

DIVISION 5 WATER COURT-JUNE 2021 RESUME

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

21CW3084 GRAND COUNTY. Applicant: The City and County of Denver, acting by and through its Board of Water Commissioners (“Denver Water”), 1600 West 12th Avenue, Denver, CO 80204, (303) 682-6460. Attorneys for Denver Water: Jessica R. Brody, General Counsel, Daniel J. Arnold, No. 35458, James M. Wittler, No. 44050, Andrew J. Hill, No. 47896. **CONCERNING THE APPLICATION FOR WATER RIGHTS OF THE CITY AND COUNTY OF DENVER ACTING BY AND THROUGH ITS BOARD OF WATER COMMISSIONERS. APPLICATION FOR FINDING OF REASONABLE DILIGENCE AND CLAIM TO MAKE ABSOLUTE** Application eight (8) pages. 2. Name of Structure: Carr No. 2 Ditch (Structure No. 417, Priority No. 22) 3. Description of water right (“Subject Water Right”) and information from previous decrees: A. Original Decree: Civil Action No. 657, Water Division No. 5, November 5, 1937. (1) Supplemental Findings, Decrees, and Orders: Civil Action No. 657, Grand County District Court: March 2, 1942; March 7, 1944; April 15, 1946; March 1, 1948; July 17, 1950, June 3, 1953; March 22, 1968. (2) Decree: Case No. W-78, Water Division No. 5, November 12, 1971. (3) Decree: Case No. W-662, Water Division No. 5, May 6, 1971. (4) Decree: Case No. W-662-76, Water Division No. 5, November 8, 1977. (5) Decree: Case No. 1980CW162, Water Division No. 5, January 12, 1982. (6) Decree: Case No. 1984CW087, Water Division No. 5, August 10, 1985. (7) Decree: Case No. 1988CW209, Water Division No. 5, November 3, 1992. (8) Decree: Case No. 1998CW214, Water Division No. 5, February 8, 2001. (9) Decree: Case No. 2001CW337, Water Division No. 5, June 6, 2008. (10) Decree: Case No. 2007CW030, Water Division No. 5, June 29, 2015. (11) Decree: Case No. 2015CW3084, Water Division No. 5, September 25, 2016. C. Historic Point of Diversion: The historic headgate location is at a point on the east bank of the Williams Fork River whence the Southwest corner of Section 13, Township 1 North, Range 79 West of the 6th P.M. bears South 56°45’ West 1,920 feet. This point equates to the following quarter-quarter location and approximate distances from section line in Section 13: Southeast quarter of the Southwest quarter, 1,053 feet from the South Section line and 1,606 feet from the West Section line. D. Changed point of diversion: Denver Water changed the point of diversion for the Subject Water Right in Case No. 2015CW3084. The changed point of diversion is the same as the Williams Fork Reservoir Power Conduit which has the following decreed point of diversion: In the Williams Fork Reservoir dam, the Southeast end of dam which is at a point whence Southeast corner of Section 23, Township 1 North, Range 79 West, 6th P.M., bears South 24°53’ East a distance of 2,175 feet. This point equates to the following quarter-quarter location and approximate distances from section line in Section 23: Northeast quarter of the Southeast quarter, 1,973 feet from the South Section line and 915 feet from the East section line. E. Source: Williams Fork River, tributary to the Colorado River. F. Appropriation Date: October 15, 1933. G. Amount: Conditional: 16.0 cfs, Absolute 0.0 cfs, Total: 16.0 cfs. H. Use: Power generation. I. Place of Use: Williams Fork Reservoir Power Conduit, which location is shown generally on **Exhibit A. J. Season of Use:** May 10 – October 4. **CLAIM FOR FINDING OF REASONABLE DILIGENCE** 4. Diligence Activities. During the diligence period, Denver Water initiated or completed the following activities in furtherance of maintaining and fully developing the Subject Water Right. A. Williams Fork Reservoir: (1) Denver Water began diverting the Subject Water Right through the Williams Fork Reservoir Power Conduit on May 10, 2017, in amounts up to 16 cfs, for power generation. Since that time, and up to the time of the filing of this Application, Denver Water has continued to divert the Subject Water Right through the Williams Fork Reservoir Power Conduit. (2) Denver Water completed annual operations and maintenance, including annual dam safety inspections with State Engineer’s Office (“SEO”) and FERC, drill of the Emergency Action Plan, and survey of the dam for movement. (3) In 2015, Gannett Fleming, Inc. provided support services regarding the 2013 FERC Consultant Safety Inspection Report for Williams Fork Dam. The total project cost was approximately \$15,000. (4) In 2016, Gannett Fleming, Inc. provided engineering services for revised seismic structural analyses for Williams Fork Dam. The total project cost was approximately \$151,000. (5) In 2016, Top Notch Fence, LLC installed approximately a mile of wildlife friendly fencing on Denver Water property at Williams Fork Reservoir. The total cost was approximately 18,000. (6) In 2017, ASI Marine LP conducted a remotely operated vehicle inspection of the penstock gate and hydraulic cylinder of the outlet works slide gate at Williams Fork Dam. The total project cost was approximately \$28,000. (7) In 2017, Engineering Support Services, Inc. provided construction oversight services for the Williams Fork Dam Hydro Unit No. 1 overhaul and penstock gate maintenance project at Williams Fork Reservoir. The total project cost was approximately \$156,000. (8) In 2017, Gracon LLC refurbished one of the hydropower units at Williams Fork Dam and upgraded the supporting equipment for the turbine and generator. Additionally, the penstock gate was completely refurbished. The total project cost was approximately \$2,275,000. (9) In 2017, Tri-State Generation & Transmission Association entered into a power purchase agreement with Denver Water to purchase hydroelectric power generated at Williams Fork Reservoir. To allow for transmission of the power generated at Williams Fork Reservoir, an Interconnection Agreement was obtained with Mountain Parks Electric, Inc. (10) In 2018, Gannett Fleming, Inc. provided engineering services to prepare the 11th Consultant Safety Inspection Report and the Supporting Technical Information Document for the Williams Fork Dam. The total project cost was approximately \$87,000. (11) In 2018, ERO Resources Corporation completed a cultural resource survey to identify sites of historic value within the reaches of the Williams Fork River identified for stream restoration work. Additionally, an evaluation of the potential impact to endangered species within the stream reaches was conducted. The total project cost was approximately \$37,000. (12) Starting in 2018, Tezak Heavy Equipment Company, Inc. began stream restoration work above and below Williams Fork Reservoir to restore aquatic resource functions and habitat complexity to the two reaches of the river. The total project cost was approximately \$984,000. (13) In 2019, Denver Water entered into an IGA with Colorado Parks and Wildlife (“CPW”) to relocate a portion of the stream restoration along the Williams Fork River further downstream to the Kemp Breeze State Wildlife Area. This relocation allows CPW to meet its management objective of improving the trout fishery at this location while still meeting Denver Water goals. (14) In 2019, DWCA Environmental Consultants completed a cultural resource survey of the relocated reach of the Williams Fork River selected

for stream restoration work. The total project cost was approximately \$10,000. (15) In 2019, Shannon & Wilson, Inc. completed rockfall hazard assessment at fourteen Denver Water sites. Three locations along Williams Fork Dam and along the main access road were evaluated. The total project cost was approximately \$86,000. (16) In 2019, Gannett Fleming, Inc. provided engineering services to prepare the Spillway Seismic Pier Evaluation for Williams Fork Dam. The total project cost was approximately \$25,000. (17) On June 2, 2021, Denver Water served notice pursuant to Paragraph 17 of the decree in Case No. 2015CW3084 that it diverted water for power generation at the Williams Fork Reservoir Power Conduit. **CLAIM TO MAKE ABSOLUTE 5. Claim to Make Absolute:** A. Date: Denver Water diverted 16 cfs of the Subject Water Right through the Williams Fork Reservoir Power Conduit for power generation on May 10, 2017, as shown in **Exhibit B**. Since that date, Denver Water has continued to divert the Subject Water Right through the Williams Fork Reservoir Power Conduit in amounts up to 16 cfs. Denver Water may rely on accounting records from other days on which the Subject Water Right was used for power generation during the diligence period to support its claim to make absolute an amount equivalent to or less than 16 cfs. B. Amount: 16 cfs. C. Use: Power generation at the Williams Fork Reservoir Power Conduit. D. Place of Use: Williams Fork Reservoir Power Conduit. 6. Names and Addresses of Landowners Where Structures are Located: The following list includes the names and addresses of landowners 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. Denver Water is the owner and operator of the Williams Fork Dam, Reservoir, and Power Conduit. **REQUEST FOR RELIEF WHEREFORE,** Denver Water requests a decree from the court finding that Denver Water has been reasonably diligent in the development of the conditional portion of the Subject Water Right and has made the full amount of 16 cfs absolute.

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

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

21CW3085 PITKIN COUNTY–SNOWMASS CREEK OR ITS TRIBUTARIES. ELK RUN RANCH ASPEN HOLDINGS, LLC and 4303 SNOWMASS CREEK, LLC c/o Ramsey L. Kropf, Somach Simmons & Dunn, 2033 11th St., Suite 5, Boulder, CO 80302, (303) 449-2834. APPLICATION FOR CONDITIONAL WATER STORAGE RIGHTS. Name of Structure: Elk Run Ranch Pond System. Legal Description: One or more off-stream ponds, including open channels and/or pipelines connecting the ponds, located on Applicant's 184.36-acre property in the S/2 of Section 11 and the N/2 of Section 14, Township 9 South, Range 86 West, of the 6th Principal Meridian in Pitkin County, Colorado. The lower terminus of the pond system is in the SW/4 NE/4 of Section 11, T9S, R86W, 6th P.M., in Pitkin County, Colorado (UTM NAD83 Zone 13 Easting 330957.0; Northing 4350197.0). The upper terminus of the pond system is in the NE/4 NW/4 of Section 14, T9S, R86W, 6th P.M. in Pitkin County, Colorado (UTM NAD83 Zone 13 Easting 330572.0; Northing 4348942.6). Applicant will specify the pond locations once the ponds are constructed and the water right is made absolute. The currently planned configuration of the Elk Run Ranch Pond System is shown in Figures 1 and 2 attached to the Application on file with the court. Source: Walker Wonder Ditch, diverting from Snowmass Creek, with a capacity of 70.0 cfs; Legal Description: The headgate of the Walker Wonder Ditch is located on the West bank of Snowmass Creek whence the Northeast Corner of Section 14, Township 9 South, Range 86 West of the Sixth Principal Meridian bears North 44°49' East a distance of 1630.42 feet. Appropriation Date: October 1, 2020. How appropriation was initiated: Formation of intent to appropriate paired with overt acts, including but not limited to inspection, survey and design of the system. Date water applied to beneficial use: N/A. Amount claimed: 9.0 acre-feet, conditional, cumulative for entire Elk Run Ranch Pond System, together with the right to fill and refill in priority or as augmented. Fill Rate not to exceed 2 cfs. Surface Area of High Water Line: Up to 1.94 acres for all ponds in the Elk Run Ranch Pond System, including any open channels connecting the ponds. Maximum Height of Dams: Less than 10 vertical feet. Maximum Length of Dams: Less than 2,000 feet. Active capacity: 9.0 acre-feet. Dead storage: 0 acre-feet. Uses or Proposed Uses: Fire protection, stock watering, recreation, aesthetic, piscatorial, evaporation, wildlife watering, and use as a pumping forebay(s) for direct flow irrigation water rights. Names of owners of land upon which this structure is located: Applicant. Remarks: The water right applied for herein is a component part of an integrated water supply plan for Applicant's property which includes the plan for augmentation and appropriate rights of exchange to be adjudicated through the application filed contemporaneously herewith.

