

DIVISION 5 WATER COURT- NOVEMBER 2022 RESUME

1. PURSUANT TO C.R.S., §37-92-302, AS AMENDED, YOU ARE NOTIFIED THAT THE FOLLOWING PAGES COMPRISE A RESUME OF THE APPLICATIONS AND AMENDED APPLICATIONS FILED WITH THE WATER CLERK FOR WATER DIVISION 5 DURING THE MONTH OF NOVEMBER 2022. *The water right claimed by this application may affect in priority any water right claimed or heretofore adjudicated within this division and owners of affected rights must appear to object and protest within the time provided by statute or be forever barred.*

22CW3110 PITKIN COUNTY, Application for Findings of Reasonable Diligence. Applicant: Snowmass Creek, LLC; please direct all correspondence to Applicant’s attorneys: Mary Elizabeth Geiger, Garfield & Hecht, P.C., 910 Grand Avenue, Suite 201, Glenwood Springs, CO 81601, (970)947-1936, megeiger@garfieldhecht.com. Applicant has a water allotment contract with the Basalt Water Conservancy District (“BWCD”) for up to 3.3 acre-feet from the following water rights for augmentation purposes pursuant to the plan approved in Case No. 12CW193: *Green Mountain Reservoir. Source:* Blue River, tributary to the Colorado River. *Legal description:* The NE ¼ SE ¼ of Section 15, Township 2 South, Range 80 West, 6th P.M., approximately 2,312 feet from the South section line and 992 feet from the East section line (Summit County). UTM coordinates: Northing 4414928, Easting 386227.9, Zone 13. Note: Distances from section lines and UTM coordinates were obtained from the Division of Water Resources’ CDSS database and/or Aquamap program. *Adjudication date:* October 12, 1955. *Appropriate date:* August 1, 1935. *Case Nos.:* CA 2782, 5016 and 5017 U.S. District Court, District of Colorado; and Case No. 88CW022, Division 5 Water Court. *Decreed amount:* 154,645 acre-feet, with a refill right for 3,856 acre-feet absolute and 150,789 acre-feet conditional. *Decreed uses:* In accordance with paragraph 5(a), (b), and (c) of the section entitled “Manner of Operation of Project Facilities and Auxiliary Facilities” in Senate Document 80. *Ruedi Reservoir. Source:* Frying Pan River, tributary to the Colorado River. *Legal description:* the NW ¼ NW ¼ of Section 18, Township 8 South, Range 84 West, 6th P.M., approximately 324 feet from the North section line and 984 feet from the West section line (Eagle and Pitkin Counties). UTM 13. Note: Distances from section lines and UTM coordinates were obtained from the Division of Water Resources’ CDSS database and/or Aquamap program. *Adjudication date:* June 20, 1958. *Appropriation date:* July 29, 1957. *Case No.* CA-4613, Garfield County District Court. *Decreed amount:* 102,369 acre-feet (originally decreed for 140,697.3 acre-feet; reduced to 102,369 acre-feet in Case No. W-789-76, Division 5 Water Court). *Decreed uses:* Generation of electric energy, domestic, municipal, industrial, irrigation, piscatorial, and stock watering. *Refill:* In Case No. 81CW34, Division 5 Water Court, 44,509 acre-feet of the refill right was made absolute. In Case No. 01CW269, Division 5 Water Court, an additional 25,257 acre-feet of the refill right was made absolute, for a total of 69,766 acre-feet absolute. Troy Ditch and Edith Ditch water rights:

STR UCT URE	PR IO RI TY	COURT CASE NO.	ADJ DATE	APP DATE	DECREED AMOUNT (CFS)	USE (4)	AMOUNT SOLD, TRANSFERRED OR RESERVED					AMOUNT REMAINING ⁽¹⁰⁾	
							(5)	(6)	(7)	(8)	(9)	CFS	AF
Troy Ditch (1)	37 0	3082	08/25/1 936	05/01/19 06	5.10	I	0.00 0	0.000	0.095	0.06 4	0.03 5	4.906	N/A
Troy Ditch 1 st Enlg.	42 7	3082	08/25/1 936	05/01/19 28	10.80	I	0.00 0	0.000	0.200	0.13 4	0.07 3	10.393	N/A
Troy Ditch 2 nd Enlg.	66 9	4613	06/20/1 958	06/01/19 42	6.20	I	0.00 0	0.000	0.115	0.07 7	0.04 2	5.966	N/A
Edith Ditch	35 3	3082	08/25/1 936	05/01/19 04	2.72	I	0.00 0	0.1320	0.050	0.00 0	0.01 8	2.410	N/A
Edith Ditch 1 st Enlg.	67 3	4613	06/20/1 958	07/01/19 46	3.23	I	0.00 0	0.000	0.060	0.00 0	0.02 2	3.148	N/A
Troy Ditch Water System Aka Lower Head gate	(2)	W-2281			15.50 ⁽³⁾	I,D, M,C ,P	0.11 0	0.1320	0.520	0.27 5	0.19 0	14.273	412.89

2. Originally diverted from Miller Creek. All others originally diverted from Frying Pan River.
3. Alternate point for all priorities of Troy and Edith Ditches.
4. Combined amount limited to 15.5 c.f.s. and 453 AF consumptive use, 300 AF of which can be stored.
5. I = Irrigation, D = Domestic, M = Municipal, C = Industrial and P = Piscatorial.

6. Transferred to Edith Ditch Well in Case No. 80CW1 with 1.0 AF.
7. Transferred to three springs on Cap K Ranch in Case No. 82CW189 (1.29 AF assumed to be included).
8. Deeded to George Yates with 15.4 AF in 1983. 0.2 cfs and 10.60 cfs was included in Case No. 82CW357 for Ruedi South Shores plan for augmentation.
9. Deeded to Joan Wheeler in 1987 for diversion at the Troy Ditch 1st and 2nd Enlargement (16.9 AF assumed to be included).
10. Reserved for augmentation of Cap K Ponds with 5.52 AF. Case No. 91CW220.
11. A total of 40.11 AF of the original 453.00 AF has been sold or transferred.
12. In Case No. W-2281, Division 5 Water Court, the Court decreed that 453 acre-feet of annual HCU credits were available to these ditches, and that 300 acre-feet could be stored in an unnamed reservoir. BWCD owns 412.89 acre-feet of the 453 acre-feet and makes the water rights available to contract allottees for use pursuant to an approved substitute supply plan or decree of Court. The Troy and Edith augmentation water can be delivered to the Frying Pan, Roaring Fork or Colorado Rivers by by-passing water at the headgate on the Frying Pan River. Legal descriptions: Troy Ditch: The NW ¼ NE ¼ of Section 14, Township 8 South, Range 84 West, 6th P.M., approximately 285 feet from the South section line and 967 feet from the East section line (Pitkin County). UTM coordinates: Northing 4356860, Easting 350640, Zone 13. Note: Distances from section lines and UTM coordinates were obtained from the Division of Water Resources' CDSS database and/pr Aquamap program. When Aquamap converts the UTM coordinates, the quarter quarter coordinates are SE ¼ SE 1/4. Edith Ditch: The SW ¼ SW ¼ of Section 12, Township 8 South, Range 84 West, 6th P.M., 326 feet from the South section line and 981 feet from the West section line (Eagle County). UTM coordinates: Note: Distances from section lines and UTM coordinates were obtained from the Division of Water Resources' CDSS database and/or Aquamap program. Robinson Ditch water rights:

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

The BWCD owns 441 shares of Class 1 stock issued by the Robinson Ditch Company. The said 441 shares equal 24.16% of the total shares and are associated with 9.73 cfs of the 40.26 cfs decreed to the Robinson Ditch. District Court in and for Garfield County. Legal descriptions: NW ¼ SE ¼ of Section 11, Township 8 South, Range 87 West, 6th P.M., approximately 2,307 feet from the South section line and 2,309 feet from the East section line (Eagle County). Historic Use: Irrigation of approximately 137.2 acres of hay and pasture under the BWCD's interest in the Robinson Ditch water rights. In Case No. 93CW319 Division 5 Water Court, the Court decreed that 360 acre-feet of annual HCU credits are associated with said irrigation. In that case, the Court also decreed a change of use of the BWCD's Robinson Ditch rights to include augmentation. BWCD makes the credits available to contract allottees for use pursuant to an approved substitute supply plan or decree of Court. The Applicant requests findings of reasonable diligence with regard to the following appropriate right of exchange: **Danis Exchange.** Location: Downstream Termini: The points of replacement on the Roaring Fork and/or Colorado Rivers of the BWCD's water rights listed in paragraph 2, above, and described with particularity as follows: For the exchange of Green Mountain Reservoir water: The confluence of the Roaring Fork and Colorado Rivers, located in the SE ¼ NW ¼ of Section 9, Township 6 South, Range 89 West, 6th P.M., approximately 2,200 feet from the North section line and 2,350 feet from the West section line; For the exchange of Ruedi Reservoir and/or Troy and Edith Ditch water: The confluence of the Roaring Fork and Frying Pan Rivers located in the SW ¼ SE ¼ of Section 7, Township 8 South, Range 86 West, 6th P.M., approximately 647 feet from the South section line and 1,475 feet west of the East section line; and For the exchange of Robinson Ditch water: The point of diversion for the Robinson Ditch on the Roaring Fork River, located in the NW ¼ SE ¼ of Section 11, Township 8 South, Range 87 West, 6 P.M., approximately 2,307 feet from the South section line and 2,309 feet from the East section line. A map of the exchange reaches is attached as **Figure 3** to the Application. Upstream Terminus: The uppermost point where evaporation depletions from the Danis Well Pond System and Danis Entry Well Pond impact Snowmass Creek, located in the NW ¼ SE ¼ of Section 34, Township 8 South, Range 86 West, 6th P.M., approximately 1,642 feet from the South section line and 1,535 feet from the East section line (Pitkin County) (as shown on **Figures 1 & 2** attached to the Application). Danis Well Pond System: the upper terminus is located in the SW ¼ SE ¼ of Section 34, Township 8 South, Range 86 West, 6th P.M., approximately 1,235 feet from the South section line and 1,728 feet from the East section line. The lower terminus of the Danis Well Pond System is located in the NW ¼ SE ¼ of Section 34, Township 8 South, Range 86 West, 6th P.M., approximately 1,501 feet from the South section line and 1,641 feet from the East section line (Pitkin County). Danis Entry Well Pond: the centerline of the embankment is located in the SW ¼ SE ¼ of Section 34, Township 8 South, Range 86 West, 6th P.M., approximately 276 feet from the South section line and 1,843 feet from the East section line (Pitkin County). Source: Described in paragraph 2, above. Appropriation date: September 1, 2012. Rate: 0.05 c.f.s., conditional. Volume: Up to 3.3. acre-feet, conditional. The Application includes a detailed description of the work performed during the diligence period to apply the water rights to beneficial use (8 pages).

YOU ARE HEREBY NOTIFIED THAT YOU HAVE until the last day of JANUARY 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 NOVEMBER 2022. *The water right claimed by this application may affect in priority any water right claimed or heretofore adjudicated within this division and owners of affected rights must appear to object and protest within the time provided by statute or be forever barred.*

22CW3111 IN GARFIELD AND EAGLE COUNTIES, COLORADO. APPLICATION FOR FINDING OF REASONABLE DILIGENCE. Name and address of Applicant: Kings Row Homeowners Association, c/o Julie Mikus, President, PO Box 202, Carbondale, Colorado 81623. Please direct all correspondence, motions and pleadings to Jeffrey J. Conklin 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: *Kings Row Well No. 3*. Date of original decree: December 3, 2008, in Case No. 04CW115, in the District Court in and for Water Division No. 5. Subsequent decrees awarding findings of diligence: November 5, 2016, in Case No. 2014CW3172 in the District Court in and for Water Division No. 5. Legal description: The Kings Row Well No. 3 is located in the NE1/4 SW1/4 of Section 21, Township 7 South, Range 87 West of the 6th P.M., 1,145 feet from the South section line and 2,570 feet from the West section line. In Case No. 04CW115, Kings Row Well No. 3 was decreed for alternate points of diversion at the following locations: Kings Row Well No. 2, which is located in the SE 1/4, SW 1/4 of Section 21, T7S, R87W of the 6th PM, at a point 2,639 feet East of the West Line and 1,314 feet North of the South line of said Section 21. Thunder River Realty Co. Well (as changed in Case No. 04CW115), which is located in the SW 1/4 SE 1/4 of Section 21, Township 7 South, Range 87 West of the 6th P.M. 1200 feet from the south section line and 2400 feet from the west section line. Any location within a well field located in the open space area of the Kings Row Subdivision. The Kings Row Well Field is generally located on 8.6 acres in the E1/2 of the SW1/4 of Section 21, Township 7 South, Range 87 West of the 6th P.M. in the County of Garfield, State of Colorado. The legal description is as follows: Beginning at the South quarter corner of Section 21, thence North 11 degrees 39'04" West 677.94 feet to the Point of Beginning of the well field; thence North 00 degrees 34'16" East 608.16 feet; thence South 75 degrees 30'00" West 729 feet; thence South 32 degrees 32'13" West 143.85 feet; thence South 43 degrees 14'51" East 605.9 feet; thence North 77 degrees 05'00" East 416.39 feet to the Point of Beginning of the well field. Source: Groundwater, tributary to Blue Creek, tributary to the Roaring Fork River, tributary to the Colorado River. Appropriation date: September 13, 2002. Amount: 0.066 c.f.s., absolute and 0.044 c.f.s. conditional. 0.066 c.f.s. (30 g.p.m.) was decreed as an absolute water right in Case No. 04CW115 for domestic uses in 45 single family dwellings and the irrigation of 2,000 square feet of lawns and gardens per dwelling (2.06 acres) located within the property boundaries depicted on an exhibit to the application, and fire protection. 0.044 c.f.s. (20 g.p.m.), conditional, for domestic uses inside 6 single family dwellings, irrigation of 2,000 square feet of lawns and gardens per dwelling (0.28 acres), and fire protection. Annual amount: Up to 25.8 acre-feet. Total combined diversions from the Kings Row Well No. 3, the Kings Row Well No. 2 and the Thunder River Realty Co. Well, as described in Case No. 04CW115, will not exceed 25.8 acre-feet annually. Uses: Domestic uses inside 51 single family dwellings, irrigation of 2,000 square feet of lawns and gardens per dwelling (2.35 acres), and fire protection. The location of the use is inside the Kings Row Subdivision and on two lots located to and north of the Kings Row Subdivision. Depth: 360 feet. Remarks: The Kings Row Well No. 3 is permitted as Colorado Division of Water Resources Well Permit No. 67910-F. Claim for diligence: Applicant requests a finding of diligence for 0.044 c.f.s. conditional, for the remaining conditional portion of the Kings Row Well No. 3 for domestic uses and irrigation of 2,000 square feet of lawns and gardens. A detailed outline of what has been done by Applicant during the diligence period toward or for completion of the appropriation and application of the conditional Kings Row Well No. 3 water right to beneficial use as decreed, including expenditures, is presented in an exhibit to the Application. **SECOND CLAIM - APPLICATION FOR FINDING OF REASONABLE DILIGENCE.** Name of structure: **Kings Row Exchange.** Kings Row Exchange, an exchange from the confluence of Blue Creek and the Roaring Fork River to a point of Blue Creek where Applicant's out-of-priority well depletions will accrue. Date of original decree: December 3, 2008, in Case No. 04CW115, in the District Court in and for Water Division No. 5. Subsequent decrees awarding findings of diligence: November 5, 2016, in Case No. 2014CW3172 in the District Court in and for Water Division No. 5. Other decrees affecting water right: In Case No. 2015CW3087, at the direction of the Division Engineer, Applicant changed the descriptions of the upstream and downstream termini of the Kings Row Exchange to correct errors in such location descriptions and included description of the exchange termini when exchange of Green Mountain Reservoir water is made pursuant to the plan for augmentation approved in Case No. 04CW115. Description of exchange reach and decreed location: From the confluence of Blue Creek and the Roaring Fork River to a point on Blue Creek where Applicant's out of priority well depletions will accrue. Upper Terminus: A point on Blue Creek where out of priority depletions by the Thunder River Realty Co. Well, Kings Row Well No. 2 and Kings Row Well No. 3 accrue, such point being in the Northwest 1/4 of the Southeast 1/4 of Section 32, Township 7 South, Range 87 West of the 6th P.M., approximately 1,850 feet from the North section line and 2,270 feet from the East section line of said Section 32. Lower Terminus: The confluence of Blue Creek and the Roaring Fork River located in the Northwest 1/4 of the Southeast 1/4 of Section 27, Township 7 South, Range 88 West, of the 6th P.M., at a point approximately 1,590 feet from the South section line and 1,530 feet from the East section line of said Section 27. Appropriation date: May 15, 2004. Exchange Amount: 0.066 c.f.s., conditional, 0.044 c.f.s., absolute. Total diversions benefiting from the exchange from the Thunder River Realty Co. Well and

Kings Row Well Nos. 2 and 3 shall not exceed 25.8 acre-feet per year. Exchange water source: Robinson Ditch and Favre Domestic Pipeline pursuant to Basalt Water Conservancy District Contract No. 37 (“BWCD Contact”). Uses: Augmentation of out of priority depletions by the Thunder River Realty Co. Well, Kings Row Well No. 2 and Kings Row Well No. 3 under the plan for augmentation approved in Case No. 04CW115. Claim for Reasonable Diligence: A detailed outline of what has been done by Applicant during the diligence period toward or for completion of the appropriation and application of the conditional Kings Row Exchange water right to beneficial use as decreed, including expenditures, is presented in an exhibit to the Application. **THIRD CLAIM - APPLICATION FOR FINDING OF REASONABLE DILIGENCE.** Name of structure: Kings Row Green Mountain Exchange. Description of exchange reach: From the confluence of the Roaring Fork and Colorado rivers upstream to the confluence of Blue Creek and the Roaring Fork River. The upstream terminus is located in the NW1/4 of the SE1/4 of Section 27, T7S, R88W, of the 6th P.M., at a point approximately 1,590 feet from the South section line and 1,530 feet from the East section line of said Section 27. The downstream terminus is located in the the SE1/4 of the NW1/4 of Section 9, T. 6 S, R 89 West of the 6th P.M., at a point approximately 2,200 feet from the North section line and 2,400 feet from the West section line. Appropriation date: May 15, 2004. Exchange amount: 0.11 c.f.s., conditional. Total diversions benefitting from the exchange from the Thunder River Realty Co. Well and Kings Row Well Nos. 2 and 3 shall not exceed 25.8 acre-feet per year. Exchange water source: Robinson Ditch and Favre Domestic Pipeline pursuant to Basalt Water Conservancy District Contract No. 37 (“BWCD Contact”). Uses: Augmentation of out of priority depletions by the Thunder River Realty Co. Well, Kings Row Well No. 2 and Kings Row Well No. 3 under the plan for augmentation approved in Case No. 04CW115. Remarks: The exchange shall operate at all times when direct augmentation of Blue Creek is not required due to a lack of adequate exchange potential. Total diversions benefitting from this exchange from the Thunder River Realty Co. Well and Kings Row Well No. 2 shall not exceed 23.92 acre-feet per year. Total diversions benefitting from this exchange from the Thunder River Realty Co. Well and Kings Row Well Nos. 2 and 3 shall not exceed 25.8 acre-feet per year. Claim for Reasonable Diligence: A detailed outline of what has been done by Applicant during the diligence period toward or for completion of the appropriation and application of the conditional Kings Row Green Mountain Exchange water right to beneficial use as decreed, including expenditures, is presented in an exhibit to the Application. Plan for Augmentation: The Kings Row Well No. 3, the Kings Row Exchange, and Kings Row Green Mountain Exchange are operated in accordance with the terms and conditions of the augmentation plan as decreed in Case No. 04CW115. Names and addresses of owners of land upon which structures are located: Applicant. The following exhibits are on file with the Water Court: a map depicting the location of the general well field location (Exhibit A), a map depicting the general location of the wells (Exhibit B), a copy of the King’s Row Well No. 3 Well Permit (Exhibit C) and detailed outline of what has been done toward completion of the appropriation and application to beneficial use of the Kings Row Well No. 3 and Kings Row Exchange and Kings Row Green Mountain Exchange water rights, including expenditures (Exhibit D). (pp. 11 with Exhibits).

