

DIVISION 5 WATER COURT-NOVEMBER 2021 RESUME

1. PURSUANT TO C.R.S., §37-92-302, AS AMENDED, YOU ARE NOTIFIED THAT THE FOLLOWING PAGES COMPRISE A RESUME OF THE APPLICATIONS AND AMENDED APPLICATIONS FILED WITH THE WATER CLERK FOR WATER DIVISION 5 DURING THE MONTH OF NOVEMBER 2021. *The water right claimed by this application may affect in priority any water right claimed or heretofore adjudicated within this division and owners of affected rights must appear to object and protest within the time provided by statute or be forever barred.*

21CW3133 GRAND COUNTY. APPLICATION FOR FINDINGS OF REASONABLE DILIGENCE AND TO MAKE A CONDITIONAL WATER RIGHT ABSOLUTE. Applicants: Town of Granby (“Granby”), c/o Nathan Krob, Krob Law Office LLC, 8400 E. Prentice Avenue, Suite 1500, Greenwood Village, Colorado 80111, (303) 694-0099, nathan@kroblaw.com and Sun River Run Ranch RV, LLC (“Sun”), c/o Madoline Wallace-Gross, Lyons Gaddis Kahn Hall Jeffers Dworak & Grant, P.C., P.O. Box 978, Longmont, Colorado 80502-0978, (303) 776-9900, mwg@lyonsgaddis.com. Claim for Findings of Reasonable Diligence: Name of structures: Shorefox Augmentation Pond Nos. 1 and 2. Original Decree: Case No. 06CW257. Date of original decree: May 24, 2009; Court: District Court, Water Division No. 5, State of Colorado. A subsequent decree awarding findings of diligence was entered in Case No. 15CW3033 on November 1, 2015. A map showing the conditional water is attached to the application as EXHIBIT A. Description of conditional water rights: Shorefox Augmentation Pond No. 1 is located in the SW1/4, SE1/4 of Section 19, Township 2 North, Range 76 West of the 6th P.M., 540 feet North of the South section line and 1,720 feet West of the East section line. Shorefox Augmentation Pond No. 2 is located in the SE1/4, SE1/4 of Section 19, Township 2 North, Range 76 West of the 6th P.M., 340 feet North of the South section line and 1,270 feet West of the East section line. Sources: Willow Creek and Colorado River. Both Shorefox Augmentation Pond Nos. 1 & 2 are filled by the following structures (i) Shorefox Diversion No. 5, located at a point on the Colorado River in the SW1/4, NW1/4 of Section 30, Township 2 North Range 76 West of the 6th P.M., 110 feet East of the West section line and 2,430 feet South of the North section line of said Section 30 and (ii) Bunte Highline Ditch, located on the right bank of Willow Creek whence the Southeast Corner of Section 17, Township 2 North, Range 76 West of the 6th P.M. bears South 32° 10' East 4,234 feet, also described as a point in the SW1/4, NE1/4 of Section 17, Township North, Range 76 West of the 6th P.M., 1890 feet from the North section line and 2,340 feet from the East section line. Appropriation Date: The appropriation date for both Shorefox Augmentation Pond Nos. 1 & 2 is March 1, 2006. Amounts: Shorefox Augmentation Pond Nos. 1 & 2 are each decreed for 99 acre feet, with the right to fill and refill in priority, at a maximum fill rate of 5 c.f.s. Uses: Shorefox Augmentation Pond Nos 1 & 2 are both decreed for fire protection, wildlife watering, commercial, construction and augmentation purposes. The application includes a detailed description of activities undertaken during the diligence period toward the application of the above described water rights to beneficial use, including expenditures for all remaining conditional amounts. Shorefox Augmentation Pond Nos. 1 & 2 are components of the Town of Granby’s integrated water supply system for its West Service Area such that diligence on any one component counts as diligence towards all. Names and addresses of owners or reputed owners of the land upon which structures are located: Applicant Town of Granby owns the land on which Shorefox Augmentation Pond Nos. 1 and 2 and Shorefox Diversion No. 5 are located. The point of diversion for the Bunte Highline Ditch is located on lands owned by Northern Colorado Water Conservancy District, whose address is 220 Water Avenue, Berthoud, Colorado 80513. Claims to Make Conditional Water Rights Absolute: Name of Structures: Shorefox Augmentation Pond No. 2. Description of conditional water right: See above for Shorefox Augmentation Pond No. 2 legal description, decree dates, uses, and sources. Applicants diverted in priority and stored for beneficial use the conditional water right decreed to Shorefox Augmentation Pond No. 2 from May 12, 2020 to May 22, 2020 in an amount of 99.0 acre feet.

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

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 2021. *The water right claimed by this application may affect in priority any water right claimed or heretofore adjudicated within this division and owners of affected rights must appear to object and protest within the time provided by statute or be forever barred.*

21CW3134 MESA COUNTY, COLORADO RIVER, Everett and Lisa Blanck. The Blancks have not included their address, telephone number or email address pursuant to Rule 3(d)(4) of the Uniform Local Rules for All State Water Court Divisions and C.R.S. § 18-9-313. c/o Kirsten M. Kurath, 744 Horizon Court, Suite 115, Grand Junction, CO 81506, 970-242-6262, kmkurath@wth-law.com. APPLICATION FOR ABSOLUTE SURFACE WATER RIGHT AND CONDITIONAL STORAGE RIGHT Structure: Blanck Spring. Location: The spring is located near the southern property line of a parcel of land in the County of Mesa, State of Colorado situated in Section 10, Township 9 South, Range 103 West, of the 6th P.M., more particularly described on Exhibit A attached to the Application. The GPS coordinates for the point of diversion are as follows: Northing: 0682935 Easting: 4350230 UTM; Zone 12; Units: meters; See Exhibit B to the Application. Source: Unnamed spring tributary to the Colorado River. App. Date: March 15, 2020. How Appropriation was Initiated: Applicants installed the necessary irrigation facilities including pipelines, pump and pump sump. Date Water Applied to Beneficial Use: April 4, 2020. Amount Claimed: 0.203 c.f.s. (91.18 g.p.m.); absolute. Uses: Irrigation, composting and stock water. Applicants have irrigated the approximately 4 acres shown on Exhibit B as the land outlined in yellow and have used the water for horses on the property. The Applicants intend to use the water for cattle and pigs as well. The Applicants have also used the water to keep compost damp. Structure: Blanck Storage Tank. Location: The Blanck Storage Tank will located on the Applicant’s property described above in the general vicinity shown on Exhibit B and the actual location will be identified when the conditional water right is

made absolute. App Date: Date of the filing of this Application. How Appropriation was Initiated: Filing this Application. Date Water Applied to Beneficial Use: N/A. Amount Claimed: 0.046 acre feet (15,000 gallons) together with the right to fill and refill when in priority; conditional. Uses: Irrigation, composting and stock water. Names and Addresses of Landowners: Applicants. Applicants request that the Court adjudge and decree confirming the Blanck Spring and Blanck Storage Tank water rights as described herein, and that the Applicants be granted such other relief as the Court deems just and proper. (6 pages)

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3. PURSUANT TO C.R.S., §37-92-302, AS AMENDED, YOU ARE NOTIFIED THAT THE FOLLOWING PAGES COMPRISE A RESUME OF THE APPLICATIONS AND AMENDED APPLICATIONS FILED WITH THE WATER CLERK FOR WATER DIVISION 5 DURING THE MONTH OF NOVEMBER 2021. *The water right claimed by this application may affect in priority any water right claimed or heretofore adjudicated within this division and owners of affected rights must appear to object and protest within the time provided by statute or be forever barred.*

