

DIVISION 5 WATER COURT- MARCH 2022 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 MARCH 2022. *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.*

22CW3020 MESA COUNTY, Application for Findings of Reasonable Diligence. Applicants: Richard M. and Padte M. Turley. Please direct all correspondence to Applicant's attorneys: Mary Elizabeth Geiger, Garfield & Hecht, P.C., 901 Grand Avenue, Suite 201, Glenwood Springs, CO 81601, (970)947-1936, megeiger@garfieldhecht.com. Applicants request findings of reasonable diligence for the following water right: Turley Spring. Information from prior decree: Case No. 07CW90, entered October 7, 2009, and Case No. 15CW3092, entered on March 26, 2016, District Court in and for Water Division No. 5. Legal description: Located in the SW1/4 SW1/4 of Section 1, T9S, R95W of the 6th P.M. at a point 416.4 feet from the South Section line and 434 feet from the West Section line of said Section 1. Source: Kimball Creek, tributary to Plateau Creek, tributary to the Colorado River. Appropriation Date: April 1, 1993, for filling the Turley Pond as decreed in Case No. 07CW90 and April 1, 2001 for irrigation purposes. Date applied to beneficial use: April 1, 1993, for filling the Turley Pond for recreational, aesthetic and piscatorial purposes. April 1, 2008 for irrigation purposes. Amount: .022 c.f.s. absolute for filling the Turley Pond .012 g.p.m. absolute, for irrigation .0219 c.f.s. (9.958 g.p.m.) conditional for irrigation. Uses: .022 c.f.s. absolute to fill the Turley Pond for recreational, aesthetic and piscatorial purposes; .0219 c.f.s. conditional for irrigation; .012 g.p.m. absolute for irrigation. Number of acres irrigated: 0.2. Legal description of the acreage to be irrigated: Beginning at a point which bears N 88°00'36" E, 1191.11 ft; N 00°15'45"W 1318.08 ft; and N 07°56'22"W 115.44 ft from the SW corner of the NE ¼ NE ¼ of Section 11, T. 9 S, T. 95W, 6th P.M. thence 580°02'W1820.19 feet to the center line of county road as described in Book 884, pages 424 through 428, Mesa County Records; thence following the centerline of said road 930.47 feet in a northerly direction, thence leaving road center line N88°01'48"E 1604.43 feet; thence S07°56'22"E 942.98 feet to the point of beginning, except the west 20 feet of said parcel lying within county right-of-way. Name and address of owner of the land upon which the structure is located: Applicants. The Application includes a detailed description of activities undertaken during the diligence period toward the application of the subject water rights to beneficial use. (5 pages).

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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 MARCH 2022. *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.*

22CW3021 PITKIN COUNTY. CASTLE CREEK OR ITS TRIBUTARIES. Camp Conundrum, LLC, c/o Patrick, Miller & Noto, P.C., 229 Midland Avenue, Basalt, CO 81621, Paul L. Noto, Esq. and Lisa A. Claxton, Esq., (970) 920-1030. APPLICATION FOR FINDINGS OF REASONABLE DILIGENCE. First Claim: For Finding of Reasonable Diligence. Name of water right: Westbank Pond. Description of conditional water right: Original decree: March 26, 2016, Case No. 15CW3014, Division 5 Water Court. Legal description: The outlet structure of the pond is located in the SW ¼ of the SE ¼ of Section 35, Township 10 South, Range 85 West of the 6th P.M., at a point approximately 669 feet north of the South section line and 1,580 feet west of the East section line of said Section 35 (Pitkin County). A map is on file with the Court as Figure 1. Source: Castle Creek, tributary to the Roaring Fork River, tributary to the Colorado River, via diversions through the Westbank Ditch. Appropriation date: September 4, 1999. Amount: 2.60 acre-feet, conditional, with the right to fill and re-fill (freshening flows) when water is physically and legally available. Fill rate: Up to 1.5 c.f.s. from the Westbank Ditch. Uses: Piscatorial, wildlife, aesthetic, and fire protection. Surface area: 0.68 acres, including inlet and outlet channels. Maximum height of dam in feet: Less than 10 feet. Length of dam: Approximately 450 feet. Total Capacity: 2.60 a.f. (2.40 a.f. active, 0.20 a.f. dead storage). Applicant owns the land upon which the structure is located and where water will be put to beneficial use. Claim for finding of reasonable diligence: A detailed outline of work performed toward completion of the appropriation and application of water during the relevant diligence period, including expenditures, is on file with the Court as Exhibit A. Second Claim: For Finding of Reasonable Diligence. Name of water right: Westbank Ditch. Description of conditional water right: Original decree: March 26, 2016, Case No. 15CW3014, Division 5 Water Court. Legal description: SW ¼ of the SE ¼ of Section 35, Township 10 South, Range 85 West of the 6th P.M., at a point approximately 226 feet north of the South Section line and 1,465 feet west of the East Section line of said Section 35. See Figure 1 on file with the Court. Source: Castle Creek, tributary to the Roaring Fork River, tributary to the Colorado River. Appropriation date: September 4, 1999. Amount: 1.50 c.f.s., conditional. Uses: To fill and re-fill (provide freshening flows) the Westbank Pond for piscatorial, wildlife, aesthetics, and fire protection purposes (uses are subsequent to storage). Applicant owns the land upon which the structure is located and where water will be put to beneficial use. Claim for finding of reasonable diligence: A detailed outline of work performed toward completion of the appropriation and application of water during the relevant diligence period, including expenditures, is on file with the Court as Exhibit A.

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attorney and an affidavit or certificate of such service shall be filed with the Water Clerk, as prescribed by Rule 5, CRCP. (Filing Fee: \$192.00) KATHY POWERS, Water Clerk, Water Division 5; 109 8th Street, Suite 104 Glenwood Springs, CO 81601.

3. PURSUANT TO C.R.S., §37-92-302, AS AMENDED, YOU ARE NOTIFIED THAT THE FOLLOWING PAGES COMPRISE A RESUME OF THE APPLICATIONS AND AMENDED APPLICATIONS FILED WITH THE WATER CLERK FOR WATER DIVISION 5 DURING THE MONTH OF MARCH 2022. *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.*

22CW3022 (15CW3101, 07CW208, 00CW296) **EAGLE COUNTY**. APPLICATION FOR FINDING OF REASONABLE DILIGENCE 1. Name, address, telephone number and email address of Applicant: Timothy Banghart, 9201 North 156th Street, Bennington, NE 68007. Copies of pleadings to: David S. Hayes, 700 17th Street, Suite 1800, Denver, Colorado 80202, (303) 825-1980, dhayes@hpkwaterlaw.com. 2. Summary of Application: Applicant seeks a finding of reasonable diligence in the development of conditional water rights decreed to the Rippy Pond, Rippy Well No. 1, and Rippy Well No. 2, described below and collectively referred to herein as the "Subject Water Rights." The Subject Water Rights were adjudicated in Case No. 00CW296 and subsequent findings of reasonable diligence were entered in Case Nos. 07CW208, and 15CW3101, District Court, Water Division No. 5. The location of the Subject Water Rights is depicted on Exhibit A, attached to the application and available for inspection at the office of the Division 5 Water Clerk or via Colorado Courts E-filing. 3. Information from original decree: 3.1 Date of Original Decree: November 19, 2001, Case No. 00CW296, District Court, Water Division No. 5. 3.2 Subsequent findings of reasonable diligence: October 7, 2009, in Case No. 07CW208, and on March 25, 2016, in Case No. 15CW3101, both in District Court, Water Division No. 5. 4. Name of Structure: **Rippy Pond**, a conditional storage right. 4.1. Legal Description: The dam is located in Section 30, Township 5 South, Range 83 West, 6th P.M., at a point 150 feet from the North line and 1675 feet from the East line of said Section 30. This off-channel reservoir is filled by Rippy Pump & Pipeline Nos. 1 and 2. 4.2. Source: Salt Creek, tributary of Brush Creek, tributary of Eagle River. 4.3. Date of Appropriation: October 7, 2000. 4.4. Amount: 0.44 AF, conditional, to be filled and refilled when in priority by the Rippy Pump & Pipeline Nos. 1 and 2. 4.5. Uses: Augmentation, aesthetic, fire protection and stock watering. 4.6. Pond Characteristics: 4.6.1. Surface Area: 0.1 acre. 4.6.2. Maximum height of dam: 10 feet. 4.6.3. Length of dam: approximately 80 feet. 4.6.4. Total capacity of reservoir: 0.6 AF, all active. 4.7. Remarks: The Rippy Pond has been made absolute in the amount of 0.16 AF for augmentation, aesthetics, fire protection and stock watering in Case No. 07CW208. 4.8. The Rippy Pond together with other water rights owned by Applicant are part of an integrated system for delivery of water to Lot 1 Salt Springs Subdivision and Lot 3 Horse Mountain Subdivision. See paragraph 11.9 of the Decree in Case No. 00CW296. 5. Name of Structure: **Rippy Well No. 1**, a conditional groundwater right. 5.1. Legal Description: Legal Description: Section 30, Township 5 South, Range 83 West, 6th P.M., 200 feet from the North line and 1800 feet from the East line of said Section 30. Located on Lot 1 Salt Springs Subdivision. 5.2. Source: Groundwater tributary to Salt Creek, tributary of Brush Creek, tributary of Eagle River. 5.3. Depth: Approximately 75 feet. 5.4. Date of Appropriation: October 7, 2000. 5.5. Amount: 0.066 cfs, conditional (total diversion of one or combination of Rippy Well Nos 1 and 2). The annual appropriation of the Rippy Well Nos. 1 and 2 combined will not exceed 3.35 acre feet. 5.6. Uses: Domestic, irrigation, stock watering and fire protection. 5.7. The Rippy Well No. 1 together with other water rights owned by Applicant are part of an integrated system for delivery of water to Lot 1 Salt Springs Subdivision and Lot 3 Horse Mountain Subdivision. See paragraph 11.9 of the Decree in Case No. 00CW296. 6. Name of Structure: **Rippy Well No. 2**, a conditional groundwater right. 6.1. Legal Description: Section 30, Township 5 South, Range 83 West, 6th P.M., at a point 120 feet from the North line and 2030 feet from the East line of said Section 30. Located on Lot 3 Horse Mountain Subdivision. 6.2. Source: Groundwater tributary to Salt Creek, tributary of Brush Creek, tributary of Eagle River. 6.3. Depth: Approximately 75 feet. 6.4. Date of Appropriation: October 7, 2000. 6.5. Amount: 0.033 cfs, conditional (total diversion of one or combination of Rippy Well Nos 1 and 2). The annual appropriation of the Rippy Well Nos. 1 and 2 combined will not exceed 3.35 acre feet. 6.6. Uses: Domestic, irrigation, stock watering and fire protection. 6.7. Remarks: The Rippy Well No. 2 has been made absolute in the amount of 0.033 c.f.s. for domestic, irrigation, stock watering and fire protection in Case No. 07CW208. 6.8. The Rippy Well No. 2 together with other water rights owned by Applicant are part of an integrated system for delivery of water to Lot 1 Salt Springs Subdivision and Lot 3 Horse Mountain Subdivision. See paragraph 11.9 of the Decree in Case No. 00CW296. 7. Remarks: Pursuant to the Decree in Case No. 00CW296, the Rippy Well Nos. 1 and 2 are alternate points of diversion for the Rippy Pump & Pipeline Nos. 1 and 2 for irrigation of approximately one (1) acre located in Lot 1 Salt Springs Subdivision, and 0.23 acre located in Lot 3 Horse Mountain Subdivision. Pursuant to the Decree in Case No. 00CW296, the Rippy Well Nos. 1 and 2 are changed points of diversion of the Kunkel-Allen Spring No. 1 for domestic and fire protection purposes. 8. Owner of Land Upon Which the Structures are all Located: Applicant. 9. Diligence Activities: In the diligence period preceding the filing of this Application (March 2016 to present), Applicant (and his predecessors-in-interest) has diligently pursued development of the subject conditional water rights. A detailed outline of what has been done toward the completion of the appropriations and application of water to beneficial use as conditionally decreed, including expenditures is contained in the application, and is available for inspection at the office of the Division 5 Water Clerk or via Colorado Courts E-filing. The list is not intended to be all inclusive and may be supplemented by additional evidence at any hearing in this matter. WHEREFORE, Applicant requests that the Court issue a Decree finding that Applicant has been reasonably diligent in the development of the Rippy Pond, the Rippy Well No. 1 and the Rippy Well No. 2 conditional water rights and continue these water rights in full force and effect for an additional six years, and to grant such additional relief as the Court deems appropriate.

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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 MARCH 2022. *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.*

22CW3023 (15CW3071 05CW238) GARFIELD PITKIN, GRAND, AND EAGLE COUNTIES APPLICATION FOR FINDING OF REASONABLE DILIGENCE AND TO MAKE PARTIALLY ABSOLUTE 1. Name and address of Applicant: 7W Guest Ranch, LLC c/o Mark Wilhelm, P.O. Box 2126, Gypsum, CO 81637 970-524-7770 Copies of pleadings to: David S. Hayes, Hayes Poznanovic Korver, LLC, 700 17th Street, Suite 1800, Denver, Colorado 80202, (303) 825-1980, dhayes@hpkwaterlaw.com. 2. Name of conditional water right: 7W Appropriative Rights of Exchange. 3. Description of conditional water right: A. Prior diligence: The original decree was entered on August 31, 2009, in Case No. 05CW238, District Court, Water Division 5. A subsequent diligence decree was entered for the Conditional Water Right on March 26, 2016, in Case No. 15CW3071, Water Division No. 5. B. Points of exchange: The Applicant's appropriative rights of exchange involve the exchange of water released from Wolford Mountain Reservoir and/or Ruedi Reservoir, pursuant to a Water Supply Contract (CW04020) with the Colorado River Water Conservation District. Water released from Wolford Mountain Reservoir is exchanged from the confluence of Sweetwater Creek and the Colorado River, in the SE¼ NE¼ of Section 9, Township 4 South, Range 86 West, 6th P.M., Eagle County, Colorado, at a point 800 feet from the East section line and 1545 feet from the North section line of said Section 9, to the uppermost points of depletion by the Applicant's Augmented Structures (as defined in the decree entered in Case No. 05CW238) in the headwaters of Riland Creek, located in the NE¼ of Section 28, Township 3 South, Range 87 West, 6th P.M., at a point approximately 2500 feet from the East line and 90 feet from the North line of said Section 28. Water released from Ruedi Reservoir is exchanged from the confluence of the Colorado River and the Roaring Fork River, in Section 9, Township 6 South, Range 89 West, 6th P.M., Garfield County, Colorado, to the uppermost points of depletion by the Applicant's Augmented Structures (as defined in the decree entered in Case No. 05CW238) in the headwaters of Riland Creek, located in the NE¼ of Section 28, Township 3 South, Range 87 West, 6th P.M., at a point approximately 2500 feet from the East line and 90 feet from the North line of said Section 28. C. Source: The source of water used in the Applicant's exchange is water released from Wolford Mountain Reservoir, decreed in Case Nos. 87CW283, 95CW281 and 98CW237, District Court, Water Division No. 5, and/or Ruedi Reservoir, decreed in C.A. 4613, District Court, Garfield County, and 81CW34, District Court, Water Division No. 5. D. Appropriation dates: November 16, 2006, as to Applicant's 7W Pond, and December 13, 2005, as to Applicant's Beard and Mills Springs (Case Nos. 87CW239 & 240, respectively). E. Amount: 1.0 c.f.s., of which 0.026 c.f.s. is absolute and 0.974 c.f.s. is conditional. F. Uses: Potable water supply for Applicant's 7W Ranch compound, stockwatering, irrigation, and evaporation, as more-fully described in the decree entered in Case No. 05CW238. 4. Detailed outline of work done to complete project and apply water to beneficial use. During the diligence period (March 2016 to present), Applicant has taken steps to develop the remaining conditional portion of the 7W Appropriative Rights of Exchange, including, without limitation, the activities outlined in the Application, available for inspection at the office of the Division 5 Water Clerk or Colorado Courts E-filing. The list is not intended to be all inclusive and may be supplemented by additional evidence at any hearing in this matter. 5. Claim to make partially absolute. Applicant exchanged water at a rate of 0.028 c.f.s., during the month of July 2020, in accordance with the plan for augmentation decreed in Case No. 05CW238, thereby making an additional 0.002 c.f.s. of the 7W Appropriative Rights of Exchange absolute. 6. Name(s) and address(es) of owner(s) or reputed owners of the land upon which any new diversion or storage structure, or modification to any existing diversion or storage structure is or will be constructed or upon which water is or will be stored, including any modification to the existing storage pool. Applicant. **WHEREFORE, Applicant respectfully requests that the Court enter a decree: (i) making absolute the additional amount of the 7W Appropriative Rights of Exchange described in Paragraph 5, above; (ii) finding reasonable diligence for and continuing in full force and effect the remaining conditional amount of the 7W Appropriative Rights of Exchange; and (iii) granting such further relief as the Court deems just and proper.**

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22CW3024 GRAND COUNTY –RANCH CREEK AND HAMILTON CREEK, TRIBUTARY TO HURD CREEK, TRIBUTARY TO RANCH CREEK, TRIBUTARY TO THE FRASER RIVER, TRIBUTARY TO THE COLORADO RIVER.

