23, 1999. Amount: 20.0 acre-feet, at a rate of 2.5 cfs, conditional for the following exchange reaches: Eye Lake Supply Ditch, Gypsum Eagle River Pump and Pipeline, Gypsum Well No. 1, and Gypsum Well No. 2. All other reaches of the Gypsum Eagle Park 99-10 Exchange described in paragraph 3.C.i to 3.C.iii. of the application were made absolute for the full amounts and uses in Case No. 07CW123, Water Division 5. Uses: Substitution and exchange. A detailed outline of the work performed towards the completion of the appropriation and a map are on file with the court. No new diversion or storage structure, or any modifications to existing diversions or storage structures are involved in this proceeding. Remarks: The Water Court previously determined the Gypsum Eagle Park 99-10 Exchange and the structures described in the Application are components of the Applicant's integrated water supply system.

YOU ARE HEREBY NOTIFIED THAT YOU HAVE until the last day of APRIL 2023 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 FEBRUARY 2023. *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.*

23CW3012 EAGLE COUNTY. APPLICATION FOR FINDING OF REASONABLE DILIGENCE. 1. Name and Address of Applicant: Eagle River Water & Sanitation District (the "Applicant" or "District"), c/o General Manager, 846 Forest Road, Vail, CO 81657, c/o Kristin H. Moseley, Michael W. Daugherty, Maximilian C. Bricker, Somach Simmons & Dunn, P.C., 1155 Canyon Blvd., Suite 110, Boulder, CO 80302. **CLAIM FOR FINDING OF REASONABLE DILIGENCE. 2. Name of Structure**: ERWSD Wolcott Municipal Diversion. **3. Description of Conditional Water Right**: A. **Decree Information**: i. **Original Decree**: Case No. 08CW77 (July 1, 2010), Water Division 5, which also augmented the subject conditional water right. ii. **Subsequent Diligence Decree**: Case No. 16CW3047 (February 27, 2017), Water Division 5. B. **Decreed Location**: The principal point of diversion will be at the Wolcott Treatment Plant Intake located on the westerly bank of the Eagle River in the SE1/4 NE1/4 of Section 16, T. 4 S., R. 83 W. of the 6th P.M., within 200 feet of a point 635 feet from the east section line and 1,680 feet from the north section line of said Section 16. Alternate points of diversion are decreed at the following points: i. Vail-Joufflas Eagle River Diversion, located in the NW1/4 SE1/4 of Section 15, T. 4 S., R. 83 W., of the 6th P.M., at a point whence the SE corner of said Section 15 bears south 47°27'32" East a distance of 2,301.7 feet. ii. Vines at Vail Pump and Pipeline No. 1, located in the NW1/4 SE1/4 of Section 15, T. 4 S., R. 83 W., 6th P.M., at a point 2,987 feet from the West Section line and 1,883 feet from the South Section line of said Section 15. iii. Vines at Vail Pump and Pipeline No. 2, located in the NE1/4 SW1/4 of Section 15, T. 4 S., R. 83 W., 6th P.M. at a point 2,395 feet from the West Section line and 1,909 feet from the South Section line; and iv. Vines at Vail Pipeline No. 3, located in the NW1/4 SW1/4 of Section 14, T. 4 S., Range 83 W., 6th P.M., at a point 640 feet from the West Section line and 1,609 feet from the South Section line. C. **Source**: **Eagle River**. D. **Appropriation Date**: June 26, 2008. E. **Amount**: 7 cfs conditional. The amount of annual storage shall be limited to no more than 50 acre-feet in amenity ponds or other ponds or other water features to be located within the service areas described in the decree in Case No. 08CW77. F. **Uses**: Municipal, domestic, irrigation, commercial, industrial, recreation, augmentation, replacement and exchange by direct diversion or storage as limited above. Augmentation, replacement, and exchange uses shall be limited to return flows from in priority or augmented diversions which return flows accrue to the Eagle River when the Wolcott Municipal Diversion is out of priority as further described in paragraph 6(d) in the decree in Case No. 08CW77. A map of the principal point of diversion and the alternate points of diversion is attached as Exhibit A. The District is the municipal water provider of the Wolcott Service Area decreed by the Water Court in Case No. 08CW77 and depicted on the map attached as Exhibit B. **4. Detailed Outline of Work Done to Apply Water to a Beneficial Use**: During the diligence period, the District has steadily applied effort in the ongoing development of its Wolcott Municipal Diversion pursuant to C.R.S. 37-92-301(4). The District participated as a co-applicant in Case No. 17CW3249, which involved an application to quantify the historical consumptive use of certain water rights that are to be dedicated to the District pursuant to its Water Dedication Policy for new developments and to change those rights for use by the District to provide water to the Wolcott Planned Unit Development and other land within its Wolcott Service Area. The District's legal expenses for this matter exceeded \$88,000. In addition, the District has expended approximately \$955,000 on payments pursuant to contracts with the Wolford Mountain Reservoir company that constitute an important element of the augmentation plan decreed in Case No. 08CW77. **5. Ownership**: The District is the owner of the land on which the principal point of diversion for the ERWSD Wolcott Municipal Diversion is located. The decreed alternate points of diversion at the Vines at Vail Pump and Pipeline No. 1 and the Vail-Joufflas Eagle River Diversion are located on property owned by P. John Joufflas, G. Gregory Joufflas, M. James Joufflas, and Jan Marie Joufflas, 113 Mira Monte Road, Grand Junction, CO 81507-1731. An easement for the Vail-Joufflas Eagle River Diversion is owned by Vail Resorts, c/o Bill Kennedy, P.O. Box 7, Vail, CO, 81658. WHEREFORE, the District seeks a finding that it has exercised reasonable diligence with respect to the water right identified in paragraphs 2 and 3 above, and such other and further relief as this Court deems just and proper.