21CW3135(15CW3026, 07CW185, 00CW229) SUMMIT COUNTY, APPLICATION FOR FINDING OF REASONABLE DILIGENCE. Name, address and telephone number of Applicants: Lot 9: Brice Burke Brown Trust Agreement Shelby Gilbert Brown Trust Agreement 1121 North Rio Vista Blvd. Fort Lauderdale, FL 33301 (954) 288-5652; Lot 10: Ryan Fletcher Mary Fletcher 1776 Curtis St., Apt. 2620 Denver, CO 80202 (303) 357-1651 c/o Matthew Machado, Anthony J. Basile, Lyons Gaddis Kahn Hall Jeffers Dworak & Grant, PC, 950 Spruce Street, Suite 1B, Louisville, CO 80027, (720) 726-3670. 2. Name of Structures: Baldy Ridge Estates Well Nos. 9 and 10 ("Well No. 9 and Well No. 10"). 3. Description of Conditional Water Rights: The decree in Case No. 00CW229 confirmed conditional water rights for Well Nos. 9 and 10 and for other wells in the Baldy Ridge Estates PUD not involved in this Application. The 00CW229 Decree also approved a plan for augmentation for said wells, including an exchange. This Application only concerns claims for a finding of diligence for the conditional underground water rights for Well No. 9 and Well No. 10, which are described as follows: 3.1. Date of Original Decree: October 29, 2001, in Case No. 00CW229, District Court, Water Division No. 5. 3.2. Date of Subsequent Decrees Awarding Findings of Diligence: Decrees for findings of reasonable diligence for the conditional water right for Well No. 6 and certain other wells in the Baldy Ridge Estates PUD were entered by the District Court for Water Division No. 5 on March 18, 2009 in Case No. 07CW185 and on November 1, 2015 in Case No. 15CW3026. The 07CW185 Decree also made absolute the exchange to replace depletions associated with the wells in the amount of 0.029 cfs, which exchange was originally decreed in Case No. 00CW229. This case does not concern the exchange right or the other wells. 3.3. Legal Descriptions for Well Nos. 9 and 10: The original decree authorized construction of Subject Wells on Lots 9 and 10 of the Baldy Ridge Estates PUD, in Summit County. The street address of Lot 9 is 285 Green Jay Lane (CR 544), Breckenridge, CO. The street address of Lot 10 is 247 Green Jay Lane (CR544), Breckenridge, CO. Both lots are located in the NW ¼ Section 5, Township 7 South, Range 77 West, 6th P.M., in Summit County, Colorado. 7S R77W. Maps of Baldy Ridge Estates and the Lots are attached as EXHIBITS A and B. 3.4. Decreed Source for Well Nos. 9 and 10: Fractured bedrock tributary to Blue River. 3.5. Decreed Appropriation Date for Well Nos. 9 and 10: December 22, 1999. 3.6. Decreed Amount for Well Nos. 9 and 10: 0.033 cfs, 15 gpm, CONDITIONAL (for each well). 3.7. Decreed Uses of Well Nos. 9 and 10: Domestic purposes inside one single-family residence. No outside use is allowed for this water right. 3.8. Depth for Well Nos. 9 and 10: N/A. 4. Detailed outline of what has been done toward completion or for completion appropriation and application of water to a beneficial use as conditionally decreed, including expenditures: During the subject diligence period, Applicants conducted the following activities and work related to Well Nos. 9 and 10. Both lots are zoned residential, and the Applicants as owners of Lots 9 and 10 intend to construct residence on their lots when finances permit. The value of each lot is dependent on maintaining the water supply to be provided by the subject wells for the residences to be constructed on the lots. 4.1. Diligence activities for Well No. 9 4.1.1. Paid annual HOA assessments for the water lease and augmentation plan operation (approximately \$413 each October) from 2015 through 2021; 4.1.2. Attendance at annual HOA meeting; 4.1.3. Paid property taxes each year, including the 2020 property tax in the amount of \$6,378.19; 4.1.4. Maintained gas and electric service lines to the building envelope on Lot 9. 4.2. Diligence activities for Well No. 10 4.2.1. Paid annual HOA assessments for the water lease and augmentation plan operation (approximately \$413 each October) from 2015 through 2021; 4.2.2. Attendance at annual HOA meeting; 4.2.3. Paid property taxes each year, including the 2020 property tax in the amount of \$6,933.32; 4.2.4. The Fletchers purchased Lot 10 in 2020 with the intent of building a residence on Lot 10, which requires the well. 4.2.5. Consulted with architects at Allen-Guerra to determine house positioning on Lot 10 and a rough estimate of architecture fees; 4.2.6. Worked with soils engineer Rob Theobald P.E. Theobald Engineering & Construction Services to obtain estimates to confirm structural integrity of Lot 10 and for a new soil report; 4.2.7. Consulted with James Parker, P.E., P.G. of Kumar & Associates, Inc. to provide estimates for a Geotechnical Engineering Study and Onsite Wastewater Treatment System Design on Lot 10; 4.2.8. Obtained estimates from Gary Wilkinson at Range West Inc. for a new Land Survey Plat for Lot 10. 4.2.9. Construction of a driveway on Lot 10; 4.2.10. Construction of a large rock retaining wall that runs the length of the driveway on Lot 10; 4.2.11. Maintained gas and electric service lines to the building envelope on Lot 10. 4.2.12. Cleared deadfall on Lot 10 to address fire danger. 5. Claim to Make Water Right Absolute: N/A 6. Names and addresses of owners of land on which structures are or will be located: Applicants. 7. Miscellaneous: Applicants' use of Well Nos. 9 and 10 shall be in compliance with the terms of the Decree in Case No. 00CW229 in addition to any decree entered in this case. WHEREFORE, Applicants respectfully request the Court enter a decree finding

of diligence for water rights in the amounts stated above for the Baldy Ridge Estates Well No. 9 and Well No. 10. Dated: December 8, 2021.

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21CW3136 GARFIELD AND MESA COUNTIES. ALKALI CREEK, TRIB. TO COLORADO RIVER. Application for Simple Change in Surface Point Diversion Pursuant to Section 37-92-305(3.5), C.R.S. Applicant: Steven Keinath, c/o Balcomb & Green, P.C., P.O. Drawer 790, Glenwood Springs, CO 81602; 970-945-6546. Description of Water Right: Keinath Ditch No. 1. Date of original decree: Case No. 96CW300, entered 08/26/1997 with the Dist. Ct., Water Div. No. 5. Subsequent findings of diligence: Case No. 03CW179, entered 10/14/2004. Case No. 10CW281, entered 01/24/2014. Legal Description: The point of diversion as changed in Case No. 10CW281: the NW1/4 SW1/4, Sec. 9, T. 8 S., R. 96 W. of the 6th P.M., at a point 2,440 ft. from the S. Sec. Line and 40 ft. from the W. Sec. Line of Sec. 9. See Figure 1. Source: Alkali Creek, a trib. of the Colorado River. Date of Approp.: 06/19/1996. Decreed Amt.: 3.0 c.f.s. Use: Stock water, filling and refilling of the Keinath Pond No. 2 and irr. of approx. 100 acres an additional 63.2 acres located in the SW1/4 of Sec. 4 and the SE1/4 of Sec. 5, T. 8 S., R. 96 W. of the 6th P.M. Proposed Change: Applicant requests a change in the decreed point of diversion for the Keinath Ditch No. 1 to relocate the headgate from federal public lands to the Applicants' private land, approx. 500 ft. N. of the existing location. Location: The changed point of diversion is located in the SE1/4 NE1/4 of Sec. 8, T. 8 S., R. 96 W. of the 6th P.M. UTM Coordinates: Easting 747830, Northing 4361139, Zone 12N, NAD 1983. Owner of the land upon which the existing structure is located: the U.S. Department of the Interior, Bureau of Land Management, 2300 River Frontage Rd., Silt, CO 81652.

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21CW3137 GRAND COUNTY. Daniel L. Hahn and Donna R. Hahn, P.O. Box 1147, Granby, CO 80446. Applicant is represented by Kent Whitmer and Katie Randall, The Whitmer Law Firm, LLC, P.O. Box 38, Hot Sulphur Springs, CO 80451, (970) 725-3460. APPLICATION FOR FINDING OF REASONABLE DILIGENCE. Decrees: January 19, 1995, Case No. 94CW27; May 6, 2002, Case No. 01CW04; May 27, 2009, Case No. 08CW62; November 8, 2015, Case No. 15CW3038; all in Water Court Division No. 5. Name of Structure for Underground Water Rights: Hahn Well No. TR10. Type of Structure: Well. Legal Description: NW1/4 NE1/4, Section 31, T2N, R76W of the 6th P.M., 1,150 feet from the North line of Section 31 and 1,950 feet from the East line of Section 31. Source: Groundwater tributary to Smith Creek, tributary to the Fraser River, tributary to the Colorado River. Appropriation Date: February 28, 1994. Depth: Hahn Well No. TR10 has not yet been drilled. Amount: 30 g.p.m. (0.067 c.f.s.), conditional, not to exceed 1.075 af/yr. Uses: Household and irrigation of lawns and gardens. Conditional Appropriative Right of Exchange: In 94CW27, the Court granted appropriative rights of exchange to replace out-of-priority depletions associated with Hahn Well Nos. TR10, TR5, TR6, and TR11. See 94CW27 Decree for additional details. Appropriation Date: February 28, 1994. Amount: The total exchange rate per year shall be limited to the annual calculated depletions of 1.0 af/yr, conditional. Exchange Reach: Upstream Termini: The terminus or uppermost location of the depletions on the Fraser River shall be at the point where the Fraser River crosses the North line of Section 1, T1N, R76 1/2 W, 6th P.M. The terminus or uppermost location of the depletions on Smith Creek shall be at the point where Smith Creek crosses the East section line of Section 30, T2N, R76W, 6th P.M. Downstream Terminus: Confluence of the Fraser River with the Colorado River, described as the SW1/4 SW1/4 of Section 25, T2N, R77W of the 6th P.M., 500 feet from the West line of Section 25 and 575 feet from the South line of Section 25. Source of Augmentation Water: The subject water rights will operate pursuant to the plan for augmentation decreed in Case No 94CW27. Augmentation will be provided by Granby Reservoir. Additional Information: The previous decrees set forth additional terms and conditions, including a plan for augmentation, that continue to be in effect for the water rights of this application. The application and attached exhibits contain a detailed outline of the work performed during the diligence period (22 pages).