1. Name and address of Protestant and Owner: Robert Fanch, Colorado Mountain Resorts Investors, LLC., 1500 Wynkoop St., Suite 200, Denver, CO 80202; with a copy to: Manager, Devil's Thumb Ranch, P.O. Box 750, Tabernash, CO 80478. 2. Water Rights: 2.1 Name of Structure: 2.1.1 Axel Ditch. 2.1.2 Axel Ditch Extension and Enlargement. 2.2 Original Decree: 2.2.1 Axel Ditch: CA657, In the Matter of the Adjudication of the Priorities of Right to the Use of Water For Irrigation Purposes in Water District No. 51, in the State of Colorado, In the District Court in and for Grand County, Nov. 5, 1937. 2.2.2 Axel Ditch Extension and Enlargement: Conditional: CA814, In the Matter of the Adjudication of the Priorities of Right to the Use of Water For Irrigation Purposes in Water District No. 51, in the State of Colorado, In the District Court in and for Grand County, Nov. 7, 1952; Made Absolute: CA814, District Court in and for Grand County, Jun. 13, 1960. 2.3 Decreed Legal Description of Structure Location: 2.3.1 Axel Ditch: On Hamilton Creek, located at a point on the South bank of Hamilton Creek whence the N1/4 corner of Sec. 4, Tp. 1 S., R. 75 W. of the 6th P.M. bears N. 1° 40' E, 1200 feet. 2.3.2 Axel Ditch Extension and Enlargement: On Hamilton Creek. A point on the left bank of said Creek at a point whence the North quarter corner of Section 4, Twp. 1 S., R. 75 W., 6th P.M. bears North 1° 40' East 1200 feet. On Ranch Creek. A point whence the North quarter corner of Section 4, Twp. 1 S., R. 75 W. 6th P.M. bears North 9° 35' West 3480 feet. 2.4 Source: 2.4.1 Axel Ditch: Hamilton Creek. 2.4.2 Axel Ditch Extension and Enlargement: Ranch Creek and Hamilton Creek. 2.5 Decreed Amount and Use: 2.5.1 Axel Ditch: 2.5 cfs for irrigation from April 1 to June 15 of each year and 1.25 cfs for the remainder of the irrigation season. 2.5.2 Axel Ditch Extension and Enlargement: 4.75 cfs for irrigation and stock water. 2.6 Appropriation Date: 2.6.1 Axel Ditch: June 1, 1930. 2.6.2 Axel Ditch Extension and Enlargement: June 1, 1930. 2.7 Amount and use or uses listed as having been abandoned: 2.7.1 Axel Ditch: All decreed uses. 2.7.2 Axel Ditch Extension and Enlargement: All decreed uses. 2.8 District Number and Page Number where listed on Abandonment List: 2.8.1 Axel Ditch: Water District 51; page 2 of Final Abandonment List. 2.8.2 Axel Ditch Extension and Enlargement: Water District 51; page 2 of Final Abandonment List. 3. Factual Basis for Protest: 3.1 The Division's own records, although recorded erroneously, show that water was diverted throughout the 10-year period subject to the 2020 Final Revised Abandonment List by both the Axel Ditch and the Axel Ditch Extension and Enlargement. The Division's records show diversions through the Axel Ditch during the abandonment period. Although there are no listed diversion records for the Axel Ditch Enlargement and Extension, that is because of a mistake in how the records were kept. As stated above, the Axel Ditch is limited to 2.5 cfs from April 1 to June 15 of each year and then to 1.25 cfs for the remainder of each irrigation season. Any amounts diverted above 2.5 cfs prior to June 15 and 1.25 cfs after June 15 should have been recorded under the Axel Ditch Enlargement and Extension right, not the Axel Ditch right. Examination of the Division's diversion records show that diversions were erroneously recorded under the Axel Ditch water right and not the Axel Ditch Enlargement and Extension water right in, as one example, June of 2016, where a diversion of 3.1 cfs was recorded, and as another, in July 2017 4.0 cfs was recorded and, as others, where in July 2010 and 2015 2.0 cfs was recorded. Had the diversions been recorded according to the respective Decree conditions, they would have shown diversions and beneficial use under both the Axel Ditch and the Axel Ditch Enlargement and Extension. As there has been actual diversion and beneficial use of both water rights, as evidenced by the Division's own records, which are presumed accurate, there is no evidence of an intent to abandon. 3.2 The Axel Ditch and Axel Ditch Enlargement were actively marketed by the prior owner and in fact sold to the current owner in 2018, during this decennial abandonment period. Colorado Mountain Resorts Investors, LLC, a Colorado Limited Liability Company, purchased both the Axel Ditch and the Axel Ditch Enlargement and Extension from the Hurd Creek Ranch Company by Special Warranty Deed (recorded, Grand County, Dec. 10, 2018, Reception # 2018009875). This diligent effort to sell, and in fact an actual sale of, the Axel Ditch and Axel Ditch Enlargement and Extension water rights, meets the fourth factor listed by the Colorado Supreme Court in *East Twin Lakes Ditches and Water Works, Inc. v. Board of County Com'rs of Lake County*, 76 P.3d 918, 922 (Colo. 2003) and therefor defeats any presumption of abandonment during the 10-year statutory period. 3.3 Finally, the current ranch manager will testify that the Axel Ditch Enlargement and Extension is an important asset to the ranch and will continue to be diverted and used in the future. 4. Remarks: The 2020 Final Revised Abandonment List refers to the Axel Ditch and the Axel Ditch at the Ranch Creek alternate point of diversion, it lists the Decreed amount as 4.75 cfs. This is far in excess of the Axel Ditch's decreed diversion amount, but does match the Axel Ditch Enlargement and Extension. Further, the 2020 Final Revised Abandonment List acknowledges the decreed alternate point of diversion on Ranch Creek, which also applies to the Axel Ditch Enlargement and Extension rather than the Axel Ditch itself. So, from this it appears that the 2020 Final Revised Abandonment List should have referred to the Axel Ditch Enlargement and Extension, but even that listing is wrong and the Axel Ditch Enlargement and Extension has not been abandoned. WHEREFORE, Protestant and Owner, Devil's Thumb Ranch, respectfully requests this Court Order the removal of the above listed water rights from the 2020 Final Revised Decennial Abandonment List.

YOU ARE HEREBY NOTIFIED THAT YOU HAVE until AUGUST 31, 2022 to file with the Water Clerk a verified Statement of Opposition setting forth facts as to why this protest 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 MARCH 2022. *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.*

22CW3025 PITKIN COUNTY, GROUNDWATER TRIBUTARY TO CAPITAL CREEK, TRIBUTARY TO THE ROARING FORK RIVER, TRIBUTARY TO THE COLORADO RIVER. Application for Change of Water Right. Name and address of Applicant: Lazy-O Ranch Homeowners Association, Inc (“Lazy O Ranch HOA), c/o Mark E. Hamilton, Esq., Susan M. Ryan, Esq., Holland & Hart LLP, 600 E. Main Street, Suite 104, Aspen, CO 81611, (970)925-3476, mehamilton@hollandhart.com, smryan@hollandhart.com. Previous Decrees: Original decree: 85CW47, Water Division 5, decree entered on May 5, 1986. Subsequent decrees awarding findings of diligence: 89CW66, 95CW61, 01CW369, 09CW142, and 18CW3018, Water Division 5. Change Decrees: 96CW102 and 04CW177, Water Division 5. Name of Structure: Lazy O Well No. 4. Legal descriptions: Section 3, Township 9 South, Range 86 West of the 6th P.M. situated whence the N1/4 Corner of said Section 3 bears N 38°54’43” E. 4200.43 feet (NW/SW) Pitkin County. Source: Groundwater tributary to Capitol Creek, tributary to the Roaring Fork River, tributary to the Colorado River. Appropriation Date: April 3, 1984. Amount: 0.15 cfs; 67 gpm, conditional. Applicant intends to change the entire amount of water decreed to this structure. Uses: Domestic, commercial, livestock, municipal, irrigation, and dust suppression. Detailed Description of Proposed Change: Lazy O Ranch HOA seeks to change the decreed location of Lazy O Well No. 4 to allow connection with the central water system. Continued build-out of the Lazy O Ranch Development requires that an additional monitoring well pursuant to Permit No. 319538, attached as Exhibit A to Application, and request to change the decreed location of the Lazy O Well No. 4 to the location of the monitoring well. Legal description of proposed changed location: NW1/4 of the NE1/4 of Section 3, Township 9 South, Range 86 West of the 6th P.M. at a point with UTM coordinates in Zone 13 NAD83: Northing 4352435 m, Easting 329169 m. Exhibit B to Application depicts the decreed location and the proposed change location. Well Depth: 56 feet. Contemplated draft analysis: Lazy O Ranch HOA does not seek to change the amount or type of uses for Lazy O Well No. 4. The proposed change in location is consistent with the uses and amounts decreed in Case No. 85CW47. Because Case No. 96CW192 decreed Lazy O Wells 1-6 as alternate points of diversion for each other, diversions and depletions have been calculated for the property as a whole. The proposed change in location does not result in exceeding the diversions or depletions for Lazy O Well No. 4. Request to amend plan for augmentation decreed in Case No. 85CW47: Lazy O Ranch HOA seeks to amend the plan for augmentation to include the proposed changed location for Lazy O Well No. 4. Lazy O Ranch HOA is not seeking any other amendments to the decreed augmentation plan in Case No. 85CW47. There are no material changes to stream impacts as a result of the changed location for Lazy O Well No. 4. Name and address of owner of the land upon which any new diversion of storage structure, or modification to any existing diversion or storage structure is or will be constructed upon which water is or will be stored, including any modification to the existing storage pool: Applicant. (5 Pages with Exhibits)

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

7. PURSUANT TO C.R.S., §37-92-302, AS AMENDED, YOU ARE NOTIFIED THAT THE FOLLOWING PAGES COMPRISE A RESUME OF THE APPLICATIONS AND AMENDED APPLICATIONS FILED WITH THE WATER CLERK FOR WATER DIVISION 5 DURING THE MONTH OF MARCH 2022. 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.

22CW3026 (15CW3059) EAGLE, GRAND, PITKIN and GARFIELD COUNTIES. Colorado River. Application for Finding of Reasonable Diligence and to Make Water Rights Absolute. Applicant: Trackside Tree Nursery, LLC, c/o Garfield & Hecht, P.C., 901 Grand Ave., Suite 201, Glenwood Springs, CO 81601, (970)947-1936. Description of Conditional Water Rights: Name of Structure: Trackside Pump. Original decree entered on March 26, 2016 in Case No. 2015CW3059, District Court, Water Division No. 5. Legal Description: Located in the NW1/4 of the SE1/4 of Section 16, Township 2 South, Range 83 West of the 6th P.M., at a point approximately 1580 feet from the south section line and 1615 feet from the east section line, in Eagle County. See Water Right Location Map filed with the Application as Exhibit A. Source: Colorado River. Date of Appropriation: June 30, 2015. Amount: 0.1 c.f.s., conditional. Uses: Irrigation of 2.5 acres, dust control, and fire protection. Findings From Original Decree: The Trackside Pump diverts surface water from an old, naturally occurring oxbow of the Colorado River that was divided from the river channel by construction of the railroad. Water within the oxbow is visible on the surface of the ground under natural conditions (and thus does not constitute groundwater pursuant to C.R.S. § 37-90-103(19)) and contains a sufficient flow of water to support the claimed appropriation. The source of water for the Trackside Pump is surface water. The irrigation and dust control area is the same. Name of Structure: Trackside Well. Original decree entered on March 26, 2016 in Case No. 2015CW3059, District Court, Water Division No. 5. Legal Description: Located in the NW1/4 of the SE1/4 of Section 16, Township 2 South, Range 83 West of the 6th P.M., at a point approximately 1665 feet from the south section line and 1565 feet from the east section line, in Eagle County. See Exhibit A map. Source: Groundwater tributary to the Colorado River. Date of Appropriation: June 30, 2015. Amount: 0.033 c.f.s., conditional. Volume: 2.4 acre-feet annually. Uses: Domestic in-house use for five cabins, commercial use in a restaurant, and fire protection. Well Permit No. 80102-F was issued for the Trackside Well. Depth of Well: 400 feet. Name of Right: Appropriative Right of Exchange. Original decree entered on March 26, 2016 in Case No. 2015CW3059, District Court, Water Division No. 5. Location: The affected stream reach of the exchange is the Colorado River from the confluence with the Roaring Fork River (downstream terminus) up to the point of diversion of the Trackside Pump (upstream terminus). Downstream terminus: Confluence of the Roaring Fork and Colorado Rivers, located in the SE¼ of the NW¼ of Section 9, Township 6 South, Range 89 West of the 6th P.M., at a point 2200 feet from the north section line and 2350 feet from the

west section line, in Garfield County. Upstream terminus: Point of diversion of the Trackside Pump, located in the NW1/4 of the SE1/4 of Section 16, Township 2 South, Range 83 West of the 6th P.M., at a point approximately 1580 feet from the south section line and 1615 feet from the east section line, in Eagle County. Date of Appropriation: June 30, 2015. Rate of Exchange: 0.133 c.f.s., conditional. Volume of Exchange: 4.215 acre-feet per year. Uses: Domestic in-house for 5 cabins, commercial use for a restaurant/bar, irrigation of 2.5 acres, and dust control. The application includes a detailed outline of what has been done toward or for completion of the appropriation and application of water to beneficial use as conditionally decreed, including expenditures. Claim to Make Absolute: Applicant requests the Court to determine and decree that the following water rights have been made absolute in the amounts and for the uses described below. To the extent that the Court does not determine that the water rights have been made absolute, the Applicant requests a decree finding reasonable diligence in the development of the subject water rights and continuing them in full force and effect. Trackside Pump. The Trackside Pump has been applied to beneficial use in its full decreed amount and uses, as set forth below. Date applied to beneficial use: May 1, 2016. There was no downstream call on the Colorado River, and diversions were made in priority. Amount: 0.1 c.f.s. Uses: Irrigation of 2.5 acres, dust control, and fire protection. Description of place of use: 2.5 acres of Applicant's property located in N1/2 of the SE1/4 of Section 16, Township 2 South, Range 83 West of the 6th P.M. See Irrigation Location Map filed with the Application as Exhibit B. Trackside Well. The Trackside Well has been applied to beneficial use in the amount and for uses set forth below. Applicant requests a finding of reasonable diligence for the remaining conditional amount (0.022 c.f.s.) and use (commercial) decreed to the well. Date applied to beneficial use: May 1, 2018. There was no downstream call on the Colorado River, and diversions were made in priority. Amount: 0.011 c.f.s. (5 gpm). Uses: Domestic and fire protection. Description of place of use: Within Applicant's property located in the SE1/4 of Section 16, Township 2 South, Range 83 West of the 6th P.M. See Exhibit B. Appropriative Right of Exchange. The Appropriative Right of Exchange operated and Applicant requests to make it absolute as set forth below. Date applied to beneficial use: July 31, 2020. Augmentation releases were made from Ruedi Reservoir pursuant to Applicant's Water Supply Contract No. CW15002 with the Colorado River Water Conservation District, and there was no senior downstream call on the Colorado River located upstream of the confluence with the Roaring Fork River during operation of the exchange. Amount: 0.111 c.f.s. Uses: Domestic, irrigation, and dust control. Description of place of use: The exchange operated to augment depletions associated with the use of water within Applicant's property located in the SE1/4 of Section 16, Township 2 South, Range 83 West of the 6th P.M. See Exhibit B to the Application. Integrated System. Trackside Well and Trackside Pump are component parts of an integrated water supply system to serve Applicant's property. Applicant requests a finding, pursuant to C.R.S. § 37-92-301(4)(b), that work on any one feature of the water supply system shall be considered in finding that reasonable diligence has been shown in the development of water rights for all features of the system as a whole. Name and address of owner or reputed owner of the land upon which any new diversion or storage structure, or modification to any existing diversion or storage structure is or will be constructed or upon which water is or will be stored, including any modification to the existing storage pool: Applicant. Applicant requests the Court to determine, adjudge and decree as follows: The Trackside Pump has been made absolute in its full decreed amount of 0.1 c.f.s. for its decreed uses of irrigation, dust control, and fire protection. The Trackside Well has been made absolute in the amount of 0.011 c.f.s. for domestic and fire protection uses. Further, Applicant has shown reasonable diligence in the development of the remaining conditional amount of the Trackside Well in the amount of 0.022 c.f.s. for domestic, commercial, and fire protection purposes, and such conditional portion shall be continued in full force and effect. The appropriative right of exchange has been made absolute at the rate of 0.111 c.f.s. for domestic, irrigation, and dust control purposes. Further, Applicant has shown reasonable diligence in the development of the remaining conditional amount and uses of the exchange for 0.022 c.f.s. for domestic and commercial uses, and such conditional portion of the exchange shall be continued in full force and effect.

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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 MARCH 2022. *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.*

22CW3027 SUMMIT COUNTY – BLUE RIVER OR ITS TRIBUTARIES. APPLICATION FOR FINDING OF REASONABLE DILIGENCE AND TO MAKE ABSOLUTE IN PART. 1. Name, address, telephone number(s) of applicant(s): McCullough Gulch Reserve Lot Owners Association (“MGR LOA”); C/O Wilton W. Cogswell III; 155 Lake Avenue, Suite 200, Colorado Springs, Colorado 80906; 719-473-1448. Direct pleadings to: Peggy E. Montano, Michael A. Kopp; Trout Raley; 1120 Lincoln Street, Suite 1600; Denver, Colorado 80203; Phone Number: 303-861-1963; pmontano@troutlaw.com, mkopp@troutlaw.com. 2. Summary of Application: The subject of this application is a conditional right of substitution and exchange, with a decreed rate of flow of 0.134 cfs, decreed as part of a plan to augment four wells with a combined annual production of 1.1 acre-feet and combined annual depletions of 0.11 acre-feet, as described in more detail in paragraph 3. This application seeks to make a portion of the right absolute and seeks a finding of reasonable diligence for the remainder pursuant to C.R.S. § 37-92-302(1)(a). 3. Description of Conditional Water Right: A. Original Decree: Applicants' conditional right of substitution and exchange (“McCullough Gulch Exchange No. 1”) was decreed as part of the augmentation plan approved February 22, 2000 in Case No. 96CW60 to replace out-of-priority depletions from four wells on

property now known as Lots 1, 2, 3 and 4, McCullough Gulch Reserve Subdivision, Town of Blue River, Summit County, Colorado. (Division of Water Resources records have indexed this plan under the heading “Timberline Valley Wells Augmentation Plan”). The 96CW60 decree limits the wells’ combined annual production to 1.1 acre-feet, and their combined annual depletions to 0.11 acre-feet.

B. Change in Location: The locations of Wells 3 and 4 were changed to their current location by the decree July 6, 2005 entered in Case No. 02CW131, Water Division No. 5. C. Subsequent Finding of Reasonable Diligence: Pursuant to the decree entered on March 30, 2016 in Case No. 06CW19, Water Division No. 5, the conditional water right for the McCullough Gulch Exchange No. 1 was continued.

