

DIVISION 5 WATER COURT- MAY 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 MAY 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.*

23CW3055 MESA COUNTY - COLORADO RIVER; RLA Trust; c/o Nathan A. Keever and William T. Raley, DUFFORD WALDECK, 744 Horizon Court, Suite 300, Grand Junction, CO 81506, (970) 248-5865; APPLICATION FOR CORRECTION OF AN ESTABLISHED BUT ERRONEOUSLY DESCRIBED POINT OF DIVERSION PURSUANT TO § 37-92-305(3.6), C.R.S.; Name, address, and telephone number of applicant: RLA Trust; P.O. Box 10; Grand Junction, CO 81502; (970) 261-2001; Introduction: This application seeks to correct the location for two established but erroneously described points of diversion pursuant to C.R.S. § 37-92-305(3.6); Decreed water right for which correction is sought: Name of structure: Roadside Seeps; Date of original and all relevant subsequent decrees: 2007CW112, August 31, 2009, Division 5 Water Court; 2015CW11, June 5, 2016, Division 5 Water Court; 2022CW3045, March 26, 2023, Division 5 Water Court; Legal description of structure as described in most recent decree that adjudicated the location: Southwest ¼ Northwest ¼ of Section 14, Township 10 South, Range 96 West of the Sixth Principal Meridian 2,765 feet from the South section line and 2,486 from the East section line of said Section 14. (UTM Coordinates: Northing 4341765N Easting 752885E; Zone 12); Decreed source of water: Plateau Creek, tributary to Colorado River; Appropriation Date: April 30, 2004; Total amount decreed to structure: 2.5 g.p.m. conditional. Per the decree in Case No. 07CW112, the amount was 14.36 g.p.m. The court cancelled 11.86 g.p.m. water right in the 15CW011 decree. However, the court inadvertently attributed the cancellation of 11.86 g.p.m. to Pat's Spring instead of the Roadside Seeps. The Summary of Consultation filed December 4, 2015, correctly attributes the 11.86 g.p.m. cancellation to Roadside Seeps; Decreed use or uses: Irrigation of not more than one acre; Detailed description of proposed correction to an established but erroneously described point of diversion: Complete statement of correction to an established but erroneously described point of diversion, including whether it is erroneously described: This diversion has been at the same physical location since the original decree in Case No. 07CW112 confirmed the water right, but due to a typographical error in the legal descriptions in that case the diversion is not at the location specified in that decree. RLA Trust discovered that the Roadside Seep is located in a different quarter-quarter than that erroneously described in Case No. 07CW112. RLA Trust seeks to correct this erroneously described point of diversion through this Application; The legal description of the corrected point of diversion: UTM Zone 13, Easting 234666.6E, Northing 4342177.2N. Decreed water right for which correction is sought: Name of structure: Pat's Spring; Date of original and all relevant subsequent decrees: 2007CW112, August 31, 2009, Division 5 Water Court; 2015CW11, June 5, 2016, Division 5 Water Court; 2022CW3045, March 26, 2023, Division 5 Water Court; Legal description of structure as described in most recent decree that adjudicated the location: Southwest ¼ Northwest ¼ of Section 14, Township 10 South, Range 96 West of the Sixth Principal Meridian 2,930 feet from the South section line and 2,332 from the East section line of said Section 14. (UTM Coordinates: Northing 4341804N Easting 752927E; Zone 12); Decreed source of water: Plateau Creek, tributary to Colorado River; Appropriation Date: October 31, 2006; Total amount decreed to structure: 24.0 g.p.m. conditional; Decreed use or uses: Irrigation of lawn and garden and irrigation of up to five acres of pasture and fields; Detailed description of proposed correction to an established but erroneously described point of diversion: Complete statement of correction to an established but erroneously described point of diversion, including whether it is erroneously described: This diversion has been at the same physical location since the decree in Case No. 2007CW112 confirmed the water right, but due to a typographical error regarding the quarter-quarter in that decree, the diversion is not at the location specified in the decree. RLA Trust discovered that Pat's Spring is located in a different quarter-quarter than was described in Case Number 07CW112. RLA Trust seeks to correct the erroneously described point of diversion through this Application; The legal description of the corrected point of diversion: UTM Zone 13, Easting 234711.1E, Northing 4342213.4N. WHEREFORE, pursuant to C.R.S. § 37-92-305(3.6), Applicant requests that the Court enter an order correcting the point of diversion for Roadside Seeps and Pat's Spring as set forth above and for such other relief as the Court deems proper. (5 pages)

YOU ARE HEREBY NOTIFIED THAT YOU HAVE until the last day of JULY 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 MAY 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.*

23CW3056 (17CW3016; 10CW131; 02CW160; 94CW59; 88CW121; 82CW430). DISTRICT COURT, WATER DIVISION NO. 5, STATE OF COLORADO, 109 8th Street, Suite 104, Glenwood Springs, CO. 81601. CONCERNING THE APPLICATION OF THE SNAKE RIVER WATER DISTRICT IN SUMMIT COUNTY, COLORADO. **APPLICATION FOR A FINDING OF REASONABLE DILIGENCE.** 1. Name and Address of Applicant: Snake River Water District, c/o Scott Price, Administrator-Executive Director, P.O. Box 2595, Dillion, Colorado 80435. Glenn E. Porzak, Porzak Law, LLC, 1111 Spruce Street, Suite 303, Boulder, CO. 80302. 2. Overview: By this application, the Snake River Water District ("District") seeks a finding of reasonable diligence with regard to its Supplemental Well No. 1B. 3. Description of Water Right: (a) Name of Water Right & Structure: Snake River Water District Supplemental Well No. 1B. (b) Decrees: This water right decreed by the District Court in and for Water Division No. 5 ("Water

Court”) in Case No. 82CW430, entered on April 9, 1984. The location of the well was corrected by the decree entered on May 13, 1996, in Case No. 95CW99. Subsequent decrees finding reasonable diligence include Case No. 88CW121, entered on June 19, 1989; Case No. 94CW59, entered on June 7, 1996 (as corrected on January 26, 2004); Case No. 02CW160, entered on May 19, 2004; Case No. 10CW131, entered on January 23, 2011; and Case No. 17CW3016, entered on May 21, 2017. (c) Legal Description: As corrected by the decree entered in Case No. 95CW99, the well is located at a point in the NW1/4 of the NW1/4 of Section 24, Township 5 South, Range 77 West of the 6th P.M., at a point 1,100 feet from the North section line and 940 feet from the West section of line of said Section 24. See **Exhibit A**. (d) Source: Groundwater tributary to the Snake River alluvium, tributary to the Blue River, tributary to the Colorado River. (e) Appropriation Date: July 28, 1981. (f) Adjudication Date: December 31, 1982. (g) Amount: 750 gpm, of which 540 gpm was confirmed absolute in Case No. 02CW160. This application involves the 210 gpm that remains conditional. (h) Uses: Domestic, municipal (including fire protection), commercial, irrigation, and recreational use. (i) Well Permit No.: 45878-F. (j) Depth of Well: Approximately 117 feet. (k) Remarks: This water right is augmented by the District’s augmentation plans decreed in Case Nos. 82CW430, 84CW346, and 84CW682 (aka Aug. Plans I, II, and III). 4. Detailed outline of work done to complete project and apply water to beneficial use: The subject well is part of the District’s integrated water supply system and a source of municipal, domestic, and irrigation water supply for the expanded commercial and retail development at the base of the Keystone ski area. Initially, this water right was not in use by the District during the first half of the diligence period due to water quality issues, specifically high levels of iron and manganese. While the presence of these minerals are not a health issue, iron and manganese can give water an unpleasant taste, odor, and color. The deposits of these minerals can also build up in the pumping and distribution system thereby reducing the flow of water and impacting the efficiency of Well 1B. In addition, the District’s original method for treating the iron and manganese was water intensive and inefficient. As a result, the District replaced its Base III Water Treatment Facility in 2020 at a cost of over \$8,000,000. This new treatment facility enabled the District to efficiently address the water quality issues and allow Well 1B to be pumped at its full decreed rate. Pumping of the well commenced once again in July 2020, but the flow rates have not exceeded the absolute amount. During the subject diligence period, the District also spent approximately \$23,000 in 2021 on improvements to Well 1B, including a new water meter, replacement parts, and rehabilitation work that involved scrubbing and direct air lift. 5. The name and address of the owner of the land on which the well is located: Vail Summit Resorts Inc., Fixed Assets Department Vail Resorts Management, 390 Interlocken Crescent, Suite 1000, Broomfield, CO. 80021. WHEREFORE the District requests that the Water Court issue a final decree that (i) finds that the District has been reasonably diligent with respect to the remaining conditional portion of the Snake River Water District Supplemental Well No. 1B; (ii) continues the conditional status of the Snake River Water District Supplemental Well No. 1B in the amount of 210 gpm in full force and effect; and (iii) provides such other relief as may be appropriate and consistent with this pleading.

YOU ARE HEREBY NOTIFIED THAT YOU HAVE until the last day of JULY 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 MAY 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.*

23CW3057 GRAND COUNTY -Circle C Ranch Kremmling, LLC, 435 South Vine Street, Denver, CO 80209, (303) 886-5978. Ryan M. Donovan , David L. Strait, Lawrence Custer Grasmick Jones & Donovan, LLP, 5245 Ronald Reagan Blvd., Suite 1, Johnstown, CO 80534, Telephone: (970) 622-8181, ryan@lcwaterlaw.com; dstrait@lcwaterlaw.com APPLICATION FOR SIMPLE CHANGE IN SURFACE POINT OF DIVERSION PURSUANT TO C.R.S. § 37-92-305(3.5). 2. **Decreed water right for which change is sought:** 2.1. **Name of structure:** Antelope Ditch 2.2. **Date of Original Decree and relevant subsequent decreed:** The Antelope Ditch water right was originally decreed on August 11, 1906, in Case No. CA-0113, District Court, Grand County, Colorado. A portion of the 3.0 c.f.s. water right decreed to the Antelope Ditch in Case No. CA-0113, being 0.333 c.f.s., was subsequently changed in Case No. 06CW266 District Court, Water Division 5, Grand County, Colorado dated October 2, 2012. A portion of the water rights decreed conditional in Case No. 06CW266 were decreed absolute on Case No. 18CW3141, District Court, Water Division 5, Grand County, Colorado dated January 19, 2020. 2.3. **Legal description of structure:** A point in the SW/4SE/4SE/4 of Section 8, Township 3 North, Range 80 W, 6th P.M., Grand County, Colorado. UTM coordinates: Easting 383569.0; Northing 4454378.0; Zone 13. Source of UTM: aerial map. 2.4. **Decreed Source of water:** Antelope Creek. 2.5. **Appropriation date:** April 8, 1886. 2.6. **Total amount decreed:** 3.0 c.f.s. 2.7. **Decreed uses:** irrigation of 120 acres lying under and along the Antelope Ditch. 2.8. **Amount of water subject to change:** 2.667 c.f.s. 3. **Description of Change in surface point of diversion:** 3.1. **Statement of change:** Applicant seeks a decree for a simple change in a surface point of diversion for the Antelope Ditch from its decreed surface diversion point to a new surface diversion point downstream on the Antelope Creek. Applicant’s requested change in surface point of diversion does not include any other type of change of water right and there is no intervening surface diversion point or inflow, or decreed instream flow right to an upstream location within or above the stream reach for the new point of diversion and the diversion point from which this change is made. 3.2. **Location of new surface point of diversion:** 3.2.1. **Public Land Survey System:** A point in the NW/4SW/4SW/4 of Section 16, Township 3 North, Range 80 W, 6th P.M., Grand County, Colorado. 3.2.2. **UTM Coordinates:** Easting 384015.60 m; Northing 4453036.56 m; Zone 13.

Source of UTM: aerial map. 4. **Names and addresses of owners or reputed owners of land upon which any new diversion structure or modification to any existing structure is or will be constructed:** Applicant owns all relevant structures and the land upon which the new surface point of diversion is located. This application consists of four (4) pages.

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23CW3058 EAGLE AND SUMMIT COUNTIES. Application for Finding of Reasonable Diligence. Applicant: Kirk VanHee, c/o Sara M. Dunn and Andrea J. Hall, 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 VanHee Well No. 2 and VanHee Pond No. 3 herein described as the ("Subject Water Rights"). A map providing the general location of the structures as shown in Ex. A on file with the Water Ct. Name of Structure: VanHee Well No. 2. Original Decree: 96CW358-A, Dist. Ct., Water Div. 5 entered on 04/20/1998. Subsequent Diligence Decrees: 04CW55 entered on 05/29/2007 and 13CW56 entered on 05/21/2017. Legal Description: the well is located in the NW1/4 NE1/4 Sec. 27, T. 4 S., R. 83 W. of the 6th P.M. at a point 758 ft. from the N. Sec. line and 2,012 ft. from the East Sec. line. **Source: Groundwater tributary to Travis Creek, tributary to the Eagle River, tributary to the Colorado River.** Date of Approp.: 09/27/1996. Amt.: 15 g.p.m., conditional not to exceed 0.75 AF per year. Uses: Irr., 5,500 square ft. per lot for Lots 1, 2 and 3, VanHee Property. Total Irr. for the three lots combined shall not exceed 16,500 square ft.; Non-Irr., Dom. and Fire Protection. Depth of Well: 400 ft. Name of Structure: VanHee Pond No. 3. Original Decree: 96CW358-A, Dist. Ct., Water Div. 5 entered on 04/20/1998. Subsequent Diligence Decrees: 04CW55 entered on 05/29/2007 and 13CW56 entered on 05/21/2017. Decreed Location: NW1/4 NE1/4 Sec. 27, T. 4 S., R. 83 W. of the 6th P.M. being 400 ft. from the N. Sec. line and 1,600 ft. from the East Sec. line. **Source: Natural surface drainage and an unnamed tributary to Travis Creek, tributary to Eagle River, tributary to the Colorado River.** Date of Approp.: 09/27/1996. Amt.: 4.777 AF, conditional. Remarks: 0.223 AF of 5.0 AF with a surface area of 0.068 acre of the conditionally decreed storage water right was made absolute in 13CW56. Uses: Irr., for 21,000 square ft. of lawn and garden area total for VanHee Ponds Nos. 1, 2 and 3. Legal Description of Acreage: 7,000 square ft. of lawns and gardens per lot, for Lots 1, 2 and 3, VanHee Property. Non-Irr., Aesthetic, aug., piscatorial and fire protection purposes. Physical Attributes of Storage Structure: Surface Area: 0.63 acre. Height of Dam: 9 ft. Length of Dam: 170 ft. The Existing Capacity is all Active: 0.223 AF. Remarks: The total capacity of 5.0 AF will be active, with zero dead storage. Integrated System: In 04CW55, the Subject Water Rights were confirmed as part of an integrated system of water rights for the VanHee Subdivision. "When a project or integrated system is comprised of several features, work on one feature of the project or system shall be considered in finding that reasonable diligence has been shown in the development of water rights for all features of the entire project or system." C.R.S. § 37- 92-301(4)(b). The application on file with the Ct. contains a detailed outline of the work performed during the diligence period. Owner of Land Upon Which the Structures are all Located: Applicant. (5 pages of original application, Exhibits A & B).