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21CW3138 GRAND COUNTY. Daniel L. Hahn and Donna R. Hahn, P.O. Box 1147, Granby, CO 80446. Applicant is represented by Kent Whitmer and Katie Randall, The Whitmer Law Firm, LLC, P.O. Box 38, Hot Sulphur Springs, CO 80451, (970) 725-3460. **APPLICATION FOR FINDING OF REASONABLE DILIGENCE.** Name of Structures for Underground Water Rights: Hahn Well Nos. TR5, TR6, and TR11. Decrees: May 27, 2009, Case No. 08CW63; November 8, 2015, Case No. 15CW3039; both in Water Court Division No. 5. Type of Structures: Wells. Legal Descriptions: Hahn Well No. TR5 is located in the NW1/4 NE1/4, Section 31, T2N, R76W of the 6th P.M., 990 feet from the North line and 2,300 feet from the East line of Section 31. Hahn Well No. TR6 is located in the NW1/4 NE1/4, Section 31, T2N, R76W of the 6th P.M., 800 feet from the North line and 2,525 feet from the East line of Section 31. Hahn Well No. TR11 is located in the NW1/4 NE1/4, Section 31, T2N, R76W of the 6th P.M., 1,070 feet from the North line and 1,960 feet from the East line of Section 31. Source: Hahn Well Nos. TR5 and TR6: Groundwater tributary to Smith Creek, tributary to the Colorado River. Hahn Well No. TR11: Groundwater tributary to Fraser River, tributary to the Colorado River. Appropriation Date: February 28, 1994. Depth: Hahn Well Nos. TR5, TR6, and TR11 have not yet been drilled. Amount Per Well: 30 g.p.m. (0.067 c.f.s.), conditional, not to exceed 1.075 af/yr. Uses: Household and irrigation of lawns and gardens, as described in 94CW27. Additional Information: Applicant requests a finding of diligence on the conditional underground water rights for Hahn Well Nos. TR5, TR6, and TR11. These water rights will operate pursuant to the plan for augmentation originally decreed in 94CW27. The previous decrees set forth additional terms and conditions that continue to be in effect for the water rights of this application. The application and attached exhibits contain a detailed outline of the work performed during the diligence period (21 pages).

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21CW3139 CONCERNING THE APPLICATION FOR WATER RIGHTS OF THE TOWN OF SILVERTHORNE, IN SUMMIT AND GRAND COUNTIES, APPLICATION FOR FINDING OF REASONABLE DILIGENCE AND TO MAKE ABSOLUTE IN PART. c/o Peter J. Ampe, Hill & Robbins, P.C., 1660 Lincoln St., Suite 2720, Denver, CO 80264, Phone:(303) 296-8100, Fax: (303) 296-2388. 1. The name and address of the Applicant: Town of Silverthorne, c/o Town Administrator, P. O. Box 1309, Silverthorne, Colorado 80498. 2. Conditional appropriative right and points of exchange: a. A total of 250 acre-feet per year from the total rights decreed to the Middle Park Water Conservancy District in CA-1277, Eagle County District Court, for the Azure Reservoir No. 348, Priority No. 433 and the Azure Power Plant No. 349, Priority 434, or from any water dedicated and set aside annually in Granby Reservoir by the Municipal Subdistrict, Northern Colorado Water Conservancy District for the use and benefit of the Middle Park Water Conservancy District. b. Proposed Points of Exchange: i. Green Mountain Reservoir - the dam of which is located in Section 15, Township 2 South, Range 20 West, Summit County; ii. Dillon Reservoir - impounded by a dam, located in the SE1/4NE1/4, Section 13, Township 5 South, Range 78 West, 6th P.M.; iii. Williams Fork Reservoir Outlet Works - located in the NW1/4SE1/4, Section 23, Township 1 North, Range 79 West, 6th P.M.; iv. Silverthorne Well No. 1 - located at a point in the NE1/4SW1/4, Section 12, Township 5 South, Range 78 West, 6th P.M., which is 2,998 feet south of the north section line and 2,522 feet east of the west section line; v. Silverthorne Well No. 2 - at a point in the NE1/4SW1/4, Section 12, Township 5 South, Range 78 West, 6th P.M., which is 3,198 feet south of the north section line and 2,062 feet of the west section line; vi. Silverthorne Well No. 3 - at a point in the SE1/4NW1/4, Section 12, Township 5 South, Range 78 West, 6th P.M., which is 1,745 feet south of the north section line and 2,588 feet east of the west section line; vii. Silverthorne Well No. 4 - at a point in the SE1/4NW1/4, Section 12, Township 5 South, Range 78 West, 6th P.M., which is 1,503 feet south of the north section line and 2,321 feet east of the west section line; viii. Silverthorne Well No. 5 - at a point in the NW1/4SW1/4, Section 1, Township 5 South, Range 78 West, 6th P.M., which is 2,223 feet north of the south section line and 1,045 feet east of the west section line; ix. Silverthorne Well No. 6 - at a point in the NW1/4SW1/4, Section 1, Township 5 South, Range 78 West, 6th P.M., which is 1,912 feet north of the south section line and 1,084 feet east of the west section line; x. Silverthorne Well No. 7 - at a point in the SE1/4SW1/4, Section 1, Township 5 South, Range 78 West, 6th P.M., which is 175 feet north of the south

section line and 2,150 feet east of the west section line; xi. Silverthorne Well No. 8 - at a point in the NE1/4SW1/4, Section 1, Township 5 South, Range 78 West, 6th P.M., which is 1,783 feet north of the south section line and 1,673 feet east of the west section line; xii. Silverthorne Well No. 9 - at a point in the NE1/4NW1/4, Section 12, Township 5 South, Range 78 West, 6th P.M., which is 5,272 feet north of the south section line and 2,483 feet east of the west section line; xiii. Silverthorne Well No. 10 - at a point in the NE1/4NW1/4, Section 12, Township 5 South, Range 78 West, 6th P.M., which is 5,025 feet north of the south section line and 2,375 feet east of the west section line; xiv. Silverthorne Well No. 11 - at a point in the NE1/4NW1/4, Section 12, Township 5 South, Range 78 West, 6th P.M., which is 4,473 feet north of the south section line and 2,259 feet east of the west section line. See Exhibit A for a general location map. 3. Describe conditional water right giving the following from the Referee's Ruling and Judgment and Decree: a. Date of Original Decree: August 3, 1988; Case No. 84CW670; Court: District Court, Water Division No. 5. b. Appropriation Date: March 6, 1984; Amount: 250 acre-feet. c. The purpose of the exchange is to permit the Town of Silverthorne to use the water that it owns and is entitled to use pursuant to the documents described below: i. Agreement concerning the Windy Gap Project and the Azure Reservoir and Power Project dated April 30, 1980; ii. Agreement between Summit County and Middle Park Water Conservancy District dated June 17, 1980; iii. Water Allotment Contract between Middle Park Water Conservancy District and Town of Silverthorne dated March 6, 1984; iv. Agreement between Summit County and the Denver Water Board dated September 18, 1985; and v. Quitclaim Deed from the Middle Park Water Conservancy District recorded April 21, 1986 under Reception No. 315837 conveying 250 acre-feet of storage rights under the foregoing agreements. 4. Provide a detailed outline of what has been done toward completion or for completion of the appropriation and application of water to a beneficial use as conditionally decreed, including expenditures: Pursuant to the decree of this Court in Case No. 84CW670, the proposed exchange decreed in this case will be used during those times when there is a valid senior call from the Colorado River or Blue River which is not satisfied by release of water from Green Mountain reservoir pursuant to the Operating Policy for Green Mountain Reservoir and Senate Document 80. Since entry of the previous decree in this case, Applicant notified the Water Commissioner in writing that it would operate this exchange to the extent possible during the diligence period and did to operate the exchange. Also during the diligence period, Applicant has participated in various proceedings in this Court and in other forums for the purpose of, inter alia, protecting subject conditional rights from injury. During the diligence period, Applicant has maintained its Water Allotment Contract between Middle Park Water Conservancy District and Town of Silverthorne dated March 6, 1984 concerning the source of water for its conditional exchange. Further, during the diligence period, Applicant operated Well Nos. 1 - 6, diverting water and placing that water to beneficial use for municipal purposes. In addition, during the diligence period, the Town of Silverthorne has expended in excess of \$25,000,000 in defending, expanding, operating, maintaining, and improving its municipal water system infrastructure. These expenses include legal and engineering costs, new water and sewer mains, new water tanks and pump stations, developing and decreeing newly expanded reservoirs, annual payments for water contracts and expanding sewer capacity. Silverthorne Well No. 7 through 11 will be constructed during future budget cycles as necessary to meet anticipated future water demands of the Town of Silverthorne and its service area. Permanent population within the Town of Silverthorne grew by 31% from 2010 to 2021 and an additional 2% annual growth rate in permanent population is predicated to continue for the foreseeable future. The subject wells are decreed alternate points of diversion for the Town's interest in the Graff Ditch and Ruth Ditch pursuant to decrees of this Court in Case Nos. 81CW160 and 84CW284, respectively. In addition the subject wells are decreed points of exchange pursuant to the decree in Case No. 84CW670. Depletions from the said wells are augmented pursuant to the plans for augmentation decreed in Case Nos. 85CW580 and 92CW095. 5. Name and address of owner of the land upon which the structures are or will be constructed: All of the Wells described herein are or will be constructed on land owned or controlled by the Applicant, Town of Silverthorne, the address of which is c/o Town Administrator, P. O. Box 1309, Silverthorne, Colorado 80498. The structures described in paragraph 2.a., above are owned or controlled by the Northern Colorado Water Conservancy District, the address of which is 220 Water Avenue, Berthoud, Colorado 80513. Dillon and Williams Fork Reservoirs are owned or controlled the City and County of Denver, acting by and through its Board of Water Commissioners, the address of which is 1600 W 12th Ave, Denver, CO 80204. Green Mountain Reservoir is owned or controlled by the U.S. Bureau of Reclamation, the address of which is Eastern Colorado Area Office, 11056 W. County Rd 18E, Loveland, CO 80537-9711. 6. Request to make absolute. Applicant requests the Court make 0.14 acre-feet absolute based on the actual operation of the exchange. 7. Request for finding of reasonable diligence: Applicant hereby requests the Court to enter a finding that, as to those portions of the right not made absolute, Applicant is proceeding in a reasonably diligent manner and that the waters claimed by Applicant can and will be diverted, or otherwise captured, possessed, and controlled and will be beneficially used and the project can and will be completed with diligence and within a reasonable time.