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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 JUNE 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.*

2021CW3086 PITKIN COUNTY–SNOWMASS CREEK OR ITS TRIBUTARIES. ELK RUN RANCH ASPEN HOLDINGS, LLC and 4303 SNOWMASS CREEK, LLC, c/o Ramsey L. Kropf, Somach Simmons & Dunn, 2033 11th St., Suite 5, Boulder, CO 80302, (303) 449-2834. APPLICATION FOR APPROVAL OF AUGMENTATION PLAN AND APPROPRIATIVE RIGHT OF EXCHANGE. **First Claim: Approval of Augmentation Plan.** A. Structure to be Augmented: Name of Reservoir: Elk Run Ranch Pond System. Decree for Structure: Conditional storage water right pending in Case No. 21CW3085, Division 5 Water Court, filed contemporaneously herewith. Appropriation Date: October 1, 2020. Amount: 9.0 acre-feet, conditional, cumulative for entire Elk Run Ranch Pond System, together with the right to fill and refill in priority or as augmented. Source: Walker Wonder Ditch, tributary to Snowmass Creek, tributary to Roaring Fork River, tributary to Colorado River. The headgate of the Walker Wonder Ditch is located on the West bank of Snowmass Creek whence the Northeast Corner of Section 14, Township 9 South, Range 86 West of the Sixth Principal Meridian bears North 44°49’ East a distance of 1630.42 feet. Uses: Fire protection, stock watering, recreation, aesthetic, piscatorial, evaporation, wildlife watering, and use as pumping forebay(s) for direct flow irrigation water rights. Legal Description: One or more off-stream ponds, including open channels and/or pipelines connecting the ponds, located on Applicant’s Property. The lower terminus of the pond system is in the SW/4 NE/4 of Section 11, T9S, R86W, 6th P.M., in Pitkin County, Colorado (UTM NAD83 Zone 13 Easting 330957.0; Northing 4350197.0). The upper terminus of the pond system is in the NE/4 NW/4 of Section 14, T9S, R86W, 6th P.M. in Pitkin County, Colorado (UTM NAD83 Zone 13 Easting 330572.0; Northing 4348942.6). The pond system will not intercept groundwater or create delayed evaporative depletions. Applicant will specify the pond locations once the ponds are constructed and the water right is made absolute. The currently planned configuration of the Elk Run Ranch Pond System is shown on Figures 1 and 2 attached to the Application on file with the court. Remarks: Applicant seeks to augment this structure as ultimately adjudicated and decreed in Case No. 21CW3085 (filed contemporaneously herewith) and reserves the right to adjust its claim accordingly without having to amend and re-publish this application. B. Water rights to be used for augmentation: Basalt Water Conservancy District Contract. Applicant currently holds a water supply contract from the BWCD (Contract No. 612) in an amount of 7.8 acre-feet of annual augmentation water releases from the sources described below to augment out-of-priority diversions that Applicant will amend as necessary to account for the uses contemplated in this application. a.) Green Mountain Reservoir. Case Nos. 2782, 5016 and 5017, U.S. Dist. Ct. (Colo.), October 12, 1955. 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. Source: Blue River, tributary to Colorado River. Amount: 154,645 acre-feet. Adjudication date: October 12, 1955. Appropriation Date: August 1, 1935. 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. b.) Ruedi Reservoir. Case No. CA 4613, Garfield County District Court. 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. Source: Frying Pan River, tributary of Colorado River. Amount: 140,697.3 acre-feet, reduced to 102,369 acre-feet pursuant to order of the Court in Case No. W-789-76. The full amount was made absolute in Case No. 88CW85. Adjudication date: June 20, 1958. Appropriation date: July 29, 1957. Use: 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. c.) 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, 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	0.00	0.000	0.09	0.064	0.035	4.906	N/A
Troy Ditch 1st Enlg	427	3082	08/25 /1936	05/01 /1928	10.80	I	0.00	0.000	0.20	0.134	0.073	10.39	N/A

Structure	Priority	Case No.	Adj. Date	App. Date	Decreed Amount (CFS.)	Use (4)	AMOUNT SOLD, TRANSFERRED OR RESERVED					AMOUNT REMAINING FOR DISTRICT (10)	
							(5)	(6)	(7)	(8)	(9)	CFS	AF
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 Fryingpan, Roaring Fork or Colorado rivers by bypassing water at the headgate on the Fryingpan River. d.) Information from previous decrees for Robinson Ditch rights:

STRUCTURE	DECREE D AMOUNT (CFS)	AMOUNT OWNED BY DISTRICT (CFS)(1)	ADJ. DATE	APP. DATE	PRIORITY	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

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. Applicant does not intend to change a water right to provide a source for augmentation. C. **Statement of Plan for Augmentation. Background:** This plan for augmentation will replace out-of-priority diversions made to supply the Pond System. Applicant plans to fill the ponds during the spring when the Pond System is in priority and then rely on its BWCD contract water to replace losses from evaporation and livestock use when Snowmass Creek, the Roaring Fork River below the confluence with Snowmass Creek, or the Colorado River, below the confluence with the Roaring Fork River, are on call. Out-of-priority diversions under this augmentation plan are assumed to be 100% consumptive and will be fully replaced via exchange on a one-to-one basis. **Demand:** The maximum annual evaporation from open water associated with the 1.94 acres of pond surface area is calculated to be 7.065 AF/year. The total amount of diversions required to offset losses from evaporation and livestock use is calculated to be 7.696 AF/year. The amount of BWCD contract water required to replace Applicant's out-of-priority diversions is calculated to be 4.870 AF/year. These amounts account for transit losses associated with conveying water to the Pond System as well as conveying BWCD water for purposes of replacement and exchange. Water will be conveyed to the Pond System by way of the Walker Wonder Ditch and then, where the Ditch crosses Applicant's property, by means of pump and enclosed pipe. Net evaporation is computed on the basis of 3.64 AF per surface acre annually, or 7.065 AF per year. Monthly distribution and calculation of gross annual water feature evaporation is in accordance with the Office of the State Engineer's Policy 2019-01 and does not take credit for effective precipitation. **Call scenarios: Downstream call-** Applicant will use its BWCD contract water to augment by exchange any valid administered call with a point of diversion below the confluence of the Roaring Fork and Fryingpan Rivers, including on the Colorado River mainstem. The application contains estimates of the diversion amounts needed to offset losses to the Pond System from evaporation and livestock use, which are assumed to be 100 percent consumptive to the stream. The application also contains estimates of the augmentation releases under the BWCD allotment contract during a critical drought year required to replace the out-of-priority diversion amounts. **Local call-** In the event of a valid administered local call on Snowmass Creek or the Roaring Fork River between its confluences with the Fryingpan River and Snowmass Creek, Applicant will curtail diversions to the Pond System for all uses described, though will continue use of the ponds as a pumping forebay(s) for in priority direct flow irrigation rights. Pond levels will lower commensurate with evaporation as all such direct-flow diversions will be pumped out of the ponds within 72 hours. **Second Claim: Appropriative Right of Exchange.** The Plan for Augmentation described in the First Claim above will operate by exchange for the Roaring Fork and Colorado River replacement water sources. **Figure 3** attached to the Application on file with the court shows the exchange-from and exchange-to locations for each exchange claimed below. A. **Name of structure: Elk Run Ranch Colorado River Exchange.** Downstream terminus: The confluence of the Roaring Fork River and the Colorado River located in the SE 1/4 of the NW 1/4 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). Upstream terminus: The location of the Walker Wonder Ditch headgate. **Source of substitute supply:** BWCD water in the Green Mountain Reservoir. **Rate of exchange:** up to 2.0 cfs, conditional. **Amount of exchange:** up to 4.9 acre-feet per year, conditional. **Appropriation date:** October 1, 2020, with the appropriation initiated by forming the intent to appropriate paired with overt acts, including but not limited to inspection, survey, and design. **Remarks:** The Elk Run Ranch Colorado River Exchange is part of an integrated water supply plan for Applicant's property, which includes the Elk Run Ranch Pond Systems to be adjudicated through the application filed contemporaneously herewith. B. **Name of structure: Elk Run Ranch Roaring Fork Exchange No. 1.** Downstream terminus: The confluence of the Roaring Fork and Fryingpan Rivers, located in the SW 1/4, SE 1/4, Section 7, Township 8 South, Range 86 West of the 6th P.M., at a point approximately 647 feet from the South section line and 1,475 feet from the East section line (Eagle and Pitkin Counties). Upper terminus: The location of the Walker Wonder Ditch headgate, as described in Paragraph 4.1.4 above. **Source of substitute supply:** BWCD water in the Ruedi Reservoir and/or BWCD water in the Troy and Edith Ditch. **Rate of exchange:** up to 2.0 cfs, conditional. **Amount of exchange:** up to 4.9 acre-feet per year, conditional. **Appropriation date:** October 1, 2020, with the appropriation initiated by forming the intent to appropriate paired with overt acts, including but not limited to inspection, survey, and design. **Remarks:** The Elk Run Ranch Roaring Fork Exchange No. 1 is part of an integrated water supply plan for Applicant's property shown on Figures 1 and 2, which includes the Elk Run Ranch Pond Systems to be adjudicated through the application filed contemporaneously herewith. C. **Name of structure: Elk Run Ranch Roaring Fork Exchange No. 2.** Downstream terminus: The point of diversion for the Robinson Ditch 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 of the 6th P.M. (Eagle County). Upper terminus: The location of the Walker Wonder Ditch headgate. **Source of substitute supply:** BWCD water in the Robinson Ditch. **Rate of exchange:** up to 2.0 cfs, conditional. **Amount of exchange:** up to 4.9 acre-feet per year, conditional. **Appropriation date:** October 1, 2020, with the appropriation initiated by forming the intent to appropriate paired with overt acts, including but not limited to inspection, survey, and design. **Remarks:** The Elk Run Ranch Roaring Fork Exchange No. 2 is part of an integrated water supply plan for Applicant's property, which includes the Elk Run Ranch Pond Systems to be adjudicated through the application filed contemporaneously herewith. **Names and addresses of landowners:** Applicant owns the land upon which the pond system is located and where water will be put to beneficial use.