YOU ARE HEREBY NOTIFIED THAT YOU HAVE until the last day of JANUARY 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 NOVEMBER 2022. *The water right claimed by this application may affect in priority any water right claimed or heretofore adjudicated within this division and owners of affected rights must appear to object and protest within the time provided by statute or be forever barred.*

22CW3112 GARFIELD, PITKIN, GRAND, AND EAGLE COUNTIES APPLICATION FOR GROUND WATER, SURFACE, AND STORAGE WATER RIGHTS, AND FOR APPROVAL OF PLAN FOR AUGMENTATION INCLUDING WATER EXCHANGE PROJECT AND APPROPRIATIVE RIGHT OF EXCHANGE. I. APPLICANT AND INTRODUCTION 1. Name and address of Applicant: Turret’s End Stann Ranch, LLC P.O. Box 6880 Eagle, CO 81631 c/o David S. Hayes, Eric K. Trout, Hayes Poznanovic Korver LLC, 700 17th Street, Suite 1800, Denver, Colorado 80202, (303) 825-1980. 2. Introduction: Applicant recently acquired an approximately 32-acre parcel located in the upper Sweetwater Creek watershed, in Garfield County, Colorado. Structures on the property were originally conditionally adjudicated in Case No. 94CW211, but the prior owner did not follow up with filing for subsequent diligence. By this Application, Applicant seeks to re-adjudicate the rights for certain existing structures on the property, including underground water rights for two wells, a surface water right, and a storage right for a pond. In addition, Applicant seeks approval of a plan for augmentation to replace out-of-priority depletions associated with the ditch, wells, and pond. Out-of-priority depletions will be replaced, by exchange and water exchange project, using water available pursuant to a water supply contract with the Colorado River Water Conservation District, for which an application has been submitted and is pending, and, as necessary, by release from onsite storage. **II. CLAIM FOR GROUND WATER RIGHTS.** 3. Name of structures: A. Colorado High Guide Well No. 1 (currently permitted as No. 045539-F). B. Colorado High Guide Well No. 2 (currently permitted as No. 180723). 4. Legal description: A. Well No. 1: NW¼ NE¼ of Section 8, Township 3 South, Range 87 West, 6th P.M., Garfield County, Colorado, at a point described as Zone 13, NAD83, Easting 313089.3m, Northing 4409271.8m, as depicted on Exhibit A attached to the application and available for inspection at the office of the Division 5 Water Clerk or via Colorado Courts E-filing. B. Well No. 2: NW¼ NE¼ of Section 8, Township 3 South, Range 87 West, 6th P.M., Garfield County, Colorado, at a point described as Zone 13, NAD83, Easting 312939.4m, Northing 4409378.4m, as depicted on Exhibit A. 5. Source of water: Well No. 1 is constructed to a depth of 67 feet and diverts ground water tributary to Turret Creek, tributary to Sweetwater Creek, tributary to the Colorado River. Well No. 2 is constructed to a depth of 40 feet

and diverts ground water tributary to Sweetwater Creek, tributary to the Colorado River. 6. Amount: A. Well No. 1: 30 g.p.m, of which 15 g.p.m. is absolute (for all uses) and 15 g.p.m. is conditional. B. Well No. 2: 30 g.p.m., of which 15 g.p.m. is absolute (for commercial use), 15 g.p.m. is conditional for commercial use, and 30 g.p.m. is conditional for domestic and livestock purposes. 7. Date of appropriation: A. Well No. 1: August 18, 1994, on which date there was a concurrence of intent to appropriate and overt acts in furtherance of such intent, including, without limitation, field investigations. B. Well No. 2: August 16, 1994 (commercial use), and November 29, 2022 (domestic and livestock uses), on which dates there was a concurrence of intent to appropriate and overt acts in furtherance of such intent, including, without limitation, obtaining a well permit (commercial use) and the filing of this Application. 8. Uses: Both Well Nos. 1 & 2 will be used for domestic, commercial, and livestock watering purposes. **III. CLAIM FOR SURFACE WATER RIGHT.** 9. Name of structure: Turret Creek Ditch (WDID 5301175). 10. Location: SW¹/₄ SE¹/₄ of Section 5, Township 3 South, Range 87 West, 6th P.M., Garfield County, Colorado, at a point described as Zone 13, NAD83, Easting 313143.7m, Northing 4409500.7m, as depicted on Exhibit A. 11. Source: Turret Creek, tributary to Sweetwater Creek, tributary to the Colorado River. 12. Date of appropriation: August 18, 1994, on which date there was a concurrence of intent to appropriate and overt acts in furtherance of such intent, including, without limitation, field investigations. 13. Amount: 0.5 cubic feet per second, absolute. 14. Use: Irrigation, and to fill, refill and provide freshening flows to Turret Pond No. 1. A. Acres irrigated: Up to approximately 2 acres in the NW¹/₄ NE¹/₄ of Section 8, Township 3 South, Range 87 West, 6th P.M., Garfield County, Colorado, as depicted on Exhibit A. **IV. CLAIM FOR STORAGE WATER RIGHT.** 15. Name of structure: Turret Pond No. 1 (WDID 5303503). 16. Location: NW¹/₄ NE¹/₄ of Section 8, Township 3 South, Range 87 West, 6th P.M., Garfield County, Colorado, with the outlet located at a point described as Zone 13, NAD83, Easting 313061.8m, Northing 4409298.4m, as depicted on Exhibit A. 17. Source: Turret Creek, tributary to Sweetwater Creek, tributary to the Colorado River. 18. Filling structure: Turret Creek Ditch, as more fully described above. 19. Date of appropriation: August 18, 1994, on which date there was a concurrence of intent to appropriate and overt acts in furtherance of such intent, including, without limitation, field investigations. 20. Amount: 4.0 acre-feet total, of which 2.3 acre-feet is absolute and 1.7 acre-feet conditional, with the right to fill and refill (freshening flows). 21. Use: Irrigation, aesthetic, piscatorial, fire protection, livestock watering, and augmentation. A. Acres irrigated: Irrigation will occur, in combination with the Turret Creek Ditch, on up to approximately 2 acres in the NW¹/₄ NE¹/₄ of Section 8, Township 3 South, Range 87 West, 6th P.M., Garfield County, Colorado, as depicted on Exhibit A. 22. Description of reservoir: A. Height of dam: 10 feet or less. B. Length of dam: 280 feet. C. Capacity: 2.3 acre-feet (present, based on survey), 4.0 acre-feet (future). D. Surface Area: 0.4 acre (present), 1.0 acre (future). E. Comments: Turret Pond No. 1 does not expose groundwater. **V. CLAIM FOR APPROVAL OF PLAN FOR AUGMENTATION.** 23. Structures to be augmented: The following described structures are included in the plan for augmentation described herein (collectively, the "Augmented Structures"): A. Colorado High Guide Well No. 1, as described in Section II, above. B. Colorado High Guide Well No. 2, as described in Section II, above. C. Turret Creek Ditch, as described in Section III, above. D. Turret Pond No. 1, as described in Section IV, above. 24. Water rights to be used for augmentation: Water released from the Turret Pond No. 1, as described in Section IV, above; and water released from Wolford Mountain Reservoir, and/or Ruedi Reservoir, pursuant to a pending water supply contract between Applicant and the Colorado River Water Conservation District ("River District"), for which Applicant has applied, and additional or alternative supplies pursuant to C.R.S. § 37-92-305(8)(c). A. Wolford Mountain Reservoir. The River District owns and operates Wolford Mountain Reservoir (f/k/a Gunsight Pass Reservoir) which has the following water rights. (1) Case No. 87CW283: Decree Date: November 20, 1989. Name of Structure: Gunsight Pass Reservoir. Legal description of place of storage: The dam is located in the SW¹/₄ of the NE¹/₄ of Section 25, T. 2 N., R. 81 W., 6th P.M. The intersection of the dam axis with the right abutment will occur at a point which bears S. 54°54'20" E. a distance of 3,716.46 feet from the NW Corner of said Section 25. Source: Muddy Creek and its tributaries, all tributary to the Colorado River. Amount: 59,993 acre feet conditional; of this amount, 32,986 acre feet were made absolute for piscatorial and recreational uses by decree entered in Water Court Case No. 95CW251, and the full amount was made absolute for all purposes by decree entered in Water Court Case No. 02CW107. Appropriation Date: December 14, 1987. Use: All beneficial uses, including but not limited to domestic, municipal, agricultural and recreational uses, which uses satisfy the requirements of the Windy Gap Settlement made with the Municipal Subdistrict of the Northern Colorado Water Conservancy District; use to meet the water requirements of the inhabitants of the River District for all uses, including uses in the Middle Park area; and use to meet the terms of a lease agreement executed March 3, 1987 between the River District and the City and County of Denver. (2) Case No. 95CW281: Decree Date: August 26, 1997. Name of Structure: Wolford Mountain Reservoir Enlargement. Legal description of place of storage: The dam is located in the SW¹/₄ of the NE¹/₄ of Section 25, T. 2 N., R. 81 W., 6th P.M. The as-built intersection of the dam axis (Sta. D19+35.61) with the West Access Road (Sta. WR50+55.05), as shown on the Colorado River Water Conservation District, Wolford Mountain Project, Ritschard Dam construction drawing "Dimensional Dam Layout" sheet 8 of 94, occurs at a point which bears S. 53°24'56" E. a distance of 3,395.51 feet from the NW Corner of said Section 25; the bearing of said dam axis from Sta. 19+35.61 to Sta. 0+00 being S. 75° 28' 29" E. Source: Muddy Creek and its tributaries, all tributary to the Colorado River. Amount: 6,000 acre feet, conditional. Appropriation Date: January 16, 1995. Use: All beneficial uses by and for the benefit of the inhabitants of the Colorado River Water Conservation District, including but not limited to domestic, municipal, industrial, irrigation, agricultural, piscatorial and recreational; such uses will include environmental mitigation, including environmental mitigation requirements associated with the Wolford Mountain Project; such uses will be made directly or by substitution, augmentation, or exchange. None of the water stored in the exercise of the right will be delivered directly or by exchange, substitution, or otherwise for use outside of Colorado Water Division No. 5. (3) Case No. 98CW237: Decree Date: July 6, 2000. Name of Structure: Wolford Mountain Reservoir. Legal Description of place of storage: Same as for 95CW281. Source: Muddy Creek and its tributaries, all tributary to the Colorado River. Amount: 30,000 acre feet conditional, with 15,895 acre feet being absolute for recreational and piscatorial and flood control. Appropriation Date: November 17, 1998. Use: Certain of the beneficial uses previously adjudicated for Wolford Mountain Reservoir in Case No. 87CW283, District Court for Colorado Water

Division No. 5 (November 20, 1989 Judgment and Decree), and Case No. 95CW281, District Court for Colorado Water Division No. 5 (August 26, 1997 Judgment and Decree). 87CW283: The reservoir will be used to satisfy the requirements of the Windy Gap Settlement made with the Municipal Subdistrict of the Northern Colorado Water Conservancy District. This will involve all uses, including but not limited to domestic, municipal, agricultural, and recreational uses. The reservoir will also be used to meet the water requirements of the inhabitants of the River District for all uses, including uses in the Middle Park area. 95CW281: All beneficial uses by and for the benefit of the inhabitants of the Colorado River Water Conservation District, including but not limited to domestic, municipal, industrial, irrigation, agricultural, piscatorial and recreational; such uses will include environmental mitigation, including environmental mitigation requirements associated with the Wolford Mountain Reservoir Project; such uses will be made directly or by substitution, augmentation, or exchange. Remarks: The Refill Right described herein will be exercised to provide supply for the Western Slope uses of water from Wolford Mountain Reservoir described above, including flood control, other operational purposes, and environmental mitigation and enhancement for the benefit of uses within the District. The Refill Right will not be used in conjunction with the Reservoir capacity (24,000 a.f.) which is allocated for the supply of water to the Denver Board of Water Commissioners under Applicant's contractual relationship with Denver, or the Reservoir capacity (6,000 AF) which is allocated for Colorado River endangered fish releases. (4) Case No. 03CW302: Decree Date: October 19, 2014 Name of Structure: Wolford Mountain Reservoir Second Enlargement. Legal description of place of storage: The dam is located in the SW1/4 of the NE1/4 of Section 25, T. 2 N., R. 81 W., 6th P.M. The as-built intersection of the dam axis (Sta. D19+35.61) with the West Access Road (Sta. WR50+55.05), as shown on the Colorado River Water Conservation District, Wolford Mountain Project, Ritschard Dam construction drawing "Dimensional Dam Layout" sheet 8 of 94, occurs at a point which bears S. 53 24'56" E. a distance of 3,395.51 feet from the NW Corner of said Section 25; the bearing of said dam axis from Sta. 19+35.61 to Sta. 0+00 being S. 75 28' 29" E. Source: Muddy Creek and its tributaries, all tributary to the Colorado River. Amount: The amount is 9.775 acre feet, for the initial fill, with the right to refill when in priority subject to a maximum amount of 9,775 acre feet, conditional. Appropriation Date: November 17, 2003. Uses: a. The WMR Second Enlargement storage right may be used for the purposes previously decreed to the Wolford Mountain Reservoir, including uses consistent with the Windy Gap Settlement made with the Municipal Subdistrict of the Northern Colorado Water Conservancy District; meeting the water requirements of the inhabitants of the River District for all uses; and uses consistent with the terms of a lease agreement executed March 3, 1987, between the River District and the City and County of Denver, as amended. b. The WMR Second Enlargement storage right also may be used for all beneficial uses, including but not limited to municipal, commercial, industrial, domestic, irrigation, agricultural, livestock, hydro-power production, evaporation, piscatorial and recreational (including in-reservoir and in-river fish habitat and river flow maintenance and enhancement uses, and uses in furtherance of the Upper Colorado River Basin Fishes Recovery Program) with the right to reuse and successively use the water to extinction; such uses will include environmental mitigation, including environmental mitigation requirements associated with the Wolford Mountain Reservoir Project; such uses will be made directly or by substitution, augmentation, replacement or exchange in Water Divisions 1, 2, and/or 5. c. Agreed Constraints on Use. Pursuant to the February 12, 2014, stipulation entered in this case between the River District and the GVWUA, the UWCD, and the OMID, the River District agrees that it will make water stored pursuant to the WMR Second Enlargement storage right available for uses within or to facilitate the diversion of water from Water Division No. 5 into Water Division No. 1 or Water Division 2 only pursuant to, and subject to the terms, of the express written consent of the GVWUA, the UWCD, and the OMID. Pursuant to paragraph III.E.19 of the CRCA, any use of the WMR Second Enlargement storage right for the benefit of Denver Water will require the prior approval of the Grand County Commissioners and the River District. (5) PLSS: The dam is located in the SW1/4 of the NE1/4 of Section 25, T. 2 N., R. 81 W., 6th P.M. The as-built intersection of the dam axis (Sta. D19+35.61) with the West Access Road (Sta. WR50+55.05), as shown on the Colorado River Water Conservation District, Wolford Mountain Project, Ritschard Dam construction drawing "Dimensional Dam Layout" sheet 8 of 94, occurs at a point 1,940 feet South of North section line and 2,760 feet East of the West section line of said Section 25. B. Ruedi Reservoir. The River District holds Contracts No. 009D6C0111 (500 AF), 009D6C0118 (700 AF), 039F6C0011 (530 AF), 079D6C0106 (5,000 AF), and 139D6C0101 (4,683.5 AF) from the United States Bureau of Reclamation for 11,413.5 acre feet of annual supply from Ruedi Reservoir. This water will be used in addition to and substitution for Wolford Mountain Reservoir water in appropriate circumstances where Ruedi water is physically equivalent to Wolford water. (1) Legal description of place of storage: Ruedi Reservoir is located in Sections 7, 8, 9, 11 and 14 through 18, T. 8 S., R. 84 W., 6th P.M., in Eagle and Pitkin Counties. The dam axis intersects the right abutment at a point whence the SW corner of Section 7, T. 8 S., R. 84 W. of the 6th P.M. bears N. 82°10'W. a distance of 1,285 feet. (2) Source: Fryingpan River. (3) Previous storage decrees: (a) Civil Action No. 4613: Decree Date: June 20, 1958. Court: Garfield County District Court. Amount: 140,697.3 acre feet, reduced to 102,369 acre feet pursuant to order of the Water Court in Case No. W-789-76. The full amount was made absolute in Case No. 88CW85. Appropriation Date: July 29, 1957. Use: Domestic, municipal, irrigation, industrial, generation of electrical energy, stock watering and piscatorial. (b) Case No. 81CW34: Decree Date: April 8, 1985. Court: District Court, Water Div. No. 5. Amount: 101,280 acre feet (refill); of this amount, 44,509 acre feet were made absolute in Case No. 95CW95 and 25,257 acre feet were made absolute in Case No. 01CW269, for a total of 69,766 acre feet absolute. Appropriation Date: January 22, 1981. Use: Irrigation, domestic, municipal, generation of electrical energy, stock watering, industrial, piscatorial, recreation and maintenance of sufficient storage reserves to fulfill contractual obligations and provide stored water for recreation in times of drought. (4) PLSS: Ruedi Reservoir is located in Sections 7, 8, 9, 11 and 14 through 18, T. 8 S., R. 84 W., 6th P.M., in Eagle and Pitkin Counties. The dam axis intersects the right abutment at a point 130 feet South of the North section line and 1,280 feet East of the West section line of Section 7, T. 8 S., R. 84 W. of the 6th P.M. 25. Complete statement of plan for augmentation: The Augmented Structures described above will divert water for the beneficial uses described above. When the Augmented Structures are out-of-priority, Applicant will replace all net out-of-priority depletions using the using the above-described replacement water sources, including pursuant to the appropriative right of exchange and water exchange project further described below. Applicant's total stream depletions

associated with domestic/commercial, pond evaporation, irrigation and livestock uses are estimated at 7.05 acre-feet annually, as set forth in the table attached as Exhibit B (attached to the application and available for inspection at the office of the Division 5 Water Clerk or via Colorado Courts E-filing) summarizing estimated build-out water demands, consumptive use and lagged depletions. Applicant reserves the right to revise such estimates, not to exceed 10 acre-feet annually, without amending this Application or republishing the same. Depletions from the Colorado High Guide Well No. 1, the Turret Creek Ditch, and the Turret Pond No. 1 will accrue to Turret Creek, tributary to Sweetwater Creek, and depletions from the Colorado High Guide Well No. 2 will accrue to Sweetwater Creek, tributary to the Colorado River. Applicant will install measuring devices and will devise accounting forms to record all diversions, depletions and replacements made pursuant to this plan for augmentation as required by the decree entered pursuant to this Application and by the Division Engineer. This plan for augmentation will allow the out-of-priority operation of the Augmented Structures under the terms and conditions described herein in a manner that will prevent injury to vested water rights and decreed conditional water rights. The water to be provided for augmentation shall be of a quality and quantity so as to meet the requirements for which the water has been used by senior downstream appropriators, and therefore meet the requirements of § 37-92-305(5), C.R.S. 26. Appropriative right of exchange and water exchange project: As components of the plan for augmentation Applicant claims the following appropriative rights of exchange and water exchange project pursuant to C.R.S. §§ 37-92-103(9), 37-92-302(5), 37-92-305(3)(a), 37-92-305(5), and 37-92-305(8)(a): A. Turret Creek Ditch Exchanges (Ruedi and Wolford): i. Upstream terminus: The upstream terminus is the Turret Creek Ditch, located in the SW¼ SE¼ of Section 5, Township 3 South, Range 87 West, 6th P.M., Garfield County, Colorado, at a point described as Zone 13, NAD83, Easting 313143.7m, Northing 4409500.7m, as depicted on Exhibit C attached to the application and available for inspection at the office of the Division 5 Water Clerk or via Colorado Courts E-filing. ii. Downstream termini: a. Confluence of Roaring Fork River and Colorado River (Ruedi Reservoir Exchange), located in the SE¼ NW¼ of Section 9, Township 6 South, Range 89 West of the 6th P.M., at a point described as Zone 13, NAD 83, Easting 299753.7 m, Northing 4380367.2 m., as depicted on Exhibit C. b. Confluence of Sweetwater Creek and Colorado River (Wolford Reservoir Exchange), located in the SE¼ NE¼ of Section 9, Township 4 South, Range 86 West of the 6th P.M., at a point described as Zone 13, NAD 83, Easting 325609.9 m, Northing 4398788.9 m., as depicted on Exhibit C. iii. Rate: 0.5 c.f.s., conditional. iv. Source of replacement water: Water released from Wolford Mountain Reservoir, and/or Ruedi Reservoir, as described in Paragraph 24 above. v. Date of appropriation: November 29, 2022, on which date there was a concurrence of intent to appropriate and overt acts in furtherance of such intent, including, without limitation, the filing of the Application. vi. Use: Augmentation and replacement pursuant to the plan for augmentation described herein. vii. Comment: The Turret Creek Ditch Exchanges shall be limited to a maximum of 10 acre-feet per year in combination with the Water Exchange Project. B. Water exchange project: i. Upstream Termini: a. Depletion Point for Colorado High Guide Well No. 1, located in the NW¼ NE¼ of Sec. 8, Township 3 South, Range 87 West, 6th P.M., Garfield County, Colorado, at a point described as Zone 13, NAD83, Easting 313080.9m, Northing 4409277.7m., as depicted on Exhibit C. b. Depletion Point for Colorado High Guide Well No. 2, located in the NW¼ NE¼ of Sec. 8, Township 3 South, Range 87 West, 6th P.M., Garfield County, Colorado, at a point described as Zone 13, NAD83, Easting 312871.4m, Northing 4409295.4m., as depicted on Exhibit C. viii. Rate: 0.07 c.f.s. conditional. ix. Source of replacement water: Water released from Wolford Mountain Reservoir, and/or Ruedi Reservoir, as described in Paragraph 24 above. x. Date of appropriation: November 29, 2022, on which date there was a concurrence of intent to appropriate and overt acts in furtherance of such intent, including, without limitation, the filing of the Application. xi. Use: Augmentation and replacement pursuant to the plan for augmentation described herein. xii. Comment: The Water Exchange Project shall be limited to a maximum of 10 acre-feet per year in combination with the Turret Creek Ditch Exchanges. 27. Name(s) and address(es) of owner(s) or reputed owners of the land upon which any new diversion or storage structure, or modification to any existing diversion or storage structure is or will be constructed or upon which water is or will be stored, including any modification to the existing storage pool: A. The Colorado High Guide Well Nos 1 & 2 and the Turret Pond No. 1 are located on the Applicant's property. B. The headgate of the Turret Creek Ditch is located on land owned by the United States Forest Service, White River National Forest, Supervisor's Office, 900 Grand Ave., Glenwood Springs, CO 81601. C. Wolford Mountain Reservoir: Colorado River Water Conservation District P.O. Box 1120, Glenwood Springs, CO 81602. D. Ruedi Reservoir: United States Department of Interior Bureau of Reclamation, Eastern Colorado Area Office, 11056 West County Road 18E, Loveland, CO 80537-9711. WHEREFORE, Applicant respectfully requests that the Court enter a judgment and decree that: A. Grants this Application; B. Confirms and decrees the absolute and conditional ground, surface, and storage water rights claimed in Sections II, III, and IV, and the conditional exchange and water exchange project claimed in Section V, above; C. Approves the plan for augmentation described in Section V, above; D. Finds that the subject plan for augmentation will not injuriously affect the owners of or persons entitled to use water under a vested water right or decreed conditional water right; and E. Grants such other relief to Applicant as the Court deems just and proper.

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

4. PURSUANT TO C.R.S., §37-92-302, AS AMENDED, YOU ARE NOTIFIED THAT THE FOLLOWING PAGES COMPRISE A RESUME OF THE APPLICATIONS AND AMENDED APPLICATIONS FILED WITH THE WATER CLERK FOR WATER DIVISION 5 DURING THE MONTH OF NOVEMBER 2022. The water right claimed by this application may affect in priority any water right claimed or heretofore adjudicated within this division and owners of affected rights must appear to object and protest within the time provided by statute or be forever barred.