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8. PURSUANT TO C.R.S., §37-92-302, AS AMENDED, YOU ARE NOTIFIED THAT THE FOLLOWING PAGES COMPRISE A RESUME OF THE APPLICATIONS AND AMENDED APPLICATIONS FILED WITH THE WATER CLERK FOR WATER DIVISION 5 DURING THE MONTH OF NOVEMBER 2021. *The water right claimed by this application may affect in priority any water right claimed or heretofore adjudicated within this division and owners of affected rights must appear to object and protest within the time provided by statute or be forever barred.* 2021CW3140 GARFIELD COUNTY, COLORADO, GROUND WATER TRIBUTARY TO CATTLE CREEK, TRIBUTARY TO THE ROARING FORK RIVER, TRIBUTARY TO THE COLORADO RIVER – Application for Finding of Reasonable

Diligence. Clark Lot 2 Well, Clark Lot 3 Well, Clark Lot 4 Well. Applicant: Carlton Evans Beal, Jr. Trust, c/o Brian Sherry, 3523 County Road 103, Carbondale, Colorado 81623, c/o Edward B. Olszewski, Olszewski, Massih & Maurer, P.C., P.O. Box 916, Glenwood Springs, CO 81602. **FIRST CLAIM FOR FINDING OF REASONABLE DILIGENCE**, Name of Structure: Clark Lot 2 Well. Describe conditional water right: Date of Original Decree: January 2, 2002; Case No: 00CW292; Court: Water Court, Water Division No. 5. Legal Description: The Well is located in the NW3 , NE3 of Section 13, Township 7 S., Range 88 W. of the 6th P.M., at a point 620 feet from the North section line and 1,380 feet from the East section Line of said Section 13. Source: Ground Water tributary to Cattle Creek, tributary to the Roaring Fork River. Appropriation Date: October 4, 2000. Amount: 0.033 cfs (15 gpm) conditional, not to exceed 1 acre foot per year. Use: Domestic (including fire protection), irrigation and stock watering. Depth: 240 Feet. Remarks: In Case No. 15CW3023, Applicant made 0.033 cfs of the Clark Lot 2 Well absolute for irrigation of approximately 0.15 acre and for year-round stockwatering. Applicant claims diligence for the remaining portion of the water right. Name and address of owner of land upon which structure is located: Applicant. **SECOND CLAIM FOR FINDING OF REASONABLE DILIGENCE** Name of Structure: Clark Lot 3 Well. Describe conditional water right: Date of Original Decree: January 2, 2002; Case No: 00CW292; Court: Water Court, Water Division No. 5. Legal Description: The Well is located in the NW3 , NE3 of Section 13, Township 7 S., Range 88 W. of the 6th P.M., at a point 1,315 feet from the North section line and 1,650 feet from the East section Line of said Section 13. Source: Ground Water tributary to Cattle Creek, tributary to the Roaring Fork River. Appropriation Date: October 4, 2000. Amount: 0.033cfs (15 gpm) conditional, not to exceed 1 acre foot per year. Use: Domestic (including fire protection), irrigation and stock watering. Depth: 185 Feet. Remarks: In Case No. 15CW3023, Applicant made 0.033 cfs of the Clark Lot 3 Well absolute for irrigation of approximately 0.75 acre, for domestic uses inside a horse barn and for year-round stockwatering. Applicant claims diligence for the remaining portion of the water right. **THIRD CLAIM FOR FINDING OF REASONABLE DILIGENCE** Name of Structure: Clark Lot 4 Well. Date of Original Decree: January 2, 2002; Case No: 00CW292; Court: Water Court, Water Division No. 5. Legal Description: The Well is located in the NW3 , NE3 of Section 13, Township 7 S., Range 88W of the 6th P.M., at a point 1,150 feet from the North section line and 2,300 feet from the East section Line of said Section 13. Source: Ground water tributary to Cattle Creek, tributary to the Roaring Fork River. Appropriation Date: October 4, 2000. Amount: 0.033cfs (15 gpm) conditional, not to exceed 1 acre foot per year. Use: Domestic (including fire protection), irrigation and stock watering Depth: 200 Feet. Remarks: In Case No. 15CW3023, Applicant made 0.033 cfs of the Clark Lot 4 Well absolute for irrigation of approximately 0.75 acre, for domestic uses inside a horse barn and for year-round stockwatering uses. Applicant claims diligence for the remaining portion of the water right. The Application contains a detailed description of diligence activities and expenditures. A map showing the locations of the wells is attached to the Application. Name and address of owner of land upon which all structures are located: Applicant. Clark Lot 2 Well, Clark Lot 3 Well and Clark Lot 4 Well, as described above, are all part of a community water supply system and are an integrated system. Diligence on one part of the system constitutes diligence on the whole system. The wells shall operate in accordance with and pursuant to the plan for augmentation decreed in Case No. 00CW292, Water Division No. 5. Pursuant to the above, Applicant has been diligent in the development of the conditional water rights as described above. (7 pages, including 2 maps).

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2021CW3141 Scott Carlson and Kim Carlson, 17846 Kimball Creek Road, Collbran, Colorado 81624; (970) 549-1714. Attorney for Applicants: John P. Justus, Hoskin Farina & Kampf, P.C., 200 Grand Avenue, Suite 400, Post Office Box 40, Grand Junction, Colorado 81502. **APPLICATION FOR FINDING OF REASONABLE DILIGENCE AND TO MAKE ABSOLUTE. Underground Water Right**
2. Name of well and permit number. Carlson Well. 3. Date of Original Decree: November 1, 2015, Case No. 2014CW3093, District Court for Water Division 5 (the "14CW3093 Decree"). 4. Legal description of well. The Carlson Well is located as follows: a. Location information in UTM format: Easting 244727, Northing 4350611, UTM Zone 13, NAD83. b. Legal Description Using the Public Land Survey System (the "PLSS"): The Carlson Well is located in the NW1/4 of the NE1/4 of Section 23, Township 9 South, Range 95 West of the 6th P.M., approximately 787 feet from the North section line and 2,115 feet from the East section line, **MESA COUNTY**, Colorado. 5. Source of water. Groundwater tributary to an unnamed tributary, tributary to Plateau Creek, a tributary to the Colorado River. 6. Depth of well: The Carlson Well has a depth of approximately 126 feet. 7. Conditional Appropriation: July 31, 2014 for conditional commercial uses, stock water use, and for supplemental irrigation of 1.58 acres described in ¶ 9 below. 8. Conditional Amounts: a. On the entry of the 14CW3093 Decree 35 gpm of a maximum decreed diversion rate of 50 gpm remained conditional for domestic use and for irrigation of the 0.31 acres described in ¶ 9.a. below; and b. 50 gpm was decreed conditional for commercial use, stock water uses on Applicants' Property, and for supplemental irrigation of the 1.58 acres described in ¶ 9.b below. The annual amount diverted for these conditional uses described in this is not to exceed 2.98 acre-feet for commercial use, stock water use, and for supplemental irrigation of 1.58 acres described in ¶ 9.b below. 9. Decreed Uses Commercial uses associated with sanitary facilities