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

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 JUNE 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.*

21CW3087 EAGLE COUNTY. Application for Simple Change of Water Rights – Alternate Points of Diversion or for Change of Water Right. Applicant: Merriman Living Trust dated 8/27/2007, as amended (“Merriman”), c/o Balcomb & Green, P.C., P.O. Drawer 790, Glenwood Springs, CO 81602; 970-945-6546. Structure: Casper Schumm Ditch. Previous decrees: Orig. Decree: Priority No. 133 – CA385, 3/5/1901, Dist. Ct., Eagle County. Priority No. 380 (1st Enlarg.) CA963, 6/3/1940, Dist. Ct., Eagle County. Decreed Location: Headgate located on north bank of Eagle River at a point about 30 rods NW from SE corner of Lot 2 of Sec 2, Twp 5 S, Rng 85 W of 6th P.M. Exhibit A attached. Source: Eagle River, trib. to Colorado River. Date of Approp.: Priority No. 133 – 10/8/1882; Priority No. 380 – 10/8/1890. Amt.: Priority No. 188 – Decreed Total: 2.5 cfs, Ownership Int.: 0.96 cfs; Priority No. 380 – Decreed Total: 1.79 cfs, Ownership Int.: 0.54 cfs Use: Irrig. of same lands historically irrig. under ditch. Proposed Change: Alt. pts. Of diversion for Merriman’s ownership int. in 0.96 cfs (Priority No. 133) and 0.54 cfs (Priority No. 380) to two new wells acting as “headgate wells” within 100 ft. of Eagle River less than 50 ft. deep as (1) Merriman Diversion #1: UTM Zone 13, Easting 337126, Northing 4390530, Exhibit B, attached; (2) Merriman Diversion #2: UTM Zone 13, Easting 337175, Northing 4390477, Exhibit C, attached; (3) Please of use for Casper Schumm Ditch will not change. No existing intervening surface diversion pts or inflow between the new pt. of diversion and diversion pt. where change is being made. Exhibit A shows no intervening structures. Name and address of owner or reputed owner of the land on which any new diversion or storage structure, or modification to any existing diversion or storage structure is or will be constructed or on which water is or will be stored, including any modification to the existing storage pool: Larry & Dorothy Delpit Family Trust, 18 E. Ocean Blvd., Ste. 1010, Long Beach, CA 90802-4711. Applicant must notify entity Applicant is applying for this water right and certify to Court Applicant has done so.

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

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 JUNE 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. Application for Finding of Reasonable Diligence. Applicants: Jeffrey and Susan Miller 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. Claim for Finding of Reasonable Diligence: Structures: LG Aspen Well, LG Aspen Pond and LG Gulch Ditch Decree for Structures: Originally decreed by the Division 5 Water Court in Case No. 06CW209, December 3, 2008. Conditional Rights Descriptions: LG Aspen Well Location: NW ¼ NE ¼, Section 20, Township 10 South, Range 84 West, 6 P.M., 1,000 feet south of the north section line and 1,900 feet west of the east section line. LG Aspen Pond Location: NW ¼ NE ¼, Section 20, Township 10 S., Range 84 W., 6 P.M., 1,100 feet south of the north section line and 1,800 feet west of the east section line. LG Gulch Ditch Location: The LG Gulch Ditch diverts from LG Gulch in the NW1/4 of the NE1/4 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. Source for LG Aspen Well: Groundwater tributary to the Roaring Fork River. Source for LG Aspen Pond: The LG Aspen Pond is an off-channel reservoir that will be filled and refilled by diversions from the LG Gulch Ditch, which diverts from LG Gulch, a tributary of the Roaring Fork River. Source for LG Gulch Ditch: LG Gulch, a tributary of the Roaring Fork River. Appr. Date for LG Aspen Well, LG Aspen Pond and LG Gulch Ditch: April 25, 2006. Amount/Uses for LG Aspen Well: 15 g.p.m. (1.0 AF per year), conditional for the irrigation of up to 5,000 sq. ft. of lawns and gardens, and Domestic in-house use for a single-family residence including a caretaker dwelling unit and fire protection. Amount/Uses for LG Aspen Pond: 1.0 a.f. (0.25 cfs), conditional for aesthetics, piscatorial, wildlife watering, recreation, fire protection, and augmentation. Amount/Uses for LG Gulch Ditch: 0.25 cfs for the filling and refilling of the LG Aspen Pond. Outline of Diligent Efforts to Complete Appropriation: During the diligence period, the Applicants have expended in excess of \$2,000,000.00 in development costs and professional and administrative fees incurred in developing this integrated water supply system, continuing interactions and negotiations with the Pitkin County Board of County Commissioners and County Staff 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. 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 pp., incl. exhibits.)

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

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

21CW3089 EAGLE, PITKIN AND GRAND COUNTIES, EAGLE, ROARING FORK AND COLORADO RIVERS. Application for Findings of Reasonable Diligence. Siena Lake, LLC c/o Beattie Houpt & Jarvis, PO Box 1669, Basalt, 970-945-8659. All structures: Previous diligence decree entered on 06/01/15 in 14CW3091. All reservoirs: Original decree entered on 07/24/08 in 01CW241. Water right used to fill reservoirs: Eagle Ranch Pump and Pipeline, Saddle Ridge Enlargement. Source: Eagle River, trib to Colo River. Appropriation date: September 28, 2001. Amount: Includes the right to fill and refill reservoirs at a max rate of 1.5 cfs. Uses: Irrigation (including 25 acres of lawns, gardens and landscaping, and 90 acre golf course), recreational, aesthetic, and piscatorial purposes. Location of irrigated area: 115 acres inside the Saddle Ridge Development located within portions of the SE¹/₄SW¹/₄, SW¹/₄SE¹/₄, SW¹/₄SW¹/₄, Sec 2, SE¹/₄SE¹/₄, Sec 3, NE¹/₄NE¹/₄, Sec 10, SE¹/₄NW¹/₄, SW¹/₄NW¹/₄, NW¹/₄NW¹/₄, NE¹/₄NW¹/₄, Sec 11, T 5 S, R 85 W 6th PM. Max height and length: The max height of the dam will be less than 10 ft. Saddle Ridge Reservoir Nos. 1-15 are the subject of a change of water rights application currently pending in 21CW3077. 01CW239 Ruedi/Wolford Exchange: Original decree entered 10/03/08 in 01CW239. Upstream terminus: Point of diversion of the Eagle Ranch Pump and Pipeline, Saddle Ridge Enlargement, which is described as being located in the SW¹/₄NE¹/₄, Sec 1, T 5 S, R 85 W 6th PM at a point whence the SW corner of Sec 2, T 5 S, R 85 W 6th PM bears S 68°38'47" W a distance of 8,815 ft. Downstream termini: confluence of the Roaring Fork and Colo Rivers, located in the SE¹/₄ of the NW¹/₄ of Sec 9, T 6 S, R 89 W 6th PM, at a point approx 2,200 ft from N line and 2,350 ft from W line of said Sec 9, and confluence of the Eagle and Colo Rivers, located in the SW¹/₄ of the NE¹/₄ of Sec 5, T 5 S, R 86 W 6th PM, at a point approx 2,500 ft from N sec line and 2,300 ft from E sec line of said Sec 5. Sources: Ruedi Reservoir and/or Wolford Mountain Reservoir. Appropriation date: 07/09/02. Amount: 1.5 cfs, conditional, up to 58.0 af per year. Uses: Irrigation of approx 25 acres of lawns, gardens and landscaping inside the former Saddle Ridge Development and to fill and refill Saddle Ridge Reservoir Nos. 1-15. This structure operates pursuant to the plans for augmentation decreed in 01CW239 and 01CW240 and is also the subject of a change of water right currently pending in 21CW3077. 01CW240 Ruedi/Wolford Exchange: Original decree entered 07/24/08 in 01CW240. Upstream terminus: Point of diversion of the Eagle Ranch Pump and Pipeline, Saddle Ridge Enlargement, described above. Downstream termini: confluence of the Roaring Fork and Colo Rivers and confluence of the Eagle and Colo Rivers, described above. Sources: Ruedi Reservoir and/or Wolford Mountain Reservoir. Amount: 1.5 cfs, conditional, up to 137.25 af. Use: 90 acres of golf course irrigation inside Saddle Ridge Development. This structure operates pursuant to the plans for augmentation decreed in 01CW239 and 01CW240. Eagle Ranch Pump and Pipeline, Saddle Ridge Enlargement: Original decree entered 07/24/08 in 01CW241. Location described above. Source: Eagle River, trib to Colo River. Appropriation date: 09/28/01. Amount: 1.5 cfs, conditional. Uses: To fill and refill Saddle Ridge Reservoir Nos. 1-15, irrigation, recreational, aesthetic, and piscatorial purposes. Location of irrigated area: 115 acres inside the Saddle Ridge Development described above. This structure operates pursuant to the plans for augmentation decreed in 01CW239 and 01CW240 and is also the subject of a change of water right currently pending in 21CW3077. Saddle Ridge Reservoir No. 1: Location: In the SE¹/₄NW¹/₄, Sec 11, T 5 S, R 85 W 6th PM at a point whence the SW corner of Sec 2, T 5 S, R 85 W 6th PM bears N 40°10'03" W a distance of 3,329.44 ft. Amount: 10.0 af, conditional. Surface area: 1.0 acre. Total capacity: 10.0 af. Active capacity: 9.0 af. Dead storage: 1.0 af. Saddle Ridge Reservoir No. 2: Location: In the SW¹/₄NW¹/₄, Sec 11, T 5 S, R 85 W 6th PM at a point whence the SW corner of Sec 2, T 5 S, R 85 W 6th PM bears N 34°38'9" W a distance of 2,080.92 ft. Amount: 8.0 af, conditional. Surface area: 0.8 acres. Total capacity: 8.0 af. Active capacity: 7.2 af. Dead storage: 0.8 af. Saddle Ridge Reservoir No. 3: Location: In the NW¹/₄NW¹/₄, Sec 11, T 5 S, R 85 W 6th PM at a point whence the SW corner of Sec 2, T 5 S, R 85 W 6th PM bears N 45°40'43" W a distance of 1,505.34 ft. Amount: 8.0 af, conditional. Surface area: 0.8 acres. Total capacity: 8.0 af. Active capacity: 7.2 af. Dead storage: 0.8 af. Saddle Ridge Reservoir No. 4: Location: In the SE¹/₄SE¹/₄, Sec 3, T 5 S, R 85 W 6th PM at a point whence the SW corner of Sec 2, T 5 S, R 85 W 6th PM bears S 77°16'55" E a distance of 101.75 ft. Amount: 5.0 af, conditional. Surface area: 0.5 acres. Total capacity: 5.0 af. Active capacity: 4.5 af. Dead storage: 0.5 af. Saddle Ridge Reservoir No. 5: Location: In the SE¹/₄SE¹/₄, Sec 3, T 5 S, R 85 W 6th PM at a point whence the SW corner of Sec 2, T 5 S, R 85 W 6th PM bears S 36°9'22" E a distance of 481.94 ft. Amount: 5.0 af, conditional. Surface area: 0.5 acres. Total capacity: 5.0 af. Active capacity: 4.5 af. Dead storage: 0.5 af. Saddle Ridge Reservoir No. 6: Location: In the NW¹/₄NW¹/₄, Sec 11, T 5 S, R 85 W 6th PM at a point whence the SW corner of Sec 2, T 5 S, R 85 W of the 6th PM bears S 61°29'12" W a distance of 1,118.0 ft. Amount: 10.0 af, conditional. Surface area: 1.0 acres. Total capacity: 10.0 af. Active capacity: 9.0 af. Dead storage: 1.0 af. Saddle Ridge Reservoir No. 7: Location: In the NW¹/₄NW¹/₄, Sec 11, T 5 S, R 85 W 6th PM at a point whence the SW corner of Sec 2, T 5 S, R 85 W 6th PM bears N 63°53'35" W a distance of 1,332.33 ft. Amount: 12.0 af, conditional. Surface area: 1.2 acres. Total capacity: 12.0 af. Active capacity: 10.8 af. Dead storage: 1.2 af. Saddle Ridge Reservoir No. 8: Location: In the NE¹/₄NW¹/₄, Sec 11, T 5 S, R 85 W 6th PM at a point whence the SW corner of Sec 2, T 5 S, R 85 W 6th PM bears N 83°6'32" W a distance of 1,804.21 ft. Amount: 10.0 af, conditional. Surface area: 1.0 acres. Total capacity: 10.0 af. Active capacity: 9.0 af. Dead storage: 1.0 af. Saddle Ridge Reservoir No. 9: Location: In the NE¹/₄NW¹/₄, Sec 11, T 5 S, R 85 W 6th PM at a point whence the SW corner of Sec 2, T 5 S, R 85 W 6th PM bears N 78°35'36" W a distance of 2,029.52 ft. Amount: 10.0 af, conditional. Surface area: 1.0 acres. Total capacity: 10.0 af. Active capacity: 9.0 af. Dead storage: 1.0 af. Saddle Ridge Reservoir No. 10: Location: In the SE¹/₄SW¹/₄, Sec 2, T 5 S, R 85 W 6th PM at a point whence the SW corner of Sec 2, T 5 S, R 85 W 6th PM bears S 87°11'37" W a distance of 2,322.65 ft. Amount: 12.0 af, conditional. Surface area: 1.2 acres. Total capacity: 12.0 af. Active capacity: 10.8 af. Dead storage: 1.2 af. Saddle Ridge Reservoir No. 11: Location: In the SE¹/₄SW¹/₄, Sec 2, T 5 S, R 85 W 6th PM at a point whence the SW corner of Sec 2, T 5 S, R 85 W 6th PM bears S 68°56'30" W a distance of 2,117.64

