

DIVISION 5 WATER COURT- MARCH 2023 RESUME

1. PURSUANT TO C.R.S., §37-92-302, AS AMENDED, YOU ARE NOTIFIED THAT THE FOLLOWING PAGES COMPRISE A RESUME OF THE APPLICATIONS AND AMENDED APPLICATIONS FILED WITH THE WATER CLERK FOR WATER DIVISION 5 DURING THE MONTH OF MARCH 2023. *The water right claimed by this application may affect in priority any water right claimed or heretofore adjudicated within this division and owners of affected rights must appear to object and protest within the time provided by statute or be forever barred.*

23CW3015 GARFIELD COUNTY, Application for Findings of Reasonable Diligence. Applicant: Katherine Rhynus Cesark; *please direct all correspondence to Applicant's attorneys: Mary Elizabeth Geiger, Garfield & Hecht, P.C., 910 Grand Avenue, Suite 201, Glenwood Springs, CO 81601, (970)947-1936, megeiger@garfieldhecht.com.* Applicant requests that the following conditional water rights be continued in full force and effect: *Name of well: MKC Well No. 1. Information from prior decree: Case No. 01CW184, District Court in and for Water Division No. 5, entered in June 2003. Subsequent findings of reasonable diligence: Case Nos. 09CW61 and 16CW3069, District Court in and for Water Division No. 5. Location: SW¼ NW¼ of Section 28, Township 7 South, Range 87 West of the 6th P.M., at a point 1370 feet from North and 1200 feet from the West Section line, more or less, in Garfield County, Colorado. Source: groundwater tributary to Roaring Fork, tributary to Colorado River. Depth: approximately 200 feet. Appropriation date: August 25, 2000. Amount: 15 g.p.m. (0.033 c.f.s.), conditional, 0.491 a.f. annually. Uses: domestic in house use for one single family dwelling, 2 heads of livestock and irrigation of up to 6000 square feet all on the parcel shown on Exhibit A attached hereto. Name and address of owner of land upon which well and places of use are located: Applicant (see above). Application includes a detailed outline of work performed during the diligence period toward the development of the conditional water right (3 pages).*

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

2. PURSUANT TO C.R.S., §37-92-302, AS AMENDED, YOU ARE NOTIFIED THAT THE FOLLOWING PAGES COMPRISE A RESUME OF THE APPLICATIONS AND AMENDED APPLICATIONS FILED WITH THE WATER CLERK FOR WATER DIVISION 5 DURING THE MONTH OF MARCH 2023. *The water right claimed by this application may affect in priority any water right claimed or heretofore adjudicated within this division and owners of affected rights must appear to object and protest within the time provided by statute or be forever barred.*

23CW3016 MESA COUNTY, Application for Findings of Reasonable Diligence. Applicant: City of Fruita; please direct all correspondence to Applicant's attorneys: Mary Elizabeth Geiger, Garfield & Hecht, PC, 910 Grand Avenue, Suite 201, Glenwood Springs, CO 81601. Applicant requests that the following conditional water rights be continued in full force and effect: Name of structure: Fruita Pump Station. Information from prior decree: May 18, 1978, Case No. W-3551, District Court in and for Water Division No. 5, entered in June 2003. Subsequent findings of reasonable diligence: Case Nos. 90CW069, 96CW93, 02CW31, and 16CW3069, District Court in and for Water Division No. 5. Legal description: The Fruita Pump Station is located in Section 20, Township 1 North, Range 2 West, Ute P.M., at a point 702 feet from the south section line and 2,102 feet from the west section line (Easting 177510.26, Northing 4338649.02, NAD83 UTM Zone 13N). The alternate point of diversion for the Fruita Pump Station decreed in Case No. 96CW93 is located in Section 18, Township 1 North, Range 2 West, Ute P.M., at a point 1,682 feet from the south section line and 2,465 feet from the west section line (Easting 176091.99, Northing 4340604.77, NAD83 UTM Zone 13N). A map of these two locations is attached to the application as Exhibit 1. Source: Colorado River. Appropriation date: May 15, 1977. Amount: The Fruita Pump Station was decreed conditionally for 25 c.f.s in Case No. W-3551. In Case No. 96CW93 this Court made 0.6 c.f.s of that conditional water right absolute and continued the remaining 24.4 c.f.s. conditional. In Case No. 16CW3029 this Court made 0.18 c.f.s. of that conditional water right absolute and continued the remaining 24.22 conditional. Uses: Municipal and irrigation. Description of place where water is applied to beneficial use: Water diverted through the Fruita Pump Station has been placed to beneficial use for the municipal purposes within Fruita city limits and has been used for irrigation of the City's property located in the SW¼ NW¼ SE¼ of Section 18, Township 1 North, Range 2 West, Ute P.M. The Application includes a detailed description of the work performed during the diligence period. (4 pages).

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

3. PURSUANT TO C.R.S., §37-92-302, AS AMENDED, YOU ARE NOTIFIED THAT THE FOLLOWING PAGES COMPRISE A RESUME OF THE APPLICATIONS AND AMENDED APPLICATIONS FILED WITH THE WATER CLERK FOR WATER DIVISION 5 DURING THE MONTH OF MARCH 2023. *The water right claimed by this application may affect in priority any water right claimed or heretofore adjudicated within this division and owners of affected rights must appear to object and protest within the time provided by statute or be forever barred.*

23CW3017 GUNNISON COUNTY. Application for Findings of Reasonable Diligence. Applicants: Michael O. Dalton, Suzanne Dalton and Mary McMahan, c/o Balcomb & Green, P.C., PO Drawer 790, Glenwood Springs, CO 81602; 970-945-6546. Applicants seek a finding of reasonable diligence in the development of their interests in the water storage right for Gordon Pond and the Gordon Exchange. A map providing the general location of the Subject Water Rights are depicted on Figure 1 on file with the Water Ct. Name

of Reservoir: Gordon Pond. Original Decree: 15CW3107, entered by the Dist. Ct., Water Div. 5 on 03/04/2017. Legal Description: Located in the SE1/4 SW1/4 of Sec. 21, T. 11 S., R. 88 W., 6 P.M. 909 ft. from the S. Sec. line and 1,771 ft. from the W. Sec. line. Source: Crystal River, tributary to the Roaring Fork River, tributary to the CO River. Gordon Pond is filled from a surface diversion and from surface runoff, surface springs and seeps. Name of Ditch: Gordon Pump and Pipeline with a capacity of 0.5 c.f.s. Legal Description of Point of Diversion: Located in the SE1/4 SW1/4 of Sec. 21, T. 11 S., R. 88 W., 6 P.M. 1,082 ft. from the S. Sec. line and 1,905 ft. from the W. Sec. line. Date of Approp.: 08/17/2015. Amt. Claimed: Right to Fill and Refill in Priority Amt.: 6.5 AF. Rate of Diversion to Fill the Gordon Pond: 0.5 c.f.s. Surface area: 0.54 acre. Height of Dam: less than ten ft., the pond will be partially excavated. Uses: Rec., piscatorial, fire protection and incidental aesthetic uses within the storage structure. Remarks: The Gordon Pond operates as a flow-through pond, receiving freshening flows from the Gordon Pump and Pipeline at a rate not to exceed 0.5 c.f.s. throughout the year pursuant to the plan for aug. decreed in 15CW3107. Gordon Pond will be constructed with a staff gauge and low-level outlet to allow for releases to be made consistent with the plan for aug. decreed in 15CW3107. In addition, Gordon Pond will be constructed in a manner that it will not intercept groundwater. In the event ground water is exposed, Gordon Pond will be backfilled so as not to expose ground water until such time as: 1) a well permit has been obtained for the ground water pond pursuant to CRS §37-90-137 and any associated water storage rights have been vacated; or 2) Gordon Pond is lined in accordance with the State Engineer's guidelines dated August 1999. Name of Exchange: Gordon Exchange. Legal Description of Exchange Reach: Upstream Terminus: Point of Depletion on Crystal River from Gordon Pond, Gunnison Cty., SE1/4 SW1/4 of Sec. 21, T. 11 S., R. 88 W., 6 P.M. 648 ft. from the S. Sec. line and 2,550 ft. from the W. Sec. line. Downstream Terminus: Varies depending upon source of aug. supply: For releases from Wolford Mountain Reservoir, the confluence of the CO River and the Roaring Fork River. For releases from Ruedi Reservoir, the confluence of the Roaring Fork River and Fryingpan River. Amt.: 0.013 c.f.s., conditional, not to exceed 1.1 AF per year. Uses: Filling and refilling the Gordon Pond for rec., piscatorial, fire protection and incidental aesthetic uses within the storage structure. Date of Approp.: 08/17/2015. Remarks: CWCB holds the following instream flow rights:

Case No.	Stream	Amt. (c.f.s.)	Approp. Date	Watershed	Cty.
(5)75CW2721	Crystal River	40, 80	5/1/1975	Roaring Fork	Pitkin & Gunnison
(5)75CW2720	Crystal River	60, 100	5/1/1975	Roaring Fork	Pitkin & Gunnison

The exchange decreed herein shall only operate in priority and shall only operate at times and to the extent that all instream flows described above and located within the pertinent exchange stream reaches are satisfied. Applicants will not operate this exchange or fill Gordon Pond when the Sweet Jessup canal is diverting water and there is less than 75 c.f.s measured at the USGS stream gauge "09081600 Crystal River AB Avalanche C, Near Redstone, CO" in the Hydrologic Unit 14010004 Roaring Fork. In the six years preceding the filing of the Application, Applicants have 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: Applicants. (5 pages of original application, Figures 1-3)

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

4. PURSUANT TO C.R.S., §37-92-302, AS AMENDED, YOU ARE NOTIFIED THAT THE FOLLOWING PAGES COMPRISE A RESUME OF THE APPLICATIONS AND AMENDED APPLICATIONS FILED WITH THE WATER CLERK FOR WATER DIVISION 5 DURING THE MONTH OF MARCH 2023. The water right claimed by this application may affect in priority any water right claimed or heretofore adjudicated within this division and owners of affected rights must appear to object and protest within the time provided by statute or be forever barred.

23CW3018 GRAND COUNTY. Jackie F. Boyd, Fredrick L. Sidell & Terry B. Sidell, c/o Michael J. Boyd, 4585 Carr Street, Wheat Ridge, CO 80033. Applicants are represented by Katie Randall and Kent Whitmer, The Whitmer Law Firm, LLC, P.O. Box 38, Hot Sulphur Springs, CO 80451, (970) 725-3460. APPLICATION FOR FINDING OF REASONABLE DILIGENCE. **Conditional Underground Rights:** Name of Structures: RTV Estates Well Nos. 1, 3, and 8. Decrees: September 26, 2010 (08CW38); March 4, 2017 (16CW3077); both in Water Court Division No. 5. Type of Structures: Wells. Legal Description: RTV Estates Well No. 1 is located in the SW1/4 SE1/4 of Section 28, Township 3 North, Range 76 West of the 6th P.M., 1,200 feet from the South line and 2,400 feet from the East line of said Section 28. RTV Estates Well No. 3 is located in the SW1/4 SW1/4 of Section 28, Township 3 North, Range 76 West of the 6th P.M., 1,200 feet from the South line and 1,200 feet from the West line of said Section 28. RTV Estates Well No. 8 is located in the N1/2 NW1/4 of Section 33, Township 3 North, Range 76 West of the 6th P.M., 250 feet from the North line and 1,100 feet from the West line of said Section 33. Source: Ground water from the alluvium of sand, gravel and other sedimentary materials hydraulically connected to Lake Granby, tributary to the Colorado River. Appropriation Date: October 10, 2006. Depth of Wells: RTV Estates Well No. 1: 510 feet (Permit No. 83982-F); RTV Estates Well No. 3: 420 feet (Permit No. 83983-F); RTV Estates Well No. 8: 401 feet (Permit No. 83984-F) Amount: RTV Estates Well No. 1: 13.5 gallons per minute ("g.p.m.") RTV Estates Well No. 3: 10 g.p.m. RTV Estates Well No. 8: 15 g.p.m. Uses: In-house domestic, livestock watering, and irrigation. **Conditional Appropriative Rights of Exchange:** In 08CW38, the Court approved a plan for augmentation and appropriative rights of exchange for the Wells. Appropriation

Date: October 10, 2006. Rate of Exchange: 0.1 cubic feet per second (“c.f.s.”), conditional and not more than 4.5 acre-feet per year (“af/yr”). Exchange Reach: Upstream_Termini: The points of diversion for RTV Estates Well Nos. 1, 3, and 8 described above. Downstream Terminus: A point where Wolford Mountain releases meet the Colorado River, in Section 19, Township 1 North, Range 80 West, 6th P.M., in Grand County, Colorado, at a point more specifically described as 2000 feet from East Section line and 200 feet from North Section line of Section 19. Source of Augmentation Water: The subject water rights will operate pursuant to the plan for augmentation decreed in Case No. 08CW38. Augmentation water will be provided from either Granby Reservoir or Wolford Mountain Reservoir. Additional Information: Applicants request a finding of diligence for the conditional water rights for RTV Estates Well Nos. 1, 3, and 8 and associated exchange. The previous decrees set forth additional terms and conditions, including a plan for augmentation, that continue to be in effect for the water rights of this application. The application and attached exhibits contain a detailed outline of the work performed during the diligence period (23 pages).

