

DIVISION 5 WATER COURT- JULY 2023 RESUME

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

23CW3090 GRAND COUNTY. Pinon Ridge Homeowners Association, Inc. c/o Kyle Kolb, Member, 289 Meadow View Parkway, Erie, CO 80516. Applicant is represented by Katie Randall and Kent Whitmer, The Whitmer Law Firm, LLC, P.O. Box 38, Hot Sulphur Springs, CO 80451, (970) 725-3460. APPLICATION FOR FINDING OF REASONABLE DILIGENCE. Prior Decrees: December 7, 1995 (95CW014); August 26, 2003 (01CW330); October 11, 2010 (09CW086); July 23, 2017 (16CW3117); all in Water Court Division No. 5. **Conditional Underground Rights:** Name of Structure: Pinon Ridge Well No. 1. Type of Structure: Well. Legal Description: Grand County, Colorado. The well is located in the SW1/4 of the SW1/4, Section 17, Township 1 South, Range 75 West of the 6th P.M. 600 feet from the South section line and 700 feet from the West section line. 135 CR 8030, Fraser, Colorado. Source: Upper Troublesome and/or alluvium of sand, gravel and other materials hydraulically connected to Fraser River and the Colorado River. Appropriation Date: December 7, 1995. Depth of Well: 300 feet. Amount: 15 g.p.m., conditional. Uses: Household use for one single-family dwelling with 400 square feet of outside irrigation. **Conditional Appropriative Rights of Exchange:** Pinon Ridge Well Exchange. Appropriation Date: November 9, 1994. Amount: 1.0 af, with 15 gallons per minute (0.033 c.f.s.) conditional for each well (Pinon Ridge Well Nos. 1-3). Proposed total annual diversions from these wells will not exceed 1.0 af. The pumping rate claimed for each well is 15 g.p.m. Annual diversions for each individual single family well will not exceed 0.33 af. The use shall be limited to serving one single family dwelling and irrigation of 400 square feet of lawn and garden per well. In Case No. 16CW3117, 2/3 af of the exchange was made absolute, with 1/3 af continued conditionally. Exchange Reach: The location to which the exchange is to be made is from the confluence of the Colorado and Fraser Rivers to the reach of the Fraser River where the depletions associated with the wells impact these stream systems. Upstream Terminus: The terminus or upper most location of the depletions on the Fraser River shall be a point where the Fraser River crosses the North section line of Section 19, Township 1 South, Range 75 West of the 6th P.M. Downstream Terminus: The confluence of the Fraser and the Colorado River is located at a point approximately 4700 feet from the West line and 590 feet from the South line in Section 25, Township 2 North, Range 77 West of the 6th P.M., SW1/4 SW1/4. Source of Augmentation Water: The subject water rights will operate pursuant to the plan for augmentation decreed in Case No. 95CW014. Augmentation water will be provided from Granby Reservoir. Additional Information: Applicant requests a finding of diligence for the conditional water rights for Pinon Ridge Well No. 1 and Pinon Ridge Well Exchange. Absolute rights have previously been granted as to Pinon Ridge Well Nos. 2 and 3 and a portion of the exchange. The previous decrees set forth additional terms and conditions, including a plan for augmentation, that continue to be in effect for the water rights of this application. The application and attached exhibits contain a detailed outline of the work performed during the diligence period (19 pages).

YOU ARE HEREBY NOTIFIED THAT YOU HAVE until the last day of SEPTEMBER 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 JULY 2023. *The water right claimed by this application may affect in priority any water right claimed or heretofore adjudicated within this division and owners of affected rights must appear to object and protest within the time provided by statute or be forever barred.*

23CW3091 GARFIELD COUNTY. Application for Finding of Reasonable Diligence and to Make Absolute, In Part. Applicant: Board of County Commissioners of Garfield County, c/o Christopher L. Geiger & Blake C. Peterson, Balcomb & Green, P.C., P.O. Drawer 790, Glenwood Springs, CO 81602, 970-945-6546, and Kelly Cave, Office of the Garfield County Attorney, 108 8th Street, Suite 219, Glenwood Springs, CO 81601, 970-945-9150. Applicant requests a finding of reasonable diligence in the development of the County Road 300 (Parachute) Pump Diversion water right (the "Subject Water Right") and confirmation of absolute, in part. A map depicting the general location is shown in Exhibit A on file with the Water Ct. First Claim for Finding of Reasonable Diligence. Name of Structure: County Road 300 (Parachute) Pump Diversion. Original Decree: 16CW3032, entered on 07/23/2017, by the Dist. Ct., Water Div. 5. Location: Within Sec. 7, T. 7 S., R. 95 W. of the 6th P.M., at a point located at UTM Zone 12, NAD 83, Easting 754681.9257, Northing 4371313.3151. **Source: Colorado River.** Date of Approp.: 07/28/2016. Amt.: 1.10 c.f.s. (500 g.p.m.) conditional. Uses: Industrial uses including, without limitation, dust suppression, culvert cleaning, street sweeping and cleaning, road construction and compaction, road repair and utility location, hydroseeding, revegetation and road reclamation in connection with road construction and repair. The application on file with the Ct. contains a detailed outline of the work performed during the diligence period. Second Claim to Make Absolute in Part. Summary of Claim: Applicant requests a finding that the conditional water right decreed to County Road 300 (Parachute) Pump Diversion, has been made absolute in part by diversion and application to beneficial use. Structure: County Road 300 (Parachute) Pump Diversion, as described above. Date of Beneficial Use: 07/07/2020. Amt. Claimed as Absolute: 0.83 c.f.s. (375 g.p.m.). Amt. to Remain Conditional: 0.27 c.f.s. (125 g.p.m.). Use: Industrial uses including, without limitation, dust suppression, culvert cleaning, street sweeping and cleaning, road construction and compaction, road repair and utility location, hydroseeding, revegetation and road reclamation in connection with road construction and repair. Grounds for confirmation water right made absolute: An affidavit supporting Applicant's diversion in the amounts claimed for the described beneficial uses is shown in

Exhibit B on file with the Water Ct. Name and address of the owner of the land upon which the above-described water right is located: Unknown. The Garfield County Assessor's Office does not have any ownership records for the subject parcel, which currently appears as "Parcel No. 240707100XXX" in its property search database and contains no information in its Property Card. However, because this Application does not seek a new diversion or storage structure, nor a modification to any existing diversion or storage structure, no notice to affected landowners is required. *See* C.R.S. 37-92-302(2)(b)(II). (5 pages of the original application, Exhibits A & B)