ft. Amount: 5.0 af, conditional. Surface area: 0.5 acres. Total capacity: 5.0 af. Active capacity: 4.5 af. Dead storage: 0.5 af. Saddle Ridge Reservoir No. 12: Location: In the SE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec 2, T 5 S, R 85 W 6th PM at a point whence the SW corner of Sec 2, T 5 S, R 85 W 6th PM bears S 59°5'5" W a distance of 2,149.42 ft. Amount: 5.0 af, conditional. Surface area: 0.5 acres. Total capacity: 5.0 af. Active capacity: 4.5 af. Dead storage: 0.5 af. Saddle Ridge Reservoir No. 13: Location: In the SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec 2, T 5 S, R 85 W 6th PM at a point whence the SW corner of Sec 2, T 5 S, R 85 W 6th PM bears S 73°53'18" W a distance of 3,075.08 ft. Amount: 10.0 af, conditional. Surface area: 1.0 acres. Total capacity: 10.0 af. Active capacity: 9.0 af. Dead storage: 1.0 af. Saddle Ridge Reservoir No. 14: Location: In the SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec 2, T 5 S, R 85 W 6th PM at a point whence the SW corner of Sec 2, T 5 S, R 85 W 6th PM bears S 80°30'6" W a distance of 3,330.39 ft. Amount: 5.0 af, conditional. Surface area: 0.5 acres. Total capacity: 5.0 af. Active capacity: 4.5 af. Dead storage: 0.5 af. Saddle Ridge Reservoir No. 15: Location: In the SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec 2, T 5 S, R 85 W 6th PM at a point whence the SW corner of Sec 2, T 5 S, R 85 W 6th PM bears S 83°19'36" W a distance of 3,706.036 ft. Amount: 5.0 af, conditional. Surface area: 0.5 acres. Total capacity: 5.0 af. Active capacity: 4.5 af. Dead storage: 0.5 af. The Application on file with the court includes a list of activities demonstrating diligence. Owners of land: Hillis of Snowmass, Inc., PO Box 5739, Eagle CO 81631 [Eagle Ranch Pump and Pipeline, Saddle Ridge Enlargement] and Applicant [all other structures]. (28 pages)

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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 JUNE 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.*

21CW3090 VAIL SUMMIT RESORTS, INC. ("VSR"), c/o Gina Steffens, 390 Interlocken Crescent, Suite 100, Broomfield, Colorado 80021, **APPLICATION FOR APPROVAL OF PLAN FOR AUGMENTATION INCLUDING APPROPRIATIVE RIGHT OF EXCHANGE, in SUMMIT AND GRAND COUNTIES.** Please send all pleadings and correspondence to P. Fritz Holleman and Bradley N. Kershaw, Buchanan Sperling & Holleman PC, 1525 Spruce Street, Suite 200, Boulder Colorado, 80302. **2. Summary of Application:** By this application, VSR seeks the right to divert an additional 168.4 acre-feet ("AF") of water from the Blue River for snowmaking use at the Breckenridge Ski Area. The water will be diverted either at the Breckenridge Ski Area Pumping Plant and Pipeline or diverted into VSR's storage space in Goose Pasture Reservoir for subsequent release and diversion for snowmaking purposes. The depletions associated with these diversions will be augmented, by exchange, by releases from Williams Fork Reservoir or Wolford Mountain Reservoir pursuant to the provisions of the Clinton Reservoir-Fraser River Water Agreement, dated July 21, 1992 ("Clinton Agreement"). Approval of this plan for augmentation and claimed appropriative right of exchange will supplement and be in addition to VSR's existing plan for augmentation and exchange that allows up to 307 AF of out-of-priority diversions for snowmaking use pursuant to the decrees entered in consolidated Case Nos. 81CW3, 85CW132, 86CW152, and 87CW390 ("Consolidated Decree"), as amended by the decrees entered in Case Nos. 92CW294 and 16CW3144, all by the District Court, Water Division No. 5. **3. Structures to be Augmented: A. Breckenridge Ski Area Pumping Plant and Pipeline.** i. Original Decree: The Consolidated Decree entered by the District Court, Water Division No. 5, entered on February 7, 1990. ii. Subsequent Decrees: Decrees finding reasonable diligence were entered in Case No. 96CW46; Case No. 03CW245; Case No. 10CW243; and Case No. 17CW3120, all by the District Court, Water Division No. 5. iii. Legal Description of Point of Diversion: The point of diversion is located on the left (northwesterly) bank of the Blue River whence the northwest corner of Section 6, Township 7 South, Range 77 West of the 6th P. M., bears north 41° 13' west at a distance of 1,400 feet. The foregoing point can alternately be described as the NW 1/4 of the NW 1/4 of Section 6, Township 7 South, Range 77 West of the 6th P.M., Summit County, at a point 1,066 feet from the North section line and 4,547 feet from the East section line of said Section 6. The UTM coordinates for the point are NAD83, Zone 13, Easting: 409962.99, Northing 4370026.15. iv. Source: Blue River, which is tributary to the Colorado River. v. Amount: 14 cfs total, including 11.8 cfs absolute and 2.2 cfs conditional. vi. Appropriation Date: June 15, 1981. vii. Use: Snowmaking. viii. Remarks: The location of this structure is shown on Exhibit A to the application. In Case No. 92CW293 entered on October 17, 1997, by the District Court, Water Division No. 5, this structure was approved as an alternate point of diversion for snowmaking use for portions of the Lusher Ditch water right originally adjudicated in Case No. CA-1277 entered on March 2, 1910, by the Summit County District Court. **B. Goose Pasture Reservoir** (a.k.a. Goose Pasture Tarn). i. Original Decree: Case No. CA-2371 entered by the Summit County District Court on May 31, 1972. ii. Legal Description in Original Decree: Sections 7 and 8, Township 7 South, Range 77 West of the 6th P.M., Summit County, Colorado, at a point whence the Northwest corner of Section 8, Township 7 South, Range 77 West, 6th P.M. bears North 25°22' West a distance of 3413.1 feet. The location of this structure is shown on Exhibit A. iii. Source: Indiana Creek, Pennsylvania Creek, Spruce Creek, and the Blue River. iv. Amount: 1396.4 AF. v. Appropriation Date: August 31, 1961. vi. Remarks: VSR has the right to 100 AF of storage capacity in Goose Pasture Tarn pursuant to paragraph 2 of the September 1, 2000 Water Lease agreement between VSR and the Town of Breckenridge. The location of this structure is shown on Exhibit A to the application. **4. Water Rights to be Used for Augmentation.** The water rights to be used for augmentation are rights stored in Williams Fork Reservoir and/or Wolford Mountain Reservoir, as well as rights stored in Clinton Gulch Reservoir, all of which are explained in more detail below. These storage rights are specifically identified in the Clinton Agreement. VSR will dedicate 336.75 shares of stock in the Clinton Ditch & Reservoir Company to this plan for augmentation.

Those 336.75 shares are comprised of 200 shares of Class A, Series 1 shares, and 136.75 Class B, Series 2 shares. Only the Series 2 shares can be used for snowmaking purposes. VSR is in the process of converting the Series 1 shares to Series 2 shares. Each of these shares represents an entitlement to 0.1 AF annually in Clinton Gulch Reservoir, and therefore the 336.75 shares represent the right to 33.7 AF in Clinton Gulch Reservoir. Pursuant to the operation of the Clinton Agreement, the 33.7 AF in Clinton Gulch Reservoir, combined with 168.4 AF of releases from Williams Fork Reservoir and/or Wolford Mountain Reservoir, allow the out-of-priority diversion of and are sufficient to fully augment 168.4 AF of diversions from the Blue River for snowmaking purposes.

A. Williams Fork Reservoir – 1935 Right. Up to 168.4 AF released pursuant to the Clinton Agreement. i. Decree: Case No. CA-657 entered on November 5, 1937, by the Grand County District Court. ii. Legal Description: The decreed location of the reservoir is in Sections 23, 25, 26, 27, 34, 35 and 36, in Township 1 North, and Sections 1 and 2, Township 1 South, all in Range 79 West, 6th P.M. iii. Source: Williams Fork River. iv. Amount: 93,637 AF. v. Appropriation Date: November 10, 1935. vi. Uses: All municipal uses, including domestic use, fire protection, street sprinkling, watering of parks, lawns and grounds, mechanical uses, and every other type of municipal use, and for maintaining adequate storage reserves.

B. Williams Fork Reservoir – 1956 Right. Up to 168.4 AF released pursuant to the Clinton Agreement. i. Decree: Case No. CA-1430 entered on November 7, 1974, *nunc pro tunc* May 30, 1972 by the Grand County District Court. ii. Legal Description: Place of storage located on the Williams Fork River upstream from a dam located thereon, said dam more particularly described, to-wit: The initial point of survey for said dam is located at the southeast end thereof whence the Southeast corner of Section 23, Township 1 North, Range 79 West of the 6th P.M. bears south 24 degrees 53 minutes east a distance of 2,175 feet. Also described as located in the NW 1/4 of the SE 1/4 of Section 23, Township 1 North, Range 79 West of the 6th P.M. at a point 966.6 feet from the East Section Line and 1,959.1 feet from the South Section Line. iii. Source: Williams Fork River and the streams and tributary drainage entering said reservoir at and above and below its highwater line. iv. Amount: 93,637 AF. v. Appropriation Date: October 9, 1956. vi. Uses: All municipal uses, including domestic use, mechanical use, manufacturing use, generation of electric power, power generally, fire protection, use for sewage treatment, street sprinkling, watering of parks, lawns and grounds, irrigation, replacement and the adjustment and regulation of the units of the Denver Municipal Water System within themselves and with other water users, including the regulation of the Williams Fork River so as to permit a larger diversion of water through the Continental Divide by means of all other transmountain components of the Denver Municipal Water System.