22CW3113 (15CW3115) District Court, Water Division No. 5, State of Colorado, Garfield County Courthouse, 109 8th Street, Ste. 104, Glenwood Springs, CO 81601, (970) 928-3065, CONCERNING THE APPLICATION FOR WATER RIGHTS OF GALLOWAY, INC., D/B/A BLUE VALLEY RANCH, IN THE COLORADO RIVER BASIN OR ITS TRIBUTARIES, IN **GRAND COUNTY, COLORADO**. APPLICATION FOR FINDINGS OF REASONABLE DILIGENCE AND FOR JUNIOR WATER STORAGE RIGHT.

1. Name, Address, and Telephone Number of Applicant: Galloway, Inc., d/b/a Blue Valley Ranch (“Applicant”), c/o Brett Davidson, Ranch Manager, 6915 Highway 9, P.O. Box 1120, Kremmling, CO 80459, (970) 724-3768. Direct All Pleadings to: Steven J. Bushong, Cassidy L. Woodard, Bushong & Holleman PC, 1525 Spruce Street, Suite 200, Boulder, CO 80302. 2. Names of Structures: 2.1. Jones Reservoir (WD52, Structure ID No. 3940); 2.2. Hartman Reservoir (WD 52, Structure ID No. 3978); and 2.3. Rock Gap Dam (WD 52, Structure ID No. 3949). Jones Reservoir, Hartman Reservoir, and Rock Gap Dam will be referred to collectively as the “Structures.” 3. Overview: This is a combined application with two requests regarding water rights associated with the Structures. Part I seeks findings of reasonable diligence for the conditional refill water rights associated with the Structures. Part II requests a junior water storage right for an enlargement of Hartmann Reservoir to reflect the actual existing storage capacity in excess of the previously decreed storage right and refill right for that structure. Pursuant to Uniform Local Rule 3(c) for All State Water Court Divisions, Applicant sought leave of the District Court in and for Water Division No. 5, State of Colorado (the “Water Court”) to combine its request for findings of reasonable diligence with its request for the junior water storage right and conditional refill. The Water Court granted such request pursuant to an order of the Water Referee issued on November 10, 2022, in Water Court Case No. 15CW3115. Part I: Request for Findings of Reasonable Diligence 4. Names of Conditional Water Rights: 4.1. Jones Reservoir, Refill Right; 4.2. Hartman Reservoir, Refill Right; and 4.3. Rock Gap Dam, Refill Right. 5. Description of Conditional Water Rights: 5.1. Jones Reservoir, Refill Right: 5.1.1. Original Decree: Water Court Case No. 15CW3115 decreed on November 5, 2016 (the “15CW3115 Decree”), 5.1.2. Structure Location: Pursuant to the decree in Civil Action No. 1038 by the Eagle County District Court, the outlet of the reservoir is located in the NW¼ of the NE¼ of Section 28, Township 1 South, Range 81 West of the 6th P.M., at a point whence the Northwest Corner of Section 29, Township 1 South, Range 81 West of the 6th P.M. bears North 82° 37’ West 8,052 feet. According to the State Engineer’s Office, the UTM Coordinates for this location are NAD 83, Zone 13, Easting: 375114, Northing: 4423406. See Exhibit A, 5.1.3. Source: Henry Creek, tributary to the Colorado River, 5.1.4. Appropriation Date: December 29, 2015, 5.1.5., Amount Claimed: 69.2018 acre-feet, conditional, 5.1.6. Uses: Irrigation, domestic, recreation, and piscatorial, 5.1.7. Reservoir Dimensions: A map and stage-area capacity table for this reservoir was filed with the State Engineer on November 19, 1965. The maximum height of the dam is 34 feet. The surface area of the high-water line is 5.9926 acres. The capacity of the reservoir is 69.2018 acre-feet, 5.1.8. Remarks: The following water rights are also stored in this reservoir structure, which make up the initial fill: 5.1.8.1. Jones Reservoir: 26.4176 acre-feet (1,150,753 cubic feet) decreed absolute for irrigation purposes by the Eagle County District Court in Civil Action No. 1038 on August 30, 1946, with an appropriation date of October 5, 1937; and 5.1.8.2. Jones Reservoir Enlargement: 42.7842 acre-feet decreed absolute for irrigation, domestic, recreation, and piscatorial purposes by the Eagle County District Court in Civil Action No. 1548 on May 31, 1972, with an appropriation date of August 27, 1965, 5.2. Hartman Reservoir, Refill Right: 5.2.1. Original Decree: the 15CW3115 Decree, 5.2.2. Structure Location: Pursuant to the Water Court decree in Case No. 88CW271, the outlet of the reservoir is located in the NW¼ of the NE¼ of Section 30, Township 1 South, Range 81 West of the 6th P.M., at a point 950 feet South of the North section line and 1,750 feet West of the East section line of said Section 30. According to the State Engineer’s Office, the UTM Coordinates for this location are NAD 83, Zone 13, Easting: 372269, Northing: 4422720. See Exhibit B, 5.2.3. Source: Henry Creek, tributary to the Colorado River, 5.2.4. Appropriation Date: December 29, 2015, 5.2.5. Amount Claimed: 5 acre-feet, conditional, 5.2.6. Uses: livestock watering, piscatorial, and recreational purposes, 5.2.7. Reservoir Dimensions: The field inspection report filed by the Water Commissioner in Water Court Case No. 92CW242 indicates that the reservoir is non-jurisdictional and has an outlet for administrative purposes. The application filed in Case No. 88CW271 indicated that the surface area of the reservoir is 1.5 acres, with a dam that is 300 feet long and 9.5 feet high as measured from the spillway crest, 5.2.8. Remarks: The initial fill of this reservoir is made by using the Hartman Reservoir water right, which is decreed for 5 acre-feet for stockwatering, piscatorial, and recreational purposes in Case No. 88CW271, with an appropriation date of July 18, 1988. This storage right was made absolute in Water Court Case No. 92CW242, 5.3. Rock Gap Dam, Refill Right: 5.3.1. Original Decree: the 15CW3115 Decree, 5.3.2. Structure Location: Pursuant to the decree in Civil Action No. 1548, the initial point of survey is at a point whence the East quarter corner of Section 30, Township 1 South, Range 81 West of the 6th P.M. bears North 75° 10’ 30” East a distance of 1,592.20 feet. According to the State Engineer’s Office, the UTM Coordinates for this location are NAD 83, Zone 13, Easting: 372208, Northing: 4423417. See Exhibit B, 5.3.3. Source: Henry Creek, tributary to the Colorado River, 5.3.4. Appropriation Date: December 29, 2015, 5.3.5. Amount Claimed: 51.69 acre-feet, conditional, 5.3.6. Uses: Irrigation, domestic, recreation, and piscatorial, 5.3.7. Reservoir Dimensions: A map and stage-area capacity table for this reservoir was filed with the State Engineer on October 5, 1966. The maximum height of the dam is 34 feet. The surface area of the high-water line is 7.33 acres. The capacity of the reservoir is 51.69 acre-feet, 5.3.8. Remarks: The initial fill of this reservoir is made by using the Rock Gap Dam water right, which is decreed for 51.69 acre-feet for irrigation, domestic, recreation, and piscatorial purposes by the Eagle County District Court in Civil Action No. 1548 on May 31, 1972, with an appropriation date of May 3, 1966. In addition, the decree entered in Case No. 79CW139 approved the right to use the H.A. French Ditch water right as an alternate source to fill Rock Gap Dam until April 15th of each year or until Rock Gap Dam is assured of its annual fill, whichever is earlier. 6. Request for Findings of Reasonable Diligence: Applicant requests findings that it has exercised reasonable diligence in the development of the full conditional amounts and uses for the Jones Reservoir, Refill Right, the Hartman Reservoir, Refill Right, and the Rock Gap Dam, Refill Right, as those conditional water rights are more particularly described in Paragraph 5 above. 7. Diligence Activities: During the diligence period, Applicant performed the following work and expenditures demonstrating that it has exercised reasonable diligence in the development of the conditional water rights associated with the Structures: 7.1. Applicant purchased the property upon which the Structures are located (known as the Sheephorn Ranch) on

December 30, 2020 and filed a Notice of Transfer of Conditional Water Rights in Water Court Case No. 15CW3115. In purchasing the property, Applicant and its counsel conducted extensive due diligence investigations on the water rights located on the property, including those water rights associated with the Structures and subject to this Application. As a result of those due diligence investigations, Applicant has started undertaking various tasks to improve the water infrastructure on the ranch property, 7.2. In 2021, Applicant retained engineering services from W.W. Wheeler & Associates, Inc., to conduct an analysis on the Jones Dam Hazard Rating. This analysis was done in two phases. Phase I involved the development of a dam breach model and two-dimensional floodplain model to determine the flow characteristics in downstream areas. Phase II involved a field visit to take measurements at structures along the flow path to input into the floodplain model. To date, expenditures on the Jones Dam Hazard Rating have totaled approximately \$21,000, 7.3. After acquiring the Structures on December 30, 2020, Applicant has conducted maintenance and repair of the Structures and of other water infrastructure located on the ranch property, like the irrigation ditches. The Structures and other water infrastructure on the ranch are part of an integrated water supply system designed to provide water to the ranch. Part II: Request for Junior Water Storage Right. 8. Name of Structure: Hartman Reservoir. 9. Other Water Rights Decreed to Structure: The water right decreed as the initial fill of Hartman Reservoir is described in Paragraph 5.2.8 above. Hartman Reservoir was also decreed the conditional refill right that is described in Paragraph 5.2 above. 10. Location of Structure: see Paragraph 5.2.2 above. 11. Name of Junior Water Storage Right: Hartman Reservoir Enlargement. 12. Sources of Junior Water Storage Right: all water that flows into Hartman Reservoir from both Hartman Gulch and Henry Creek, surface runoff, and/or precipitation, all tributary to the Colorado River. 13. Appropriation Date of Junior Water Storage Right: October 12, 2022, based upon the date of a survey conducted to measure the actual capacity of Hartman Reservoir. 14. Amount of Junior Water Storage Right: 14.21 acre-feet, absolute, with the conditional right to fill and refill whenever in priority. Collective refills under this claimed appropriation will not exceed 14.21 acre-feet per year. 15. Uses of Junior Water Storage Right: livestock watering, piscatorial, and recreational purposes. 16. Remarks: A stage-area capacity table is attached hereto as Exhibit C. The 14.21 acre-feet for the junior storage right claimed herein combined with the original 5 acre-feet in the 88CW271 Decree are equal to the total existing capacity of Hartman Reservoir when full (19.21 acre-feet) as depicted in the stage-area capacity table. Further, the claimed junior refill right herein of 14.21 acre-feet combined with the 5 acre-feet refill right decreed in Case No. 15CW3115 allows one collective refill of the 19.21 acre-feet of existing capacity. 17. Land Ownership: All of the Structures are located on lands owned by Applicant. WHEREFORE, Applicant respectfully requests that the Court enter an order (1) granting Applicant's request for findings of reasonable diligence as described in Part I; (2) granting the junior water storage right as described in Part II; and (3) granting such other and further relief as deemed appropriate. (7 pages + Exhibits)

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

5. PURSUANT TO C.R.S., §37-92-302, AS AMENDED, YOU ARE NOTIFIED THAT THE FOLLOWING PAGES COMPRISE A RESUME OF THE APPLICATIONS AND AMENDED APPLICATIONS FILED WITH THE WATER CLERK FOR WATER DIVISION 5 DURING THE MONTH OF NOVEMBER 2022. *The water right claimed by this application may affect in priority any water right claimed or heretofore adjudicated within this division and owners of affected rights must appear to object and protest within the time provided by statute or be forever barred.*

22CW3114 GARFIELD COUNTY, COLORADO. Application for Change of Water Right and to Amend Augmentation Plan. **Four Mile Creek, tributary to the Roaring Fork River, tributary to the Colorado River.** Applicant: West Divide Water Conservancy District, c/o Tammy Keenan, P.O. Box 1478, Rifle, CO 81650, (970) 625-5461, c/o Edward B. Olszewski, Esq., Olszewski, Massih & Maurer, P.C., P.O. Box 916, Glenwood Springs, CO 81602. Please direct all pleadings and correspondence to Applicant's counsel at the addresses above. The Applicant seeks alternate points of diversion for the Four Mile Canal and Siphon and to amend the plan for augmentation decreed in Case No. 94CW344 (as amended by Case No. 02CW225, 05CW148 and 17CW3130), Water Division No. 5, to add additional structures as expressly contemplated in the original decree, and to identify structures no longer covered by the plan for augmentation. Claim for Change of Water Rights. Decreed name of structure for which change is sought: Four Mile Intake of the Four Mile Canal and Siphon. Date Original Decree Entered: June 20, 1958 Case No.: Civil Action No. 4613 Court: Garfield County District Court. Legal description of structure as described in most recent decree that adjudicated the location: The point of diversion for the Four Mile Canal and Siphon is located within the SE ¼ of the SE ¼ of Section 22, T. 7 S., R. 89 W./, of the 6th P.M. at a point 60 feet from the south section line and 150 feet from the east section line. Decreed source of water: Four Mile Creek Appropriation Date: April 22, 1957 Total rate decreed: 200 c.f.s., conditional Prior decreed use: generation of electric energy, domestic and municipal, industrial, irrigation and stockwatering Proposed change: Applicant seeks approval of alternate points of diversion and places of use for the Fourmile Canal and Siphon at the points of diversions and places of use referenced below in the claim to amend plan for augmentation. The amount of the Fourmile Canal and Siphon right to be changed by this application is 0.05 cfs. Remarks: All alternate points of diversion and places of use are located in Applicant's Four Mile Creek Service Area and are capable of being augmented by the augmentation plan decreed in Case No. 94CW344, as amended by Case Nos. 02CW225, 05CW148 and 17CW3130, Water Division No. 5. The Fourmile Canal and Siphon water right is a conditional water right that was decreed for use in the Divide Creek drainage and, therefore, water users diverting from Fourmile Creek below the point at which the Fourmile Canal and Siphon would divert from Fourmile Creek had no expectation of return flows from the contemplated use of said water right. Structures under Applicant's augmentation plan will be permitted to divert as alternate points of diversion for the Fourmile Canal and Siphon water right only during

the non-irrigation season, defined as November 1 through April 30. Such diversions remain subject to the stipulations, limitations and conditions contained in Case Nos. 94CW344, 02CW225, 05CW148 and 17CW3130, Water Division No. 5. Diversions at the alternate points of diversion will be limited to the amount of water legally and physically available at the original point of diversion. Applicant will provide detailed accounting of diversions and depletions to the State and Division Engineers as required by the State and Division Engineers to administer the within change. Measuring devices will be required for all surface and groundwater diversions. Claim for Amendment to Plan for Augmentation. Structures to be augmented: All structures are listed on Table 1 filed with the Application in the following order of information Owner/Address, Contract No., Structure Name, Amount, Case No. Adjudication Date, Appropriation Date, Depletion Location (A, B, C)¹, Annual Depletions (AF) and EQR's to be Augmented. New Contracts. Neal, Roger 817 Traver Trail Glenwood Springs, CO 81601, FM171019RN(a), Neal Well, 0.033, , 01/00/1900, 01/00/1900, A, 0.89, 1.612; Shaw, Chris PO Box 2724 Glenwood Springs, CO 81602, FM181204CS(a), Horeshoe Acres Well # 2, 0.033, , 12/31/1994, 03/24/1993, A, 1.004, 1.819; Gardner, Lucas and Candace 6445 County Road 117 Glenwood Springs, CO 81601, FM181503TTT(b), Trulove Pump, 0.002, , 01/00/1900, 01/00/1900, A, 1.235, 2.237; Gardner, Lucas and Candace 6445 County Road 117 Glenwood Springs, CO 81601, FM181503TTT(b), Trulove Pond #1, 0.0001, , 01/00/1900, 01/00/1900, A, 1.235, 2.237; Gardner, Lucas and Candace 6445 County Road 117 Glenwood Springs, CO 81601, FM181503TTT(b), Trulove Pond #2, 0.001, , 01/00/1900, 01/00/1900, A, 1.235, 2.237; Weitz, Kathleen and Roger 804 Loveland Drive Omaha, NE 68114, FM190320JJ(b), Joslin Well, 0.033, , 01/00/1900, 01/00/1900, B, 0.998, 1.808; Joseph Mollica & Constance Cooper 140 County Road 126 Glenwood Springs, CO 81601, FM190618JMCC(a), Mollica Well, 0.033, , 01/00/1900, 01/00/1900, B, 0.229, 0.415; Robert McDermott 226 County Road 126 Glenwood Springs, CO 81601, FM190919RM(a), Pearson Well No. 1, 0.033, , 01/00/1900, 01/00/1900, A, 1.109, 2.009; Robert McDermott (sub1) 226 County Road 126 Glenwood Springs, CO 81601, FM190919RM1(a), McDermott Well No. 1, 0.033, , 01/00/1900, 01/00/1900, A, 0.396, 0.717; Robert McDermott (Sub 2) 226 County Road 126 Glenwood Springs, CO 81601, FM190919RM2(a), McDermott Well No. 2, 0.033, , 01/00/1900, 01/00/1900, A, 0.396, 0.717; Cappo Properties, LLC Jason Nueman PO Box 2317 Glenwood Springs, CO 81602, FM200521CPL(a), Cappo Well, 0.033, , 01/00/1900, 01/00/1900, C, 2.913, 5.277; James Pursell 304 Chelyn Road Glenwood Springs, CO 81601, FM200820JP(a), Pursell Pond, 0.001, , 01/00/1900, 01/00/1900, B, 0.315, 0.571; Donald and Janis Berger 4451 CR 117 Glenwood Springs, CO 81601, FM210318DJB1(a), Berger Well No. 1, 0.033, , 01/00/1900, 01/00/1900, B, 0.193, 0.35; Donald and Janis Berger 4451 CR 117 Glenwood Springs, CO 81601, FM210318DJB2(a), Berger Well No. 2, 0.033, , 01/00/1900, 01/00/1900, B, 0.193, 0.35. Table 2 Fourmile Creek Augmentation Plan Structure Locations. Neal Well: NE 1/4 of SE 1/4 of Section 33, Range 89W, Township 7S of 6th P.M. 895' from east section line and 2,364' from the south section line. Horeshoe Acres Well # 2: Section 26; Township 7S; Range 89. A Tract in Sec 26 Subdivision COLODNY EXEMPTION Lot 3 Trulove Pump: SW 1/4 of SE 1/4 of Section 15, Township 7S, Range 89 West of the 6th P.M. 1,660' from the East section line and 700' from the South section line Trulove Pond #1: SW 1/4 of SE 1/4 of Section 15, Township 7S, Range 89 West of the 6th P.M. 1,646' from the East section line and 633' from the South section line Trulove Pond #2: SW 1/4 of SE 1/4 of Section 15, Township 7S, Range 89 West of the 6th P.M. 1,690' from the East section line and 520' from the South section line Joslin Well: SW1/4 NW1/4; S3; T7S; R89W; 6th P.M., 3250' from South Section Line, 4550' from East section line Mollica Well: NE1/4 NE1/4 S9 T7S R89W 6th P.M. Pearson Well No. 1: SE1/4 of NE 1/4 of Section 9, Township 7S, Range 89W of 6th P.M. 1300 feet from the East section line and 1650 feet from the north section line McDermott Well No. 1: SE1/4 of NE 1/4 of Section 9, Township 7S, Range 89W of 6th P.M. McDermott Well No. 2: SE1/4 of NE 1/4 of Section 9, Township 7S, Range 89W of 6th P.M. Cappo Well: NE1/4 of SW 1/4 of Section 34 Township 6S, Range 89W of 6th P.M. UTM Zone 13S Easting: 300894 Northing: 4372923 Pursell Pond: NW 1/4 of SW 1/4 of Section 3 in Township 7 South, Range 89 West of the 6th P.M. Berger Well No. 1: NW 1/4 of NW 1/4 Section 10; Township 7S; Range 89W of the 6th P.M. 50 feet from North section line and 340 feet from West line Berger Well No. 2: NW 1/4 NW 1/4 of Section 10, Township 7S, Range 89W of 6th P.M. UTM Zone 13S Easting 300072, Northing:4370958. Water rights to be used for augmentation: Ruedi Reservoir, Green Mountain Reservoir, Atkinson Ditch and Zilm Transfer Ditch. Ruedi Reservoir. Source: Frying Pan River, tributary to Colorado River. Legal Description: On-channel reservoir located in Sections 7, 8, 9, 11, and 14 through 18, Township 8 South, Range 84 West, 6th P.M. Adjudication date: July 20, 1958. Appropriation date: July 29, 1957. Case No.: C.A. 4613. Court: Garfield County District Court. Decreed Amount: 102,369 acre-feet. Uses: Generation of electric energy, domestic, municipal, piscatorial, industrial, irrigation and stock watering. Remarks: Applicant has an interest in 600 acre-feet of water from Ruedi Reservoir pursuant to contract between Applicant and the Bureau of Reclamation. Green Mountain Reservoir. Source: Blue River, tributary to Colorado River. Legal Description: Located approximately 16 miles Southeast of the Town of Kremmling, Colorado in all or parts of Sections 11 through 15 and 24 of Township 2 South, Range 80 West, and in Sections 17 through 21, 28, 29 and 34, Township 2 South, Range 79 West, 6th P.M. Adjudication date: October 12, 1955. Appropriation date: August 1, 1935. Case Nos.: 2782, 5016 and 5017. Court: U.S. District Court, District of Colorado. Decreed Amount: 154,645 acre-feet. Uses: in accordance with paragraph 5(a), (b), and (c) of the section entitled "Manner of Operation of Project Facilities and Auxiliary Facilities" in Senate Document 80. Remarks: Applicant has an interest in 200 acre-feet of water from Green Mountain Reservoir pursuant to Contract Number 8-07-60-W0726, dated October 21, 1998, between Applicant and the Bureau of Reclamation. Atkinson Ditch Source: Fourmile Creek, tributary to the Roaring Fork River. Legal Description: Headgate is located on the East Bank of Fourmile Creek about three miles from the mouth of said creek. Adjudication date: May 11, 1889 Appropriation date: May 24, 1882 Case No.: C.A. 132 Court: District Court. Decreed Amount: 4.0 cfs. (Applicant owns 1.0 cfs of the Atkinson Ditch water right). Uses: Irrigation and augmentation. Zilm Transfer Ditch Source: Zilm Gulch and return flows from diversions from Fourmile Creek, tributary