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23CW3059 Concerning the Application for Water Rights of Canyon Creek Estates Homeowners Association, in **GARFIELD COUNTY, COLORADO. ALLUVIUM, TRIBUTARY TO THE COLORADO RIVER.** Application for Finding of Reasonable Diligence Applicant: Canyon Creek Estates Homeowners Association, c/o Robert Richardson, President, 636 Canyon Creek Drive, Glenwood Springs, CO 81601, c/o Edward B. Olszewski, Esq., Olszewski, Massih & Maurer, P.C., P.O. Box 916, Glenwood Springs, CO 81602, (970) 928-9100. **Names of structures:** Canyon Creek Well No. 1, Canyon Creek Well No. 2, and Canyon Creek Well No. 3. Previous Decrees Previous Decrees: Canyon Creek Well No. 1: Original Decree: June 22, 1983, 82CW172, Water Division No. 5, December 10, 1984, 83CW207, Water Division No. 5 (modified as to 100 gpm) September 16, 1993, 92CW337, Water Division No. 5 (as to an additional 80 gpm) Subsequent Decrees: September 9, 1993, 93CW105, Water Division No. 5 March 31, 2004, 00CW96, Water Division No. 5 November 14, 2010, 10CW65, Water Division No. 5 May 21, 2017, 16CW3145, Water Division No. 5 Canyon Creek Well No. 2 and Canyon Creek Well No. 3: Original Decree: September 16, 1993, 92CW337, Water Division No. 5 Subsequent

Decreets: September 9, 1993, 93CW105, Water Division No. 5 March 31, 2004, 00CW96, Water Division No. 5 November 14, 2010, 10CW65, Water Division No. 5 May 21, 2017, 16CW3145, Water Division No. 5 Legal Descriptions: Canyon Creek Well No. 1 is located in the E ½ NW1/4 of Section 36, Township 5 South, Range 90 West of the 6th P.M., at a point 4,000 feet from the South line and 3,950 feet from the East line of said Section. Canyon Creek Well No. 2 is located in the NW1/4NW1/4 of Section 36, Township 5 South, Range 90 West of the 6th P.M., at a point 4,143 feet from the South line and 3,996 feet from the East line of said Section. Canyon Creek Well No. 3 is located in the NW1/4NW1/4 of Section 36, Township 5 South, Range 90 West of the 6th P.M., at a point 4,000 feet from the South line and 3,989 feet from the East line of said Section. Source: alluvium of the Colorado River. Appropriation: Canyon Creek Well No. 1: January 31, 1981 as to 100 gpm (90 gpm are already absolute) Canyon Creek Well No. 2 and Canyon Creek Well No. 3: December 1, 1992. Amounts: 180 gpm for each well. Total cumulative withdrawal from Canyon Creek Wells No. 1, 2 and 3 is 180 gpm. Canyon Creek Well No. 1 is limited to an annual appropriation of 43.5 AF. Total cumulative annual withdrawal from Canyon Creek Wells No. 1, 2 and 3 is 65 AF. Canyon Creek Well No. 1 was made absolute in Case No. 93CW105 in the amount of 53 gpm and in Case No. 16CW3145 in the amount of 37 gpm for a total of 90 gpm. Canyon Creek Well No. 2 was made absolute in Case No. 00CW96 in the amount of 70 gpm Uses: domestic, livestock, and irrigation and municipal for Canyon Creek Estates PUD located in the SE1/4SW1/4 of Section 25, Township 5 South, Range 90 West of the 6th P.M. and the NE1/4NW1/4 of Section 36, Township 5 South, Range 90 West of the 6th P.M. plus up to 10 surrounding properties. Municipal uses were abandoned in Case No. 00CW96. Depth: Canyon Creek Well No. 1 - 100 feet; Permit No. 41731-F Canyon Creek Well No. 2 - 240 feet, Permit No. 43087-F Canyon Creek Well No. 3 - not yet drilled. During the diligence period Applicant has expended approximately \$280,880 monitoring, maintaining and upgrading its water delivery system. Applicant installed a new 90,000 gallon water storage tank and infrastructure associated with the tank to increase the efficient and safe delivery of water and to increase fire protection capacity. Applicant monitors water rights filing that could injure its water rights and opposes such filings as necessary. Applicant maintains a West Divide Water Conservancy District water allotment contract to cover certain depletions pursuant to its augmentation plan. Applicant has conducted an evaluation related to the development of the Canyon Creek Well No. 3. Applicant has prepared a survey and located a potential pipeline alignment that could be used to connect the Canyon Creek Well No. 3 to the water delivery system. Canyon Creek Wells No. 1, 2, and 3 are planned as part of an integrated system. At such time as necessity arises, Canyon Creek Well No. 3 will be drilled and its production diverted into the system. Applicant is also investigating additional lands that could be irrigated using the water delivery system. The irrigated area consists of the lots and common area for Canyon Creek Estates PUD located in the SE1/4SW1/4 of Section 25, Township 5 South, Range 90 West of the 6th P.M. and the NE1/4NW1/4 of Section 36, Township 5 South, Range 90 West of the 6th P.M. plus up to 10 surrounding properties. Landowner Notification: Applicant. WHEREFORE, the Applicant prays for a decree of this Court and finding the Applicant has exercised reasonable diligence toward the development of the aforementioned water rights. (4 pages)

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23CW3060 GRAND COUNTY. The Reserve at Elkhorn Ridge Owners Association, c/o Jeffrey L. Browne, Treasurer, P.O. Box 66, Winter Park, CO 80482. Applicant is represented by Katie Randall and Kent Whitmer, The Whitmer Law Firm, LLC, P.O. Box 38, Hot Sulphur Springs, CO 80451, (970) 725-3460. APPLICATION FOR A FINDING OF REASONABLE DILIGENCE. Name of Structures: Urban Springs No. 1, 2, and 3. Decreets: March 20, 1990 (89CW263); October 15, 1996 (96CW143); February 18, 2004 (02CW266); November 14, 2010 (10CW22); May 21, 2017 (16CW3142); all in Water Court Division No. 5. Legal Descriptions: **Urban Springs No. 1:** Decreed Point of Diversion: A water spring, located in that tract of land commonly known as Devil's Thumb Ranch Lot 25, said spring located in the SE1/4 of Section 16, Township 1 South, Range 75 West of the 6th Principal Meridian, at a point whence the South 1/4 corner of said Section 16, bears S. 41°31"W. 1552 feet and whence the Southeasterly corner of said Lot 25 bears S. 47°34"W 476 feet. Distance from Section Lines: Urban Springs No. 1 is located in the SW1/4SE1/4 of Section 16, Township 1 South, Range 75 West of the 6th P.M., a distance of approximately 1515 feet from the East line of said Section 16 and approximately 1226 feet from the South line of said Section 16. **Urban Springs No. 2:** Decreed Point of Diversion: A water spring located in said SW1/4 of Section 16, and being in said Lot 25 at a point whence said South 1/4 corner of Section 16 bears S. 27°34"W. 1403 feet and whence said Southeast corner of Lot 25 bears S. 34°35"E. 472 feet. Distance from Section Lines: Urban Springs No. 2 is located in the SW1/4SE1/4 of Section 16, Township 1 South, Range 75 West of the 6th P.M., a distance of approximately 1557 feet from the East line of said Section 16 and approximately 1172 feet from the South line of said Section 16. **Urban Springs No. 3:** Decreed Point of Diversion: A water spring located in said SW1/4 of Section 16 and in said Lot 25 at a point whence the said South 1/4 corner of Section 16 bears S.39°13"W. 1672 feet and whence said Southeast corner of Lot 25 bears S.35°27"E. 557 feet. Distance from Section Lines: Urban Springs No. 3 is located in the SW1/4SE1/4 of Section 16, Township 1 South, Range 75 West of the 6th P.M., a distance of approximately 1565 feet from the East line of said Section 16 and approximately 1295 feet from the South line of said Section 16. Source: Water tributary to Ranch Creek, tributary to the Fraser River, tributary to the Colorado River. Appropriation Date: September 17, 1989. Amount: 0.5 c.f.s. for

each Spring, conditional. Uses: Livestock watering and irrigation of 60 acres. In Case No. 10CW22, Applicant requested and was awarded a change in use to add fish propagation as a decreed use for Urban Springs No. 1, 2 & 3. The original decree (Case No. 89CW263) also provided that storage in Urban Reservoir was a recognized use. The fish propagation use shall be restricted to use subsequent to storage in Urban Reservoir pursuant to *St. Jude's Co. v. Roaring Fork Club, LLC*, 2015 CO 51. Additional Information: Urban Springs No. 1, 2, and 3 are located on property owned by Applicant. The application and attached exhibit contain a detailed outline of the work performed during the diligence period (8 pages).

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

23CW3061 IN GRAND AND SUMMIT COUNTIES, COLORADO. APPLICATION FOR FINDING OF REASONABLE DILIGENCE. Name and address of Applicant: Dundee Resort Development LLC, P.O. Box 5808, Dillon, CO 80435. Please direct all correspondence, motions, and pleadings to Michael J. Sawyer or Danielle T. Skinner, KARP NEU HANLON, P.C., 201 14th Street, Suite 200, P.O. Drawer 2030, Glenwood Springs, CO 81602 (970) 945-2261. **FIRST CLAIM APPLICATION FOR FINDING OF REASONABLE DILIGENCE.** Name of structure: *Arapahoe Basin Snowline Alternate Point of Diversion*. Date of original decree: July 30, 2002, in Case No. 98CW95, District Court in and for Water Division No. 5. Subsequent decrees awarding findings of diligence: September 26, 2010, in Case No. 08CW104, and May 20, 2017, in Case No. 16CW3107, District Court in and for Water Division No. 5. Legal description: UTM coordinates (Zone 13, NAD 1983 Datum) Easting: 421395.9, Northing: 4386229.6. Source: North Fork of the Snake River, tributary of the Snake River, tributary of the Blue River, tributary of the Colorado River. Appropriation date: December 17, 1980. Amount: 1.1 c.f.s., conditional. Uses: Artificial snowmaking. Remarks: The Arapahoe Basin Snowline Alternate Point of Diversion operates pursuant to a plan for augmentation by exchange from Clinton Gulch Reservoir and Williams Fork Reservoir as approved in Case No. 98CW95, District Court in and for Water Division No. 5, which amended the plan for augmentation originally approved in Case No. 85CW614, as amended in Case Nos. 91CW249 and 92CW331. Claim for diligence: Applicant requests a finding of diligence for 1.1 c.f.s., conditional, for the Arapahoe Basin Snowline Alternate Point of Diversion for artificial snowmaking. **SECOND CLAIM APPLICATION FOR FINDING OF REASONABLE DILIGENCE.** Name of structure: *Clinton Gulch Reservoir/Williams Fork Reservoir – Arapahoe Basin Snowline Alternate Point of Diversion Exchange*. Date of original decree: July 30, 2002, in Case No. 98CW95, District Court in and for Water Division No. 5. Subsequent decrees awarding findings of diligence or otherwise pertaining to this water right: September 26, 2010, in Case No. 08CW104, and May 20, 2017, in Case No. 16CW3107, District Court in and for Water Division No. 5. Exchange Reach Location: Upper Terminus: The location of the Arapahoe Basin Snowline Alternate Point of Diversion described in Paragraph 2.C of the Application. Lower Termini: Clinton Gulch Reservoir Water: The Clinton Gulch Reservoir dam is located in the SW 1/4 of the NW 1/4 of Section 25, Township 7 South, Range 79 West of the 6th P.M., at a point whence the north Quarter Corner of said Section 25 bears N. 33°51'50" E. 2,840.44 feet. The exchange terminus is located at the upstream end of the Dillon Reservoir outlet, which is located in the SE 1/4 of the NE 1/4 of Section 13, Township 5 South, Range 78 West of the 6th P.M. at a point 390 feet west of the East Section line and 3,620 feet north of the South Section line of said Section 13. Williams Fork Reservoir Water: The decreed location of Williams Fork Reservoir is in Sections 23, 25, 26, 27, 34, 35 and 36, Township 1 North, and Sections 1 and 2, Township 1 South, all in Range 79 West of the 6th P.M. The exchange terminus is at the confluence of the Blue River and Colorado River, which is located in the NW 1/4 of the NE 1/4 of Section 19, Township 1 North, Range 80 West of the 6th P.M. at a point 2,040 feet west of the East Section line and 4,830 feet north of the South Section line of said Section 19. Rate of exchange: 1.1 c.f.s., conditional. Appropriation date: July 21, 1992. Uses: Artificial snowmaking diversions by the Arapahoe Basin Snowline Alternate Point of Diversion. Operation of Exchange: The exchange operates in conjunction with the plan for augmentation adjudicated in Case No. 85CW614, as amended by Case Nos. 91CW249, 92CW331 and 98CW95. Claim for diligence: Applicant requests a finding of diligence for 1.1 c.f.s., conditional, for the Clinton Gulch Reservoir/Williams Fork Reservoir – Arapahoe Basin Snowline Alternate Point of Diversion Exchange for artificial snowmaking diversions by the Arapahoe Basin Snowline Alternate Point of Diversion. **THIRD CLAIM APPLICATION FOR FINDING OF REASONABLE DILIGENCE.** Name of structure: *Arapahoe Basin Snowmaking Reservoir, First Enlargement*. Date of original decree: July 30, 2002, in Case No. 98CW95, District Court in and for Water Division No. 5. Subsequent decrees awarding findings of diligence: 03CW223, 10CW139, and 16CW3107. Legal description: Decreed location: UTM coordinates (Zone 13, NAD 1983 Datum) Easting: 424720.8, Northing: 4388243.7. Actual location: UTM coordinates (Zone 13, NAD 1983 Datum) Easting: 424791, Northing: 4388271. The actual location of the Arapahoe Basin Snowmaking Reservoir, First Enlargement is within 200 feet of the decreed location. Source: North Fork of the Snake River, tributary of the Snake River, tributary of the Blue River, tributary of the Colorado River. Appropriation date: September 1977. Amount: 5.5 acre-feet, of which 1.9 acre-feet is conditional for all decreed uses, and 3.6 acre-feet is absolute for all decreed uses. Uses: Artificial snowmaking, domestic, and commercial. Reservoir capacity: Total: 7.5 acre-feet. Active: 7.5 acre-feet. Dead storage: 0 acre-feet. Remarks: In Case No. 03CW223, the original Arapahoe Basin Snowmaking Reservoir water right was made absolute for the full decreed amount of 2.0