YOU ARE HEREBY NOTIFIED THAT YOU HAVE until the last day of APRIL 2023 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 FEBRUARY 2023. *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.*

23CW3013 EAGLE, GRAND AND PITKIN COUNTIES. APPLICATION FOR FINDING OF REASONABLE DILIGENCE. 1. Name and Address of Applicant: Upper Eagle Regional Water Authority (the "Applicant" or "Authority"), c/o General Manager, 846 Forest Road, Vail, CO 81657, c/o Kristin H. Moseley, Michael W. Daugherty, Maximilian C. Bricker, Somach Simmons & Dunn, P.C., 1155 Canyon Blvd., Suite 110, Boulder, CO 80302. CLAIM FOR FINDING OF REASONABLE DILIGENCE. 2. Name of Structure: Lake Creek Wells Nos. 1-6. 3. Description of Conditional Water Right: A. Original Decree Information: Case No.15CW3032 (February 26, 2017), Water Division 5, which also provided for a plan for augmentation and exchange of the subject conditional water right. B. Legal Descriptions: i. Well No. 1 is in the SE¼ of the NE¼ of Section 6, T. 5 S., R. 82 W., 6th P.M., 324 feet west of the east section line, and 1656 feet south of the north section line of said Section 6. ii. Well No. 2 is in the SE¼ of the NE¼ of Section 6, T. 5 S., R. 82 W., 6th P.M., 202 feet west of the east section line, and 1543 feet south of the north section line of said Section 6. iii. Well No. 3 is in the SE¼ of the NE¼ of Section 6, T. 5 S., R. 82 W., 6th P.M., 64 feet west of the east section line, and 1431 feet south of the north section line of said Section 6. iv. Well No. 4 is in the SW¼ of the NW¼ of Section 5, T. 5 S., R. 82 W., 6th P.M., 117 feet east of the west section line, and 1639 feet south of the north section line of said Section 5. v. Well No. 5 is in the SW¼ of the NW¼ of Section 5, T. 5 S., R. 82 W., 6th P.M., 366 feet east of the west section line, and 1749 feet south of the north section line of said Section 5. vi. Well No. 6 is in the SW¼ of the NW¼ of Section 5, T. 5 S., R. 82 W., 6th P.M., 689 feet east of the west section line, and 1584 feet south of the north section line of said Section 5. The foregoing wells are hereinafter referred to as the "Lake Creek Wells" and are depicted on the attached Exhibit A. C. Source: Groundwater tributary to Lake Creek and the Eagle River, tributary to the Colorado River. D. Appropriation Date: June 10, 2014. E. Amount: Each well individually and cumulatively for up to 3.1 cfs, conditional. F. Uses: Municipal, domestic, irrigation, commercial, fire protection, and all other municipal uses, including recreation and piscatorial uses to the full extent permitted by law. 4. Detailed Outline of Work Done to Apply Water to a Beneficial Use: During the diligence period, the Authority has steadily applied effort in the ongoing development of the subject wells pursuant to C.R.S. 37-92-301(4). The Authority has expended approximately \$52,773,324 on capital improvements related to its integrated water system. Specifically, the Authority expended approximately \$75,291 in legal and consulting fees for drilling, pumping, hydrologic analysis, water quality analysis, and abandonment of test wells related specifically to the Lake Creek Wells Nos. 1-6. The Authority has also expended approximately \$118,439 on the development of its water production master plan, of which the Lake Creek Wells Nos. 1-6 constitute an important element. This planning effort will evaluate all existing and conditional water sources available to the Authority to help prioritize capital spending over the next five to ten years. 5. Ownership: The property on which the Lake Creek Well Field is located is owned by Southfork Meadows Homeowners Association, Inc., and Sierra Trail Investments, LLC. The structures described in paragraph 3 will be owned by the Authority. The addresses of the foregoing property owners are set forth below: A. South Fork Meadows LLC, c/o Southfork Meadows Homeowners Association, Inc., c/o Mr. Gerry Flynn, Polar Star Properties, 28 Second Street, Ste 215, Edwards, CO 81632. B. Sierra Trail Investments, LLC, c/o Keith Novick, Attn: Otis Moore, 629 Jasper Ave., Franklin, TN 37064. WHEREFORE, the Authority seeks a finding that it has exercised reasonable diligence with respect to the water right identified in paragraphs 2 and 3, above, and such other and further relief as this Court deems just and proper.