¹ Locations: A= Above Atkinson, B = Between Atkinson and Fourmile Ditches, C = Between Fourmile Ditch and Smart and Green Ditch

to the Roaring Fork River. Legal Description: Diverts from the left bank of Zilm Draw at a point whence the SE corner of Section 3, T. 7 S., R. 89 W., 6th P.M. bears S. 41 degrees East a distance of 4100 feet. Adjudication date: December 31, 1994 Appropriation date: June 1, 1969 Case No.: 94CW344 Court: Water Division No. 5 Decreed Amount: 2.0 cfs Uses: Augmentation. Amendment to Plan for Augmentation. Applicant seeks to amend the plan for augmentation decreed in Case No. 94CW344, Water Division No. 5, as amended by Case Nos. 02CW225, 05CW148 and 17CW3130, to add additional structures as expressly contemplated in the prior decrees. The augmentation plan decreed in Case No. 94CW344 provides a water supply for up to 500 equivalent residential units (EQR) within the Fourmile Creek Basin. Case Nos. 94CW344, 02CW225, 05CW148 and 17CW3130 collectively allocated 418.75 of the 500 EQRs, leaving 81.25 EQRs available for allocation. For purposes of the augmentation plan, one EQR is based on the assumption that 3.5 people live in each residence and use 100 gallons per day per capita for in-house use, and that 3500 square feet of lawn and garden will be irrigated at each residence. Case Nos. 94CW344, 02CW225, 05CW148 and 17CW3130 recognized that an EQR may result in up to 0.552 acre-feet of annual depletions within the Fourmile Creek watershed. This Amendment to Augmentation Plan adds structures to be augmented and allocates an additional 17.88 EQR to the augmentation plan. Applicant is also removing 6.33 EQR from its augmentation plan as the water allotment contracts covering those depletions have been cancelled. Cancelled contracts are listed on Table 3 and include the following contracts: Donofrio, Frank M. and Donna J., FM060921FDD(a), Donofrio Well, 1, B, 0.481, 0.871; Call, Kenneth and Carol, FM010628KCC(a), Kenrol Well, 1, B, 0.313, 0.567; Pinkham, William, FM000621WP(a), Pinkham Well, 2.7, A, 2.7, 4.891. After this amendment, a total of 430.32 EQRs will be allocated with 69.68 available for future allocation. This Amendment shall be subject to the same terms and conditions and operated in the same manner as the original augmentation plan decreed in Case No. 94CW344, Water Division No. 5, as amended by Case Nos. 02CW225, 05CW148 and 17CW3130. Names and addresses of owners or reputed owners of land upon which augmentation structures are located: Ruedi Reservoir and Green Mountain Reservoir United States Department of Interior Bureau of Reclamation Eastern Colorado Area Office 11056 West County Road 18E Loveland, CO 80537-9711. Atkinson Ditch: C.E. Axthelm Company 827 Bennett Ave. Glenwood Springs, CO 81601. Zilm Transfer Ditch: Estate of William M. Zilm 0090 Sunlight Drive Glenwood Springs, CO 81601. Notices. Per Case No. 94CW344, specific notice of this Application will be provided to Edmund Prehm, Springridge Place Homeowners' Association and Lazy Diamond A, or their successors. Per paragraph 15.F. of Case No. 05CW148, notice is hereby given of a selective administration. Applicant and William and Charlotte Zilm stipulated, and the Court found in Case Nos. 02CW225 and 05CW148, that Zilms agreed to accept monetary compensation pursuant to contract with West Divide as full compensation for any and all adverse impacts by operation of the West Divide augmentation plan on the Zilms' hydropower water rights (Atkinson Ditch rights) described in Exhibit A. During the non-irrigation season, when the Zilms' hydropower rights are the calling rights on Fourmile Creek, the call shall be selectively administered by the Division Engineer so as to not require the replacement of depletions occurring above the headgate of the Atkinson Ditch as a result of diversions by structures included in the West Divide plan for augmentation. The selective administration of the Zilms' call under their hydropower rights was previously approved by this Court in Case No. 94CW344, and again confirmed in Case Nos. 02CW225, 05CW148 and 17CW3130. Pursuant to §37-92-304(8), C.R.S., the Division Engineer is required to selectively administer the Zilms' call as required by the decrees in Case Nos. 94CW344, 02CW225, 05CW148 and 17CW3130. As used in this case, the terms "selective administration" and "selectively administer" refer to the practice of foregoing the administration of the Zilms' call against specific, junior water rights that are included in the West Divide augmentation plan while continuing to administer the call against other junior diversions or water rights that are not included in the West Divide plan. Remarks: Approval of the subject Application for Change of Water Right and to Amend Plan for Augmentation will not result in injury to any vested or decreed conditional water rights and should be approved by the Court. WHEREFORE, the Applicant requests: the Court approve its Application for Change of Water Right and to Amend Plan for Augmentation upon such terms and conditions as are just and proper; and such other and further relief as the Court may deem appropriate (8 pages, 3 tables).

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

6. PURSUANT TO C.R.S., §37-92-302, AS AMENDED, YOU ARE NOTIFIED THAT THE FOLLOWING PAGES COMPRISE A RESUME OF THE APPLICATIONS AND AMENDED APPLICATIONS FILED WITH THE WATER CLERK FOR WATER DIVISION 5 DURING THE MONTH OF NOVEMBER 2022. *The water right claimed by this application may affect in priority any water right claimed or heretofore adjudicated within this division and owners of affected rights must appear to object and protest within the time provided by statute or be forever barred.*

22CW3115 GRAND & SUMMIT COUNTIES. Colorado Water Conservation Board ("CWCB"), 1313 Sherman Street, Suite 718, Denver, Colorado 80203. Please direct communications regarding this case to Jennifer Mele, First Assistant Attorney General, Water Conservation Unit, Natural Resources & Environment Section, Office of the Colorado Attorney General, 1300 Broadway, 7th Floor, Denver, Colorado 80203. Telephone: (720) 508-6282. Email: jen.mele@coag.gov. APPLICATION FOR WATER RIGHTS TO PRESERVE THE NATURAL ENVIRONMENT TO A REASONABLE DEGREE. 1. **Name, mailing address, and telephone number of applicant:** Colorado Water Conservation Board ("CWCB")1313 Sherman Street, Room 718 Denver, CO 80203 (303) 866-3441 Please direct communications regarding this case to the attorney listed in the caption. 2. **Name of water right:** Spruce Creek Instream Flow Water Right. 3. **Legal Description:** The Spruce Creek Instream Flow Water Right is located in the natural stream channel of Spruce Creek from the headwaters of Spruce Creek to a location just above the Hoagland Spruce Creek Flume, a distance of

approximately 3.54 miles. A map depicting the approximate location of the Spruce Creek Instream Flow Water Right reach is attached as **Exhibit 1**. A. Upstream Terminus: Headwaters of Spruce Creek at: i. UTM: Northing: 4417390.06; Easting: 379009.02 (NAD 1983 Zone 13 North) ii. Lat/Long: Latitude 39° 53' 52.64"N; Longitude 106° 24' 55.06"W B. Downstream Terminus: A location just above the Hoagland Spruce Creek Flume at: i.UTM: Northing: 4421209.28 ; Easting: 381464.83 (NAD 1983 Zone 13 North) ii. Lat/Long: latitude 39° 55' 57.73"N; longitude 106° 23' 14.17"W C. The Universal Transverse Mercator (UTM) of the upstream and downstream termini will be used as the legal description for the decree in this matter. The Lat/Long coordinates are provided as cross-reference locations only. The UTM and Lat/Long locations for the upstream and downstream termini were derived from CWCB GIS using the National Hydrography Dataset (NHD) 4. **Source: Spruce Creek, tributary to the Colorado River**. 5. A. Date of appropriation: January 24, 2022. B. How appropriation was initiated: Appropriation and beneficial use occurred on January 24, 2022, by the action of the CWCB pursuant to sections 37-92-102(3) and (4) and 37-92-103(3), (4) and (10), C.R.S. (2021). C. Date applied to beneficial use: January 24, 2022. 6. **Amount of water claimed**: Instream flow of 0.4 cfs (04/15 - 06/30), absolute. 7. **Proposed Uses**: Instream flow to preserve the natural environment to a reasonable degree.8. **Terms and Conditions with Galloway, Inc., D/B/A Blue Valley Ranch ("BVR")** A. The CWCB recognizes that the following are valid existing water rights that are senior to the subject instream flow water right sought herein. Hoagland Canal (Spruce) 3600945 CA1390 4/25/1910 5 cfs Irrigation South Spruce Creek (nka Spruce Creek) High Ditch (Spruce Cr)* 3600656 CA1277 7/15/1883 5 cfs Irrigation Spruce Creek Abbett and Bennett Ditch* 3600501 CA1277 4/24/1883 3.5 cfs Irrigation Spruce Creek Polly Abbett Ditch* 3600782 CA1277 5/31/1884 1 cfs Irrigation Abbett Gulch Abbett and Loser Ditch*3600502 CA1277 4/24/1883 2 cfs Irrigation Spruce Creek. *Indicates water right has an alternate point of diversion at the Hoagland Canal as decreed in Case No. W-2322. The High Ditch (Spruce Creek), Abbett and Bennett Ditch, and Abbett and Loser Ditch are decreed to divert from Spruce Creek in the proposed ISF reach and all three of those water rights have a decreed alternate point of diversion at the Hoagland Canal on Spruce Creek. The Polly Abbett Ditch is decreed to divert from Abbett Gulch (tributary to Spruce Creek), but it also has an alternate pointof diversion at the Hoagland Canal. In addition to being an alternate point of diversion for those four ditches, the Hoagland Canal has its own water right decreed to divert from Spruce Creek. B. If, due to naturally occurring circumstances outside the control of BVR, changes to the natural channel of Spruce Creek occur or repairs to the Hoagland Canal Spruce Creek Flume or headgate, High Ditch (Spruce Creek) headgate, Abbett and Bennet Ditch headgate, or Abbett and Loser Ditch headgate are needed so that it becomes necessary that the headgate or diversion structure for any of these water rights be moved or relocated in order to continue diverting the decreed rights at a decreed location on Spruce Creek and the move is otherwise consistent with C.R.S. § 37-86-111, the instream flow appropriation sought herein shall not be relied upon in any way to (a) prohibit or condition any such move of the point of diversion and related diversion infrastructure, and (b) to require a change of water right associated with any move of the point of diversion. C. The CWCB will not require BVR to pay for or construct a measuring structure that would be used to administer the Spruce Creek ISF. 9. **Names and addresses of owners or reputed owners of the land upon which any new or existing diversion structure will be located**: The notice required by section 37-92-302(2)(b), C.R.S. (2022), to the owners or reputed owners of the land upon which any new or existing diversion or storage structure is or will be constructed is not applicable in this case. This application is for instream flow water rights, exclusive to the CWCB under the provisions of section 37-92-102(3), C.R.S. (2022). As an instream flow water right, the CWCB's appropriation does not require diversion structures or storage. *See Colo. River Water Conservation Dist. v. Colo. Water Conservation Bd.*, 594 P.2d 570, 574 (Colo. 1979); § 37-92-103(4)(c), C.R.S. (2022). As a surface water right, the CWCB's appropriation of instream flow water rights does not involve construction of a well.10. **Increase**: The CWCB has an existing instream flow water right on Spruce Creek from the headwaters to the confluence with the Blue River, in the amount of 0.5 cfs (1/1 – 12/31), with an appropriation date of November 8, 1985, decreed in Case No. 85CW645. The flow rates sought herein are in addition to the amount of the existing instream flow water right.11. **Remarks**: This appropriation by the CWCB, on behalf of the people of the State of Colorado, is made pursuant to sections 37-92-102(3) and (4) and 37-92-103(3), (4) and (10), C.R.S. (2021). The purpose of the CWCB's appropriation is to preserve the natural environment to a reasonable degree. At its regular meeting on May 17, 2022, the CWCB determined, pursuant to section 37-92-102(3)(c), C.R.S. (2021), that the natural environment of Spruce Creek will be preserved to a reasonable degree by the water available for the appropriation to be made; that there is a natural environment that can be preserved to a reasonable degree with the CWCB's water rights herein, if granted; and that such environment can exist without material injury to water rights.

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

7. PURSUANT TO C.R.S., §37-92-302, AS AMENDED, YOU ARE NOTIFIED THAT THE FOLLOWING PAGES COMPRISE A RESUME OF THE APPLICATIONS AND AMENDED APPLICATIONS FILED WITH THE WATER CLERK FOR WATER DIVISION 5 DURING THE MONTH OF NOVEMBER 2022. The water right claimed by this application may affect in priority any water right claimed or heretofore adjudicated within this division and owners of affected rights must appear to object and protest within the time provided by statute or be forever barred.

22CW3116 EAGLE COUNTY. SPRING CREEK, TRIBUTARY TO THE EAGLE RIVER, TRIBUTARY TO THE COLORADO RIVER. Application for Findings of Reasonable Diligence. Applicant: Bangor, LLC, c/o Sara M. Dunn and Blake C. Peterson, Balcomb & Green, P.C., P.O. Drawer 790, Glenwood Springs, CO 81602; 970-945-6546. The Applicant seeks a finding of reasonable diligence in the development of the Timber Springs Lot 5 Feeder Ditch and Pump Station and Timber Springs Lot 5 Water

Feature. A map providing the general location of the diversion and storage structures as Exhibit A is on file with the Water Ct. Claim for Finding of Reasonable Diligence. Name of Structure: Timber Springs Lot 5 Feeder Ditch and Pump Station. Original Decree: 04CW240 in Dist. Ct., Water Div. No. 5 on 09/02/2009. Diligence Decree: 15CW3089 on 11/05/2016. Legal Description: The point of diversion is on the right bank of Spring Creek in the NE1/4 NE1/4 of Sec. 36, T. 4 S., R. 83 W. of the 6th P.M., 1,300 ft. S. of the N. sec. line and 305 ft. W. of the E. sec. line. Source: Spring Creek, tributary to the Eagle River, tributary to the Colorado River. Date of Approp.: 10/09/2002. Amt.: 0.9 c.f.s., conditional. Remarks: 0.1 c.f.s. of 1.0 c.f.s. of the conditionally decreed surface water right was made absolute in 15CW3089. Uses: Delivery of water into the Timber Springs Lot 5 Water Feature for subsequent uses for piscatorial, fire protection and aesthetic. The subject water right will be diverted from Spring Creek through the Timber Springs Lot 5 Feeder Ditch and Pump Station to supply a flow-through water feature with a surface area of up to 0.3 acre and a total capacity of 3 AF where it will be placed to use for piscatorial, fire protection and aesthetic purposes, and then returned to Spring Creek. Remarks: The Timber Springs Lot 5 Feeder Ditch and Pump Station operates pursuant to the plan for aug. approved in 04CW240. Name of Structure: Timber Springs Lot 5 Water Feature. Original Decree: 04CW240 in Dist. Ct., Water Div. No. 5 on 9/02/2009. Diligence Decree: 15CW3089 on 11/5/2016. Legal Description: The Timber Springs Lot 5 Water Feature consists of up to 5 small ponds and interconnecting channels with a re-circulating water system to be filled by Timber Springs Lot 5 Feeder Ditch and Pump Station. All features are located within Lot 5 of the Timber Springs Subdivision in the SE1/4 NE1/4, Sec. 36, T. 4 S., R. 83 W. of the 6th P.M., in Eagle Cty., CO. Source: Spring Creek, tributary to the Eagle River, tributary to the Colorado River. Diversions from Spring Creek into the Timber Springs Lot 5 Water Feature occur through the Timber Springs Lot 5 Feeder Ditch and Pump. Date of Approp: 10/09/2002. Amt.: 2.88 AF, conditional. Remarks: 0.22 AF of 3.0 AF of the conditionally decreed storage water right was made absolute in 15CW3089. Uses: piscatorial, fire protection and aesthetic. Remarks: The Timber Springs Lot 5 Water Feature operates pursuant to the plan for aug. approved in 04CW240. Owner of Land Upon Which the Structures are all Located: Applicant. In the six years preceding the filing of the Application, Applicant has diligently pursued development of the subject water rights. The application on file with the Ct. contains a detailed outline of the work performed during the diligence period. (5 pages of original application, Exhibit A)

YOU ARE HEREBY NOTIFIED THAT YOU HAVE until the last day of JANUARY 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 NOVEMBER 2022. *The water right claimed by this application may affect in priority any water right claimed or heretofore adjudicated within this division and owners of affected rights must appear to object and protest within the time provided by statute or be forever barred.*

22CW3117 (15CW3122) COLORADO DIVISION OF PARKS AND WILDLIFE AND THE PARKS AND WILDLIFE COMMISSION AND THE STATE BOARD OF LAND COMMISSIONERS, 6060 Broadway, Denver, CO 80216 and 1127 Sherman St., Suite 300, Denver, CO 80203 (Please address all correspondence and inquiries regarding this matter to Elizabeth M. Joyce, 720-508-6761, Tarn Udall, 720-508-6266, Cory Haller, 720-508-6304, and Aaron O'Connell 720-508-6303, Office of the Attorney General, 1300 Broadway, 7th Floor, Denver, CO 80203.) Application to Make Water Right Partially Absolute and for Findings of Reasonable Diligence in **EAGLE COUNTY, COLORADO**. **1. Name, mailing address, e-mail address, and telephone number of Applicants:** CPW, Attn: Ed Perkins, Water Rights Administrator, 6060 Broadway, Denver, Colorado, 80216, 303-291-7466; ed.perkins@state.co.us, State Land Board, Attn: Justin Bieri, Water Program Manager, 1127 Sherman Street, Suite 300, Denver, CO, 80203, 303-866-3454 x.3345; justin.bieri@state.co.us. **2. Description of structure and conditional water right:** A. **The Cowboy Spring Pipeline** i. **Original decree:** Case No. 15CW3122, District Court, Water Division 5, entered on November 5, 2016. ii. **Subsequent decrees:** N/A. iii. **Legal description of point of diversion:** UTM: Zone 13N; Northing 4371874m, Easting 350989m; which is in the SE ¼ SE ¼, Section 31, T6S, R83W, of the 6th P.M. approximately 730 feet west of East section line and 495 feet north of South section line, Eagle County, Colorado. See **Exhibit 1**. iv. **Source:** A spring (Cowboy Spring), tributary to West Brush Creek, tributary to Brush Creek, tributary to the Eagle River, tributary to the Colorado River. v. **Appropriation date:** December 31, 2015. vi. **Amount:** 15 gallons per minute (gpm), conditional. a. Annual diversions from the Cowboy Spring Pipeline shall not exceed 1.30 acre-feet per year. vii. **Uses:** domestic, irrigation, commercial, wildlife, fire protection, and stock. a. All uses of the Cowboy Spring Pipeline water right will be within Sylvan Lake State Park, as depicted in **Exhibit 1**. **3. Claim to make Cowboy Spring Pipeline partially absolute:** A. **Date water applied to beneficial use:** September 29, 2022. B. **Amount:** 3.44 gpm. C. **Uses:** domestic, irrigation, commercial, wildlife, fire protection, and stock. **4. Outline of work completed toward diligence:** Sylvan Lake State Park (the Park) is located 10 miles southeast of Eagle, Colorado and is open to the public year-round. The developed portion of the Park is centered around Sylvan Lake, along West Brush Creek. Sylvan Lake is a 42-acre mountain lake and popular fishing location stocked by CPW with brook, cutthroat, and rainbow trout. There are 46 campsites, nine cabins, three yurts, hiking trails, a group campground area, an RV dump station, and a camper service building with showers and flush toilets. The Park offers numerous recreational activities and provides habitat and resources for aquatic and terrestrial wildlife. Cowboy Spring Pipeline is part of the integrated water supply system for the Park. In Case No. 14CW3023, the Court found that several conditional water rights, including the Zurcher Well, Joe Goode Ditch No. 1 Exchange, Nolan Ditch Exchange, South Ditch Exchange, Nolan Creek Ditch Exchange, Peterson Ditch Exchange, Peterson No. 1 Ditch Exchange, Peterson No. 3 Ditch Exchange, Bob Reid Ditch Exchange, Antoine No. 1 Ditch Exchange, Joe Goode No. 2 Ditch Exchange, and the Sylvan Lake Storage

Right, constitute features of an integrated water supply system designed to provide a sufficient and reliable water supply at the Park. As decreed in Case No. 15CW3122, due to water quality concerns the Cowboy Spring Pipeline replaced the Zurcher Well in the augmentation plan decreed in Case No. 03CW23. Cowboy Spring Pipeline is part of the integrated water supply system for the Park, and “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 Cowboy Spring Pipeline.” § 37-92-301(4)(b), C.R.S. The diligence period for the Cowboy Spring Pipeline is November 2016 through November 2022. A detailed outline of what has been done toward completion of the appropriation and application of the Cowboy Spring Pipeline to a beneficial use follows. This list is not intended to be exclusive and may be supplemented by additional evidence. A. In 2022, CPW staff made two visits to the Park to investigate the Cowboy Spring Pipeline and to measure the flow rate. B. Applicants have performed monthly reviews of the Water Court resume to determine whether filing of statements of opposition is necessary to protect Applicants’ property interests and water rights in Water Division 5, including the Cowboy Spring Pipeline. C. During the diligence period, CPW completed improvements to the water treatment facility at the Park. The improvements included moving the location of the chlorinator to ensure proper domestic treatment of water from both the Zurcher Spring and Cowboy Spring Pipeline. The chlorinator was moved upstream from the treated water storage tank to provide adequate chlorine contact to sanitize per Colorado Department of Public Health and Environment (CDPHE) standards. CDPHE signed off on the project on March 19, 2021. D. CPW engaged the services of Wilson Water Group to aid CPW in developing accounting and administrative systems to support the water supply system for the Park, including but not limited to updating the accounting for the augmentation plan decreed in Case No. 03CW23 to replace all references to the Zurcher Well with the Cowboy Spring Pipeline. E. In 2015, in consultation with the Division of Water Resources CPW embarked on a dam re-construction project to address dam safety concerns. In 2016, CPW hired a primary contractor to begin the design engineering and permitting required for the dam reconstruction. Between spring 2018 and fall 2019, Sylvan Lake was drained, and the dam was re-built. The total costs for engineering and design were \$4,285,486. Total costs for demolition and reconstruction of the new Sylvan Lake dam were \$9.4 million, which occurred during the 2018 and 2019 summer construction seasons. Total costs to implement the dam reconstruction project were approximately \$13.6 million. **5. Claim for findings of reasonable diligence:** Applicants claim to make 3.44 gpm of the Cowboy Spring Pipeline absolute and request that the Court enter a finding of diligence and based upon the actions set forth in Paragraph 4, above, continue the remaining portion of the conditional water right (11.56 gpm). In the event the Court declines to make 3.44 gpm absolute, Applicants request the Court enter a finding of diligence and continue the 15 gpm conditional water right in its entirety. **6. Name of owners of land upon which structures are located:** Applicant State Land Board. WHEREFORE, Applicants respectfully request this Court enter a decree finding that Applicants have made the subject water right partially absolute and have exercised reasonable diligence in the development of the remainder of the conditional water right, and to continue the conditional portion of the water right in full force as decreed, and for such other relief as this Court deems just and proper. (5 pages.)