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

23CW3092 MESA AND GARFIELD COUNTIES - COLORADO RIVER; The High Lonesome Ranch, LLC; c/o John R. Pierce, DUFFORD WALDECK, 744 Horizon Court, Suite 300, Grand Junction, CO 81506, (970) 248-5865; **APPLICATION FOR A FINDING OF REASONABLE DILIGENCE;** Name, Address, and Telephone Number of Applicant: The High Lonesome Ranch, LLC; 0275 County Road 222; P.O. Box 88; DeBeque, CO 81630; (970) 283-9420; Request finding of reasonable diligence: Name of structure: High Lonesome Augmentation Well No. 1, Well Permit #67517-F; Description of conditional water right: Original decree: Case No. 2007CW235; October 11, 2010, Water Division 5; Subsequent decrees awarding findings of diligence: Case No. 2016CW3138, July 23, 2017, Water Division 5; Legal description: Located in Mesa County in the NW/4 SW/4 of Section 17, Township 8 South, Range 97 West, of the 6th P.M. at a point 750 feet from the west section line and 2,470 feet from the south section line; Source: Ground water tributary to Roan Creek, tributary to the Colorado River; Depth: 38 feet; Appropriation date: March 26, 2007; Amount: 178 g.p.m. of the 400 g.p.m. originally decreed conditionally in Case No. 2007CW235 (222 g.p.m. was made absolute in Case No. 16CW3138); Use: Substitution or augmentation purposes as set forth in the augmentation plan in Case No. 2007CW235; Outline of what has been done toward completion of the appropriation and application of water to beneficial use: Applicant's property incurred extensive damage from the Pine Gulch Fire. In the years that have followed, Applicant's property has experienced further damage from severe flooding and sedimentation. This has required Applicant to focus its full resources on repairing and rehabilitating the structures which rely on the High Lonesome Augmentation Well No. 1 for augmentation. As a result, it has not been necessary to operate the High Lonesome Augmentation Well No. 1 at a rate of diversion higher than the 222 g.p.m. made absolute in Case No. 2016CW3138. Applicant is actively working to redevelop its water rights and anticipates the need to utilize the full 400 g.p.m. decreed to the High Lonesome Augmentation Well No. 1; Request for finding of reasonable diligence: Name of water right: High Lonesome Exchange; Description of conditional water right: Original decree: Case No. 2007CW235; October 11, 2010; Water Division 5; Subsequent decrees awarding findings of diligence: Case No. 2016CW3138; July 23, 2017; Water Division 5; Legal description: Extends from the confluence of Roan Creek and the Colorado River (a point in the NE/4 SE/4 of Section 28, Township 8 South, Range 97 West, of the 6th P.M., located 430 feet from the East section line and 1550 feet from the South section line) up to the highest point of depletion addressed through the plan for augmentation approved in Case No. 02CW195 (at a point located in the SW/4 SE/4 of Section 23, Township 7 South, Range 100 West of the 6th P.M., 864 feet from the south section line and 2276 feet from the east section line). This exchange includes two potential reaches, depending on the location of the calling right. Exchange Reach No. 1 addresses periods when there is a call either on the Colorado River or on both the Colorado River and at the point of diversion for the Reservoir Ditch or Roan Creek Ditch No. 2. Exchange Reach No. 1 consists of the full length of the exchange as described above, from the confluence of Roan Creek and the Colorado River up to the highest point of depletion addressed in Case No. 02CW195. Exchange Reach No. 2 addresses the periods when the Reservoir Ditch or the Roan Creek Ditch No. 2 have placed a call on Roan Creek but there is no call on the mainstem of the Colorado River. The length of Exchange Reach No. 2 extends from the combined headgate of the Reservoir and Roan Creek No. 2 ditches (a point in the NE/4 NE/4 of Section 18, Township 8 South, Range 97 West of the 6th P.M., located 248 feet from the east section line and 884 feet from the north section line) to the Applicant's uppermost depletion point; Rate of exchange: 286 g.p.m. conditional of the original 400 g.p.m. decreed to the High Lonesome Exchange (114 g.p.m. was made absolute in Case No. 16CW3138); Appropriation date: December 28, 2007; Outline of what has been done toward completion of the appropriation and application of water to beneficial use: Applicant's property incurred extensive damage from the Pine Gulch Fire. In the years that have followed, Applicant's property has experienced further damage from severe flooding and sedimentation. This has required Applicant to focus its full resources on repairing and rehabilitating the structures which rely on the High Lonesome Exchange as a component of Applicant's plan for augmentation. As a result, it has not been necessary to operate the High Lonesome exchange at a rate of diversion higher than the 114 g.p.m. made absolute in Case No. 2016CW3138. Applicant is actively working to redevelop its water rights and anticipates the need to utilize the full 400 g.p.m. decreed to the High Lonesome Exchange. WHEREFORE, Applicant respectfully requests a finding of diligence with regard to the remaining conditional water rights in the High Lonesome Augmentation Well No. 1 and the High Lonesome Exchange. (5 pages)

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

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23CW3093 GARFIELD COUNTY, ROARING FORK AND COLORADO RIVERS. Hawkridge Homeowner's Association, Inc. c/o Ryan Jarvis, Johnston Van Arsdale Martin PLLC, 305 Gold Rivers Ct, Ste 200, Basalt, 81621; (970) 922-2122. Application for Findings of Reasonable Diligence. Structure: Hawk Ridge Well No. 1. Original decree: 80CW552, Div 5 entered on 7/2/1981. Subsequent decrees (all Div 5): 85CW213, 89CW107, 95CW241, 01CW275, 08CW174, and 17CW3037. Decreed point of diversion: In 98CW04 the decreed location of Hawk Ridge Well No. 1 was changed to Sec 13 T7S R88W 6th PM at a point located 1570 ft distant from the E sec line and 2280 ft distant from the S sec line of said Sec 13. Source: Groundwater trib to the Roaring Fork River, trib of the Colorado River. Approp date: 11/30/1980. Amounts and uses: 0.066 cfs, total; 0.0316 cfs abs for domestic, irrigation and fire protection; 0.0344 cfs, cond for domestic, irrigation and fire protection. The above-referenced uses are limited to use within the 17-lot Hawk Ridge Subdivision and irrigation use is limited to 5000 square ft per each of the 17 lots within the subdivision. Depth: Approx. 280 ft. Owners of land upon which the structure is located: Michael and Janet Green, 9201 Dickson Rd, Fort Worth, TX 76179. Remarks: Hawk Ridge Well No. 1 operates pursuant to the plan for augmentation decreed in 80CW552, 82CW45, 82CW96, 90CW102 and 95CW241. Application on file with the court includes a list of activities demonstrating diligence. (5 pages, 1 exhibit).

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23CW3094 GRAND COUNTY. Chris Bergquist and Joann Sharp, P.O. Box 366, Tabernash, CO 80478. Applicants are represented by Katie Randall and Kent Whitmer, The Whitmer Law Firm, LLC, P.O. Box 38, Hot Sulphur Springs, CO 80451, (970) 725-3460. APPLICATION FOR FINDING OF REASONABLE DILIGENCE. Prior Decrees: February 18, 2004 (01CW062); February 5, 2011 (10CW019); July 23, 2017 (17CW3030); all in Water Court Division No. 5. **Conditional Underground Rights:** Name of Structures: Berquist Well Nos. 1 and 2. Type of Structures: Wells. Legal Description: Berquist Well Nos. 1 and 2 are located in Lot 12, Section 1, Township 1 South, Range 76 West of the 6th P.M., more particularly described as follows: Berquist Well No. 1: SW1/4NW1/4 Section 1, Township 1 South, Range 76 West of the 6th P.M., 3600 feet from South Section line and 4500 feet from East Section line. Berquist Well No. 2: SW1/4NW1/4, Section 1, Township 1 South, Range 76 West of the 6th P.M., 2875 feet from South Section line and 4350 feet from East Section line. Street address: 162 County Road 522, Tabernash, Colorado. Source: Ground water from unconsolidated sand and gravel, and from bedrock formations hydraulically connected to Crooked Creek, tributary to the Fraser River, tributary to the Colorado River. Appropriation Date: January 10, 2001. Depth of Wells: Berquist Well No. 1: 90 feet; Permit No. 80862-F. Berquist Well No. 2: 179 feet; Permit No. 80863-F. Amount: 15 g.p.m conditional for each well. Combined annual diversion for both wells not to exceed 2.89 acre-feet. Uses: Domestic, irrigation, stock watering and commercial. **Conditional Appropriative Rights of Exchange:** Berquist Exchange. Appropriation Date: January 10, 2001. Amount: The total exchange rate per year shall be limited to the annual calculated depletions of 0.92 acre-feet, conditional, which represents a continuous flow rate of approximately 0.001 c.f.s. Exchange Reach: Upstream Terminus: Crooked Creek, from the locations of the Wells more particularly described above. Downstream Terminus: The confluence of Colorado River with Muddy Creek at a point approximately 3,300 feet from the West line and 40 feet from the South line in Section 29, Township 1 North, Range 81 West of the 6th P.M. Wolford Mountain Reservoir is located in SW1/4 NE1/4, Section 25, Township 2 North, Range 81 West of the 6th P.M. Source of Augmentation Water: The subject water rights will operate pursuant to the plan for augmentation decreed in Case No. 01CW062. Augmentation water will be provided from Granby Reservoir or Wolford Mountain Reservoir. Additional Information: Applicants request a finding of diligence for the conditional water rights for Berquist Well Nos. 1 and 2 and Berquist Exchange. The previous decrees set forth additional terms and conditions, including a plan for augmentation, that continue to be in effect for the water rights of this application. The application and attached exhibits contain a detailed outline of the work performed during the diligence period (19 pages).