acre-feet for all uses, and the Arapahoe Basin Snowmaking Reservoir, First Enlargement was made absolute to the extent of 3.6 acre-feet for all uses. The Arapahoe Basin Snowmaking Reservoir, First Enlargement operates pursuant to a plan for augmentation by exchange as approved in Case No. 98CW95, which case amended the plan for augmentation originally approved in Case No. 85CW614, as amended in Case Nos. 91CW249 and 92CW331. The UTM coordinates of the decreed location for the Arapahoe Basin Snowmaking Reservoir, First Enlargement correspond to the latitude and longitude description approved in Case No. 98CW95 and expressly replace the UTM coordinates approved in Case No. 98CW95. The UTM coordinates approved in Case No. 98CW95 do not correspond with the approved latitude and longitude description. Claim for diligence: Applicant requests a finding of diligence for 1.9 acre-feet, conditional, for the Arapahoe Basin Snowmaking Reservoir, First Enlargement for artificial snowmaking, domestic, and commercial. **FOURTH CLAIM APPLICATION FOR FINDING OF REASONABLE DILIGENCE.** Name of structure: *Clinton Gulch Reservoir/Williams Fork Reservoir – Arapahoe Basin Snowmaking Reservoir, First Enlargement Exchange.* Date of original decree: July 30, 2002, in Case No. 98CW95, District Court in and for Water Division No. 5. Subsequent decrees awarding findings of diligence or otherwise pertaining to this water right: May 24, 2004, in Case No. 03CW223, and January 30, 2011, in Case No. 10CW139, and May 20, 2017 in Case No. 16CW3107, District Court in and for Water Division No. 5. Exchange reach location: Upper Terminus: The actual location of the Arapahoe Basin Snowmaking Reservoir described in Paragraph 6.C.ii. of the Application. Lower Termini: The actual location of the Clinton Gulch Reservoir dam and the exchange terminus described in Paragraph 4.C.ii.a. of the Application. The actual location of the Williams Fork Reservoir and the exchange terminus described in Paragraph 4.C.ii.b. of the Application. Rate of exchange: 5.5 acre-feet, of which 1.9 acre-fee is conditional and 3.6 acre-feet in absolute. Appropriation date: July 21, 1992. Uses: Artificial snowmaking diversions by the Arapahoe Basin Snowmaking Reservoir, First Enlargement. Operation of Exchange: The exchange operates in conjunction with a plan for augmentation adjudicated in Case No. 85CW614, as amended by Case Nos. 91CW249, 92CW331 and 98CW95. Remarks: Case No. 98CW95 added the Arapahoe Basin Snowmaking Reservoir, First Enlargement water right as an augmented water right under the plan for augmentation decreed in Case No. 85CW614, as amended by Case Nos. 91CW249, 92CW331, and 98CW95. In Case No. 08CW104, the Clinton Gulch/Williams Fork Reservoir Exchange for the original Arapahoe Basin Snowmaking Reservoir water right was made absolute in the amount of 2.0 acre-feet, the full extent of such exchange. In Case No. 16CW3107, the Clinton Gulch/Williams Fork Reservoir – Arapahoe Basin Snowmaking Reservoir, First Enlargement Exchange was made absolute in the amount of 3.6 acre-feet. The Decree in Case No. 16CW3107 confirmed the actual location of the Arapahoe Basin Snowmaking Reservoir, as described in Paragraph 6.C.ii. of this Application, is the upper terminus of the Clinton Gulch Reservoir/Williams Fork Reservoir – Arapahoe Basin Snowmaking Reservoir, First Enlargement Exchange. Claim for diligence: Applicant requests a finding of diligence for 1.9 acre-feet, conditional, of the 5.5 acre-feet approved for the Clinton Gulch Reservoir/Williams Fork Reservoir – Arapahoe Basin Snowmaking Reservoir, First Enlargement Exchange for artificial snowmaking diversions by the Arapahoe Basin Snowmaking Reservoir, First Enlargement. **FIFTH CLAIM APPLICATION FOR FINDING OF REASONABLE DILIGENCE.** Name of structure: *Midway Well.* Date of original decree: September 14, 1989, in Case No. 85CW614, District Court in and for Water Division No. 5. Subsequent decrees awarding findings of diligence or otherwise pertaining to this water right: March 10, 1997, in Case No. 91CW249, May 21, 1997, in Case No. 92CW331, October 17, 1997, in Case No. 95CW197, July 30, 2002, in Case No. 98CW95, May 24, 2004, in Case No. 03CW223, September 26, 2010, in Case No. 08CW104, and May 20, 2017, in Case No. 16CW3107, District Court in and for Water Division No. 5. Legal description: Decreed location: UTM coordinates (Zone 13, NAD 1983 Datum) Easting: 425366.5, Northing: 4387512.5. Actual location: UTM coordinates (Zone 13, NAD 1983 Datum) Easting: 425306.51, Northing: 4387480.86. The actual location of the Midway Well is within 200 feet of both the decreed location and the location described in Division of Water Resources Well Permit No. 64070-F discussed in Paragraph 10.H.ii. of the Application. Source: Groundwater tributary to the North Fork of the Snake River, tributary of the Snake River, tributary of the Blue River, tributary of the Colorado River. Appropriation date: September 12, 1985. Amount: 15,000 g.p.d. (30.0 g.p.m. instantaneous) total, of which 6,700 g.p.d. (13.4 g.p.m. instantaneous) is conditional for all decreed uses and 8,300 g.p.d. (16.6 g.p.m. instantaneous) is absolute for all decreed uses. Uses: Domestic and commercial. Remarks: The 7,500 g.p.d. (15 g.p.m. instantaneous) absolute portion of the Midway Well water right was made absolute in Case No. 08CW104. The 800 g.p.d. (1.6 g.p.m. instantaneous) absolute portion of the Midway Well water right was made absolute in Case No. 16CW3107. The Midway Well is permitted under Division of Water Resources Well Permit No. 64070-F and operates pursuant to the plan for augmentation by exchange approved in Case No. 85CW614, as amended in Case Nos. 91CW249, 92CW331 and 98CW95. Under the Case No. 92CW331 amendments, domestic and commercial uses for mountain top restaurants and warming lodges – the uses to which Midway Well water is applied – may be augmented by exchange from either or a combination of Green Mountain Reservoir and Clinton Gulch Reservoir water. The UTM coordinates of the decreed location for the Midway Well correspond to the latitude and longitude description approved in Case No. 98CW95 and expressly replace the UTM coordinates approved in Case No. 98CW95. The UTM coordinates approved in Case No. 98CW95 do not correspond with the approved latitude and longitude description. Claim for diligence: Applicant requests a finding of diligence for 6,700 g.p.d. (13.4 g.p.m. instantaneous), conditional, for the Midway Well for domestic and commercial uses. **SIXTH CLAIM APPLICATION FOR FINDING OF REASONABLE DILIGENCE.** Name of structure: *Clinton Gulch Reservoir/Williams Fork Reservoir – Midway Well Exchange.* Date of original decree: May 21, 1997, in Case No. 92CW331, District Court in and for Water Division No. 5, which case amended the plan for augmentation by exchange approved in Case No. 85CW614, as amended in Case No. 91CW249 to provide for exchange with Clinton Gulch Reservoir and Williams Fork Reservoir water, and as amended in Case No. 98CW95. Subsequent decrees awarding findings of diligence or otherwise pertaining to this water right: October 17, 1997, in Case No. 95CW197, July 30, 2002, in Case No. 98CW95, May 24, 2004, in Case No. 03CW223, September 26, 2010, in Case No. 08CW104, and May 20, 2017, in Case No. 16CW3107, District Court in and for Water Division No. 5. Exchange reach location: Upper Terminus: The actual location of the Midway Well point of diversion described in Paragraph 10.C.ii. of the Application Lower Termini: The actual location of the Clinton