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

5. PURSUANT TO C.R.S., §37-92-302, AS AMENDED, YOU ARE NOTIFIED THAT THE FOLLOWING PAGES COMPRISE A RESUME OF THE APPLICATIONS AND AMENDED APPLICATIONS FILED WITH THE WATER CLERK FOR WATER DIVISION 5 DURING THE MONTH OF MARCH 2023. *The water right claimed by this application may affect in priority any water right claimed or heretofore adjudicated within this division and owners of affected rights must appear to object and protest within the time provided by statute or be forever barred.*

23CW3019 (16CW3031, 09CW31, 01CW297, 95CW97, 95CW184, 88CW434) PITKIN COUNTY, COLORADO RIVER OR ITS TRIBUTARIES. Skyler S. DeBoer, c/o Kevin L. Patrick, Esq. and John M. Sittler, Esq., Patrick, Miller & Noto, P.C., 229 Midland Ave, Basalt, CO 81621, (970) 920-1030. APPLICATION FOR A FINDING OF REASONABLE DILIGENCE. Name: Big Sky Ditch. Original decree: June 21, 1989, relating back to December 30, 1988, Case No. 88CW434, Division 5 Water Court. Location corrected in Case Nos. 95CW184, 95CW97, and 01CW297, all Division 5 Water Court. Subsequent diligence decrees: April 4, 2010, Case No. 09CW31; March 4, 2017, Case No. 16CW3031, all Division 5 Water Court. Legal description: The headgate is located in Pitkin County, on the right bank of Snowmass Creek in SE ¼ of the NW ¼ of Section 2, Township 9 South, Range 86 West of the 6th P.M., at a point approximately 2555 feet from the West section line and 1970 feet from the North section line of said Section 2. A map is on file with the Court as **Exhibit A.** Source: Snowmass Creek, tributary to the Roaring Fork and Colorado Rivers. Appropriation date: February 17, 1988. Amount: 3.0 c.f.s., decreed for different uses. 3.0 c.f.s., absolute, for delivery into storage; 0.111 c.f.s., absolute, for irrigation; 3.0 c.f.s., conditional, for stock watering. Uses: Irrigation, stock watering, and delivery into storage. Only stock watering remains conditional; this water right is decreed absolute for delivering water into storage and for irrigation. Applicant has exercised reasonable diligence towards completion of the conditional stock watering portion of the Big Sky Ditch water right. A detailed outline of work performed towards completion of the appropriation, including expenditures, is on file with the Court as **Exhibit B.** Applicant owns the land on which the water right is located and where the water is put to beneficial use.

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

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 2023. *The water right claimed by this application may affect in priority any water right claimed or heretofore adjudicated within this division and owners of affected rights must appear to object and protest within the time provided by statute or be forever barred.*

23CW3020 GRAND COUNTY – APPLICATION FOR SURFACE WATER RIGHT AND APPROVAL OF PLAN FOR AUGMENTATION. 1. Name, Address, Phone Number, and E-Mail Address of Applicant. David Watts & Nadia Hartman, 170 S. Elm Street, Denver, Colorado 80246-1131; Phone: (303) 619-5393; E-mail: dwatts@winstonenergy.com. Copies of all pleadings to: David F. Bower, Cameron C. Frazier, Johnson & Repucci LLP, 850 W. South Boulder Road, Suite 100, Louisville, Colorado 80027. **2. Overview.** Applicants are the owners of a single-family residence located on the north shore of Grand Lake, southeast of the Town of Grand Lake. By this application, Applicants are claiming a conditional surface water right for a domestic water supply and limited landscape irrigation for their property. Applicants also seek approval of a plan for augmentation and exchange project rights to replace out-of-priority depletions associated with the property. A map of the subject property and diversion structure is attached to the application as **Figure 1.** **3. Claim for Conditional Surface Water Right.** (a) Name of Structure. Watts House Diversion. (b) Location. SE1/4 SE1/4 of Section 5, Township 3 North, Range 75 West of the 6th P.M., at a point described as Zone 13, NAD83, Easting 431368.3, Northing 4455246.4. (c) Source. Grand Lake, tributary to the Colorado River. (d) Appropriation Date. Date of application. (e) Amount. 0.033 cfs (15 gpm), conditional. (f) Uses. Domestic, irrigation, and fire protection. Irrigation will be for landscaping anywhere on the subject property. (g) Remarks. The Watts House Diversion is an existing structure that has historically withdrawn water from Grand

Lake. **4. Request for Approval of Plan for Augmentation.** (a) Name and Description of Structure to be Augmented. Watts House Diversion, as claimed in paragraph 3 above. (b) Water Rights to be Used for Augmentation. Augmentation water will be provided by the Middle Park Water Conservancy District (“MPWCD”) from supplies that MPWCD owns or controls in (i) Granby Reservoir pursuant to certain Windy Gap water rights agreements, (ii) Wolford Mountain Reservoir, and/or (iii) additional or alternative sources of supply that MPWCD may be allowed to use in the future for augmentation and replacement purposes (“MPWCD Contract Water”). Applicant’s contract for 0.1 acre-feet of MPWCD Contract Water was approved by MPWCD on March 1, 2023. Pursuant to C.R.S. § 37-92-305(8), Applicant also reserves the right to use additional or alternative sources of water for replacement on a temporary or permanent basis, subject to approval by the Water Court and/or the State Engineer’s Office. (c) Detailed Description of Plan for Augmentation. Applicants will replace all out-of-priority depletions from the Watts House Diversion with 0.1 acre-feet of MPWCD Contract Water. Applicants will be using water for indoor household purposes, sprinkler irrigation, and an outdoor hot tub. Applicants’ total water demand is estimated to be ~0.4 acre-feet/year and the total depletion is ~0.07 acre-feet/year. A detailed description of Applicants’ demands and depletions is set forth below. For evaluating the amount of replacement water needed to operate the plan for augmentation, 100% of the depletions are assumed to be out-of-priority. (i) Projected Demands. The total indoor/household domestic and hot tub demand for the property is estimated to be up to 0.338 acre-feet/year. The irrigation demand from lawn, landscaping, and trees is estimated to be up to 0.058 acre-feet/year. (ii) Projected Depletions. Depletions from the Watts House Diversion will result in depletions to Grand Lake. Wastewater from the domestic use will be treated via a central sewage treatment facility operated by Three Lakes Water and Sanitation District. Accordingly, indoor/household domestic use is expected to be 5% consumptive and the hot tub use is assumed to be 100% consumptive, which results in a depletion of up to 0.019 acre-feet/year. Landscape irrigation from lawn, landscaping, and trees is all assumed to be 80% consumptive, resulting in an anticipated depletion of up to 0.046 acre-feet/year. (d) Exchange Reach. Because Applicants’ MPWCD Contract water comes from a location downstream of the point of depletion for the Watts House Diversion, the proposed plan for augmentation may at times operate by substitution and/or exchange. Therefore, Applicants claim exchange project rights from the furthest downstream point where replacement water may be released into the Colorado River from Wolford Mountain Reservoir or Granby Reservoir, up to the point of depletion for the Watts House Diversion on Grand Lake. The components of these exchange project rights are as follows: (i) Downstream Terminus – Wolford Mountain Reservoir. The confluence of Muddy Creek and the Colorado River, which is located in the NW1/4 NE1/4 of Section 19, Township 1 North, Range 80 West of the 6th P.M., at a point described as Zone 13, NAD 83, Easting 380748.2, Northing 4433448.3. (ii) Downstream Terminus – Windy Gap (Granby Reservoir). The confluence of Granby Reservoir and the Colorado River, which is located in the NE1/4 SE1/4, Section 11, Township 2 North, Range 76 West of the 6th P.M., at a point described as Zone 13, NAD 83, Easting 426099, Northing 4444319. (iii) Upstream Terminus. The Watts House Diversion, as described above in paragraph 3(b) above. (iv) Exchange Rate. 0.00022 cfs (0.10 gpm), up to 0.065 acre-feet/year, for each of the exchange project rights. (v) Date of Appropriation. Date of application. (vi) Uses. Water will be exchanged to augment and replace out-of-priority depletions from the domestic, landscape irrigation, and fire protection uses of the Watts House Diversion. (vii) Remarks. Applicants will only operate the requested exchanges at such times when deliveries of the replacement water at the downstream exchange terminus will satisfy the downstream calling water right. **5. Name and Address of Landowner Upon which any New or Modified Diversion or Storage Structure is Located, Including Any Modification to the Storage Pool.** No new or modified diversion or storage structures are contemplated by this application. According to the real estate records of Grand County, the Watts House Diversion is located on or overlying land owned by the United States of America, Shadow Mountain National Recreation Area, Washington, D.C. 20013.

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

7. PURSUANT TO C.R.S., §37-92-302, AS AMENDED, YOU ARE NOTIFIED THAT THE FOLLOWING PAGES COMPRISE A RESUME OF THE APPLICATIONS AND AMENDED APPLICATIONS FILED WITH THE WATER CLERK FOR WATER DIVISION 5 DURING THE MONTH OF MARCH 2023. The water right claimed by this application may affect in priority any water right claimed or heretofore adjudicated within this division and owners of affected rights must appear to object and protest within the time provided by statute or be forever barred.

23CW3021 GRAND COUNTY, COLORADO RIVER. Application for Findings of Reasonable Diligence and to Make Absolute. E.H. International, LLC c/o Johnston Van Arsdale Martin PLLC, 305 Gold Rivers Ct, Ste 200 Basalt, 81621, (970) 922-2122. Structure: Thompson Exchange. Original decree: 07CW217, entered on 07/12/2010, Water Div 5. Subsequent decree: 16CW3054, entered on 03/04/2017, Water Div 5. Downstream terminus: A point located on the N bank of the Colorado River at the confluence with Muddy Creek that is 40 ft N of the S section line and 1,850 ft W of the E section line in the SW¼SE¼ of Sec 18 T2N R80W 6th PM (when augmentation water is supplied from Wolford Mountain Reservoir) and the confluence of the Fraser and Colorado Rivers, located in the SW¼SW¼ Sec 25 T2N R7W 6th PM at a point which is 4,700 ft from the E section line and 590 ft from the S section line (when augmentation water is supplied from Lake Granby). Upstream terminus: Thompson Spring, located at a point in the SE¼NW¼ Sec 31 T2N R76W 6th PM that is 1,900 ft S of the N section line and 1,795 ft E of the W section line of said Sec 31. Approp. date: 08/30/2008. Maximum rate of exchange: 0.22 cfs, cond., not to exceed 5.0 acre ft annually. Uses: Augmentation, as decreed in Case No. 07CW217. Remarks: As decreed in Case No. 07CW217, the Thompson Exchange is a component of an integrated water supply system that includes the Thompson Spring and a plan for augmentation under which out-of-priority depletions resulting from the operation of the Thompson

Spring are replaced with water released into the Colorado River pursuant to a contract with the Middle Park Water Conservancy District. This system supplies water for mining and processing gravel and for the production of concrete on Applicant's property located in the NW¼ of Se 31 T2N R76 6th PM. Date water applied to beneficial use: 08/16/2022. Amount of water applied to beneficial use: 0.22 cfs. Use(s) applied to beneficial use: Augmentation, as decreed in 07CW217. Application on file with the Court includes diligence demonstration. Landowners: Applicant. (5 pages, 1 exhibit).

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

8. PURSUANT TO C.R.S., §37-92-302, AS AMENDED, YOU ARE NOTIFIED THAT THE FOLLOWING PAGES COMPRISE A RESUME OF THE APPLICATIONS AND AMENDED APPLICATIONS FILED WITH THE WATER CLERK FOR WATER DIVISION 5 DURING THE MONTH OF MARCH 2023. *The water right claimed by this application may affect in priority any water right claimed or heretofore adjudicated within this division and owners of affected rights must appear to object and protest within the time provided by statute or be forever barred.*

23CW3022 MESA COUNTY, COLORADO RIVER, Thomas F. and Ginger L. Latham 1915 U.S. Highway 6, DeBeque, CO 81650, (970) 283-5633 c/o Kirsten M. Kurath, Williams, Turner & Holmes, P.C., 858 Grand Ave., Suite 1, Grand Junction, CO 81501, (970) 242-6262, kmkurath@wth-law.com APPLICATION FOR UNDERGROUND WATER RIGHT, CHANGE OF WATER RIGHTS, AND APPROVAL OF A PLAN FOR AUGMENTATION. Underground Water Right Claim: Structure, Well Permit Information and Background: DeBeque Gravel Pit, First Enlargement (the "Pit"). Applicants have obtained a well permit for the DeBeque Gravel Pit from the State Engineer's office, pursuant to §§ 37-90-137(2) and (11), C.R.S., in the name of the Applicants, Well Permit No. 75938-F ("Well Permit"). The Pit was originally mined by Elam Construction, Inc. ("Elam"). In Case No. 05CW076, the Applicants and Elam obtained an absolute water right in the amount of 8.1 acre feet for the annual depletions associated with the evaporation from the pond created by Elam with an exposed water surface area of 3.6 acres. Any of priority depletions associated with the original exposed surface area of 3.6 acres have been replaced through the operation of the augmentation plan decreed in Case No. 05CW076. Subsequently, the Pit was mined by Kirkland Construction, RLLP and expanded pursuant to the Well Permit. Mining has ceased at the Pit and the resulting pond has been surveyed and the total exposed water surface area is now 7.8 acres. This Application seeks an underground water right for just the annual depletions associated with the evaporation from the additional 4.2 exposed water surface acres and an augmentation plan for the out of priority depletions associated with the additional 4.2 exposed water surface acres. Legal Description: The DeBeque Gravel Pit, First Enlargement is located in the NE1/4 of the SE1/4 and the SE ¼ of the SE ¼ of Section 8, Township 9 South, Range 97 West, 6th P.M. The approximate location of the DeBeque Gravel Pit is shown on the map attached to the Application as Figure 1. Coordinates for the approximate center of the pit pond are Zone 12, NAD83, 738608m E, 4352064m N. See Figure 2 attached to the Application. Source and Depth: The Pit is a gravel pit located in alluvial deposits adjacent to the Colorado River and it intercepts and withdraws groundwater tributary to the Colorado River. The estimated total maximum depth of the Pit is thirty (30) feet. Date of App: The appropriation was initiated on April 6, 2012, with the issuance of the Well Permit which authorized the expansion of the Pit, together with planning of mining activities and physical inspection of property upon which mining activities are to occur, and the formation of the intent to appropriate water as described herein. Date Water Applied to Beneficial Use: This Pit was expanded beyond a surface area of 7.8 acres in 2012 as can be seen in the Mesa County GIS Maps aerial photo for 2012. See Exhibit A attached to the Application. Amount and Uses Claimed: 12.64 acre feet per year, absolute, for evaporative loss from the 4.2 acres of exposed water surface area of the pond. The Pit was expanded beyond a surface area of 7.8 acres in 2012. Compare Exhibit A to Exhibit B attached to the Application which shows the current size of the Pit in 2022. During the 2014 water year there were no mainstem Colorado River calls downstream of the Pit and therefore, the full 12.64 acre feet has been made absolute. See Exhibit C (WY2014 Colorado River Call Records). Plan for Augmentation and Change of Water Right: Structure to be Augmented: The DeBeque Gravel Pit, First Enlargement. Depletions: The monthly distribution of average evaporative losses from the additional 4.2 acres of exposed groundwater at the Pit is presented in Table 1. Such losses will result in depletions to the Colorado River. The timing of depletions to the river in response to evaporation from the additional 4.2 acres of exposed groundwater at the Pit was evaluated by using the Well Pumping Depletion Model (©2001, Western Water Consulting, Inc.). See the Application for details. Monthly depletions attributed to evaporative losses from the additional 4.2 acres of exposed groundwater and the timing of those depletions to the Colorado River are presented in Table 1 attached to the Application. Description of Water Rights to be Changed and Used for Augmentation: The Applicants own 20.5 shares of the capital stock of the Larkin Irrigation Company, which has a total 90 shares issued and outstanding. The water rights represented by two (2) of the Applicants' shares have been changed and dedicated to the plan for augmentation decreed in Case No. 05CW076. Structure: Larkin Ditch ("Senior Larkin Right") Date Decree Entered: July 22, 1912, Civil Action No. 1927, Mesa County District Court By decree entered in Case No. W-14, certain changes to the Senior Larkin Right were approved, and a portion of the Senior Larkin Right was abandoned. Type of water right: Surface (direct flow). Legal description: The decreed point of diversion for the Larkin Ditch: The headgate is situated on the southern bank of the Grand (Colorado) River in Mesa County, Colorado, whence the Southeast corner of the Southwest quarter of Section 27, Township 8 South, Range 97 West, 6th P.M. bears south 2°45' west 2,830 feet. Source: Colorado River. App Date: April 1, 1888. Amount: 25.0 c.f.s. Structure: First Enlargement of the Larkin Ditch ("Junior Larkin Right"). Date Decree Entered: Decreed conditional by decree dated September 20, 1972 and decreed absolute by decree dated October 31, 1973. Case No.: W-176, District Court in and for Water Division No. 5. Type of water right: Surface (direct flow). Legal description: Same point of diversion as described