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23CW3095 GRAND COUNTY, COLORADO. Mandy Wass, 95 GCR 731, Fraser, CO 80202; mandywass75@gmail.com; 970-509-0184. Please serve all pleadings on: Michael A. Kopp and Vanya P. Akrahoff, TROUT RALEY, 1120 Lincoln St, Suite 1600, Denver, CO 80203; 303-861-1963; mkopp@troutlaw.com and vakraboff@troutlaw.com. APPLICATION FOR ABSOLUTE UNDERGROUND WATER RIGHT FOR AN EXEMPT WELL PURSUANT TO § 37-92-602(4), C.R.S. 2. Name(s) of well(s) and permit, registration, or denial number(s). Wass Well, Permit No. 299583. Total area of parcel on which this well is located 1.45 Acres. 3. Location of Structure: SW1/4 NW1/4 of Section 19, Township 1 South, Range 75 West of the 6th Principal Meridian in Grand County, Colorado. B. Point of Diversion (required) (Complete either 1 or 2 below) 1. Location information in UTM Format (preferred): Easting 429013.0 Northing 4422280 (Zone 13). Street Address: 95 GCR 731, Fraser, CO 80202, otherwise known as Lot A of the Devries Outright Exemptions. 4. A. Date of appropriation: November 20, 2015. B. How appropriation was initiated: Date of filing of the well permit application with the State Engineer's Office. C. Date water applied to beneficial use: February 1, 2019 (date home was occupied and water was applied to domestic use). 5. A. Source of water: Groundwater tributary to the Fraser River, Tributary to the Colorado River. B. Depth of well, if completed: 59 Feet. 6. Amount of Underground Water claimed in gallons per minute (gpm): 15 gpm, absolute. 7. List All Existing Uses: Ordinary household use inside one dwelling. A. Number of single-family dwellings served: 1. B. Area of lawns and gardens irrigated: N/A. Legal description of irrigated acreage. N/A. C. Domestic animals watered: No. D. Livestock watering on farm/ranch/pasture (property must be 35 or more acres): No. E. Other uses (describe fully): N/A. 8. Proposed Uses: Same as existing uses. 9. Name(s) and address(es) of owner(s) or reputed owners of the land upon which any new or existing 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 pool: Applicant. 10. Remarks: Applicant is seeking to adjudicate the priority date for her small-capacity exempt well. (5 pages)

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23CW3096 COLORADO RIVER, EAGLE CO. Application for Underground Water Right and Augmentation Plan. App: Levi Schofield Trust c/o Sherry A Caloia PC, PO Box 443, Glenwood Springs, CO 81602: 1st claim: Name: Wolter Well, Approp 12/5/22 by formation of intent to build second home and field review, Amt 25 gpm conditional with 15 gpm absolute, Source groundwater trib to Colorado River, uses: domestic for 2 houses, livestock and 1 acre irrigation, Location of irrigated land: SW1/4 SE1/4 and SE1/4 SW1/4 Sec 3 T4S R86W 6th PM Location: SE1/4 SW1/4 Sec 3 T4S, R86W, 6th PM 590' from South and 2850' from East sec line. UTM: Easting (x) 326597.5 Northing (y) 4399428.3 (y); Depth 40 feet Date water applied to ben use: 3/31/2004 2nd Claim: Aug Plan for Wolter Well; Aug Water to be supplied pursuant to Water Supply Contracts w/CRWCD ("River District") Colorado River Supply. Wolford Mountain Reservoir. CRWCD owns and operates Wolford Mountain Reservoir (f/k/a Gunsight Pass Reservoir) which has water rights: Case 87CW283: Decreed: 11/20/1989. Name: Gunsight Pass Reservoir. Location: The dam is in SW1/4 NE1/4 Sec 25 T2N R81W 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 ft from NW Corner of said Section 25. Source: Muddy Creek and tributaries, tributary to Colorado River. Amt: 59,993 af cond with 32,986 af made absolute for piscatorial and recreational uses by decree in Case 95CW251, and the full amt made absolute for all purposes in Case 02CW107. Approp: 12/14/87 Use: All beneficial uses, including 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 lease agreement executed 3/3/1987 between the River District and the City and County of Denver. Case 95CW281. Date: 8/26/1997. Name: Wolford Mountain Reservoir Enl Location: Dam is located in SW1/4 NE1/4 Sec 25, T2N R81W 6th P.M., intersection of dam axis with 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 Sec 25. As-built intersection of dam axis (Sta. D19+35.61) with West Access Road (Sta. WR50+55.05), as shown on CRWCD, 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, trib to Colorado River. Amt: 6,000 af, cond, Approp: 1/16/1995 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. Case 98CW237: Decreed: 7/6/2000 Name: Wolford Mountain Reservoir. Amt: 30,000 af conditional, with 15,895 af being absolute for recreational and piscatorial and flood control. Approp: 11/17/1998 in Case 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 also used to meet the water requirements of inhabitants of CRWCD for all uses, including uses in the Middle Park area. Case 95CW281: Uses: All beneficial uses by and for the benefit of the inhabitants of the CRWCD, including 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. Location PLSS: Dam is located as set forth above Ruedi Reservoir. CRWCD holds Contracts No. 009D6C0111 (500 AF), 009D6C0118 (700 AF), 039F6C0011 (530 AF), 079D6C0106 (5,000 AF), and 139D6C0101 (4,683.5 AF) from the US Bureau of Reclamation for 11,413.5 af of annual supply from Ruedi Reservoir. 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. Location: Ruedi Reservoir is in Sec 7, 8, 9, 11 and 14 - 18, T8S R84W 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. Decreed Civil Action No. 4613: Date: 6/20/1958 Garfield County District Court. Amt: 140,697.3 af, reduced to 102,369 af pursuant to order of Water Court in Case W-789-76. The full amount was made absolute in Case No.88CW85. Approp: 7/29/1957 Use: Domestic, municipal, irrigation, industrial, generation of electrical energy, stock watering and piscatorial. Case 81CW34: Decree 4/8/1985 Court: Water Div. 5. Amt: 101,280 af (refill); of this amount, 44,509 af made absolute in Case 95CW95 and 25,257 af made absolute in Case 01CW269, total of 69,766 af absolute. Approp 1/22/1981. 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 located in see above. Amt to be included in this plan 1.30 to 1.50 af. Statement of Plan: App owns land on Colorado River. Property shown on attached map as Parcel C-1 of the Wolter and Ellard exemption and is located in SW¼ SE¼ and SE1/4 SW¼ Sec 3 T4S R86W 6th PM . App has 1 house on the parcel which is provided water from exempt well for household use only. App intends to build a 2nd home on parcel and to use the existing exempt well to service both houses, provide water for up to 1 acre of ir and to water domestic animals. App has applied for a contract with the CRWCD which will be used as the augmentation replacement water. Waste-water is septic systems with cu of 10%, lawn and garden irr is located an average of 100 ft from River. The cu of irrigation water is 80% with delay of return flows to Colorado River shown in the attached tables. Table shows amounts of water to be withdrawn from the Wolter Well by month and the table accounts for the delay of the return flows which have been calculated. The Applicant has applied for a pumping rate of 25 gpm from the well with an annual withdrawal of 2.50 af.

YOU ARE HEREBY NOTIFIED THAT YOU HAVE until the last day of SEPTEMBER 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 JULY 2023. *The water right claimed by this application may affect in priority any water right claimed or heretofore adjudicated within this division and owners of affected rights must appear to object and protest within the time provided by statute or be forever barred.*

23CW3097 (16CW3087) SUMMIT COUNTY, APPLICATION FOR FINDING OF REASONABLE DILIGENCE. Name and Address of Applicant: Ute Peak Ridge Association (the "Association"), c/o Helen Royal. P.O. Box 1998, Frisco, CO 80443; c/o Kristin H. Moseley, Michael W. Daugherty, Somach Simmons & Dunn, P.C., 1155 Canyon Blvd, Suite 110, Boulder, CO 80302. Description of the Structures Associated with the Conditional Counihan Exchange: Name of Structures: Counihan Well Nos. 1 through 7, inclusive (collectively, the "Counihan Wells"). Decree Information: Original Decree: Case No. 94CW19, by the District Court in and for Water Division No. 5 (the "Water Court") on April 19, 1995. Subsequent Findings of Reasonable Diligence: On August 26, 2002, a finding of reasonable diligence for the subject water rights was granted by the Water Court in Case No. 01CW121. On September 17, 2010, a finding of reasonable diligence for the subject water rights was granted by the Water Court in Case No. 08CW115. On July 23, 2017, a finding of reasonable diligence for the subject water rights was granted by the Water Court in Case No. 16CW3087. Change Decree: By separate decree entered on August 26, 2002, in Case No. 00CW301, the Water Court: (i) approved a change in the location of Counihan Well No. 1, Counihan Well No. 2 and Counihan Well No. 3, as set forth in paragraph 2.3 below, and (ii) approved a change in the place of use for all Counihan Wells to 100 acres in the S1/2 NW1/4 NE1/4 and S1/2 NE1/4 of Section 20, T. 3 S., R. 78 W., 6th P.M., Summit County, Colorado. Legal Description: Counihan Well No. 1, as described in the decree in Case No. 08CW115, is located within the boundaries of a 20-acre parcel generally located in the S1/2 NW1/4 NE1/4 of Section 20, T. 3 S., R. 78 W., 6th P.M., Summit County, Colorado, at a point 959 feet from the North line and 1,439 feet from the East line of said Section 20, as shown on the map attached as **Exhibit A. Counihan Well No. 2, as described in the decree in Case No. 08CW115, is located within the boundaries of a 20-acre parcel generally located in the W1/2 SW1/4 NE1/4 of Section 20, T. 3 S., R. 78 W., 6th P.M., Summit County, Colorado, at a point 1,700 feet from the North line and 2,050 feet from the East line of said Section 20, as shown on the map attached as **Exhibit A**. Counihan**