D. The McCullough Gulch Reserve conditional right of substitution and exchange decreed therein is more particularly described as follows: i. Location: The downstream terminus of the exchange (the “exchange from” point) is Dillon Reservoir, located in Sections 7, 8, 17, 18, 19, 20, 21, 30 and 31, all in Township 5 South, Range 77 West, of the 6th P.M. and in Sections 13, 23, 24, 25, 26, 35 and 36, all in Township 5 South, Range 78 West of the 6th P.M. The upstream termini of the exchange (the “exchange to” points) are four wells located or to be located on Lots 1, 2, 3, and 4, McCullough Gulch Reserve Subdivision, Town of Blue River, located in Sections 30 and 31, Township 7 South, Range 77 West and Sections 25 and 36 of Township 7 South, Range 78 West of the 6th P.M. The Lot 1 well is located at 409482m E, 4362179m N (Zone 13N). The Lot 4 wells is located at 409523m E, 4362549m N (Zone 13 N). The most upstream terminus of the exchange is at 409519m E, 4362164m N (Zone 13N). The exchange is depicted on Exhibit A attached hereto. ii. Sources to Be Used for Augmentation and Exchange: Perpetual water lease from Vidler Tunnel Water Company and a so-called Paragraph 6(b) Agreement with the City and County of Denver, acting by and through its Board of Water Commissioners, attached hereto as Exhibits B and C, respectively. Applicants are the assignees of rights under these agreements. iii. Appropriation Date: December 13, 1995. iv. Amount: 0.134 cfs. The annual volumetric limit of the exchange is 0.11 acre-feet from all four wells combined. v. Uses: Domestic in-house use. 4. Claim to Make Absolute. McCullough Gulch Wells 1 and 4 have been constructed and have placed water to beneficial use. Applicant has replaced depletions from Wells 1 and 4 by exchange pursuant to the plan for augmentation decreed in Case No. 96CW60. The maximum rate of exchange was 0.0004 cfs. Because Applicant replaced depletions from Wells 1 and 4 by exchange, the McCullough Gulch Exchange No. 1 should be made absolute in the amount of 0.0004 cfs. 5. Claim for a Finding of Reasonable Diligence: During the subject diligence period, Applicant MGR LOA took steps to diligently develop the remaining condition portions of the McCullough Gulch Exchange No. 1, including, without limitation, the activities described below. This list is not intended to be all-inclusive and may be supplemented by additional evidence. A. The McCullough Gulch Exchange No. 1 serves four lots in a seven-lot subdivision in Summit County, Colorado. During the diligence period, the lot owners and MGR LOA as their successor in interest expended approximately \$13,302 to maintain water leases with the Vidler Water Company to provide augmentation water, which is exchanged to replace depletions from the wells on Lots 1 through 4 pursuant to McCullough Gulch Exchange No. 1. B. During the diligence period, the owner of Lot 3 prepared an application to replat Lot 3 to move the building envelope from the east side of Rio Azul Road to the west side to preserve open space and wildlife habitat along the Blue River, which runs through the center of each of Lots 1 through 4. The replatting of Lot 3 will require an application with the Town of Blue River and will also require coordination with the United States Forest Service, which manages the federally owned National Forest land bordering Lot 3 to the west. Lot 3’s owner has commissioned surveys of the lot that will occur following snowmelt and anticipates a lengthy and complex approval process. C. In 2021, MGR LOA had Rio Azul Road, the road access to the McCullough Gulch Reserve subdivision, including Lots 1 through 4, chip and sealed at a cost of \$75,590. D. Wells 1 and 4 have been constructed and water has been pumped to serve the private residences on the respective lots. MGR LOA has diligently collected meter readings from Wells 1 and 4 and submitted these readings monthly to the Division Engineer. E. During the diligence period, MGR LOA expended approximately \$6,320 in legal fees to transfer ownership of the McCullough Gulch Exchange No. 1 water right from the individual lot owners to MGR LOA and to obtain advice on compliance with administration and reporting requirements for the McCullough Gulch Exchange No. 1. F. In 2021, MGR LOA successfully opposed the construction of a CDOT chain-up station along Route 9 on the eastern edge of Lots 1 through 4, which would have negatively impacted wildlife and riparian habitat in the area. G. MGR LOA meets quarterly to consider and act on important issues relating to development and maintenance of the subdivision, including development and maintenance of the water rights owned by MGR LOA. Expenditures by MGR LOA during this diligence period in connection with the above activities exceeded \$95,212. The Court should enter a decree finding MGR LOA has worked diligently to develop the remaining portions of the McCullough Gulch Exchange No. 1 and continuing the portion of the exchange not declared absolute as conditional. 6. Name and address of owner of land upon which any new diversion structure or modification to any existing diversion structure is or will be constructed: Lot 1: Aaron and Lindsey Esterwiemann; 16528 Lake Point Drive, Bonner Springs, Kansas 66012. Lot 2: Joanne May; 14811 St. Mary’s Lane, Suite 205, Houston, Texas 77079. Lot 3: McCullough Gulch Reserve L.L.C.; 50 Marland Road, Colorado Springs, Colorado 80906. Lot 4: Brian Kinney; 6101 River Oaks Road, Edmond, OK. 73013 Chris Kinney; 11801 Bravada Drive, Edmond, OK 73013. WHEREFORE, Applicants pray that this Court enter a decree confirming that 0.0004 cfs of the McCullough Gulch Exchange No. 1 has been made absolute for all decreed uses, further confirming that the Applicant has exercised reasonable diligence in the development of the remaining conditional portion of the McCullough Gulch Exchange No. 1 and continuing such right in full force and effect in accordance with the original decree and granting such other and further relief as the Court deems proper. (9 pages with Exhibits.)

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

9. PURSUANT TO C.R.S., §37-92-302, AS AMENDED, YOU ARE NOTIFIED THAT THE FOLLOWING PAGES COMPRISE A RESUME OF THE APPLICATIONS AND AMENDED APPLICATIONS FILED WITH THE WATER CLERK FOR WATER DIVISION 5 DURING THE MONTH OF MARCH 2022. *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.*

22CW3028(15CW3108) GARFIELD COUNTY-APPLICATION TO MAKE CONDITIONAL WATER RIGHT ABSOLUTE, IN PART, OR IN THE ALTERNATIVE, FOR DILIGENCE. Name and address of Applicant: The Town of Silt, c/o Town Administrator, P.O. Box 70, Silt, Colorado 81652. Please direct all correspondence, motions, and pleadings to Michael J. Sawyer or Joely R. Denkinger, KARP NEU HANLON, P.C., 201 14th Street, Suite 200, P.O. Drawer 2030, Glenwood Springs, CO 81602 (970) 945-2261. Name of structure: *Silt Pipeline, First Enlargement.* Date of original decree: October 18, 2002, in Case No. 01CW321, in the District Court in and for Water Division No. 5. Subsequent decrees awarding findings of diligence: November 15, 2009, in Case No. 08CW134 and March 26, 2016, in Case No. 2015CW3108 in the District Court in and for Water Division No. 5. Legal description: Location decreed in Case No. 01CW321: A point in the SE¼ of the NE¼ of Section 10, Township 6 South, Range 92 West of the 6th P.M., at a point from which the Northeast corner of said Section 10 bears N. 17°54'32" E. 2,471.20 feet. Alternate point of diversion decreed in Case No. 05CW19: A point in the S½ of the NE¼ of Section 9, Township 6 South, Range 92 West, 6th P.M., whence the Northeast corner of said Section 9 bears N. 35°41'37" E. a distance of 2,620.27 feet and the Southeast corner of said Section 9 bears S. 26°2'28" E. a distance of 3,583.70 feet. This point of diversion is also described as being located 3,211 feet from the South section line and 1,529 feet from the East section line of said Section 9. Alternate point of diversion decreed in Case No. 13CW52: The Silt Municipal Well Field generally located in Section 9, Township 6 South, Range 92 West of the 6th P.M., comprising of 8.054 acres and as more fully described in Exhibit A2 of the decree for Case No. 13CW52. Source: **Colorado River. Appropriation date: September 20, 2001. Amount: 7.77 c.f.s. conditional and 0.73 c.f.s., absolute (Case No. 2015CW3108). Uses: All municipal uses, including without limitation, domestic, industrial, manufacturing, commercial, recreation, sanitation and sewage treatment, street cleaning, fire protection, power generation, irrigation of parks, lawns and gardens, maintaining adequate storage reserves, and regulation and adjustment of the features of the Applicant's water system within themselves and with other water users. Place of Use: As decreed in Case No. 13CW52, Silt Pipeline, First Enlargement water may be used within the Applicant's present and future water service areas, as such areas are described in Case No. 13CW52. Remarks: The Silt Pipeline may be diverted on the Colorado River and at the Silt Municipal Well Field under the plan for augmentation approved in Case No. 07CW219, as amended in Case No. 13CW52. Two wells are currently in operation at the Silt Municipal Well Field. The wells operate under Colorado Division of Water Resources Well Permit Nos. 79593-F and 79594-F, which permits allow pumping rates of up to 300 g.p.m. for each well. **CLAIM TO MAKE ABSOLUTE IN PART.** Date additional water first applied to beneficial use: No later than May 2, 2020. Amount of water applied to beneficial use: 0.175 c.f.s. for the *Silt Pipeline, First Enlargement*, for all municipal uses, including without limitation, domestic, industrial, manufacturing, commercial, recreation, sanitation and sewage treatment, street cleaning, fire protection, power generation, irrigation of parks, lawns and gardens, maintaining adequate storage reserves, and regulation and adjustment of the features of the Applicant's water system within themselves and with other water users. The total amount of the Silt Pipeline, First Enlargement to be made absolute is 0.905 c.f.s. Description of place where water has been applied to beneficial use: Within Applicant's water service area. **CLAIM FOR REASONABLE DILIGENCE.** Applicant requests a finding of diligence for 7.77 c.f.s., conditional, for the *Silt Pipeline, First Enlargement* for all municipal uses, including without limitation, domestic, industrial, manufacturing, commercial, recreation, sanitation and sewage treatment, street cleaning, fire protection, power generation, irrigation of parks, lawns and gardens, maintaining adequate storage reserves, and regulation and adjustment of the features of the Applicant's water system within themselves and with other water users. The amount for which Applicant requests a finding of diligence shall be reduced by any amount made absolute in this case. Integrated Water System: As found in Case No. 08CW134, Applicant operates the Silt Pipeline, First Enlargement as a component part of an integrated municipal water supply system, within the meaning of C.R.S. § 37-92-301. As such, work performed with respect to any component part of Applicant's water supply system constitutes diligence toward the development of all parts of the supply system. Names of landowners upon which structures are located: Applicant. A map depicting the location of the structures to be decreed, and an outline of diligence activities including expenditures are on file with the Water Court (7 pp. with exhibits).**

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10. PURSUANT TO C.R.S., §37-92-302, AS AMENDED, YOU ARE NOTIFIED THAT THE FOLLOWING PAGES COMPRISE A RESUME OF THE APPLICATIONS AND AMENDED APPLICATIONS FILED WITH THE WATER CLERK FOR WATER DIVISION 5 DURING THE MONTH OF MARCH 2022. *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.*

22CW3029 GARFIELD COUNTY, COLORADO. APPLICATION FOR FINDING OF REASONABLE DILIGENCE. Unnamed tributary to Four Mile Creek and Four Mile Creek, tributary to the Roaring Fork River, tributary to the Colorado River. Applicant: West Divide Water Conservancy District, c/o Tammy Keenan, P.O. Box 1478, Rifle, CO 81650, (970) 625-5461, c/o Edward B. Olszewski, Esq., Olszewski, Massih & Maurer, P.C., P.O. Box 916, Glenwood Springs, CO 81602. Applicant requests a finding that

it has been reasonably diligent in the development of the Martin Reservoir water right. Date of Original Decree for the Martin Reservoir: November 5, 1971. Case No. 5884; Court: District, Water Division No. 5. Legal Description: The reservoir will inundate part of the SW1/4NE1/4 and the SE1/4NW1/4 of Section 31, Township 7 South, Range 89 West of the 6th P.M. The dam of said reservoir is to be located in the SW1/4NE1/4 of Section 31, Township 7 South, Range 89 West of the 6th P.M. The initial point of survey of the high water line of said reservoir is located at a point near the south end of the dam whence the witness corner for the West Quarter Corner of said Section 31 bears South 89°28'45" West 3415.27 feet. Subsequent decrees awarding findings of diligence: W-729, 84CW150, 88CW177, 94CW94, 00CW143, 07CW57 and 15CW3099, Water Division No. 5. Source of water: Four Mile Creek, and an unnamed tributary to Four Mile Creek. Appropriation Date: April 9, 1966. Amount and uses: 282.67 acre feet for irrigation, domestic, lawn irrigation, agricultural, stock watering, snowmaking, substitution, exchange, manufacturing, industrial, power generation, flood control, piscatorial, recreation, wildlife, conservation, fire protection, fire-fighting, fire flow, sewage treatment, dust suppression, camping, replacement and stream flow maintenance uses. Of the 282.67 acre feet originally decreed to the Martin Reservoir, 16 acre feet have been transferred and made absolute, and another 39.43 acre feet have been made absolute for various uses at the Martin Reservoir Alternates Nos. 1, 2 and 3 in Case No. 14CW3009, Water Division No. 5. This leaves 227.24 acre feet of the original Martin Reservoir right conditional. The Application provides a detailed outline of what has been done toward placing water to beneficial use, including expenditures. Applicant's activities and expenditures establish that Applicant has been reasonably diligent in the development of the conditional water right. Name and address of owner of the land upon which the structures are located: West Divide Water Conservancy District. Rocky Mountain Natural Gas, LLC, 600 12th St., Suite 300, Golden, CO 80401. Applicant claims it has been reasonably diligent in the development of the conditional portions of the Martin Reservoir described above and requests the court issue a decree finding the same (4 pages, 3 maps).

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

11. PURSUANT TO C.R.S., §37-92-302, AS AMENDED, YOU ARE NOTIFIED THAT THE FOLLOWING PAGES COMPRISE A RESUME OF THE APPLICATIONS AND AMENDED APPLICATIONS FILED WITH THE WATER CLERK FOR WATER DIVISION 5 DURING THE MONTH OF MARCH 2022. *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.*

22CW3030 (2011CW152) Co-Applicants, the City and County of Denver, acting by and through its Board of Water Commissioners ("Denver Water"), 1600 West 12th Avenue, Denver, Colorado 80204, Telephone: 303-628-6460. Jessica R. Brody, General Counsel, Daniel J. Arnold, James M. Wittler; Board of Commissioners for the County of Grand, Colorado ("Grand County"), 308 Byers Avenue, P.O. Box 264, Hot Sulphur Springs, Colorado, c/o David C. Taussig, White & Jankowski, LLC, 1333 W. 120th Ave., Suite 302, Westminster, Colorado, 80234, Telephone: 303-595-9441; Colorado Water Conservation Board ("CWCB"), 1313 Sherman Street, Room 718, Denver, Colorado 80203 80451, c/o Jennifer Mele, First Assistant Attorney General, 1300 Broadway, 7th Floor, Denver, Colorado 80203, Telephone: 720-508-6039. **APPLICATION FOR FINDING OF REASONABLE DILIGENCE IN GRAND, EAGLE, SUMMIT, GARFIELD, MESA AND BOULDER COUNTIES** Application forty (40) pages. **I. DESCRIPTION OF CONDITIONAL WATER RIGHTS** 3. Original Decree: Case No. 2011CW152, Water Division No. 5, March 15, 2016. 4. Purpose and Background: On September 23, 2010, Denver Water and seventeen entities from the West Slope reached consensus on the Colorado River Cooperative Agreement ("CRCA"), which resolves various longstanding disputes involving Denver Water's operations on the West Slope. The CRCA became effective on September 26, 2013, following execution by all parties. As part of the CRCA, Grand County, Denver Water, and other West Slope entities agreed to the Intergovernmental Agreement ("IGA") for the Learning by Doing Cooperative Effort that provides for the parties to engage in a cooperative, iterative, and on-going process ("Cooperative Effort") to maintain, and when reasonably possible, restore or enhance the stream environment. In furtherance of the objectives of the CRCA, Grand County, the CWCB, and Denver Water entered into a Water Delivery and Stream Flow Improvement Agreement dated on or about November 23, 2011 (the "2011 Water Delivery Agreement"), which established conditions for the appropriation, diversion, and delivery of water by Denver Water for instream flow use by the CWCB to preserve and improve the natural environment to a reasonable degree on the stream segments. The final corrected decree entered in Case No. 2011CW152 WD5 ("Final Corrected Decree") implemented portions of the CRCA and achieved other environmental and West Slope water use goals as discussed above (the "ISF Water" or "ISF Uses"). The Final Corrected Decree also decreed a right of substitution that would allow Denver Water to make available to Grand County a total of 1,000 acre-feet (AF)/year ("Fraser 1,000 AF") from the Fraser River Diversion Project, Williams Fork Diversion Project, and Cabin Meadow Creek Collection System (collectively the "Moffat Tunnel Collection System") for use for environmental purposes, including ISF Uses by the CWCB, and any incidental recreational benefit, pursuant to Article III.E.10 of the CRCA, and reuse and successive use as described herein. For the purposes of this Decree, the Moffat Tunnel Collection System, including the Fraser River Diversion Project, Williams Fork Diversion Project, and Cabin Meadow Creek Collection System, are those systems described in the decrees entered in C.A. 657 and C.A. 1430 by the District Court for the County of Grand. Under Article III.E.20. of the CRCA, Denver Water also agreed to make 375 AF ("375 Water") of additional consumptive use water available annually to the Grand County Water Users for municipal, snowmaking, and other uses in Grand County as set forth in the CRCA, including recapture, reuse, and successive use of snowmaking return flows, conditioned upon the availability to Denver Water of "Replacement Water," as

that term is defined in the CRCA. Grand County Water Users may also elect to have Denver Water make any portion of the 375 Water available to Grand County in the same manner and for the same purposes as the Fraser 1,000 AF so long as Replacement Water is provided to Denver Water pursuant to the CRCA. Of the 375 Water, Denver Water has agreed to make up to 100 AF of consumptive use water available annually for snowmaking. To implement the CRCA snowmaking diversion to consumptive use ratio of up to 5 to 1, Winter Park Recreational Association (“WPRA”) will divert directly from Denver Water’s collection system or in limited circumstances, the Fraser River Pump and Pipeline, up to 500 AF of water annually for snowmaking purposes. In order to divert this water, Denver Water will replace up to 500 AF each winter season from Williams Fork Reservoir. As a result, up to 775 AF of water in total may be delivered and/or diverted from Denver Water’s Fraser River Diversion Project, Williams Fork Collection System, and Cabin Meadow Creek System with subsequent recapture of up to 400 AF and net consumptive use of up to 100 AF of snowmaking/municipal and 275 AF for municipal uses for a total of 375 AF. The Gross Reservoir Substitution Right substitutes water that is diverted under Denver Water’s senior rights and then delivered, after the substitution, for uses consistent with the Final Corrected Decree. This operation will result in a corresponding decrease of diversions by Denver Water through the Moffat Tunnel to the extent 375 Water is made available to the Grand County Water Users. In addition, the Final Corrected Decree decreed a multiple purpose water right that allows Denver Water to make available for release up to 1,000 AF annually from Williams Fork Reservoir (“2011 Williams Fork Right”), subject to the carryover of up to 2,500 AF of storage described herein, to Grand County for use for environmental purposes including ISF Uses and any incidental recreational benefit pursuant to Article III.E.11 of the CRCA, and reuse and successive use as described herein. Water diverted under these water rights will be made available to Grand County for: (1) instream flow uses by the CWCB and for incidental recreational benefit; (2) reuse for instream flow uses by the CWCB in stream segments listed in paragraph 10.3 either directly or via storage by exchange or substitution for subsequent release for instream flow purposes; and (3) successive use for delivery to stream segments downstream of Grand County either directly or via storage by exchange or substitution for subsequent release for power generation or the other West Slope purposes including purposes in segments identified on **Exhibit 1** as described herein after its initial beneficial use (“Additional Uses”). If Grand County determines that the stream flow conditions in Grand County, including in the Colorado River below its confluence with the Blue River, are satisfactory; the water provided to Grand County under the Final Corrected Decree may also be successively used either directly or via storage by exchange or substitution to mitigate the potential impacts to Green Mountain Reservoir as described in the United States Bureau of Reclamation’s March 25, 2012 Environmental Assessment (“Environmental Assessment”) for the Colorado Water Users’, as those users are described in the Environmental Assessment, to meet their commitment to provide 10,825 AF to the 15-Mile Reach of the Upper Colorado River. Colorado Water Users are committed to provide 10,825 AF of water annually to the 15-mile reach of the Colorado River above its confluence with the Gunnison River in Mesa County (“15-Mile Reach”), as described in the Final Programmatic Biological Opinion for Bureau of Reclamation’s Operations and Depletions, Other Depletions, and Funding and Implementation of Recovery Program Actions in the Upper Colorado River Above the Confluence with the Gunnison River, December, 1999 (“PBO”). Upon prior approval of Grand County, the water rights decreed herein may be reused by the CWCB within the 15-Mile Reach to preserve or improve the environment to a reasonable degree consistent with the PBO. Nothing in this decree shall alter or amend in any way the Colorado Water Users’ commitment to provide 10,825 AF under the PBO. Under certain conditions, Grand County may also allow successive use of the water rights either directly or via storage by exchange or substitution into Williams Fork Reservoir, Wolford Mountain Reservoir or Green Mountain Reservoir through agreements with the Colorado River Water Conservation District (“River District”) and United States Bureau of Reclamation (“Reclamation”) for later release for power generation or other West Slope purposes decreed to Green Mountain Reservoir in the Final Decree and Stipulation in Consolidated Case Nos. 2782, 5016, and 5017, United States District Court, State of Colorado (“Blue River Decree”), including but not limited to deliveries of water to Grand Valley water users. Pursuant to the 2011 Water Delivery Agreement, the ISF Water diverted under these water rights will be delivered to the CWCB or may be delivered to the CWCB by separate agreement with the Grand County Water Users. Through appropriate accounting mechanisms, Denver Water and Grand County shall maintain dominion over these water rights including all return flows from use of the water rights. Any water delivered for ISF Uses shall be shepherded by the state water officials past intervening water rights without diversion or exchange consistent with the intended beneficial uses, but only to the extent necessary to deliver that water downstream through and to a specifically identified stream segment, which is identified as the place of beneficial ISF Use for that delivery of water, and thereafter such water is beneficially used as authorized under the Final Corrected Decree. Any exchanges of water to be delivered to a stream segment for ISF Uses will only be approved and administered by the Division Engineer if the substitute supply for the exchange is delivered to the stream at or above the upstream point of the stream segment to which the Division Engineer is shepherding the ISF Water.