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22CW3118 EAGLE COUNTY, LAKE CREEK, EAGLE RIVER AND COLORADO RIVER BASINS. Bruce Tabb c/o Johnston Van Arsdale Martin PLLC, 305 Gold Rivers Court, Ste 200 Basalt, 81621, (970) 922-2122. Application for Findings of Reasonable Diligence and to Make Absolute. The Applicant requests a finding of reasonable diligence and to make absolute the following conditional water right. Structure: Tabb Exchange. Original decree: 15CW3013, entered on 11/5/2016. Subsequent decree: N/A. Downstream termini: Confluence of the Colorado River and the Roaring Fork River, which is currently located in the SE¼NW¼ Sec 9 T6 S R89W 6th PM at a point approx. 2200 ft from the North section line and 2350 ft from the West section line of said Sec 9; Confluence of the Colorado River and the Eagle River, which is currently located in the SW¼NE¼ Sec 5 T5S R86W 6th PM at a point approx. 2400 ft from the North section line and 1900 ft from the East section line of said Sec 6; Confluence of Lake Creek and the Eagle River, which is currently located in the NE¼NE¼ Sec 6 T5S R82W of the 6th PM at a point 600 ft from the North section line and 110 ft from the East section line. Upstream terminus: The upstream terminus is the point of diversion of the Tabb Pipeline No. 1, located in the NW¼SE¼ Sec 18 T5S R82W 6th PM, at a point 2490 ft from the South section line and 2070 ft from the East section line of said Sec 18, Eagle County. Approp. date: 10/3/2014. Max. rate of exchange: 0.03 cfs, conditional. Max. volume of exchange: 2.0 af per year. Use: Augmentation. Date water applied to beneficial use: 4/1/2017. Amount of water applied to beneficial use: 0.03 cfs. Use applied to beneficial use: Augmentation. Owner of land upon which any new diversion, storage structure or modification to existing diversions, storage structures or storage pools is or may be located: N/A. Remarks: This exchange is operated in accordance with the augmentation plan decreed in 15CW3013. Application on file with the court includes a list of activities demonstrating diligence. (5 pages, 2 exhibits).

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22CW3119 PITKIN COUNTY. K2 Family Property, LLC, a Colorado limited liability company, and K2 Family Property Deux, LLC, a Colorado limited liability company c/o Scott C. Miller and Lisa A. Claxton, Patrick, Miller & Noto, P.C., 229 Midland Avenue, Basalt, CO 81621 (970) 920-1030. **First Claim: To Make Absolute** Name of structure: K2 Pond. Original decree: Case No. 13CW3105, District Court, Water Division No. 5, entered on November 5, 2016. Legal description: The center point of the reservoir dam is located in the NW ¼ NW ¼ of Section 3, Township 10 South, Range 85 West, 6th P.M., approximately 85 feet from the North section line and 100 feet from the West section line (Pitkin County). UTM coordinates: Northing 4342659, Easting 337965, Zone 13. A map is on file with the Court as Figure 1. **Sources:** Willow Creek, tributary to Maroon Creek, the Roaring Fork River, and the Colorado River, via the Willow and Owl Ditch. Fill capacity from the Willow and Owl Ditch: 0.5 c.f.s. Legal description of the Willow and Owl Ditch headgate: On the north bank of Willow Creek, approximately 2 ½ miles above the mouth. A map is on file with the Court as Figure 2. CDSS UTM coordinates: Northing 4336855, Easting 332362. Groundwater tributary to an unnamed drainage referred to as "Badger Hollow," via the Parcel W Well. Fill capacity from the Parcel W Well: 15 g.p.m. Legal description of the Parcel W Well: The NW ¼ NW ¼ of Section 3, Township 10 South, Range 85 West, 6th P.M., approximately 600 feet from the North section line and 60 feet from the West section line (Pitkin County). A map is on file with the Court as Figure 1. Spring water tributary to an unnamed drainage referred to as "Badger Hollow," via the Sam Stapleton Spring No. 1. Fill capacity from the Sam Stapleton Spring No. 1: 0.09 c.f.s. Legal description of the Sam Stapleton Spring No. 1: The NE ¼ NE ¼ of Section 4, Township 10 South, Range 85 West, 6th P.M., approximately 320 feet from the North section line and 1090 feet from the East section line (Pitkin County). UTM coordinates: Northing 4342590, Easting 337601, Zone 13. A map is on file with the Court as Figure 1. Date of appropriation: October 1, 2013. Amount: 1.77 acre-feet, conditional, with the right to fill and refill when water is physically and legally available. The rates of diversion for filling the K2 Pond vary according to fill source and are equal to the fill capacity of each fill source as described in paragraph 3.C above. Uses: Aesthetic, piscatorial, fire protection, irrigation, augmentation and exchange. Irrigation remarks: Applicants will utilize the K2 Pond as an irrigation control structure for their interest in the Willow and Owl Ditch, Priority 160. Applicants' Parcel E and W properties have historically been irrigated under Applicants' interest in Priority 160. Applicants will not store Priority 160 water in the pond for longer than 72 hours. Surface area of high water line: 0.44 acres. Vertical height of dam: Less than 10 feet. Length of dam: 100 feet. Capacity: 1.77 acre-feet. Claim to make water right absolute: Date of beneficial use: May 28, 2019. Amount: 1.77 acre-feet. Uses: Aesthetic, piscatorial, fire protection, irrigation, augmentation and exchange. Description of place of use: Applicants' property at 1370 Owl Creek Rd., Aspen, CO 81611. Statement of beneficial use: During the intervening diligence period, the K2 Pond was constructed to its full decreed capacity of 1.77 a.f. and a surface area of 0.44 acres. In May 2019, Applicants filled the K2 Pond to full capacity utilizing the Willow and Owl Ditch and Sam Stapleton Spring No. 1. At that time, flow from the Willow and Owl Ditch filled the K2 Pond at a fill rate of 0.5 c.f.s. and the K2 Pond operated as an irrigation control structure for the Applicants' senior interest in the Willow and Owl Ditch. In September 2019, Applicants utilized the Sam Stapleton Spring No. 1 to fill the K2 Pond. Applicants' engineer calculated the Sam Stapleton Spring No. 1 to fill the pond at a rate of at least 0.09 c.f.s. During the diligence period, Applicants used water from the K2 Pond for aesthetic, piscatorial, fire protection, irrigation, and augmentation and exchange uses. In support of their claim, Applicants file Exhibit A (survey of pond); Exhibit B (stage capacity table); and Exhibit C (diversion records) with the Court. Applicant K2 Deux owns the land upon which the structure will be constructed and upon which water will be stored and put to beneficial use. Remark: According to C.R.S. 37-92-301(4)(e), a conditional water storage right shall be made absolute for all decreed purposes to the extent of the volume of the appropriation that has been captured, possessed, and controlled at the decreed storage structure. The K2 Pond is constructed to its full capacity and therefore the pond should be made absolute in the amount of 1.77 a.f. for aesthetic, piscatorial, fire protection, irrigation, and augmentation and exchange uses. **Second Claim: For Finding of Reasonable Diligence** Name of structure: Parcel W Well. Original Decree: Case No. 13CW3105, District Court, Water Division No. 5, entered on November 5, 2016. Legal description: The structure is located in the NW ¼ NW ¼ of Section 3, Township 10 South, Range 85 West, 6th P.M., approximately 600 feet from the North section line and 60 feet from the West section line (Pitkin County). A map is on file with the Court as Figure 1. Source: Groundwater tributary to an unnamed drainage referred to as "Badger Hollow." Date of appropriation: October 1, 2013. Amount: 15 g.p.m., conditional, with an annual appropriation of 3.56 acre-feet, conditional. Uses: Domestic purposes inside one single-family residence and one accessory dwelling unit, irrigation, watering of non-commercial domestic animals, and supply of a closed-loop heated driveway system. Note: Under the First Claim, this water right will also be used to fill and refill the K2 Pond for subsequent irrigation, aesthetic, piscatorial, fire protection, and augmentation and exchange purposes. Irrigation: Applicants will irrigate either: (a) up to 1 total acre of lawns, gardens and landscaping on Parcel E and Parcel W, through storage in and pumping from the K2 Pond; and/or (b) up to one acre of lawns, gardens, and landscaping on Parcel W through direct irrigation. However, the total area irrigated under the Parcel W Well is limited to one acre cumulative. Depth of well: Approximately 60 feet. Claim for finding of reasonable diligence:

Applicants have exercised reasonable diligence towards completion of the Parcel W Well water right. A detailed outline of work performed toward completion of the appropriation, including expenditures, is on file with the Court as Exhibit D. Applicant K2 Deux owns the land upon which the structure is located and upon which water will be stored and put to beneficial use. **Third Claim: For Finding of Reasonable Diligence and To Make Absolute in Part** Name of structure: K2 Exchange. Original decree: Case No. 13CW3105, District Court, Water Division No. 5, entered on November 5, 2016. Location: Downstream Termini: The points of replacement on the Roaring Fork and Colorado Rivers of the Basalt Water Conservancy District's ("BWCD") water rights are described in 12. B. of the Application. Upstream Termini: The diversion points for the Willow and Owl Ditch and Sam Stapleton Spring No. 1, described in Paragraph 3.C of the Application, and the point where depletions from the Parcel W Well accrue to "Badger Hollow," described as the SW ¼ SW ¼ of Section 34, Township 9, South, Range 85 West, 6th P.M., approximately 70 feet from the South section line and 880 feet from the West section line (Pitkin County). A map of the exchange reaches is on file with the Court as Figure 3. Sources: The Colorado River, Roaring Fork River, Maroon Creek, Willow Creek and Badger Hollow, to the extent that various segments of these streams are affected by the proposed exchange. Date of appropriation: October 1, 2013. Rate: 0.03 c.f.s., conditional. Volume: 2.35 acre-feet, annually. Plan of operation: The K2 Plan for Augmentation, described in the Decree issued in Case No. 13CW3105, includes an appropriative right of exchange of the augmentation water released pursuant to Applicants' BWCD Water Allotment Contract, extending from the lower termini to the upper termini. Applicants will operate the exchange only when it is in priority. Applicants have broken down the K2 Exchange into three different reaches, as follows: *Willow and Owl Ditch Reach:* The exchange reach as it pertains to diversions from the Willow and Owl Ditch will operate from the downstream termini to the ditch's headgate. *Sam Stapleton Spring No. 1 Reach:* The exchange reach as it pertains to diversions from the Sam Stapleton Spring No. 1 will operate from the downstream termini up to the location of the spring. *Parcel W Well Reach:* The exchange reach as it pertains to the Parcel W Well will operate from the downstream termini up to the point where depletions from the wells accrue to "Badger Hollow." Claim for finding of reasonable diligence: Applicants have exercised reasonable diligence towards completion of the K2 Exchange. A detailed outline of work performed toward completion of the appropriation, including expenditures, is on file with the Court as Exhibit D. Claim to make water right absolute in part: Date of beneficial use: April 14, 2021. Rate: 0.005 c.f.s. to be made absolute, 0.025 c.f.s. to remain conditional. Uses: Exchange of water under the plan for augmentation decreed in Case No. 13CW3105. Statement of beneficial use: The K2 Exchange first operated on April 14, 2021, to replace out-of-priority diversions by the K2 Pond. The Applicants attach records from the Division of Water Resources as evidence the K2 Pond was out-of-priority on April 14, 2021, and that the K2 Exchange needed to operate to replace out-of-priority diversions. See Exhibit E on file with the Court. Between April 2021 and October 2021, there was a downstream "Cameo Call" on the Colorado River for a total of 117 days and the K2 Exchange operated approximately 0.67 a.f. The maximum rate of exchange, 0.005 c.f.s., occurred in July, when the total release volume required was 0.20 a.f. over the period of 21 days of a downstream call. See Exhibit F (diversion records and augmentation plan accounting form) on file with the Court.

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11. PURSUANT TO C.R.S., §37-92-302, AS AMENDED, YOU ARE NOTIFIED THAT THE FOLLOWING PAGES COMPRISE A RESUME OF THE APPLICATIONS AND AMENDED APPLICATIONS FILED WITH THE WATER CLERK FOR WATER DIVISION 5 DURING THE MONTH OF NOVEMBER 2022. The water right claimed by this application may affect in priority any water right claimed or heretofore adjudicated within this division and owners of affected rights must appear to object and protest within the time provided by statute or be forever barred.

22CW3120 Division: 5. DISTRICT COURT, WATER DIVISION NO. 5, STATE OF COLORADO, 109 Eighth Street, Suite 104, Glenwood Springs, CO. 81601. CONCERNING THE APPLICATION FOR WATER RIGHTS OF UPPER MIDNIGHT, LLC, IN PITKIN COUNTY, COLORADO. APPLICATION TO MAKE WATER RIGHTS ABSOLUTE. 1. Name and Address of Applicant: Upper Midnight, LLC, 565 Midnight Mine Road, Aspen, CO. 81611. Direct all pleadings to: Glenn E. Porzak, Porzak Law, LLC, 1111 Spruce Street, Suite 303, Boulder, Colorado 80302, (303) 589-0909. 2. Name of Structures: Queen's Gulch Headgate No. 2, Queen's Gulch Headgate No. 2 Refill Right, Cabin Pond and Cabin Pond Refill Right. 3. Description of Water Rights: (a) Queen's Gulch Headgate No. 2, decreed by the District Court in and for Water Division No. 5 ("Water Court") in Case No. 95CW316 for a total of 1.2 cfs, of which 1.2 cfs is conditional for fire protection, piscatorial, stockwater uses and to fill the Cabin Pond and Castle Creek Pond Nos. 1 and 2, 0.1 cfs is absolute and 1.1 cfs conditional for irrigation uses, and 0.5 cfs is absolute and 0.7 cfs conditional for aesthetic uses, the source of which is Queen's Gulch, tributary to Castle Creek, tributary to the Roaring Fork River, tributary to the Colorado River, with an appropriation date of October 20, 1995, the headgate being located in the NW1/4 NE1/4 of Section 26, Township 10 South, Range 85 West of the 6th P.M. at a point 1,105 feet south of the North section line and 1,402 feet west of the East section line. (b) Cabin Pond, decreed by the Water Court in Case No. 95CW316 for 1.2 acre feet conditional for irrigation, fire protection, piscatorial, aesthetic, and stockwater uses, the source of which is Queen's Gulch, tributary to Castle Creek, tributary to the Roaring Fork River, tributary to the Colorado River, with an appropriation date of October 20, 1995, the centerline of the dam being located in the SW1/4 SE1/4 of Section 23, Township 10 South, Range 85 West of the 6th P.M., at a point 512 feet north of the South section line and 1,400 feet west of the East section line. (c) Queen's Gulch Headgate No. 2 Refill Right, a direct flow water right, decreed by the Water Court in Case No. 20CW3139 to continuously refill the Cabin Pond and Castle Creek Ponds Nos. 1 and 2 at the rate of 1.2 cfs conditional, for irrigation, fire protection, and stockwater use, with an appropriation date of November 18, 2020, the source of which is Queen's

Gulch, tributary to Castle Creek, tributary to the Roaring Fork River, tributary to the Colorado River, the headgate being located in the NW1/4 NE1/4 of Section 26, Township 10 South, Range 85 West of the 6th P.M. at a point 1,105 feet south of the North section line and 1,402 feet west of the East section line. At times when Applicant is not applying for water to irrigation or fire protection use, diversions under Queen's Gulch Headgate No. 2 Refill Right, the Cabin Pond Refill Right, and the Castle Creek Pond Nos. 1 and 2 Refill Rights shall be limited to 0.5 cfs, cumulative. Piscatorial and aesthetic uses under this refill right are restricted to storage vessels, filling Cabin Pond and Castle Creek Ponds Nos. 1 and 2 for their decreed purposes. (d) Cabin Pond Refill Right, a storage water right, decreed by the Water Court in Case No. 20CW3139 to continuously refill the 1.2 acre feet Cabin Pond at the rate of 1.2 cfs conditional for irrigation, fire protection, piscatorial, aesthetic, and stockwater uses, with an appropriation date of November 18, 2020, the source of which is Queen's Gulch, tributary to Castle Creek, tributary to the Roaring Fork River, tributary to the Colorado River, the centerline of the dam being located in the SW1/4 SE1/4 of Section 23, Township 10 South, Range 85 West of the 6th P.M., at a point 512 feet north of the South section line and 1,400 feet west of the East section line. At times when the Applicant is not applying water to irrigation or fire protection use, diversions under the Queen's Gulch Headgate No. 2 Refill Right, the Cabin Pond Refill Right, and the Castle Creek Ponds Nos. 1 and 2 Refill Rights shall be limited to 0.5 cfs, cumulative. Piscatorial and aesthetic uses under this refill right are restricted to storage vessels. A map of the subject water rights is attached as Figure 1. 4. Claim to make portions of the Conditional Rights Absolute: (a) By this Application, Applicant seeks to make the following water rights absolute: (1) Queen's Gulch Headgate No. 2 described above for an additional 0.25 cfs for irrigation uses (for a total of 0.35 cfs), an additional 0.5 cfs for aesthetic uses (for the total of 1.0 cfs), and 1.2 cfs to fill the Cabin Pond for all decreed uses. (2) Cabin Pond described above for 1.2 acre feet for all decreed purposes. (3) Queen's Gulch Headgate No. 2 Refill Right described above for 0.42 cfs to continuously refill the Cabin Pond for all decreed purposes. (4) Cabin Pond Refill Right described above for 1.2 acre feet at the rate of 1.2 cfs for all decreed purposes. (b) In support of the foregoing claimed absolute amounts, Applicant states that: (1) 0.35 cfs was diverted on June 14, 2022, and used for irrigation; (2) 1.0 cfs was diverted on June 6, 2022, and used for aesthetic purposes; (3) 1.2 cfs was diverted on June 2, 2022, to fill the Cabin Pond; (4) 0.42 cfs was diverted on August 27, 2022, to refill the Cabin Pond; (5) The Cabin Pond was constructed to its full decreed capacity of 1.2 acre feet; (6) All decreed uses of the Cabin Pond can be made absolute pursuant to C.R.S. 37-92-301(4)(e); and (7) Since June 2022, the Cabin Pond has been filled and refilled to its full decreed capacity. 5. Remarks: Applicant is the owner of the land on which the Cabin Pond and Cabin Pond Refill Right are located. The property on which the headgate of the Queen's Gulch Headgate No. 2 and Queen's Gulch Headgate No. 2 Refill Right are located on property owned by Castle Creek Valley Ranch Lot 15, LLC, 4400 Post Oak Parkway, #2150, Houston Texas, 77027-3431. WHEREFORE, Applicant requests that the Court enter a decree which makes absolute the above described water rights for the above described amounts and purposes, and for such other and further relief as the Court may deem appropriate.