above for the Senior Larkin Right. Source: Colorado River. App Date: December 1, 1950. Amount: 12.5 c.f.s. Decreed and Historic Use: Irrigation. Description of the Changes Sought and Statement of Plan for Augmentation: Historical Diversions: Diversion records for the Larkin Ditch are available from DWR's CDSS website for the period 1972 through 2022. The Applicants propose the use of historical irrigation credits associated with the dry-up of nine acres of historically irrigated lands permanently retired from irrigation as a result of the mining to offset potential out of priority depletions attributed to evaporation from the additional 4.2 acres of exposed groundwater in the pond. Review of aerial photographs available on the Mesa County website shows that the nine acres proposed for dry-up in this plan for augmentation were initially dried-up in 2009 and have remained in a dried-up condition since that time. Therefore, daily diversion records for the period 1972 through 2008 were used to assess the diversion amounts allocated to the Applicants in accordance with their 20.5 shares in the Larkin Irrigation Company. The Applicants' share of water diverted through Larkin Ditch was historically used to irrigate 64.2 acres of land on the Applicants' property. Six of the 64.2 acres were dried-up in accordance with the decree entered in Case No. 05CW076. The proposed nine-acre dry-up area and the six-acre dry-up area identified in the decree entered in Case No. 05CW076 are shown in Figure 3 attached to the Application. Total diversions through the Larkin Ditch headgate for the period 1972 through 2008 are shown in Table 2 attached to the Application. Table 3 attached to the Application presents the Applicants' share of the total diversions based on their ownership of 20.5 of the 90 shares issued and outstanding in the Larkin Irrigation Company. Delivery of diversions to the Applicants' property, assuming a 10 percent ditch conveyance loss, is presented in Table 4 attached to the Application. The amount of irrigation water delivered to the property and available for consumptive use on a per acre basis, assuming an irrigation efficiency of 45 percent, is shown in Table 5 attached to the Application. Irrigation Water Requirements: DWR's StateCU software was used to estimate the irrigation water requirements per acre for pasture grass at the Applicant's property. The resulting irrigation water requirements for the period are presented in Table 6 attached to the Application. The diversions available for consumptive use per acre presented in Table 5 and irrigation water requirements per acre presented in Table 6 were used to generate the historical consumptive use values per acre shown in Table 7 attached to the Application. Calling Period to Augment: The primary calling structures downstream of the Pit are the Grand Valley Canal and Grand Valley Project (referred to as the "Cameo Call"). Based on discussions with Ms. Jana Miller (Assistant Division Engineer, Water Division 5), the call period for the Cameo Call includes three weeks in April, one week in May, and the last 2 weeks in June through October. A monthly water balance utilizing historical irrigation credits to offset potential out-of-priority depletions attributed to evaporation from 4.2 acres of exposed groundwater in the existing pit pond is presented in Table 8 attached to the Application. The historical irrigation credits will fully offset potential out-of-priority depletions. Historical Irrigation Return Flows: Historical irrigation return flows must be maintained to support the use of historical irrigation credits for augmentation. Historical return flows include both surface and deep percolation. The surface irrigation return is estimated to be 80 percent of the irrigation return and instantaneous return to the river is assumed. Deep percolation is assumed to account for 20 percent of the irrigation return, and the timing of accretion to the Colorado River from deep percolation was estimated using the Well Pumping Depletion Model (©2001, Western Water Consulting, Inc.). The resulting irrigation return flow analysis is summarized in Table 9 attached to the Application. As shown, historical irrigation return flow during the call period are maintained by accretions to the river resulting from historical diversions left in the river. Amounts Needed for Augmentation: The 9-acre dry-up area represents 14 percent of the 64.2 acres historically irrigated at the Applicants' property. Accordingly, 14 percent of future irrigation diversions to the Applicants' property will be dedicated for augmentation use. The amounts needed for augmentation will be 0.80 cfs of the Senior Larkin Right and 0.40 cfs of the Junior Larkin Right for a total of 1.20 cfs under both rights, or 2.86 of the Applicants' shares in the Larkin Irrigation Company. Therefore, an additional three (3) of the Applicants' Larkin Irrigation Company shares will be dedicated for use under this plan for augmentation. Change Requested: The Applicants request that the water rights represented by the additional three (3) shares of the Applicants' Larkin Irrigation Company shares be changed to allow for evaporation from 4.2 acres of the exposed groundwater in the existing pit pond by augmentation and replacement, in addition to irrigation uses. Operation of the Plan for Augmentation: During times of a valid downstream call during the call period, 14 percent of Applicants' share of Larkin Ditch diversions will be administered in accordance with this plan for augmentation. To meet the obligation to augment with a total of 1.2 cfs under full-supply conditions, 1.08 cfs of the combined Senior and Junior Larkin Rights, assuming 10 percent ditch carriage loss, will not be delivered for use on the Applicants' property but will be diverted back to the Colorado River at or near the Larkin Ditch headgate. The remaining 0.12 cfs will be left in the Larkin Ditch to make up for carriage losses. Names and Addresses of Landowners: Applicants request that the Court enter a decree approving this Application awarding the water right as claimed herein, approving the change of water right requested herein and decreeing the plan for augmentation. (23 pages)

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

9. PURSUANT TO C.R.S., §37-92-302, AS AMENDED, YOU ARE NOTIFIED THAT THE FOLLOWING PAGES COMPRISE A RESUME OF THE APPLICATIONS AND AMENDED APPLICATIONS FILED WITH THE WATER CLERK FOR WATER DIVISION 5 DURING THE MONTH OF MARCH 2023. *The water right claimed by this application may affect in priority any water right claimed or heretofore adjudicated within this division and owners of affected rights must appear to object and protest within the time provided by statute or be forever barred.*

23CW3023 GRAND COUNTY. Grand County Water and Sanitation District No. 1, c/o William Borrás, Manager, P.O. Box 3077, Winter Park, CO 80482. Applicant is represented by Katie Randall and Kent Whitmer, The Whitmer Law Firm, LLC, P.O. Box 38, Hot

Sulphur Springs, CO 80451, (970) 725-3460. APPLICATION FOR FINDING OF REASONABLE DILIGENCE. Name of Structures: Grand County Water and Sanitation District #1 Pipeline Nos. 1 and 2. Source: The source for Pipeline No. 1 is Little Vasquez Creek; the source for Pipeline No. 2 is Big Vasquez Creek, tributary to the Fraser River, tributary to the Colorado River. Legal Description: **Grand County Water and Sanitation District No. 1 Pipeline No. 1** is located at a point whence the Southeast corner of Section 32, Township 1 South, Range 75 West of the 6th P.M., bears North 3° 45' East a distance of 1,775 feet. The diversion point has also been described as: the Grand County Water and Sanitation District No. 1 Pipeline No. 1 diversion point is located in the Northwest Quarter of the Southwest Quarter of Section 4, Township 2 S, Range 75 W., 6th P.M. The diversion is located 1532.27 feet from the said South Section line and 286.04 feet from the said West Section line. **Grand County Water and Sanitation District No. 1 Pipeline No. 2** is located at a point whence the Southeast corner of Section 32, Township 1 South, Range 75 West of the 6th P.M., bears North 41° 00' East a distance of 2,660 feet. The diversion point has also been described as: the Grand County Water and Sanitation District No. 1 Pipeline No. 2 diversion is located in the Southwest Quarter of the Southeast Quarter of Section 5, Township 2 S, Range 75 W., 6th P.M. The diversion point is located 595.73 feet from the said South Section line and 2574.68 feet from the said East Section line. Use: All municipal uses, including fire protection and industrial uses. Amount: 3 c.f.s. to be diverted at either or both of the decreed points of diversion for Pipeline No. 1 and Pipeline No. 2. Appropriation Date: November 4, 1982. Original Decree: December 29, 1986, Case No.: 82CW403, Water Division No. 5. Subsequent Decrees: October 3, 1995, Case No: 92CW276; November 19, 2002, Case No: 01CW243; September 18, 2010, Case No: 08CW141; March 4, 2017, Case No. 16CW3073, all in Water Division No. 5. Additional Information: The application and attached exhibit contain a detailed outline of the work performed during the diligence period (9 pages). **YOU ARE HEREBY NOTIFIED THAT YOU HAVE until the last day of MAY 2023 to file with the Water Clerk a verified Statement of Opposition setting forth facts as to why this application should not be granted or why it should be granted in part or on certain conditions. A copy of such statement of opposition must also be served upon the applicant or the applicant's attorney and an affidavit or certificate of such service shall be filed with the Water Clerk, as prescribed by Rule 5, CRCP. (Filing Fee: \$192.00) KATHY POWERS, Water Clerk, Water Division 5; 109 8th Street, Suite 104 Glenwood Springs, CO 81601.**

10. PURSUANT TO C.R.S., §37-92-302, AS AMENDED, YOU ARE NOTIFIED THAT THE FOLLOWING PAGES COMPRISE A RESUME OF THE APPLICATIONS AND AMENDED APPLICATIONS FILED WITH THE WATER CLERK FOR WATER DIVISION 5 DURING THE MONTH OF MARCH 2023. *The water right claimed by this application may affect in priority any water right claimed or heretofore adjudicated within this division and owners of affected rights must appear to object and protest within the time provided by statute or be forever barred.*

23CW3024 GRAND COUNTY. Grand County Water and Sanitation District No. 1, c/o William Borrás, Manager, P.O. Box 3077, Winter Park, CO 80482. Applicant is represented by Katie Randall and Kent Whitmer, The Whitmer Law Firm, LLC, P.O. Box 38, Hot Sulphur Springs, CO 80451, (970) 725-3460. APPLICATION FOR FINDING OF REASONABLE DILIGENCE. Name of Structure: Grand County Water and Sanitation District #1 Pipeline No. 4. Source: Fraser River, tributary to the Colorado River. Legal Description: Grand County Water and Sanitation District No. 1 Pipeline No. 4 is located 3,020 feet East of the West line and 450 feet North of the South line of Section 28, Township 1 South, Range 75 West of the 6th P.M. SW1/4 SE1/4 of said Section 28. Use: All municipal uses, including fire protection, irrigation and domestic use. Amount: 4.5 c.f.s. Appropriation Date: December 21, 1989. Original Decree: Date: May 23, 1990, Case No.: 89CW270, Water Division No. 5. Subsequent Decrees: October 15, 1996, Case No: 96CW134; August 4, 2003, Case No: 02CW259; September 17, 2010, Case No: 09CW90; March 4, 2017, Case No: 16CW3074; all in Water Division No. 5. Additional Information: The application and attached exhibit contain a detailed outline of the work performed during the diligence period (8 pages).