5. Name of Water Rights: Gross Reservoir Multi-Purpose Water Right (“2011 Gross Reservoir Storage Right”), Gross Reservoir Substitution Right, Williams Fork Reservoir Multi-Purpose Water Right (“2011 Williams Fork Right”), and Wolford Mountain Reservoir, Williams Fork Reservoir, and Green Mountain Reservoir Exchange and Substitution Rights (“Recapture Exchange and Substitution Right”) (collectively, the “Subject Water Rights”).

6. Gross Reservoir Multi-Purpose Water Right: 6.1. Name of Structure: The place of storage for the 2011 Gross Reservoir Storage Right is Gross Reservoir. 6.2. Legal Description of Location of Dam Centerline: The dam of Gross Reservoir is located in Tracts 48 and 49, Township 1 South, Range 71 West of the 6th Principal Meridian (where the north half (N1/2) of the southeast quarter (SE1/4) of Section 20 of Township 1 South, Range 71 West of the 6th Principal Meridian would be located by ordinary survey practices) and creates a reservoir covering parts of Tracts 47, 48, 49, 44, 45, 63, 107, 108, 109 and 110, the south half (S1/2) of the south half (S1/2) of Section 18, Section 19 and Section 30, the south half (S1/2) of the northeast quarter (NE1/4) of Section 25 and the east half (E1/2) of the southeast quarter (SE1/4) of Section 24, all in Township 1 South, Range 71 West of the 6th Principal Meridian in Boulder County, Colorado. 6.3. Features of Gross Reservoir:* 6.3.1. Maximum Height of Dam: 471 feet. 6.3.2. Length of Dam: 1,840 feet. 6.3.3. Surface Area: 842 acres at elevation 7,406 feet. *These features have been updated based upon the most recent design for the enlargement of Gross Reservoir. 6.4.

Total Capacity:* 6.4.1. Active Capacity: 118,811 AF 6.4.2. Dead Storage: 1 acre-foot 6.4.3. Total Capacity excluding the Boulder/Lafayette environmental pool: 113,811 AF *These features have been updated based upon the most recent design for the enlargement of Gross Reservoir. 6.5. Source: Fraser and Williams Fork Rivers and their tributaries at the existing points of diversions identified below including water tributary to any of the existing points of diversion, as well as water diverted from other tributaries intercepted by the Fraser River Diversion Project, the Williams Fork Diversion Project, or the Cabin Meadow Creek Collection System and delivered through the Moffat Tunnel Collection System. 6.6. Points of Diversion: As depicted on **Exhibit 2 (“Fraser River Basin DWB Diversion Points & CWCB Instream Flow Reaches”)** and **Exhibit 3 (“Williams Fork River Basin DWB Diversion Points & CWCB Instream Flow Reaches”)**, the locations of the several existing points of diversion for the 2011 Gross Reservoir Storage Right are the points of diversion for Denver Water’s Fraser River Diversion Project, Williams Fork Diversion Project, and the Cabin Meadow Creek Collection System. These points of diversion are as follows:

Fraser River Diversion Project					
<u>Diversion Name</u>	<u>UTM Northing (meters)</u>	<u>UTM Easting (meters)</u>	<u>Section</u>	<u>Township - Range</u>	<u>Tie From NGS Point (N 139)</u>
FRASER RIVER	4412677.50	435906.22	23	T2S R75W	S 27°29'36.63" E, 13910.64 meters
JIM CREEK	4414775.05	436595.71	14	T2S R75W	S 34°46'23.41" E, 12468.79 meters
BUCK CREEK	4415953.00	435742.47	11	T2S R75W	S 34°37'19.48" E, 11014.61 meters
CUB CREEK	4416758.56	435101.53	3	T2S R75W	S 34°13'19.07" E, 9987.79 meters
COOPER CREEK	4415670.41	433747.60	10	T2S R75W	S 24°31'06.85" E, 10273.06 meters
VASQUEZ CREEK	4413151.24	429845.71	19	T2S R75W	S 01°44'38.72" E, 11871.38 meters
LITTLE VASQUEZ CREEK	4415875.71	432063.82	9	T2S R75W	S 15°45'26.66" E, 9498.36 meters
MAIN ELK CREEK	4415667.50	428863.34	12	T2S R76W	S 03°48'01.17" W, 9370.22 meters
WEST MAIN ELK CREEK	4415833.00	428683.56	12	T2S R76W	S 04°59'00.48" W, 9218.97 meters
EAST ELK CREEK	4416121.00	429339.13	7	T2S R75W	S 00°56'07.99" W, 8897.30 meters
WEST ELK CREEK	4416877.57	427019.35	2	T2S R76W	S 16°50'55.86" W, 8504.63 meters
ST LOUIS CREEK	4411796.16	422189.71	29	T2S R76W	S 28°53'16.09" W, 15099.88 meters
IRON CREEK	4412658.99	422319.20	20	T2S R76W	S 30°06'18.05" W, 14285.07 meters
BYERS CREEK	4414435.16	422883.36	16	T2S R76W	S 31°57'21.48" W, 12472.03 meters
EAST ST LOUIS CREEK	4415638.00	424996.13	10	T2S R76W	S 25°34'22.56" W, 10397.71 meters
FOOL CREEK	4416486.38	425626.31	10	T2S R76W	S 24°20'06.76" W, 9362.61 meters
WEST ST LOUIS CREEK	4416018.87	422235.48	8	T2S R76W	S 38°51'16.73" W, 11554.88 meters
SHORT CREEK	4415834.62	422824.36	9	T2S R76W	S 35°57'11.75" W, 11343.47 meters
KING CREEK	4416571.18	426083.28	11	T2S R76W	S 21°56'03.46" W, 9105.03 meters
RANCH CREEK	4421345.15	437402.62	24	T1S R75W	S 65°07'16.00" E, 8728.21 meters
DRIBBLE CREEK	4422080.63	437192.34	24	T1S R75W	S 69°08'40.87" E, 8248.35 meters
NORTH FORK RANCH CREEK	4422680.48	437098.86	24	T1S R75W	S 72°56'25.39" E, 7964.92 meters
SOUTH FORK RANCH CREEK	4418631.62	436009.33	35	T1S R75W	S 45°37'07.53" E, 9129.58 meters
MIDDLE FORK RANCH CREEK	4420151.42	437204.96	25	T1S R75W	S 57°46'47.25" E, 9125.90 meters

Williams Fork Diversion Project

<u>Diversion Name</u>	<u>UTM Northing(meters)</u>	<u>UTM Easting (meters)</u>	<u>Section</u>	<u>Township - Range</u>	<u>Tie From NGS Point (N 139)</u>
MCQUEARY CREEK	4403986.83	421561.30	17	T3S R76W	S 20°38'37.51" W, 22473.29 meters
JONES CREEK	4402075.50	422363.69	28	T3S R76W	S 17°14'36.62" W, 24021.29 meters
BOBTAIL CREEK	4401582.40	422352.13	28	T3S R76W	S 16°55'38.76" W, 24496.03 meters
STEELMAN CREEK	4401221.40	420077.09	30	T3S R76W	S 21°34'14.46" W, 25587.77meters

Cabin Meadow Creek Collection System					
<u>Diversion Name</u>	<u>UTM Northing (meters)</u>	<u>UTM Easting (meters)</u>	<u>Section</u>	<u>Township - Range</u>	<u>Tie From NGS Point (N 139)</u>
LITTLE CABIN CREEK	4425188.50	436841.78	11	T1S R75W	N 88°39'56.11" E, 7359.38 meters
CABIN CREEK	4426522.50	436581.72	2	T1S R75W	N 78°01'28.93" E, 7255.21 meters
HAMILTON CREEK	4427754.00	436342.72	2	T1S R75W	N 68°14'42.06" E, 7384.25 meters
HURD CREEK	4429512.50	435017.41	35	T1N R75W	N 50°54'26.27" E, 7129.00 meters
SOUTH TRAIL CREEK	4431064.00	433753.47	27	T1N R75W	N 35°13'18.86" E, 7402.01 meters
NORTH TRAIL CREEK	4431370.40	433620.11	22	T1N R75W	N 33°03'44.58" E, 7580.78 meters
MEADOW CREEK	4433652.50	433520.84	15	T1N R75W	N 25°03'10.23" E, 9532.20 meters

***NGS Point – Designation (N 139/PID (KK0971):**

<u>UTM Northing (meters)</u>	<u>UTM Easting (meters)</u>
4425017.12	429484.40

6.7. Appropriation Date: September 23, 2010. 6.8. Amount Claimed: 1,775 AF annually, CONDITIONAL. (“CRCA Pool”) 6.9. Rate of Diversion: The 2011 Gross Reservoir Storage Right shall be diverted at the same rates as decreed in Civil Action 657 (“CA 657”) and Civil Action 1430 (“CA 1430”) to each of the diversion points for the Fraser River Diversion Project, the Williams Fork Diversion Project, and the Cabin Meadow Creek Collection System as depicted on **Exhibit 4 (“Moffat Tunnel Collection System Points of Diversion”)**. At no time shall the 2011 Gross Reservoir Storage Right, and the CA 657 and CA 1430 Water Rights, when diverted in combination, exceed the flow rate decreed in CA 657 and CA 1430. 6.10. Uses: The 2011 Gross Reservoir Storage Right may be used for the following purposes: 6.10.1. Use of Fraser 1,000 AF: As provided by the Cooperative Effort: (1) the Fraser 1,000 AF may be used and reused by the CWCB for ISF Uses within the ISF reaches, including reuse by the CWCB in the 15-Mile Reach; and (2) the Fraser 1,000 AF may be used and reused by Grand County and its designees for recreational uses and successively used either directly or via storage by exchange or substitution as described in this decree, for power generation, or the other West Slope purposes decreed to Green Mountain Reservoir in the Blue River Decree, including but not limited to deliveries of water to Grand Valley water users. 6.10.2. Use of 375 Water: The 375 Water may be used by the Grand County Water Users for municipal, snowmaking, domestic, commercial, irrigation, recreation, fish and wildlife and fire protection uses in Grand County in any particular year as set forth in the CRCA at their points of diversion described in section 11 below; provided that, Replacement Water is provided to Denver Water pursuant to the CRCA. Snowmaking return flows may be recaptured, reused, and successively used and such return flows shall accrue directly to Denver Water’s Fraser River Diversion Project or Moffat Tunnel Collection System or indirectly to Denver Water’s System via diversions from the Fraser River Pump and Pipeline (described in Sixth Claim). In addition thereto, upon approval by the Grand County Water Users from time to time, the 375 Water may be used, reused, or successively used including by the CWCB or Grand County for the same purposes as described below in section 10 below and above in section 6.10.1. 6.10.3. Use of 2011 Gross Reservoir Storage Right: The water to be stored under the 2011 Gross Reservoir Storage Right will be subsequently used via operation of the Gross Reservoir Substitution Right described in the Second Claim below. 7. Gross Reservoir Substitution Right: 7.1. Name of Structures: The Gross Reservoir Substitution Right will be operated using the following structures: Gross Reservoir, Fraser River Diversion Project, the Williams Fork Diversion Project, and the Cabin Meadow Creek Collection System. 7.2. Description of the Gross Reservoir Substitution: Denver Water will divert water under the 2011 Gross Reservoir Storage Right for storage in Gross Reservoir. When the Fraser 1,000 AF water is requested by Grand County, or when the Grand County Water Users request use of the 375 Water, the water stored pursuant to the 2011 Gross Reservoir Storage Right will be credited to Denver Water in substitution for Denver Water’s release and delivery of water that Denver Water is otherwise lawfully entitled to divert to the east slope under its existing senior water rights at the existing points of diversion of the Fraser River Diversion Project, Williams Fork Diversion Project, and the Cabin Meadow Creek Collection System. Water may be released by substitution at any location along the Moffat Tunnel Collection System including water tributary to any of the existing points of diversion described in section 5.6 above, as well as water diverted from other tributaries intercepted by the Fraser River Diversion Project, the Williams Fork Diversion Project, or the Cabin Meadow Creek Collection System and delivered through the Moffat Tunnel Collection System to the point of delivery, which in most circumstances will be the same points described in section 6.6. 7.3. Location of Points of Substitution: Water stored in Gross Reservoir under the 2011 Gross Reservoir Storage Right

will be provided as a substitute supply for Denver Water's senior Colorado River water diverted under CA 657 and CA 1430 in Gross Reservoir as substitution for Denver Water's release and delivery of water at the delivery points of the Fraser River Diversion Project, the Williams Fork Diversion Project, or the Cabin Meadow Creek Collection System identified in sections 10.3.1, 10.3.2 and 10.3.3. This water will be provided in substitution for water that would otherwise be delivered to storage in Gross Reservoir under Denver Water's Fraser River Diversion Project or Williams Fork Diversion Project water rights decreed in CA 657, or the Cabin Meadow Creek water rights decreed in CA 657 or CA 1430. 7.4. Source of Substitute Supply: The 2011 Gross Reservoir Storage Right will be used as the source of substitute supply for the Gross Reservoir Substitution Right. 7.5. Appropriation Date: September 23, 2010. 7.6. Amount Claimed: 1,775 AF, CONDITIONAL. This volume of substitution water is the same volume of water claimed under the 2011 Gross Reservoir Storage Right and is not an additional amount of water to be diverted and stored in Gross Reservoir under this Application. 7.7. Uses: The Fraser 1,000 AF may be used, reused, or successively used by the CWCB and Grand County for the same purposes as described above in section 6.10.1. Provided that, Replacement Water is provided to Denver Water pursuant to the CRCA, the 375 Water may be used, reused, or successively used by the Grand County Water Users for the same purposes as described in section 6.10.2 above, and upon approval by the Grand County Water Users, used, reused, or successively used by the CWCB or Grand County as described in section 6.10.1 above. 8. Williams Fork Reservoir Multi-Purpose Water Right: 8.1. Name of Structure Used for Storage: The 2011 Williams Fork Right will be stored in Williams Fork Reservoir. 8.2. Legal description of Location of Dam Centerline: Williams Fork Reservoir Dam, the southeast end of the 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, Grand County, Colorado. 8.3. Features of Williams Fork Reservoir: 8.3.1. Maximum Height of Dam: 209 feet. 8.3.2. Length of Dam: 600 feet. 8.3.3. Surface Area: 1,700 acres at elevation 7,811 feet. 8.4. Total Capacity of Williams Fork Reservoir: 96,822 AF. 8.4.1. Active Capacity: 96,822 AF. 8.4.2. Dead Storage: 0 AF. 8.5. Source: The source of water for the 2011 Williams Fork Right is the Williams Fork River and tributary drainage into Williams Fork Reservoir above the dam. 8.6. Appropriation Date: September 23, 2010. 8.7. Amount: 1,000 AF annually with the ability to carry over up to 2,500 AF, CONDITIONAL. 8.8. Uses: The 2011 Williams Fork Right may be used, reused, or successively used by the CWCB or Grand County for the same purposes as for Fraser 1,000 AF described above in section 6.10.1. 9. Wolford Mountain Reservoir, Williams Fork Reservoir, and Green Mountain Reservoir Recapture Exchange and Substitution Rights: 9.1. Exchange-From or Substitution Point: 9.1.1. Confluence of Blue River and Colorado River: The confluence of the Blue River and the Colorado River, which is located in the NW1/4 of the NW1/4 of the NE1/4 of Section 19, Township 1 North, Range 80 West, 341 feet from the North section line and 2,066 feet from the East section line. From this confluence, exchanges will be made of the Fraser 1,000 AF, up the Blue River to storage in Green Mountain Reservoir. 9.1.2. Confluence of Muddy Creek and Colorado River: The confluence of Muddy Creek and the Colorado River, which is located in the NE1/4 of the NW1/4 of the NE1/4 of Section 19, Township 1 North, Range 80 West, 189 feet from the North section line and 1,952 feet from the East section line. From this confluence, exchanges will be made of the Fraser 1,000 AF, up Muddy Creek to storage in Wolford Mountain Reservoir. 9.1.3. Confluence of Williams Fork River and Colorado River: The confluence of Williams Fork River and the Colorado River, which is located in the NW1/4 of the NW1/4 of Section 18, Township 1 North, Range 78 West, approximately 650 feet from the North section line and 200 feet from the West section line. From this confluence, exchanges will be made of both the Fraser 1,000 AF and the 375 Water that remains after first use or reuse, up the Williams Fork River to storage in Williams Fork Reservoir. 9.2. Source: The source of water for the Recapture Exchange and Substitution Right is water delivered by Denver Water to Grand County under the 2011 Gross Reservoir Storage Right via the Gross Reservoir Substitution Right or the 2011 Williams Fork Right (for exchanges to Green Mountain and Wolford Mountain Reservoirs). 9.3. Exchange-To or Substitution Points: 9.3.1. Green Mountain Reservoir: Green Mountain Reservoir, which is located in all or parts of Sections 11, 12, 13, 14, 15, and 24 T2S, R80W and Sections 17, 18, 19, 20, 21, 28, 29, 33, and 34 T2S, R79W, 6th Principal Meridian, Summit County, Colorado. Green Mountain dam is described as follows: Station 0 + 00 on the dam axis bears S 36° 31' 45" W a distance of 11,165 feet from the Southwest corner of Section 1, T2S, R80W, 6th Principal Meridian; thence the axis bears N 21° 00' 00" E. The dam is 309 feet in height from the lowest point of excavation, with the crest at elevation 7960.0. The crest width is 40 feet. The crest length is 1284 feet, including spillway gate structure. 9.3.2. Wolford Mountain Reservoir: Wolford Mountain Reservoir, which is an existing structure owned and operated by the River District which stores water behind a dam located across the channel of Muddy Creek, in Section 25, Township 2N, Range 81W, of the 6th Principal Meridian in Grand County, Colorado. 9.3.3. Williams Fork Reservoir: Williams Fork Reservoir, the reservoir created by the Williams Fork Dam, the southeast end of the 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, Grand County, Colorado. 9.4. Appropriation Date: November 22, 2011. 9.5. Amount: Up to a combined total of 3,875 AF of storage annually, by exchange or substitution, in Green Mountain Reservoir, Williams Fork Reservoir, or Wolford Mountain Reservoir, CONDITIONAL. 9.6. Rate of exchange and/or Substitution: The Recapture Exchange and Substitution Right shall not individually or in combination exceed a flow rate of up to 500 cfs, CONDITIONAL. 9.7. Uses: 9.7.1. Fraser 1,000 AF: Upon the completion of the initial instream use in Grand County of water under the 2011 Gross Reservoir Storage Right delivered via the Gross Reservoir Substitution Right, and the 2011 Williams Fork Right, as confirmed with the Division Engineer by Grand County consistent with the Cooperative Effort, the water may be reused or successively used either directly or via storage, by exchange or substitution, into either Wolford Mountain Reservoir, Williams Fork Reservoir, or Green Mountain Reservoir for subsequent release for (1) reuse for instream purposes in reaches identified in **Exhibit 5 ("CRCA ISF Stream Segments")**, (2) for successive use for power generation, or (3) for the other West Slope purposes decreed to Green Mountain Reservoir in the Blue River Decree, including but not limited to the deliveries of water to Grand Valley water users. 9.7.2. 375 Water: The 375 Water made available by exchange and substitution may be used by the Grand County Water Users for municipal, snowmaking, domestic, commercial, irrigation, recreation, fish and wildlife and fire protection uses. The water made available by substitution under the Gross Reservoir Substitution Right, will be diverted at the points of diversion and rediversion described in section 11 below. Upon

the completion of the initial use in Grand County, as confirmed with the Division Engineer by Grand County consistent with the Cooperative Effort, the return flows may be reused or successively used either directly or via storage, by exchange or substitution, into Williams Fork Reservoir for subsequent release for reuse by Denver Water for all of the purposes decreed to Williams Fork Reservoir.