YOU ARE HEREBY NOTIFIED THAT YOU HAVE until the last day of JANUARY 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 NOVEMBER 2022. *The water right claimed by this application may affect in priority any water right claimed or heretofore adjudicated within this division and owners of affected rights must appear to object and protest within the time provided by statute or be forever barred.*

22CW3121 GARFIELD COUNTY, CATTLE CREEK, TRIBUTARY TO THE ROARING FORK RIVER, TRIBUTARY TO THE COLORADO RIVER. Cottonwood Hollow Homeowners Association and Cottonwood Six Homeowners Association c/o Johnston Van Arsdale Martin PLLC, 305 Gold Rivers Court, Ste 200 Basalt, 81621, (970) 922-2122. Application for Correction for an Established but Erroneously Described Point of Diversion Pursuant to C.R.S. § 37-92-305(3.6). Applicants submit this Application pursuant to C.R.S. § 37-92-305(3.6) to correct outstanding issues with erroneously described legal descriptions for its underground water rights decreed to the Bobcat Ridge Estates Well Nos. 1, 2, 4, 5, 6, 8, 10, 11, and 12 (the "Wells"). This Application simply seeks to conform the decreed locations for the Well water rights to the actual locations of the Wells. The water rights described herein are decreed for use by the owners of Lot Nos. 1, 2, 4, 5, 6, 8, 10, 11, and 12 of the Cottonwood Hollow Subdivision, as described in the Final Plat recorded at Reception No. 356154 in the public records of Garfield County. The water rights for the Wells were originally decreed in 80CW359 without specific legal descriptions. When the lot owners applied for well permits, the permitted locations were incorrect, likely due to an irregular Sec. (Sec. 12) in which the lots and Wells are located. The erroneously described locations were perpetuated in subsequent decrees for the Wells' associated water rights (00CW159, adding specific legal descriptions for the water rights at their permitted locations, 00W136 adjudicating enlargement rights to Wells 2, 3, 5, 8, 9, and 11, 07CW177 confirming the original water rights abs., and 07CW178 confirming the enlargement water rights abs., in part). First claim: Bobcat Ridge Estates Well No. 1 (52733-F). Original decree: 80CW359, entered on 4/18/1981, District Court, Water Div. 5. Subsequent decrees: 85CW103, 89CW62, 93CW53, 99CW152, 00WC159, 07CW177, 15CW3049 and 16CW3007, all District Court, Water Div. 5. Decreed legal desc.: NE1/4 SW1/4, Sec. 12 T7S R88W 6thPM, at a point 2,100 ft from the S line and 2,000 ft from the W line of said Sec. 12. Approp. date: 03/26/1980. Amounts and uses: 15 gpm, abs., for dom. purposes of one single-family dwelling and irr. of 1,500 sf (decreed abs. in 07CW177). 15 gpm, cond., for stockwatering of one head of stock and one single-family dwelling (as changed in 15CW3049). Depth: 35 ft. Remarks: In 15CW3049, the Court confirmed a change in use for the Bobcat Ridge Estate Well No. 1 as described above. This water right operates

pursuant to the plan for augmentation approved in 80CW359, as amended in 00CW159, and as further amended in 15CW3049. Legal desc. of the corrected p.o.d.: NE1/4 SW1/4, Sec. 12 T7S R88W 6thPM. Lot 1 of the Cottonwood Hollow Subdivision. UTM (Zone 13): Easting 313255.0, Northing 4370129.0. Second claim: Bobcat Ridge Estates Well No. 2 (40324-F). Original decree: 80CW359. Subsequent decrees: 85CW103, 89CW62, 93CW53, 99CW152, 00WC159, 07CW177, and 16CW3007. Decreed legal desc.: NE1/4 SE1/4, Sec. 12 T7S R88W 6thPM, at a point 2,120 ft from the S line and 2,150 ft from the W line of said Sec 12. Approp. date: 3/26/1980. Amounts and uses: 15 gpm, abs., for dom. purposes of one single-family dwelling and irr. of 1,000 sf (decreed abs. in 07CW177); and 15 gpm, cond., for stockwatering of four head of stock. Depth: 41 ft. Remarks: This water right operates pursuant to the plan for augmentation approved in 80CW359, as amended in 00CW159. Legal desc. of the corrected p.o.d.: NE1/4 SW1/4, Sec. 12 T7S R88W 6thPM. Lot 2 of the Cottonwood Hollow Subdivision. UTM (Zone 13) Easting 313117.0, Northing 4370149.0. Third claim. Bobcat Ridge Estates Well No. 2 (56069-F). Original decree: 00CW136, entered on 4/23/2001, District Court, Water Div. 5. Subsequent decree: 07CW078, District Court, Water Div. 5. Decreed legal desc.: NE1/4 SW1/4, Sec. 12 T7S R88W 6thPM., at a point 2,120 ft from the S line and 2,150 ft from the W line of said Sec. 12. Approp. date: 3/15/2000. Amounts and uses: 15 gpm, abs., for dom. purposes of one single-family dwelling, irr. of 5,000 sf (decreed abs. in 07CW78). Depth: 200 ft. Remarks: This water right operates pursuant to the plan for augmentation approved in 00CW136. Legal desc. of the corrected p.o.d.: NE1/4 SW1/4, Sec. 12 T7S R88W 6thPM. Lot 2 of the Cottonwood Hollow Subdivision. UTM (Zone 13) Easting 313117.0, Northing 4370149.0. Fourth claim: Bobcat Ridge Estates Well No. 4 (29266-F). Original decree: 80CW359. Subsequent decrees: 85CW103, 89CW62, 93CW53, 99CW152, 00WC159, 07CW177, and 16CW3007. Decreed legal desc.: NW1/4 SW1/4, Sec. 12 T7S R88W 6thPM., at a point 2,000 ft from the S line and 700 ft from the W line of said Sec. 12. Approp. date: 3/26/1980. Amounts and uses: 12 gpm, abs., for dom. purposes of one single-family dwelling and irr. of 1,500 sf (decreed abs. in 07CW177). 3 gpm, cond., for dom. purposes of one single-family dwelling and irr. of 1,500 sf; and 15 gpm, cond., for stockwatering of four head of stock. Depth: 55 ft. Remarks: This water right operates pursuant to the plan for augmentation approved in 80CW359, as amended in 00CW159. Legal desc. of the corrected p.o.d.: NE1/4 SW1/4, Sec. 12 T7S R88W 6thPM. Lot 4 of the Cottonwood Hollow Subdivision. UTM (Zone 13) Easting 312883.0, Northing 4370129.5. Fifth claim. Bobcat Ridge Estates Well No. 5 (29786-F). Original decree: 80CW359. Subsequent decrees: 85CW103, 89CW62, 93CW53, 99CW152, 00WC159, and 07CW177 (diligence and abs.). Decreed legal desc.: NW1/4 SW1/4, Sec. 12 T7S R88W 6thPM., at a point 2,000 ft from the S line and 500 ft from the W line of said Sec. 12. Approp. date: 3/26/1980. Amounts and uses: 15 gpm, abs., for dom. purposes of one single-family dwelling and irr. of 1,500 sf (decreed abs. in 07CW177). Depth: 60 ft. Remarks: This water right operates pursuant to the plan for augmentation approved in 80CW359, as amended in 00CW159. Legal desc. of the corrected p.o.d.: NW1/4 SW1/4, Sec. 12 T7S R88W 6thPM. Lot 5 of the Cottonwood Hollow Subdivision. UTM (Zone 13) Easting 312740.1, Northing 4370109.9. Sixth claim. Bobcat Ridge Estates Well No. 5 (55778-F). Original decree: 00CW136. Subsequent decrees: 07CW78 and 15CW3044. Decreed legal desc.: NW1/4 SW1/4 of Sec. 12 T7S R88W 6thPM., approx. 2,000 ft from the S Sec. line and 500 ft from the W Sec. line of said Sec. 12. Approp. date: 3/15/2000. Amount and uses: 15 gpm, abs., for irr. of 2,500 sf (decreed abs. in 07CW78); and 15 gpm, cond., for dom. use in one single-family dwelling. Depth: 60 ft. Remarks: The water right operates pursuant to the plan for augmentation decreed in 00CW136. Legal desc. of the corrected p.o.d.: NW1/4 SW1/4, Sec. 12 T7S R88W 6thPM. Lot 5 of the Cottonwood Hollow Subdivision. UTM (Zone 13) Easting 312740.1, Northing 4370109.9. Seventh claim. Bobcat Ridge Estates Well No. 6 (67971-F). Original decree: 80CW3595. Subsequent decrees: 85CW103, 89CW62, 93CW53, 99CW152, 00WC159, 07CW177 (diligence and abs.). Decreed legal desc.: NW1/4 SW1/4, Sec. 12 T7S R88W 6thPM., at a point 2,376 ft from the S line and 264 ft from the W line of said Sec. 12. Approp. date: 3/26/1980. Amounts and uses: 15 gpm, abs., for dom. purposes of one single-family dwelling and irr. of 1,500 sf (decreed abs. in 07CW177). Depth: 200 ft. Remarks: This water right operates pursuant to the plan for augmentation approved in 80CW359, as amended in 00CW159. Legal desc. of the corrected p.o.d.: NW1/4 SW1/4, Sec. 12 T7S R88W 6thPM. Lot 6 of the Cottonwood Hollow Subdivision. UTM (Zone 13) Easting 312609.0, Northing 4370108.0. Eighth claim. Bobcat Ridge Estates Well No. 8 (56089-F). Original decree: 80CW359. Subsequent decrees: 85CW103, 89CW62, 93CW53, 99CW152, 00WC159, 07CW177, and 16CW3007. Decreed legal desc.: NW1/4 SW1/4, Sec. 12 T7S R88W 6thPM., at a point 1,584 ft from the S line and 1,056 ft from the W line of said Sec. 12. Approp. date: 3/26/1980. Amounts and uses: 15 gpm, abs., for dom. purposes of one single-family dwelling, irr. of 1,000 sf and stockwatering of one head of stock (decreed abs. in 07CW177); and 15 gpm, cond., for irr. of 500 sf and stockwatering of three head of stock. Depth: 110 ft. Remarks: This water right operates pursuant to the plan for augmentation approved in 80CW359, as amended in 00CW159. Legal desc. of the corrected p.o.d.: NW1/4 SW1/4, Sec. 12 T7S R88W 6thPM. Lot 8 of the Cottonwood Hollow Subdivision. UTM (Zone 13) Easting 312910.0, Northing 4369901.0. Ninth claim. Bobcat Ridge Estates Well No. 8 (56071-F). Original decree: 00CW136. Subsequent decree: 07CW078 (diligence and abs.). Decreed legal desc.: NW1/4 SW1/4, Sec. 12 T7S R88W 6thPM., at a point 1,584 ft from the S line and 1,056 ft from the W line of said Sec. 12. Approp. date: 3/15/2000. Amounts and uses: 15 gpm, abs., for dom. purposes of one single-family dwelling, irr. of 2,500 sf and stockwatering of one head of stock (decreed abs. in 07CW78). Depth: 110 ft. Remarks: This water right operates pursuant to the plan for augmentation approved in 00CW136. Legal desc. of the corrected p.o.d.: NW1/4 SW1/4, Sec. 12 T7S R88W 6thPM. Lot 8 of the Cottonwood Hollow Subdivision. UTM (Zone 13) Easting 312910.0, Northing 4369901.0. Tenth claim. Bobcat Ridge Estates Well No. 10 (49319-F). Original decree: 80CW359. Subsequent decrees: 85CW103, 89CW62, 93CW53, 99CW152, 00WC159, 07CW177, and 16CW3007. Decreed legal desc.: NE1/4 SW1/4, Sec. 12 T7S R88W 6thPM., at a point 1,363 ft from the S line and 3,265 ft from the E line of said Sec. 12 (01CW159); and NE1/4 SW1/4, Sec. 12 T7S R88W 6thPM., at a point 2,110 ft from the S line and 1,410 ft from the W line of said Sec. 12 (07CW177). Approp. date: 3/26/1980. Amounts and uses: 15 gpm, abs., for dom. purposes of one single-family dwelling and irr. of 1,000 sf (decreed abs. in 07CW177); and 15 gpm, cond., for stockwatering of one head of stock. Depth: 180 ft. Remarks: This water right operates pursuant to the plan for augmentation approved in 80CW359, as amended in 00CW159. Legal desc. of the corrected p.o.d.: NW1/4 SW1/4, Sec. 12 T7S R88W 6thPM. Lot 10 of the Cottonwood Hollow Subdivision. UTM (Zone 13) Easting 313074.0, Northing

4369952.0. Eleventh claim. Bobcat Ridge Estates Well No. 11 (52372-F). Original decree: 80CW359. Subsequent decrees: 85CW103, 89CW62, 93CW53, 99CW152, 00WC159, 07CW177, and 16CW3007. Decreed legal desc.: NE1/4 SW1/4, Sec. 12 T7S R88W 6thPM., at a point 2,110 ft from the S line and 1,410 ft from the W line of said Sec. 12 (01CW159); and NE1/4 SW1/4, Sec. 12 T7S R88W 6thPM., at a point 2,010 ft from the S line and 1,410 ft from the W line of said Sec. 12 (07CW177). Approp. date: 3/26/1980. Amounts and uses: 15 gpm, abs., for dom. purposes of one single-family dwelling and irr. of 1,500 sf (decreed abs. in 07CW177); and 15 gpm, cond., for stockwatering of four head of stock. Depth: 200 ft. Remarks: This water right operates pursuant to the plan for augmentation approved in 80CW359, as amended in 00CW159. Legal desc. of the corrected p.o.d.: NW1/4 SW1/4, Sec. 12 T7S R88W 6thPM. Lot 11 of the Cottonwood Hollow Subdivision. UTM's (Zone 13) Easting 312909.0, Northing 4370047.0. Twelfth claim. Bobcat Ridge Estates Well No. 11 (56073-F). Original decree: 00CW136. Subsequent decrees: 07CW78 and 15CW3044. Decreed legal desc.: NE1/4 SW1/4 of Sec. 12 T7S R88W 6thPM., approx. 2,010 ft from the S Sec. line and 1,410 ft from the W Sec. line of said Sec. 12. See Exhibit A for a map depicting this location. Approp. date: 3/15/2000. Amount and uses: 15 gpm, abs., for irr. of 5,000 sf (decreed abs. in 07CW78); and 15 gpm, cond. for dom. use in one single-family dwelling. Depth: 200 ft. Remarks: This water right operates pursuant to the plan for augmentation decreed in 00CW136. Legal desc. of the corrected p.o.d.: NW1/4 SW1/4, Sec. 12 T7S R88W 6thPM. Lot 11 of the Cottonwood Hollow Subdivision. UTM's (Zone 13) Easting 312909.0, Northing 4370047.0. Thirteenth claim. Bobcat Ridge Estates Well No. 12 (36756-F). Original decree: 80CW359. Subsequent decrees: 85CW103, 89CW62, 93CW53, 99CW152, 00WC159, and 07CW177 (diligence and abs.). Decreed legal desc.: NW1/4 SW1/4, Sec. 12 T7S R88W 6thPM., at a point 2,500 ft from the S line and 400 ft from the W line of said Sec. 12. Approp. date: 3/26/1980. Amounts and uses: 15 gpm, abs., for dom. purposes of one single-family dwelling and irr. of 1,000 sf (decreed abs. in 07CW177). Depth: 200 ft. Remarks: This water right operates pursuant to the plan for augmentation approved in 80CW359, as amended in 00CW159. Legal desc. of the corrected p.o.d.: NW1/4 SW1/4, Sec. 12 T7S R88W 6thPM. Lot 12 of the Cottonwood Hollow Subdivision. UTM's (Zone 13) Easting 312709.0, Northing 4370167.8. The owners of land upon which structures are located. Well 1: Troy and Cher Vincent, PO Box 684, Snowmass, CO 81654. Well 2: Jeffrey and Christine Godfread, 0090 Cotton Hollow Ln., Carbondale, CO 81623. Well 4: Jack Siegel and Lisa Bertini, 318 48th Street, Virginia Beach, VA 23451. Well 5: Aaron and Joanna Natoniewski, 4972 County Road 113, Carbondale, CO 81623. Well 6: Charilynn J. Widdon, PO Box 1148, Glenwood Springs, CO 81602. Well 8: Marc and Erin Bassett, 0202 Cotton Hollow Ln., Carbondale, CO 81623. Well 10: Donna Whitmore, 1612 Young Street, Broussard, LA 70518, and Jerome Flynn, 0210 Cotton Hollow Ln., Carbondale, CO 81623. Well 11: Matt and Carrie Vickers, 0168 Cotton Hollow Ln., Carbondale, CO 81623. Well 12: Christopher Erickson, 5101 County Road 113, Carbondale, CO 81623. (13 pages, 2 exhibits).

YOU ARE HEREBY NOTIFIED THAT YOU HAVE until the last day of JANUARY 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 NOVEMBER 2022. *The water right claimed by this application may affect in priority any water right claimed or heretofore adjudicated within this division and owners of affected rights must appear to object and protest within the time provided by statute or be forever barred.*

22CW3122 GARFIELD COUNTY, CATTLE CREEK, TRIBUTARY TO THE ROARING FORK RIVER, TRIBUTARY TO THE COLORADO RIVER. Cottonwood Hollow Homeowners Association c/o Johnston Van Arsdale Martin PLLC, 305 Gold Rivers Court, Ste 200 Basalt, 81621, (970) 922-2122. Application for Findings of Reasonable Diligence and to Make Absolute in Part. Applicant requests a finding of reasonable diligence for the cond. portions of the water rights decreed to the Bobcat Ridge Estates Well Nos. 1, 2, 3, 4, 7, 8, 9, 10, 11 and McVey Reservoir, as well as confirmation that Applicant's members have made additional portions of Well Nos. 7, 8, 9, and 11 abs., in part. The subject water rights are decreed for use by the owners of Lot Nos. 1 through 13 of the Cottonwood Hollow Subdivision ("Cottonwood Hollow") located in the SW1/4 of Sec. 12 T7S R88W 6th PM. and as described in the Final Plat recorded at Reception No. 356154 in Garfield County records. Applicant is simultaneously seeking a correction in the erroneously decreed locations for Bobcat Ridge Estates Well Nos. 1, 2, 4, 8, 10 and 11 to the wells' actual p.o.d. in 22CW3121. First claim. Bobcat Ridge Estates Well No. 1 (52733-F). Original decree: 80CW359, entered on 4/18/1981, by the District Court in and for Water Div. 5. Subsequent decrees: 85CW103, 89CW62, 93CW53, 99CW152, 00WC159, 15CW3049 and 16CW3007, District Court, Water Div. 5. Legal descrip.: NE1/4 SW1/4, Sec. 12 T7S R88W 6th PM, at a point 2,100 ft from the S line and 2,000 ft from the W line of said Sec. 12. Approp. date: 3/26/1980. Amounts and uses: 15 gpm, abs., for dom. purposes of one single-family dwelling and irr. of 1,500 sf (decreed abs. in 07CW177), and 15 gpm, cond., for stockwatering of one head of stock and one single-family dwelling (as changed in 15CW3049). Depth: 35 ft. Remarks: In 15CW3049, the Court confirmed a change in use for the Bobcat Ridge Estate Well No. 1. This water right operates under the plan for augmentation approved in 80CW359, as amended in 00CW159, and as further amended in 15CW3049. Second claim. Bobcat Ridge Estates Well No. 2 (40324-F). Original decree: 80CW359. Subsequent decrees: 85CW103, 89CW62, 93CW53, 99CW152, 00WC159, 07CW177, and 16CW3007. Legal descrip.: NE1/4 SE1/4, Sec. 12 T7S R88W 6th PM, at a point 2,120 ft from the S line and 2,150 ft from the W line of said Sec. 12. Approp. date: 3/26/1980. Amounts and uses: 15 gpm, abs., for dom. purposes of one single-family dwelling and irr. of 1,000 sf (decreed abs. in 07CW177); and 15 gpm, cond., for stockwatering of four head of stock. Depth: 41 ft. Remarks: This water right operates per the plan for augmentation approved in 80CW359, as amended in 00CW159. Third claim. Bobcat Ridge Estates Well No. 3 (37223-F). Original decree: 80CW359. Subsequent