Well No. 3, as described in the decree in Case No. 08CW115, is located within the boundaries of a 20-acre parcel generally located in the E1/2 SW1/4 NE1/4 of Section 20, T. 3 S., R. 78 W., 6th P.M., Summit County, Colorado, at a point 1,178 feet from the North line and 1,901 feet from the East line of said Section 20, as shown on the map attached as **Exhibit A**. COUNIHAN Well No. 4 is located within the boundaries of a 20-acre parcel generally located in the E1/2 SE1/4 NE1/4 of Section 20, T. 3 S., R.78 W., 6th P.M., Summit County, Colorado, as shown on the map attached as **Exhibit A**. COUNIHAN Well No. 5 is located within the boundaries of a 20-acre parcel generally located in the W1/2 SE1/4 NE1/4 of Section 20, T. 3 S., R.78 W., 6th P.M., Summit County, Colorado, as shown on the map attached as **Exhibit A**. COUNIHAN Well No. 6 is located within the boundaries of a 20-acre parcel generally located in the W1/2 NE1/4 NW1/4 of Section 21, T. 3 S., R.78 W., 6th P.M., Summit County, Colorado, as shown on the map attached as **Exhibit A**. COUNIHAN Well No. 7 is located within the boundaries of a 20-acre parcel generally located in the E1/2 NE1/4 NW1/4 of Section 21, T. 3 S., R.78 W., 6th P.M., Summit County, Colorado, as shown on the map attached as **Exhibit A**. Description of the Conditional COUNIHAN Exchange: The COUNIHAN Wells are part of an integrated water supply system intended to serve residential development (the "Development") in Section 20, T. 3 S., R. 78 W., 6th P.M. Out of priority depletions associated with the Development, as identified in the augmentation plan and decree in Case No. 94CW19, are to be replaced by water releases from Green Mountain Reservoir or from COUNIHAN Pond, an absolute water right decreed in Case No. 94CW19. When replacing depletions with Green Mountain Reservoir water, the exchange reach extends from Green Mountain Reservoir (known as the lower terminus), located on the Blue River in Sections 11, 12, 13, 14, 15 and 24, T. 2 S., R. 80 W., 6th P.M., and Sections 18, 19, 20, 21, 28, 29 and 34, T. 2 S., R. 79 W., 6th P.M., upstream to the point on the Blue River where the depletions from the COUNIHAN Wells, Spring, and Pond impact the Blue River (known as the upper terminus), more particularly described as the NE1/4 of Section 19, T. 3 S., R. 78 W. of the 6th P.M., approximately 600 feet from the East line and 2,050 feet from the North line of said Section 19. The maximum rate of exchange is 1 cubic foot per second ("cfs"), with a total volumetric limit on the exchange of 21 acre-feet ("af") per year. The priority date for the exchange is March 3, 1993. Remarks: An annual volume of 9.45 af, of the COUNIHAN Exchange was made absolute in Case No. 08CW115. Detailed Outline of Work Done to Complete Project and Apply Water to Beneficial Use: The COUNIHAN Wells are components of an integrated water supply system for the Ute Peak Ridge Subdivision. Work done on individual wells therefore demonstrates diligence for all COUNIHAN Wells and the COUNIHAN Exchange. Since the last diligence decree was entered on July 23, 2017, the Association has undertaken activities that demonstrate diligence with regard to the subject conditional rights including, but not limited to, the following specific activities: The Association has maintained its Green Mountain Reservoir contract for 21 af of augmentation water per year, complied with its terms, and made annual payments to the United States Bureau of Reclamation. The Association retained LRE to review the COUNIHAN Pond and Spring to ensure efficient operations. The owners of Lot 2, Ute Peak Ridge Subdivision, upon which COUNIHAN Well No. 4 is located, have initiated construction of a private residence and have been utilizing the well for water and dust suppression. The owners of Lot 3, Ute Peak Ridge Subdivision, have recently purchased the property and have begun designing a private residence and anticipate that construction will begin in the next year. The owners of Lot 5, Ute Peak Ridge Subdivision, upon which COUNIHAN Well No. 2 is located, have incurred expenses associated with servicing, cleaning, and improving their well. Names and addresses of owners of the land upon which structures are or will be located or upon which water is or will be placed to beneficial use: Akers Family Revocable Trust, Lot 1, Ute Peak Ridge Subdivision, 845 Elk Run Road, Silverthorne, CO 80498; Bruce and Cindy Varnadore, Lot 2, Ute Peak Ridge Subdivision, 917 1st Street, Apt. 802, Jacksonville Beach, Florida 32250-9106; Kurtis Wassmen, Lot 3, Ute Peak Ridge Subdivision, 2352 Irving Street, Denver, Colorado 80211-4537; Kim Onasch, Lot 4, Ute Peak Ridge Subdivision, P.O. Box 71, Dillon, CO 80435-0071; Helen Royal, Lot 5, Ute Peak Ridge Subdivision, 372 Elk Run Road, Silverthorne, CO 80498; Sara Almond, 1840 Elk Run Road, P.O. Box 1187, Silverthorne, CO 80498. WHEREFORE, the Association requests that this Court enter a decree that: (i) makes a finding of reasonable diligence with respect to the conditional amount for the COUNIHAN Exchange and continues those rights in full force and effect and (ii) enters such other relief that the Court sees fit.

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

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

23CW3098(17CW3022) (10CW108) (02CW407) - GRAND COUNTY – APPLICATION FOR FINDING OF REASONABLE DILIGENCE. 1. Name and Address of Applicant: Sheep Mountain Ridge Estates Homeowners Association, Inc. c/o Paul Larkins and Jeff Klopstad, PO Box 1687, Fraser, Colorado 80442-1687. Copies of all pleadings to: Stephen C. Larson, Esq. and Cameron C. Frazier, Esq., Johnson & Repucci LLP, 850 W. South Boulder Road #100, Louisville, Colorado 80027; Phone: (303) 442-1900. 2. **Overview:** The Decree in Case No. 02CW407 amended the uses for Sheep Mountain Ridge Estates ("SMRE") Well Nos. 1-23, which were originally decreed in Case No. 99CW147 for domestic use only, to add horse watering as a conditional use; and the augmentation plan originally decreed in 99CW147 was also amended to provide for augmentation of horse watering use. Skunk Creek Reservoir No. 3 First Enlargement was also decreed in Case No. 02CW407. The new conditional horse watering uses that were decreed in 02CW407 with respect to SMRE Wells Nos. 1-23 were the subject of the diligence decree in Case Nos. 17CW3022 and 10CW108. The subject