Gulch Reservoir dam and the exchange terminus described in Paragraph 4.C.ii.a. of the Application. The actual location of the Williams Fork Reservoir and the exchange terminus described in Paragraph 4.C.ii.b. of the Application. Rate of Exchange: 15,000 g.p.d. (30 g.p.m. instantaneous), conditional. Appropriation date: July 21, 1992. Uses: Domestic and commercial depletions by the Midway Well. Operation of Exchange: The exchange operates in conjunction with the plan for augmentation adjudicated in Case No. 85CW614, as amended by Case Nos. 91CW249, 92CW331 and 98CW95. Remarks: The Decree in Case No. 16CW3108 confirmed that the actual location of the Midway Well point of diversion, as described in Paragraph 10.C.ii of this Application, as the upper terminus of the Clinton Gulch Reservoir/Williams Fork Reservoir – Midway Well Exchange. Claim for diligence: Applicant requests a finding of diligence for 15,000 g.p.d. (30.0 g.p.m. instantaneous), conditional, for the Clinton Gulch Reservoir/Williams Fork Reservoir – Midway Well Exchange for domestic and commercial depletions by the Midway Well. SEVENTH CLAIM APPLICATION FOR FINDING OF REASONABLE DILIGENCE. Name of structure: *Green Mountain Reservoir – Midway Well Exchange*. Date of original decree: September 14, 1989, in Case No. 85CW614, District Court in and for Water Division No. 5. Subsequent decrees awarding findings of diligence or otherwise pertaining to this water right: May 21, 1997, in Case No. 92CW331, October 17, 1997, in Case No. 95CW197, July 30, 2002, in Case No. 98CW95, May 24, 2004, in Case No. 03CW223, September 26, 2010, in Case No. 08CW104, and May 20, 2017, in Case No. 16CW3107, District Court in and for Water Division No. 5. Exchange reach location: Upper Terminus: The actual location of the Midway Well described in Paragraph 10.C.ii. of the Application. Lower Terminus: The decreed location of Green Mountain Reservoir in all or parts of Sections 7, 8, 16, 17, 18, 19, 20, 21, 28, 29, and 34 of Township 2 South, Range 80 West of the 6th P.M. The exchange terminus is the upstream end of the Green Mountain Reservoir outlet located in the SE 1/4 of the NE 1/4 of Section 15, Township 2 South, Range 80 West of the 6th P.M. at a point 850 feet west of the East Section line and 2,660 feet from the south Section line of said Section 15. Rate of exchange: 15,000 g.p.d. (30.0 g.p.m. instantaneous) total, of which 6,700 g.p.d. (13.4 g.p.m. instantaneous) is conditional and 8,300 g.p.d. (16.6 g.p.m. instantaneous) is absolute. Appropriation date: January 23, 1984. Uses: Domestic and commercial depletions by the Midway Well. Operation of Exchange: The exchange operates in conjunction with the plan for augmentation adjudicated in Case No. 85CW614, as amended by Case Nos. 91CW249, 92CW331, and 98CW95. Remarks: In Case No. 16CW3107, the Green Mountain Reservoir – Midway Well Exchange was made absolute in the amount of 8,300 g.p.d. (16.6 g.p.m. instantaneous). The Decree in Case No. 16CW3107 confirmed that the actual location of the Midway Well point of diversion, as described in Paragraph 10.C.ii. of this Application, is the upper terminus of the Green Mountain Reservoir – Midway Well Exchange. Claim for diligence: Applicant requests a finding of diligence for 6,700 g.p.d. (13.4 g.p.m. instantaneous), conditional, for the Green Mountain Reservoir – Midway Well Exchange for domestic and commercial depletions by the Midway Well. EIGHTH CLAIM APPLICATION FOR FINDING OF REASONABLE DILIGENCE. Name of structure: *Clinton Gulch Reservoir/Williams Fork Reservoir – Arapahoe Ski Basin Surface Diversion Point A Exchange*. Date of original decree: May 21, 1997, in Case No. 92CW331, District Court in and for Water Division No. 5. Subsequent decrees awarding findings of diligence or otherwise pertaining to this water right: July 30, 2002, in Case No. 98CW95, September 26, 2010, in Case No. 08CW104, and May 20, 2017, in Case No. 16CW3107. Exchange Reach Location: Upper Terminus: UTM coordinates (Zone 13, NAD 1983 Datum) Easting: 425255.14, Northing: 4388383.58. Lower Termini: The actual location of the Clinton Gulch Reservoir dam and the exchange terminus described in Paragraph 4.C.ii.a. of the Application. The actual location of the Williams Fork Reservoir and the exchange terminus described in Paragraph 4.C.ii.b. of the Application. Appropriation date: July 21, 1992. Rate of exchange: 10 g.p.m., conditional. Uses: Domestic and commercial diversions by the Arapahoe Ski Basin Surface Diversion Point A. Operation of Exchange: The exchange operates in conjunction with the plan for augmentation adjudicated in Case No. 85CW614, as amended by Case Nos. 91CW249, 92CW331, and 98CW95. Remarks: The UTM coordinates of the decreed location of the upper terminus for the Clinton Gulch Reservoir/Williams Fork Reservoir – Arapahoe Ski Basin Surface Diversion Point A Exchange correspond to the latitude and longitude description approved in Case No. 98CW95 and expressly replace the UTM coordinates approved in Case No. 98CW95. The UTM coordinates approved in Case No. 98CW95 do not correspond with the approved latitude and longitude description. Claim for diligence: Applicant requests a finding of diligence for 10.0 g.p.m., conditional, for the Clinton Gulch Reservoir/Williams Fork Reservoir – Arapahoe Ski Basin Surface Diversion Point A Exchange for domestic and commercial diversions by the Arapahoe Ski Basin Surface Diversion Point A. NINTH CLAIM APPLICATION FOR FINDING OF REASONABLE DILIGENCE. Name of structure: *Clinton Gulch Reservoir/Williams Fork Reservoir – Arapahoe Ski Basin Surface Diversion Point B Exchange*. Date of original decree: Date of original decree: May 21, 1997, in Case No. 92CW331, District Court in and for Water Division No. 5. Subsequent decrees awarding findings of diligence or otherwise pertaining to this water right: July 30, 2002, in Case No. 98CW95, September 26, 2010, in Case No. 08CW104, and May 20, 2017, in Case No. 16CW3107. Exchange reach location: Upper Terminus: UTM coordinates (Zone 13, NAD 1983 Datum) Easting: 425300.83, Northing: 4388340.04. Lower Termini: The actual location of the Clinton Gulch Reservoir dam and the exchange terminus described in Paragraph 4.C.ii.a. of the Application. The actual location of the Williams Fork Reservoir and the exchange terminus described in Paragraph 4.C.ii.b. of the Application. Appropriation date: July 21, 1992. Rate of exchange: 10 g.p.m., conditional. Uses: Domestic and commercial depletions by the Arapahoe Ski Basin Surface Diversion Point B. Operation of Exchange: The exchange operates in conjunction with the plan for augmentation adjudicated in Case No. 85CW614, as amended by Case Nos. 91CW249, 92CW331, and 98CW95. Remarks: The UTM coordinates approved for the location of the upper terminus for the Clinton Gulch Reservoir/Williams Fork Reservoir – Arapahoe Ski Basin Surface Diversion Point B Exchange correspond to the latitude and longitude description approved in Case No. 98CW95 and expressly replace the UTM coordinates approved in Case No. 98CW95. The UTM coordinates approved in Case No. 98CW95 do not correspond with the approved latitude and longitude description. Claim for diligence: Applicant requests a finding of diligence for 10.0 g.p.m., conditional, for the **Clinton Gulch Reservoir/Williams Fork Reservoir – Arapahoe Ski Basin Surface Diversion Point B Exchange** for domestic and commercial depletions by the Arapahoe Ski Basin Surface Diversion Point B. Names and addresses of owners of land upon which structures are located: White River National Forest, Supervisor's

Office, 900 Grand Ave., Glenwood Springs, CO 81601. The following exhibits are on file with the Water Court: Maps depicting the location of the structures (Exhibits A1 and A2), and detailed outline of what has been done toward completion of the appropriation and application to beneficial use of the water rights, including expenditures (Exhibit B) (pp. 20 with exhibits).

YOU ARE HEREBY NOTIFIED THAT YOU HAVE until the last day of JULY 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 MAY 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.*

23CW3062 PITKIN COUNTY – TRIBUTARY TO THE ROARING FORK RIVER AND THE COLORADO RIVER. Leslie Wexner, 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 TO MAKE WATER RIGHT ABSOLUTE. **First Claim:** Wexner Pond. Date of original decree: April 4, 1986, Case No. 85CW279, Division 5 Water Court. Subsequent diligence decrees: June 26, 1990, Case No. 90CW33; June 24, 1996, Case No. 96CW54; October 14, 2003, Case No. 02CW202; August 27, 2010, Case No. 09CW157; May 20, 2017, Case No. 16CW3070, all Division 5 Water Court. Legal description: The northerly end of the dam is located in the NE ¼ of the SE ¼ of Section 1, Township 10 South, Range 85 West of the 6th P.M., at a point whence the east quarter corner of said Section 1 bears North 16°36'40" East 574.26 feet in Pitkin County. A map is on file with the Court as **Exhibit A**. Supplemental legal description: NE ¼ of the SE ¼, Section 1, Township 10 South, Range 85 West of the 6th P.M., at a point 2005 feet from the south section line and 174 feet from the east section line in Pitkin County. The distances from section lines are provided for reference only and do not alter or change the decreed location of the Wexner Pond. Source: Springs and an unnamed tributary of the Roaring Fork River through the Meadow Pipeline and Hornet's Nest Draw Pipeline. Appropriation date: December 9, 1981. Amount: 14.5 acre-feet. Uses: Irrigation and fish and wildlife propagation. 5.9 acre-feet were decreed absolute in Case No. 85CW279. The court canceled 14.5 acre-feet for domestic use in Case No. 16CW3070. 8.6 acre-feet for irrigation and fish and wildlife propagation remains conditional. Claim to make absolute: Applicant completed construction of the Wexner Pond and filled it to at least its decreed capacity of 14.5 acre-feet. Applicant used this water for irrigation and fish and wildlife propagation purposes. An elevation-area-capacity table is on file with the Court as **Table 1**. Date water applied to beneficial use: September 10, 2015. Amount: 8.6 acre-feet. Uses: Irrigation and fish and wildlife propagation. Applicant owns the land where the water right is located and where water is put to beneficial use.

YOU ARE HEREBY NOTIFIED THAT YOU HAVE until the last day of JULY 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 MAY 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.*

23CW3063 (17CW3017, 96CW3013, 03CW261, 10CW132) - GARFIELD COUNTY - APPLICATION FOR FINDING OF REASONABLE DILIGENCE. 1. Name and Mailing Address of Applicant. Deep Creek Ranch, LLLP P. O. Box 827 Rancho Santa Fe, California 92067 Copies of all pleadings to: Stephen C. Larson Cameron C. Frazier Johnson & Repucci LLP 850 W. South Boulder Road, Suite 100 Louisville, Colorado 80027 2. Name and Description of Conditional Water Right. (a) Name of Structure: Ada Springs (b) Original and Subsequent Decrees. The original decree for the subject water right was entered on December 19, 1997 in Case No. 96CW103, Water Division 5. Conditional portions of the water right were continued by the diligence decrees entered on June 21, 2004, in Case No. 03CW261, Water Division 5, on January 6, 2011, in Case No. 10CW132, Water Division 5, and May 21, 2017 in Case No. 17CW3017, Water Division 5, as described more specifically below in paragraph 2(h). (c) Legal Description of Structure. NW1/4 SE1/4, Section 9, Township 4 South, Range 87 West, 6th P.M., Garfield County, at a point 2,500 feet from the South line and 1,150 feet from the East line of said Section 9. This point has been plotted using the Colorado Division of Water Resources AquaMap program as shown on Exhibit A attached hereto. (d) Source. Springs tributary to Jack Creek, tributary to Deep Creek, tributary to the Colorado River. (e) Date of Appropriation. 1990. (f) Amounts. 25 g.p.m., conditional. (g) Remaining Conditional Use. Domestic. (h) Remarks. (1) In Case No. 96CW103, this Court decreed as absolute 25 g.p.m. for domestic and stockwatering uses with an appropriation date of 1890. Additionally, that case decreed 0.50 c.f.s., conditional, for irrigation with an appropriation date of 1990; and 25 g.p.m., conditional, for commercial use and additional domestic and stockwater use with an appropriation date of 1990. (2) In Case No. 03CW261, this Court made absolute “.50 g.p.m.” for irrigation with an appropriation date of 1990 and “.25 g.p.m.” for stockwater use with an appropriation date of 1990. Based upon the original decree, this Court found in Case No. 10CW132, that the decree in Case No.

03CW261 contained typographical errors and actually made absolute 0.50 c.f.s. for irrigation and 25 g.p.m. for additional stockwater use. (3) In Case No. 10CW132, this Court cancelled 25 g.p.m. for commercial use associated with Ada Springs. (4) The present case seeks to continue as conditional the 1990 appropriation of 25 g.p.m. for additional domestic purposes. 3. Claim for Finding of Reasonable Diligence. Applicant is the owner of Deep Creek Ranch (the “Ranch”), which includes approximately 3,200 acres in the Deep Creek and Irrawaddy Creek drainages of the Colorado River, located north of Dotsero. The Ranch is used for a number of purposes, including traditional cattle ranching, guided hunting and fishing, recreation, gravel mining from time to time, and other purposes. Among its other decreed absolute uses, Ada Springs supplies water for domestic use within an historical cabin on Deep Creek Ranch that is used for hunting, fishing and other recreational and ranching activities. Applicant plans to develop an additional cabin in the vicinity of Ada Springs that will be supplied with water from Ada Springs for domestic purposes. The following activities were undertaken since the last diligence finding towards completing the appropriation and applying the Ada Springs conditional water right to domestic uses: (a) Applicant, with the assistance of its Ranch Manager, located and chose a building site for the future cabin that will be supplied domestic use water from Ada Springs (the “Cabin”). (b) As a part of the building site selection process, Applicant, with the assistance of its Ranch Manager, studied the topography of the land in and around Ada Springs and the Cabin, and determined the probable route for an underground pipeline from Ada Springs to the Cabin, which would deliver Ada Springs water by gravity flow to the Cabin for domestic use. (c) Applicant engaged the services of BBA Water Consultants (“BBA”) at the cost of several hundred dollars, to prepare a conceptual design and schematic for a gallery near-surface diversion structure at Ada Springs, which will enable diversion of the conditional water right in compliance with C.R.S. §§ 37-90-103(21)(b) and 37-92-103(14)(b); and will operate compatibly with the existing delivery system for the spring, which existing system delivers water from the spring via gravity flow, to the locations on the Ranch of the absolute uses for the water right. (d) Applicant maintained a road in good condition which provides access to the Cabin to be served by Ada Springs. (e) In order to protect all of the Deep Creek Ranch water rights, including Ada Springs, Applicant spent tens of thousands of dollars for water resource consulting services from BBA and for legal services from the undersigned law firm to monitor and respond to efforts to designate Deep Creek (to which Ada Springs is tributary) as a Wild & Scenic River. (f) The above description of activities is intended to be indicative of Applicant’s efforts to develop the subject conditional water right but is not necessarily all-inclusive. Applicant reserves the right to identify additional activities demonstrating diligence in the development of the conditional subject water right. 5. Name and Address of Landowner upon which any New or Modified Diversion or Storage Structure is Located. All of the subject structures are located on land owned by Applicant. WHEREFORE, Applicant respectfully requests that the Water Court enter a finding of reasonable diligence with respect to the Ada Springs conditional water right described above, and order that such right be continued in full force and effect for an additional six-year period or until such time as a determination is made that the rights have been made absolute or otherwise disposed of. (5 pages plus exhibit)

YOU ARE HEREBY NOTIFIED THAT YOU HAVE until the last day of JULY 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 MAY 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.*

23CW3064 (96CW049, 02CW215, 09CW115, 16CW3112) **IN GRAND COUNTY - APPLICATION FOR FINDINGS OF REASONABLE DILIGENCE AND TO MAKE PARTIALLY ABSOLUTE** Columbine Lake Water District, c/o Jennifer M. DiLalla, Molly K. Haug, Moses, Wittemyer, Harrison and Woodruff, P.C., 2595 Canyon Blvd., Suite 240, Boulder, CO 80302 1. Name, address, and telephone number of applicant: Columbine Lake Water District (“District”), c/o Katie Nicholls, District Manager, P. O. Box 555, Grand Lake, CO 80447 2. Right of exchange for Columbine Lake Water District Well No. 1: 2.1 Original decree: Case No. 96CW049, entered Aug. 6, 1996, District Court, Water Division 5 (“Division 5 Water Court”). 2.2 Subsequent decrees awarding findings of diligence: Case No. 02CW215, entered Sept. 3, 2003; Case No. 09CW115, entered Oct. 11, 2010; Case No. 16CW3112, entered May 21, 2017; all in the Division 5 Water Court. 2.3 Legal description – exchange-to point: The point of diversion for Columbine Lake Water District Well No. 1 (“Well No. 1”), in the SW1/4 SE1/4 Section 36, T4N, R76W of the 6th P.M., 620 feet North of the South Section line and 2360 feet West of the East Section Line, as shown on the map attached as **Ex. A.** 2.4 Legal description – exchange-from point: The outlet structure for Granby Reservoir, in the NE1/4 SE1/4 of Section 11, T2N, R76W of the 6th P.M. in Grand County, as shown on **Ex. B.** 2.5 Source: The source of water pumped by Well No. 1 is sand, gravel, and other materials hydraulically connected to Little Columbine Creek, tributary to the Colorado River. As shown on **Ex. B.**, the exchange reach runs from the point at which water is delivered to the Colorado River from Granby Reservoir, as described in paragraph 2.4 above, to the point of diversion for Well No. 1, as described in paragraph 2.3 above. 2.6 Source of substitute supply: Applicant’s Water Allotment Contract with the Middle Park Water Conservancy District (“Middle Park”) for an annual entitlement of 85.0 acre-feet, which is a portion of the 3,000 acre feet that the Municipal Subdistrict, Northern Colorado Water Conservancy District has agreed to place in storage annually in Granby Reservoir. Additional provisions of this Agreement are included in the Agreement Concerning the Windy Gap Project and the Azure Reservoir and Power Project dated and signed April 30, 1980, and approved by the Division 5 Water Court in Civil Action 1768, by Interlocutory Decree dated October 27, 1980; and in the Supplement to Agreement of April 30, 1980, decreed in Case No. 85CW135. 2.7