YOU ARE HEREBY NOTIFIED THAT YOU HAVE until the last day of APRIL 2023 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 FEBRUARY 2023. *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.*

23CW3014 GRAND COUNTY. Junction Ranch Water Company, c/o Erica Fransen, Allegiant Management, P.O. Box 66, Winter Park, CO 80482. Applicant is represented by Katie Randall and Kent Whitmer, The Whitmer Law Firm, LLC, P.O. Box 38, Hot Sulphur Springs, CO 80451, (970) 725-3460. APPLICATION FOR CORRECTION OF AN ESTABLISHED BUT ERRONEOUSLY DESCRIBED POINT OF DIVERSION PURSUANT TO C.R.S. § 37-92-305(3.6). Name of Structure: Miller Well No. 2. Prior Decree: March 5, 1979, Case No. W-3737, Water Court Division No. 5. Type of Structure: Well. Legal Description of Structure as Described in Most Recent Decree: The well is located in the NE¼ of Section 1, T.1S., R.76W. of the 6th P.M. at a point 4,060 feet North of the

South line and 50 feet West of the East line of said Section 1. Source: The source of the water is a well having a depth of 40 feet, and being tributary to the Fraser River. Appropriation Date: December 31, 1936. Amount: 0.132 c.f.s., absolute. Uses: Commercial, domestic, municipal, lawn irrigation and fire protection. Detailed Description of Proposed Correction: Applicant is a “diverter” as that term is defined in C.R.S. § 37-92-305(3.6)(a)(I). The point of diversion for Miller Well No. 2 is an established but erroneously described point of diversion. C.R.S. § 37-92-305(3.6)(a)(II). Miller Well No. 2 is physically located approximately 1015 feet from the location specified in the Decree in Case No. W-3737. Applicant and its predecessors have diverted water at the physical location of the point of diversion for Miller Well No. 2 with the intent to divert pursuant to the Decree in Case No. W-3737. Miller Well No. 2 has been in the same physical location since 1980, when it was moved approximately 30 feet pursuant to a valid well permit. As noted in the W-3737 Decree, Miller Well No. 2 was completed and the water applied to beneficial use prior to 1936. This application does not include an action seeking any other type of change of water right or diligence proceeding or application to make a water right absolute. Applicant respectfully requests that the Court enter a Decree pursuant to C.R.S. § 37-92-305(3.6) correcting the established but erroneously described point of diversion for Miller Well No. 2 to the following corrected point of diversion, which is the actual physical location of the point of diversion for Miller Well No. 2: **Corrected legal description of point of diversion**: A point located in the NE1/4 NE1/4 of Section 1, Township 1 South, Range 76 West of the 6th P.M., Grand County, Colorado, at the following UTM coordinates: NAD83, Zone 13; Easting: 428973.1 Northing: 4427505.0. Additional details are included in the application and exhibits (24 pages).