application seeks diligence in regard to the horse watering use of SMRE Well Nos. 1-23. A map depicting the location of SMRE Well Nos. 2, 3, 4, 6, 7, 8, 10, 12, 15, 16, 18, 19, 20, 21, 22 and 23 (the wells that have been constructed) and Skunk Creek Reservoir No. 3 is attached hereto as Exhibit A. Well Nos. 1-23 are each component parts of one integrated water supply system, pursuant to Section 8.B of the decree entered in Case No. 15CW3020 and in Section 17 of the decree entered in Case No. 21CW3159. Applicant herein abandons the conditional water right for Skunk Creek Reservoir No. 3 First Enlargement that was decreed in Case No. 02CW407. 3. Names of Structures: A. SMRE Well Nos. 1-23. B. Skunk Creek Reservoir No. 3 First Enlargement. 4. Description of Conditional Water Rights: A. Previous Decrees: (i) Case No. 02CW407. The Ruling of the Referee and Decree of the Water Court in and for Water Division No. 5 entered on April 19, 2004 in Case No. 02CW407 added the conditional use of horse watering to SMRE Well Nos. 1-23; and amended the augmentation plan decreed in 99CW147 to allow for replacement of horse water depletions in the aggregate amount of 0.61 acre-feet per year for all wells combined. Skunk Creek Reservoir No. 3 First Enlargement was also conditionally decreed in Case No. 02CW407 for 1.5 acre-feet. (ii) Case No. 10CW108. The Findings of Fact, Conclusions of Law, Ruling of the Referee and Decree of the Water Court entered on January 23, 2011, in Case No. 10CW108 awarded diligence to Skunk Creek Reservoir No 3 First Enlargement and the conditional horse watering use decreed in 02CW407 with respect to SMRE Well Nos. 1-23. (iii) Case No. 13CW3066. The Findings of Fact, Conclusions of Law, Ruling of the Referee and Decree of the Water Court entered on October 19, 2014, in Case No. 13CW3066 further amended the augmentation plan decreed in 99CW147, as amended by Case No. 02CW407, to convert 0.027 acre-feet of the aggregate 0.61 acre-feet of horse watering depletions approved for SMRE Well Nos. 1-23, to additional domestic depletions for the subdivision, leaving an aggregate of 0.58 acre-feet of horse watering depletions approved for SMRE Well Nos. 1-23 and augmentation thereof. (iv) Case No. 17CW3022. The Findings of Fact, Conclusions of Law, Ruling of the Referee and Decree of the Water Court entered on July 23, 2017 in Case No. 17CW3022, awarded diligence to Skunk Creek Reservoir No 3 First Enlargement and the conditional horse watering use decreed in 02CW407 with respect to SMRE Well Nos. 1-23. B. Legal Descriptions of Horse Watering Rights Sought to be Continued as Conditional. SMRE Well Nos. 1-23 are decreed to be located on twenty-three (23) lots (one per lot) within the Sheep Mountain Ridge Estates subdivision in the South 1/2 of the South 1/2 and the North 1/2 of the Southwest 1/4 of Section 9, Township 1 South, Range 76 West of the 6th P.M., Grand County, Colorado, pursuant to the decrees in Case No. 99CW147 (conditional domestic uses) and 02CW407 (conditional horse-watering uses). Sixteen (16) of the wells have been installed and seven (7) of the wells have yet to be installed. SMRE Well Nos. 1-23, whose horse watering use is sought to be continued as conditional for each, are located as follows: SMRE Well No. 1: Well Permit No. 66846-F, located on Lot 1, Sheep Mountain Ridge Estates, at a point 854 feet from the South section line and 360 feet from the West section line of the SW ¼ of the SW ¼ of Section 9, Township 1 South, Range 76 West of the 6th P.M. SMRE Well No. 2: Well Permit No. 80235-F, located on Lot 2, Sheep Mountain Ridge Estates, at a point in Zone 13, Easting 422897.0, Northing 4424618, Section 9, Township 1 South, Range 76 West of the 6th P.M. SMRE Well No. 3: Well Permit No. 75498-F, located on Lot 3, Sheep Mountain Ridge Estates, at a point 986 feet from the South section line and 1,794 feet from the West section line of the SE ¼ SW ¼ of Section 9 T1S., R76W., of the 6th P.M. SMRE Well No. 4: Well Permit No. 57541-F, located on Lot 4, Sheep Mountain Ridge Estates, at a point 1,300 feet from the South section line and 1,950 feet from the West section line of the SE ¼ SW ¼ of Section 9 T1S., R76W., of the 6th P.M. SMRE Well No. 5: WDID No. 5105691, decreed to be permitted on Lot 5 within the Sheep Mountain Ridge Estates subdivision in the South 1/2 of the South 1/2 and the North 1/2 of the Southwest 1/4 of Section 9, Township 1 South, Range 76 West of the 6th P.M., Grand County, Colorado. SMRE Well No. 6: Well Permit No. 80417-F, located on Lot 6, Sheep Mountain Ridge Estates, at a point in Zone 13, Easting 423473.0, Northing 4424686 in Section 9, Township 1 South, Range 76 West of the 6th P.M. SMRE Well No. 7: Well Permit No. 61434-F, located on Lot 7, Sheep Mountain Ridge Estates, at a point 975 feet from the South section line and 1,920 feet from the East section line of the SW ¼ SE ¼ of Section 9, T1S., R76W., of the 6th P.M. SMRE Well No. 8: Well Permit No. 62138-F, located on Lot 8, Sheep Mountain Ridge Estates, at a point 1,200 feet from the South section line and 1,680 feet from the East section line of the SW ¼ SE ¼ of Section 9, T1S., R76W. of the 6th P.M. SMRE Well No. 9: WDID No. 5105696, decreed to be located on Lot 9 within the Sheep Mountain Ridge Estates subdivision in the South 1/2 of the South 1/2 and the North 1/2 of the Southwest 1/4 of Section 9, Township 1 South, Range 76 West of the 6th P.M., Grand County, Colorado. SMRE Well No. 10: Well Permit No. 61161-F, located on Lot 10, Sheep Mountain Ridge Estates, at a point 1,080 feet from the South section line and 840 feet from the East section line of the SE ¼ SE ¼ of Section 9, T1S., R76W., of the 6th P.M. SMRE Well No. 11: WDID 5105697, decreed to be located on Lot 11 within the Sheep Mountain Ridge Estates subdivision in the South 1/2 of the South 1/2 and the North 1/2 of the Southwest 1/4 of Section 9, Township 1 South, Range 76 West of the 6th P.M., Grand County, Colorado. SMRE Well No. 12: Well Permit No. 57542-F, located on Lot 12, Sheep Mountain Ridge Estates, at a point 960 feet from the South section line and 240 feet from the East section line of the SE ¼ SE ¼ of Section 9 T1S., R76W., of the 6th P.M. SMRE Well No. 13: WDID No. 5105700, decreed to be located on Lot 5 within the Sheep Mountain Ridge Estates subdivision in the South 1/2 of the South 1/2 and the North 1/2 of the Southwest 1/4 of Section 9, Township 1 South, Range 76 West of the 6th P.M., Grand County, Colorado. SMRE Well No. 14: WDID No. 5105701, decreed to be located on Lot 14 within the Sheep Mountain Ridge Estates subdivision in the South 1/2 of the South 1/2 and the North 1/2 of the Southwest 1/4 of Section 9, Township 1 South, Range 76 West of the 6th P.M., Grand County, Colorado. SMRE Well No. 15: Well Permit No. 60884-F-R, located on Lot 15, Sheep Mountain Ridge Estates, at a point 724 feet from the South section line and 1583 feet from the East section line of Section 9, T1S., R76W., of the 6th P.M. SMRE Well No. 16: Well Permit No. 74674-F, located on Lot 16, Sheep Mountain Ridge Estates, at a point 600 feet from the South section line and 1,800 feet from the East section line of the SW ¼ SE ¼ of Section 9 T1S., R76W., of the 6th P.M. SMRE Well No. 17: WDID No. 5105704, decreed to be located on Lot 17 within the Sheep Mountain Ridge Estates subdivision in the South 1/2 of the South 1/2 and the North 1/2 of the Southwest 1/4 of Section 9, Township 1 South, Range 76 West of the 6th P.M., Grand County, Colorado. SMRE Well No. 18: Well Permit No. 61105-F-R, located on Lot 18, Sheep Mountain Ridge Estates, at a point 360 feet from the South section line and 2,280 feet from the West section line of the SE ¼ SW ¼ of Section 9, T1S., R76W., of the 6th P.M. SMRE