Appropriation Date: Aug. 26, 1995. 2.8 Uses: Augmentation of pumping of Well No. 1 for municipal, recreation and fire protection purposes. 2.9 Conditional amount: 150 gallons per minute (“gpm”), 84 acre-feet per year (“afy”). 3. Subject Exchange: The conditional appropriative right of exchange described in paragraph 2 above is referred to in this Application as the “Subject Exchange.” 4. Detailed outline of work and expenditures toward completion of the appropriations and application of the water to beneficial use: 4.1 Diligence Period: The diligence period for the Subject Exchange is May 2017 through May 2023 (“Diligence Period”). 4.2 Integrated system: In paragraph 4 of the decree entered in Case No. 96CW049, the Court found that the District constructed Well No. 1, the exchange-to point for the Subject Exchange, “to supplement the physical supply of [the District’s] water supply system.” Along with Well No. 1 and the structures, water rights, and augmentation plan described in the decree entered in Case No. W-2502 on August 12, 1975, the Subject Exchange therefore is part of the District’s integrated system for supplying water to District residents. “When a project or integrated system is comprised of several features, work on one feature of the project or system shall be considered in finding that reasonable diligence has been shown in the development of the water rights for all features of the entire project or system.” C.R.S. § 37-92-301(4)(b). 4.3 Diligence work and expenditures: During the Diligence Period, the District has worked diligently to develop the Subject Exchange and the integrated system, complete the appropriation of the Subject Exchange, and put the water to beneficial use, as demonstrated by the activities and expenditures described in paragraphs 4.3.1 through 4.3.8 below. The list of tasks and expenses recited below is representative but not exhaustive. 4.3.1 The District paid \$5,100 to maintain the Water Allotment Contract with Middle Park for an annual entitlement of 85.0 acre-feet, which is the source of substitute supply for the Subject Exchange. 4.3.2 The District spent approximately \$342,423 to operate, repair, and maintain its integrated water supply system. 4.3.3 The District spent approximately \$5,300 in legal fees pertaining to operation and protection of the integrated water supply system. 4.3.4 The District spent approximately \$7,270 in engineering fees pertaining to operation and protection of the integrated water supply system, including approximately \$4,000 for engineering summaries of annual pumping information and augmentation requirements, reporting of such information and requirements to Middle Park, and review of the District’s Breckon Pipeline. 4.3.5 The District completed daily, monthly, and yearly maintenance and repairs as needed on the water distribution system. In October of 2020, the East Troublesome Fire devastated the area, destroying 30 homes within the Columbine Lake area alone. While the fire did not damage any of the District’s distribution system infrastructure, service line connections were compromised, resulting in a significant number of individual leaks that were draining the system. Additionally, the electrical grid was compromised in the area. The District took approximately a week to resume normal operations. 4.3.6 In 2021, the District had all trees around the water tower removed as a preventative measure to ensure that root systems would not compromise the tank. 4.3.7 In 2022, the District installed a new booster pump for the well house. 4.3.8 In 2023, the District installed a generator for the well house to ensure continuous operations in times of emergency. 4.3.9 The District is currently investigating the potential for switching to a metering-based system, which would include the installation of meters. At the direction of the District’s Board of Directors, the District has sent out a rate study RFP to help with the research on the matter. 5. Claim to make absolute in part: 5.1 Dates water pumped out of priority at Well No. 1, with augmentation supply delivered by exchange: Dec. 31, 2022–Jan. 2, 2023 for maximum exchange rate; November 2017–October 2018 (2018 water year) for maximum exchange volume. 5.2 Maximum exchange rate: 2.5 gpm. 5.3 Maximum annual exchange volume: 1.3 afy. 5.4 Evidence of operation of the exchange: The letter report from BBA Water Consultants, Inc., attached as **Ex. C**. 5.5 Beneficial use: Augmentation of pumping of Well No. 1 for its decreed municipal, recreation, and fire protection uses. 5.6 Rate claimed as absolute: Based on augmentation by exchange at the maximum flow rate of 2.5 gpm, the District claims that rate as absolute. 5.7 Additional volume claimed as absolute: Based on augmentation by exchange in the maximum annual volume of 1.3 acre-feet, the District claims an additional 0.3 acre-feet absolute above the 1.0 acre-foot previously decreed as absolute, such that a total of 1.3 acre-feet of the Subject Exchange will be absolute, and 83.7 acre-feet will remain conditional. 6. 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: Bureau of Reclamation, Eastern Colorado Area Office, 11056 W. County Road 18E, Loveland, CO 80537-9711. Based on the foregoing, the District requests that the Court enter a decree (i) granting this Application; (ii) finding that the District exercised reasonable diligence in developing the appropriation of the Subject Exchange during the Diligence Period; (iii) making the Subject Exchange partially absolute in the amounts claimed in paragraph 5 above; and (iv) continuing in full force and effect for an additional diligence period that portion of the Subject Exchange that is not made absolute in this case.

YOU ARE HEREBY NOTIFIED THAT YOU HAVE until the last day of JULY 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 MAY 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.*

23CW3065 EAGLE COUNTY – TRIBUTARY TO THE ROARING FORK RIVER AND THE COLORADO RIVER. Diamond G Ranch LLC, 401 East 8th Street, Suite 319, Sioux Falls, SD 57103, James W. Griffith, Jr. Revocable Trust, 3148 Upper Cattle Creek Road, Carbondale, CO 81623, Mary Farver Griffith Revocable Trust, 3148 Upper Cattle Creek Road, Carbondale, CO 81623, 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 CONDITIONAL SURFACE WATER RIGHT. **First Claim:** Ranch House Spring. Legal description: The Ranch House Spring is located in the NW ¼ SE ¼ of Section 23, Township 7 South, Range 87 West of the 6th P.M. (Pitkin County). GPS Decimal Degrees: 39.42995°, -107.07349° (Datum: WGS84). A map is on file with the court as **Exhibit A**. Source: A spring tributary to Ranch House Draw, tributary to Blue Creek, tributary to the Roaring Fork River, tributary to the Colorado River. Appropriation date: On or before June 15, 1928 for domestic, irrigation, and stock water use; June 3, 1985 for fire protection and fill and refill of the Hignett Pond. Upon information and belief, the Ranch House Spring has been put to beneficial use since these dates. However, Applicant recently became aware of the lack of right-of-way across the BLM land and therefore requests a conditional water right for the Ranch House Spring in light of the permit scheme. Amount: 0.064 c.f.s., conditional. Uses: Domestic, irrigation, stockwater, fire protection, and fill and refill of the Hignett Pond water rights. Number of acres historically irrigated: 1.5 acres. Applicants do not intent to use this water right to supplement irrigation on an area of land already irrigated under another water right. Applicants use the Ranch House Spring for domestic use inside two single-family homes, a barn, a riding arena, stockwater use, fire protection, and fill and refill of the Hignett Pond. Relation back of filing date: Under C.R.S. § 37-92-306.1, the filing date of this application relates back to the date of the court's order granting a motion to amend the application of Whiskey Mountain Estates LLC in Case No. 22CW3109. The amended application in that case involves the same source of water and same point of diversion as the water right in this claim. Applicant filed a timely statement of opposition to Case No. 22CW3109 and filed this application within 60 days of the amended application in Case No. 22CW3109. The United States Bureau of Land Management owns the land upon which the Ranch House Spring is located. Applicants own the land upon which the water is put to beneficial use.

YOU ARE HEREBY NOTIFIED THAT YOU HAVE until the last day of JULY 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 MAY 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.*

23CW3066 GRAND COUNTY. APPLICATION FOR UNDERGROUND WATER RIGHTS, CONDITIONAL WATER STORAGE RIGHT, AND Plan for Augmentation and Exchange. Applicant: Fraser's Ridge, LLC. Balcomb & Green, P.C., PO Drawer 790, Glenwood Springs, CO 81602; 970-945-6546. Summary of Application: Fraser's Ridge, LLC requests confirmation of two conditional junior ground water rights for Fraser's Ridge Well No. 1 and No. 2 ("Fraser's Ridge Wells") to serve up to 9 residential homes, livestock watering, green house irr., and for refilling of a hot tub; a conditional junior water storage right for replacement of depletion on the St. Louis Creek; and a plan for aug. including exchange. **FIRST CLAIM CONDITIONAL UNDERGROUND WATER RIGHTS.** Name of Structure: Fraser's Ridge Well No. 1. Legal Description: Located within a 11 acre parcel of land known as Fraser's Ridge ("Fraser's Ridge"), lying within SE1/4 of the NE1/4 of Sec. 24, T. 1 S., R. 76 W. of the 6th P.M. Fraser's Ridge Well No. 1 is located at UTM Zone 13, NAD 83, Easting 428941, Northing 4422153. **Source: St. Louis Creek, tributary to Fraser River, tributary to the Colorado River.** Depth: 50 ft. How Approp. was Initiated: Filing of the application. Amt. Claimed: 15 g.p.m., not to exceed 3.21 AF per year, conditional. Uses: Indoor use associated with 9 residential homes, livestock watering, irr., and to fill and refill one hot tub. Remarks: Fraser's Ridge currently has one home that is supplied by water through an existing well under exempt Well Permit No. 155647. Name of Structure: Fraser's Ridge Well No. 2. Legal Description: Located within a 11 acre parcel of land known as Fraser's Ridge, lying within SE1/4 of the NE1/4 of Sec. 24, T. 1 S., R. 76 W. of the 6th P.M. It is anticipated that Fraser's Ridge Well No. 2 will be located at approx. UTM Zone 13, NAD 83, Easting 428960, Northing 4422309. **Source: St. Louis Creek, tributary to Fraser River, tributary to the Colorado River.** Depth: Approx. 100 ft. How Approp. was Initiated: Filing of the application. Amt. Claimed: 15 g.p.m., not to exceed 3.21 AF per year, conditional. Uses: Indoor uses associated with 9 residential homes, livestock watering, irr., and to fill and refill one hot tub. Remarks: The wells comprising Fraser's Ridge Well No. 1 and No. 2 are depicted in Exhibit A on file with the Water Ct. The cumulative diversion under any combination of the Fraser's Ridge Well No. 1 and Fraser's Ridge Well No. 2 shall not exceed 3.21 AF per year. The final as-built location, depth, and rate will be identified at the time that Fraser's Ridge Well No. 2 is permitted and/or made absolute. 600 Foot Spacing Statement: Notifications were made to well owners within 600-ft. of the existing Fraser's Ridge Well No. 1 and well owners within 600-ft. of the yet to be constructed Fraser's Ridge Well No. 2, as shown in Exhibit B on file with the Water Ct. Owner of Land Upon Which the Wells are Located: Applicant. **SECOND CLAIM WATER STORAGE RIGHT.** Name of Structure: Fraser's Ridge Pond. Legal Description: The pond will be located in the SW1/4 of the NW1/4 of Sec. 19, T. 1 S., R. 75 W. of the 6th PM. UTM Zone 13, NAD 83, Easting 429304 m, Northing 4422123 m. **Source: St. Louis Creek, tributary to Fraser River, tributary to the CO River.** Legal Description of Points of Diversion for Structures Used to Fill Reservoir: The diversion point, and outlet of the pond will be located in the SW1/4 of the NW1/4 of Sec. 19, T. 1 S., R. 75 W. UTM Zone 13, NAD 83, Easting 429253 m, Northing 4422135 m. If Off-Channel Reservoir, Name and Capacity of Structures Used to Fill Reservoir: Fraser's Ridge Pump. How Approp. was Initiated: Filing of the application. Use: Recreation, fire protection, piscatorial, and aug. Amt.: 2 AF, with right to fill and refill in priority. Rate of Diversion for Filling the Reservoir: 1 c.f.s. Physical Properties of Dam: Surface Area at High-Water Line: Approx. 0.5 acre. Vertical Height of Dam: less than 10 ft. Length of Dam in Ft.: Approx. 20 ft. Total Capacity of