decree: 85CW103, 89CW62, 93CW53, 99CW152, 00WC159, 07CW177, and 16CW3007. Legal descrip.: NE1/4 SW1/4, Sec. 12 T7S R88W 6th PM, at a point 2,050 ft from the S line and 1,750 ft from the W line of said Sec. 12. Approp. date: 3/26/1980. Amounts and uses: 15 gpm, abs., for dom. purposes of one single-family dwelling and irr. of 1,500 sf (decreed abs. in 07CW177), and 15 gpm, cond., for stockwatering of four head of stock. Depth: 40 ft. Remarks: This water right operates per the plan for augmentation approved in 80CW359, as amended in 00CW159. Fourth claim. Bobcat Ridge Estates Well No. 4 (29266-F). Original decree: 80CW359. Subsequent decrees: 85CW103, 89CW62, 93CW53, 99CW152, 00WC159, 07CW177, and 16CW3007. Legal descrip.: NW1/4 SW1/4, Sec. 12 T7S R88W 6th PM, at a point 2,000 ft from the S line and 700 ft from the W line of said Sec. 12. Approp. date: 3/26/1980. Amounts and uses: 12 gpm, abs., for dom. purposes of one single-family dwelling and irr. of 1,500 sf (decreed abs. in 07CW177). 3 gpm, cond., for dom. purposes of one single-family dwelling and irr. of 1,500 sf; and 15 gpm, cond., for stockwatering of four head of stock. Remarks: This water right operates per the plan for augmentation approved in 80CW359, as amended in 00CW159. Fifth claim. Bobcat Ridge Estates Well No. 7 (79413-F). Original decree: 80CW359. Subsequent decree: 85CW103, 89CW62, 93CW53, 99CW152, 00WC159, 07CW177, and 16CW3007. Legal descrip.: The decreed legal descrip. for this well from 80CW359 is that the well will be located within Lot 7, Cottonwood Hollow. The permitted location under 79413-F is in the NW1/4 SW1/4 Sec. 12 T7S R88W 6th PM, at a point 1,465 ft from the S line and 1,080 ft from the W line of said Sec. 12. Approp. date: 3/26/1980. Amounts and uses: 15 gpm, cond., for dom. purposes of one single-family dwelling, and for irr. of 1,000 sf. Depth: 190 ft. Remarks: This water right operates per the plan for augmentation approved in 80CW359, as amended in 00CW159. Abs. claim: Beneficial use date: 6/1/2021. Amount and beneficial use of water: 15 gpm for one single-family dwelling. Place of beneficial use: Lot 7 of Cottonwood Hollow. Sixth claim. Bobcat Ridge Estates Well No. 8 (56089-F). Original decree: 80CW359. Subsequent decrees: 85CW103, 89CW62, 93CW53, 99CW152, 00WC159, 07CW177, and 16CW3007. Legal descrip.: NW1/4 SW1/4, Sec. 12 T7S R88W 6th PM, at a point 1,584 ft from the S line and 1,056 ft from the W line of said Sec. 12. Approp. date: 3/26/1980. Amounts and uses: 15 gpm, abs., for dom. purposes of one single-family dwelling, irr. of 1,000 sf and stockwatering of one head of stock (decreed abs. in 07CW177); and 15 gpm, cond., for irr. of 500 sf and stockwatering of three head of stock. Depth: 110 ft. Remarks: This water right operates per the plan for augmentation approved in 80CW359, as amended in 00CW159. Abs. claim: Beneficial use date: 3/31/2010. Water was diverted at the well's actual location: UTM (Zone 13) Easting 312910.0, Northing 4369901.0, as requested in Applicant's application to correct the legal descrip. filed in 22CW3121. Amount and beneficial use of water: 15 gpm for irr. of 500 sf and stockwatering of three head of stock. Place of beneficial use: Lot 8 of Cottonwood Hollow. Seventh claim. Bobcat Ridge Estates Well No. 9 (37221-F). Original decree: 80CW359. Subsequent decrees: 85CW103, 89CW62, 93CW53, 99CW152, 00WC159, 07CW177, and 16CW3007. Legal descrip.: SE1/4 SW1/4, Sec. 12 T7S R88W 6th PM, at a point 1,200 ft from the S line and 2,000 ft from the W line of said Sec. 12. Approp. date: 3/26/1980. Amounts and uses: 15 gpm, abs., for dom. purposes of one single-family dwelling and irr. of 1,500 sf (decreed abs. in 07CW177), and 15 gpm, cond., for stockwatering of four head of stock. Depth: 190 ft. Remarks: This water right operates per the plan for augmentation approved in 80CW359, as amended in 00CW159. Abs. claim: Beneficial use date: 6/13/2022. Amount and beneficial use of water: 15 gpm for stockwatering of two head of stock. Place of beneficial use: Lot 9 of Cottonwood Hollow. Eighth claim. Bobcat Ridge Estates Well No. 10 (49319-F). Original decree: 80CW359. Subsequent decrees: 85CW103, 89CW62, 93CW53, 99CW152, 00WC159, 07CW177, and 16CW3007. Legal descrip.: NE1/4 SW1/4, Sec. 12 T7S R88W 6th PM, at a point 1,363 ft from the S line and 3,265 ft from the E line of said Sec. 12 (01CW159); and NE1/4 SW1/4, Sec. 12 T7S R88W 6th PM, at a point 2,110 ft from the S line and 1,410 ft from the W line of said Sec. 12 (07CW177). Approp. date: 3/26/1980. Amounts and uses: 15 gpm, abs., for dom. purposes of one single-family dwelling and irr. of 1,000 sf (decreed abs. in 07CW177); and 15 gpm, cond., for stockwatering of one head of stock. Depth: 180 ft. Remarks: This water right operates per the plan for augmentation approved in 80CW359, as amended in 00CW159. Ninth claim. Bobcat Ridge Estates Well No. 11 (52372-F). Original decree: 80CW359. Subsequent decrees: 85CW103, 89CW62, 93CW53, 99CW152, 00WC159, 07CW177, and 16CW3007. Legal descrip.: NE1/4 SW1/4, Sec. 12 T7S R88W 6th PM, at a point 2,110 ft from the S line and 1,410 ft from the W line of said Sec. 12 (01CW159); and NE1/4 SW1/4, Sec. 12 T7S R88W 6th PM, at a point 2,010 ft from the S line and 1,410 ft from the W line of said Sec. 12 (07CW177). Approp. date: 3/26/1980. Amounts and uses: 15 gpm, abs., for dom. purposes of one single-family dwelling and irr. of 1,500 sf (decreed abs. in 07CW177); and 15 gpm, cond., for stockwatering of four head of stock. Depth: 62 ft. Remarks: This water right operates per the plan for augmentation approved in 80CW359, as amended in 00CW159. Abs. claim: Dates water applied to beneficial use: 6/13/2022. Water was diverted at the well's actual location: UTM (Zone 13) Easting 312909.0, Northing 4370047.0, as requested in Applicant's application to correct the legal descrip. filed in 22CW3121. Amount and beneficial use of water: 15 gpm for stockwatering of three head of stock. Place of beneficial use: Lot 11 of Cottonwood Hollow. Tenth claim. Original decree: 79CW59, entered on 9/28/1979, by the District Court in and for Water Div.5. Subsequent decrees: 83CW361, 87CW206, 93CW53, 99CW152, 07CW177, and 16CW3007, all by the District Court in and for Water Div.5. Legal descrip.: NE1/4 SW1/4, Sec. 12 T7S R88W 6th PM, 1,800 ft E of the W Sec. line and 1,800 ft N of the S Sec. line, Garfield County. Approp. date: 4/10/1973. Amounts and uses: 3.0 ft af, abs. (decreed in 79CW59), and 10.0 ft af, cond. for augmentation, aesth., pisc., and stockwatering. Remarks: According to the decrees entered in 80CW359 and 00CW159, the water rights decreed to Bobcat Ridge Estates Well Nos. 1 through 13 operate per the plan for augmentation approved by that decree, under which out-of-priority depletions resulting from the operation of those wells are replaced with water stored and released from McVey Reservoir. Integrated System: In 07CW177 the Court confirmed the subject water rights to be components of an integrated water supply system that provides water within Cottonwood Hollow. Owners of land upon which the above-described structures are located. Well 1: Troy and Cher Vincent, PO Box 684, Snowmass, CO, 81654. Well 2: Jeffrey and Christine Godfread, 0090 Cotton Hollow Ln., Carbondale, CO 81623. Well 3: A.O. and Janice Forbes, 0095 Cotton Hollow Ln., Carbondale, CO 81623. Well 4: Jack Siegel and Lisa Bertini, 318 48th St., Virginia Beach, VA 23451. Well 7: Wilson Brandt, 200 Cotton Hollow Ln., Carbondale, CO, 81623. Well 8: Marc and Erin Bassett, 0202 Cotton Hollow Ln., Carbondale, CO 81623. Well 9: Lisa and Shawn Lawrence, 0206 Cotton Hollow Ln., Carbondale, CO, 81623. Well 10: Donna

Whitmore, PO Box 834, Broussard, LA 70518, and Jerome and Maddagyn Flynn, 210 Cotton Hollow Ln., Carbondale, CO 81623. Well 11: Matt and Carrie Vickers, 0168 Cotton Hollow Ln., Carbondale, CO 81623. McVey Reservoir: A.O. and Janice Forbes, 0095 Cotton Hollow Ln., Carbondale, CO 81623; Donna Whitmore, PO Box 834, Broussard, LA 70518, and Jerome and Maddagyn Flynn, 210 Cotton Hollow Ln., Carbondale, CO 81623. Application on file with the court includes a list of activities demonstrating diligence. (12 pages, 2 exhibits).

YOU ARE HEREBY NOTIFIED THAT YOU HAVE until the last day of JANUARY 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 NOVEMBER 2022. *The water right claimed by this application may affect in priority any water right claimed or heretofore adjudicated within this division and owners of affected rights must appear to object and protest within the time provided by statute or be forever barred.*

22CW3044 PITKIN COUNTY-FIRST AMENDED APPLICATION FOR WATER STORAGE RIGHTS, CHANGE OF WATER RIGHTS, AND APPROVAL OF PLAN FOR AUGMENTATION, INCLUDING WATER EXCHANGE PROJECT. Applicants' contact information: Patrick T. Lally and Valerie Lally, PO Box 2546, Aspen, Colorado 81612; George I. Hodor and Ellen Hodor, PO Box 1026, Aspen, Colorado 81612; and EWG Aspen, LLC, 2229 San Felipe St., #1200, Houston, Texas 77019. Please direct all pleadings and correspondence 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: FOR WATER STORAGE RIGHT.** Name of reservoir: Lally Pond No. 1. Legal description: The pond is located in the SE1/4 of the SW1/4 of Section 15, Township 9 South, Range 85 West of the 6th P.M. at the following UTM coordinates: Easting 338471, Northing 4347905, Zone 13, NAD 83. Source: Applicant will divert the Storage Right for the Lally Pond No. 1 from the Roaring Fork River, tributary to the Colorado River and deliver that water through the Salvation Ditch and an existing lateral pipeline located on its property. Name of ditch used to fill reservoir and capacity in c.f.s.: Salvation Ditch, with a decreed capacity of 58 c.f.s. Legal description of point of diversion: The decreed point of diversion for the Salvation Ditch is on the north bank of the Roaring Fork River at a point from whence the East quarter corner of Section 7 in Township 10 South, Range 84 West of the 6th Principal Meridian bears North 2°48' West 5,633.4 feet. Date of Appropriation: December 31, 2003. How appropriation was initiated: Construction of the Pond. Date water applied to beneficial use: December 31, 2003. Amount claimed: 0.0695 acre-feet, absolute. Rate of diversion for filling the reservoir: 0.0863 c.f.s. Uses: Aesthetic, fire protection, piscatorial, and recreation. Lally Pond No. 1 will also be used as a head stabilization pond to allow for pressurized irrigation of water diverted from the Salvation Ditch. Lawn and garden irrigation will occur on the property of Applicants Patrick T. Lally and Valerie Lally. Surface area of high water line: 0.035 acres. Maximum height of dam: Less than 10 feet. Length of dam: 75 feet. Total capacity of reservoir: 0.0695 acre-feet. Active capacity: 0.0695 acre-feet. Dead storage: 0 acre-feet. The name and address of the owner of the land upon which the pond is built: Applicants Patrick T. Lally and Valerie Lally. **SECOND CLAIM: FOR WATER STORAGE RIGHT.** Name of reservoir: Lally Pond No. 2. Legal description: The pond is located in the SE1/4 of the SW1/4 of Section 15, Township 9 South, Range 85 West of the 6th P.M. at the following UTM coordinates: Easting 338452, Northing 4347867, Zone 13, NAD 83. Source: Applicant will divert the Storage Right for the Lally Pond No. 2 from the Roaring Fork River, tributary to the Colorado River and deliver that water through the Salvation Ditch and an existing lateral pipeline located on its property. Name of ditch used to fill reservoir and capacity in c.f.s.: Salvation Ditch, with a decreed capacity of 58 c.f.s. Legal description of point of diversion: The decreed point of diversion for the Salvation Ditch is on the north bank of the Roaring Fork River at a point from whence the East quarter corner of Section 7 in Township 10 South, Range 84 West of the 6th Principal Meridian bears North 2°48' West 5,633.4 feet. Appropriation: Date of Appropriation: December 31, 2005. How appropriation was initiated: Construction of the Pond. Date water applied to beneficial use: December 31, 2005. Amount claimed: 0.7809 acre-feet, absolute. Rate of diversion for filling the reservoir: 0.0863 c.f.s. Uses: Aesthetic, fire protection, piscatorial, and recreation. Lally Pond No. 2 will also be used as a head stabilization pond to allow for pressurized irrigation of water diverted from the Salvation Ditch. Lawn and garden irrigation will occur on the property of Applicants Patrick T. Lally and Valerie Lally. Surface area of high water line: 0.234 acres. Maximum height of dam: Less than 10 feet. Length of dam: 200 feet. Total capacity of reservoir: 0.7809 acre-feet. Active capacity: 0.7809 acre-feet. Dead storage: 0 acre-feet. The name and address of the landowner upon which the pond will be built: Applicants Patrick T. Lally and Valerie Lally. **THIRD CLAIM: FOR WATER STORAGE RIGHT.** Name of reservoir: Hodor Pond No. 1. Legal description: The pond is located in the NE1/4 of the NW1/4 of Section 22, Township 9 South, Range 85 West of the 6th P.M. at the following UTM coordinates: Easting 338747, Northing 4347417, Zone 13, NAD 83. Source: Applicant will divert the Storage Right for the Hodor Pond No. 1 from the Roaring Fork River, tributary to the Colorado River and deliver that water through the Salvation Ditch and an existing lateral pipeline located on its property. Name of ditch used to fill reservoir and capacity in c.f.s.: Salvation Ditch, with a decreed capacity of 58 c.f.s. Legal description of point of diversion: The decreed point of diversion for the Salvation Ditch is on the north bank of the Roaring Fork River at a point from whence the East quarter corner of Section 7 in Township 10 South, Range 84 West of the 6th Principal Meridian bears North 2°48' West 5,633.4 feet. Date of Appropriation: December 31, 1997. How appropriation was initiated: Construction of the Pond. Date water applied to beneficial use: December 31, 1997. Amount claimed: 0.0088 acre-feet, absolute. Rate of diversion for filling the reservoir: 0.0863 c.f.s. Uses: Aesthetic, fire protection, piscatorial, and recreation. Hodor Pond No. 1 will also be used as a head stabilization pond to allow for

pressurized irrigation of water diverted from the Salvation Ditch. Lawn and garden irrigation will occur on the property of Applicants George I. Hodor and Ellen Hodor. Surface area of high water line: 0.007 acres. Maximum height of dam: Less than 10 feet. Length of dam: 12 feet. Total capacity of reservoir: 0.0088 acre-feet. Active capacity: 0.0088 acre-feet. Dead storage: 0 acre-feet. The name and address of the landowner upon which the pond will be built: Applicants George I. Hodor and Ellen Hodor. **FOURTH CLAIM: FOR WATER STORAGE RIGHT.** Name of reservoir: Hodor Pond No. 2. Legal description: The pond is located in the NE1/4 of the NW1/4 of Section 22, Township 9 South, Range 85 West of the 6th P.M. at the following UTM coordinates: Easting 338775, Northing 4347416, Zone 13, NAD 83. Source: Applicant will divert the Storage Right for the Hodor Pond No. 2 from the Roaring Fork River, tributary to the Colorado River and deliver that water through the Salvation Ditch and an existing lateral pipeline located on its property. Name of ditch used to fill reservoir and capacity in c.f.s.: Salvation Ditch, with a decreed capacity of 58 c.f.s. Legal description of point of diversion: The decreed point of diversion for the Salvation Ditch is on the north bank of the Roaring Fork River at a point from whence the East quarter corner of Section 7 in Township 10 South, Range 84 West of the 6th Principal Meridian bears North 2°48' West 5,633.4 feet. Date of Appropriation: December 31, 1997. How appropriation was initiated: Construction of the Pond. Date water applied to beneficial use: December 31, 1997. Amount claimed: 0.0150 acre-feet, absolute. Rate of diversion for filling the reservoir: 0.0863 c.f.s. Uses: Aesthetic, fire protection, piscatorial, and recreation. Hodor Pond No. 2 will also be used as a head stabilization pond to allow for pressurized irrigation of water diverted from the Salvation Ditch. Lawn and garden irrigation will occur on the property of Applicants George I. Hodor and Ellen Hodor. Surface area of high water line: 0.007 acres. Maximum height of dam: Less than 10 feet. Length of dam: 35 feet. Total capacity of reservoir: 0.0150 acre-feet. Active capacity: 0.0150 acre-feet. Dead storage: 0 acre-feet. The name and address of the landowner upon which the pond will be built: Applicants George I. Hodor and Ellen Hodor. **FIFTH CLAIM: FOR WATER STORAGE RIGHT.** Name of reservoir: Hodor Pond No. 3. Legal description: The pond is located in the NE1/4 of the NW1/4 of Section 22, Township 9 South, Range 85 West of the 6th P.M. at the following UTM coordinates: Easting 338720, Northing 4347391, Zone 13, NAD 83. Source: Applicant will divert the Storage Right for the Hodor Pond No. 3 from the Roaring Fork River, tributary to the Colorado River and deliver that water through the Salvation Ditch and an existing lateral pipeline located on its property. Name of ditch used to fill reservoir and capacity in c.f.s.: Salvation Ditch, with a decreed capacity of 58 c.f.s. Legal description of point of diversion: The decreed point of diversion for the Salvation Ditch is on the north bank of the Roaring Fork River at a point from whence the East quarter corner of Section 7 in Township 10 South, Range 84 West of the 6th Principal Meridian bears North 2°48' West 5,633.4 feet. Date of Appropriation: December 31, 1991. How appropriation was initiated: Construction of the Pond. Date water applied to beneficial use: December 31, 1991. Amount claimed: 0.4488 acre-feet, absolute. Rate of diversion for filling the reservoir: 0.0863 c.f.s. Uses: Aesthetic, fire protection, piscatorial, and recreation. Hodor Pond No. 3 will also be used as a head stabilization pond to allow for pressurized irrigation of water diverted from the Salvation Ditch. Lawn and garden irrigation will occur on the property of Applicants George I. Hodor and Ellen Hodor. Surface area of high water line: 0.168 acres. Maximum height of dam: Less than 10 feet. Length of dam: 200 feet. Total capacity of reservoir: 0.4488 acre-feet. Active capacity: 0.4488 acre-feet. Dead storage: 0 acre-feet. The name and address of the landowner upon which the pond will be built: Applicants George I. Hodor and Ellen Hodor. **SIXTH CLAIM: FOR WATER STORAGE RIGHT.** Name of reservoir: Hodor Pond No. 4. Legal description: The northwest edge of the pond is located in the NW1/4 of the NE1/4 of Section 22, Township 9 South, Range 85 West of the 6th P.M. at the following UTM coordinates: Easting 338790, Northing 4347304, Zone 13, NAD 83. Source: Applicant will divert the Storage Right for the Hodor Pond No. 4 from the Roaring Fork River, tributary to the Colorado River and deliver that water through the Salvation Ditch and an existing lateral pipeline located on its property. Name of ditch used to fill reservoir and capacity in c.f.s.: Salvation Ditch, with a decreed capacity of 58 c.f.s. Legal description of point of diversion: The decreed point of diversion for the Salvation Ditch is on the north bank of the Roaring Fork River at a point from whence the East quarter corner of Section 7 in Township 10 South, Range 84 West of the 6th Principal Meridian bears North 2°48' West 5,633.4 feet. Date of Appropriation: December 31, 1997. How appropriation was initiated: Construction of the Pond. Date water applied to beneficial use: December 31, 1997. Amount claimed: 0.2537 acre-feet, absolute. Rate of diversion for filling the reservoir: 0.0863 c.f.s. Uses: Aesthetic, fire protection, piscatorial, and recreation. Hodor Pond No. 4 will also be used as a head stabilization pond to allow for pressurized irrigation of water diverted from the Salvation Ditch. Lawn and garden irrigation will occur on the property of Applicants George I. Hodor and Ellen Hodor. Surface area of high water line: 0.095 acres. Maximum height of dam: Less than 10 feet. Length of dam: 160 feet. Total capacity of reservoir: 0.2537 acre-feet. Active capacity: 0.2537 acre-feet. Dead storage: 0 acre-feet. The name and address of the landowner upon which the pond will be built: Applicants George I. Hodor and Ellen Hodor. **SEVENTH CLAIM: FOR WATER STORAGE RIGHT.** Name of reservoir: Galtney Pond No. 1. Legal description: The pond is located in the SW1/4 of the NE1/4 of Section 22, Township 9 South, Range 85 West of the 6th P.M. at the following UTM coordinates: Easting 339137, Northing 4346951, Zone 13, NAD 83. Source: Applicant will divert the Storage Right for the Galtney Pond No. 1 from the Roaring Fork River, tributary to the Colorado River and deliver that water through the Salvation Ditch and an existing lateral pipeline located on its property. Name of ditch used to fill reservoir and capacity in c.f.s.: Salvation Ditch, with a decreed capacity of 58 c.f.s. Legal description of point of diversion: The decreed point of diversion for the Salvation Ditch is on the north bank of the Roaring Fork River at a point from whence the East quarter corner of Section 7 in Township 10 South, Range 84 West of the 6th Principal Meridian bears North 2°48' West 5,633.4 feet. Date of Appropriation: December 31, 1991. How appropriation was initiated: Construction of the Pond. Date water applied to beneficial use: December 31, 1991. Amount claimed: 0.0359 acre-feet, absolute. Rate of diversion for filling the reservoir: 0.0863 c.f.s. Uses: Aesthetic, fire protection, piscatorial, and recreation. Galtney Pond No. 1 will also be used as a head stabilization pond to allow for pressurized irrigation of water diverted from the Salvation Ditch. Lawn and garden irrigation will occur on the property of Applicant EWG Aspen, LLC. Surface area of high water line: 0.027 acres. Maximum height of dam: Less than 10 feet. Length of dam: 55 feet. Total capacity of reservoir: 0.0359 acre-feet. Active capacity: 0.0359 acre-feet. Dead storage: 0 acre-feet. The name and address of the landowner upon which the pond will be built: Applicant EWG Aspen, LLC. **EIGHTH CLAIM: FOR**