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

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 2023. *The water right changed by this application may affect in priority any water right claimed or heretofore adjudicated within this division and owners of affected rights must appear to object and protest within the time provided by statute or be forever barred.*

23CW3025 GRAND COUNTY. Grand County Water and Sanitation District No. 1, c/o William Borrás, Manager, P.O. Box 3077, Winter Park, CO 80482. Applicant is represented by Katie Randall and Kent Whitmer, The Whitmer Law Firm, LLC, P.O. Box 38, Hot Sulphur Springs, CO 80451, (970) 725-3460. APPLICATION FOR FINDING OF REASONABLE DILIGENCE. Name of Water Right: GCWSD Windy Gap Exchange. Type of Water Right: Appropriative right of exchange. Names of Structures: The following structures are the "exchange to" points associated with the GCWSD Windy Gap Exchange: Grand County Water & Sanitation District No. 1 Pipelines No. 1, No. 2, and No. 3; Grand County Water & Sanitation District No. 1 Reservoir. Source: Little Vasquez, Big Vasquez, Fraser and Colorado Rivers. Legal Description: The points of diversion are as follows: **Pipeline No. 1** - At a point whence the Southeast corner of Section 32, Township 1 South, Range 75 West of the 6th P.M., bears North 03°45' East a distance of 1,775 feet. **Pipeline No. 2** - At a point whence the Southeast corner of Section 32, Township 1 South, Range 75 West of the 6th P.M., bears North 41°00' East a distance of 2,660 feet. **Pipeline No. 3** - At a point whence the Southeast corner of Section 33, Township 1 South, Range 75 West of the

6th P.M., bears North 2°03' East, a distance of 3,000 feet. The diversion point will be located 50 feet North of Gauging Station 09024000. **Grand County Water and Sanitation District No. 1 Reservoir** which is located in the NE1/4 SW1/4 of Section 28, Township 1 South, Range 75 West of the 6th P.M. The initial point of survey is located at a point on the North line of said NE1/4 SW1/4, 200 feet East of the Northwest corner of said NE1/4 SW1/4. Use: All municipal and domestic uses as decreed to said structures. Amount: 250 acre-feet. Appropriation Date: December 14, 1984. Original Decree: February 2, 1986, Case No.: 84CW455, Water Division No. 5. Subsequent Decrees: September 14, 1995, Case No: 93CW023; November 19, 2002, Case No: 01CW224; September 18, 2010, Case No: 08CW142; March 4, 2017, Case No: 16CW3075; all in Water Division No. 5. Additional Information: The application and attached exhibit contain a detailed outline of the work performed during the diligence period (9 pages).

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

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 2023. *The water right claimed by this application may affect in priority any water right claimed or heretofore adjudicated within this division and owners of affected rights must appear to object and protest within the time provided by statute or be forever barred.*

23CW3026 PITKIN COUNTY. Application for Findings of Reasonable and to Make Absolute, In Part. Applicant: Michael Tanguay, c/o Balcomb & Green, P.C., PO Drawer 790, Glenwood Springs, CO 81602; 970-945-6546. Applicant seeks a finding of reasonable diligence in the development of its interests in the Tanguay Ditch and the Tanguay Well Pond Nos. 1 and 2, described below and collectively referred to herein as the "Subject Water Rights." Applicant further requests the Tanguay Well Pond Nos. 1 and 2 be made absolute in their entirety, as further described below. A water rights location map for the Tanguay property as Figure 1 is on file with the Water Ct. First Claim for Finding of Reasonable Diligence. Name of Structure: Tanguay Ditch. Original Decree: 05CW298, Dist. Ct., Water Div. 5, entered on 07/26/2010. Subsequent Findings of Reasonable Diligence: 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 in 16CW3055 on 03/04/2017. Decreed Location: NE1/4 SW1/4 of Sec. 2, T. 11 S., R. 85 W. of the 6th P.M. at a point 1,999 ft. from the S. Sec. line and 2,649 ft. from the E. Sec. line. Sec. 2 is an irregular Sec. **Source: Conundrum Creek, tributary to Castle Creek, tributary to Roaring Fork River, tributary to CO River.** Date of Approp.: 08/16/2005. Amts. and Uses: 1.0 c.f.s. remains conditional for hydroelectric use and 1.0 c.f.s., is absolute for rec., piscatorial, fire protection, and recharge of the Tanguay Well Pond Nos. 1 and 2; and 0.2 c.f.s. for irr., of which 0.067 c.f.s. is absolute and 0.133 c.f.s. remains conditional, per decree entered in 16CW3055. Total No. of Acres Irrigated: 0.23 acre, total combined irr. from the Tanguay Ditch and Tanguay Well Pond Nos. 1 and 2. Legal Description of Acreage: 0.23 acre located in the NE1/4 SW1/4, the NW1/4 SE1/4, and the SW1/4 NE1/4 of Sec. 2, T. 11 S., R. 85 W. of the 6th P.M. Name of Structure: Tanguay Well Pond No. Original Decree: 05CW298, Dist. Ct., Water Div. 5, entered on 07/26/2010. Subsequent Findings of Reasonable Diligence: 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 in 16CW3055, on 03/04/2017. Decreed Location of Outlet: NW1/4 SE1/4 of Sec. 2, T. 11 S., R. 85 W. of the 6th P.M. at a point 2,001 ft. from the S. Sec. line and 2,456 ft. from the E. Sec. line. Source: Groundwater and surface water tributary to Conundrum Creek, tributary to Castle Creek, tributary to the Roaring Fork River, tributary to CO River. Date of Approp.: 09/24/1968. Date Water Applied to Beneficial Use: 09/24/1968. Amts. and Uses: 0.79 AF remains conditional for irr. and hydroelectric uses and 0.79 AF is absolute for rec., piscatorial, and fire protection. Irr. and hydroelectric uses from the Tanguay Well Pond No. 1 are administered with an 08/16/2005 approp. date. Total No. of Acres Irrigated: 0.23 acre, total combined irr. from Tanguay Ditch, Tanguay Well Pond No. 1, and Tanguay Well Pond No. 2. Legal Description of Acreage Irrigated: 0.23 acre located in the NE1/4 SW1/4, NW1/4 SE1/4, and the SW1/4 NE1/4 of Sec. 2, T. 11 S., R. 85 W. of the 6th P.M. Surface Area of High-Water Line: 0.18 acre. Name of Structure: Tanguay Well Pond No. 2. Original Decree: 05CW298, Dist. Ct., Water Div. No. 5, entered on 07/26/2010. Subsequent Findings of Reasonable Diligence: 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 in 16CW3055, on 03/04/2017. Decreed Location of Outlet: NW1/4 SE1/4 of Sec. 2, T. 11 S., R. 85 W. of the 6th P.M. at a point 1,973 ft. from the S. Sec. line and 2,365 ft. from the E. Sec. line. Sec. 2 is an irregular Sec. Source: Groundwater and surface water tributary to Conundrum Creek, tributary to Castle Creek, tributary to the Roaring Fork River, tributary to CO River. Date of Approp.: 09/24/1968. Date Water Applied to Beneficial Use: 09/24/1968. Amt. and Uses: 0.57 AF remains conditional for irr. and hydroelectric uses and 0.57 AF is absolute for rec., piscatorial, and fire protection. The irr. and hydroelectric uses from the Tanguay Well Pond No. 2 are administered with an approp. Date of 08/16/2005. Total No. of Acres Irrigated: 0.23 acre, total combined irr. from Tanguay Ditch, Tanguay Well Pond No. 1, and Tanguay Well Pond No. 2. Legal Description of Acreage Irrigated: 0.23 acre located in the NE1/4 SW1/4, NW1/4 SE1/4, and the SW1/4 NE1/4 of Sec. 2, T. 11 S., R. 85 W. of the 6th P.M. Surface Area of High-Water Line: 0.09 acre. Remarks: The Tanguay Well Pond Nos. 1 and 2 is considered a well because it intercepts groundwater. Water diverted by the Tanguay Ditch into the Tanguay Well Pond Nos. 1 and 2 surcharges the water above the natural groundwater level. For Tanguay Well Pond No. 1, of the amt. withdrawn, 0.449 AF is lost to evaporation on an annual basis, and 0.34 AF is used for irr. diversions. For Tanguay Well Pond No. 2, of the amt. withdrawn, 0.23 AF is lost to evaporation on an annual basis, and 0.34 AF is used for irr. diversions. Applicant's rec., piscatorial, and fire protection uses of the water from the Tanguay Well Pond Nos. 1 and 2 were being made pursuant to

appropriation or practices in existence at the time of the CWCB's appropriations of instream flow rights on Castle Creek in 76W2946 and 76W2947 and the Roaring Fork River in 85CW646 and 85CW639. Pursuant to C.R.S. § 37-92-102(3)(b), the instream flow rights are subject to those practices. 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. Second Claim to Make Absolute. Summary of Claim: Applicant requests a finding that the conditional water rights decreed to the Tanguay Well Pond Nos. 1 and 2 have been made absolute by their application to beneficial use as follows: Structure: Tanguay Well Pond No. 1, (Permit No. 87901-F, Exhibit A on file with the Water Ct.), as claimed above. Date of Beneficial Use: 03/06/2023. Uses: Irr. and hydroelectric uses. The total No. of acres irrigated is limited to 0.23 acre total combined irr. from the Tanguay Ditch, the Tanguay Well Pond No. 1, and the Tanguay Well Pond No. 2. Amt. Claimed as Absolute: 0.34 AF. Structure: Tanguay Well Pond No. 2, (Permit No. 87902-F, Exhibit B on file with the Water Ct.), as claimed above. Date of Beneficial Use: 03/06/2023. Uses: Irr. and hydroelectric uses. The total No. of acres irrigated is limited to 0.23 acre total combined irr. from the Tanguay Ditch, the Tanguay Well Pond No. 1, and the Tanguay Well Pond No. 2. Amt. Claimed as Absolute: 0.23 AF. Grounds for Confirmation Water Right Made Absolute: A conditional storage right "shall be made absolute for all decreed purposes to the extent of the volume of the appropriation that has been captured, possessed, and controlled at the decreed storage structure." C.R.S. § 37-92-301(4)(e). Owner of Land Upon Which the Structures are all Located: Applicant and Portions of the Tanguay Well Pond Nos. 1 and 2 are located on property owned by Highland Ranch, LTD., PO Box 1152, Aspen, CO 81612. (7 pages of original Application, Figure 1, and Exhibits A & B)

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

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 2023. *The water right claimed by this application may affect in priority any water right claimed or heretofore adjudicated within this division and owners of affected rights must appear to object and protest within the time provided by statute or be forever barred.*

23CW3027 – GRAND COUNTY – APPLICATION FOR APPROVAL OF PLAN FOR AUGMENTATION – 1. Name, Address, Phone Number, and E-Mail Address of Applicant. Thomas J. Hill, 15689 Columbus Mountain Drive, Broomfield, Colorado, 80023-9446; Phone: (303) 434-7589; E-mail: papabeartom@outlook.com. Copies of all pleadings to: David F. Bower, Cameron C. Frazier, Johnson & Repucci LLP, 850 W. South Boulder Road, Suite 100, Louisville, Colorado 80027; Phone: (303) 546-5608; E-Mail: dfbower@j-rlaw.com. **2. Overview.** Applicant is the owner of ~42.1 acres of land located north of Granby Reservoir near Soda Creek. The property is being subdivided into 15 single-family residential lots known as the Pine Ridge Estates. By this application, Applicant seeks approval of a plan for augmentation and exchange project right to replace out-of-priority depletions from 15 individual residential site wells that will be used to provide the domestic water supply to each of the lots in the Pine Ridge Estates. A map of the subject property, approximate lot locations, and proposed structures is attached hereto as Figure 1. **3. Request for Approval of Plan for Augmentation and Exchange Project Right.** (a) Name and Description of Structures to be Augmented. The 15 individual residential site wells are collectively referred to as the Pine Ridge Estates Wells. The Pine Ridge Estates Wells will be located in the SE1/4 of the SW1/4, NE1/4 of the SW1/4, or SE1/4 of the NW1/4 of Section 23, Township 3 North, Range 76 West of the 6th P.M., as generally shown on the map attached to the application as Figure 1. As fully augmented structures, no groundwater rights are claimed for the Pine Ridge Estates Wells. The only well that has been permitted or drilled as of the date of this application is an exempt well for the current unsubdivided property that will become the Pine Ridge Estates. That existing well is permitted under Well Permit No. 294944. The individual Pine Ridge Estates Wells will be located on each of the lots that they will serve. The source for the wells will be groundwater underlying the subject property, tributary to Granby Reservoir, tributary to the Colorado River. The depth of the wells is anticipated to be ~550 feet. Applicant reserves the right to locate the wells anywhere on each of their respective lots. The final as-built location of each of the Pine Ridge Estates Wells will be identified at the time that the wells are permitted. Each of the Pine Ridge Estates Wells will be an "individual residential site" exempt from the 600-foot well spacing requirements pursuant to C.R.S. §37-90-137(2)(b)(II)(C) and the Division of Water Resources Amended Policy 2011-2, dated January 20, 2012. (b) Water Rights to be Used for Augmentation. Augmentation water will be provided by the Middle Park Water Conservancy District ("MPWCD") from supplies that MPWCD owns or controls in (i) Granby Reservoir pursuant to certain Windy Gap water rights agreements, (ii) Wolford Mountain Reservoir, and/or (iii) additional or alternative sources of supply that MPWCD may be allowed to use in the future for augmentation and replacement purposes ("MPWCD Contract Water"). Applicant's contract for 0.5 acre-feet of MPWCD Contract Water was approved by MPWCD on March 1, 2023. Pursuant to C.R.S. § 37-92-305(8), Applicant also reserves the right to use additional or alternative sources of water for replacement on a temporary or permanent basis, subject to approval by the Water Court and/or the State Engineer's Office. (c) Detailed Description of Plan for Augmentation. Applicant will replace all out-of-priority depletions from the Pine Ridge Estates Wells with 0.5 acre-feet of MPWCD Contract Water. Applicant's development plans currently call for subdividing the property into 15 lots. Each lot will be limited to a single-family residence, up to 1,300 square-feet of landscaping, and one hot tub. Based on these development plans, the total water demand is estimated to be 4.94 acre-feet/year and the total depletion is estimated to be 0.46 acre-feet/year. A detailed description of Applicant's demands and depletions are set forth below. For the purpose of evaluating the amount of replacement water needed to operate the plan for augmentation, 100% of the depletions are assumed to be out-of-priority. (i) Projected Demands.