Reservoir: Active Capacity: 2 AF. Dead Storage: N/A. Owner of land upon which the pond will be located: Elizabeth Ann Devries Revocable Trust, c/o Betsy Devries; PO Box 2290, Fraser, CO 80442. **THIRD CLAIM: APPROVAL OF PLAN FOR AUGMENTATION.** Name of Structures to be Augmented: Fraser's Ridge Well Nos. 1 and 2. Water Rights to be Used for Aug.: Fraser's Ridge Pond and a Water Allotment Contract with MPWCD for a total of 0.5 AF. Aug. water will be provided by MPWCD from Granby Res. or Wolford Mountain Res. as described below. Granby Res.: This water is a portion of the 3,000 acre-ft. which the Municipal Subdistrict, Northern Colorado Water Conservancy Dist. has agreed to annually place in storage in Granby Res., which is located on the CO River upstream from the confluence of the Fraser and CO Rivers in Grand Cty., CO. Additional provisions of this Agreement are outlined in the Agreement Concerning the Windy Gap Project and the Azure Res. and Power Project, dated and signed 04/30/1980 and approved by the Water Ct., Water Div. 5, Civil Action 1768, by Interlocutory Decree dated 10/27/1980, and Supplement to Agreement of 04/30/1980, dated 03/29/1985, and duly decreed in 85CW135. Granby Res. is located in parts of T. 3 N., T. 2 N., R. 76 W., and T. 2 N., R. 75 W., 6th P.M. Wolford Mountain Res.: This water is a portion of the storage right adjudicated in 87CW283, decree entered 11/20/1989, Dist. Ct., Water Div. 5. MPWCD has an interest in 3,000 acre-ft. of this Wolford Mountain water by virtue of an agreement between the CRWCD, the BOCC of Grand Cty., and the MPWCD, dated 12/17/1992. The legal description of the place of storage is Wolford Mountain Res., the dam of which is located in the SW1/4 NE1/4 of Sec. 25, T. 2 N., R. 81 W. of the 6th P.M. Pursuant to said agreements, water will be provided from Granby Res. or Wolford Mountain Res. to replace depletions to the CO River caused by Applicant's diversion at the locations described above, in amts. as determined by the Div. Engineer, Water Div. 5, and at such times as diversions by the Applicant would ordinarily be curtailed due to the call of senior water rights downstream from the Applicant's point of diversion. The CWCB holds instream flows on St. Louis Creek, Fraser River, and the CO River. Rule 8e of the Instream Flow Rules (the "De Minimis Rule"), gives CWCB the authority to not file a Statement of Opposition if the proposed depletion is less than or equal to 1% of the decreed Instream Flow rate. Depletions from Fraser's Ridge Wells are estimated to accrue to St. Louis Creek at a steady state of 0.04 AF/month or approx. 0.0007 CFS (0.314 gpm), which is significantly less than 1% of the lowest rate of 3.5 cfs decreed in 90CW316. Applicant will release water from the Fraser's Ridge Pond directly to St. Louis Creek if required by the Div. Engineer. Diversions and Depletions: Total diversions are estimated 3.21 AF/yr, and the maximum depletions from pumping the Fraser's Ridge Well Nos. 1 and 2 are estimated to be 0.48 AF/yr as depicted in table below and assuming a year-round downstream senior call. Indoor Requirements: for 9 single family homes based on 4 full-time occupants, water use rate of 75 g.p.m. per day, 10% consumptive use, an existing onsite septic system, the Applicant will use indoor household water in the amt. of 3.02 AF/yr, with household consumptive use of 0.30 AF/yr. Stock Watering: for 12-stall barn, estimated 12 gallons per head of livestock per day, consumptive use at 100%, the Applicant will use an 0.16 AF/yr, with an equivalent consumptive use of 0.16 AF/yr. Community Greenhouse: for 900 square-ft. of greenhouse irr. of flowers and vegetables. The Blaney-Criddle analysis results assuming the greenhouses will have 90% irr. efficiency and dividing the crop irr. requirements ("CIR") at the maximum annual rate of 0.67 AF per acre per year, the greenhouse irr. requirements are estimated to be 0.74 AF per acre per year (or 5.57 gallons per year per square foot). This resulting in a demand of 0.02 AF/yr, with an estimated consumptive use at 100%, resulting in a consumptive use of 0.02 AF/yr for 900 square ft. Hot Tub: for one 450-gallon hot tub filled four times annually and assumed to be 100% consumptive estimated to be 0.006 AF/yr. Statement of Plan for Aug.: Aug. water will be credited to or released from Granby Res. and/or Wolford Mountain Res. to replace up to 0.48 AF/yr of the out-of-priority depletions caused by Applicant's diversions at the location described above, in accordance with Applicant's MPWCD Contract, or as otherwise allowed based on additional or alternative aug. supplies Applicant may require. Pursuant to C.R.S. § 37-92-305(8), the Applicant may use additional and alternative sources of aug. water for replacement in this plan for aug., including water leased or otherwise acquired by the Applicant, if such sources are decreed and lawfully available for aug. use, if such sources are part of a substitute water supply plan approved pursuant to C.R.S. § 37-92-305(8), or if such sources are part of an interruptible water supply agreement approved pursuant to C.R.S. §37-92-309. In addition, such sources must be of the quality and quantity required by C.R.S. § 37-92-305(5). The affected stream reach is St. Louis Creek, Fraser River, and CO River from the point of depletion of the Fraser's Ridge Wells, described below to a point where Windy Gap releases meet the confluence of the Fraser River and the CO River and where Wolford Mountain Res. releases meet the confluence of Muddy Creek and the CO River. In the event there is a valid, enforceable call on St. Louis Creek or the Fraser River, Applicant will release water from Fraser's Ridge Pond in amts. and timing as directed by the Div. Engineer. **FOURTH CLAIM: APPROPRIATIVE RIGHTS OF EXCHANGE.** In order to operate the aug. plan described herein, pursuant to C.R.S. §§ 37- 80- 120, 37- 83- 104& 37- 92-302(1)(a), Applicant seeks to adjudicate conditional appropriative rights of exchange as described herein further known as the "Water Exchange Project." Water Exchange Project: Fraser's Ridge Exchange Reach 1, Wolford Mountain Res. Releases: Upstream Terminus: The point of depletion of Fraser's Ridge Wells on the St. Louis Creek: located within SW1/4 of the NW1/4 of Sec. 19, T. 1 S., R. 75 W. of the 6th P.M. Downstream Terminus: Confluence of Muddy Creek and CO River which is currently located in the NE1/ 4 of the NW 1/ 4 of the NE1/ 4 of Sec. 19, T. 1 N., R. 80 W., 189 ft. from the N. Sec. line and 1, 952 ft. from the E. Sec. line. Described as UTM's Zone 13, NAD 83, Easting 380748.2 m, Northing 4433448.3 m. Fraser's Ridge Exchange Reach 2, Windy Gap Res. Releases: Upstream Terminus: The point of depletion of Fraser's Ridge Wells on the St. Louis Creek: located within SW1/4 of the NW1/4 of Sec. 19, T. 1 S., R. 75 W. of the 6th P.M. Downstream Terminus: Confluence of the Fraser and CO Rivers which is currently located in the SW1/4 SW1/4 of Sec. 25, T. 2 N., R. 77 W., 6th P.M., at a point 4,700 ft. from the E. Sec. line and 590 ft. from the S. Sec. line. Described as UTM's Zone 13, NAD 83, Easting 416964 and Northing 4439326. Fraser's Ridge Exchange Reach 3, Fraser's Ridge Pond Releases: Upstream Terminus: The point of depletion of Fraser's Ridge Wells on the St. Louis Creek: located within SW1/4 of the NW1/4 of Sec. 19, T. 1 S., R. 75 W. of the 6th P.M. Downstream Terminus: The outlet of Fraser's Ridge Pond located in the SW1/4 of the NW1/4 of Sec. 19, T. 1 S., R. 75 W. UTM Zone 13, NAD 83, Easting 429253 m, Northing 4422135 m. How Approp. was Initiated: Filing of the application: Amt.: Not to exceed 0.0007 c.f.s. and a total of 0.5 AF/yr. Integrated System: The subject water rights are part of Applicant's integrated water supply. "When a project or integrated system is comprised of

several features, work on one feature of the project system shall be considered in finding of that reasonable diligence has been shown in the development of water rights of the entire project or system.” C.R.S. § 37- 92-301(4)(b). (10 pages of original application, Exhibits A & B).

YOU ARE HEREBY NOTIFIED THAT YOU HAVE until the last day of JULY 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 MAY 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.*

23CW3067 (2015CW3080) DISTRICT COURT, WATER DIVISION 5, COLORADO, 109 8th Street, Glenwood Springs, CO 81601. CONCERNING THE APPLICATION FOR WATER RIGHTS OF BCP-ARR WATER, LLC, IN EAGLE COUNTY, COLORADO. APPLICATION FOR A FINDING OF REASONABLE DILIGENCE AND CHANGE OF WATER RIGHTS. 1. Name, address, and telephone number of Applicant: BCP-ARR Water, LLC Attn: Chad Brue 1144 15th Street, Suite 2650 Denver, Colorado 80202 **2. Name of structures:** Confluence Reservoir and East Brush Creek Confluence Ditch. (the “Subject Water Rights”). **3. Description of the Subject Water Rights.** 3.1. Date of original decree: Adjudicated October 27, 1980, Water Division 5, Case No. W-3660. 3.2. Subsequent decrees: 84CW309, 88CW340; 95CW17; 01CW159 (filed by Adam’s Rib Recreational Area, as Adam’s Rib Ranch Corp. commonly does business under this name); 08CW48 (Adam’s Rib Recreational Area), 15CW3080. 3.3. Legal description: The right abutment of the Confluence Reservoir is in the SW¼ of the NW¼ Section 18, T6S., R83W. of the 6th P.M. at a point whence the Northeast Corner of said Section 18 bears N. 72°30’E. a distance of 6,100 feet. The supplemental legal description provides that the point of the right abutment is in the SW1/4 of the NW1/4 of Section 18, T6S, R83W of the 6th P.M. 3290 feet from the South section line and 5790 feet from the East section line. The location of the Subject Water Right is shown on the map attached as Figure 1. **3.4. Source: 3.4.1. Confluence Reservoir: West Brush Creek and East Brush Creek through the East Brush Creek Confluence Ditch, tributary to Brush Creek, tributary to the Eagle River.** 3.4.2. East Brush Creek Confluence Ditch: East Brush Creek, tributary to Brush Creek, tributary to the Eagle River. 3.5 Date of appropriation: December 1, 1977. 3.6. Amount: 3.6.1. 720 acre-feet (“AF”) are decreed to Confluence Reservoir, including 360 AF (conditional) owned by the Applicant. 3.6.2. East Brush Creek Confluence Ditch: 10 cfs (conditional). 3.7. Uses: 3.7.1. Confluence Reservoir: irrigation, recreation, fish and wildlife propagation, commercial, all municipal uses, including domestic, industrial, mechanical, fire protection, power generation, and recreational purposes. Municipal uses may only be decreed absolute by a municipal or other quasi-governmental entity. 3.7.2. East Brush Creek Confluence Ditch: the purpose of the Ditch is to deliver water to the Confluence Reservoir for all decreed purposes. The East Brush Creek Confluence Ditch is a feeder ditch to deliver water from East Brush Creek into Confluence Reservoir. **4. Detailed outline of activity during the diligence period:** During the diligence period, Applicant has made substantial expenditures, including consultant, engineering, and legal costs, associated with developing the Subject Water Rights. This following summary of Applicant’s diligence activities is not exclusive and may be supplemented with additional evidence of these or of other diligence activities. 4.1. Applicant spent more than approximately \$14,000 in engineering fees and costs and more than \$6,500 in legal fees and costs evaluating potential storage locations and designs for Confluence Reservoir, evaluating the impacts and benefits of an additional non-potable irrigation supply on Abrika Properties, LLC’s (“Abrika”) property, and drafting and negotiating the lease with Abrika for use of the Subject Water Rights. **5. Claim for Change of Subject Water Rights.** Applicant seeks to change the point of diversion and place of use of the Subject Water Rights as follows. All other attributes of the Subject Water Rights will remain the same as have been decreed previously. **5.1.1. Proposed Change in Place of Use:** Applicant has executed a lease with Abrika which provides for the development and use of the Subject Water Rights on Abrika’s property, which is located at: LOTS 1 THROUGH 8, TRACTS A, B, C, D, H, X, RMF-3, RMF-4, ALLEY-1, HAYMEADOW, FILING 1, ACCORDING TO THE PLAT RECORDED MAY 24, 2019 UNDER RECEPTION NO. 201907561, COUNTY OF EAGLE, STATE OF COLORADO AND LOT Z1, HAYMEADOW CABIN PARCEL, ACCORDING TO THE PLAT RECORDED JULY 29, 2022 UNDER RECEPTION NO. 202212779, COUNTY OF EAGLE, STATE OF COLORADO AND LOTS 9 THROUGH 15 AND TRACT F, HAYMEADOW FILING 1, THIRD AMENDMENT, ACCORDING TO THE PLAT RECORDED OCTOBER 27, 2022 UNDER RECEPTION NO. 202217032, COUNTY OF EAGLE, STATE OF COLORADO. A map of the new location is attached as Figure 2. **5.1.2. Proposed Change in Points of Diversion.** Applicant seeks a change in the point of diversion for the Subject Water Rights. The changed points of diversion are four alternate points of diversion, described as follows and shown on Figure 2. **5.1.2.1. Confluence Point of Diversion.** This will be a new point of diversion on Brush Creek at the following location. The location information is in UTM format as follows: **5.1.2.1.1. UTM coordinates:** 346787 Easting, 4387678 Northing **5.1.2.1.2. Zone 13; NAD 83** **5.1.2.1.3. Source of UTM:** Esri Aerial Imagery via ArcGIS **5.1.2.1.4. Accuracy of information displaced on GPS device:** N/A **5.1.2.2. Wilkinson Ditch Point of Diversion.** This is an existing structure and the location information in UTM format is as follows: **5.1.2.2.1. UTM coordinates:** 347755 Easting, 4387463 Northing **5.1.2.2.2. Zone 13; NAD 83** **5.1.2.2.3. Source of UTM:** Esri Aerial Imagery via ArcGIS **5.1.2.2.4. Accuracy of information displaced on GPS device:** N/A **5.1.2.3. Love & White Ditch Point of Diversion.** This is an existing structure and the location information in UTM format is as follows: **5.1.2.3.1. UTM coordinates:** 348496 Easting, 4386625 Northing **5.1.2.3.2. Zone 13; NAD 83** **5.1.2.3.3. Source of UTM:** Esri Aerial Imagery via ArcGIS **5.1.2.3.4. Accuracy of information displaced on GPS**