C. Wolford Mountain Reservoir – 1987 Right (aka Gunsight Pass Reservoir). Up to 168.4 AF released pursuant to the Clinton Agreement. i. Decree: Case No. 87CW283, entered on November 20, 1989, by the District Court, Water Division No. 5. ii. Name of Structure: Gunsight Pass Reservoir. iii. 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. iv. Source: Muddy Creek and its tributaries, all tributary to the Colorado River. v. Amount: 59,993 AF conditional; of this amount, 32,986 AF 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. vi. Appropriation Date: December 14, 1987. vii. 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.

D. Wolford Mountain Reservoir – 1995 Right (aka Gunsight Pass Reservoir). Up to 168.4 AF released pursuant to the Clinton Agreement. i. Decree: Case No. 95CW281 entered on August 26, 1997, by the District Court, Water Division No. 5. ii. Name of Structure: Wolford Mountain Reservoir Enlargement. iii. 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. iv. Source: Muddy Creek and its tributaries, all tributary to the Colorado River. v. Amount: 6,000 AF, conditional. vi. Appropriation Date: January 16, 1995. vii. Use: All beneficial uses by and for the benefit of the inhabitants of the 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 Colorado Water Division No. 5.

E. Wolford Mountain Reservoir – 2003 Right (aka Gunsight Pass Reservoir). Up to 168.4 AF released pursuant to the Clinton Agreement. i. Decree: Case No. 03CW302, entered on October 19, 2014, by the District Court, Water Division No. 5. ii. Name of Structure: Wolford Mountain Reservoir Second Enlargement. iii. 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 River 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. iv. Source: Muddy Creek and its tributaries, all tributary to the Colorado River. v. Amount: The amount is 9,775 AF, for the initial fill, with the right to refill when in priority subject to a maximum amount of 9,775 AF, conditional. vi. Appropriation Date: November 17, 2003. vii. Uses: The 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. 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. viii. 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. ix. PLSS: The PLSS for the Wolford Mountain Reservoir dam described herein 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. F. **Clinton Gulch Reservoir**. i. Decree: Case No. W-2559 entered on July 1, 1975 by the District Court, Water Division No. 5. ii. Legal Description: The dam is located in the SW1/4 NW1/4 of Section 25, Township 7 South, Range 79 West of the 6th P.M. at a point whence the North Quarter Corner of said Section 25 bears North 33°51'50" East 2,840.44 feet. iii. Source: Clinton Creek, tributary to Tenmile Creek, tributary to the Blue River. iv. Amount: 4,250 AF. v. Appropriation Date: June 25, 1946. vi. Uses: Industrial, domestic, irrigation, recreation, fish and wildlife propagation. G. **Clinton Gulch Reservoir Use Enlargement and Second Filling**. i. Decree: Case No. 92CW65 entered on May 25, 1993 by the District Court, Water Division No. 5. ii. Legal Description: The dam is located in the SW1/4 NW1/4 of Section 25, Township 7 South, Range 79 West of the 6th P.M. at a point whence the North Quarter Corner of said Section 25 bears North 33°51'50" East 2,840.44 feet. iii. Source: Clinton Creek, tributary to Tenmile Creek, tributary to the Blue River. iv. Amount: 4,250 AF. v. Appropriation Date: March 1, 1990. vi. Uses: Domestic, municipal, irrigation, industrial, snowmaking, recreation, fish and wildlife propagation, and augmentation purposes, both on the Western and Eastern slopes of Colorado. H. **Clinton Gulch Reservoir First Enlargement and Refill Right**. i. Decree: Case No. 06CW252 entered on November 4, 2013 by the District Court, Water Division No. 5. ii. Legal Description: The dam is located in Summit County in the SW1/4 NW1/4 of Section 25, T. 7 South, R. 79 West, 6th P.M. at a point 2,358.6 feet from the North line and 1057.2 feet from the West line of said Section 25. iii. Source: Clinton Creek, tributary to Tenmile Creek, tributary to the Blue River. iv. Amount: 4,250 AF. v. Appropriation Date: May 20, 2005. vi. Uses: Domestic, municipal, irrigation, industrial, snowmaking, recreation, fish and wildlife propagation, and augmentation purposes, both on the eastern and western slopes of Colorado for use in the Denver Water Board's municipal water system and for direct or indirect use in Summit and Grand Counties by the present and future shareholders of the Clinton Ditch and Reservoir Company. 5. **Statement of Plan for Augmentation**. A. **Property to be served**. The snowmaking diversions will be used at the Breckenridge Ski Area, generally shown on the map attached as Exhibit A to the application. B. **Water demands and depletions**. The snowmaking diversions under this plan for augmentation will be made during the snowmaking season between October and March and will not exceed 168.4 AF. Diversions will be considered 100% depletive at the time of diversion. The ultimate depletion will be only 20% of the amount diverted, with 80% of the initial snowmaking diversion returning to the stream during the runoff season. C. **Replacement of depletions**. VSR's ability to divert snowmaking water under this plan for augmentation during periods when there is a downstream call on the river is made possible by the Clinton Agreement. Under the Clinton Agreement, replacement water to augment VSR's out-of-priority diversions for snowmaking at the Breckenridge Ski Area Pumping Plant and Pipeline and/or Goose Pasture Tarn will be made from Williams Fork Reservoir and/or Wolford Mountain Reservoir, on a one for one basis in order to prevent injury to downstream water rights. In this case, up to 168.4 AF would be released from Williams Fork Reservoir and/or Wolford Mountain Reservoir to replace the snowmaking diversions. Denver is paid back for its release from Williams Fork or Wolford in two ways. First, at the time of the release from either of these storage facilities, the ultimate 20% of the diversion that will be consumed is booked over from VSR's account in Clinton Reservoir to Denver's account in Clinton Reservoir. Second, Denver has dominion and control of the 80% of the snowmaking diversion that melts and returns to the stream system during runoff, which Denver can capture in Dillon Reservoir and reuse. Under this operation established in the Clinton Agreement, the Summit County Ski Resorts, including VSR at the Breckenridge Ski Area, are entitled to divert five (5) times the amount of Clinton Reservoir yield to which they are entitled by virtue of their Clinton Ditch and Reservoir Company stock ownership. In this case, the 336.75 Clinton shares that VSR is dedicating to the plan is an entitlement to 33.7 AF of water in the reservoir, which multiplied five (5) times allows the diversion of 168.4 AF at the snowmaking point of diversion and/or into storage in Goose Pasture Tarn. 6. **Appropriative Right of Exchange – Williams Fork/Wolford Exchange**. VSR claims an appropriative right of exchange to protect the priority of the Clinton Agreement operation described above. The claimed exchange, called the "Williams Fork/Wolford Exchange," will substitute releases from Williams Fork and/or Wolford Mountain Reservoir for water diverted from the Blue River at the Breckenridge Ski Area Pumping Plant and Pipeline and/or at Goose Pasture Tarn. The Williams Fork/Wolford exchange begins at the confluence of the the Colorado River with the Blue River and Muddy Creek and extends upstream along the Blue River through Dillon Reservoir and up to VSR's Breckenridge Ski Area Pumping Plant and Pipeline and/or Goose Pasture Tarn. The location of the exchange reach and the upstream and downstream termini are shown on Exhibit B attached to the application. The Williams Fork/Wolford Reservoir Exchange is more specifically described as follows: A. Legal Description and Exchange Reach: i. Downstream Terminus: The confluence of the Colorado

River and the Blue River and Muddy Creek, located in the NW1/4 NE1/4 of Section 19, Township 1 North, Range 80 West of the 6th P.M. 4,830 feet from South Section line and 2,040 feet from East Section line. ii.Upstream Termini: The Breckenridge Ski Area Pumping Plant and Pipeline and/or Goose Pasture Tarn described in paragraph 3 above. B. Amounts: 26.4 cfs when exchanging to Goose Pasture Tarn and 14 cfs when exchanging to the Breckenridge Ski Area Pumping Plant and Pipeline, up to a combined maximum annual volume of 168.4 AF. C. Appropriation Date: June 30, 2021, based upon the filing of this water court application. D. Use: Snowmaking.

7. **Instream Flow MOA**. VSR acknowledges the Memorandum of Agreement between the State of Colorado, Department of Natural Resources, and VSR's predecessor, entered March 13, 1986, relating to minimum instream flows on the Blue River. That agreement was amended October 25, 1988. The exchanges sought herein will be operated consistent with that agreement.

8. **Name(s) and address(es) of owner(s) or reputed owners of the land upon which any new diversion structure, or modification to any existing diversion is or will be constructed or upon which water is or will be stored, including any modification to the existing storage pool**: Clinton Gulch Reservoir: Clinton Ditch & Reservoir Company, P.O. Box 712, Frisco, CO 80443. Williams Fork Reservoir: Denver Water Department, 1600 West 12th Avenue, Denver, CO 80204-3412. Goose Pasture Reservoir: Town of Breckenridge, PO Box 168, Breckenridge, CO 80424. Wolford Mountain Reservoir: Colorado River Water Conservation District, P.O. Box 1120, Glenwood Springs, CO 81602-1120. WHEREFORE Applicant requests that the Court enter a final decree confirming the plan for augmentation and appropriative rights of exchange described in this application. (12 Pages).