The total indoor/household domestic demand for the Pine Ridge Estates development is estimated to be 4.705 acre-feet/year or 0.314 acre-feet/year per lot (365 days per year × 3.5 occupants per house × 80 gpd/person). The irrigation demand for landscaping is assumed to be 0.188 acre-feet/year or 0.013 acre-feet/lot (1,300 square-feet of landscaping per lot with a CIR of 0.4 acre-feet/acre and a drip irrigation efficiency of 95%). Outdoor domestic demand for hot tubs is 0.041 acre-feet/year assuming each hot tub uses 0.003 acre-feet/year (300 gallons per fill with each hot tub filled and re-filled three times a year). (ii) Projected Depletions. Depletions from the Pine Ridge Estates Wells will result in lagged depletions to Granby Reservoir. Wastewater from domestic use will be treated via a central sewage treatment facility operated by Three Lakes Water and Sanitation District. Accordingly, indoor/household domestic use is expected to be 5% consumptive. This results in an estimated depletion of 0.235 acre-feet/year, or 0.0157 acre-feet/lot. Landscape irrigation is assumed to be 95% consumptive and the hot tubs are assumed to be 100% consumptive, resulting in an anticipated depletion of 0.179 acre-feet/year and 0.041 acre-feet/year, respectively. (d) Exchange Reach. Because Applicant's MPWCD Contract water in Wolford Mountain Reservoir comes from a location downstream of the point of depletion for the Pine Ridge Estates Wells, the proposed plan for augmentation may at times operate by substitution and/or exchange. Therefore, to the extent necessary in order to properly operate this plan for augmentation, Applicant claims an exchange project right from the furthest downstream point where replacement water may be released into the Colorado River from Wolford Mountain Reservoir, up to the point of depletion for Pine Ridge Estates Wells at Granby Reservoir. The components of this exchange project right are as follows: (i) Downstream Terminus. The confluence of Muddy Creek and the Colorado River, which is in the NW1/4 of the NE1/4 of Section 19, Township 1 North, Range 80 West of the 6th P.M., at a point described as Zone 13, NAD 83, Easting 380748.2, Northing 4433448.3. (ii) Upstream Terminus. The point where depletions from the Pine Ridge Estates Wells impact Granby Reservoir, which is in the SE1/4 of the NW1/4 of Section 26, Township 3 North, Range 76 West of the 6th P.M., at a point described as Zone 13, NAD83, Easting 425308.9, Northing 4449666.4. (iii) Exchange Rate. 0.00063 cfs, not to exceed 0.5 acre-feet/year. (iv) Date of Appropriation. Date of application. (v) Uses. Water will be exchanged to augment and replace out-of-priority depletions from the domestic, irrigation, and fire protection uses of the Pine Ridge Estates Wells. (vi) Remarks. Applicant will only operate the requested exchange at such times when deliveries of the replacement water at the downstream exchange terminus will satisfy the downstream calling water right. **4. Name and Address of Landowner Upon which any New or Modified Diversion or Storage Structure is Located, Including Any Modification to the Storage Pool**. All of the structures are or will be located on land currently owned by Applicant. (5 pages plus exhibit)

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

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 2023. *The water right claimed by this application may affect in priority any water right claimed or heretofore adjudicated within this division and owners of affected rights must appear to object and protest within the time provided by statute or be forever barred.*

23CW3028 IN ROUTT COUNTY, COLORADO. AN UNNAMED TRIBUTARY OF KING CREEK, TRIBUTARY TO EGERIA CREEK, TRIBUTARY TO ROCK CREEK, TRIBUTARY TO THE COLORADO RIVER. APPLICATION FOR A FINDING OF REASONABLE DILIGENCE AND TO MAKE ABSOLUTE IN PART. Kirk J. Eberl, 1794 Cold Springs Gulch Rd. Golden, CO 80401, c/o Austin Hamre and Teri Pettitt, Hamre, Rodriguez, Ostrander & Prescott P.C., 188 Inverness Drive West Ste. 430, Englewood, CO 80112, (303) 779-0200, mail@hroplaw.com. **2. Name Of Structure:** Winslow Reservoir **3. Description Of Conditional Water Rights:** **a. Date of Original Decree:** September 7, 1988, Case No. 87CW383, Court: Water Div. 5. **b. Subsequent Decrees for Diligence and to Make Absolute:** i. Date of Decree: March 9, 1995, Case No.: 94CW222, Court: Water Div. 5. ii. Date of Decree: August 6, 2001, Case No.: 01CW037, Court: Water Div. 5. iii. Date of Decree: November 10, 2010, *nunc pro tunc* September 26, 2010, Case No.: 07CW150, Court: Water Div. 5. iv. Date of Decree: August 10, 2014, Case No.: 13CW3100, Court: Water Div. 5. v. Date of Decree: March 4, 2017, Case No.: 16CW3088, Court: Water Div. 5. **c. Legal description:** The reservoir is located in the SW¼ SE¼ of Section 2, and the NW¼ NE¼ and the NE¼ NW¼ of Section 11, Township 1 South, Range 85 West, of the 6th P.M., Routt County, Colorado. The centerline of the dam axis is located at a point whence the SE Corner of said Section 2, Township 1 South, Range 85 West bears south 86° east a distance of 1,900 feet. The point can also be described as approximately 1,895 feet from the East line and 133 feet from the South Line of Section 2; however, this secondary description of the dam axis centerline is not the decreed location. The dam and reservoir is depicted in Exhibit A. **d. Source of Water:** An unnamed tributary of King Creek, tributary to Egeria Creek, tributary to Rock Creek, tributary to the Colorado River. **e. Appropriation Date:** August 31, 1985. **f. Amount:** 90 a.f. first-fill storage right and 90 a.f. refill right. Currently, 14.33 a.f. of the first-fill right remains conditional. All 90 a.f. of the refill right remains conditional. **g. Uses:** Irrigation of 60 acres, domestic, stock watering, recreation, piscatorial, fish and wildlife propagation, and fire protection. **4. Detailed Outline Of What Was Done Toward Completion Of The Appropriation And Application Of Water To A Beneficial Use As Conditionally Decreed, Including Expenditures.** a. Mr. Eberl has paid a consultant to prepare construction plans to raise the elevation of the primary outlet and the emergency spillway to achieve the maximum decreed storage capacity of 90 acre feet, has constructed the necessary improvements, has had as-built plans prepared including updated stage/area/capacity tables for Winslow Reservoir, and has obtained the approval of the Dam Safety Branch of the SEO. The reservoir has filled to the decreed capacity of 90 acre feet. **5. Claim To Make Absolute In Whole Or In Part:** a. Date of Filling: The outlet modifications were completed in August,

2018. The reservoir filled to its capacity in May or June of 2019. The diversion records for this reservoir show annual additions to storage, but do not state the gage height or total storage contents, however, Mr. Eberl saw the reservoir full and spilling through the primary outlet in the early summer of 2109. See Affidavit of Kirk J. Eberl attached as Exhibit A hereto. The "Revised Hazard & Hydrology Analysis Report" dated April 24, 2018 attached hereto as Exhibit B, establishes the storage capacity of 90.0 acre feet at elevation 9087.3, MSL. The Final Construction Drawings for the Winslow Reservoir Spillway Modifications accepted June 6, 2018, attached hereto as Exhibit C at p. 2, and the Final Construction Report by Northwest Colorado Consultants dated April 9, 2019, at p 5, document the elevation of the primary spillway, as modified, at 9087.3 feet. b. Beneficial use: Pursuant to C.R.S. § 37-92-103(4), water stored "for any purpose for which an appropriation is lawfully made" is deemed to be beneficially used. Water has been stored in Winslow Reservoir for stock watering, recreation, piscatorial, fish and wildlife propagation, and fire protection. c. Amount claimed absolute: An additional 14.33 a.f., for a total of 90 a.f. absolute under the first fill right. All 90 a.f. of the refill right remains conditional. d. The place of beneficial use: The legal description of Winslow Reservoir is stated in 3.c., above. **6. Names(s) And Address(es) Of Owner(s) Or Reputed Owners Of The Land Upon Which Any New Diversion Or Storage Structure, Or Modification To Any Existing Diversion Or Storage Structure Is Or Will Be Constructed Or Upon Which Water Is Or Will Be Stored, Including Any Modification To The Existing Storage Pool:** Winslow Reservoir is located on land owned by Mr. Eberl. WHEREFORE, Mr. Eberl respectfully requests the Court find he has complied with the terms and conditions of the original decree in 87CW383 and all relevant decrees subsequent, and find diligence in the development of the storage rights not previously made absolute; make absolute an additional 14.33 a.f. of the first fill right, and continue the conditional decree for the refill right for the statutory period.

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

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 2023. *The water right claimed by this application may affect in priority any water right claimed or heretofore adjudicated within this division and owners of affected rights must appear to object and protest within the time provided by statute or be forever barred.*

23CW3029 PITKIN COUNTY, ROARING FORK RIVER OR ITS TRIBUTARIES. The Wonderful Company, LLC c/o Paul L. Noto and Lisa A. Claxton, Patrick, Miller & Noto, P.C., 229 Midland Avenue, Basalt, CO 81621 (970) 920-1030. APPLICATION FOR FINDINGS OF REASONABLE DILIGENCE. **First Claim: For Finding of Reasonable Diligence:** Name of water right: RIC Pump and Pipeline No. 2. Original decree: Case No. 05CW189, Division 5 Water Court, dated January 15, 2010. Previous diligence decree: Case No. 16CW3014, dated March 4, 2017. Legal description: NW ¼, SW ¼ of Section 17, Township 10 South, Range 84 West of the 6th P.M., at a point on the westerly bank of the Roaring Fork River approximately 1430 feet from the South section line and 565 feet from the West section line of said Section 17 in Pitkin County. Source: Roaring Fork River, tributary to the Colorado River. Appropriation date: December 29, 2005. Amount: 0.66 c.f.s. (300 g.p.m.), conditional, of the 1.33 c.f.s. (600 g.p.m.) originally decreed. Amount made absolute in 16CW3014: 0.67 c.f.s. (300 g.p.m.). Decreed uses: Irrigation and to fill and refill the RIC Pond, to store water for augmentation, aesthetics, piscatorial, recreation, and irrigation purposes. Claim for finding of reasonable diligence: A detailed outline of the work performed toward completion of the appropriation and application of water during the relevant diligence period, including expenditures, has been filed with the court as Exhibit B. Remark: The RIC Pump and Pipeline No. 2 is a component part of an integrated legal water supply plan decreed in Case Nos. 05CW189, 05CW190, and 95CW322, and 93CW78B, District Court, Water Division 5. ShadowWood, LLC, 11444 W. Olympic Blvd., 10th Floor, Los Angeles, CA 90064, owns the land upon which the structure is located. Applicant owns the land upon which the water will be put to beneficial use. Applicant requests a finding of reasonable diligence for the remaining 0.66 c.f.s. (300 g.p.m.), conditional, decreed to the RIC Pump and Pipeline No. 2 for all decreed uses. **Second Claim: For Finding of Reasonable Diligence:** Name of water right: RIC Exchange. Original decree: Case No. 05CW189, Division 5 Water Court, dated January 15, 2010. Previous diligence decree: Case No. 16CW3014, dated March 4, 2017. Legal description: Upstream terminus: RIC Pump and Pipeline No. 2, described in paragraph 3.B of the application. Downstream terminus: Confluence of the Roaring Fork and Colorado Rivers currently located in the SE ¼, NW ¼ of Section 9, Township 6 South, Range 89 West of the 6th P.M., at a point approximately 2,200 feet from the North section line and 2,350 feet from the West section line in Garfield County. Sources: Roaring Fork River, tributary to the Colorado River. Water is supplied pursuant to the Basalt Water Conservancy District Allotment Contract No. 445, as amended, pursuant to the plan for augmentation decreed in Case No. 05CW190. Appropriation Date: October 17, 2015. Volume: 1.53 a.f., conditional, of the 13.58 a.f. originally decreed. Amount made absolute in 16CW3014: 12.05 a.f. Rate: 1.33 c.f.s., absolute. Use: Exchange. Remark: The RIC Exchange is a component part of an integrated legal water supply plan decreed in Case Nos. 05CW189, 05CW190, and 95CW322, District Court Water Division 5. Claim for finding of reasonable diligence: A detailed outline of the work performed toward completion of the appropriation and application of water during the relevant diligence period, including expenditures, is filed with the court as Exhibit B. Applicant requests a finding of reasonable diligence for the remaining 1.53 a.f., conditional, decreed to the RIC Exchange for exchange use for the uses described in the plan for augmentation decreed in Case No. 05CW190, and for the augmented water rights decreed in Case No. 05CW189. Alternatively, if the Court views the 13.58 a.f. associated with the RIC Exchange as an annual volumetric limitation rather than an amount decreed to the RIC Exchange, Applicant requests the

Court confirm the RIC Exchange has been made absolute in its entirety for 1.33 c.f.s., absolute, with an annual volumetric limitation of 13.58 a.f.