device: N/A 5.1.2.4. Mathews Ditch Point of Diversion. This is an existing structure and the location information in UTM format is as follows: 5.1.2.4.1. UTM coordinates: 346567 Easting, 4387835 Northing 5.1.2.4.2. Zone 13; NAD 83 5.1.2.4.3. Source of UTM's: Esri Aerial Imagery via ArcGIS 5.1.2.4.4. Accuracy of information displaced on GPS device: N/A 5.1.3. Change amount: 5.1.3.1. Confluence Reservoir: 360 AF (conditional) owned by the Applicant. 5.1.3.2. East Brush Creek Confluence Ditch: 10 c.f.s. (conditional). 5.1.4. Source: 5.1.4.1. Confluence Reservoir: West Brush Creek and East Brush Creek through the East Brush Creek Confluence Ditch, tributary to Brush Creek, tributary to the Eagle River. 5.1.4.2. East Brush Creek Confluence Ditch: East Brush Creek, tributary to Brush Creek, tributary to the Eagle River. 5.1.5. Uses: 5.1.5.1. Confluence Reservoir: irrigation, recreation, fish and wildlife propagation, commercial, all municipal uses, including domestic, industrial, mechanical, fire protection, power generation, and recreational purposes. Municipal uses may only be decreed absolute by a municipal or other quasi-governmental entity. 5.1.5.2. East Brush Creek Confluence Ditch: the purpose of the Ditch is to deliver water to the Confluence Reservoir for all decreed purposes. The East Brush Creek Confluence Ditch is a feeder ditch to deliver water from East Brush Creek into Confluence Reservoir. 6. The land on which the subject structures are located, on which the water will be stored, or on which water will be placed to beneficial use is owned by: 6.1 Abrika Properties, LLC, 8250 SW 27th Ave., Ocala, FL 34476; 6.2 Eagle County Government, 500 Broadway, P.O. Box 850, Eagle, CO 81631; 6.3 Colorado Division of Parks and Wildlife, 1313 Sherman Street, 6th Floor, Denver, CO 80203; 6.4 United States Forest Service, 120 Midland Avenue, Suite 140 Glenwood Springs, CO 81601. WHEREFORE, Applicant requests: 1. A finding of reasonable diligence as to all of the Subject Water Rights; 2. A change of the location, place of use, and point of diversion of the Subject Water Rights; 3. Such other relief as the Court deems just and proper.

YOU ARE HEREBY NOTIFIED THAT YOU HAVE until the last day of JULY 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 MAY 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.*

23CW3068 PITKIN COUNTY, ROARING FORK AND COLORADO RIVERS. Aspen Camp for the Deaf and Hard of Hearing c/o Johnston Van Arsdale Martin PLLC, 305 Gold Rivers Court, Ste 200 Basalt, 81621, (970) 922-2122. Application for Findings of Reasonable Diligence. Applicant seeks findings of reasonable diligence in the development of its cond. water rights decreed to the ADC Well No. 2, ADC Well No. 3, ADC Pump and Pipeline, and ADC Pond System ("Subject Water Rights"). The Subject Water Rights are decreed for use on Applicant's property located at 4862 Snowmass Creek Rd in Snowmass, CO. First claim. ADC Well No. 2. Original decree: 94CW372, entered on 6/7/1996, Div. 5. Subsequent decrees: 02CW133, 09CW44 and 16CW3109, Div. 5 Legal description: Original decreed location: A well situated in the SE1/4 SE1/4, Sec. 11, T9S R86W 6th PM, the proposed well being N. 51°49'00" W. 1,108 ft from the SE corner of said Sec. 11, Pitkin County. Distances from Sec. line and UTM coordinates: 750 ft from the S. Sec. line and 900 ft from the E. Sec. line. Northing 4349560.00, Easting 334411.35, Zone 13. Source: Trib. water from the alluvium of Snowmass Creek, trib. to the Roaring Fork River, trib. to the Colorado River. Approp. date: 11/18/1994. Amount: 0.055 cfs (25 gpm), cond. Uses: Domestic, commercial school operations, irr., stockwatering, and fire protection purposes. Remarks: This water right will operate in conjunction with the plan for aug. decreed in 94CW373 as amended in 11CW196. Second claim. ADC Well No. 3. Original decree: 94CW372, entered on 5/28/1996, Div. 5. Subsequent decrees: 02CW132, 09CW46, and 16CW3109, Div. 5. Legal description: Original decreed location: NE1/4 of Sec. 14 T9S R86W 6th PM, the proposed well being S. 43°46'52" W. 1,710.9 ft from the NE corner of said Sec. 14, Pitkin County. Distances from Sec. lines and UTM coordinates: 1,400 ft from the N. Sec. line and 1,150 ft from the E. Sec. line. Northing 4348906.00, Easting 331056.30, Zone 13. Source: Trib. water from the alluvium of Snowmass Creek, trib. to the Roaring Fork River, trib. to the Colorado River. Approp. date: 11/18/1994. Amount: 0.055 cfs (25 gpm), cond. Uses: Domestic, commercial school operations, irr., stockwatering, and fire protection purposes. Remarks: This water right will operate in conjunction with the plan for aug. decreed in 94CW373 as amended in 11CW196. Third claim. ADC Pump and Pipeline. Original decree: 94CW371, entered on 5/28/1996, Div. 5. Subsequent decrees: 02CW140, 09CW45, 16CW3109, Div. 5. Legal description: Original decree location: A proposed p.o.d. situated in the NE1/4 of the NE1/4 of Sec. 14 T9S R86W 6th PM, the p.o.d. being S. 61°49'00" W. 1,279 ft from the NE corner of said Sec. 14. Distances from Sec. lines and UTM coordinates: 1,100 ft from the N. Sec. line and 1,075 ft from the E. Sec. line. Northing 4348997.00, Easting 331081.00, Zone 13. Source: Snowmass Creek, trib. to the Roaring Fork River, trib. to the Colorado River. Approp. date: 11/14/1994. Uses: Irr., pisc., rec., and for the delivery of water into storage in the ADC Pond System. Amounts: 0.1 cfs (45 gpm), of which 0.1 cfs is cond. for delivery of water into storage in the ADC Pond System; and 0.1 cfs is abs. for irr., pisc., and rec. uses (02CW140). Remarks: This water right will operate in conjunction with the plan for aug. decreed in 94CW373 as amended in 11CW196. Fourth claim. ADC Pond System. Original decree: 94CW371, entered on 5/28/1996, Div. 5. Subsequent decrees: 02CW140, 09CW45, 16CW3109, Div. 5. Legal description: Original decreed location: The ADC Pond System is a series of ponds, each of the ponds will be interconnected and no pond located more than 200ft from the next downstream pond. The legal description tie is to a location midway within the pond system as follows: A proposed pond situated in the SE1/4 SE1/4, Sec. 11, T9S R86W 6th PM, the center of said pond being N. 72°12'00" W. 1,138 from the SE corner of said Sec. 11, and a proposed pond situated in the SE1/4 SE1/4, Sec. 11, T9S R86W 6th PM, the center of said pond being N. 38°30'00" W. 1,272 ft from the SE

corner of said Sec. 11. Distances from Sec. line and UTM coordinates: 400 ft from the S. Sec. line and 1,175 ft from the E. Sec. line. Northing 4349455.00, Easting 331059.00, Zone 13; and 950 ft from the S. Sec. line and 775 ft from the E. Sec. line. Northing 4349621.00, Easting 3311833.30, Zone 13. Note: The DWR Aquamap and/or CDSS were used to determine distances from Sec. line and UTM values. Source: Snowmass Creek, trib. to the Roaring Fork River, trib. to the Colorado River, via deliveries through the ADC Ditch and/or the ADC Pump and Pipeline. Approp. date: 11/18/1994. Uses: Irr., rec., pisc., aug. and exchange. Amount: 10 af, of which 4.656 af is cond., 0.144 af is abs. (02CW140), and 5.2 af, cond., has been cancelled (16CW3109). Remarks: As confirmed in 16CW3109, Applicant intends to construct two ponds that will collectively store up to 4.8 af. Integrated System. The Subject Water Rights are decreed features of an integrated water supply system that provides water for use within Applicant's property. C.R.S. § 37-92-301(4)(b). The Application on file with the Court includes a list of activities demonstrating diligence toward the development of the Subject Water Rights. (7 pages, 1 exhibit).

YOU ARE HEREBY NOTIFIED THAT YOU HAVE until the last day of JULY 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 MAY 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.

23CW3069 (16CW3061) IN THE COLORADO RIVER AND ITS TRIBUTARIES IN MESA AND RIO BLANCO COUNTIES. Application for Findings of Reasonable Diligence. Applicant: Mahogany Energy Resources, LLC ("Applicant" or "MER"), by and through its counsel William H. Caile, Holland & Hart LLP 555 17th St., Suite 3200, Denver CO 80202, whcaile@hollandhart.com; telephone: (303) 295-8000. 1. Applicant's address: P.O. Box 957, Meeker, CO 81641. Please direct all pleadings and correspondence to Applicant's counsel at the contact information above. 2. Name of Structures: a. Salt Creek Pump Station. b. Colorado River Pump Station. c. Salt Creek Reservoir. 3. Description of Conditional Water Right - Salt Creek Pump Station. a. Original decree: Case No. 80CW385, entered on May 26, 1981, by the District Court in and for Water Division No. 5. b. Subsequent decrees: Case Nos. 95CW166, 02CW43, 08CW125, and 16CW3061 by the District Court in and for Water Division No. 5. c. Location: The point of diversion is located on the East bank of Salt Creek in the NW1/4 of the NE1/4 of Section 4, Township 10 South, Range 103 West of the 6th P.M., at a point whence the Northeast corner of said Section 4 bears North 87 deg. 29 min. 03 sec. East a distance of 1,785.46 feet. The point of diversion is approximately 156 feet south of the North section line and 1,779 feet west of the East section line. This point is depicted on the location map on file with the Water Court as Figure 1. d. Source: Salt Creek, tributary to the Colorado River. e. Appropriation date: July 18, 1980. f. Amount: 60 c.f.s., conditional. g. Uses: Thermal electric power generation, mining, production of synthetic fuels, domestic, industrial and irrigation purposes. h. Remarks: Applicant owns 51 c.f.s of the Salt Creek Pump Station. 4. Description of Conditional Water Right - Colorado River Pump Station. a. Original decree: Case No. 80CW386, entered on May 26, 1981, by the District Court in and for Water Division No. 5. b. Subsequent decrees: Case Nos. 95CW165, 02CW44, 08CW125, and 16CW3061 by the District Court in and for Water Division No. 5. c. Location: i. Colorado River Pump Station No. 1: The point of diversion is located on the North bank of the Colorado River in the NW1/4 of the NE1/4 of Section 7, Township 10 South, Range 103 West of the 6th P.M., at a point whence the Southeast corner of Section 8 of said township and range bears South 57 deg. 13 min. 05 sec. East a distance of 8,663.19 feet. The point of diversion is approximately 830 feet south of the North section line and 2,216 feet west of the East section line. ii. Colorado River Pump Station No. 2: An alternate point of diversion is located on the North bank of the Colorado River in the SE1/4 of the NW1/4 of Section 8, Township 10 South, Range 103 West of the 6th P.M., at a point whence the Southeast corner of said Section 8 bears South 50 deg. 15 min. 55 sec. East a distance of 4,656.83. The point of diversion is approximately 2,426 feet south of the North section line and 1,598 feet east of the West section line. See Figure 1. d. Source: Colorado River. e. Appropriation date: July 18, 1980. f. Amount: 60 c.f.s., conditional. g. Uses: Thermal electric power generation, mining, production of synthetic fuels, industrial and irrigation purposes. 5. Description of Conditional Water Right - Salt Creek Reservoir. a. Original decree: Case No. 81CW297, entered on April 29, 1982, by the District Court in and for Water Division No. 5. b. Subsequent decrees: Case Nos. 95CW167, 02CW45, 08CW125, and 16CW3061 by the District Court in and for Water Division No. 5. c. Location: The North Dam Abutment is located in the NE1/4 of the SW1/4 of Section 33, Township 9 South, Range 103 West of the 6th P.M., at a point whence the Southeast corner of said Section 33 bears South 62 deg. 39 min. East 3,331.15 feet. The North Dam Abutment is approximately 1,405 feet North of the south section line and 2,233 feet east of the West section line. This point is depicted on Figure 1. d. Source: Salt Creek, tributary to the Colorado River. e. Appropriation date: June 12, 1981. f. Amount: 3,000 acre-feet, conditional. g. Uses: Power generation, mining, production of synthetic fuels, domestic, industrial and irrigation purposes. h. Remarks: Pursuant to the stipulation entered in Case No. 08CW125, the location of the Salt Creek Reservoir must be changed prior to construction to avoid inundating any portion of the Ruby Canyon Estates South subdivision. 6. Applicant plans to utilize the subject conditional water rights in connection with the development and production of oil and gas from oil shale, including ancillary uses, upon lands within the Colorado River basin and in the White River basin. These properties are referred to herein as the "Mahogany Property" and are shown generally on Figure 2 on file with the Court. 7. As previously decreed in Case Nos. 01CW138, 02CW36, 02CW296, 04CW41, 08CW125, and 16CW3061, the subject conditional water rights are components of an integrated water supply system that includes the water rights described on Exhibit A on file with the Court. 8. Outline

of what has been done toward completion of the appropriation and application of water to beneficial use as conditionally decreed: The Application on file with the Court contains a detailed description of activities and expenditures demonstrating reasonable diligence. 9. 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 herein and in the decree in Case No. 16CW3061, 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 JULY 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 MAY 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.*