Well No 19: Well Permit No. 61435-F, located on Lot 19, Sheep Mountain Ridge Estates, at a point 975 feet from the South section line and 2,400 feet from the West section line of the SE ¼ SW ¼ of Section 9 T1S., R76W., of the 6th P.M. SMRE Well No. 20: Well Permit No. 76761-F, located on Lot 20, Sheep Mountain Ridge Estates, at a point 907 feet from the South section line and 2,007 feet from the West section line of the SE ¼ SW ¼ of Section 9 T1S., R76W., of the 6th P.M. SMRE Well No. 21: Well Permit No. 81974-F, located on Lot 21, Sheep Mountain Ridge Estates, at a point 500 feet from the south section line and 1300 feet from the west section line of Section 9, Township 1 South, Range 76 West of the 6th P.M. SMRE Well No. 22: Well Permit No. 61321-F-R, located on Lot 22, Sheep Mountain Ridge Estates, at a point 375 feet from the South section line and 835 feet from the West section line of the SW ¼ SW ¼ of Section 9 T1S., R76W., of the 6th P.M. SMRE Well No. 23: Well Permit No. 87235-F, located on Lot 23, Sheep Mountain Ridge Estates, at a point in Zone 13, Easting 422763.4 and Northing 4424579.9, in Section 9, Township 1 South, Range 76 West of the 6th P.M., Grand County, Colorado. C. Sources for Horse Watering Rights Sought to be Continued as Conditional: The source for SMRE Well Nos. 1-23 is groundwater tributary to Skunk Creek, which is tributary to Pole Creek, which is tributary to Crooked Creek, which is tributary to the Fraser River. D. Amount of Horse Watering Rights Sought to be Continued as Conditional: SMRE Well Nos. 1-23 are decreed for 15 gpm each. Pursuant to the decree in Case No. 02CW407, 0.61 a.f. of combined annual depletions from the wells was approved for horse-watering uses. Pursuant to the decree in Case No. 13CW3066, the combined annual horse watering depletions from the wells was reduced to 0.58 acre-feet. Horse watering uses are deemed to be 100% consumptive. E. Dates of Appropriation. Pursuant to the decree in Case No. 02CW407, the date of appropriation for the horse watering use of SMRE Well Nos. 1-23 is December 31, 2002. 5. Claim of Diligence. Applicant seeks a judicial finding of reasonable diligence for the horse-watering use of SMRE Well Nos. 1-23. 6. Diligence Activities. In support of its claim of diligence, during the subject diligence period Applicant has performed the following activities toward the completion of this appropriation. A. During the subject diligence period, sales or listings occurred in regard to lots (including Lots 6, 7, 9, 13, and 14) with fully or partially conditional well rights, including the conditional horse watering use sought to be continued as conditional herein. One new home was constructed (on Lot 23) whose well has horse watering use sought to be continued herein. In addition, there were four (4) new wells drilled and put to beneficial use which have horse watering use associated with them, which is sought to be continued in this case, SMRE Well Nos. 2, 6, 21 and 23. B. As decreed in Section 17 of the decree entered in Case No. 21CW3159 and Section 8.B of the decree entered in Case No. 15CW3020 SMRE Wells 1-23, including the water rights sought to be continued as conditional in this case, are component parts of the same integrated water supply system, and diligence on one feature of the system shall be considered in finding that reasonable diligence has been shown in the development of water rights for all features of the entire system, pursuant to C.R.S. Section 37-92-301(4)(b). Applicant prosecuted an application and obtained a decree in Case No. 21CW3159 to make SMRE Well Nos 2, 6 and 21 absolute in part, which decree had a finding of reasonable diligence as to all of the SMRE Well Nos. 1-23 and continued the conditional portions thereof as to all conditional rights associated with the wells except the horse watering use sought to be made conditional herein. C Applicant expended in excess of \$12,000 in legal and engineering fees obtaining the diligence finding for SMRE Well Nos. 1-23 in Case No. 21CW3159. D. Applicant spent over \$17,000 during the subject diligence period for costs incurred in monthly accounting for the water rights that are a part of the subject integrated system. 7. Name and Address of Owners Upon Whose Land Structures are Located. Names and addresses of owners or reputed owners of the land upon any new well is or will be constructed are identified on Exhibit B, attached hereto. WHEREFORE, Applicant respectfully requests that the Court find that the matters stated above constitute a sufficient demonstration of reasonable diligence by Applicant in placing such water to beneficial use and for all such other relief as the Court may deem appropriate. (8 pages, plus exhibits)

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

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

23CW3099 GARFIELD COUNTY. APPLICATION TO MAKE ABSOLUTE IN PART AND FOR FINDING OF REASONABLE DILIGENCE. Battlement Mesa Land Investments, LLC, c/o Scott C. Miller and Lisa A. Claxton, Patrick, Miller & Noto, P.C., 229 Midland Ave., Basalt, CO 81621 (970) 920-1030. Name of water right: Eaton Pipeline No. 2. Original decree: July 9, 1965, Civil Action 4954, District Court, Garfield County. Subsequent diligence decrees: Civil Action 4954, District Court, Garfield County. Case No. 84CW161, Division No. 5 Water Court. Case No. 88CW187, Division No. 5 Water Court. Case No. 94CW284, Division No. 5 Water Court. Case No. 01CW291, Division No. 5 Water Court. Case No. 08CW161, Division No. 5 Water Court. Case No. 16CW3104, Division No. 5 Water Court. Legal descriptions of points of diversion: *Eaton Pipeline No. 2:* NE¼ of the NW¼ of Section 18, Township 7 South, Range 95 West of the 6th P.M., 450 feet from the North section line and 1,500 feet from the West section line. This decreed location was corrected in Case No. 05CW281, Division No. 5 Water Court. Map is on file with the Court as Figure 1. *Eaton Pipeline No. 2 Alternate Point No. 1:* SW¼ of the SE¼ of Section 13, Township 7 South, Range 96 West of the 6th P.M., 174 feet from the South section line and 1,792 feet from the East section line. Map is on file with the Court as Figure 2. Source: **Colorado River.** Appropriation date: December 18, 1956. Total amount decreed: 10 c.f.s., of which 5.75 c.f.s. is conditional and 4.25 c.f.s. is absolute. Use: Irrigation, manufacturing, industrial, and domestic. Claim to Make Absolute in Part: *Date of beneficial use:* July 28, 2016. *Amount:* 0.4 c.f.s. (180

g.p.m.). *Use*: Irrigation of five acres located in the SW¹/₄, SE¹/₄ of Section 13, Township 7 South, Range 96 West of the 6th P.M. Map is on file with the Court as Figure 2. *Statement of beneficial use*: Applicant began diversions of water at the Eaton Pipeline No. 2 Alternate Point No. 1 in July 2016 for irrigation of approximately five acres within a wildlife habitat project area in coordination with Colorado Parks and Wildlife. Claim for Finding of Reasonable Diligence: A detailed outline of the work performed toward the completion of the appropriation, including expenditures, is on file with the Court as Exhibit A. The land upon which the diversions are located and where water will be put to beneficial use are owned by: Paradise Valley Zone B Hunting Parcel LLC, PO Box 6000, Battlement Mesa, CO 81636 and Paradise Valley River Bottom LLC, PO Box 6000, Battlement Mesa, CO 81636.