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

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

21CW3091 EAGLE COUNTY. EAGLE RIVER, TRIB. TO COLORADO RIVER. Application for Finding of Reasonable Diligence. Eagle Wings Property LLP ("Eagle Wings"), c/o Balcomb & Green, P.C., P.O. Drawer 790, Glenwood Springs, CO 81602; 970-945-6546. **01CW239 Ruedi/Wolford Exchange. Decree:** 01CW239, Water Div. 5, 10/3/2008. **Dil. Decree:** 14CW3091, Water Div. 5, 6/1/2015. **Exchange Reach Description:** Upstream Terminus: Pt. of diversion of Eagle Ranch Pump and Pipeline, Saddle Ridge Enlargement, in SW1/4 NE1/4, Sec. 1, T. 5 S., R. 85 W. 6th P.M. at a pt. whence the SW corner of Sec. 2, T. 5 S., R. 85 W. 6th P.M. bears S. 68° 38' 47" W. 8,815 ft. Downstream Termini: When water is released from Ruedi Reservoir, the confl. of Roaring Fork River and Colorado River in SE1/4 NW1/4 Sec. 9, T. 6 S., R. 89 W. 6th P.M., approx. 2,200 ft from N. line and 2,350 ft from W. line of said Sec. 9. When water is released from Wolford Mountain Reservoir, at confluence of Eagle River and Colorado River located in SW1/4NE1/4 of Sec. 5, T. 5 S., R. 86 W of 6th P.M., at approx. 2,500 ft from N. line and 2,300 ft. from E. line of said Sec. 5. **Source:** Ruedi Reservoir and/or Wolford Mountain Reservoir, pursuant to water allotment contract with Colorado River Water Conservation Dist. **Approp.:** 7/8/2002. **Amt.:** 1.5 c.f.s., cond., up to amt. of actual replacement requirements pursuant to plan for augmentation decreed in 01CW239, which were estimated to be 58.0 a.f. per year. The 1.5 c.f.s. exchange rate is total allowable amount of exchange under the decrees in 01CW239 and 01CW240. **Use:** Irrig. of approx. 25 ac and fill/refill Saddle Ridge Reservoir Nos. 1-15. **01CW240 Ruedi/Wolford Exchange. Decree:** 01CW240, Water Div. 5, 10/3/2008. **Dil. Decree:** 14CW3091, Water Div. 5, 6/1/2015. **Exchange Reach Description:** Upstream Terminus: Pt. of diversion of Eagle Ranch Pump and Pipeline, Saddle Ridge Enlargement, in SW1/4 NE1/4, Sec. 1, T. 5 S., R. 85 W. 6th P.M. at a pt. whence the SW corner of Sec. 2, T. 5 S., R. 85 W. 6th P.M. bears S. 68° 38' 47" W. 8,815 ft. Downstream Termini: When water is released from Ruedi Reservoir, the confl. of Roaring Fork River and Colorado River, in SE1/4 NW1/4 Sec. 9, T. 6 S., R. 89 W. 6th P.M., approx. 2,200 ft from N. line and 2,350 ft from W. line of said Sec. 9. When water is released from Wolford Mountain Reservoir, at confl. of Eagle River and Colorado River in SW1/4NE1/4 of Sec. 5, T. 5 S., R. 86 W. 6th P.M., approx. 2,500 ft from N. sec. line and 2,300 ft. from E. sec. line of said Sec. 5. **Source:** Ruedi Reservoir and/or Wolford Mountain Reservoir, pursuant to water allotment contract with Colorado River Water Conservation Dist. **Approp.:** 7/8/2002. **Amt.:** 1.5 c.f.s., cond., up to amt. of actual replacement requirements pursuant to plan for augmentation decreed in 01CW240, which were estimated to be 58.0 a.f. per year. The 1.5 c.f.s. exchange rate is total allowable amount of exchange under the decrees in 01CW239 and 01CW240. **Uses:** Irr. for 90 ac. **Eagle Ranch Pump and Pipeline, Saddle Ridge Enlargement. Decree:** 01CW241, Water Div. 5, 7/24/2008. **Dil. Decree:** 14CW3091, Water Div. 5, 6/11/2015. **Location:** SW1/4NE1/4, Sec. 1, T. 5 S., R. 85 W. 6th P.M. at a pt. whence the SW corner of Sec. 1, T. 5 S., R. 85 W. 6th P.M. bears S. 68° 38' 32" W. 9,401.90 ft. **Source:** Eagle River, trib. to Colorado River. **Approp.:** 9/28/2001. **Amt.:** 1.5 c.f.s., cond. **Use:** Fill/refill Saddle Ridge Reservoir Nos. 1-15, and for irr., recreational, aesthetic, and piscatorial purposes. **Acres to be irrigated:** 115 acres within portions of SE1/4SW1/4, SW1/4SE1/4, SW1/4SW1/4, Sec. 2; SE1/4SE1/4, Sec. 3; NE1/4NE1/4, Sec.10; SE1/4NW1/4, SW1/4NW1/4, NW1/4NW1/4, NE1/4NW1/4, Sec. 11; T. 5 S., R. 85 W. 6th P.M. **Details relevant to all 15 Saddle Ridge Reservoir water rights desc. below:** **Orig. Decree:** 01CW241, Water Div. 5, 7/24/2008. **Dil. Decree:** 14CW3091, Water Div. 5, 6/11/2015. **Source:** Eagle River, trib. to Colorado River through Eagle Ranch Pump and Pipeline, Saddle Ridge Enl.; **Approp:** 9/28/2001; **Use:** Irr. of 115 ac. (lawns, gardens, landscaping, golf course), and rec., aesthetic, and piscatorial purposes. **Acres to be irrigated:** 115 acres within portions of SE1/4SW1/4, SW1/4SE1/4, SW1/4SW1/4, Sec. 2; SE1/4SE1/4, Sec. 3; NE1/4NE1/4, Sec.10; SE1/4NW1/4, SW1/4NW1/4, NW1/4NW1/4, NE1/4NW1/4, Sec. 11; T. 5 S., R. 85 W. 6th P.M., **Dimensions:**

Max. height of dam will be less than 10 ft. Saddle Ridge Reservoir Nos. 1-15 will be constructed below grade and may not have traditional dams. Active capacity of reservoirs will be controlled by outlet features and level of pump intakes for each reservoir. To the extent a dam is required, height (which will not exceed 10 ft. under any configuration) and length will depend on final reservoir location and configuration. **Saddle Ridge Reservoir No. 1.** Location: SE1/4NW1/4, S. 11, T. 5 S., R. 85 W. 6th P.M. at a pt. whence the SW corner of Sec. 2, T. 5 S., R. 85 W. 6th P.M. bears N. 40° 10' 03" W. 3,329.44 ft. Amt.: 10.0 a.f., cond., together with right to fill and refill at max. rate of 1.5 c.f.s. Surface area: 1.0 ac. Capacity: 10.0 a.f., 9.0 a.f. active, 1.0 a.f. dead. **Saddle Ridge Reservoir No. 2.** Location: SW1/4NW1/4, S. 11, T. 5 S., R. 85 W. 6th P.M. at a pt. whence the SW corner of Sec. 2, T. 5 S., R. 85 W. 6th P.M. bears N. 34° 38' 9" W 2,080.92 ft. Amt.: 8.0 a.f., cond., with right to fill / refill at max. rate of 1.5 c.f.s. Surface area: 0.8 ac. Capacity: 8.0 a.f., 7.2 a.f. active, 0.8 a.f. dead. **Saddle Ridge Reservoir No. 3.** Location: NW1/4NW1/4, Sec. 11, T. 5 S., R. 85 W. 6th P.M. at a pt. whence the SW corner of Sec. 2, T. 5 S., R. 85 W. 6th P.M. bears N. 45° 40' 43" W. 1,505.34 ft. Amt.: 8.0 a.f., cond., together with right to fill and refill reservoir at max. rate of 1.5 c.f.s. Surface area: 0.8 ac. Capacity: 8.0 a.f., 7.2 a.f. active, 0.8 a.f. dead. **Saddle Ridge Reservoir No. 4.** Location: SE1/4SE1/4, Sec. 3, T. 5 S., R. 85 W. 6th P.M. at a pt. whence the SW corner of Sec. 2, T. 5 S., R. 85 W. 6th P.M. bears S. 77° 16' 55" E 101.75 ft. Amt.: 5.0 a.f., cond., together with right to fill and refill reservoir at max. rate of 1.5 c.f.s. Surface area: 0.5 ac. Capacity: 5.0 a.f., 4.5 a.f. active, 0.5 a.f. dead. **Saddle Ridge Reservoir No. 5.** Location: SE1/4SE1/4, Sec. 3, T. 5 S., R. 85 W. 6th P.M. at a pt. whence the SW corner of Sec. 2, T. 5 S., R. 85 W. 6th P.M. bears S. 36° 9' 22" E. 481.94 ft. Amt.: 5.0 a.f., cond., together with right to fill and refill reservoir at max. rate of 1.5 c.f.s. Surface area: 0.5 ac. Capacity: 5.0 a.f., 4.5 a.f. active, 0.5 a.f. dead. **Saddle Ridge Reservoir No. 6.** Location: NW1/4NW1/4, Sec. 11, T. 5 S., R. 85 W. 6th P.M. at a pt. whence the SW corner of Sec. 2, T. 5 S., R. 85 W. 6th P.M. bears S. 61° 29' 12" W. 1,118.0 ft. Amt.: 10.0 a.f., cond., together with right to fill and refill reservoir at max. rate of 1.5 c.f.s. Surface area: 1.0 ac. Capacity: 10.0 a.f., 9.0 a.f. active, 1.0 a.f. dead. **Saddle Ridge Reservoir No. 7.** Location: NW1/4NW1/4, Sec. 11, T. 5 S., R. 85 W. 6th P.M. at a pt. whence the SW corner of Sec. 2, T. 5 S., R. 85 W. 6th P.M. bears N. 63° 53' 35" W. 1,332.33 ft. Amt.: 12.0 a.f., cond., together with right to fill and refill reservoir at max. rate of 1.5 c.f.s. Surface area: 1.2 ac. Capacity: 12.0 a.f., 10.8 a.f. active, 1.2 a.f. dead. **Saddle Ridge Reservoir No. 8.** Location: NE1/4NW1/4, Sec. 11, T. 5 S., R. 85 W. 6th P.M. at a pt. whence the SW corner of Sec. 2, T. 5 S., R. 85 W. 6th P.M. bears N. 83° 6' 32" W. 1,804.21 ft. Amt.: 10.0 a.f., cond., together with right to fill and refill reservoir at max. rate of 1.5 c.f.s. Surface area: 1.0 ac. Capacity: 10.0 a.f., 9.0 a.f. active, 1.0 a.f. dead. **Saddle Ridge Reservoir No. 9.** Location: NE1/4NW1/4, Sec. 11, T. 5 S., R. 85 W. 6th P.M. at a pt. whence the SW corner of Sec. 2, T. 5 S., R. 85 W. 6th P.M. bears N. 78° 35' 36" W. 2,029.52 ft. Amt.: 10.0 a.f., cond., together with right to fill and refill reservoir at max. rate of 1.5 c.f.s. Surface area: 1.0 ac. Capacity: 10.0 a.f., 9.0 a.f. active, 1.0 a.f. dead. **Saddle Ridge Reservoir No. 10.** Location: SE1/4SW1/4, Sec. 2, T. 5 S., R. 85 W. 6th P.M. at a pt. whence the SW corner of Sec. 2, T. 5 S., R. 85 W. 6th P.M. bears S. 87° 11' 37" W 2,322.65 ft. Amt.: 12.0 a.f., cond., together with right to fill and refill reservoir at max. rate of 1.5 c.f.s. Surface area: 1.2 ac. Capacity: 12.0 a.f., 10.8 a.f. active, 1.2 a.f. dead. **Saddle Ridge Reservoir No. 11.** Location: SE1/4SW1/4, Sec. 2, T. 5 S., R. 85 W. 6th P.M. at a pt. whence the SW corner of Sec. 2, T. 5 S., R. 85 W. 6th P.M. bears S. 68° 56' 30" W. 2,117.64 ft. Amt.: 5.0 a.f., cond., together with right to fill and refill reservoir at max. rate of 1.5 c.f.s. Surface area: 0.5 ac. Capacity: 5.0 a.f., 4.5 a.f. active, 0.5 a.f. dead. **Saddle Ridge Reservoir No. 12.** Location: SE1/4SW1/4, Sec. 2, T. 5 S., R. 85 W. 6th P.M. at a pt. whence the SW corner of Sec. 2, T. 5 S., R. 85 W. 6th P.M. bears S. 59° 5' 5" W. 2,149.42 ft. Amt.: 5.0 a.f., cond., together with right to fill and refill reservoir at max. rate of 1.5 c.f.s. Surface area: 0.5 ac. Capacity: 5.0 a.f., 4.5 a.f. active, 0.5 a.f. dead. **Saddle Ridge Reservoir No. 13.** Location: SW1/4SE1/4, Sec. 2, T. 5 S., R. 85 W. 6th P.M. at a pt. whence the SW corner of Sec. 2, T. 5 S., R. 85 W. 6th P.M. bears S. 73° 53' 18" W. 3,075.08 ft. Amt.: 10.0 a.f., cond., together with right to fill and refill reservoir at max. rate of 1.5 c.f.s. Surface area: 1.0 ac. Capacity: 10.0 a.f., 9.0 a.f. active, 1.0 a.f. dead. **Saddle Ridge Reservoir No. 14.** Location: SW1/4SE1/4, Sec. 2, T. 5 S., R. 85 W. 6th P.M. at a pt. whence the SW corner of Sec. 2, T. 5 S., R. 85 W. 6th P.M. bears S. 80° 30' 6" W. 3,330.39 ft. Amt.: 5.0 a.f., cond., together with right to fill and refill reservoir at max. rate of 1.5 c.f.s. Surface area: 1.0 ac. Capacity: 5.0 a.f., 4.5 a.f. active, 0.5 a.f. dead. **Saddle Ridge Reservoir No. 15.** Location: SW1/4SE1/4, Sec. 2, T. 5 S., R. 85 W. 6th P.M. at a pt. whence the SW corner of Sec. 2, T. 5 S., R. 85 W. 6th P.M. bears S. 83° 19' 36" W. 3,706.036 ft. Amt.: 5.0 a.f., cond., together with right to fill and refill reservoir at max. rate of 1.5 c.f.s. Surface area: 0.5 ac. Capacity: 5.0 a.f., 4.5 a.f. active, 0.5 a.f. dead. Integrated System: Subject Water Rights are components of integrated water supply system decreed in 01CW239, 01CW240, 01CW241. The application contains a detailed outline of work and expense toward completion of the appropriation and application of water to a beneficial use as conditionally decreed. Application requests that all conditional water rights first decreed in Case Nos. 01CW239, 01CW240, 01CW241 and not confirmed absolute herein be continued. Name and address of owner of land on which structures are or will be located, on which water is or will be stored, or on which water is or will be placed to beneficial use: Applicant's interest in Subject Water Rights will be developed and placed to beneficial use on property owned by Applicant. Point of diversion for Eagle Ranch Pump and Pipeline, Saddle Ridge Enlargement is located on property owned by Hillis of Snowmass, Inc., P.O. Box 5379, Eagle, Colorado 81631.