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11. PURSUANT TO C.R.S. § 37-92-302, AS AMENDED, YOU ARE NOTIFIED THAT THE FOLLOWING PAGES COMPRISE A RESUME OF THE APPLICATIONS AND AMENDED APPLICATIONS FILED WITH THE WATER CLERK FOR WATER DIVISION 5 DURING THE MONTH OF FEBRUARY 2023. *The water right changed 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.*

23CW1 MESA COUNTY – COLORADO RIVER. Dustin & Julia Shiflett, 49338 Coon Creek Road, P.O. Box 315 Mesa, CO 81643 (970)812-2615. Simple Change in Surface Water Right for their interest in the McGeoch Ditch. Decreed Location: headgate is located at a point on the right bank of Coon Creek when the NW corner of Sec. 9, T11S, R.96W. 6th P.M. bears N 33°56’ W 5720 ft. Appr. Date: July 1888 first decree (CA970). Total Amount: 3.52 cfs, conditional. Use: irrigation. Amount to be changed: Shiflett Interest. Changed Location: UTM Z13 229310.9E 4332766.3M NE1/4 SW1/4 Sec. 9, T11S, R.96W. 6th P.M.

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22CW3133 IN GRAND COUNTY, COLORADO. APPLICATION FOR CONDITIONAL WATER STORAGE RIGHT. Names, mailing address, email address and telephone numbers of applicant(s): Winter Park Recreational Association; c/o Kenneth Ho, President; 4100 East Mississippi Avenue, Suite 500, Denver, CO 80246; (303) 291-2205; kho@westsideinv.com. Please address all correspondence to: Peggy E. Montano; Michael A. Kopp; Trout Raley; 1120 Lincoln Street, Suite 1600, Denver, CO 80203; Telephone: (303) 861-1963. **2. Overview of Application**: The Discovery Park Pond Storage Right was decreed in Case No. 16CW3159, Water Division No. 5 (“16CW3159 Decree”). By this Application, the Applicant seeks to decree the right to store water to which Applicant is entitled by virtue of contractual arrangements, including with the City and County of Denver, acting by and through its Board of Water Commissioners (“Denver Water”). This Application does not seek any new, junior priorities for the Discovery Park Pond, nor does it seek to change the Discovery Park Pond Storage Right. **3. Name of Reservoir**: Discovery Park Pond also known as the Discovery Park Snowmaking Pond. **4. Legal description**: The inlet for the Discovery Park Pond is located in the N1/2 SW1/4 of Section 10, Township 2 South, Range 75 West, of the 6th P.M.; UTM coordinates (NAD83 datum, Zone 13, meters): 434021.37 Easting, 4415717.98 Northing. See map attached hereto as Exhibit A. The Discovery Park Pond will be an off-channel reservoir. **5. Source**: Water to which Applicant has a contractual entitlement (“Contract Water”). The sources of Contract Water are described in more detail in the attached Exhibit B. **6. Points of Diversion**: **A. Fraser River Pump and Pipeline**. 1. Legal description: a point in the NE1/4 of the SE1/4 of Section 10, T. 2 S., R. 75 W., of the 6th P.M., bearing 9°15’W, a distance of 7,960 feet from the SE corner of Section 34, T.1 S., R 75 W., of the 6th P.M., also described as UTM coordinates (NAD83 datum, Zone 13, meters): 434866.56 Easting, 4415481.49 Northing. See Exhibit A. **B. Winter Park/Mary Jane Snowmaking Diversion**. 1. Legal description: a point in Denver Water’s Moffat System located in the NE 1/4, SW 1/4 of Section 10, Township 2 South, Range 75 West of the 6th P.M., which bears S. 26°00’ W. a distance of 7,480 feet from

the SE corner of Section 34, Township 1 South, Range 75 West of the 6th P.M. or, at UTM coordinates (NAD83 datum, Zone 13, meters): Northing: 4415821, Easting: 434266. See Exhibit A. **7. Capacity:** 40.4 acre feet **8. Rate of Diversion:** 14 cfs (up to 7 cfs from each of the points of diversion described in Paragraph 6) only to divert the Contract Water for storage pursuant to this application. **9. Use:** Applicant is not seeking to decree new uses of its Contract Water and will use the water for purposes consistent with its existing decrees and contracts. **10. Name(s) and address(es) of owner(s) or reputed owners of the land upon which any new or existing 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.** United States of America; U.S. Forest Service; c/o Eric Freels, District Ranger; Sulphur Ranger District; Arapaho National Forest; P.O. Box 10; 9 Mile Drive; Granby, Colorado 80446. (7 pages total)

YOU ARE HEREBY NOTIFIED THAT YOU HAVE until the last day of APRIL 2023 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.