required by a recreational and day camp facility not to exceed 1.06 acre-feet of withdrawals, stock watering of up to 5 horses or other livestock equivalent, supplemental irrigation, and domestic uses, including fire protection and ordinary household purposes, inside two (2) single family dwellings, irrigation, and the watering of domestic animals on the real property shown in Figure 1 to the Application, the "Applicants' Property." a. Lands historically irrigated by the Carlson Well: i. Irrigation of 0.15 acres of lawn around an existing single family dwelling located in the NW1/4 of the NE1/4, Section 23, Township 9 South, Range 95 West of the 6th P.M., approximately 838 feet from the North section line and 2,416 feet from the East section line. ii. Irrigation of 0.1 acres of lawn around an existing single family dwelling located in the NW1/4 of the NE1/4, Section 23, Township 9 South, Range 95 West of the 6th P.M., approximately 515 feet from the North section line and 2,399 feet from the East section line. iii. Irrigation of 0.06 acres of orchard located in the NW1/4 of the NE1/4, Section 23, Township 9 South, Range 95 West of the 6th P.M., approximately 573 feet from the North section line and 2,552 feet from the East section line. b. Description of additional lands decreed for supplemental irrigation water from the Carlson Well: Irrigation of 1.58 acres of grass for a recreational field in the NW1/4 of the NE1/4, Section 23, Township 9 South, Range 95 West of the 6th P.M., with the centroid of the field located approximately 1,146 feet from the North section line and 2,277 feet from the East section line. 10. Claim to make absolute in part, along with a detailed outline of what has been done toward completion or for completion of the appropriation and application of water to a beneficial use as conditionally decreed during the diligence period: a. A flow meter was installed on the Carlson Well in May 2017. Annual diversion amounts were recorded for 2018, 2019, and 2020. In 2020, monthly diversion records were recorded beginning in March. Diversion records for each period were documented by flow meter recordings. During the diligence period, diversions by the Carlson Well were at a rate of 15 gallons per minute for all decreed uses. b. During the diligence period, the Applicants' Property was developed to allow for commercial use including construction of sanitary facilities and septic system and construction of the recreation field. The commercial uses included supplying water for sanitary and drinking water purpose for staff and campers during the 2017, 2018, and 2019 years. In 2018, the commercial water use included the supply water for 100 campers and 12 staff for 4 weeks in June, 4.5 weeks in July, and 2 weeks in August and assumed a use of 20 gallons per person per day. During the diligence period up to 0.38 acre-feet per year of the 1.06 acre-feet conditional amount appropriated for commercial use was diverted at a rate of 15 gpm and placed to beneficial use. Applicants therefore claim absolute for commercial uses at a rate of 15 gpm for 0.38 acre feet per year. A total of 0.68 acre-feet per year will remain conditional for commercial purpose. c. Per the 14CW3093 Decree, the recreation field on Applicants' Property is irrigated by McKee Ditch water from Kimball Creek and supplementally irrigated by the Carlson Well. During the diligence period up 0.60 acre-feet per year of the 1.85 acre-feet per year conditional amount appropriated for supplemental irrigation was diverted at 15 gpm and put to beneficial use by irrigation of the 0.79 acre recreation field. The location of the irrigated acres is shown in Figure 1 to the Application. Applicants therefore claim absolute for supplemental irrigation at 15 gpm for 0.60 acre feet for irrigation of the recreation field. An amount of 1.25 acre- feet for supplemental irrigation will remain conditional. d. The Carlson well has been used for stock watering purpose for four (4) horses' year round since 2018. The amount claimed below is based on the estimated demand of 12 gallons per day per head of stock. During the diligence period a maximum of 0.05 acre-feet per year of the conditional 0.07 acre-feet per year appropriated for stock water purposes use diverted at 15 gpm and put to beneficial use. Applicants therefore claim absolute for stockwatering at a rate of 15 gpm for 0.05 acre-feet. A total of 0.02 acre-feet will remain conditional for stock water use. Water Storage Right 11. Name of Storage Structure. The Camp 7 Pond 12. Date of Original Decree: November 1, 2015, Case No. 2014CW3093, District Court for Water Division 5. 13. Legal description of location of Storage Structure. The Camp 7 Pond is located as follows: a. Approximate coordinates in UTM format: Easting 244920.5, Northing 4350697, UTM Zone 13, NAD83. b. Legal Description Using the PLSS: The Camp 7 Pond is located in the NW1/4 of the NE 1/4 of Section 23, Township 9 South, Range 95 West of the 6th P.M., with the center of the pond anticipated to be approximately 500 feet from the North section line and 1,494 feet from the East section line, Mesa County, Colorado. 14. Sources of Supply: a. Kimball Creek, a tributary of Plateau Creek, a tributary to the Colorado River. Because Camp 7 Pond is off-channel, water will be diverted from Kimball Creek into the McKee Ditch for delivery to the Camp 7 Pond at a rate not to exceed 0.25 cfs. b. Two unnamed springs tributary to unnamed tributary to Plateau Creek, a tributary to the Colorado River, hereinafter designated as Camp 7 Spring No. 1 and Camp 7 Spring No. 2. Water will be diverted from each of the foregoing springs at a rate not to exceed 15 gpm for filling of the Camp 7 Pond. 15. Legal description of the points of diversion. a. McKee Ditch headgate on Kimball Creek: i. Legal description of point of diversion: 1. Approximate coordinates in UTM format: Easting 245308.5, Northing 4352615.6, UTM Zone 13, NAD83. 2. Legal Description Using the PLSS: The headgate of the McKee Ditch is located in the SE 1/4 of the SE 1/4, Section 11, Township 9 South, Range 95 West of the 6th P.M., approximately 500 feet from the South section line and 544 feet from the East section line, Mesa County, Colorado. b. Developed springs located on Applicants' Property: i. Legal description of points of diversion: 1. Camp 7 Spring No. 1: a. Approximate coordinates in UTM format: Easting 244975.5, Northing 4350718.1, UTM Zone 13, NAD83. b. Legal Description Using the PLSS: The Camp 7 Spring No. 1 is located in the NW 1/4 of the NE 1/4, Section 23, Township 9 South, Range 95 West of the 6th P.M., approximately 454 feet from the North section line and 1,323 feet from the East section line, Mesa County, Colorado. 2. Camp 7 Spring No. 2: a. Approximate coordinates in UTM format: Easting 244966.1, Northing 4350749.1, UTM Zone 13, NAD83. b. Legal Description Using the PLSS: The Camp 7 Spring No. 2 is located in the NW 1/4 of the NE 1/4, Section 23, Township 9 South, Range 95 West of the 6th P.M., approximately 324 feet from the North section line and 1,353 feet from the East section line, Mesa County, Colorado. 16. Appropriation: July 31, 2014 17. Amount: 9.89 acre-feet, conditional, together with the right to fill and re-fill, in priority. 18. Uses. Augmentation, irrigation, stock watering, recreation, aquaculture/piscatorial, wildlife watering, and fire protection. 19. Structure Dimensions. Dimensions and Capacity of the Camp 7 Pond are, or are anticipated to be, as follows: a. Dimensions: i. Surface area of high water line: 0.75 acres ii. The vertical height of the earthen dam will not exceed 10 feet in height iii. Length of dam in feet: Approximately 150 feet b. Capacity: i. Total capacity of reservoir in acre feet: 9.89 acre feet, ii. Active capacity: 6.13 acre feet, iii. Dead storage: 3.76 acre feet 20. Claim to make absolute in whole: The Camp 7 Pond was constructed in October of 2016. Water has been

diverted from the Carlson Spring No. 1 and Carlson Spring No. 2 into the Camp 7 Pond and from McKee Ditch, when in priority, at a rate of about 0.25 cfs. Since 2017, and in each succeeding year, 9.89 acre feet per year has been stored for beneficial use in the Camp 7 Pond. The Camp 7 Pond was filled starting in the fall of 2016 and been filled and refilled since from the McKee Ditch, Camp 7 Spring No. 1, and Camp 7 Spring No. 2, when in priority. The Camp 7 Pond was filled by the McKee Ditch when in priority using a transfer pump at a rate of about 0.25 cubic feet per second (cfs). The Camp 7 Springs 1 and 2 were improved in 2020 by installing new pipe for improved transmission of spring water to the pond. A geosynthetic liner was installed in the Camp 7 Pond in June of 2021. The as constructed dimensions of the Camp 7 Pond are as follows: Surface area – 0.75 acres, Vertical height of dam – 10 feet, Length of dam – 235 feet. The as constructed capacity of the Camp 7 Pond is as follows: Total capacity – 9.89 acre feet, Active storage – 6.13 acre feet, Dead storage – 3.76 acre feet. 21. Names(s) and address(es) of owner(s) or reputed owners of the land upon which any new diversion or storage structure, or modification to any existing diversion or storage structure is or will be constructed or upon which water is or will be stored, including any modification to the existing storage pool. Applicants are the owners of the lands upon which the Carlson Well, and the Camp 7 Pond are located. Application is 6 pages in length.

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10. PURSUANT TO C.R.S., §37-92-302, AS AMENDED, YOU ARE NOTIFIED THAT THE FOLLOWING PAGES COMPRISE A RESUME OF THE APPLICATIONS AND AMENDED APPLICATIONS FILED WITH THE WATER CLERK FOR WATER DIVISION 5 DURING THE MONTH OF NOVEMBER 2021. *The water right claimed by this application may affect in priority any water right claimed or heretofore adjudicated within this division and owners of affected rights must appear to object and protest within the time provided by statute or be forever barred.*