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

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

23CW3100 GRAND COUNTY. The Reserve at Elkhorn Ridge Owners Association, c/o Jeffrey L. Browne, Treasurer, P.O. Box 66, Winter Park, CO 80482. Applicant is represented by Katie Randall and Kent Whitmer, The Whitmer Law Firm, LLC, P.O. Box 38, Hot Sulphur Springs, CO 80451, (970) 725-3460. **APPLICATION TO MAKE CONDITIONAL WATER RIGHTS ABSOLUTE IN PART AND FOR A FINDING OF REASONABLE DILIGENCE** Prior Decrees: March 10, 1995 (94CW168) as amended by 95CW142 (December 7, 1995); August 26, 2003 (01CW137); January 26, 2011 (09CW91); July 23, 2017 (17CW3010); March 29, 2020 (19CW3117); all in Water Court Division No. 5. **Appropriative Right of Exchange**: Name of Structure: The Reserve Exchange, Urban Wells 1-41. Legal Description: Urban Well Nos. 1-41 are located within the Subdivision which consists of approximately 185 acres in the SW¹/₄ and SE¹/₄, Section 16, Township 1 South, Range 75 West of the 6th P.M. Upstream Terminus: The terminus or upper most location of the depletions on the Fraser River shall be a point where the Fraser River crosses the North section line of Section 19, Township 1 South, Range 75 West, 6th P.M. The terminus or upper most location of the depletions on Ranch Creek shall be a point where Ranch Creek crosses the North line of Section 21, Township 1 South, Range 75 West, 6th P.M. Downstream Terminus: Confluence of the Fraser River with the Colorado River, described as the SW¹/₄ SW¹/₄ of Section 25, Township 2 North, Range 77 West of the 6th P.M., a distance of 500 feet from the West line of said Section 25 and a distance of 575 feet from the South line of said Section 25. Source of Augmentation/Exchange Water: Applicant has entered into a Water Allotment Contract with Middle Park Water Conservancy District for an amount of water sufficient to augment the uses contemplated in 94CW168 and 95CW142. Appropriation Date: July 29, 1994. Amount: The total exchange per year is limited to annual calculated depletions of 2.5 af/yr, which represents 1.404 c.f.s. at the maximum rate of 15 gallons per minute ("g.p.m.") per well. In Case No. 09CW91, 1.1 af of the exchange was made absolute, with the remaining 1.4 af continued conditionally. **Underground Water Rights**: Names of Structures: Urban Well Nos. 1-2, 4-7, 10-17, 19-41. Appropriation Date: July 29, 1994. Uses: In-house and 750 square feet of outside irrigation and wells servicing the additional caretaker units, Urban Well Nos. 4, 17, 27, 29, 31, 33 and 36. Source: The source of water for Urban Wells is the Upper Troublesome and/or alluvium sand, gravel, and other materials hydraulically connected to Ranch Creek. Amount: For lots without caretaker units, the total is limited to 0.35 af/yr per well. For the seven lots designated as caretaker units, the total demand is limited to 0.53 af/yr per well. Total demand for all wells is limited to 15.61 af/yr. Each well has a maximum pumping rate of 15 g.p.m. (0.033 c.f.s.) Legal Descriptions, Depths, Amounts Absolute: Urban Well Nos. 1-41 are located within the Subdivision which consists of approximately 185 acres in the SW¹/₄ and SE¹/₄, Section 16, Township 1 South, Range 75 West of the 6th P.M. The application provides detailed information for each well, including legal descriptions, permit information, depths, and amounts previously decreed conditional and absolute for each well. **Absolute Claims**: Underground Rights: New permits have been issued for the seven lots that allow caretaker units. Accordingly, Applicant requests that caretaker unit use be made absolute for Well Nos. 4, 17, 27, 29, 31, 33, and 36. Furthermore, Well Nos. 2, 12, 26, 31, 35, 38, 39, and 40 have been constructed and water has been put to beneficial use on the associated lots within the Subdivision, as set forth in more detail in the Application. Applicant claims the following amounts absolute for these Wells: Well No. 2: 12 g.p.m. absolute, 3 g.p.m. conditional, date of beneficial use: 10/29/96. Well No. 12: 13 g.p.m. absolute, 2 g.p.m. conditional, date of beneficial use: 10/19/17. Well No. 26: 12 g.p.m. absolute, 3 g.p.m. conditional, date of beneficial use: 11/29/18. Well No. 31: 11.6 g.p.m. absolute, 3.4 g.p.m. conditional, date of beneficial use: 09/18/13. Well No. 35: 10 g.p.m. absolute, 5 g.p.m. conditional, date of beneficial use: 09/23/17. Well No. 38: 14 g.p.m. absolute, 1 g.p.m. conditional, date of beneficial use: 04/22/15. Well No. 39: 7 g.p.m. absolute, 8 g.p.m. conditional, date of beneficial use: 06/13/16. Well No. 40: 12 g.p.m. absolute, 3 g.p.m. conditional, date of beneficial use: 06/07/19. Appropriative Rights of Exchange: Applicant seeks to make absolute the appropriative right of exchange 1) associated with the construction and operation of Well Nos. 2, 12, 26, 31, 35, 38, 39, and 40; and 2) associated with the caretaker uses for Well Nos. 4, 17, 27, 29, 31, 33, and 36. The depletions associated with the new absolute claims for Well Nos. 2, 12, 26, 31, 35, 38, 39, and 40 and the caretaker uses for Well Nos. 4, 17, 27, 29, 31, 33, and 36 totals 0.52 af. Applicant respectfully requests that the appropriative right of exchange be made absolute for an additional 0.52 af. 1.1 af of the exchange has previously been made absolute. Accordingly, the new cumulative absolute exchange amount claimed is 1.62 af, with 0.88 af remaining conditional. Uses: In-house and 750 square feet of outside irrigation and wells servicing the additional caretaker units, Urban Well Nos. 4, 17, 27, 29, 31, 33 and 36. Additional

Information: The Wells subject to this Application are located on lots within the boundaries of the Subdivision as described above. Owner information for particular lots and Wells is set forth in detail in the Application. The application and attached exhibits contain additional information and a detailed outline of the work performed during the diligence period (37 pages).

YOU ARE HEREBY NOTIFIED THAT YOU HAVE until the last day of SEPTEMBER 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 JULY 2023. *The water right claimed by this application may affect in priority any water right claimed or heretofore adjudicated within this division and owners of affected rights must appear to object and protest within the time provided by statute or be forever barred.*

23CW3101 GARFIELD COUNTY - COLORADO RIVER; Pamela A. Johnson and Randall L. Johnson; c/o John R. Pierce and Nathan A. Keever, Dufford Waldeck, 744 Horizon Court, Suite 300, Grand Junction, CO 81506, (970) 241-5500; APPLICATION TO MAKE CONDITIONAL WATER RIGHT ABSOLUTE AND REQUEST FOR FINDING OF REASONABLE DILIGENCE; Name, address, and phone number of applicants: Pamela A. Johnson and Randall L. Johnson; 3059 County Road 103; Carbondale, CO 81623; (970) 618-6750; Request to make absolute and for finding of reasonable diligence: Name of structures: Cedar Ridge Farm Subdivision Wells Nos. 1, 2, 3, 4, and 5; Description of conditional water rights: Original decree: Case No. 1981CW497 dated December 4, 1984, Water Division 5; Subsequent decrees awarding findings of diligence: Case Nos. 1988CW378, 1994CW272, 1998CW126, and 2016CW6, Water Division 5; Legal description of each well: Cedar Ridge Farm Subdivision Well No. 1: Northeast ¼ Northwest ¼ of Section 13, Township 7 South, Range 88 West of the Sixth Principal Meridian 200 feet from the north section line and 2,490 feet from the west section line of said Section 13; Cedar Ridge Farm Subdivision Well No. 2: Northeast ¼ Northwest ¼ of Section 13, Township 7 South, Range 88 West of the Sixth Principal Meridian 750 feet from the north section line and 2,590 feet from the west section line of said Section 13; Cedar Ridge Farm Subdivision Well No. 3: Northwest ¼ Northeast ¼ of Section 13, Township 7 South, Range 88 West of the Sixth Principal Meridian 1,250 feet from the north section line and 2,600 feet from the east section line of said Section 13; Cedar Ridge Farm Subdivision Well No. 4: Southwest ¼ Northeast ¼ of Section 13, Township 7 South, Range 88 West of the Sixth Principal Meridian 1,850 feet from the north section line and 2,340 feet from the east section line of said Section 13; Cedar Ridge Farm Subdivision Well No. 5: Southwest ¼ Northwest ¼ of Section 13, Township 7 South, Range 88 West of the Sixth Principal Meridian 2,000 feet from the north section line and 1,740 feet from the west section line of said Section 13. The Wells are operated pursuant to the plan for augmentation in Case No. 1981CW497; **Source for all wells: Cattle Creek Alluvium tributary to the Roaring Fork River tributary to the Colorado River;** Appropriation date for all wells: December 28, 1981; Amount for each well: 15.0 g.p.m. conditional; Uses for each well: Domestic, including in-house use, non-commercial lawn and garden irrigation, stock watering, and standby fire protection; Proposed depth of each well: 150 feet; Outline of what has been done toward completion of appropriation and application of water to beneficial use: During the period of July 24, 2017, through December 19, 2019, the Cedar Ridge Farm Subdivision Well No. 1 was used at the full decreed rate of 15 g.p.m. for decreed uses. Based on that use, Applicants will request to make the conditional water right in that structure absolute, below. During the period of December 19, 2019, through the present, the structure has been used pursuant to a commercial exempt well permit. As described in the next paragraph, this use is consistent with Applicants' plan to develop their water rights in phases. Applicant's use of the Cedar Ridge Farm Subdivision Wells Nos. 1-5 will occur in two phases. During the current phase, Applicant is relying on a commercial exempt well permit for Well No. 1 to support the use of a portion of the property for an Agri-Tourism project. During the second phase, the conditional rights at issue in this case will be critical to the use of the land for domestic purposes. Applicants submitted and prosecuted a Land Use Application to Garfield County for a Special Use Permit to allow for an Agri-Tourism project including overnight camping (tents/yurts), community events, livestock production, greenhouse, horse boarding and training, and artist work spaces. Received approval for Phase 1. Applicants applied for and prosecuted an amended Plan for Augmentation in Case No. 18CW3020 to provide a water supply for the Land Use Application project. Application was withdrawn after receiving a Commercial Well Permit for the approved Phase 1. Applicants applied for and received Commercial Well Permit No. 316028. Addressed objections to the issuance of the permit including an Expert Report and depositions. Prevailed in a motion for Summary Judgment with the DWR Hearing Officer. Applicants defended Water Rights Quiet Title Action in Case No. 20CV30109. Applicants retained Resource Engineering, Inc., LRE Water, and Colorado River Engineering, Inc. to provide water rights and water resources engineering in support of the Land Use Application, Amended Plan for Augmentation, Commercial Well Permit and objection proceedings, and defense of the Quiet Title Action. Applicants paid a total of \$48,185.16 in engineering fees including \$24,445.60 to Resource Engineering, Inc., \$5,564.56 to LRE Water, and \$18,175.00 to Colorado River Engineering, Inc. If claim to make absolute in whole or in part: Applicants request that the conditional water right in the Cedar Ridge Farm Subdivision Well No. 1 be made absolute. As explained above, during the period of July 24, 2017, through December 19, 2019, the Cedar Ridge Farm Subdivision Well No. 1 was used at the full decreed rate of 15 g.p.m. for uses decreed in Case No. 1981CW497. Based on that use, Applicants request to make the full conditional water right in that structure absolute. Date water applied to beneficial use: December 19, 2019; Amount: 15.0 g.p.m.; Use: Domestic, including in-house use, non-commercial lawn and garden irrigation, stock watering, and standby fire protection. WHEREFORE, Applicants respectfully request the Court enter a decree for the following: The conditional water right in the Cedar Ridge Farm Subdivision Well No. 1 be made absolute for 15 g.p.m. for all decreed uses; a finding of reasonable diligence for the