23CW3070 EAGLE COUNTY, EAGLE RIVER. Kenneth W. Cameron and Kira G. Cameron c/o Johnston Van Arsdale Martin PLLC, 305 Gold River Ct, Ste 200 Basalt CO 81621, (970) 922-2122. Application for Findings of Reasonable Diligence. Applicants request a finding of reasonable diligence for the following cond. water right: Jones Castle Creek Pond. Original decree: 92CW111, entered on 05/26/1994, Div. 5. Subsequent decrees: 00CW66, 07CW10, 14CW3125, and 16CW3050, Div. 5. Legal description of decreed structures: Jones Castle Creek Pond: SE1/4 NE1/4, Sec. 21, T4S R84W, 6th PM, 2,500 ft S of the N said section line and 250 ft W of the E said section line. Jones Castle Creek Pond No. 2: SE1/4 NE1/4, Sec. 21, T4S R84W, 6th PM, 2,168 ft S of the N said section line and 412 ft W of the E said section line. UTM coordinates for this location are Easting: 345005, Northing: 4394961. Source: Castle Creek, tributary to the Eagle River, via Jones Castle Creek Ditch. The Jones Castle Creek Ditch headgate is located in the SE1/4 NE1/4, Sec. 21, T4S R84W 6th PM, 2,400 ft S of the N said section line, and 250 ft W of the E said section line, W bank of Castle Creek, Eagle County, CO, as decreed in 92CW110. Approp. date:4/4/1992. Amount and use: 7.0 af, of which: 2.776 af, abs., for dom., irr., aesth., and rec. purposes. 4.224 af, cond., for dom., irr., aesth., and rec. purposes. Land to be irrigated: 20 acres located in the SE1/4 NE1/4, Sec. 21, T4S R84W 6th PM and NE1/4 SE1/4, Sec.21; SW1/4 NW1/4 and NW1/4 SW1/4, Sec. 22, T4S R84W 6th PM, Eagle County, CO. Remarks: In 16CW3050, the Court approved a change of the subject water right allowing the right to be exercised in a series of two ponds at the locations described above; the Jones Castle Creek Pond is located at the originally decreed location described in Paragraph 2.D.i, and the Jones Castle Creek Pond No. 2 is located at the changed place of storage described in Paragraph 2.D.ii . The subject water right is also a decreed alternate place of storage for Applicants' pro-rata share of the Noecker Reservoir and Noecker Reservoir, Second Filling as decreed in 92CW112. Land ownership: Applicants are the owners of land upon which the Jones Castle Creek Pond and Jones Castle Creek Pond No. 2 are located. Integrated System: Applicants request confirmation, pursuant to C.R.S. § 37-92-301(4)(b), that the subject water right is a feature of an integrated water supply system that provides water for irrigation and other beneficial uses on Applicants' Property. The Application on file with the Court includes a list of activities demonstrating diligence toward the development of the subject water right. (5 pages, 1 exhibit).

YOU ARE HEREBY NOTIFIED THAT YOU HAVE until the last day of JULY 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 MAY 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.*

23CW3071 (C.A.1227, 06CW76, 15CW3046) COLORADO DIVISION OF PARKS AND WILDLIFE AND THE PARKS AND WILDLIFE COMMISSION, 6060 Broadway, Denver, CO 80216 (Please address all correspondence and inquiries regarding this matter to: Elizabeth M. Joyce 720-508-6761 and Ema I. G. Schultz 720-508-6307, Office of the Attorney General, 1300 Broadway, 7th Floor, Denver, CO 80203.) APPLICATION FOR FINDINGS OF REASONABLE DILIGENCE, in GARFIELD COUNTY, COLORADO.
1. Name, mailing address, e-mail address, and telephone number of Applicant: Colorado Division of Parks and Wildlife ("CPW"); Attn: Water Section Manager; 6060 Broadway, Denver, Colorado 80216. **2. Name of Structure:** Vaspen Spring and Vaspen Spring First Enlargement. These two water rights were formerly known as Sweetwater Lake Spring and Sweetwater Lake Spring, First Enlargement. In the decree issued in 15CW3046, the Court recognized a name change. By this Application, CPW requests to change

the name of the subject water rights back to the originally decreed names of Sweetwater Lake Spring and Sweetwater Lake Spring, First Enlargement. **3. Applicant requests a finding of reasonable diligence for the conditional water right described as follows:** a. Name of structure: Vaspen Spring (aka Sweetwater Lake Spring). b. Original decree: Case No. C.A. 1277, entered on October 19, 1962, by the District Court in and for Water Division No. 5. c. Subsequent decrees: Case No. 06CW76, entered on May 24, 2009, and Case No. 15CW3046 entered on May 20, 2017, by the District Court in and for Water Division No. 5. d. Location: The headgate of the Spring is decreed at a point in the SW¼ of Section 9, T. 3 S., R. 87 W. of the 6th P.M., at a spring at the head of a tributary to Sweetwater Creek, whence the West Quarter Corner of said Section 9 bears North 29°59' West a distance of 1,550.57 feet. This location may also be described as being within the SW¼SW¼ Section 9, Township 3 South, Range 87 West of the 6th P.M. at a point 762 feet east of the west section line and 1,168 feet north of the south section line. This point is depicted on the location map attached hereto as **Exhibit A**. e. Source: A natural spring, tributary to Sweetwater Creek, tributary to the Colorado River. f. Appropriation date: June 15, 1956. g. Amount: 1.5 c.f.s. total, of which 1.0 c.f.s. remains conditional. h. Use: Irrigation. i. Note: The Court recognized a name change in the decree issued in 15CW3046. CPW requests to change the name back to the originally decreed name of Sweetwater Lake Spring. **4. Applicant requests a finding of reasonable diligence for the conditional water right described as follows:** a. Name of structure: Vaspen Spring First Enlargement (aka Sweetwater Lake Spring, First Enlargement). b. Original decree: Case No. C.A. 1277, entered on October 19, 1962, by the District Court in and for Water Division No. 5. c. Subsequent decrees: Case No. 06CW76, entered on May 24, 2009, and Case No. 15CW3046 entered on May 20, 2017, by the District Court in and for Water Division No. 5. d. Location: The headgate of the Spring is decreed at a point in the SW¼ of Section 9, T. 3 S., R. 87 W. of the 6th P.M., at a spring at the head of a tributary to Sweetwater Creek, whence the West Quarter Corner of said Section 9 bears North 29°59' West a distance of 1,550.57 feet. This location may also be described as being within the SW¼SW¼ Section 9, Township 3 South, Range 87 West of the 6th P.M. at a point 762 feet east of the west section line and 1,168 feet north of the south section line. This point is depicted on the location map attached hereto as **Exhibit A**. e. Source: A natural spring, tributary to Sweetwater Creek, tributary to the Colorado River. f. Appropriation date: September 11, 1961. g. Amount: 2.0 c.f.s., conditional. h. Use: Domestic. i. Note: The Court recognized a name change in the decree issued in 15CW3046. CPW requests to change the name back to the originally decreed name of Sweetwater Lake Spring, First Enlargement. **5. Remarks:** The Conservation Fund (TCF), CPW's predecessor-in-interest, acquired the Sweetwater Lake property and subject water rights in 2020. In conjunction with that acquisition, TCF diligently investigated and pursued development potential of the property for the purpose of conservation-based recreation. The White River National Forest, United States Forest Service (USFS) purchased the property in August 2021 from TCF for inclusion into its federal public lands program. CPW then entered into an agreement with the USFS in a cooperative effort to develop a long-term management and development plan for the Sweetwater property. Subsequent to that agreement, CPW acquired the subject water rights from TCF to support development of state parks amenities and services on the property. Among other uses, including irrigation of forage for grazing, CPW intends that the state park will offer recreational opportunities to the public including campgrounds and visitor services, and will include maintenance and enhancement of the natural resources and wildlife habitat. CPW's development and use of the subject water rights will be in conjunction with the existing and planned facilities and other water rights associated with the Sweetwater property. Work associated with one part of the overall system constitutes diligence on other components of the system. *Metro. Suburban Water Users Ass'n v. Colo. River Water Conservation Dist.*, 365 P.2d 273, 289 (Colo. 1961). **6. Outline of what has been done toward completion of this appropriation and application of water to beneficial use as conditionally decreed:** Diligence activities prior to CPW's efforts: a. TCF began investigating the potential purchase of the Sweetwater Lake property and associated water rights from Sweetwater Ranch Holdings, LLC for conservation-related purposes beginning in March, 2019, which included: i. At least two dozen phone calls and three in-person meetings between March and June 2019 leading to a purchase agreement in June 2019; ii. Due diligence review of reports, appraisals, legal filings and other documents related to the property and the previous owner's efforts to develop the property to a golf course, residential development, marina, hotel and spring water bottling facility; iii. Engaging two outside counsel to assist in the due diligence review; iv. Securing two appraisal reports for the property; and v. Acquiring the property, including the subject water rights, on June 30, 2020. b. After its acquisition, TCF continued to evaluate and market the property and water rights for conservation-based development, which included: i. Engaging an engineering firm to evaluate the water quality of the existing domestic water supply to the cabins on the property, which incorporated a design for the future water collection, treatment and distribution; ii. Through a lease with a local outfitter, maintaining existing irrigation of the hay meadows and pasture horses on the property, and performing maintenance and repairs to existing structures; iii. Assisting the Eagle Valley Land Trust to cover its costs for associated project outreach; iv. Working with the USFS, culminating in the sale of the property and certain water rights to the USFS on August 31, 2021. TCF retained the subject water rights separate from the sale of land and other water rights; and v. Sale of the subject water rights to CPW on May 1, 2023. CPW's diligence activities: c. Beginning in 2021, CPW has been collaborating with USFS and other partners to develop a long-term plan for the Sweetwater property, which will include development of water resources needed to support a state park. d. Since October of 2021, the Sweetwater Recreation Planning Team (SRPT), made up of partnership representatives from the USFS, CPW, and Eagle Valley Land Trust (EVLTL) has held regular meetings to facilitate development activities such as permitting discussions, public outreach efforts, cultural and natural resource inventories, operational plans, and conceptual site designs. e. In January and February of 2022, the partnership hosted a series of three open houses in the area local to the Sweetwater property in order to gather input from surrounding communities regarding recreational opportunities desired, concerns, and ideas for the future of the Sweetwater property. f. CPW contracted with an engineering firm to assess the current condition of the King Springs Complex, one of the water sources for the property. This analysis will include design plans for improvement or replacement of the existing catchment basin and holding tank systems to provide short-term utility that will be incorporated into the long-term water system design and development. g. Over the course of 2022 and continuing in 2023, CPW staff and contractors engaged in various natural resource

inventories of the site that will be considered during the site design process. h. In August of 2022, CPW contracted with a design firm to aide in the execution of geotechnical investigation, market analysis, utility evaluation, topographical surveying, traffic analysis, recreational trend studies, monthly water sampling, water systems design and documentation of existing site conditions. The design firm will ultimately provide design plans for the long-term development at the Sweetwater property. i. On a bi-weekly basis from October 2022-May 2023, the partnership engaged with the Sweetwater Lake Working Group, a contingent of representatives from the local community, to provide an opportunity for recommendations on various site development aspects. These meetings were facilitated by CDR Associates, a facilitation firm based in Boulder, and contracted by CPW. j. In March of 2023, CDR Associates hosted a virtual meeting with partnership representation, to provide updates on actions undertaken and input received to a broader stakeholder group. k. In March/April 2023, CDR Associates provided an additional opportunity via online survey to a broad group of stakeholders to gather input on what recreational opportunities are desired by the greater public. l. CPW began its acquisition process for the subject water rights in February 2023, and acquired the subject water rights from TCF on May 1, 2023. m. In association with its acquisition and collaborative planning efforts, the USFS conducted preliminary water development needs for the property. CPW staff have engaged in review of the USFS assessment and are planning for additional assessments and water development needs for the state park as part of the long-term development plan. **7. Owner of land upon which the structures are or may be located:** United States of America, United States Forest Service, 1617 Cole Boulevard, Building 17, Lakewood, CO 80401. WHEREFORE, Applicant respectfully requests entry of a decree recognizing the name change requested in this Application, finding that Applicant and its predecessors have been reasonably diligent in the development of the conditional water rights, continuing the conditional water rights, and awarding such other relief as the Court may deem appropriate. (8 pages)

YOU ARE HEREBY NOTIFIED THAT YOU HAVE until the last day of JULY 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 MAY 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.*

23CW3 (16CW4) MESA COUNTY- EAST BRANCH OF REED WASH TRIBUTARY TO REED WASH TRIBUTARY TO THE COLORADO RIVER. Wilson Acres Ditch Company c/o Tyrell Hawks; 1691 P Road; Loma, CO 81524. (970)712-8102. Wilson Pump Reed Wash First Enlargement-Application for Finding of Reasonable Diligence. Location: NE¼NE¼ of Sec. 19, T.2N, R.2W. of the Ute P.M. 236 ft. from the north sec. line and 77 ft. from the east sec. line. UTM: E177304.06 N4349623 Z13. Appropriation: Oct. 8, 2015. Amount: 0.25 c.f.s., conditional. Uses: irrigation, fire protection and livestock water. An outline of work completed during the diligence period is included in the application. Name and address of landowner on which structure is located: Donald Hensley; 1595 17 P Road; Loma, CO 81524.

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