WATER STORAGE RIGHT. Name of reservoir: Galtney Pond No. 2. Legal description: The pond is located in the SW1/4 of the NE1/4 of Section 22, Township 9 South, Range 85 West of the 6th P.M. at the following UTM coordinates: Easting 339049, Northing 4346982, Zone 13, NAD 83. Source: Applicant will divert the Storage Right for the Galtney Pond No. 2 from the Roaring Fork River, tributary to the Colorado River and deliver that water through the Salvation Ditch and an existing lateral pipeline located on its property. Name of ditch used to fill reservoir and capacity in c.f.s.: Salvation Ditch, with a decreed capacity of 58 c.f.s. Legal description of point of diversion: The decreed point of diversion for the Salvation Ditch is on the north bank of the Roaring Fork River at a point from whence the East quarter corner of Section 7 in Township 10 South, Range 84 West of the 6th Principal Meridian bears North 2°48' West 5,633.4 feet. Date of Appropriation: December 31, 1991. How appropriation was initiated: Construction of the Pond. Date water applied to beneficial use: December 31, 1991. Amount claimed: 0.0100 acre-feet, absolute. Rate of diversion for filling the reservoir: 0.0863 c.f.s. Uses: Aesthetic, fire protection, piscatorial, and recreation. Galtney Pond No. 2 will also be used as a head stabilization pond to allow for pressurized irrigation of water diverted from the Salvation Ditch. Lawn and garden irrigation will occur on the property of Applicant EWG Aspen, LLC. Surface area of high water line: 0.008 acres. Maximum height of dam: Less than 10 feet. Length of dam: 11 feet. Total capacity of reservoir: 0.0100 acre-feet. Active capacity: 0.0100 acre-feet. Dead storage: 0 acre-feet. The name and address of the landowner upon which the pond will be built: Applicant EWG Aspen, LLC. **NINTH CLAIM: FOR WATER STORAGE RIGHT.** Name of reservoir: Galtney Pond No. 3. Legal description: The northwest edge of the pond is located in the SW1/4 of the NE1/4 of Section 22, Township 9 South, Range 85 West of the 6th P.M. at the following UTM coordinates: Easting 338996, Northing 4346944, Zone 13, NAD 83. Source: Applicant will divert the Storage Right for the Galtney Pond No. 3 from the Roaring Fork River, tributary to the Colorado River and deliver that water through the Salvation Ditch and an existing lateral pipeline located on its property. Name of ditch used to fill reservoir and capacity in c.f.s.: Salvation Ditch, with a decreed capacity of 58 c.f.s. Legal description of point of diversion: The decreed point of diversion for the Salvation Ditch is on the north bank of the Roaring Fork River at a point from whence the East quarter corner of Section 7 in Township 10 South, Range 84 West of the 6th Principal Meridian bears North 2°48' West 5,633.4 feet. Date of Appropriation: December 31, 1991. How appropriation was initiated: Construction of the Pond. Date water applied to beneficial use: December 31, 1991. Amount claimed: 2.5307 acre-feet, absolute. Rate of diversion for filling the reservoir: 0.0863 c.f.s. Uses: Aesthetic, fire protection, piscatorial, and recreation. Galtney Pond No. 3 will be used as a head stabilization pond to detain water diverted from a lateral of the Salvation Ditch. Lawn and garden irrigation will occur on the property of Applicant EWG Aspen, LLC. Surface area of high water line: 0.759 acres. Maximum height of dam: Less than 10 feet. Length of dam: 380 feet. Total capacity of reservoir: 2.5307 acre-feet. Active capacity: 2.5307 acre-feet. Dead storage: 0 acre-feet. The name and address of the landowner upon which the pond will be built: Applicant EWG Aspen, LLC. **TENTH CLAIM: FOR CHANGE OF WATER RIGHTS.** Applicants request approval of a change of water right, as more fully described herein. Name of structure: Salvation Ditch. Case number, court, and date of original and relevant subsequent decrees: Case No.: CA 1130. Appropriation Date: August 2, 1902. Adjudication Date: January 21, 1905. Absolute Amount Decreed: 32.7 c.f.s. Amount Used on Applicants' Properties: 0.6486 c.f.s. Applicants' Amount Changed in Plan: 0.0487 c.f.s.; and Priority: 218A. Case No.: CA 1221. Appropriation Date: August 2, 1902. Adjudication Date: January 21, 1905. Absolute Amount Decreed: 25.3 c.f.s. Amount Used on Applicants' Properties: 0.5018 c.f.s. Applicants' Amount Changed in Plan: 0.0377 c.f.s. Total Amount Used on Applicants' Properties: 1.1504 c.f.s. (or 1.983% of total decreed amount). Applicants' Total Amount Changed in Plan: 0.0863 c.f.s. (or 7.5% of amount used on Applicants' properties). Legal description of structure as described in the most recent decree: The decreed point of diversion for the Salvation Ditch is located on the north bank of the Roaring Fork River at a point from whence the east quarter corner of Section 7, Township 10 South, Range 84 West of the 6th P.M. bears North 2°48' West 5633.4 feet. Decreed source of water: Roaring Fork River. Date of appropriation: August 2, 1902. Total amount decreed: 58.0 c.f.s., absolute. Decreed use: Irrigation. Amount of water that Applicants intend to change: 0.0863 c.f.s. which is represented by 18 shares in the Salvation Ditch. Complete statement of change: The Salvation Ditch water rights are allocated through 12,100 shares of ownership. The White Star Ranches Homeowners Association, of which the Applicants are members, owns 1,595 shares that are associated with the White Star Ranches subdivision and used on properties within the White Star Ranches subdivision. The original White Star Ranches subdivision, in which the Applicants' properties were platted, was irrigated with 1,595 shares of the Salvation Ditch. The White Star Ranches Homeowners Association today owns 1,895 shares in the Salvation Ditch. The Application uses 1,595 shares, as opposed to 1,895 shares, as the basis for dry up calculations because these were the original number of shares associated with irrigation of the Applicants' properties. Applicants are the beneficial users of 240 Salvation Ditch Company shares, or 1.1504 c.f.s., which have been historically used to irrigate approximately 44.15 acres on Applicants' properties. Based upon the 12,100 shares currently outstanding, Applicants are entitled to divert and have used approximately 1.983 percent of the Salvation Ditch's historical diversions to irrigate 44.15 acres on Applicants' properties. As a result of buildings, ponds, and driveways on the Applicants' properties, the Applicants have dried up approximately 3.314 historically irrigated acres on Applicants' properties. Applicants' consulting engineer has determined that 0.0863 c.f.s. of water was used to historically irrigate the 3.314 acres of land being permanently dried up. The 0.0863 c.f.s. represents 7.5 percent (3.314 acres of dry up divided by 44.15 historically irrigated acres) of the 1.1504 c.f.s. of Salvation Ditch water historically used on Applicants' properties. Dry up of the 3.314 acres of historically irrigated land results in a consumptive use credit of 3.51 acre-feet of water per year based on a Blaney-Criddle analysis adjusted for altitude. Accordingly, the change of water right will result in 3.51 acre-feet of consumptive use credits per year. Applicants intend to store the consumptive use credits in the ponds and to use such consumptive use credits as an augmentation source under the plan for augmentation requested. Applicants request approval of a change of use of 0.0863 c.f.s., or 18 shares, of its Salvation Ditch water rights to include storage, aesthetics, fire protection, piscatorial, recreational and augmentation as decreed uses. The storage, aesthetics, piscatorial and recreational uses will occur in the Lally Pond Nos. 1-2, Hodor Pond Nos. 1-4, and Galtney Pond Nos. 1-3. **ELEVENTH CLAIM: FOR APPROVAL OF PLAN FOR AUGMENTATION, INCLUDING WATER EXCHANGE PROJECT.** The Applicants request approval of a plan for augmentation,

including water exchange project, as more fully described herein. Names of structures to be augmented: Lally Pond No. 1; Lally Pond No. 2; Hodor Pond No. 1; Hodor Pond No. 2; Hodor Pond No. 3; Hodor Pond No. 4; Galtney Pond No. 1; Galtney Pond No. 2; and Galtney Pond No. 3. Water rights to be used for augmentation: Salvation Ditch consumptive use credits. Amount to be included in this plan: 0.0863 c.f.s., with a volume limitation of 3.51 acre-feet. ii. Colorado River Water Conservancy District ("River District") Allotment Contract: Pursuant to three allotment contracts, 2.0 acre-feet of the River District's Colorado River Supply Sources will be made available to Applicant for augmentation: River District's Colorado River Supply Sources: Wolford Mountain Reservoir. The River District owns and operates Wolford Mountain Reservoir (f/k/a Gunsight Pass Reservoir) which has the following water rights. Case No. 87CW283: Decree Date: November 20, 1989. Name of Structure: Gunsight Pass Reservoir. Legal description of place of storage: The dam is located in the SW1/4 of the NE1/4 of Section 25, T. 2 N., R. 81 W., 6th P.M. The intersection of the dam axis with the right abutment will occur at a point which bears S. 54°54'20" E. a distance of 3,716.46 feet from the NW Corner of said Section 25. Source: Muddy Creek and its tributaries, all tributary to the Colorado River. Amount: 59,993 acre feet conditional; of this amount, 32,986 acre feet were made absolute for piscatorial and recreational uses by decree entered in Water Court Case No. 95CW251, and the full amount was made absolute for all purposes by decree entered in Water Court Case No. 02CW107. Appropriation Date: December 14, 1987. Use: All beneficial uses, including but not limited to domestic, municipal, agricultural and recreational uses, which uses satisfy the requirements of the Windy Gap Settlement made with the Municipal Subdistrict of the Northern Colorado Water Conservancy District; use to meet the water requirements of the inhabitants of the River District for all uses, including uses in the Middle Park area; and use to meet the terms of a lease agreement executed March 3, 1987 between the River District and the City and County of Denver. Case No. 95CW281: Decree Date: August 26, 1997. Name of Structure: Wolford Mountain Reservoir Enlargement. Legal description of place of storage: The dam is located in the SW1/4 of the NE1/4 of Section 25, T. 2 N., R. 81 W., 6th P.M. The as-built intersection of the dam axis (Sta. D19+35.61) with the West Access Road (Sta. WR50+55.05), as shown on the Colorado River Water Conservation District, Wolford Mountain Project, Ritschard Dam construction drawing "Dimensional Dam Layout" sheet 8 of 94, occurs at a point which bears S. 53°24'56" E. a distance of 3,395.51 feet from the NW Corner of said Section 25; the bearing of said dam axis from Sta. 19+35.61 to Sta. 0+00 being S. 75° 28' 29" E. Source: Muddy Creek and its tributaries, all tributary to the Colorado River. Amount: 6,000 acre feet, conditional. Appropriation Date: January 16, 1995. Use: All beneficial uses by and for the benefit of the inhabitants of the Colorado River Water Conservation District, including but not limited to domestic, municipal, industrial, irrigation, agricultural, piscatorial and recreational; such uses will include environmental mitigation, including environmental mitigation requirements associated with the Wolford Mountain Project; such uses will be made directly or by substitution, augmentation, or exchange. None of the water stored in the exercise of the right will be delivered directly or by exchange, substitution, or otherwise for use outside of Colorado Water Division No. 5. Case No. 98CW237: Decree Date: July 6, 2000. Name of Structure: Wolford Mountain Reservoir. Legal Description of place of storage: Same as for 95CW281. Source: Muddy Creek and its tributaries, all tributary to the Colorado River. Amount: 30,000 acre feet conditional, with 15,895 acre feet being absolute for recreational and piscatorial and flood control. Appropriation Date: November 17, 1998. Use: Certain of the beneficial uses previously adjudicated for Wolford Mountain Reservoir in Case No. 87CW283, District Court for Colorado Water Division No. 5 (November 20, 1989 Judgment and Decree), and Case No. 95CW281, District Court for Colorado Water Division No. 5 (August 26, 1997 Judgment and Decree). 87CW283: The reservoir will be used to satisfy the requirements of the Windy Gap Settlement made with the Municipal Subdistrict of the Northern Colorado Water Conservancy District. This will involve all uses, including but not limited to domestic, municipal, agricultural, and recreational uses. The reservoir will also be used to meet the water requirements of the inhabitants of the River District for all uses, including uses in the Middle Park area. 95CW281: All beneficial uses by and for the benefit of the inhabitants of the Colorado River Water Conservation District, including but not limited to domestic, municipal, industrial, irrigation, agricultural, piscatorial and recreational; such uses will include environmental mitigation, including environmental mitigation requirements associated with the Wolford Mountain Reservoir Project; such uses will be made directly or by substitution, augmentation, or exchange. Remarks: The Refill Right described herein will be exercised to provide supply for the Western Slope uses of water from Wolford Mountain Reservoir described above, including flood control, other operational purposes, and environmental mitigation and enhancement for the benefit of uses within the District. The Refill Right will not be used in conjunction with the Reservoir capacity (24,000 a.f.) which is allocated for the supply of water to the Denver Board of Water Commissioners under Applicant's contractual relationship with Denver, or the Reservoir capacity (6,000 AF) which is allocated for Colorado River endangered fish releases. Case No. 03CW302: Decree Date: October 19, 2014 Name of Structure: Wolford Mountain Reservoir Second Enlargement. Legal description of place of storage: The dam is located in the SW1/4 of the NE1/4 of Section 25, T. 2 N., R. 81 W., 6th P.M. The as-built intersection of the dam axis (Sta. D19+35.61) with the West Access Road (Sta. WR50+55.05), as shown on the Colorado River Water Conservation District, Wolford Mountain Project, Ritschard Dam construction drawing "Dimensional Dam Layout" sheet 8 of 94, occurs at a point which bears S. 53 24'56" E. a distance of 3,395.51 feet from the NW Corner of said Section 25; the bearing of said dam axis from Sta. 19+35.61 to Sta. 0+00 being S. 75 28' 29" E. Source: Muddy Creek and its tributaries, all tributary to the Colorado River. Amount: The amount is 9,775 acre feet, for the initial fill, with the right to refill when in priority subject to a maximum amount of 9,775 acre feet, conditional. Appropriation Date: November 17, 2003. Uses: The WMR Second Enlargement storage right may be used for the purposes previously decreed to the Wolford Mountain Reservoir, including uses consistent with the Windy Gap Settlement made with the Municipal Subdistrict of the Northern Colorado Water Conservancy District; meeting the water requirements of the inhabitants of the River District for all uses; and uses consistent with the terms of a lease agreement executed March 3, 1987, between the River District and the City and County of Denver, as amended. The WMR Second Enlargement storage right also may be used for all beneficial uses, including but not limited to municipal, commercial, industrial, domestic, irrigation, agricultural, livestock, hydro-power production, evaporation, piscatorial and recreational (including in-reservoir and in-river fish habitat and river flow maintenance and enhancement uses, and uses in furtherance of the Upper Colorado River Basin Fishes Recovery Program) with

the right to reuse and successively use the water to extinction; such uses will include environmental mitigation, including environmental mitigation requirements associated with the Wolford Mountain Reservoir Project; such uses will be made directly or by substitution, augmentation, replacement or exchange in Water Divisions 1, 2, and/or 5. Agreed Constraints on Use. Pursuant to the February 12, 2014, stipulation entered in this case between the River District and the GVWUA, the UWCD, and the OMID, the River District agrees that it will make water stored pursuant to the WMR Second Enlargement storage right available for uses within or to facilitate the diversion of water from Water Division No. 5 into Water Division No. 1 or Water Division 2 only pursuant to, and subject to the terms, of the express written consent of the GVWUA, the UWCD, and the OMID. Pursuant to paragraph III.E.19 of the CRCA, any use of the WMR Second Enlargement storage right for the benefit of Denver Water will require the prior approval of the Grand County Commissioners and the River District. PLSS: The dam is located in the SW1/4 of the NE1/4 of Section 25, T. 2 N., R. 81 W., 6th P.M. The as-built intersection of the dam axis (Sta. D19+35.61) with the West Access Road (Sta. WR50+55.05), as shown on the Colorado River Water Conservation District, Wolford Mountain Project, Ritschard Dam construction drawing "Dimensional Dam Layout" sheet 8 of 94, occurs at a point 1,940 feet South of North section line and 2,760 feet East of the West section line of said Section 25. Ruedi Reservoir. The River District holds Contracts No. 009D6C0111 (500 AF), 009D6C0118 (700 AF), 039F6C0011 (530 AF), 079D6C0106 (5,000 AF), and 139D6C0101 (4,683.5 AF) from the United States Bureau of Reclamation for 11,413.5 acre feet of annual supply from Ruedi Reservoir. This water will be used in addition to and substitution for Wolford Mountain Reservoir water in appropriate circumstances where Ruedi water is physically equivalent to Wolford water. Legal description of place of storage: Ruedi Reservoir is located in Sections 7, 8, 9, 11 and 14 through 18, T. 8 S., R. 84 W., 6th P.M., in Eagle and Pitkin Counties. The dam axis intersects the right abutment at a point whence the SW corner of Section 7, T. 8 S., R. 84 W. of the 6th P.M. bears N. 82°10'W. a distance of 1,285 feet. Source: Fryingpan River. Previous storage decrees: Civil Action No. 4613: Decree Date: June 20, 1958. Court: Garfield County District Court. Amount: 140,697.3 acre feet, reduced to 102,369 acre feet pursuant to order of the Water Court in Case No. W-789-76. The full amount was made absolute in Case No. 88CW85. Appropriation Date: July 29, 1957. Use: Domestic, municipal, irrigation, industrial, generation of electrical energy, stock watering and piscatorial. Case No. 81CW34: Decree Date: April 8, 1985. Court: District Court, Water Div. No. 5. Amount: 101,280 acre feet (refill); of this amount, 44,509 acre feet were made absolute in Case No. 95CW95 and 25,257 acre feet were made absolute in Case No. 01CW269, for a total of 69,766 acre feet absolute. Appropriation Date: January 22, 1981. Use: Irrigation, domestic, municipal, generation of electrical energy, stock watering, industrial, piscatorial, recreation and maintenance of sufficient storage reserves to fulfill contractual obligations and provide stored water for recreation in times of drought. PLSS: Ruedi Reservoir is located in Sections 7, 8, 9, 11 and 14 through 18, T. 8 S., R. 84 W., 6th P.M., in Eagle and Pitkin Counties. The dam axis intersects the right abutment at a point 130 feet South of the North section line and 1,280 feet East of the West section line of Section 7, T. 8 S., R. 84 W. of the 6th P.M. Complete statement of plan for augmentation: Background: Applicants own properties in the White Star Ranches Subdivision which is irrigated with Salvation Ditch water. Applicants have constructed nine ponds, which are filled with water from the Salvation Ditch via ditch laterals and augmented under this plan. Water requirements: Applicants' consulting engineer calculated the annual evaporation rate for the ponds using the SEO method outlined in the General Guidelines for Substitute Water Supply Plans for Sand and Gravel Pits and SEO Policy 2004-3 and calculated the gross free water surface evaporation based on NOAA Technical Report NWS 33, with consideration for no evaporation when recorded average daily temperatures are less than 32° F and consideration for zero effective precipitation. Annual pond evaporation for 1.341 acres of total surface area for all ponds is 3.8875 acre-feet. Evaporation demands are 100 percent consumptive. The ponds only fill during times that the Salvation Ditch is diverting. When the Salvation Ditch is not diverting, pond levels are lowered by evaporation. When the ponds stop filling from the Salvation Ditch at the end of the irrigation season, pond water levels contemporaneously reduce by 6-8 inches. Applicants factor this storage reduction into its analysis. Applicants' consulting engineer assumed a Colorado mainstem call will be on 100% of the time. Under that call period, total out-of-priority evaporative depletions are 3.3306 acre-feet per year. Applicants will have consumptive use credits in excess of the depletions from the ponds during June through September, but consumptive use credits will be insufficient to replace out-of-priority depletions from lagged groundwater return flows during October through May. Call operation: Applicants will fill the ponds during free river conditions each spring. Applicants will cease filling the ponds in priority or with consumptive use credits when the Salvation Ditch is turned off or is out-of-priority. Accordingly, evaporation occurring in the ponds need not be augmented when the Salvation Ditch is turned off or is out-of-priority. During the irrigation season, when a call from a water right would otherwise prevent Applicants from refilling and topping off the ponds, Applicants will continue to fill the ponds with the Salvation Ditch consumptive use credits, as changed under the Tenth Claim above. During the non-irrigation season, lagged ground water return flows and a portion of the pond evaporation occurring in May and October will be replaced using water supplied by Applicants' River District water supply contracts. If Applicants' consumptive use credits are insufficient to replace all out-of-priority depletions during the irrigation season, Applicants may continue to fill the ponds from the Salvation Ditch and the plan will operate by exchange of River District contract water when exchange potential is available. If Applicants' consumptive use credits are insufficient to replace out-of-priority depletions or if River District contract water is unable to replace water to the calling water right, Applicants will curtail diversions into the ponds. Applicants may also continue to use the ponds as irrigation stabilization ponds to utilize Applicants' Salvation Ditch water. Remarks: Applicants own the land on which the augmented water rights will be located and where the water will be put to beneficial use. Applicants will limit their total diversions from the Salvation Ditch at their properties to not exceed the amounts Applicants' historically diverted from the Salvation Ditch to ensure there is no expansion of use. Applicants do not seek a right to divert more water than is permitted under their rights to use water made available under the White Star Ranches Homeowners' Association Salvation Ditch Company shares. Applicants will reduce the irrigation use of the Salvation Ditch direct flow water rights by the amount of water they divert into the ponds. TWELFTH CLAIM: FOR WATER EXCHANGE PROJECT. The Applicants request confirmation of a conditional Water Exchange Project, as more fully described herein. Lower Terminus: For exchange of Wolford Mountain Reservoir

water: The confluence of the Roaring Fork River and the Colorado River, located in the SE ¼ NW ¼ of Section 9, Township 6 South, Range 89 West of the 6th P.M., at a point approximately 2,200 feet from the North section line and 2,350 feet from the West section line (Garfield County), UTM Zone 13 NAD 83 coordinates: Northing 4380346, Easting 299776. For exchange of Ruedi Reservoir water: The confluence of the Roaring Fork River and the Fryingpan River located in the SW ¼ SE ¼ of Section 7, Township 8 South, Range 86 West, of the 6th P.M., at a point 647 feet from the South section line and 1,475 feet from the East section line (Eagle and Pitkin Counties), UTM Zone 13 NAD 83 coordinates: Northing 4359437, Easting 324739. Upper Terminus: The point in the Roaring Fork River where groundwater return flow depletions accrue located in Section 21, Township 9 South, Range 85 West, of the 6th P.M., at a point 2,073 feet from the North section line and 1,133 feet from the East section line (Pitkin Counties), UTM Zone 13 NAD 83 coordinates: Northing 337608, Easting 4346969. Source: Water attributable to the River District's interest in Wolford Mountain Reservoir and Ruedi Reservoir. Date of appropriation: December 31, 2005. How appropriation was initiated: Construction of the last of the ponds contained in this Application. Volume and rate: 0.876 acre-feet, annually, at a maximum rate of 0.01 c.f.s., conditional. Use: Exchange to implement the plan for augmentation requested. Remarks: Applicants will operate the exchange when it is in priority. The following exhibits are on file with the Water Court: a map depicting the location of the Applicants' properties (Figure A); a map depicting the location of Lally Pond No. 1 and Lally Pond No. 2 (Figure 1A); a map depicting the location of Hodor Pond No. 1, Hodor Pond No. 2, Hodor Pond No. 3, and Hodor Pond No. 4 (Figure 1B); a map depicting the location of Galtney Pond No. 1, Galtney Pond No. 2, and Galtney Pond No. 3 (Figure 1C); a map depicting the location of the Salvation Ditch (Figure 2); a map depicting the exchange reach (Figure 3); a map depicting the location of the upstream terminus of the exchange (Figure 4); a table summarizing the Salvation Ditch HCU analysis (Table 1); a table summarizing pond evaporation calculations (Table 2); and a table summarizing the plan for augmentation (Table 3) (pp. 34 with exhibits).

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