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

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

21CW3092 EAGLE COUNTY. EAGLE RIVER, TRIB. TO COLORADO RIVER. Application for Changes of Water Rights.

Eagle Wings Property LLP c/o Balcomb & Green, P.C., P.O. Drawer 790, Glenwood Springs, CO 81602; 970-945-6546. In Case Nos. 01CW239, 01CW240, and 01CW241, the Court decreed cond. water rights for one enlargement to a surface water right, 15 storage structures, and 2 appropriative rights of exchange to supply uses within lands that then comprised the planned Saddle Ridge Development near Gypsum, Colorado. These water rights may be operated pursuant to or as components of plans for augmentation also approved in Case Nos. 01CW239 and 01CW241. Applicant acquired 2.71 percent of the water rights and related plans for augmentation decreed in 01CW239, 01CW240, and 01CW241 (“SRD Rights”) along with land that was part of the planned Saddle Ridge Development (“SRD Lands”). Applicant’s 2.71 percent ownership in interest in SRD Rights incl. interests in Eagle Ranch Pump and Pipeline, Saddle Ridge Enlargement, and Saddle Ridge Reservoir Nos. 1-15 as decreed in 01CW241, and appropriative rights of exchange and plans for aug. associated with these rights as decreed and approved in 01CW239 and 01CW240. Decreed locations of Saddle Ridge Reservoir Nos. 1 and 2 are located within Applicant’s SRD Lands. Decreed locations of Saddle Ridge Reservoir Nos. 3-15 are located outside of Applicant’s SRD Lands. Irrig. uses decreed to Saddle Ridge Reservoir Nos. 1-15 extend to and incl. all of Applicant’s SRD Lands. Applicant plans to develop its SRD Rights for beneficial use within its SRD Lands. Applicant will divert water from Eagle River under its interest in Eagle Ranch Pump and Pipeline, Saddle Ridge Enlargement at its decreed pt. of diversion, deliver this water to a structure on its SRD Lands denominated Lincoln Lake, store it therein, and place it to beneficial use within and through storage, under Applicant’s interest in priorities decreed to the Saddle Ridge Reservoir Nos. 1-15. Any depletions resulting from Applicant’s out-of-priority diversions at Eagle Ranch Pump and Pipeline, Saddle Ridge Enlargement, or in or through storage by Applicant in Lincoln Lake under its interests in Saddle Ridge Reservoir Nos. 1-15, will be augmented by Applicant pursuant to its interests in and to plans for aug. decreed in 01CW239 and 01CW240 incl. appropriative rights of exchange confirmed therein. Applicant submits these operations require court approval only of a change in place of storage for its interests in Saddle Ridge Reservoir Nos. 1-15, and it seeks approval to change the place of storage for its 2.71 percent interests in these storage water rights to Lincoln Lake at the location described below. Applicant seeks, if necessary, approval for any other changes of its SRD Rights required to fill and maintain Lincoln Lake. Decreed descriptions of and Applicant’s requested change to interests in Saddle Ridge Reservoir Nos. 1-15 set forth below. **Details relevant to all 15 Saddle Ridge Reservoir water rights desc. below:** Orig. Decree: 01CW241, Water Div. 5, 7/24/2008. Dil. Decree: 14CW3091, Water Div. 5,

6/11/2015. **Source:** Eagle River, trib. to Colorado River through Eagle Ranch Pump and Pipeline, Saddle Ridge Enl.; **Approp:** 9/28/2001; **Use:** Irr. of 115 ac. (lawns, gardens, landscaping, golf course), and rec., aesthetic, and piscatorial purposes. **Acreage to be irrigated:** 115 acres within portions of SE1/4SW1/4, SW1/4SE1/4, SW1/4SW1/4, Sec. 2; SE1/4SE1/4, Sec. 3; NE1/4NE1/4, Sec.10; SE1/4NW1/4, SW1/4NW1/4, NW1/4NW1/4, NE1/4NW1/4, Sec. 11; T. 5 S., R. 85 W. 6th P.M., **Dimensions:** Max. height of dam will be less than 10 ft. Saddle Ridge Reservoir Nos. 1-15 will be constructed below grade and may not have traditional dams. Active capacity of reservoirs will be controlled by outlet features and level of pump intakes for each reservoir. To the extent a dam is required, height (which will not exceed 10 ft. under any configuration) and length will depend on final reservoir location and configuration. **Saddle Ridge Reservoir No. 1. Location:** SE1/4NW1/4, S. 11, T. 5 S., R. 85 W. 6th P.M. at a pt. whence the SW corner of Sec. 2, T. 5 S., R. 85 W. 6th P.M. bears N. 40° 10’ 03” W. 3,329.44 ft. **Amt.:** 10.0 a.f., cond., together with right to fill and refill at max. rate of 1.5 c.f.s. **Surface area:** 1.0 ac. **Capacity:** 10.0 a.f., 9.0 a.f. active, 1.0 a.f. dead. **Saddle Ridge Reservoir No. 2. Location:** SW1/4NW1/4, S. 11, T. 5 S., R. 85 W. 6th P.M. at a pt. whence the SW corner of Sec. 2, T. 5 S., R. 85 W. 6th P.M. bears N. 34° 38’ 9” W 2,080.92 ft. **Amt.:** 8.0 a.f., cond., with right to fill / refill at max. rate of 1.5 c.f.s. **Surface area:** 0.8 ac. **Capacity:** 8.0 a.f., 7.2 a.f. active, 0.8 a.f. dead. **Saddle Ridge Reservoir No. 3. Location:** NW1/4NW1/4, Sec. 11, T. 5 S., R. 85 W. 6th P.M. at a pt. whence the SW corner of Sec. 2, T. 5 S., R. 85 W. 6th P.M. bears N. 45° 40’ 43” W. 1,505.34 ft. **Amt.:** 8.0 a.f., cond., together with right to fill and refill reservoir at max. rate of 1.5 c.f.s. **Surface area:** 0.8 ac. **Capacity:** 8.0 a.f., 7.2 a.f. active, 0.8 a.f. dead. **Saddle Ridge Reservoir No. 4. Location:** SE1/4SE1/4, Sec. 3, T. 5 S., R. 85 W. 6th P.M. at a pt. whence the SW corner of Sec. 2, T. 5 S., R. 85 W. 6th P.M. bears S. 77° 16’ 55” E 101.75 ft. **Amt.:** 5.0 a.f., cond., together with right to fill and refill reservoir at max. rate of 1.5 c.f.s. **Surface area:** 0.5 ac. **Capacity:** 5.0 a.f., 4.5 a.f. active, 0.5 a.f. dead. **Saddle Ridge Reservoir No. 5. Location:** SE1/4SE1/4, Sec. 3, T. 5 S., R. 85 W. 6th P.M. at a pt. whence the SW corner of Sec. 2, T. 5 S., R. 85 W. 6th P.M. bears S. 36° 9’ 22” E. 481.94 ft. **Amt.:** 5.0 a.f., cond., together with right to fill and refill reservoir at max. rate of 1.5 c.f.s. **Surface area:** 0.5 ac. **Capacity:** 5.0 a.f., 4.5 a.f. active, 0.5 a.f. dead. **Saddle Ridge Reservoir No. 6. Location:** NW1/4NW1/4, Sec. 11, T. 5 S., R. 85 W. 6th P.M. at a pt. whence the SW corner of Sec. 2, T. 5 S., R. 85 W. 6th P.M. bears S. 61° 29’ 12” W. 1,118.0 ft. **Amt.:** 10.0 a.f., cond., together with right to fill and refill reservoir at max. rate of 1.5 c.f.s. **Surface area:** 1.0 ac. **Capacity:** 10.0 a.f., 9.0 a.f. active, 1.0 a.f. dead. **Saddle Ridge Reservoir No. 7. Location:** NW1/4NW1/4, Sec. 11, T. 5 S., R. 85 W. 6th P.M. at a pt. whence the SW corner of Sec. 2, T. 5 S., R. 85 W. 6th P.M. bears N. 63° 53’ 35” W. 1,332.33 ft. **Amt.:** 12.0 a.f., cond., together with right to fill and refill reservoir at max. rate of 1.5 c.f.s. **Surface area:** 1.2 ac. **Capacity:** 12.0 a.f., 10.8 a.f. active, 1.2 a.f. dead. **Saddle Ridge Reservoir No. 8. Location:** NE1/4NW1/4, Sec. 11, T. 5 S., R. 85 W. 6th P.M. at a pt. whence the SW corner of Sec. 2, T. 5 S., R. 85 W. 6th P.M. bears N. 83° 6’ 32” W. 1,804.21 ft. **Amt.:** 10.0 a.f., cond., together with right to fill and refill reservoir at max. rate of 1.5 c.f.s. **Surface area:** 1.0 ac. **Capacity:** 10.0 a.f., 9.0 a.f. active, 1.0 a.f. dead. **Saddle Ridge Reservoir No. 9. Location:** NE1/4NW1/4, Sec. 11, T. 5 S., R. 85 W. 6th P.M. at a pt. whence the SW corner of Sec. 2, T. 5 S., R. 85 W. 6th P.M. bears N. 78° 35’ 36” W. 2,029.52 ft. **Amt.:** 10.0 a.f., cond., together with right to fill and refill reservoir at max. rate of 1.5 c.f.s. **Surface area:** 1.0 ac. **Capacity:** 10 a.f., 9.0 a.f. active, 1.0 a.f. dead. **Saddle Ridge Reservoir No. 10. Location:** SE1/4SW1/4, Sec. 2, T. 5 S., R. 85 W. 6th P.M. at a pt. whence the SW corner of Sec. 2, T. 5 S., R. 85 W. 6th P.M. bears S. 87° 11’ 37” W 2,322.65 ft. **Amt.:** 12.0 a.f., cond., together with right to fill and refill reservoir at max. rate of 1.5 c.f.s. **Surface area:** 1.2 ac. **Capacity:** 12.0 a.f., 10.8 a.f. active, 1.2 a.f. dead. **Saddle Ridge Reservoir No. 11. Location:** SE1/4SW1/4, Sec. 2, T. 5 S., R. 85 W. 6th P.M. at a pt. whence the SW corner of Sec.