10. Operation of the Various Claimed Water Rights for ISF Uses: 10.1. Delivery of Water for ISF Uses: Consistent with the preceding appropriations, water from the water rights decreed herein will be delivered in an amount of up to 1,375 AF in the Fraser and Williams Fork River basins and up to 2,500 AF from Williams Fork Reservoir to provide ISF Water for the times, rates and reaches listed in **Exhibit 5**, which is attached, as appropriate for each source. The ISF Water allowed by this decree will be used to preserve and/or improve the natural environment to a reasonable degree in the segments and the amounts identified herein. Where and when the water is used to "preserve," it will be used to satisfy the previously decreed ISF amounts (identified herein as such, see **Exhibit 5**). Where and when the water is used to "improve," it will be used in amounts separate from the previously decreed ISF amounts and may be used in addition to those flow rates up to the maximum flow rates identified herein for the "improve" purpose (see **Exhibit 5**). 10.2. Delivery Locations: Denver Water may deliver water at the points described in section 6.6 and at Siphons 2A, 3, and 6 described below:

<u>Delivery Name</u>	<u>UTM Northing(meters)</u>	<u>UTM Easting(meters)</u>	<u>Tie from NGS Point (N 139)*</u>
At a point on Siphon 2A between the upstream point and the downstream point	Upstream point: 4416298.948	Upstream point: 431935.697	S 15°42'16"E, 9056.23 meters
	Downstream point: 4416393.841	Downstream point: 432202.672	S 17°29'46"E, 9041.57 meters
Siphon 3	4415788.431	430379.744	S 5°32'29"E, 9272.02 meters
At a point on Siphon 6 between the upstream vent and the downstream vault	Upstream point: 4415770.179	Upstream point: 423549.111	S 32°41'42" W, 10987.83 meters
	Downstream point: 4415470.609	Downstream point: 424271.156	S 28°38'18" W, 10877.21 meters

***NGS Point – Designation (N 139/PID (KK0971):**

<u>UTM Northing (meters)</u>	<u>UTM Easting (meters)</u>
4425017.12	429484.40

10.3. Delivery Segments: The delivery of ISF Water will be made through the following segments at the rates and for the beneficial uses further described in **Exhibit 5**. 10.3.1. Fraser Diversion Project: Water released at Denver Water diversion point: 10.3.1.1. at the Fraser River will be protected via the following segments: Fraser 1-11; Colorado 1-11. 10.3.1.2. at Jim Creek will be protected via the following segments: Jim 1, Fraser 2-11; Colorado 1-11. 10.3.1.3. at Buck Creek will be protected via the following segments: Buck 1; Fraser 3-11; Colorado 1-11. 10.3.1.4. at Cub Creek will be protected via the following segments: Cub 1; Fraser 4-11; Colorado 1-11. 10.3.1.5. at Cooper Creek will be protected via the following segments: Cooper 1; Fraser 5-11; Colorado 1-11. 10.3.1.6. at Vasquez Creek will be protected via the following segments: Vasquez 1-3; Fraser 6-11; Colorado 1-11. 10.3.1.7. at Little Vasquez Creek will be protected via the following segments: Little Vasquez 1; Vasquez 3; Fraser 6-11; Colorado 1-11. 10.3.1.8. at Main Elk Creek (a.k.a. Elk Creek) will be protected via the following segments: Elk 1-4; Fraser 7-11; Colorado 1-11. 10.3.1.9. at West Main Elk Creek will be protected via the following segments: West Main Elk 1; Elk 2-4; Fraser 7-11; Colorado 1-11. 10.3.1.10. at East Elk Creek will be protected via the following segments: East Elk 1; Elk 3-4; Fraser 7-11; Colorado 1-11. 10.3.1.11. at West Elk Creek will be protected via the following segments: West Elk 1; Elk 4; Fraser 7-11; Colorado 1-11. 10.3.1.12. at St. Louis Creek will be protected via the following segments: St. Louis 1-8; Fraser 8-11; Colorado 1-11. 10.3.1.13. at Iron Creek will be protected via the following segments: Iron 1; St. Louis 2-8; Fraser 8-11; Colorado 1-11. 10.3.1.14. at Byers Creek will be protected via the following segments: Byers 1; St. Louis 3-8; Fraser 8-11; Colorado 1-11. 10.3.1.15. at East St. Louis Creek will be protected via the following segments: East St. Louis 1; St. Louis 4-8; Fraser 8-11; Colorado 1-11. 10.3.1.16. at Fool Creek will be protected via the following segments: Fool 1; St. Louis 5-8; Fraser 8-11; Colorado 1-11. 10.3.1.17. at West St. Louis Creek will be protected via the following segments: West St. Louis 1-3; St. Louis 6-8; Fraser 8-11; Colorado 1-11. 10.3.1.18. at Short Creek will be protected via the following segments: Short 1; West St. Louis 2-3; St. Louis 6-8; Fraser 8-11; Colorado 1-11. 10.3.1.19. at King Creek will be protected via the following segments: King 1; St. Louis 7-8; Fraser 8-11; Colorado 1-11. 10.3.1.20. at Ranch Creek (a.k.a. Main Ranch Creek) will be protected via the following segments: Ranch 1-8; Fraser 9-11; Colorado 1-11. 10.3.1.21. at Dribble Creek will be protected via the following segments: Dribble 1; Ranch 2-8; Fraser 9-11; Colorado 1-11. 10.3.1.22. at North Ranch Creek (a.k.a. North Fork Ranch Creek) will be protected via the following segments: North Ranch 1; Ranch 3-8; Fraser 9-11; Colorado 1-11. 10.3.1.23. at South Fork Ranch Creek will be protected via the following segments: South Fork Ranch 1-2; Ranch 4-8; Fraser 9-11; Colorado 1-11. 10.3.1.24. at Middle Fork Ranch Creek (a.k.a. South Ranch Creek) will be protected via the following segments: Middle Fork Ranch 1; South Fork Ranch 2; Ranch 4-8; Fraser 9-11; Colorado 1-11. 10.3.1.25. at Siphon 6 into St. Louis Creek will be protected via the following segments: St. Louis 3-8; Fraser 8-11; Colorado 1-11. 10.3.1.26. at Siphon 3 into Vasquez Creek will be protected via the following segments: Vasquez 1-3; Fraser 6-11; Colorado 1-11. 10.3.1.27. at Siphon 2A into Little Vasquez Creek will be protected via the following segments: Little Vasquez 1; Vasquez 3; Fraser 6-11; Colorado 1-11. 10.3.2. Williams Fork Diversion Project: Water released at the Denver Water diversion point: 10.3.2.1. at McQueary Creek will be protected via the following segments: McQueary 1; Williams Fork 1-12; Colorado 3-11. 10.3.2.2. at Jones Creek will be protected via the following

segments: Jones 1; Bobtail 2-3; Williams Fork 1-12; Colorado 3-11. 10.3.2.3. at Bobtail Creek will be protected via the following segments: Bobtail 1-3; Williams Fork 1-12; Colorado 3-11. 10.3.2.4. at Steelman Creek will be protected via the following segments: Steelman 1-2; Williams Fork 2-12; Colorado 3-11. 10.3.3. Cabin Meadow Creek Collection System: Water released at the diversion point: 10.3.3.1. at Little Cabin Creek will be protected via the following segments: Little Cabin 1; Ranch 5-8; Fraser 9-11; Colorado 1-11. 10.3.3.2. at Cabin Creek will be protected via the following segments: Cabin 1; Ranch 6-8; Fraser 9-11; Colorado 1-11. 10.3.3.3. at Hamilton Creek will be protected via the following segments: Hamilton 1; Hurd 2-3; Ranch 7-8; Fraser 9-11; Colorado 1-11. 10.3.3.4. at Hurd Creek will be protected via the following segments: Hurd 1-3; Ranch 7-8; Fraser 9-11; Colorado 1-11. 10.3.3.5. at South Trail Creek will be protected via the following segments: South Trail 1; Trail 1; Hurd 3; Ranch 7-8; Fraser 9-11; Colorado 1-11. 10.3.3.6. at North Trail Creek will be protected via the following segments: North Trail 1; Trail 1; Hurd 3; Ranch 7-8; Fraser 9-11; Colorado 1-11. 10.3.3.7. at Meadow Creek will be protected via the following segments: Meadow 1-2; Ranch 8; Fraser 9-11; Colorado 1-11.

11. Operation of the 375 Water for Municipal and Other Uses: 11.1. 375 Water: Under Article III.E.20 of the Colorado River Cooperative Agreement (“CRCA”), effective September 26, 2013, Denver Water has agreed to make 375 AF of additional water available annually to the Grand County Water Users for municipal, snowmaking, domestic, commercial, irrigation, recreation, fish and wildlife, and fire protection uses in Grand County, conditioned upon the availability to Denver Water of Replacement Water, as defined in the CRCA. The source, amount, and priority of the 375 Water will be by and through the Gross Reservoir Substitution Right. Of the 375 Water, Denver Water has agreed to make up to 100 AF of consumptive use water available annually to Winter Park Recreational Association (“WPRA”) for snowmaking, at a diversion to consumptive use ratio of up to 5:1. Therefore, 275 AF will be diverted for solely municipal use and 100 AF for either municipal or snowmaking use. If diverted for snowmaking, up to 500 AF could be diverted for snowmaking and a total of 775 AF of 375 Water may be diverted each year. WPRA may divert up to 500 AF of water for snowmaking purposes from the points of diversion described below in Paragraphs 11.3.1.1, 11.3.1.2, 11.3.1.3, 11.3.1.5, and 11.3.1.5. The 375 Water will be provided for by operation of the Gross Reservoir Substitution Right according to the provisions of the 2012 Grand County Water Users’ Operating Plan and this decree. Up to 400 AF of snowmaking return flows may be recaptured, reused, and successively used and such return flows shall accrue directly to Denver Water’s Fraser River Diversion Project or indirectly to Denver Water’s system via diversions from the Fraser River Pump and Pipeline. Return flows of 375 Water used for purposes other than snowmaking will be recaptured by Denver Water by exchange or substitution into Williams Fork Reservoir under the exchange right described in section 9 above. 11.2. The 375 Water will be made available from the Fraser River Diversion Project, the Cabin Meadow Creek Collection System and the Williams Fork Diversion Project to the Grand County Water Users at the points described in Paragraphs 10.3, 10.3.1 and 10.3.3 above. 11.3. As depicted on **Exhibit 1 (“Diversion Points for Grand County Water Users (375 Water)”)**, the 375 Water will be delivered for diversion and rediverted at the following locations: 11.3.1. Winter Park Recreational Association: The 375 Water will be delivered for diversion to and rediverted by WPRA at the following locations: 11.3.1.1. Lower Snowmaking Pump Station (Existing) (a/k/a Winter Park/Mary Jane Snowmaking Diversion): A point in Denver Water’s Moffat System located in the NE1/4 SW1/4 of Section 10, T. 2 S., R. 75 W., of the 6th P.M., which bears S. 26°00’ W. a distance of 7,480 feet from the NE Corner of Section 3, T. 2 S., R. 75 W. of the 6th P.M. The basis of bearing is the East section line of said Section 3 which bears more or less due south. 11.3.1.2. Upper Snowmaking Pump Station (a/k/a Vasquez Mountain Snowmaking Diversion): A point in Denver Water’s Moffat System located in the NW1/4 NW1/4 of Section 9, T. 2 S., R. 75 W. of the 6th P.M., which bears S. 65°15’ W. a distance of 12,100 feet from the NE Corner of Section 3, T. 2 S., R. 75 W. of the 6th P.M. The basis of bearing is the East section line of said Section 3, which bears more or less due south. 11.3.1.3. Jim Creek Bypass/Pipeline: A point of diversion on the East Canal being part of Denver Water’s Moffat System, the location of which is in the SW1/4 of suspended Sec. 11 T2S, R75W, 6th P.M., Town of Winter Park, County of Grand, State of Grand County, Colorado, more particularly described as follows: Beginning at Corner No. 3 of Exchange Survey No. 367, whence Corner No. 13 of Exchange Survey No. 367 bears South 13°14’44” East, said line forming the basis of bearing for this legal description; Thence North 83°18’ West a distance of 867.8 feet more or less to said Point of Diversion. 11.3.1.4. Siphon 1A (a/k/a W.P. Base Diversion Point No. 2): W.P. Base Diversion Point No. 2 is located in the SE1/4 of the SE1/4 Section 10, T. 2 S., R. 75 W., 6th P.M. in Grand County, Colorado, S. 11°00’ W. a distance of 8,260 feet from the Southeast corner of Section 34, T. 1 S., R. 75 W., 6th P.M. 11.3.1.5. Fraser River Pump and Pipeline: The Fraser River Pump and Pipeline will be a diversion structure or infiltration gallery located in or immediately adjacent to the Fraser River at a point in the NE1/4 of the SE1/4 of Section 10, T. 2 S., R. 75 W., of the 6th P.M., bearing S 9°15’W, a distance of 7,960 feet from the SE corner of Section 34, T. 1 S., R. 75 W., of the 6th P.M. 11.3.1.6. Discovery Park Snowmaking Pond (a/k/a Moose Wallow): The inlet for the Discovery Park Snowmaking Pond is located in the NW1/4 SW1/4 of Section 10, Township 2 South, Range 75 West, of the 6th P.M., which bears S 52°12’ W a distance of 5,160 feet from the NE Corner of Section 3, Township 2 South, Range 75 West, of the 6th P.M. The basis of bearing is the East section line of said Section 3 which bears more or less due south. 11.3.1.7. Winter Park Water System: The point of diversion is the Fraser River upstream of its confluence with Jim Creek, near a point the location of which is in the SW1/4 of suspended Sec. 11, T2S, R75W, 6th P.M., Grand County, Colorado, more particularly described as follows: Beginning at Corner No. 10, ES 367, thence S. 62°02’ E, a distance of 660.0 feet. The basis for bearings is the line between Corner Nos. 10 and 14, ES 367, which has a record bearing of S. 66°12” E. Street Address: 210 Alpenglow Way, Winter Park, Colorado 80482. 11.3.2. Grand County Water and Sanitation District No. 1: The 375 Water will be delivered for diversion to and rediverted by GCW&SD No. 1 at the following locations: 11.3.2.1. Pipeline No. 1: From Little Vasquez Creek at a point whence the Southeast corner of Section 32, Township 1 South, Range 75 West, 6th P.M., bears North 03°45’ East a distance of 1,775 feet as described in Case No. W-1768, and further decreed as an alternate point of diversion for Pipeline No. 2 from Vasquez Creek in Case No. 82CW402 and for which additional conditional water rights were confirmed in Case No. 82CW403. 11.3.2.2. Pipeline No. 2: From Vasquez Creek at a point whence the Southeast corner of Section 32, Township 1 South, Range 75 West, 6th P.M., bears