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

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 2023. *The water right claimed by this application may affect in priority any water right claimed or heretofore adjudicated within this division and owners of affected rights must appear to object and protest within the time provided by statute or be forever barred.*

23CW3030 (16CW3066) GARFIELD AND MESA COUNTIES, APPLICATION FOR FINDINGS OF REASONABLE DILIGENCE. 1. Name, Address, Telephone Number and Email Address of Applicant: Mahogany Energy Resources, LLC, P.O. Box 957, 285 8th Street, Meeker, CO 81641. Please direct all pleadings and correspondence to Applicant's counsel, William H. Caile, Holland & Hart LLP 555 17th St. #3200, P.O. Box 8749, Denver, CO 80201-8749; (303)295-8403; whcaile@hollandhart.com. 2. Name of Structures: a. Pacific Oil Company Pipeline and Pumping Plant No. 2; b. Clear Creek Feeder Pipeline; c. Conn Creek Feeder Pipeline; d. Deer Park Gulch Pumping Pipeline; e. Deer Park Gulch Reservoir. 3. Description of Conditional Water Rights: a. Pacific Oil Company Pipeline and Pumping Plant No. 2. i. Original decree: Case No. 6404, entered on November 10, 1970, by the Garfield County District Court. ii. Subsequent decrees: W-696, W-696-76, W-2606, 80CW214, 84CW93, 88CW202, 94CW236, 01CW138, 08CW7, and 16CW3066 by the District Court in and for Water Division No. 5. iii. Location: 1) The original decreed point of diversion is located on the right bank of the Colorado River at a point whence the South Quarter corner of Section 27, T. 8 S., R. 97 W. of the 6th P.M., bears S.40°09'E., 3,386.5 feet. This point is also described as follows: a point located 2,542 feet from the South section line and 410 feet from the West section line of Section 27, T. 8 S., R. 97 W. of the 6th P.M. 2) In Case No. W-2606, an alternate point of diversion was established for 1.0 c.f.s. at a point on the right bank of the Colorado River whence the Northeast corner of Section 29, T. 6 S., R. 94 W. of the 6th P.M. bears N.23°21'E., 2,039.2 feet. This point is also described as follows: a point located 1,871 feet from the North section line and 844 feet from the East section line of Section 29, T. 6 S., R. 94 W. of the 6th P.M. 3) In Case No. 16CW3009, an alternate point of diversion was established for the remaining conditional portion of this water right in the SW1/4SE1/4, Section 33, T. 8 S., R. 97 W. of the 6th P.M. at a point 755 feet north of the south section line and 1,940 feet west of the East section line of said Section 33. These points are depicted on maps on file with the Court as Figures 1 and 1.A. iv. Source: Colorado River. v. Appropriation date: June 9, 1953. vi. Amount: 28.63 c.f.s. total, of which 27.63 c.f.s. remains conditional (1.0 c.f.s. decreed absolute in Case No. W-2606). vii. Uses: Industrial, domestic, recreational, irrigation, power, mining, retorting, refining and all beneficial uses and purposes related to the production of shale oil and its by-products including maintenance of a general camp and community. b. Clear Creek Feeder Pipeline. i. Original decree: Case No. 6404, entered on November 10, 1970, by the Garfield County District Court. ii. Subsequent decrees: W-704, W-704-76, 80CW210, 84CW89, 88CW198, 94CW236, 01CW138, 08CW7, and 16CW3066 by the District Court in and for Water Division No. 5. iii. Location: The point of diversion is located on the left bank of Clear Creek at Tract Corner No. 3, Tract 39, in the SE¼ of Section 4, T. 6 S., R. 98 W. of the 6th P.M. This point is also described as follows: a point located 506 feet from the South section line and 2,368 feet from the East section line of Section 4, T. 6 S., R. 98 W. of the 6th P.M. This point is depicted on the location map on file as Figure 2. iv. Source: Clear Creek which is tributary to Roan Creek, which is tributary to the Colorado River. v. Appropriation date: February 8, 1965. vi. Amount: 50 c.f.s., conditional. vii. Uses: Industrial, mining, domestic, recreational, and irrigation. c. Conn Creek Feeder Pipeline. i. Original decree: Case No. 6404, entered on November 10, 1970, by the Garfield County District Court. ii. Subsequent decrees: W-695, W-695-76, 80CW211, 84CW90, 88CW201, 94CW236, 01CW138, 08CW7, and 16CW3066 by the District Court in and for Water Division No. 5. iii. Location: The point of diversion is located on the right bank of Conn Creek at a point whence the SE corner of Section 25, T. 7 S., R. 98 W. of the 6th P.M., bears S.26°20'W., a distance of 8,350 feet. This point is also described as follows: a point located 2,409 feet from the South section line and 1,464 feet from the East section line of Section 19, T. 7 S., R. 97 W. of the 6th P.M. This point is depicted on the location map on file as Figure 2. iv. Source: Conn Creek which is tributary to Roan Creek, which is tributary to the Colorado River. v. Appropriation date: February 8, 1965. vi. Amount: 50 c.f.s., conditional. vii. Uses: Industrial, mining, domestic, recreational, and irrigation. d. Deer Park Gulch Pumping Pipeline. i. Original decree: Case No. 6404, entered on November 10, 1970, by the Garfield County District Court. ii. Subsequent decrees: W-694, W-694-76, 80CW213, 84CW92, 88CW200, 94CW236, 01CW138, 08CW7, and 16CW3066 by the District Court in and for Water Division No. 5. iii. Location: 1) The original decreed point of diversion is located on the right bank of the Colorado River at a point whence the NW corner of Section 21, T. 8 S., R. 97 W. of the 6th P.M., bears N.43°8'W., a distance of 10,290 feet. This point is also described as follows: a point located 2,709 feet from the North section line and 1,931 feet from the West section line of Section 27, T. 8 S., R. 97 W. of the 6th P.M. 2) In Case No. 16CW3009, an alternate point of diversion was established for this water right in the SW1/4SE1/4, Section 33, T. 8 S., R. 97 W. of the 6th P.M. at a point 755 feet north of the south section line and 1,940 feet west of the East section line of said Section 33. 3) These points are depicted on the location map on file as Figure 1. iv. Source: Colorado River and a portion of the supply may be derived from direct flow of Conn Creek and Clear Creek diverted by the Conn Creek and Clear Creek Feeder Pipelines. v. Appropriation date: February 8, 1965. vi. Amount: 150 c.f.s., conditional. vii. Uses: Industrial, mining, domestic, recreational, and irrigation. e. Deer Park Gulch Reservoir. i. Original decree: Case No. 6404, entered on November 10, 1970, by the Garfield County

District Court. ii. Subsequent decrees: W-702, W-702-76, 80CW215, 84CW94, 88CW199, 94CW236, 01CW138, 08CW7, and 16CW3066 by the District Court in and for Water Division No. 5. iii. Location: The initial point of survey of the high water line is located on the left abutment of the dam at a point whence Corner No. 4 of Tract 45, Section 10, T. 6 S., R. 98 W. of the 6th P.M., bears N.78°53'W., a distance of 1,619 feet. This point is also described as follows: a point located 120 feet from the South section line and 2,085 feet from the East section line of Section 10, T. 6 S., R. 98 W. of the 6th P.M. This point is depicted on the location map on file as Figure 2. iv. Source: Deer Park Gulch Pumping Pipeline, with its various sources of supply, natural runoff in Deer Park Gulch. In addition, by decree entered on April 12, 1989, in Case No. 86CW58, the water rights decreed to the Pacific Oil Company Pipeline and Pumping Plant No. 2, the Conn Creek Feeder Pipeline, and the Clear Creek Feeder Pipeline were changed to allow them to be used for storage in the Deer Park Gulch Reservoir. v. Appropriation date: February 8, 1965. vi. Amount: 1,533.6 acre feet, conditional. vii. Uses: Industrial, mining, domestic, recreational, and irrigation. 4. Background: Applicant owns the surface and the mineral estate, including oil shale deposits, beneath land in Western Colorado that they plan to develop for the production of oil and gas from oil shale, to utilize in connection with the development of their oil shale properties, and to utilize for ancillary uses. These lands consist of properties located both in the Colorado River basin and in the White River basin. These properties are referred to herein as "Mahogany Property." The location of the lands comprising the Mahogany Property are shown generally on Figure 3 on file with the Court. Water diverted under the water rights identified above may be used by Applicant on or in connection with the development of the Mahogany Property. 5. Integrated System: As recognized in the decree entered in Case No. 08CW7 and subsequent decrees, the subject conditional water rights are components of an integrated water supply system that includes the water rights described in Exhibit A on file with the Court. 6. Prior Agreements and Stipulations: Applicant shall comply with all terms and conditions of prior decrees and stipulations regarding the conditional water rights, including without limitation the terms and conditions of paragraph 13 of the decree in Case No. 16CW3066, Water Division 5, regarding certain agreements with the Town of De Beque. 7. Outline of what has been done toward completion or for completion of the appropriation and application of water to beneficial use as conditionally decreed: The subject conditional water rights are components of an integrated water system, such that work on one feature of the project or system shall be considered in finding that reasonable diligence has been demonstrated for development of all features of the project or system. C.R.S. § 37-92-301(4)(b). The Application on file with the Court contains a detailed description of activities and expenditures demonstrating reasonable diligence. 8. Names and addresses of owners 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: The points of diversion described herein have all been previously adjudicated, and no new or modified diversion structures, storage structures, or storage locations are contemplated in connection with this application. Wherefore, Applicant respectfully requests entry of a decree finding that Applicant has demonstrated reasonable diligence in the development of the conditional water rights described in the Application, continuing the conditional water rights in full force and effect, and for such other relief as the Court deems appropriate.

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

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 2023. *The water right claimed by this application may affect in priority any water right claimed or heretofore adjudicated within this division and owners of affected rights must appear to object and protest within the time provided by statute or be forever barred.*

23CW3031 EAGLE COUNTY, application TO MAKE CONDITIONAL WATER RIGHT ABSOLUTE AND for finding of reasonable diligence. 1. Name and address of Applicant: Upper Eagle Regional Water Authority ("Applicant" or "Authority"), c/o General Manager, 846 Forest Road, Vail, Colorado 81657, c/o Kristin H. Moseley, Michael W. Daugherty, Maximilian C. Bricker, Somach Simmons & Dunn, P.C., 1155 Canyon Boulevard, Suite 110, Boulder, CO 80302. CLAIM FOR FINDING OF REASONABLE DILIGENCE. 2. Name of Structures: A. Eagle River Diversion Point No. 2. B. Eagle River Diversion Point No. 3. C. SCR Diversion Point No. 7. 3. Description of Conditional Water Rights: A. Original Decree: Case No. 91CW76 (January 3, 1992), Water Division 5. B. Subsequent Diligence Decrees: Case Nos. 98CW07 (December 4, 1998) and 04CW236 (March 31, 2017), Water Division 5. C. Decreed Locations: i. Eagle River Diversion Point No. 2: Eagle River Diversion Point No. 2 is located on the South bank of the Eagle River at a point described as follows: at a point from which the Southeast Corner of Section 36, Township 4 South, Range 83 West of the 6th P.M. bears South 53°15' East a distance of approximately 3,050 feet, in Eagle County. Alternate points of diversion: By virtue of the decrees entered in Water Court Case Nos. 91CW78, 97CW280, and 01CW123, the Eagle River Diversion Point No. 2 may be alternately diverted at the following points of diversion: (a) The Metcalf Headgate, located on the north bank of the Eagle River in Section 7, Township 5 South, Range 81 West of the 6th P.M. at a point from which the SE Corner of the SW¼ of said Section 7 bears S. 53°00'40" E. 1,446 feet ("Metcalf Headgate"); (b) The Raw Water Booster Pump Headgate, which is located at a point on the north bank of the Eagle River at a point from which the SW Corner of the NW¼ of Section 12, Township 5 South, Range 82 West of the 6th P.M. bears S. 18°01'34" W. 1,551.13 feet ("Raw Water Booster Pump Headgate"); (c) The Edwards Drinking Water Facility, which is located on the North Bank of the Eagle River at a point in the NW 1/4 of the SW 1/4 of Section 4, Township 5 South, Range 82 West of the 6th P.M. at a point from which the SW Corner of said Section 4 bears South 25°8'58" West 1539.12 feet ("Edwards Drinking

Water Facility”); and (d) UERWA Pipeline Point A, located on Lake Creek in the SE¼NE¼ of Section 6, Township 5 South, Range 82 West of the 6th P.M. at a point whence the NE Corner of said Section 6 bears N. 14°30’ E. a distance of 1,750 feet, in Eagle County, Colorado (“UERWA Pipeline Point A”). ii. Eagle River Diversion Point No. 3. Eagle River Diversion Point No. 3 is located at a point on the South bank of the Eagle River in Section 6, Township 5 South, Range 82 West of the 6th P.M., 30 feet South of the North Section Line and 880 feet East of the West Section Line, in Eagle County. Alternate points of diversion: By virtue of the decrees entered in Case Nos. 91CW78, 97CW280, and 01CW123, the Eagle River Diversion Point No. 3 may be alternately diverted at the following points of diversion: Metcalf Headgate, the Raw Water Booster Pump Headgate, the Edwards Drinking Water Facility, and the UERWA Pipeline Point A. iii. SCR Diversion Point No. 7. SCR Diversion Point No. 7 is located at a point on Squaw Creek in the SE 1/4 of the SE 1/4 of Section 11, Township 5 South, Range 83 West of the 6th P.M., 80 feet West of the East Section Line and 4,575 feet South of the North Section Line, in Eagle County. Alternate points of diversion: By virtue of the decrees entered in Case Nos. 91CW78, 97CW280, and 01CW123, SCR Diversion Point No. 7 may be alternately diverted and/or diverted by exchange at the following points of diversion: the Metcalf Headgate, the Raw Water Booster Pump Headgate, the Edwards Drinking Water Facility, and the UERWA Pipeline Point A. D. Source: The source of water for all of the foregoing water rights is the Eagle River, tributary to the Colorado River. E. Appropriation Dates: April 26, 1990, for each water right. F. Amounts: i. Eagle River Diversion Point No. 2: 4.53 cfs, conditional; 0.47 cfs, absolute. ii. Eagle River Diversion Point No. 3: 5.0 cfs, conditional. iii. SCR Diversion Point No. 7: 5.0 cfs, conditional. G. Uses: Irrigation, domestic, replacement, exchange, storage, stockwatering, commercial, golf course hazard, recreation, piscatorial, and fire protection purpose, for each water right. A map of the principal points of diversion and the alternate points of diversion is attached as Exhibit A. 4. Request to make additional water absolute for the Eagle River Diversion Point No. 2: The Authority seeks confirmation that it has made absolute 1.756 cfs of the Eagle River Diversion Point No. 2 water right described in paragraph 3(C)(i) above. The Authority has diverted and put this portion of the subject water right to the decreed beneficial uses of irrigation, domestic, commercial, stockwatering, and fire protection. On July 30, 2020, 1.278 cfs was diverted at the Edwards Drinking Water Facility and 0.478 cfs was diverted at the Metcalf Headgate, both of which are decreed alternate points of diversion for the Eagle River Diversion Point No. 2, to provide water to the Cordillera Subdivision. Accounting records that provide supporting evidence of this absolute claim are attached as Exhibit B. 5. Request for a finding of reasonable diligence on remaining conditional water rights: The Authority has diligently maintained the remaining conditional water rights described in paragraphs 2 and 3 above. The Authority completed the following work toward completion of the subject appropriations during this diligence period: expended approximately \$62 million on capital improvements to the Authority’s integrated water treatment and distribution system—of which approximately \$962,000 was spent on security improvements, pumping improvements, and membrane replacements at the Edwards Drinking Water Facility, approximately \$5.6 million was spent on transmission main improvements from the Edwards Drinking Water Facility to enable increased diversions of surface water by the Edwards Drinking Water Facility during high demand periods, and approximately \$129,642 was spent on improvements to the Sifers Booster Pump Station, which delivers surface water treated at the Edwards Drinking Water Facility to the Cordillera Subdivision. The above activities are necessary prerequisites to applying the subject conditional water rights to the beneficial uses for which they were decreed. As a result, the Water Court finds that the Authority has demonstrated reasonable diligence in the development of the subject conditional water rights not made absolute, and that the conditional water rights should be, and hereby are, continued in full force and effect for an additional period in the following amounts: 3.244 cfs for the Eagle River Diversion Point No. 2, 5.0 cfs for the Eagle River Diversion Point No. 3, and 5.0 cfs for the SCR Diversion Point No. 7. 6. Ownership: A. Eagle River Diversion Point No. 2. Vail Christian Schools, Inc., is the owner of the land on which the principal point of diversion for Eagle River Diversion Point No. 2 is located. Its address is 31621 Highway 6, Edwards, CO 81632. B. Eagle River Diversion Point No. 3. Ira Mark Weiss is the owner of the land on which the principal point of diversion for Eagle River Diversion Point No. 3 is located. Their address is P.O. Box 1946, Edwards, CO 81632. C. SCR Diversion Point No. 7. Cordillera Metro District is the owner of the land on which the principal point of diversion for SCR Diversion Point No. 7 is located. Its address is 408 Carterville Rd, Cordillera, CO 81632. Alternate Points of Diversion D. Metcalf Headgate. Tanya Argo and Chris Striebich are the owners of the land on which the principal point of diversion for Metcalf Headgate is located. Their address is 2274 S Ogden St, Denver, CO 80210. E. Raw Water Booster Pump Headgate. Eagle River Water & Sanitation District is the owner of the land on which the principal point of diversion for Raw Water Booster Pump Headgate is located. Its address is 846 Forest Rd, Vail, CO 81657. F. Edwards Drinking Water Facility. Upper Eagle Regional Water Authority is the owner of the land on which the principal point of diversion for Edwards Drinking Water Facility is located. Its address is 846 Forest Road, Vail, CO 81657. G. UERWA Pipeline Point A. Southfork Meadows Homeowners Association, Inc., c/o McNeill Property Management, is the owner of the land on which the principal point of diversion for UERWA Pipeline Point A is located. Its address is P.O. Box 8366, Avon, CO 81620. WHEREFORE, the Authority respectfully requests the Water Court enter a decree finding that: (i) the Authority has made 1.756 cfs absolute for the Eagle River Diversion Point No. 2 water right, (ii) the Authority has exercised reasonable diligence with respect to the remaining conditional water rights, and (iii) such other and further relief as the Water Court deems just and proper.