21CW3142 GARFIELD COUNTY, GROUNDWATER TRIB CATTLE CREEK, ROARING FORK RIVER. Application for Findings of Reasonable Diligence and to Make Absolute. Cottonwood Six Homeowners Association, c/o Beattie Houpt & Jarvis, PO Box 1669, Basalt, 970-945-8659. All Subject Water Rights: The Subject Water Rights (Bobcat Ridge Estates Well Nos. 3, 5, and 11) were originally decreed in 00CW136 on 04/23/01 and subsequent decrees were entered in 07CW78 and 15CW3044; they operate pursuant to the plan for augmentation decreed in 00CW136 and are components of an integrated water supply system. Source: Groundwater trib to Cattle Creek and Roaring Fork River. Appropriation date: 03/15/00. Depth: 200 ft. Bobcat Ridge Estates Well No. 3 (Permit No. 56070-F): Legal description: NE1/4 SW1/4 of Sec 12, T 7 S, R 88 W 6th PM, approx 2,050 ft from S sec line and 1,750 ft from W sec line of said Sec 12. Amounts and uses: 1.5 af, total, consisting of the following: 0.53 af, absolute, for irr. of 2,500 sf, 15 gpm pumping rate (decreed absolute in 07CW78); 0.97 af, conditional, for domestic use in one single-family dwelling. Remarks: In its original decree in 00CW136, the Court decreed this water right to be 1.5 af. In 07CW78, para.5, the Court restates that amount. Yet, in para. 8 of the decree in 07CW78, the Court mistakenly states that this water right is 1.0 af. In the decree entered in 15CW3044, the Court correctly delineates the decreed amount and the amount remaining conditional. Bobcat Ridge Estates Well No. 5 (Permit No. 55778-F): Legal description: NW1/4 SW1/4 of Sec 12, T 7 S, R 88 W 6th PM, approx 2,000 ft from S sec line and 500 ft from W sec line of said Sec 12. Amount and uses: 1.0 af, total, consisting of the following: 0.53 af, absolute, for irr. of 2,500 sf, 15 gpm pumping rate (decreed absolute in 07CW78); 0.47 af, conditional, for domestic use in one single-family dwelling. Remarks: In its original decree in 00CW136, the Court decreed this water right to be 1.0 af. In 07CW78, para. 5, the Court restates that amount. Yet, in para. 8 of the decree in 07CW78, the Court mistakenly states that this water right is 1.5 af. In the decree entered in 15CW3044, the Court correctly delineates the decreed amount and the amount remaining conditional. Bobcat Ridge Estates Well No. 11 (Permit No. 56073-F): Legal description: NE1/4 SW1/4 of Sec 12, T 7 S, R 88 W 6th PM, approx 2,010 ft from S sec line and 1,410 ft from the W sec line of said Sec 12. Amount and uses: 2.0 af, total, consisting of the following: 0.68 af, absolute, for irr. of 5,000 sf, 15 gpm pumping rate (decreed absolute in 07CW78); 1.32 af, conditional, for domestic use in one single-family dwelling. Date water applied to beneficial use: 11/01/16. Amount and uses of water applied to beneficial use: 1.32 af for domestic use in one single-family dwelling. The Application on file with the Court includes a list of activities demonstrating diligence. Owners of land: Arthur and Janice Forbes, 95 Cotton Hollow Lane, Carbondale; Aaron Natoniewski and Joanna Tenbrook, 4972 County Road 113, Carbondale; and Matthew and Carrie Vickers, 168 Cotton Hollow Lane, Carbondale. (7 pages, 1 exhibit)

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21CW3143 EAGLE COUNTY, COLORADO RIVER, Colorado River Zoo LLC. Attn: Otto Andl, 4199 Trough Road, Bond, CO 80423, (970) 653-4431, info@coloradorivercenter.com. c/o Kirsten M. Kurath, Williams, Turner & Holmes, P.C., 744 Horizon Court, Suite 115, Grand Junction, Colorado 81506, (970) 242-6262, kmkurath@wth-law.com. **APPLICATION FOR FINDING OF REASONABLE DILIGENCE AND TO MAKE CONDITIONAL WATER RIGHT PARTIALLY ABSOLUTE** Structure: Rancho Well No. 2. Decreed: November 8, 2015, Case No. 2012CW52, Water Division No. 5, District Court for the State of Colorado. Subsequent Decrees: None. Location: Northeast ¼ Northwest ¼ of Section 7, Township 2 South, Range 82 West of the Sixth Principal Meridian 1,090 feet from the north section line and 2,985 feet from the east section line of said Section 7. See Exhibit A attached to Application. Easting 362367; Northing 4417688; NAD83, Zone 13. Source: Groundwater tributary to the Colorado River. App. Date: April 12, 2012. Amount: 35 g.p.m., conditional, with an annual volumetric limit of 2.967 acre feet. Uses: Domestic, commercial and irrigation of up to 42,000 square feet in portions of Northeast ¼ Northwest ¼ of Section 7, Township 2 South, Range 82 West of the Sixth Principal Meridian. See Exhibit B attached to Application. Well Permit: Well Permit No. 79620-F. A detailed outline of what has been done toward completion or for completion of the appropriation and application of water to a beneficial use as conditionally decreed is contained in the Application. Claim to Make Partially Absolute: The well was drilled and completed on October 22, 2014. See Exhibit C attached to the Application. A pump was installed on August 17, 2016, and tested at the rate of 5 g.p.m. See Exhibit D attached to the Application. Water has been diverted since the 2017 irrigation season and used to irrigate the land marked in yellow on Exhibit B during every irrigation season. See Exhibit E attached to the Application. Any out-of-priority diversions were augmented in accordance with the augmentation plan decreed in Case No. 2021CW52. Therefore, 5 g.p.m. of the conditional water right has been made absolute for irrigation. Names and addresses of Landowners: Applicant. Applicant requests that the Court adjudge and decree that the Rancho Well No. 2 conditional water right be made absolute in the amount of 5.0 g.p.m. for irrigation, and in the alternative, that the Applicant has been reasonably diligent in the development of the Rancho Well No. 2 conditional water right to the extent the same is not decreed absolute, that the remaining conditional portions of the Rancho Well No. 2 conditional water right be continued in full force and effect, and that the Court grant the Applicant such other and further relief as may be appropriate. (10 pages).

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21CW3144 EAGLE COUNTY, EAGLE RIVER. Town of Gypsum, c/o Patrick, Miller & Noto, P.C., 229 Midland Avenue, Basalt, CO 81621, Kevin L. Patrick, Esq. and Jason M. Groves, Esq., (970) 920-1030. **APPLICATION FOR FINDINGS OF REASONABLE DILIGENCE. First Claim: For a Finding of Reasonable Diligence.** Name of structure: Gypsum Well No. 1. Original Decree: January 10, 1983, Case No.: 81CW473, Water Division 5. Latest diligence decree: November 8, 2015. Case No. 14CW3094, Water Division 5. Location: SE ¼, SW ¼ of Section 31, Township 4 South, Range 85 West of the 6th P.M., at a location 123 feet from the south section line and 1,600 feet from the west section line in Eagle County. Source: Groundwater tributary to the Eagle River, tributary to the Colorado River. Appropriation date: December 15, 1981. Amount: 0.777 c.f.s., conditional. Uses: Domestic, municipal, industrial, commercial, and fire protection purposes. Claim to make absolute: N/A. Applicant owns the property where the Gypsum Well No. 1 will be located. Remarks: Gypsum Well No. 1 is a component of the integrated water supply decreed to the Town of Gypsum. See Decree 14CW3094, ¶ 9. **Second Claim: For a Finding of Reasonable Diligence.** Name of structure: Gypsum Well No. 2. Original Decree: January 10, 1983, Case No.: 81CW473, Water Division 5. Latest diligence decree: November 8, 2015. Case No. 14CW3094, Water Division 5. Location: SE ¼, NW ¼ of Section 5, Township 5 South, Range 85 West of the 6th P.M., 1,640 feet from the west section line and 2,350 feet from the north section line in Eagle County. Alternate points shown on attached Figure 1 map. Source: Groundwater tributary to the Eagle River, tributary to the Colorado River. Appropriation date: December 15, 1981. Amount: 0.179 c.f.s., conditional. Uses: Domestic, municipal, industrial, commercial, and fire protection purposes. Claim to make absolute: N/A. Applicant owns the property where the Gypsum Well No. 2 and its alternate points will be located. Remarks: Gypsum Well No. 2 is a component of the integrated water supply decreed to the Town of Gypsum. See Decree 14CW3094, ¶ 19. A map and list of diligence activities is on file with the Court.

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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 2021. *The water right claimed by this application*