North 41°00' East a distance of 2,660 feet as described in Case No. W-1768, and further decreed as an alternate point of diversion for Pipeline No. 1 from Little Vasquez Creek in Case No. 82CW402 and for which additional conditional water rights were confirmed in Case No. 82CW403. 11.3.2.3. Alternate Point of Diversion for Pipeline Nos. 1 and 2: From Vasquez Creek at a point situated in the SE¼ of the SE¼ of Section 32, Township 1 South, Range 75 West, 6th P.M., more particularly described as follows: Beginning at a point on the South line of said Section 32, whence the East ¼ corner of the South line of said Section 32, which is monumented with a 1" steel pipe, bears North 89°13'19" West a distance of 515.60', thence at a right angle to said section line, North 0°36'41" East a distance of 18.51', to said water rights point which is monumented with a ½" rebar and a plastic cap marked P.E. – L.S. 9132 as described in Case No. 85CW332. 11.3.2.4. Pipeline No. 3: From the Fraser River at a point whence the Southeast Corner of Section 33, Township 1 South, Range 75 West of the 6th P.M., bears North 2°3' East a distance of 3,000 feet as described in Case No. 82CW404. 11.3.2.5. Pipeline No. 4: From the Fraser River at a point 3020 feet East of the West line and 450 feet North of the South line of Section 28, T. 1 S., R. 75 W. of the 6th P.M. as described in Case No. 89CW270. 11.3.2.6. GCW&SD #1 Reservoir: From the Fraser River at a point situated in the NE¼SW¼ of Section 28, Township 1 South, Range 75 West, 6th P.M. This initial point of survey is located at a point on the North line of said NE¼SW¼, 200 feet East of the Northwest corner of said NE¼SW¼ as described in Case No. 83CW333. 11.3.2.7. GCW&SD Water Storage Reservoirs No. 1 and No. 2: From the Fraser River at a point which is referred to as the GCWSD Intake Structure, and which is the same point of diversion and intake structure for both reservoirs, is located in the NW¼NW¼ of Section 28, Township 1 South, Range 75 West, 6th P.M., at a point on the west bank of the Fraser River approximately 270 feet east of the west line of Section 28 and 195 feet south of the north line of Section 28 as described in the decree in Case No. 02CW367. 11.3.2.8. Sitzmark Pond: Sitzmark Pond is located at the NE¼ SW¼ of Section 2S, Township 1 South, Range 75 West of the Sixth Principal Meridian 1900 feet from the south section line and 2100 feet from the west section line. Sitzmark Pond No. 1 is an off-channel reservoir fed by Sitzmark Ditch No. 1 with a capacity and diversion rate of 1.0 cfs whose headgate is located in the NE¼ SW¼, Section 28, Township 1 South, Range 75 West of the 6th Principal Meridian, 1700 feet from south section line and 2150 feet from the west section line. 11.3.3. Winter Park Water and Sanitation District: The 375 Water will be delivered for diversion to and rediverted by the WPW&SD at the following locations: 11.3.3.1. Jim Creek Bypass/Pipeline: A Point of Diversion located on the East Canal being part of the Denver Water Moffat System, the location of which is in the SW ¼ of Suspended Section 11, T2S, R75W of the 6th P.M., Town of Winter Park, County of Grand, State of Colorado, more particularly described as follows: Beginning at Corner No. 3 of Exchange Survey No. 367, whence Corner No. 13 of Exchange Survey No. 367 bears South 13°14'44" East, said line forming the basis of bearing for this legal description; Thence North 83°18' West a distance of 867.8 feet more or less to said Point of Diversion. 11.3.3.2. Winter Park Water System: The point of diversion is the Fraser River upstream of its confluence with Jim Creek, near a point the location of which is in the SW¼ of suspended Sec. 11, T2S, R75W, 6th P.M., Grand County, Colorado, more particularly described as follows: Beginning at Corner No. 10, ES 367, thence S. 62°02' E, a distance of 660.0 feet. The basis for bearings is the line between Corner Nos. 10 and 14, ES 367, which has a record bearing of S.66°12" E. Street Address: 210 Alpenglow Way, Winter Park, Colorado 80482. 11.3.3.3. Winter Park Reservoir No. 1: The source of the water is Jim Creek, tributary to the Fraser River. The point of storage is on a parcel of land in T2S, R75W, 6th P.M., in unsurveyed portion of Arapahoe National Forest, Grand County, Colorado, described as follows: Commencing at SW corner, Sec. 35, T1S, R75W, 6th P.M. thence East along Township line 1,725 feet; thence S. 8,850 feet to point of beginning; then E. 2,400 feet; thence S. 1,400; thence W. 2,400; thence N. 1,400 feet to point of beginning. 11.3.3.4. Jim Creek Ditch: Legal Description of the point of diversion: Tract 44A, Township 2 South, Range 75 West, 6th P.M. beginning at southwest Corner of said Tract 44A, thence N 33°08'18" W 1,240 feet to a point on Jim Creek. The point of diversion can also be described as being at a point in the SW¼NW¼, Section 14, T2S, R75W, 6th P.M., 3,900 feet from the South Section line and 4,050 feet from the East Section line. 11.3.3.5. Winter Park Water and Sanitation District Pipelines No. 2 and 3: Legal description of each point of diversion: 11.3.3.5.1. Pipeline No. 2: Proposed point of diversion on Fraser River near Moffat Tunnel on property owned by Winter Park Recreational Association: Located on the west bank of the Fraser River, near the Moffat Tunnel and just south of the train trestle, in the SE¼NE¼ unsurveyed Section 10, Township 2 South, Range 75 West, 6th P.M. at a point approximately 7,880 feet south of the south section line of S34 T1S R75W of the 6th P.M., and approximately 3,890 ft east of a line extended south from the west section line of S34 T1S R75W of the 6th P.M. 11.3.3.5.2. Pipeline No. 3: Proposed point of diversion on Fraser River above Cooper Creek: Located on the west bank of the Fraser River, just upstream of Cooper Creek, in the SE¼SW¼ unsurveyed Section 3, Township 2 South, Range 75 West, 6th P.M. at a point approximately 4,530 feet south of the south section line of S34 T1S R75W of the 6th P.M., and 1,890 ft east of a line extended south from the west section line of S34 T1S R75W of the 6th P.M. 11.3.3.6. Winter Park Water and Sanitation District Water Storage Reservoir No. 2: Legal description of each point of diversion: 11.3.3.6.1. Said Reservoir may be filled by treated wastewater releases from WPW&SD's treatment plant which in turn result from the diversion of water from its domestic water system as follows: The point of diversion is the Fraser River upstream of its confluence with Jim Creek, near a point the location of which is in the SW¼ of suspended Section 11, Township 2 South, Range 75 West, 6th P.M., Grand County, Colorado, more particularly described as follows: Beginning at Corner No. 10, ES367, Thence South 62°02' East a distance of 660.0 feet. The basis for bearings is the line between Corner Nos. 10 and 14, ES 367, which has a record bearing of South 66°12' East. 11.3.3.6.2. The Fraser River upstream of its confluence with Cooper Creek, downstream of the Winter Park Water and Sanitation District sewage treatment plant aerated lagoon discharge, near a point the location of which is in the SW¼ of suspended Section 3, Township 2 South, Range 75 West, 6th P.M., Grand County, Colorado, more particularly described as follows: Beginning at Corner No. 1, HES 117, thence North 45°15' West a distance of 1,073.0 feet. The basis for bearings is the line between Corner Nos. 1 and 2, HES 117, which has a record bearing of North 90° East. 11.3.3.6.3. Cooper Creek upstream of its confluence with the Fraser River in unsurveyed or suspended Section 3, Township 2 South, Range 75 West, 6th P.M. at a point 5,100 feet from South line of Section 34, Township 1 South, Range 75 West, 6th P.M. and 1,800 feet from a line extended due South from the West Section line of Section 34, Township 1 South, Range 75 West, 6th P.M. 11.3.4. Town of Fraser:

The 375 Water will be delivered for diversion to and rediverted by Fraser at the following locations: 11.3.4.1. Gaskill Ditch: On the East bank of St. Louis Creek at a point whence the Southwest Corner of Section 25, Township 1 South, Range 76 West of the 6th PM, bears South 27° 19' 30" West 3,896.2 feet as described in Case Nos. W-2779 and W-2280. 11.3.4.2. Fraser Well No. 1: From the Fraser River in the SE ¼ NE ¼ Section 19 Township 1 South, Range 75 West of the 6th P.M. at a point 1,550 feet South of the North line and 450 feet West of the East line as described in Case No. 82CW219. 11.3.4.3. Fraser Well No. 2: From the Fraser River in the NE ¼ NE ¼ Section 19 Township 1 South, Range 75 West of the 6th P.M. at a point 950 feet South of the North line and 325 feet West of the East line as described in Case No. 82CW219. 11.3.4.4. Fraser Well No. 4: From the Fraser River in the NE ¼ NE ¼ Section 19 Township 1 South, Range 75 West of the 6th P.M. at a point 475 feet South of the North line and 375 feet West of the East line as described in Case No. 82CW219. 11.3.4.5. Fraser Well No. 5: From the Fraser River in the NE ¼ NE ¼ Section 19 Township 1 South, Range 75 West of the 6th P.M. at a point 50 feet South of the North line and 475 feet West of the East line as described in Case No. 82CW219. 11.3.4.6. Elk Creek Ditch No. 2: From Elk Creek in the NW ¼ NW ¼ Section 29 Township 1 South, Range 75 West of the 6th P.M. at a point 979 feet from the North line and 4,473 feet from the East line as described in Cases Nos. CA407 and 83CW362. 11.3.5. Town of Granby: The 375 Water will be delivered for diversion to and rediverted by Granby at the following locations: 11.3.5.1. The Town of Granby Water System: From the Fraser River immediately below the Hi-Way 40 Bridge, decreed at a point whence the SW cor. Sec. 32, Twp. 2N., R.76W 6th P.M. bears North 82° 13' West 1571 feet. 11.3.5.2. Val Moritz Well No. 1: From the Fraser River in the NE¼ NW¼ of Section 1, Township 1 North, Range 76 West of the 6th P.M., 1,219 feet from the North section line and 2,219 from the West section line of said Section 1. 11.3.5.3. Val Moritz Well No. 2: From the Fraser River located in the SW¼ NE¼ of Section 6, Township 1 North, Range 76 West of the 6th P.M. at a point 1,400 feet South of the North line and 1,900 feet West of the East line of said Section 6. 11.3.5.4. Val Moritz Well No. 3: From the Fraser River in the SE¼ NE¼ of Section 1, Township 1 North, Range 76 West of the 6th P.M., 1,584 feet from the North section line and 1,186 feet from the East section line of said Section 1. 11.3.5.5. Val Moritz Well No. 4: From the Fraser River in the SE¼ NE¼ of Section 1, Township 1 North, Range 76 West of the 6th P.M., 1,835 feet from the North section line and 469 feet from the East section line of said Section 1. 11.3.5.6. Silver Creek Municipal Well No. 5: From the Fraser River in the SW¼ NW¼ of Section 4, Township 1 North, Range 76 West of the 6th P.M. at a point 2,590 feet from the south line and 300 feet from the west line of said Section 4. 11.3.5.7. Silver Creek Municipal Well No. 6: From the Fraser River in the NW¼ SW¼ of Section 4, Township 1 North, Range 76 West of the 6th P.M. at a point 2,260 feet from the south line and 890 feet from the west line of said Section 4. 11.3.5.8. Silver Creek Municipal Well No. 7: From the Fraser River in the NE¼ SW¼ of Section 4, Township 1 North, Range 76 West of the 6th P.M. at a point 1,780 feet from the south line and 1,760 feet from the west line of said Section 4. 11.3.5.9. Silver Creek Municipal Well No. 8: From the Fraser River in the NW¼ SE¼ of Section 4, Township 1 North, Range 76 West of the 6th P.M. at a point 1,260 feet from the south line and 2,290 feet from the east line of said Section 4. 11.3.5.10. Silver Creek Municipal Well No. 9: From the Fraser River in the SW¼ SE¼ of Section 4, Township 1 North, Range 76 West of the 6th P.M. at a point 870 feet from the south line and 1,440 feet from the east line of said Section 4. 11.3.5.11. Silver Creek Municipal Well No. 10: From the Fraser River in the SE¼ SE¼ of Section 4, Township 1 North, Range 76 West of the 6th P.M. at a point 340 feet from the south line and 700 feet from the east line of said Section 4. **II. CLAIM FOR FINDING OF REASONABLE DILIGENCE** 12. Diligence Activities: During the diligence period, Co-applicants initiated or completed the following activities in furtherance of maintaining and fully developing the Subject Water Rights, including the conditional appropriative rights of exchange and substitution for delivery of the 375 Water for municipal and other uses, and for ISF Uses. 12.1. Gross Reservoir: 12.1.1. Denver Water completed annual operations and maintenance including annual dam safety inspections with State Engineer's Office ("SEO") and Federal Energy Regulatory Commission ("FERC"), drill of the Emergency Action Plan, and survey of the dam for movement. 12.1.2. In 2016, MWH Americas, Inc. performed seismic hazard assessment for Gross Dam. The total project cost was approximately \$118,000. 12.1.3. In 2016, Steel-FAB, Inc. furnished fixed-cone valves used to discharge water from Gross Reservoir into South Boulder Creek for a total cost of approximately \$124,000. 12.1.4. In 2016, MWH Americas, Inc. provided engineering services for development of site-specific probable maximum precipitation and inflow design flood as part of the preliminary engineering for Gross Reservoir expansion. The total project cost was approximately \$371,000. 12.1.5. In 2016, Tetra Tech, Inc. provided environmental planning services for the Gross Reservoir Expansion Project. The total project cost was approximately \$337,000. 12.1.6. In 2017, Denver Water entered into an IGA with the City of Boulder to complete a stream restoration project designed to improve aquatic habitat along an approximate 2-mile segment of South Boulder Creek below Gross Reservoir. The total cost currently is approximately \$640,000. 12.1.7. In 2016, Denver Water entered into an agreement with the United States Forest Service ("USFS") over impacts the Gross Reservoir Expansion Project may have on Nation Forest Service land. Denver Water agreed to the sale and donation of property to the USFS and to commitments related to existing operations. 12.1.8. In 2017, Mott MacDonald Group LLC conducted a detailed inspection of the Gross Dam outlet works and produced a report of inspection findings. The total project cost was approximately \$21,000. 12.1.9. In 2017, Black & Veatch was selected as the Owner's Representative for the Gross Reservoir expansion project for a total contract cost of approximately \$11,640,000. 12.1.10. In 2017, Denver Water entered into a cooperative steam gaging agreement for Gross Reservoir with the Colorado Division of Water Resources. The total project cost was approximately \$20,000. 12.1.11. In 2017, Denver Water approved an IGA with the City of Boulder for a stream restoration project designed to improve aquatic habitat along a segment of South Boulder Creek below Gross Reservoir. The total cost was approximately \$549,000. 12.1.12. In 2018, Stantec Consulting Services, Inc. provided design engineering services for the preparation of construction documents and reports for the Gross Reservoir expansion project. The total project cost was approximately \$18,204,000. 12.1.13. In 2019, Tetra Tech, Inc. developed a plan for tree removal activities for the inundation area for the Gross Reservoir Expansion Project. The total project cost was approximately \$315,000. 12.1.14. In 2019, Kiewit-Barnard formed a Joint Venture as Construction Manager/General Contractor for planning and pre-construction services during the design phase of the Gross Reservoir expansion project. To date, the total project cost is approximately \$6,297,000. 12.1.15. In 2020, Kiewit-Barnard Joint Venture began construction

of the Gross Reservoir outlet works modifications. Currently, the total project cost is approximately \$5,635,000. 12.1.16. In 2020, Denver Water was awarded the final federal permit required for the Gross Reservoir Expansion Project, which includes a 8.1 mW hydropower unit. FERC issued the hydropower license amendment necessary for completion of the dam raise to provide storage for an additional 77,000 AF of water in Gross Reservoir. Additionally, in 2017, the Army Corps of Engineers issued its Record of Decision and the Section 404 Permit. 12.1.17. In 2020, Global Diving & Salvage, Inc. performed an underwater survey of the primary trash rack structure, hydraulic lines between the primary outlet works and base of the dam, and the intake structure of the auxiliary outlet works at Gross Dam. The total project cost was approximately \$101,000. 12.1.18. In 2020, Kiewit-Barnard Joint Venture completed Gross Reservoir electrical system modifications and aggregate processing for testing. The total project cost was approximately \$484,000. 12.1.19. In 2020, Global Diving & Salvage, Inc. completed primary outlet works trashrack modifications at Gross Reservoir. The total project cost was approximately \$5,892,000. 12.1.20. In 2021, Atkins North America, Inc. developed a site plan and access for a staging facility to support the Gross Dam Expansion Project. The total project cost was approximately \$197,000. 12.1.21. In 2021, Kiewit-Barnard Joint Venture was selected as Construction Manager/General Contractor to construct the Gross Reservoir Expansion Project dam raise. Currently, the total project has cost \$10,000,000. 12.1.22. In 2021, Denver Water completed dam design with endorsement by the technical Board of Consultants and submitted for approval to the FERC and SEO. 12.1.23. In 2021, the United States District Court granted motions to dismiss a lawsuit filed in *Save the Colorado v. Semonite et al.*, 1:18-cv-03258-CMA, which challenged the United States Army Corps of Engineers Clean Water Act permit under various federal environmental laws. The United States District Court found it lacked jurisdiction pursuant to the Federal Power Act. 12.1.24. In 2021, Denver Water and Boulder County entered into an agreement regarding the Gross Reservoir Expansion Project. Denver Water will commit nearly \$13 million to address Boulder County's concerns over impacts to the local community and environment, as well as provide a contribution of land to Boulder County's open space inventory. In exchange, Boulder County agrees that the project may proceed, with construction expected to begin in April 2022. 12.1.25. During the diligence period, Denver Water spent approximately \$238,000 on property acquisitions and easement agreements necessary for the Gross Reservoir Expansion Project. 12.2. Williams Fork Reservoir: 12.2.1. Denver Water completed annual operations and maintenance, including annual dam safety inspections with SEO and FERC, drill of the Emergency Action Plan, and survey of the dam for movement. 12.2.2. 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. 12.2.3. 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. 12.2.4. 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. 12.2.5. 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 \$2,572,000. 12.2.6. 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. 12.2.7. 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. 12.2.8. 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. 12.2.9. 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. 12.2.10. In 2019, Denver Water entered into an IGA with Colorado Parks and Wildlife ("CPW") to complete stream restoration projects between Windy Gap Reservoir to the downstream terminus of the Kemp/Breeze State Wildlife Area. 12.2.11. 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. 12.2.12. 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 \$56,000. 12.2.13. In 2021, Tezak Heavy Equipment Co., Inc. completed reservoir access improvements at Williams Fork Reservoir. The total project cost was approximately \$424,000. 12.2.14. In 2021, GEI Consultants, Inc. provided seismic evaluation services for access road improvements for the Williams Fork Dam. Currently, the total project has cost \$54,000. 12.3. Fraser River Diversion Project: 12.3.1. In 2016, Burns & McDonnell Engineering Co, Inc. provided construction inspection services for the Siphon No. 1 replacement, Vasquez Canal Piping, and the Jim Creek Diversion pipeline projects. The total project cost was approximately \$131,000. 12.3.2. In 2016, Garney Companies, Inc. completed demolition of approximately 255 feet of concrete-lined and covered Vasquez Canal and replaced with 72-inch diameter steel pipe. The total project cost was approximately \$1,642,000. 12.3.3. In 2016, Ames Construction, Inc. completed demolition of concrete-lined and covered Vasquez Canal and replaced with 114-inch diameter reinforced concrete pipe. The total project cost was approximately \$2,206,000. 12.3.4. In 2017, Simpson Gumpertz & Heger, Inc. conducted an engineering evaluation of the concrete liner near the west portal of the Moffat Water Tunnel. The total project cost was approximately \$100,000. 12.3.5. In 2018, Western Summit completed rehabilitation of the Jim Creek Siphon in the FRDP. The total project cost was approximately \$3,142,000. 12.3.6. In 2018, HDR Engineering, Inc. provided design services for the replacement of an existing 72-inch diameter aerial pipe over the Fraser River that connects to the Moffat Water Tunnel. The total project cost was approximately \$746,000. 12.3.7. In 2018, Jacobs Engineering Group, Inc. provided construction inspection services for the Jim Creek Siphon rehabilitation project. The total project cost was approximately \$75,000. 12.3.8. In 2019, Ames Construction, Inc. completed replacement of 380 feet