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

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 2023. *The water right claimed by this application may affect in priority any water right claimed or heretofore adjudicated within this division and owners of affected rights must appear to object and protest within the time provided by statute or be forever barred.*

23CW2 (16CW12) GRAND COUNTY – GROUNDWATER TRIBUTARY TO THE COLORADO RIVER. Leonard E. Owens & Tara E. Owens; 7683 Loveland Ct., Arvada, CO 80007 (928)200-7902. Northern Colorado Mountain Corporation Well No. 5 – Application for Finding of Reasonable Diligence. Location: SE¼SE¼ of Sec. 21, T.2N., R.76W. of the 6th P.M. 900 ft. from the south sec. line and 680 ft. from the east sec. line of said Sec. 21. UTMs: E422943.3 N4440818.1 Z13. Appropriation: Dec. 18, 1980. Amount: 0.022 c.f.s., conditional. Use: Household use only. An outline of work completed during the diligence period is included in the application.

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

19. PURSUANT TO C.R.S., §37-92-302, AS AMENDED, YOU ARE NOTIFIED THAT THE FOLLOWING PAGES COMPRISE A RESUME OF THE APPLICATIONS AND AMENDED APPLICATIONS FILED WITH THE WATER CLERK FOR WATER DIVISION 5 DURING THE MONTH OF MARCH 2023. *The water right claimed by this application may affect in priority any water right claimed or heretofore adjudicated within this division and owners of affected rights must appear to object and protest within the time provided by statute or be forever barred.*

17CW9 MESA COUNTY. MUDDY CREEK TRIBUTARY TO PLATEAU CREEK TRIBUTARY TO THE COLORADO RIVER. AMENDED APPLICATION FOR SURFACE WATER RIGHTS AND FOR APPROVAL OF AUGMENTATION PLAN. Applicant: Nancy Julius and Elizabeth Recks C/O LeMoine & Graves, P.C., Attn: Timothy Graves, PO Box 907, Rifle, Colorado 81650; 970-625-1887. Original Application: Case No. 17CW9, District Court, Water Div. No. 5 was submitted on June 26, 2017 and originally published in the June 2017 Div. 5 Water Court Resume for Red Mountain Spring, a spring surface water right. **PROPOSED AUGMENTATION PLAN:** Applicants now request an order approving a plan for augmentation related to the pending original application in this case for a conditional surface water right to Red Mountain Spring. Point of Diversion: UTM Coordinates Northing 4345174 Easting 0246039, Zone 13, also known as the northeast corner of the intersection of Scott Loop and N. Ouray Court, Collbran, CO 81624. Date of Appropriation: September 4, 2018. Amount: 4.5 g.p.m., conditional. Use: domestic use for three households and irrigation for three lots less the home sites on each for a total of 1 acre. Date Water First Applied to Beneficial Use: September 4, 2018. Location of Beneficial Use: See Exhibit A to the Partial Response to Division Engineer's Summary of Consultation dated February 4, 2019 for a map of the diversion and applied beneficial use areas. Name and Address of Land Owner upon which the Subject Water will be Located and Used: Applicant Julius. Augmentation: The proposed plan for augmentation provides the replacement required to offset potential out-of-priority depletions attributed to Red Mountain Spring. Specifically, replacement must be provided to offset potential out-of-priority depletions during the period when downstream senior Colorado River calls have historically occurred during extreme dry years ("the Call Period") which includes two weeks in April, one week in May and the last two weeks in June through October. The plan utilizes water purchased from Wolford Mountain Reservoir through a water-supply contract with the Colorado River Water Conservation District. Surface water will be diverted from Red Mountain Spring for domestic use within three homes and lawn irrigation of one acre. Domestic demand was estimated by assuming 100 gallons per person per day and an average of 3.5 people per household. Wastewater from each household discharges to a septic system therefore, depletions attributed to domestic use are estimated to be 10 percent of the demand. Irrigation demand was estimated by using the State CU software to estimate irrigation water requirements for bluegrass with 85 percent irrigation efficiency (sprinkler irrigation). Climate data from the Collbran, Colorado weather station was used for the analysis. The depletions attributed to irrigation are equivalent to the computed irrigation water requirements. The monthly distribution of demand and associated depletions for domestic and irrigation uses is attached and incorporated as Exhibit 1. The projected annual demand is 3.89 acre-feet, and the projected annual depletion is 2.42 acre-feet. A water balance showing the water purchase obligations to offset potential out-of-priority depletions attributed to the use of water from the spring for domestic use in three homes and lawn irrigation of one acre is attached and incorporated as Exhibit 2. As shown, replacement will be fully provided by annually purchasing 2 acre-feet of water in Wolford Mountain Reservoir through a water-supply contract with the Colorado River Water Conservation District. The water purchase obligation assumes 10 percent conveyance loss from Wolford Mountain to the calling structure (Grand Valley Canal). Request: The plan for augmentation be approved and the underlying water right application be approved as conditional.

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

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

affect in priority any water right claimed or heretofore adjudicated within this division and owners of affected rights must appear to object and protest within the time provided by statute or be forever barred.

22CW3109. EAGLE, PITKIN, SUMMIT COUNTIES. TRIBUTARY TO BLUE CREEK, A TRIBUTARY OF THE ROARING FORK RIVER, TRIBUTARY TO THE COLORADO RIVER. Amended Application for Surface Water Rights and Plan for Augmentation Including Exchange Project Rights. Applicant: Whiskey Mountain Estates, LLC (“Applicant”), c/o Sara M. Dunn, Balcomb & Green, P.C., P.O. Drawer 790, Glenwood Springs, CO 81602; 970-945-6546. Applicant requests surface water rights for the Whiskey Mountain Estates Diversion for livestock uses associated with a horse boarding and training facility including livestock watering, dust suppression, horse washing, drinking and sanitary facility use (the “Subject Water Rights”) and approval of a plan for aug. including exchange project rights. **FIRST CLAIM: SURFACE WATER RIGHTS.** Name of Structure: Whiskey Mountain Estates Diversion. Location: The collection box for Whiskey Mountain Estates Diversion is located in the NW 1/4 of the SE 1/4 of Sec. 23, T. 7 S., R. 87 W. of the 6th P.M. The UTM coordinates are: 321538.3 Easting and 4366541.3 Northing, as depicted in Exhibit A on file with the Water Ct. Amt.: 9 g.p.m., absolute, not to exceed 0.641 AF per year. Source: Blue Creek, tributary of the Roaring Fork River, tributary to the CO River. Uses: Livestock watering, horse washing, dust suppression and drinking and sanitary facilities. Date of Approp.: 09/30/2022. How Approp. was initiated: Applicant purchased the property during the summer of 2021 and has used the Whiskey Mountain Estates Diversion for stock watering, animal washing, dust suppression, and drinking and sanitary uses inside existing ranch facilities since its purchase. The date of approp. claimed herein corresponds to the date the original application was filed. **SECOND CLAIM: APPROVAL OF PLAN FOR AUG. INCLUDING EXCHANGE PROJECT RIGHTS.** Name of structures to be aug.: Whiskey Mountain Estates Diversion. Water rights to be used for aug.: Applicant’s water uses will be aug. during an admin call by releases from Green Mountain Reservoir, Ruedi Reservoir, and/or the Basalt Water Conservancy Dist.’s (the “Dist.” or “BWCD”) Blue Creek Historical Consumptive Use (“HCU”) Credits. These Dist. water rights are in and to the Ruedi Reservoir, Green Mountain Reservoir, the Troy & Edith Ditch, the Robinson Ditch, and the Favre Domestic Pipeline & Spring Nos. 1 & 2. Information from Previous Decree for Ruedi Reservoir: The Dist. holds contract nos. 2-07-70-W0546, 009D6C0014, 039176C0012 and 139D6C0099 with the United States Bureau of Reclamation. These four contracts collectively entitle the Dist. to delivery of 1,790 AF of water annually from the regulatory capacity of Ruedi Reservoir, subject to the terms and conditions of the contracts between the Dist. and Bureau of Reclamation. Legal Description: An on-channel reservoir located in Secs. 7, 8, 9, 11, and 14 through 18, T. 8 S., R. 84 W. of the 6th P.M. The reservoir is located in portions of Eagle and Pitkin Ctys. Source: Fryingpan River, tributary of CO River. Adj. Date: 06/20/1958. Approp. Date: 07/29/1957. Case No.: CA 4613. Ct.: Garfield Cty. Dist. Ct. Decreed Amt.: 102,369 AF (Originally decreed for 140,697.3 AF; reduced to 102,369 AF in W-789- 76). The full amt. was made absolute in 88CW85. Decreed Uses: Generation of electric energy, dom., muni., piscatorial, industrial, and irr. Refill: By decree of the Water Ct. in 81CW34, Ruedi Reservoir was decreed a refill right in the amt. of 101,280 AF, conditional. In 95CW95, 44,509 AF of the refill right was made absolute. In 01CW269, an additional 25,257 AF of the refill right was made absolute, for a total of 69,766 AF absolute in the refill right. Information from previous decree for Green Mountain Reservoir: Legal Description: Located approximately 16 miles SE of the Town of Kremmling in Summit Cty., CO, and more particularly in all or parts of Secs. 11, 12, 13, 14, 15, and 24 of T. 2 S., R. 80 W., and in Secs. 17, 18, 19, 20, 21, 28, 29, and 34, T. 2 S., R. 79 W. of the 6th P.M. An on- channel reservoir located in Secs. 7, 8, 9, 11, and 14 through 18, T. 8 S., R. 84 W. of the 6th P.M. The reservoir is located in portions of Eagle and Pitkin Ctys. Source: Blue River, tributary of CO River. Adj. Date: 10/12/1955. Approp. Date: 08/01/1935. Case Nos.: CA 2782, 5016, and 5017. Ct.: United States Dist. Ct., Dist. of CO. Decreed Amt.: 154,645 AF. Decreed Uses: In accordance with paragraph 5(a), (b), and (c) of the section entitled "Manner of Operation of Project Facilities and Auxiliary Facilities" in Senate Document 80. The Dist. holds Contract No. 8-07-60-W0727 with the United States Bureau of Reclamation. This contract entitles the Dist. to delivery of 1000 AF of water annually from the marketable yield of Green Mountain Reservoir, subject to the terms and conditions of the contracts between the Dist. and Bureau of Reclamation. Information from previous decrees for Troy Ditch and Edith Ditch rights:

STRUCTURE	PRIORITY	COURT CASE NO.	ADJ DATE	APP DATE	DECREED AMOUNT (CFS)	USE (4)	AMOUNT TRANSFERRED OR SOLD, RESERVED					AMOUNT REMAINING (10)	
							(5)	(6)	(7)	(8)	(9)	CFS	AF
Troy Ditch (1)	370	3082	08/25/1936	05/01/1906	5.10	I	0.000	0.000	0.095	0.064	0.035	4.906	N/A
Troy Ditch 1st Enlg.	427	3082	08/25/1936	05/01/1928	10.80	I	0.000	0.000	0.200	0.134	0.073	10.393	N/A
Troy Ditch 2nd Enlg.	669	4613	06/20/1958	06/01/1942	6.20	I	0.000	0.000	0.115	0.077	0.042	5.966	N/A
Edith Ditch	353	3082	08/25/1936	05/01/1904	2.72	I	0.110	0.132	0.050	0.000	0.018	2.410	N/A
Edith Ditch 1st Enlg.	673	4613	06/20/1958	07/01/1946	3.23	I	0.000	0.000	0.060	0.000	0.022	3.148	N/A
Troy Ditch Water System aka	(2)	W-2281			15.50 (3)	I,D, M, C,P	0.110	0.132	0.520	0.275	0.190	14.273	412.89