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

19CW3068 – EAGLE COUNTY – AMENDED APPLICATION FOR CHANGE OF WATER RIGHTS TO ADD ALTERNATE POINTS OF DIVERSION AND CORRECT LEGAL DESCRIPTIONS OF DECREED POINTS OF DIVERSION – 1. Name, Address, and Phone Number of Applicant. The Piney Valley Ranches Trust, (“Applicant “or “PVRT”) c/o Daniel J. Leary, Trustee P.O. Box 9429 Avon, Colorado 81620 Phone: (970) 949-6776. Attorneys for PVRT: Johnson & Repucci LLP 850 W. South Boulder Road, Suite 100 Louisville, Colorado 80027, Richard A. Johnson, No. 16047, David F. Bower, No. 39405, Michael S. Davidson No. 42319, rajohnson@j-rlaw.com; dfbower@j-rlaw.com; msdavidson@j-rlaw.com. 2. Description of Water Rights for Which Change is Sought: a. Name of Structure: Ashlock Ditch. b. Original and Subsequent Decrees: i. Original Right: The Ashlock Ditch was originally decreed in the amount of 1.8 cfs, absolute, on November 20, 1890, by the Eagle County District Court, Water District 52 (Original Adjudication). The Original Right is decreed to divert from Piney Creek. ii. Enlargement Right: An enlargement of the Ashlock Ditch was decreed in the amount of 4.05 cfs, absolute, on August 30, 1946, in Civil Action 1038, Eagle County District Court, Water District 52. Besides enlarging the Original Right decreed to divert from Piney Creek (referred to in the decree as Headgate No. 1), the Enlargement Right added a second headgate decreed to divert from Spring Creek (referred to in the decree as Headgate No. 2). iii. Correction of Legal Description of Original Right: The legal description of the Ashlock Ditch from the Original Adjudication was corrected by the decree entered on June 26, 1996, in Case No. 95CW131, Water Division 5. iv. Prior Change of Water Rights: The Ashlock Ditch was also established as an alternate point of diversion for the South Piney Ditch water right and 1.0 cfs of the Wiltsey Ditch water right by the decree entered in Case No. 95CW131 (collectively, the “Changed Rights”). The South Piney Ditch was decreed in the amount of 1.0 cfs, absolute, in the Original Adjudication, for irrigation purposes out of Piney Creek. The Wiltsey Ditch was decreed in the amount of 2.08 cfs, absolute, in Civil Action 1038, for irrigation purposes out of Piney Creek. c. Decreed Points of Diversion: i. Original Right and Changed Rights (as Corrected in Case No. 95CW131): The headgate of the Ashlock Ditch for the Original Right and the Changed Rights is decreed as located on the west bank of Piney Creek at a point whence the SW corner of the SE1/4 of Section 6, Township 3 South, Range 82 West, bears 735 feet South 38° West. ii. Enlargement Right (as Decreed in Civil Action 1038): 1) Headgate No. 1: Headgate No. 1 of the ditch is decreed as located on the South or left bank of Piney Creek at a point whence the South Quarter corner of Section 6, Township 3 South, Range 82 West of the 6th P.M. bears South 53°40' West 880 feet. 2) Headgate No. 2: Headgate No. 2 of the ditch is decreed as located on the West or left bank of Spring Creek at a point whence the South Quarter corner of Section 6, Township 3 South, Range 82 West of the 6th P.M. bears South 33°49' West 545 feet. d. Decreed Source: i. Original Right: Piney Creek. ii. Enlargement Right: 1) Headgate No. 1: Piney Creek. 2) Headgate No. 2: Spring Creek. iii. Changed Rights: 1) South Piney Ditch: Piney Creek. 2) Wiltsey Ditch: Piney Creek. e. Appropriation Dates: i. Original Right: August 27, 1889. ii. Enlargement Right: July 16, 1923. iii. Changed Rights: 1) South Piney Ditch: July 1, 1888. 2) Wiltsey Ditch: April 18, 1938. f. Total Amount Decreed to Structure: i. Original Right: 1.8 cfs, absolute. ii. Enlargement Right: 4.05 cfs, absolute, in aggregate, with the following rate limitations on each headgate: 1) Headgate No. 1: 2.95 cfs, absolute. 2) Headgate No. 2: 4.05 cfs, absolute. iii. Changed Rights: 1) South Piney Ditch: 1.0 cfs, absolute. 2) Wiltsey Ditch: 1.0 cfs, absolute, out of the 2.08 cfs decreed to the Wiltsey Ditch. g. Decreed Use: Irrigation. h. Amount of Water that PVRT Intends to Change to Alternate Points of Diversion: PVRT seeks the right to use the alternate points of diversion described below as additional points of diversion for the full amount decreed to the Ashlock Ditch, including the Changed Rights, as set forth above. 3. Detailed Description of Proposed Changes: a. Complete Statement of Change: PVRT seeks to change the water rights decreed to the Ashlock Ditch, including the Changed Rights, to include two alternate points of diversion on Piney Creek. Water diverted under the water rights decreed to the Ashlock Ditch will continue to be used for irrigation purposes at the decreed place of use. The combined flow rate and amount diverted from the existing points of diversion and the alternate points of diversion will not exceed the total flow rate permitted to be diverted under the Ashlock Ditch rights and the rate limitations imposed on Headgate Nos. 1 and 2 in Civil Action 1038 shall remain the same. The terms and conditions applicable to diversions of the Changed Rights will continue to apply at the alternate points of diversion. As the time, place, and use of the water rights decreed to the Ashlock Ditch will not change as a result of the requested alternate points of diversion, this change will not result in injury to any owner of or person entitled to use water under a vested water right or a decreed conditional water right. A map showing the location of the two new alternate points of diversion is attached hereto as Exhibit A. In addition, PVRT has discovered two additional corrections that need to be made to the previous decrees for the Ashlock Ditch water rights, as more particularly set forth below. b. Addition of Alternate Points of Diversion: The claimed alternate points of diversion for the Ashlock Ditch water rights are as follows: i. South Rickstrew Intake: The South Rickstrew alternate point of diversion is located in the NE1/4 SW1/4, Section 6, Township 3 South, Range 82 West, 6th P.M., at a point approximately 2,343 feet east of the west section line and 1,416 feet north of the south section line (Zone 13 north, NAD83, Easting 361451.9m, Northing 4408877.6m). ii. North Rickstrew Intake: The North Rickstrew alternate point of diversion is located in the SW/4 NW1/4, Section 6, Township 3 South, Range 82 West, 6th P.M., at a point approximately 1,193 feet east of the west section line and 1,776 feet south of the north section line (Zone 13 north, NAD83, Easting 361110.9m, Northing 4409549.2m). c. Corrections to Previous Decrees: PVRT also seeks to have the following corrections recognized for the previous Ashlock Ditch decrees as follows: i. Headgate No. 1: The Original Right decreed in the Original Adjudication and the Enlargement Right decreed in Civil Action 1038 have different legal descriptions for the point of diversion from Piney Creek (a/k/a Headgate No. 1). In Case No. 95CW131, the legal description for the Original Right was corrected, but the decree did not similarly correct the legal description for the Enlargement Right. Accordingly, by this application, PVRT seeks to correct the decree for the Ashlock Ditch entered in Case No. 95CW131 to make clear that the correction to the legal description for the point of diversion from Piney Creek applies to both the Original Right and the Enlargement Right. ii. Headgate No. 2: The decree entered in Civil Action 1038 states that Headgate No. 2 is located on and diverts from Spring Creek. However, this appears to be a clerical error, as USGS mapping and the Division of Water Resources’ records indicate that the decreed

legal description of Headgate No. 2 is actually located on Edwards Draw, directly across Piney Creek from Spring Draw. Accordingly, PVRT seeks to correct the decreed source of water for Headgate No. 2 to be Edwards Draw. 6. Name of Landowner upon which any New or Modified Diversion Structure is Located: The South Rickstrew Intake and North Rickstrew Intake points of diversion are located on land owned by PVRT. 7 pages plus exhibit.

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

14. PURSUANT TO C.R.S., §37-92-302, AS AMENDED, YOU ARE NOTIFIED THAT THE FOLLOWING PAGES COMPRISE A RESUME OF THE APPLICATIONS AND AMENDED APPLICATIONS FILED WITH THE WATER CLERK FOR WATER DIVISION 5 DURING THE MONTH OF NOVEMBER 2021. *The water right claimed by this application may affect in priority any water right claimed or heretofore adjudicated within this division and owners of affected rights must appear to object and protest within the time provided by statute or be forever barred.*

21CW3087 EAGLE COUNTY. AMENDED APPLICATION FOR CHANGE OF WATER RIGHTS. Applicant: Merriman Living Trust dated 8/27/2007, as amended ("Merriman"), c/o Balcomb & Green, P.C., P.O. Drawer 790, Glenwood Springs, CO 81602; 970-945-6546. 2. Decreed water right for which change is sought: **Casper Schumm Ditch. Name of Structure: Casper Schumm Ditch.** Previous decrees: Orig. Decree: Priority No. 133 – CA385, 3/5/1901, Dist. Ct., Eagle County. Priority No. 380 (1st Enlarg.) CA963, 6/3/1940, Dist. Ct., Eagle County. Decreed Location: Headgate located on north bank of Eagle River at a point about 30 rods NW from SE corner of Lot 2 of Sec 2, T. 5 S, Rng 85 W of 6th P.M. Exhibit A attached. Source: Eagle River, trib. to Colorado River. Date of Approp.: Priority No. 133 – 10/8/1882; Priority No. 380 – 10/8/1890. Amt.: Priority No. 188 – Decreed Total: 2.5 cfs, Ownership Int.: 0.96 cfs; Priority No. 380 – Decreed Total: 1.79 cfs, Ownership Int.: 0.54 cfs Use: Irrig. of same lands historically irrig. under ditch. Proposed Change: Alt. pts. Of diversion for Merriman's ownership int. in 0.96 cfs (Priority No. 133) and 0.54 cfs (Priority No. 380) to two new wells acting as "headgate wells" within 100 ft. of Eagle River less than 50 ft. deep as (1) Merriman Diversion #1: UTM Zone 13, Easting 337126, Northing 4390530, Exhibit B, attached; (2) Merriman Diversion #2: UTM Zone 13, Easting 337175, Northing 4390477, Exhibit C, attached; (3) Place of use for Casper Schumm Ditch will not change. No existing intervening surface diversion pts or inflow between the new pt. of diversion and diversion pt. where change is being made. Exhibit A, shows no intervening structures. Historical Use: Applicant's interest in the water rights to be changed has been used on Applicant's property as shown on Exhibit D. This change only requests alternate points of diversion but the place of use of Applicant's water rights will not change. Applicant will limit diversions at the alternate points to the amts. legally and physically available at the original decreed location. Owner of the land upon which the existing structure is located: Applicant.