of 72-inch diameter pipe across the Fraser River. The total project cost was approximately \$3,970,000. 12.3.9. In 2019, HDR Engineering, Inc. completed design of the Ranch Creek Canal improvements, which includes piping of 4,400 feet of unlined canal, transition structures, stream intakes and bypasses, and a new measuring flume. The total project cost was approximately \$761,000. 12.3.10. In 2019, Denver Water entered into an agreement with the Winter Park Recreational Association, Intrawest/Winter Park Operations Corporation, and Intrawest/Winter Park Building Six-Vintage Development Company, LLC regarding replacement of the Siphon No. 1 crossing at the Fraser River. 12.3.11. In 2019, Kiewit Engineering Group, Inc. provided construction cost estimating services for concrete improvements at the east portal of the Moffat Water Tunnel. The total project cost was approximately \$31,000. 12.3.12. In 2019, Metcalf Archaeological Consultants, Inc. provided cultural resources services for the Siphon No. 1 replacement project. The total project cost was approximately \$16,000. 12.4. Cabin Meadow Creek System: 12.4.1. Denver Water completed annual operations and maintenance of Meadow Creek Dam and Reservoir including annual dam safety inspections with SEO, drill of the Emergency Action Plan, and survey of the dam for movement. 12.4.2. In 2020, Garney Companies, Inc. began construction of the Ranch Creek Canal and Meadow Creek Pipeline Improvements project. Currently, the total project is approximately \$5,783,000. 12.5. Williams Fork Diversion Project: 12.5.1. Since 2014, Denver Water has maintained a water use agreement to allow usage of the Big Lake Ditch water for ranching within the Williams Fork Collection System (“WFCS”). During this time, Denver Water has entered into an IGA with Grand County and participated in a joint study to determine how to maintain the historic agricultural use of the Big Lake Ditch so as to maximize the environmental benefits, while also preserving yield to Denver Water. The total cost of this study was approximately \$255,000. 12.5.2. Denver Water engages in a cooperative stream gaging program with the United States Geological Survey of which the WFCS is a part. The total cost during the diligence period was approximately \$244,000. 12.5.3. In 2018, GEI Consultants, Inc. completed a study of alternatives for determining the number of Greenback Lineage Cutthroat Trout entrained in Denver Water diversions. The total project cost was approximately \$61,000. 12.5.4. In 2019, InStream Fisheries Research, Inc. completed a study to count the number of Greenback Lineage Cutthroat Trout entrained in the Williams Fork Diversion Project, with the overall goal to determine the number entrained in Denver Water’s collection system. The total project cost was approximately \$9,000. 12.5.5. In 2019, Denver Water entered into an agreement with Learning By Doing, Inc. (“LBD”) to design and implement an Aquatic Resource Monitoring Plan in the Colorado, Fraser, and Williams Fork River Basins. To date, the total project cost is approximately \$10,000. 12.6. Learning By Doing (Cooperative Effort): 12.6.1. In 2016, Denver Water provided 119 AF of voluntary release water to Ranch Creek to alleviate high summertime stream temperatures. Additionally, Denver Water bypassed an additional 1,279 AF of water to Vasquez Creek due to construction related activities. 12.6.2. In 2017, the Fraser Flats River Habitat Project was completed by LBD at a cost of approximately \$200,000. Nearly 1 mile of the Fraser River received habitat improvements as part of LBD’s first restoration project. 12.6.3. In 2017, Denver Water voluntarily bypassed approximately 613 AF of water in Vasquez, St. Louis, and Ranch Creeks to benefit the aquatic environment in Grand County. 12.6.4. In 2018, A 0.4-mile section of the Fraser Flats River Habitat Project was opened to public access for anglers. 12.6.5. In 2020, Denver Water provided approximately 1,600 AF of bypassed natural inflow between Meadow and Buck Creeks due to maintenance on the canals. 12.6.6. In 2021, Denver Water intentionally bypassed 18,872 AF of flow from the Moffat Tunnel Collection System and Williams Fork Reservoir to improve streamflow conditions and ambient temperatures, which were at an all-time high. 12.6.7. In 2021, the Cabin Creek Aquatic Organism Passage Project was completed to allow native Colorado River Cutthroat Trout to migrate upstream under Forest Service Road 128. 12.6.8. Denver Water, Colorado Department of Transportation and Grand County entered into a participation agreement for sediment removal utilizing the Fraser River Sedimentation Pond that captures traction sand applied to United States Highway 40 on Berthoud Pass. Approximately 3,410 tons of sediment has been removed from the aquatic environment since its installation in 2013. 12.6.9. Starting in 2022, updates will be undertaken to the 2010 Grand County Stream Management Plan completed by Grand County, Denver Water, and Northern Water. The LBD team will secure funding and select a contractor to incorporate improvements made in the last 10 years and identify any new issues that may impair the stream ecosystem. 12.7. 375 Water: 12.7.1. Jim Creek Bypass and Pipeline Project: This is a CRCA project with the diversion point described above. This project can divert the 375 Water and provides an alternative source of emergency water supply for old-Town Winter Park, Winter Park Resort, including water for snowmaking. The project was completed in 2021. 12.7.2. Fraser River Pump and Pipeline: This is a CRCA project with the diversion point described above. This project can divert the 375 Water and allows Winter Park Resort to fully develop its snowmaking water supply and open more acres for skiing in November and December of each year. The Fraser River Pump house was constructed in 2021. The Vasquez Canal Pump house and Discovery Park Pond has been designed and the water decree (2016CW3159) was obtained on the project. Final construction is scheduled in 2023. 12.7.3. Town of Granby Fraser River Fish Passage Project: Working in concert with the Windy Gap Connectivity Channel Project, described below, Trout Unlimited, Northern Water, Town of Granby, Grand County and Colorado Parks & Wildlife partnered to secure funding from the Colorado Basin Roundtable, Colorado Water Conservation Board, and US Fish & Wildlife Service for the project. FlyWater and Freestone Aquatics were hired to redesign and reconstruct the existing diversion structure and fish barrier on the Fraser River that supplied the Town of Granby municipal water and local agricultural irrigation. Constructed in 2020, the new design now accommodates fish passage, sediment transport and other habitat and stream restoration improvements, all while functioning as a diversion for the Town’s water supply including the 375 Water and local agricultural irrigation. 12.8. Windy Gap Connectivity Channel and Fraser Gaging Weir: Since application of 2011CW0152, Grand County, Northern Water, Trout Unlimited, the River District, Middle Park Water, CPW, Chimney Rock Ranch and others (the “Partners” with Denver Water included) completed a Windy Gap Bypass Study to determine the feasibility of a bypass through or around Windy Gap Reservoir. With affirmative results from this study, the Partners moved forward to secure over sixteen funding sources for the project, including USDA NRCS RCPP, Northern Water, State of Colorado CWCB, Grand County, the River District and Chimney Rock Ranch. The Colorado River Headwaters Connectivity Project (aka Windy Gap Connectivity Channel) is the lynchpin for improving the upper Colorado River and will provide significant environmental and hydrological benefits

that will: (1) reconnect the Colorado River via a connectivity channel to tributaries upstream and downstream of the reservoir (including the Fraser River), thus providing important enhanced habitat range and passage for fish and other aquatic species, including giant stone fly and sculpin, (2) reestablish sediment transport to below the reservoir and reduce streambed armoring downstream, and provide critical spawning beds, (3) reduce the footprint of the existing shallow reservoir, and lower stream temperatures, (4) reduce nutrient loading and the transport of harmful aquatic vegetation from the reservoir to the river below, including to the Town of Hot Sulphur Spring's water intake, and (5) provide over one-mile of new public fishing access for future generations. The project is in the final stages of an NRCS Watershed Plan - Environmental Assessment and finalizing engineered construction plans. Final funding is anticipated in the next 45 days with commencement of construction in May 2022. 12.9. Additional Evidence: The application contains a summary of diligence activities and costs. Co-applicants may present additional evidence regarding the activities and costs above or other diligence activities and costs in support of its application in this case. 13. 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. Gross Reservoir in Boulder County, Colorado: U S Government 3075 Festival Way Waldorf, MD 20601-2960 United States Forest Service, Boulder Ranger District Arapaho and Roosevelt National Forests 2140 Yarmouth Avenue Boulder, CO 80301. WHEREFORE, the Co-applicants request the Court enter a decree finding the Co-applicants have exercised reasonable diligence in the development of the Subject Water Rights, including the conditional appropriative rights of exchange and substitution for delivery of the 375 Water for municipal and other uses and for ISF Uses, and to continue the conditional water rights in full force as decreed, and for other such relief as this Court deems just and proper.

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

12. PURSUANT TO C.R.S., §37-92-302, AS AMENDED, YOU ARE NOTIFIED THAT THE FOLLOWING PAGES COMPRISE A RESUME OF THE APPLICATIONS AND AMENDED APPLICATIONS FILED WITH THE WATER CLERK FOR WATER DIVISION 5 DURING THE MONTH OF MARCH 2022. *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.*

22CW3031 (2014CW3073) DISTRICT COURT, WATER DIVISION 5, COLORADO, 109 8th Street, Glenwood Springs, CO 81601. CONCERNING THE APPLICATION FOR WATER RIGHTS OF BCP-ARR WATER, LLC, IN EAGLE COUNTY, COLORADO. APPLICATION FOR A FINDING OF REASONABLE DILIGENCE. 1. Name, address, and telephone number of Applicant: BCP-ARR Water, LLC Attn: Chad Brue 1555 Blake Street, Suite 210 Denver, Colorado 80202. 2. Name of structures: Adam's Rib Reservoirs R-1, R-2, and R-3 (collectively, the "Subject Water Rights"). 3. Description of conditional water rights. The Subject Water Rights were originally decreed on November 23, 1981 in Case No. W-3669, Water Division No. 5, State of Colorado. The Court made subsequent findings of reasonable diligence for the Subject Water Rights in Case Nos. 85CW308, 95CW261, 01CW288, 07CW113, and 14CW3073. 3.1. Legal Description of Structures: 3.1.1. Adam's Rib Reservoir R-1: The location of the right abutment of the dam for Adam's Rib Reservoir R-1 is located in the SW ¼ of the SE ¼ of Section 22, T6S, R83W of the 6th P.M. at a point whence the south quarter corner of said Section 22 bears south 6°00'00" west a distance of 950 feet, which description is supplemented for ease to reflect that such right abutment is 1695 feet from the east section line of 100 feet from the south section line of Section 22. UTM Coordinates NAD 83, Zone 13 (meters) Northing: 4375108.08, Easting: 355299.53. 3.1.2. Adam's Rib Reservoir R-2: The location of the right abutment of the dam for Adam's Rib Reservoir R-2 is located in the SE ¼ of the SW ¼ of Section 25, T5S, R84W of the 6th P.M. at a point whence the NE corner of said Section 25 bears north 44°00' E 6400 feet, which description is supplemented for ease to reflect that such abutment is 4445 feet from the east section line of 675 feet from the south section line of said Section 25. UTM Coordinates NAD 83, Zone 13 (meters) Northing: 4382893.75, Easting: 348967.89. 3.1.3. Adam's Rib Reservoir R-3: The location of the right abutment of the dam for Adam's Rib Reservoir R-3 is located in the SE ¼ of the NW ¼ of Section 1, T6S, R84W of the 6th P.M. at a point whence the south quarter corner of said Section 1 bears south 14°00'00" east a distance of 2600 feet, which description is supplemented for ease to reflect that such right abutment is 2010 feet from the east section line of 2525 feet from the south section line of said Section 1. UTM Coordinates NAD 83, Zone 13 (meters) Northing: 4380499.54, Easting: 348130.99. The locations of the Subject Water Rights are shown on the map attached as Exhibit A. 3.2. Sources: 3.2.1. Adam's Rib Reservoir R-1: East Brush Creek, tributary to Brush Creek, tributary to the Eagle River. 3.2.2. Adam's Rib Reservoir R-2: Wastewater effluent to East Brush Creek, tributary to Brush Creek, tributary to the Eagle River. 3.2.3. Adam's Rib Reservoir R-3: Wastewater effluent to East Brush Creek, tributary to Brush Creek, tributary to the Eagle River. 3.3. Dates of Appropriation: 3.3.1. Adam's Rib Reservoir R-1: May 1, 1976. 3.3.2. Adam's Rib Reservoir R-2: July 29, 1977. 3.3.3. Adam's Rib Reservoir R-3: July 29, 1977. 3.4. Amounts: 3.4.1. Adam's Rib Reservoir R-1: 125 AF conditional. 3.4.2. Adam's Rib Reservoir R-2: 400 AF conditional. 3.4.3. Adam's Rib Reservoir R-3: 400 AF conditional. 3.5. Uses. All for irrigation, recreation, fish and wildlife propagation, snowmaking, commercial, manufacturing, municipal and industrial. In Case No. 07CW113 municipal use was limited to being made absolute by the Town of Eagle. 4. Detailed outline of activity during the diligence period. During the diligence period, Applicant has made substantial expenditures, including consultant, engineering, and legal costs, associated with developing the Frost Creek PUD, a residential development that includes lands on which Applicant will use the Subject Water Right, and for which the Subject Water Right is integrated into the overall, future water

system for development. This following summary of Applicant's diligence activities is not exclusive and may be supplemented with additional evidence of these or of other diligence activities. 4.1 Applicant pursued and obtained an amendment to the Frost Creek PUD on which the subject water right will be used. 4.2 Applicant developed two new residential neighborhoods on the property, Red Bluffs and Hunters View at a cost of approximately \$2.2 million. 4.3 Applicant spent approximately \$211,000 on irrigation supplies and repairs and maintenance of water infrastructure on the Frost Creek property, including golf course irrigation improvements. 4.4 Applicant spent over \$500,000 on legal and engineering fees necessary to develop and protect its water rights in Water Court. 4.5 Applicant spent approximately \$550,000 in construction, engineering, and other costs associated with improvements to Brush Creek Road, which were required based on Applicant's land use approvals and in order to accommodate existing water rights infrastructure. 4.6 Applicant spent approximately \$355,000 on planning costs associated with present and potential future re-development of the Frost Creek property. 5. The land on which the subject structures are located, on which the water will be stored, or on which water will be placed to beneficial use is owned by: 5.1. Adam's Rib Reservoir R-1: United States Forest Service, P.O. Box 25127, Lakewood, CO 80225. 5.2. Adam's Rib Reservoir R-2: Applicant. 5.3. Adam's Rib Reservoir R-3: Beecher Creek Ranch, LLC, 1257 Falcon Court, Windsor, CO 80550-3331. WHEREFORE, Applicant requests: 1. A finding of reasonable diligence as to all of the subject water right; and 2. Such other relief as the Court deems just and proper.

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

13. PURSUANT TO C.R.S., §37-92-302, AS AMENDED, YOU ARE NOTIFIED THAT THE FOLLOWING PAGES COMPRISE A RESUME OF THE APPLICATIONS AND AMENDED APPLICATIONS FILED WITH THE WATER CLERK FOR WATER DIVISION 5 DURING THE MONTH OF MARCH 2022. 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.

22CW3032 GARFIELD COUNTY. GROUNDWATER TRIBUTARY TO EAST ELK CREEK, TRIBUTARY TO MAIN ELK CREEK, TRIBUTARY TO THE COLORADO RIVER. Application for Findings of Reasonable Diligence. Applicant: Elk Valley Estates Homeowners Association, c/o Sara M. Dunn and Ryan M. Mitchell, Balcomb & Green, P.C., P.O. Drawer 790, Glenwood Springs, CO 81602; 970-945-6546. In this Application, Applicant seeks a finding of reasonable diligence in the development of its interests in the Elk Valley Estates Well Nos. 1, 1B, 2, 2B, 3, 3B, 4B, 5, 5B, 6B, 7B, 8, 8B and 9 through 27. Claim for Finding of Reasonable Diligence. Name of Structures: Elk Valley Estates Well Nos. 1, 1B, 2, 2B, 3, 3B, 4B, 5, 5B, 6B, 7B, 8, 8B and 9 through 27 (formerly known as the Brungs Wells Nos. 1 – 35; Case No. 00CW6 changed the nomenclature). Original Decree: Case No. 82CW92 in Dist. Ct., Water Div. No. 5 on 09/13/1983. Diligence Decrees: At regular intervals as required by law, the Div. 5 Water Ct. has entered findings of reasonable diligence in the development of the conditional water rights described herein: Case No. 86CW81, on 08/28/1986; Case No. 93CW190, on 01/10/1994; Case No. 00CW6, on 05/29/2001; Case No. 07CW108, on 12/03/2008; and Case No. 14CW3169, on 03/26/2016. Decreed points of diversion: All wells will be located within the Elk Valley Estates Subdivision in the SE1/4 SW1/4 and SW1/4 SW1/4, Sec. 6, and Lots 1 and 2, Sec. 7, T. 5 S., R. 90 W. of the 6th P.M. Depicted in Figure 1 & 3 on file with the Water Ct. Source: Groundwater tributary to East Elk Creek, tributary to Main Elk Creek, tributary to the Colorado River. Approp. Date: 09/30/1979. Amt.: 15 g.p.m. (0.033 c.f.s. for each well), conditional. Uses: dom., irr., livestock watering and fire protection. Integrated System: As determined in Case No. 00CW6 at Paragraph 6A, the subject water rights are part of an integrated water supply for the Applicant. "When a project or integrated system is comprised of several features, work on one feature of the project system shall be considered in finding of that reasonable diligence has been shown in the development of water rights of the entire project or system." C.R.S. § 37- 92-301(4)(b). Owner of Land Upon Which the Structures are all Located: The wells will be located on Applicant's members/owners' properties. In the six years preceding the filing of the Application, Applicant has diligently pursued development of the subject water rights. The application on file with the Ct. contains a detailed outline of the work performed during the diligence period. (4 pages of original application, Figure 1 & 3)

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

14. PURSUANT TO C.R.S., §37-92-302, AS AMENDED, YOU ARE NOTIFIED THAT THE FOLLOWING PAGES COMPRISE A RESUME OF THE APPLICATIONS AND AMENDED APPLICATIONS FILED WITH THE WATER CLERK FOR WATER DIVISION 5 DURING THE MONTH OF MARCH 2022. 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.