Lower Headgate															
----------------	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--

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

In W-2281, Div. 5, the Ct. decreed that 453 AF of annual consumptive-use credits were available to these ditches, and that 300 AF could be stored in an unnamed reservoir. The BWCD owns 412.89 AF of the 453 AF, and makes the water rights available to contract allottees for use pursuant to an approved substitute supply plan or decree of Ct. The Troy and Edith aug. water can be delivered to the Frying Pan, Roaring Fork or CO Rivers by by-passing water at the headgate on the Frying Pan River. Information from previous decrees for Robinson Ditch rights:

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

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

Legal Description of Point of Diversion: The point of diversion as decreed is located on the N. bank of the Roaring Fork River one-half mile below the mouth of Sopris Creek in Sec. 11, T. 8 S., R. 87 W., 6th P.M. Historic Use: Irrigation of approximately 137.2 acres of hay and pasture under BWCD’s interest in the Robinson Ditch water rights. In 93CW319, the Ct. decreed that 360 AF of annual consumptive-use credits are associated with said irrigation. In that case, the Ct. also decreed a change of use of BWCD’s Robinson Ditch rights to include aug. BWCD makes the credits available to contract allottees for use pursuant to an approved substitute supply plan or decree of Ct. Information from previous decrees for Favre Domestic Pipeline:

STRUCTURE	AMOUNT ¹	ADJ. DATE	APP. DATE	PRIORITY	CASE NO. ²
FAVRE DOM. PL. SP. NO. 1	0.5	06/20/1	08/11/1	649	4613
FAVRE DOM. PL. SP. NO. 2	0.5	06/20/1	04/15/1	666	4613

- (1) Amount: Each spring is decreed for 0.50 c.f.s., but the use of both has a combined limit of 0.50 c.f.s.
- (2) District Court in and for Garfield County.

Legal Description: Favre Domestic Pipeline - Spring No. 1: Located at a point whence the E1/4 corner, Sec. 34, T. 7 S., R. 87 W., 6th P.M. bears S. 34°26' E., 890.9 ft. Favre Domestic Pipeline - Spring No. 2: Located at a point whence the E1/4 corner, Sec. 34, T. 7 S., R. 87 W., 6th P.M. bears S. 37°24' E. 721.4 ft. Source: Blue Creek, tributary to Roaring Fork River. Decreed Use: Dom. and aug. Historic Use: BWCD owns the Favre Domestic Pipeline right. The Springs historically provided a majority of the dom. water supply for El Jebel, a community of 364 EQRs, consisting of two hundred and ninety one single family residential units (mostly mobile homes), irr. of 12.5 acres of lawn and landscape, and commercial development. In 93CW319, the Ct. decreed that 142.82 AF of historical

consumptive-use (“HCU”) credits were available to Blue Creek as a result of such historic use; and that 67.2 AF of HCU credits were available to the Roaring Fork River as a result of such historical use. In 93CW319, the Ct. also decreed a change of use of said credits to include aug. BWCD makes the credits available to contract allottees for use pursuant to an approved substitute supply plan or decree of Ct. Statement of Plan for Aug.: Applicant will use the Subject Water Rights for livestock watering, horse washing, dust suppression and in a drinking and sanitary facility associated with its horse boarding and training facility. The uses of the Subject Water Rights are assumed to be fully depletive as further described in Table 1 as Exhibit B on file with the Water Ct. Out-of-priority depletions from the Subject Water Rights will be replaced with water made available pursuant to BWCD Water Allotment Contract No. 807. The Subject Water Rights are located in Area B of the BWCD service area. During an administrative call on Blue Creek, the Roaring Fork River (including a call by the CWCB’s instream flow water right described in 85CW639) and CO River, out-of-priority depletions from the Subject Water Rights will be replaced with BWCD supplies upstream of the location of the administrative call(s), as further described below. In the event of a local call on Blue Creek and Applicant’s plan for aug. cannot satisfy the call, the Subject Water Rights will be curtailed. There are no lagged depletions associated with diversions at the Subject Water Rights; therefore, curtailment of the Subject Water Rights will prevent injury to the senior calling water rights that cannot otherwise be augmented with the BWCD replacement supplies. Exchange Project: Name of Structure: Whiskey Mountain Estates Diversion. Upstream Terminus: A point located in the SE1/4 of the NW1/4 of Sec. 23, T. 7 S., R. 87 W. of the 6th P.M. UTM: NAD 83 Zone 13N, Northing: 4366778.2, Easting: 321219.6. Downstream Termini: Confluence of the Roaring Fork and CO Rivers located in the SE1/4 of the NW1/4 of Sec. 9, T. 6 S., R. 89 W., of the 6th P.M. at a point 2,940 ft. from the E. sec. line, and 3,150 ft. from the S. sec. line. Confluence of Blue Creek and the Roaring Fork River in the NW1/4 SE1/4 Sec. 27, T. 7 S., R. 88 W. of the 6th P.M. at a point 1,520 ft. from the S. sec. line and 1,420 ft. from the E. sec. line. Favre Domestic Pipeline - Spring No. 1, as described above. Favre Domestic Pipeline - Spring No. 2, as described above. Sources: CO River Exchange – Green Mountain Reservoir Releases: Legal description listed above. Roaring Fork River Exchange – Ruedi Reservoir Releases: Legal description listed above. Blue Creek Exchange – BWCD Blue Creek HCU Credits: Legal descriptions listed above. Date of Approp.: 09/30/2022. How Initiated: Applicant filed an application for appropriate rights of exchange in this matter and obtained Basalt Water Conservancy District Allotment Contract No. 807 for downstream replacement supplies. Amt: 0.02 c.f.s, conditional, not to exceed 0.44 AF. Use: Exchange. Remarks: Whenever a valid and administered call is made by a senior water right with a point of diversion on the mainstem of the CO River below its confluence with the Roaring Fork River or by a senior water right with a point of diversion on the Roaring Fork River below its confluence with Blue Creek, or by a senior water right with a point of diversion on Blue Creek below the Favre Domestic Pipeline – Spring Nos. 1 and 2, Applicant may utilize its BWCD Contract for 0.44 AF to aug. by exchange with release from Green Mountain Reservoir, Ruedi Reservoir, and/or Blue Creek HCU Credits all out-of-priority depletions at the Whiskey Mountain Estates Diversion, as depicted in Exhibit C on file with the Water Ct. In the event of a local call on the Blue Creek tributary and the Subject Water Rights cannot be aug. by the BWCD Contract, the Subject Water Rights will be curtailed. Names and addresses of owners 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: USA, BLM, CO River Valley Field Office at 2300 River Frontage Road, Silt, CO 81652. WHEREFORE, Applicant requests a decree confirming water rights for the Whiskey Mountain Estates Diversion and approval of plan for aug. including exchange project rights and such other relief the Ct. deems proper. (10 pages of original application, Exhibits A-C)

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

21. PURSUANT TO C.R.S., §37-92-302, AS AMENDED, YOU ARE NOTIFIED THAT THE FOLLOWING PAGES COMPRISE A RESUME OF THE APPLICATIONS AND AMENDED APPLICATIONS FILED WITH THE WATER CLERK FOR WATER DIVISION 5 DURING THE MONTH OF MARCH 2023. *The water right claimed by this application may affect in priority any water right claimed or heretofore adjudicated within this division and owners of affected rights must appear to object and protest within the time provided by statute or be forever barred.*

23CW3013 EAGLE, GRAND AND PITKIN COUNTIES. AMENDED APPLICATION FOR FINDING OF REASONABLE DILIGENCE. 1. Name and Address of Applicant: Upper Eagle Regional Water Authority (the “Applicant” or “Authority”). c/o General Manager, 846 Forest Road, Vail, Colorado 81657. c/o Kristin H. Moseley, Michael W. Daugherty, Maximilian C. Bricker, Somach Simmons & Dunn, P.C., 1155 Canyon Blvd., Suite 110, Boulder, CO 80302. **CLAIM FOR FINDING OF REASONABLE DILIGENCE.** 2. Description of Conditional Water Rights: 2.1 Name of Structures: Lake Creek Wells Nos. 1-6. 2.1.1 Original Decree: Case No. 15CW3032 (February 26, 2017), Water Division 5, which also provided for a plan for augmentation and exchange of the subject conditional water right. 2.1.2 Legal Descriptions: 2.1.2.1 Well No. 1 is in the SE¼ of the NE¼ of Section 6, T. 5 S., R. 82 W., 6th P.M., 324 feet west of the east section line, and 1656 feet south of the north section line of said Section 6. 2.1.2.2 Well No. 2 is in the SE¼ of the NE¼ of Section 6, T. 5 S., R. 82 W., 6th P.M., 202 feet west of the east section line, and 1543 feet south of the north section line of said Section 6. 2.1.2.3 Well No. 3 is in the SE¼ of the NE¼ of Section 6, T. 5 S., R. 82 W., 6th P.M., 64 feet west of the east section line, and 1431 feet south of the north section line of said Section 6. 2.1.2.4 Well No. 4 is in the SW¼ of the NW¼ of Section 5, T. 5 S., R. 82 W., 6th P.M., 117 feet east of the west section line, and 1639 feet south of the north section line of said Section 5. 2.1.2.5 Well o. 5 is in the SW¼ of the NW¼ of Section 5, T. 5 S., R. 82 W., 6th P.M., 366 feet east of the west section line, and 1749 feet south of the north section line of said Section 5. 2.1.2.6 Well No. 6 is in the SW¼ of the NW¼ of Section 5, T. 5 S., R. 82 W., 6th

P.M., 689 feet east of the west section line, and 1584 feet south of the north section line of said Section 5. The foregoing wells are hereinafter collectively referred to as the "Lake Creek Wells" and are depicted on the maps attached as **Exhibit A** and **Exhibit B**, which provide both satellite and topographic imagery depicting the well locations. 2.1.3 Source: Groundwater tributary to Lake Creek and the Eagle River, tributary to the Colorado River. 2.1.4 Appropriation Date: June 10, 2014. 2.1.5 Amount: Each well individually and cumulatively for up to 3.1 cfs, conditional. 2.1.6 Uses: Municipal, domestic, irrigation, commercial, fire protection, and all other municipal uses, including recreation and piscatorial uses to the full extent permitted by law. 2.2 Description of Conditional Exchange: 2.2.1 Original Decree: Case No. 15CW3032 (February 26, 2017), Water Division 5. 2.2.2 Legal Description of Termini: 2.2.2.1 The downstream terminus of the exchange involving Wolford Mountain Reservoir water and Green Mountain Reservoir water is the confluence of the Colorado River and the Eagle River, located at a point in the SW1/4 NW1/4 of Section 5, T. 5 S., R. 86 W. of the 6th PM, 2,020 feet from the east section line and 2,625 feet from the north section line of said Section 5. 2.2.2.2 The downstream terminus of the exchange involving Ruedi Reservoir water is the confluence of the Roaring Fork River and the Colorado River, which is located at a point in the SE1/4 NW1/4 of Section 9, T. 6 S., R. 89 W., 6th P.M., 2,300 feet from the west section line and 2,150 feet from the north section line of said Section 9. 2.2.2.3 The downstream terminus of the exchanges involving Eagle Park and Homestake Reservoirs is the confluence of Lake Creek and the Eagle River, which is located at a point in the NE1/4 NE1/4 of Section 6, T. 5 S., R. 82 W., 6th P.M., 620 feet from the north section line and 140 feet from the east section line of said Section 6. 2.2.2.4 The upstream termini of the subject exchanges are the Lake Creek Wells described in paragraph 2.1.2 above. The upstream terminus of each exchange will be administered at the point of each well's impact to Lake Creek or the Eagle River. 2.2.3 Rate: The maximum rate of exchange and the cumulative rate for all exchanges claimed is 3.1 cfs, conditional, to the water rights and/or structures identified in paragraph 2.1 above. 2.2.4 Priority Date: June 10, 2014. 2.2.5 Uses: The decreed uses of the Lake Creek Wells, together with augmentation and exchange. 3. Detailed Outline of Work Done to Apply Water to a Beneficial Use: During the diligence period, the Authority has steadily applied effort in the ongoing development of the subject wells pursuant to C.R.S. 37-92-301(4). The Authority has expended approximately \$52,773,324 on capital improvements related to its integrated water system. Specifically, the Authority expended approximately \$75,291 in legal and consulting fees for drilling, pumping, hydrologic analysis, water quality analysis, and abandonment of test wells related specifically to the Lake Creek Wells Nos. 1-6. The Authority has also expended approximately \$118,439 on the development of its water production master plan, of which the Lake Creek Wells Nos. 1-6 constitute an important element. This planning effort will evaluate all existing and conditional water sources available to the Authority to help prioritize capital spending over the next five to ten years. 4. Ownership: The property on which the Lake Creek Well Field is located is owned by Southfork Meadows Homeowners Association, Inc., and Sierra Trail Investments, LLC. The structures described in paragraph 2.1 will be owned by the Authority. The addresses of the foregoing property owners are set forth below: 4.1 South Fork Meadows LLC, c/o Southfork Meadows Homeowners Association, Inc., c/o Mr. Gerry Flynn, Polar Star Properties, 28 Second Street, Ste 215, Edwards, CO 81632. 4.2 Sierra Trail Investments, LLC, c/o Keith Novick, Attn: Otis Moore, 629 Jasper Ave., Franklin, TN 37064. WHEREFORE, the Authority seeks a finding that it has exercised reasonable diligence with respect to the water rights identified in paragraph 2 above, and such other and further relief as this Court deems just and proper.

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