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2021CW3088 PITKIN COUNTY – LG GULCH, TRIBUTARY TO THE ROARING FORK RIVER. Amended Application for Finding of Reasonable Diligence and for Appropriative Right Of Exchange 1. Applicant: M4 Aspen Trust, 9516 Bella Terra Drive, Fort Worth, TX 76126; c/o Robert M. Noone, Esq., The Noone Law Firm, P.C., P.O. Box 39, Glenwood Springs, CO 81602. 2. Summary Of First Amended plication: A. Finding Of Reasonable Diligence: Through this First Amended Application for Finding of Reasonable Diligence and for Appropriative Right of Exchange ("Application") the Applicant seeks a finding of reasonable diligence for the LG Aspen Well (Permit No. 74948-F), the LG Aspen Pond and the LG Gulch Ditch, all as decreed for use at the Applicant's real property located in Pitkin County at 43399 Highway 82, Aspen, Colorado 81611 (the "Subject Property"); and B. Approval Of Appropriative Right Of Exchange: Applicant also claims a conditional right of exchange associated with its use of Basalt Water Conservancy District ("BWCD") contract water, as described more fully in Section 5, below. 3. Application for Finding of Reasonable Diligence - Description of Conditional Water Rights: I. Name of Structure: LG Aspen Well (Well Permit No. 74948-F) A. Original Decree: Date entered: December 3, 2008; Case No. 2006CW209; Division 5 Water Court. B. Subsequent Decrees Awarding Findings of Diligence: Case Nos. 2014CW3160 (June 7, 2015) and 2006CW209 (December 3, 2008), Division 5 Water Court. C. Legal Description: NW ¼ NE ¼, Section 20, Township 10 South, Range 84 West, 6th P.M., 1,000 feet south of the north section line and 1,900 feet west of the east section line. See Figure 1. D. Source: Groundwater tributary to the Roaring Fork River, tributary to the Colorado River. E. Appropriation Date: April 25, 2006; Amount: 15 gpm (1.0 AF per year), conditional F. Use: Irrigation of up to 5,000 sq. ft. of lawns and gardens; Domestic in-house use for a single-family residence including a caretaker dwelling unit and fire protection. G. Depth: 100 feet. II. Name of Structure: LG Aspen Pond A. Original Decree: December 3, 2008; Case No. 2006CW209; Division 5 Water Court B. Subsequent decrees awarding

findings of diligence: Case Nos. 2014CW3160 (June 7, 2015) and 2006CW209 (December 3, 2008), Division 5 Water Court. C. Legal Description: NW ¼ NE ¼, Section 20, Township 10 S., Range 84 W., 6th P.M., 1,100 feet south of the north section line and 1,800 feet west of the east section line. See Figure 1. D. Source of Water: The LG Aspen Pond is an off-channel reservoir that will be filled and refilled by diversions from the LG Gulch Ditch, described below, which diverts from LG Gulch, a tributary of the Roaring Fork River, tributary to the Colorado River. E. Appropriation Date: April 25, 2006; Amount: 1.0 AF (0.25 cfs), conditional. F. Use: (1) Irrigation: N/A (2) Non-Irrigation: Aesthetics, fish and wildlife propagation, recreation, fire protection, and augmentation of depletions associated with the LG Aspen Well. III. Name of Structure: LG Gulch Ditch A. Date of Original Decree: December 3, 2008; Case No. 2006CW209; Division 5 Water Court B. Subsequent decrees awarding findings of diligence: Case Nos. 2014CW3160 (June 7, 2015) and 2006CW209 (December 3, 2008); Division 5 Water Court. C. Legal Description: The LG Gulch Ditch diverts from LG Gulch in the NW1/4 of the NE1/4 of Section 20, Township 10 South, Range 84 West of the 6th P.M.; 740 feet from the North section line and 1,770 feet from the east section line. See Figure 1. D. Source of Water: LG Gulch, a tributary of the Roaring Fork River, tributary to the Colorado River. E. Appropriation Date: April 25, 2006; Amount: 0.25 cfs, conditional. F. Use: (1) Irrigation: Up to 0.25 acres (2) Non-Irrigation: Fill and refill of the LG Aspen Pond, described above, aesthetics, pond evaporation, and augmentation of depletions associated with the LG Aspen Well diversions, fish and wildlife propagation, recreation and fire protection. Collectively, the foregoing described conditional water rights are referred to herein as the “Subject Water Rights.” Outline of Diligent Efforts to Complete Appropriation: The Subject Water Rights collectively comprise an integrated water supply system that is intended to provide for existing and future water needs in association with the development and use of the Subject Property. Pursuant to C.R.S. § 37-92-301(4)(b), when an integrated system is composed of several features, as is the case here, work on one feature of the system is considered in finding that reasonable diligence has been shown in the development of water rights for all features of the entire system. During the most recent diligence period, the Applicants have expended in excess of \$2,000,000.00 in ongoing development costs, including professional and administrative fees incurred in connection with the development of this integrated water supply system and continuing interactions and negotiations with the Pitkin County Board of County Commissioners and County Staff (“County”) for the development of the Subject Property where the Subject Water Rights are located and are to be used; environmental testing; the design and installation of site landscaping; the design and construction of drainage, water system and residential improvements; and installing the infrastructure required to deliver water to the subject property for the decreed uses. Specifically included as part of the work to complete its development activity for the main house and site grading, (1) On March 3, 2016, Applicant submitted an Application to the County and was issued a Change Order Permit; (2) on June 10, 2017, Applicant submitted an Application to the County and was issued a Change Order Permit; (3) On January 29, 2018, Applicant submitted an Application to the County and was issued a Change Order Permit; (4) On November 7, 2019, Applicant submitted an Application to the County and was issued a Change Order Permit; (5) On July 9, 2020, Applicant submitted an Application to the County and was issued a Change Order Permit; (6) On July 16, 2020, Applicant submitted an Application to the County and was issued a Change Order Permit; (7) On October 30, 2020, Applicant submitted an Application to the County and was issued a Change Order Permit; (8) On December 4, 2020, Applicant submitted an Application to the County and was issued a Change Order Permit; (9) On December 18, 2020, Applicant submitted an Application to the County and was issued a Change Order Permit; (10) On December 31, 2020, Applicant submitted an Application to the County and was issued a Change Order Permit; (11) On February 24, 2021, Applicant submitted an Application to the County and was issued a Change Order Permit; (12) On June 11, 2021, Applicant submitted an Application to the County and was issued a Change Order Permit; and (13) On July 30, 2021, Applicant submitted an Application to the County and was issued a Change Order Permit, pursuant to all of which Applicant successfully completed its development activity for the main house and site grading. In addition to the foregoing, the Applicant also retained the services of the Noone Law Firm, P.C., during the diligence period to monitor water rights filings in Division 5 for potential adverse impacts to the Subject Water Rights. 5. Claim for a Conditional Appropriative Right of Exchange: The Decree entered in Case No. 2006CW209 on December 3, 2008, originally approved Applicant’s plan for augmentation including an exchange of water from the point of depletion on the Roaring Fork River down to the confluence of the Fryingpan River and the Roaring Fork River in order to utilize water released from Ruedi Reservoir under Applicant’s Basalt Water Conservancy District Water Allotment Contract No. 511 (“BWCD Contract Water”) for replacement purposes. Subsequent to the entry of the Decree in Case No. 2006CW209, the appropriative right of exchange was cancelled by operation of law due to lack of diligence filings. Applicant, however, has continued to annually perform its obligations under and has maintained its BWCD Contract No. 511 in full force and effect since its issuance by BWCD in 2007. By this Application, Applicant seeks to reinstate its conditional appropriative right of exchange with its original April 25, 2006, appropriation date as decreed in Case No. 2006CW209, albeit with a 2021 adjudication date. Accordingly, Applicant also claims herein a conditional right of exchange associated with its BWCD Contract Water, as more fully described in Decree entered in Case No. 2006CW209. The reach of the conditional exchange is as follows: A. Lower Terminus: The lower end of the exchange reach is the confluence of the Roaring Fork River and the Frying Pan River in the SW¼ SE¼, Section 7, Township 8 South, Range 86 West, of the 6th P.M. 760 feet north of the south section line and 1,430 feet west of the east section line. B. Upper Terminus: The upper end of the exchange reach is a point on the Roaring Fork River nearest the LG Aspen Well in the NW¼ NE¼, Section 20, Township 10 South, Range 84 West, of the 6th P.M., 1,200 feet south of the north section line and 2,240 feet west of the east section line. C. Source: Roaring Fork River, tributary to the Colorado River. D. Date of Appropriation: The appropriation date of the exchange is April 25, 2006. E. Amount: The amount of the exchange is 0.25 cfs, which is equal to the maximum monthly stream depletion associated with Applicant’s uses. 6. Names(s) and address(es) of owner(s) or reputed owners of the land upon which any new diversion or storage structure, or modification to any existing diversion or storage structure is or will be constructed or upon which water is or will be stored, including any modification to the existing storage pool: N/A. WHEREFORE, the Applicant requests that the Court (1) enter an Order finding that diligent efforts have been made to put the foregoing described conditionally decreed water rights to beneficial use as an

integrated water system pursuant to C.R.S. § 37-92-301(4)(b) and to continue the conditional status of the subject water rights for an additional diligence period, and (2) to grant the conditional Appropriative Right of Exchange described herein. (6 pp., incl. exhibit)

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