22CW3033 GARFIELD COUNTY, CRYSTAL RIVER. Application for Findings of Reasonable Diligence. Applicant: The Homeowner's Association of the Coryell Ranch, c/o Sara M. Dunn and S. Chapin Lewis, Balcomb & Green, P.C., P.O. Drawer 790, Glenwood Springs, CO 81602; 970-945-6546. Applicant seeks a finding of reasonable diligence in the development of its interests in

the Southard and Cavanaugh Ditch Coryell Ranch Enlargement, Kaiser and Sievers Ditch Coryell Ranch Enlargement, Coryell Ranch Lake No. 1 and No. 2. Original Decree: Case No. 98CW310 in Dist. Ct., Water Div. No. 5 on 04/03/2000. Diligence Decrees: At regular intervals as required by law, the Div. 5 Water Ct. has entered findings of reasonable diligence in the development of the conditional water rights described herein: Case No. 06CW73, entered on 08/30/2009 and Case No. 15CW3078, entered on 03/26/ 2016. Claim for Finding of Reasonable Diligence. Name of Structure: Southard and Cavanaugh Ditch Coryell Ranch Enlargement. Location: As decreed in W-2910, the headgate is situated in Lot 6 of Sec. 33, T. 7 S., R. 88 W. of the 6th P.M., located at a point whence the NW corner of said Sec. 33 bears N. 52° 27'17" W. a distance of 3,214.47 ft., and the diversion point is situate in Lot 6 of said Sec. 33 located at a point whence the NW corner of said Sec. 33 bears N. 51° 31'22" W. a distance of 3,299.29 ft. Source: Crystal River. Approp. Date: 11/20/1998. Amt.: 4.32 c.f.s., conditional. Uses: To fill and refill the Coryell Ranch Lakes, including to replace seepage and evaporation losses from said lakes outside the historic irrigation season; and provide occasional soil moisture recharge to lawn and landscape outside of historic irrigations season (when in priority). Name of Structure: Kaiser and Sievers Ditch Coryell Ranch Enlargement. Location: As decreed in W-2910, the headgate is situated in Lot 14 of Sec. 33, T. 7 S., R. 88 W. of the 6th P.M., located at a point whence the NW corner of said Sec. 33 bears N. 31°58'47" W. a distance of 4,203.87 ft., and the diversion point is situated in Lot 14 of Sec. 33, T. 7 S., R. 88 W. of the 6th P.M. located at a point whence the NW corner of said Sec. 33 bears N. 30° 56'40" W. a distance of 4,595.91 ft. Source: Crystal River. Approp. Date: 11/20/1998. Amt.: 4.32 c.f.s., conditional. Uses: To fill and refill the Coryell Ranch Lakes, including to replace seepage and evaporation losses from said lakes outside the historic irrigation season; and provide occasional soil moisture recharge to lawn and landscape outside of historic irrigations season (when in priority). Name of Structure: Coryell Ranch Lake No 1. Location as changed in Case No. 06CW73 (2 of 2): (1) The outlet for the Coryell Ranch Lake 1 is located in the NW1/4 SE1/4 of Sec. 29, T. 7 S., R. 88 W., 6th P.M. at a point 2020 ft. from the S. line of said Sec. 29 and 1510 ft. from the E. line of said Sec. 29. (2) The outlet for the Coryell Ranch Lake 1A is located in the NW1/4 SE1/4 of Sec. 29, T. 7 S., R. 88 W., 6th P.M. at a point 2155 ft. from the S. line of said Sec. 29 and 1680 ft. from the E. line of said Sec. 29.(3) The outlet for the Coryell Ranch Lake 1B is located SW1/4 SW1/4 of Sec. 28, T. 7 S., R. 88 W., 6th P.M. at a point 950 ft. from the S. line of said Sec. 28 and 340 ft. from the W. line of said Sec. 28. Depicted in Exhibit A on file with the Water Ct. Source: Crystal River, through the Southard and Cavanaugh Ditch Coryell Ranch Enlargement and Kaiser and Sievers Ditch Coryell Ranch Enlargement, and the Applicant's interests in the senior Southard and Cavanaugh Ditch (priority nos.: 106, 170, 206 and 298) and Kaiser and Sievers Ditch (priority nos.: 136, 199, and 217AA) to replace evaporation losses (which interest may also be routed through the lakes as part of the irrigation system). Date of Approp.: 11/20/1998. Amt.: 4.96 AF, conditional. Surface Area: 0.67 acres. Uses: The Coryell Ranch Lake No. 1 will be used within the Coryell Ranch PUD for irr., rec., aesthetic, fire protection, water quality enhancement and piscatorial. Name of Structure: Coryell Ranch Lake No 2. Location as changed in Case No. 06CW73 (2 of 2): (1) The outlet for the Coryell Ranch Lake 2 is located in the NW1/4 SE1/4 of Sec. 29, T. 7 S., R. 88 W., 6th P.M. at a point 2530 ft. from the S. line of said Sec. 29 and 1860 ft. from the E. line of said Sec. 29. (2) The outlet for the Coryell Ranch Lake 2A is located in the SW1/4 NE1/4 of Sec. 29, T. 7 S., R. 88 W., 6th P.M. at a point 2660 ft. from the S. line of said Sec. 29 and 1885 ft. from the E. line of said Sec. 29. Source: Crystal River, through the Southard and Cavanaugh Ditch Coryell Ranch Enlargement and Kaiser and Sievers Ditch Coryell Ranch Enlargement, and the Applicant's interests in the senior Southard and Cavanaugh Ditch (priority nos.: 106, 170, 206 and 298) and Kaiser and Sievers Ditch (priority nos.: 136, 199, and 217AA) to replace evaporation losses (which interest may also be routed through the lakes as part of the irrigation system). Approp. Date: 11/20/1998. Amt.: 9.74 AF, conditional. Surface Area: 0.67 acres. Uses: The Coryell Ranch Lake 2 will be used within the Coryell Ranch PUD for irr., rec., aesthetic, fire protection, water quality enhancement and piscatorial. Integrated System: The Southard and Cavanaugh Ditch Coryell Ranch Enlargement, Kaiser and Sievers Ditch Coryell Ranch Enlargement, Coryell Ranch Lake Nos. 1 and 2 are component parts of an integrated water supply plan and project, and diligence on one constitutes development of the other. In the six years preceding the filing of the Application, Applicant has diligently pursued development of the subject water rights. The application on file with the Ct. contains a detailed outline of the work performed during the diligence period. Owner of Land Upon Which the Structures are all Located: Applicant. (6 pages of original application, Exhibit A)

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15. PURSUANT TO C.R.S., §37-92-302, AS AMENDED, YOU ARE NOTIFIED THAT THE FOLLOWING PAGES COMPRISE A RESUME OF THE APPLICATIONS AND AMENDED APPLICATIONS FILED WITH THE WATER CLERK FOR WATER DIVISION 5 DURING THE MONTH OF MARCH 2022. *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.*

22CW3 MESA COUNTY – COLORADO RIVER. Saul Forster; 810 19 Rd., Fruita, CO 81521 (970)250-9190. Forster Pumpsite I and Forster Pumpsite II-Application for Water Rights (Surface). Locations: Forster Pumpsite I - NW¼NW¼ of Sec. 34, 1N, R.2W. of the Ute P.M. UTM: E180344.32361 N4336417.12949 Z13. Date of Appropriation: April 15, 2022. Amount: 2,000.0 g.p.m, conditional. Uses: Wildlife habitat and irrigation up to 5 acres. Forster Pumpsite II - NW¼NW¼ of Sec. 34, 1N, R.2W. of the Ute P.M. UTM: E180168.6130 N4336529.82019 Z13 Date of Appropriation: April 15, 2022. Amount: 2,000.0 g.p.m, conditional. Uses: Wildlife habitat and irrigation up to 5 acres.

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16. PURSUANT TO C.R.S., §37-92-302, AS AMENDED, YOU ARE NOTIFIED THAT THE FOLLOWING PAGES COMPRISE A RESUME OF THE APPLICATIONS AND AMENDED APPLICATIONS FILED WITH THE WATER CLERK FOR WATER DIVISION 5 DURING THE MONTH OF MARCH 2022. *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.*

14CW17 (07CW160) MESA COUNTY – WASTEWATER TRIBUTARY TO PLATEAU CREEK TRIBUTARY TO THE COLORADO RIVER. William Paul Walton & Thena Walton, 16571 Kimball Creek Rd., Collbran, CO 81624. (970)487-3002. Cedarpoint Feeder Ditch and Cedarpoint Pond - Application to Make Absolute in Whole or in Part. Locations: Cedarpoint Feeder Ditch - SE¼NW¼ of Sec. 26, T.9S, R.95W. of the 6th P.M. 2,900 ft. from the south sec. line and 2,900 ft. from the east sec. line. Appropriation Date for both structures: Aug. 1, 2009. Amount: 0.25 c.f.s., absolute. Uses: stock and wildlife. Cedarpoint Pond - SE¼NW¼ of Sec. 26, T.9S, R.95W. of the 6th P.M. 2,700 ft. from the south sec. line and 2,900 ft. from the east sec. line. Amount: 0.07 a.f., absolute. Uses: stock and wildlife water. An outline of work completed during the diligence period is included in the application.

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17. PURSUANT TO C.R.S., §37-92-302, AS AMENDED, YOU ARE NOTIFIED THAT THE FOLLOWING PAGES COMPRISE A RESUME OF THE APPLICATIONS AND AMENDED APPLICATIONS FILED WITH THE WATER CLERK FOR WATER DIVISION 5 DURING THE MONTH OF MARCH 2022. *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.*

19CW3023 GARFIELD COUNTY WATER DISTRICT NO. 5. 1) Name, Address, and Telephone Number of Applicant: George Ferguson, 4066 County Rd. 331, Silt, Colorado 81652; telephone: (970) 270-9044. **2) Attorney:** Please send all pleadings and correspondence to Applicant's counsel: Robert McCormick, Robert McCormick, LLC, P.O. Box 3253, Grand Junction, Colorado 81501; telephone (970) 673-2401; Email: mccormickvaquero@gmail.com. **3) Name of Structure:** A) Ferguson Spring; B) Ferguson Stock Pond. **4) Type: Spring and pond tributary to Dry Hollow Creek, tributary to the Colorado River.** **5) Location of structure:** A) Ferguson Spring: SE¼/NW¼NW¼ of Section 34: T6S, R92W, 6th PM, Garfield, Colorado: address is 4066 County Road 331, Silt, Colorado 81652: GPS location: 39.2921, -107.3906. See Map. Ferguson Stock Pond: NE¼NW¼/NW¼ of Section 34: T6S, R92W, 6th PM, Garfield County, Colorado: Street address: 4066 County Road 331, Silt, Colorado 81652: GPS location: 39.2929, -107.3908. See Map. **6) Date of Appropriation:** 06/01/1985. **7) How appropriated:** Spring water naturally irrigated approximately 15 acres below Ferguson Spring that irrigated grass, crops, and provided water for stock. Ferguson Spring is tributary to Dry Hollow Creek, but seepage and shrink before the water reached Dry Hollow Creek meant that most of the water from Ferguson Spring was not used, other than that which the Applicant used. Applicant has salvaged water from Ferguson Spring and augmented by 10 GPM the flow to Dry Hollow Creek and Ferguson Stock Pond by hand-digging a well to about six feet in depth, and running the water that accumulates in the well through 2" PVC approximately 160 feet to Dry Hollow Creek. Additional work in the nature of deepening the well and extending lateral arms to collect Ferguson Spring water will add another 40 GPM in water that the Applicant will have salvaged. **8) Date Applied to Beneficial Use:** 06/01/1985. **9) Ruling and Decree Requested:** Applicant seeks an absolute decree for 10 GPM water that he has already salvaged from Ferguson Spring. Applicant seeks a further conditional decree for 40 more GPM for the following uses: livestock watering, irrigation of approximately 30 acres in NE¼NW¼/NW¼ of Section 34: T6S, R92W, Garfield County, Colorado. **10) Remarks:** None. See Map.

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18. PURSUANT TO C.R.S., §37-92-302, AS AMENDED, YOU ARE NOTIFIED THAT THE FOLLOWING PAGES COMPRISE A RESUME OF THE APPLICATIONS AND AMENDED APPLICATIONS FILED WITH THE WATER CLERK FOR WATER DIVISION 5 DURING THE MONTH OF MARCH 2022. *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.*

21CW3123 GRAND COUNTY, Amended Application for Conditional Groundwater and Approval of Plan for Augmentation and Exchange. Applicant: Town of Winter Park; please direct all correspondence to Applicant's attorneys: Mary Elizabeth Geiger, Garfield & Hecht, P.C., 901 Grand Avenue, Suite 201, Glenwood Springs, CO 81601, (970)947-1936, megeiger@garfieldhecht.com. *Applicant requests approval of a groundwater right:* Town of Winter Park Bus Barn Well. Location: UTM: 13N Easting 427773, Northing 4423422, also being described as in the NW ¼ SW ¼ of Section 13, Township 1 South, Range 76 West of 6th P.M., see Figure 1 attached hereto. Source: groundwater from unconsolidated sand and gravel hydraulically connected to Crooked Creek, tributary to the Fraser River, tributary to the Colorado River. Date of appropriation: August 9, 2021. How appropriation was initiated: By the granting of the Town's application for a water allotment contract for augmentation water by the Middle Park Water Conservancy District at a public meeting. Amount: 30 g.p.m., 1.74 acre-feet, year. Uses: all municipal uses, including but not limited to, bus and equipment washing, industrial, commercial and domestic. Depth of well: 398 feet. Owner of land upon which well is located: Applicant. Remarks: The Applicant desires to decree these additional uses to an existing well that is subject to the terms and conditions of the decree entered by this Court in Case No. W-485 and Well Permit No. 10186-A and is known as the Smith Well. The purpose of this application is to expand the use of the existing well above and beyond the use and amounts presently authorized and augment these expanded uses. The existing uses are: fire protection, ordinary household uses inside not more than one single-family dwelling and one apartment, the irrigation of not more than 8,000 square feet of home gardens and lawns, and the watering of domestic animals, with a maximum pumping rate of 40 g.p.m. These existing uses have been in place since the Smith Well was decreed and originally constructed on June 6, 1962 and such historic use is reflected in the records of the Division of Water Resources. The well is located on property owned by the Town adjacent to land it is leasing from Grand County for the construction and operation of a bus barn facility. In addition, the United States is the owner of Green Mountain Reservoir ("GMR") and the water rights decreed to GMR in the Findings of Fact and Conclusions of Law, the Final Judgment and the Final Decree entered on October 12, 1955 in Consolidated Civil Action Nos. 2782, 5017 in the U.S. District Court for the District of Colorado as subsequently amended (the "Blue River Decree"). GMR is operated in the manner provided for in the Blue River Decree, Senate Document No. 80, dated June 15, 1937, 75th Congress, 1st Session, the Act of August 9, 1937, 50 Stat. 564, and other applicable law. The historic existing uses of the Smith Well qualify as a beneficiary of the Historic Users Pool ("HUP") in GMR with respect to domestic use inside one single family dwelling and one apartment, 8000 square feet of irrigation and watering of domestic animals purposes as it has been established with the Division of Water Resources that these uses have been in place since June 6, 1962. 600 foot spacing statement: There are no wells located within 600 feet of the Town of Winter Park Bus Barn Well. *Applicant requests approval of an augmentation plan described as follows:* Description of water rights to be augmented: Town of Winter Park Bus Barn Well, described in Section 2, above, excluding those historic uses of the Smith Well which are protected by the GMR HUP. Sources of Augmentation Water: Applicant has received approval of a water allotment contract from the Middle Park Water Conservancy District ("MPWCD") for water to be released from Windy Gap Reservoir and/or Wolford Mountain Reservoir pursuant to the terms and conditions thereof. These sources are described as follows: Applicant has received approval of a Water Allotment Contract from the Middle Park Water Conservancy District to provide Applicant the right to an annual entitlement of up to 3.4 acre-feet of water, 1.7 acre-feet from any available source. This water is a portion of the 3,000 acre-feet which the Municipal Subdistrict, Northern Colorado Water Conservancy District has agreed to annually place in storage in Granby Reservoir, which is located on the Colorado River upstream from the confluence of the Fraser and Colorado Rivers in Grand County, Colorado. Additional provisions of this Agreement are outlined in the Agreement Concerning the Windy Gap Project and the Azure Reservoir and Power Project, dated and signed April 30, 1980 and approved by the Water Court, Water Division No. 5, Civil Action 1768, by Interlocutory Decree dated October 27, 1980, and Supplement to Agreement of April 30, 1980, dated March 29, 1985, and duly decreed in Case No. 85CW135. Granby Reservoir is located in parts of Township 3 North, Township 2 North, Range 76 West, and Township 2 North, Range 75 West, 6th P.M. Wolford Mountain Reservoir: As an alternate source of supply, Applicant may use a portion of the storage right adjudicated in Case No. 87CW283, decree entered November 20, 1989, District Court, Water Division No. 5. Middle Park Water Conservancy District has an interest in 3,000 acre-feet of this Wolford Mountain water by virtue of an agreement between the Colorado River Water Conservation District, the Board of County Commissioners of Grand County, and the Middle Park Water Conservancy District, dated December 17, 1992. The legal description of the place of storage is: Wolford Mountain Reservoir, the dam of which is located in the SW1/4 NE1/4 of Section 25, Township 2 North, Range 81 West of the 6th P.M. Pursuant to said agreements, water will be provided from Granby Reservoir or Wolford Mountain Reservoir to replace depletions to the Colorado River caused by Applicant's diversion at the locations described above, in amounts as determined by the Division Engineer, Water Division No. 5, and at such times as diversions by the Applicant would ordinarily be curtailed due to the call of senior water rights downstream from the Applicant's point of diversion. Water hauled to where the 4 Bar 4 Road crosses Crooked Creek as shown on Figure 1 attached hereto and released therefrom. Statement of Plan for Augmentation: Applicant is a municipality that operates a bus transit system. The property where the bus barn operations will be located is outside any municipal or special district water service boundaries and thus cannot be served by a municipal supply. Therefore, Applicant is applying for a water right for the Town of Winter Park Bus Barn Well described herein, as expanded uses of the existing Smith Well, to provide potable water service to the facility to be used for employees in the office/shop (restroom and shower use) and for water to be used for the bus washing station, among other uses. Water from these uses will be returned to Crooked Creek via the on-site wastewater treatment ("OWTS") system serving the property. However, evaporative losses from bus washing and maintenance operations as well as the water loss associated with the sedimentation basin cleanout and sedimentation removal and offsite disposal will not be returned through the OWTS system. A table of the uses, demands and depletions is attached hereto as Exhibit A. This augmentation plan shall only apply to the proposed expanded uses of the Smith Well, which expanded uses are described herein as the Town of Winter Park Bus Barn Well. The affected stream reach is Crooked Creek, Fraser River, and Colorado River from the Town of Winter Park Bus Barn Well location described above to a point where Windy Gap Reservoir or Wolford

Mountain Reservoir releases reach the Fraser River and Colorado River, respectively. In the event there is a valid, enforceable call on Crooked Creek, Applicant shall haul water to be released at the point where the 4 Bar 4 Road crosses Crooked Creek as shown on Figure 1 in amounts and timing as directed by the Division Engineer. Applicant will source this water from the bulk water stations operated by Grand County Water & Sewer District and Winter Park Water and Sewer District. Applicant will dechlorinate this water before hauling for releases. Conditional Appropriative Rights of Exchange: In order to operate the augmentation plan described herein, Applicant requests approval of the following conditional appropriative rights of exchange: Town of Winter Park Windy Gap Reservoir Exchange Reach No. 1 (as shown on Figure 2 attached hereto): *Upstream Terminus*: Point of impact of Well on Crooked Creek: UTM: 13S 427149E, 4423881N; SE¼ NE¼, Section 14, Township 1, Range 76 West, 6th P.M. *Downstream Terminus*: confluence of the Fraser and Colorado Rivers which is currently located at UTM 13N 416964E, 4439326N; SW¼SW¼ of Section 25, T. 2 N., R. 77. W, 6th P.M. *Amount*: 30 g.p.m., 1.7 acre-feet per year; in order to allow for flexibility in release schedules as Applicant does not know the frequency in which Middle Park Water Conservancy District (“MPWCD”) plans to make releases for Applicant and this amount will ensure that all replacement requirements are covered even if MPWCD only makes one release per month. *Appropriation date*: August 9, 2021, the date upon which Middle Park Water Conservancy District awarded the water allotment contracts. Town of Winter Park Wolford Mountain Reservoir Exchange Reach No. 2 (as shown on Figure 3 attached hereto): *Upstream Terminus*: Point of impact of Well on Crooked Creek: UTM 13S 427149E, 4423881N; in the SE ¼ NE ¼, Section 14, Township 1 South, Range 76 West, 6th P.M. *Downstream Terminus*: confluence of the Muddy Creek and Colorado River which is currently located UTM 13N 380762E, 4433469N; NW¼NE¼ of Section 19, T. 1 N., R. 80 W., 6th P.M. *Amount*: 30 g.p.m., 1.7 acre-feet per year in order to allow for flexibility in release schedules as Applicant does not know the frequency in which Middle Park Water Conservancy District (“MPWCD”) plans to make releases for Applicant and this amount will ensure that all replacement requirements are covered even if MPWCD only makes one release per month. *Appropriation date*: August 9, 2021, the date upon which Middle Park Water Conservancy District awarded the water allotment contracts. (7 pages).

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