2, T. 5 S., R. 85 W. 6th P.M. bears S. 68° 56' 30" W. 2,117.64 ft. Amt.: 5.0 a.f., cond., together with right to fill and refill reservoir at max. rate of 1.5 c.f.s. Surface area: 0.5 ac. Capacity: 5.0 a.f., 4.5 a.f. active, 0.5 a.f. dead. **Saddle Ridge Reservoir No. 12.** Location: SE1/4SW1/4, Sec. 2, T. 5 S., R. 85 W. 6th P.M. at a pt. whence the SW corner of Sec. 2, T. 5 S., R. 85 W. 6th P.M. bears S. 59° 5' 5" W. 2,149.42 ft. Amt.: 5.0 a.f., cond., together with right to fill and refill reservoir at max. rate of 1.5 c.f.s. Surface area: 0.5 ac. Capacity: 5.0 a.f., 4.5 a.f. active, 0.5 a.f. dead. **Saddle Ridge Reservoir No. 13.** Location: SW1/4SE1/4, Sec. 2, T. 5 S., R. 85 W. 6th P.M. at a pt. whence the SW corner of Sec. 2, T. 5 S., R. 85 W. 6th P.M. bears S. 73° 53' 18" W. 3,075.08 ft. Amt.: 10.0 a.f., cond., together with right to fill and refill reservoir at max. rate of 1.5 c.f.s. Surface area: 1.0 ac. Capacity: 10.0 a.f., 9.0 a.f. active, 1.0 a.f. dead. **Saddle Ridge Reservoir No. 14.** Location: SW1/4SE1/4, Sec. 2, T. 5 S., R. 85 W. 6th P.M. at a pt. whence the SW corner of Sec. 2, T. 5 S., R. 85 W. 6th P.M. bears S. 80° 30' 6" W. 3,330.39 ft. Amt.: 5.0 a.f., cond., together with right to fill and refill reservoir at max. rate of 1.5 c.f.s. Surface area: 1.0 ac. Capacity: 5.0 a.f., 4.5 a.f. active, 0.5 a.f. dead. **Saddle Ridge Reservoir No. 15.** Location: SW1/4SE1/4, Sec. 2, T. 5 S., R. 85 W. 6th P.M. at a pt. whence the SW corner of Sec. 2, T. 5 S., R. 85 W. 6th P.M. bears S. 83° 19' 36" W. 3,706.036 ft. Amt.: 5.0 a.f., cond., together with right to fill and refill reservoir at max. rate of 1.5 c.f.s. Surface area: 0.5 ac. Capacity: 5.0 a.f., 4.5 a.f. active, 0.5 a.f. dead. Description of Requested Changes of Water Rights: Applicant requests to change the place of storage for its 2.71 percent interest in the Saddle Ridge Reservoir Nos. 1-15 water rights described above to Lincoln Lake. Lincoln Lake is a partially constructed reservoir located on Applicant's SRD Lands and was present at time of Applicant's purchase. Applicant is not seeking a new storage priority for Lincoln Lake in this Application. Location: Center of the N. end of excavation or abutment is located at a pt. described as UTM Zone 13N, NAD 83, 337,368.66 meters Northing and 4,388,940.30 meters Easting. Amount changed for storage at this location: Up to 3.25 a.f., cumulative under Applicant's 2.17 percent interest in Saddle Ridge Reservoirs No. 1-15 priorities, allocated as: Saddle Ridge Res. No. 1, 0.217 a.f. of 10 a.f.; Saddle Ridge Res. No. 2, 0.1736 a.f. of 8 a.f.; Saddle Ridge Res. No. 3, 0.1736 a.f. of 8 a.f.; Saddle Ridge Res. No. 4, 0.1085 a.f. of 5 a.f.; Saddle Ridge Res. No. 5, 0.1085 a.f. of 5 a.f.; Saddle Ridge Res. No. 6, 0.217 a.f. of 10 a.f.; Saddle Ridge Res. No. 7, 0.2604 a.f. of 12 a.f.; Saddle Ridge Res. No. 8, 0.217 a.f. of 10 a.f.; Saddle Ridge Res. No. 9, 0.217 a.f. of 10 a.f.; Saddle Ridge Res. No. 10, 0.2604 a.f. of 12 a.f.; Saddle Ridge Res. No. 11, 0.1085 a.f. of 5 a.f.; Saddle Ridge Res. No. 12, 0.1085 a.f. of 5 a.f.; Saddle Ridge Res. No. 13, 0.217 a.f. of 10 acre feet; Saddle Ridge Res. No. 14, 0.1085 a.f. of 5 a.f.; Saddle Ridge Res. No. 15, 0.1085 a.f. of 5 a.f. Size: Existing capacity of Lincoln Lake is approx. 30 a.f. Surface area of high water line: 4 ac. Maximum height and length of dam: Max. height of dam will be less than 10 ft. Lincoln Lake will be constructed below grade and may not have a traditional dam. Active capacity will be controlled by outlet features and level of any pump intake. To the extent a dam is required, height (which will not exceed 10 ft. under any configuration) and length will depend on final reservoir location and configuration. Name of Water Right Used in Conjunction with Changed Water Rights: Applicant will use its interests in the following water rights to divert water into and replace depletions from out-of-priority diversions from Lincoln Lake under its interests in Saddle Ridge Reservoir Nos. 1-15 water rights. Applicant does not believe the requested changes in places of storage for its Saddle Ridge Reservoir Nos. 1-15 water rights requires approval of changes to these other rights, but requests approval for any changes thereto as may be required to use them in filling and maintaining Lincoln Lake under its Saddle Ridge Reservoir Nos. 1-15 water rights. **01CW239 Ruedi/Wolford Exchange.** Decree: 01CW239, Water Div. 5, 10/3/2008. Dil. Decree: 14CW3091, Water Div. 5, 6/1/2015. Exchange Reach Description: Upstream Terminus: Pt. of diversion of Eagle Ranch Pump and Pipeline, Saddle Ridge Enlargement, in SW1/4 NE1/4, Sec. 1, T. 5 S., R. 85 W. 6th P.M. at a pt. whence the SW corner of Sec. 2, T. 5 S., R. 85 W. 6th P.M. bears S. 68° 38' 47" W. 8,815 ft. Downstream Termini: When water is released from Ruedi Reservoir, the confl. of Roaring Fork River and Colorado River in SE1/4 NW1/4 Sec. 9, T. 6 S., R. 89 W. 6th P.M., approx. 2,200 ft from N. line and 2,350 ft from W. line of said Sec. 9. When water is released from Wolford Mountain Reservoir, at confluence of Eagle River and Colorado River located in SW1/4NE1/4 of Sec. 5, T. 5 S., R. 86 W of 6th P.M., at approx. 2,500 ft from N. line and 2,300 ft. from E. line of said Sec. 5. Source: Ruedi Reservoir and/or Wolford Mountain Reservoir, pursuant to water allotment contract with Colorado River Water Conservation Dist. Approp.: 7/8/2002. Amt.: 1.5 c.f.s., cond., up to amt. of actual replacement requirements pursuant to plan for augmentation decreed in 01CW239, which were estimated to be 58.0 a.f. per year. The 1.5 c.f.s. exchange rate is total allowable amount of exchange under the decrees in 01CW239 and 01CW240. Use: Irrig. of approx. 25 ac and fill/refill Saddle Ridge Reservoir Nos. 1-15. **01CW240 Ruedi/Wolford Exchange.** Decree: 01CW240, Water Div. 5, 10/3/2008. Dil. Decree: 14CW3091, Water Div. 5, 6/1/2015. Exchange Reach Description: Upstream Terminus: Pt. of diversion of Eagle Ranch Pump and Pipeline, Saddle Ridge Enlargement, in SW1/4 NE1/4, Sec. 1, T. 5 S., R. 85 W. 6th P.M. at a pt. whence the SW corner of Sec. 2, T. 5 S., R. 85 W. 6th P.M. bears S. 68° 38' 47" W. 8,815 ft. Downstream Termini: When water is released from Ruedi Reservoir, the confl. of Roaring Fork River and Colorado River, in SE1/4 NW1/4 Sec. 9, T. 6 S., R. 89 W. 6th P.M., approx. 2,200 ft from N. line and 2,350 ft from W. line of said Sec. 9. When water is released from Wolford Mountain Reservoir, at confl. of Eagle River and Colorado River in SW1/4NE1/4 of Sec. 5, T. 5 S., R. 86 W. 6th P.M., approx. 2,500 ft from N. sec. line and 2,300 ft. from E. sec. line of said Sec. 5. Source: Ruedi Reservoir and/or Wolford Mountain Reservoir, pursuant to water allotment contract with Colorado River Water Conservation Dist. Approp.: 7/8/2002. Amt.: 1.5 c.f.s., cond., up to amt. of actual replacement requirements pursuant to plan for augmentation decreed in 01CW240, which were estimated to be 58.0 a.f. per year. The 1.5 c.f.s. exchange rate is total allowable amount of exchange under the decrees in 01CW239 and 01CW240. Uses: Irr. for 90 ac. **Eagle Ranch Pump and Pipeline, Saddle Ridge Enlargement.** Decree: 01CW241, Water Div. 5, 7/24/2008. Dil. Decree: 14CW3091, Water Div. 5, 6/11/2015. Location: SW1/4NE1/4, Sec. 1, T. 5 S., R. 85 W. 6th P.M. at a pt. whence the SW corner of Sec. 1, T. 5 S., R. 85 W. 6th P.M. bears S. 68° 38' 32" W. 9,401.90 ft. Source: Eagle River, trib. to Colorado River. Approp.: 9/28/2001. Amt.: 1.5 c.f.s., cond. Use: Fill/refill Saddle Ridge Reservoir Nos. 1-15, and for irr., recreational, aesthetic, and piscatorial purposes. Acreage to be irrigated: 115 acres within portions of SE1/4SW1/4, SW1/4SE1/4, SW1/4SW1/4, Sec. 2; SE1/4SE1/4, Sec. 3; NE1/4NE1/4, Sec.10; SE1/4NW1/4, SW1/4NW1/4, NW1/4NW1/4, NE1/4NW1/4, Sec. 11; T. 5 S., R. 85 W. 6th P.M. Applicant requests 1) approval to change place of storage under its interests in Saddle Ridge Reservoir Nos. 1-15 to location of Lincoln Lake; and 2) approval of any other

changes to Applicant's water rights listed herein necessary to accomplish the changes to its interests in Saddle Ridge Reservoir Nos. 1-15. Name and address of owner of land on which structures are or will be located, on which water is or will be stored, or on which water is or will be placed to beneficial use: Applicant's interest in Subject Water Rights will be developed and placed to beneficial use on property owned by Applicant. Point of diversion for Eagle Ranch Pump and Pipeline, Saddle Ridge Enlargement is located on property owned by Hillis of Snowmass, Inc., P.O. Box 5379, Eagle, Colorado 81631.

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