conditional water rights in the Cedar Ridge Farm Subdivision Wells Nos. 2-5; and a finding of reasonable diligence with regard to any portion of the water right that remains conditional in the event that some or all of the conditional water right in Well No. 1 above is not made absolute. (6 pages)

YOU ARE HEREBY NOTIFIED THAT YOU HAVE until the last day of SEPTEMBER 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 JULY 2023. The water right claimed by this application may affect in priority any water right claimed or heretofore adjudicated within this division and owners of affected rights must appear to object and protest within the time provided by statute or be forever barred.

23CW3102 PITKIN COUNTY. APPLICATION FOR FINDINGS OF REASONABLE DILIGENCE. W/J Metropolitan District, c/o Scott C. Miller and Lisa A. Claxton, Patrick, Miller & Noto, P.C., 229 Midland Ave., Basalt, CO 81621 (970) 920-1030. Name of structures: Jaffee Well Nos. 3, 4, and 5. Original decree: July 13, 1993, Case No. 90CW139, Water Division 5. Subsequent decrees: December 16, 2002, Case No. 01CW13, Water Division 5. January 30, 2011, Case No. 08CW176, Water Division 5. July 23, 2017, Case No. 17CW3015 Water Division 5. Legal descriptions: *Jaffee Well No. 3:* SE ¼, NE ¼, Section 21, Township 9 South, Range 85 West, 6th P.M., at a point whence the NE corner of Section 21 bears north 19°00'17" east 2,522.56 feet. The location is also described as 2,402 feet from the north section line and 818 feet from the east section line. *Jaffee Well No. 4:* NE ¼, SE ¼, Section 21, Township 9 South, Range 85 West, 6th P.M., at a point 2,190 feet from the south section line and 600 feet from the east section line. *Jaffee Well No. 5:* SE ¼, NE ¼, Section 21, Township 9 South, Range 85 West, 6th P.M., at a point 2,600 feet from the north section line and 750 feet from the east section line, in Pitkin County. The locations of all three wells are depicted on the map on file with the Court as Exhibit A. Source: Alluvium of the Roaring Fork River, tributary to the Colorado River. Date of appropriation: August 24, 1987 for each well. Amounts and uses: *Jaffee Well No. 3:* Amount originally decreed: 112 g.p.m. Previously made absolute: 75 g.p.m. for domestic, irrigation, and fire protection purposes. Remaining conditional: 37 g.p.m. for domestic, irrigation, and fire protection purposes. 112 g.p.m. for commercial, stock watering, and aesthetic purposes. *Jaffee Well No. 4:* Amount originally decreed: 75 g.p.m. Previously made absolute: 14 g.p.m. for domestic, irrigation, and fire protection purposes. Remaining conditional: 61 g.p.m. for domestic, irrigation, and fire protection purposes. 54 g.p.m. for commercial, stock watering, and aesthetic purposes. *Jaffee Well No. 5:* Amount originally decreed: 54 g.p.m. Previously made absolute: 54 g.p.m. for domestic, irrigation, and fire protection. Remaining conditional: 54 g.p.m. for commercial, stock watering, and aesthetic purposes. Approximate depths: *Jaffee Well No. 3:* 21 feet. *Jaffee Well No. 4:* 33 feet. *Jaffee Well No. 5:* 34 feet. Well Permit Nos.: *Jaffee Well No. 3:* 042935-F. *Jaffee Well No. 4:* 042937-F. *Jaffee Well No. 5:* 63098-F. Remark: Jaffee Well No. 3, 4, and 5 are connected with Jaffee Well No. 1 and 2 in an integrated water supply system serving the W/J Metropolitan District. See Decree, Case No. 08CW176, ¶¶ 10, 11.A. Work on one or more features of this integrated system constitutes diligence on the whole. Claim for finding of reasonable diligence: Applicant attached a detailed outline of the work performed and expenses incurred toward the completion of the appropriations and the application of water during the present diligence period on file with court as Exhibit B. The structures are located on land owned by Pitkin County, 530 E. Main Street #301, Aspen, CO 81611. All water use will occur within Applicant's service area boundaries, as such may be amended from time to time. The current service area boundaries are coterminous with the District Boundaries shown on the map on file with the Court as Exhibit A.

YOU ARE HEREBY NOTIFIED THAT YOU HAVE until the last day of SEPTEMBER 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 JULY 2023. The water right claimed by this application may affect in priority any water right claimed or heretofore adjudicated within this division and owners of affected rights must appear to object and protest within the time provided by statute or be forever barred.

23CW3103 (15CW3041) GARFIELD COUNTY. Name, address, email address, and phone number of Applicant: Dean Bacon, 420 Upper Cattle Creek Rd., CR 122, Carbondale, CO, 81623, deanbacon9133@gmail.com, 970-948-0694. Please direct all correspondence to counsel for Applicant, LAW OF THE ROCKIES, Kendall K. Burgemeister, Atty. Reg. #41593, 525 North Main Street, Gunnison, CO, 81230, (970) 641-1903, kburgemeister@lawoftherockies.com. **APPLICATION FOR FINDING OF REASONABLE DILIGENCE.** Name of right: X Bar Ranch Pond No. 2. Original Decree: 15CW3041, July 23, 2017, Dist. Ct. Water Division 5. Decreed location: Pleasant Valley Ranch Tract 8 at a location described by UTM Coordinates Northing 4371088, Easting 317985, Zone 13 (Survey GPS - Accuracy +/- 5 feet). **Source: Cattle Creek and/or runoff tributary to Cattle Creek, tributary to the Roaring Fork River, tributary to the Colorado River.** Fill Source: The C & L Highline Ditch, which receives its flow from Cattle Creek at a point described in the original decree in Civil Action No. 132 as being located on the north bank of said creek, in the SE 1/4 of Section

9, Township 7 South, Range 87 West of the 6th Principal Meridian. Subsequent decrees have described the location of the headgate of the C & L Highline Ditch as being located at a point in the NE1/4 SW1/4 of Section 10, Township 7 South, Range 87 West of the 6th P.M. at a point 2520 feet North of the South Section line and 1950 feet East of the West Section line of said Section 10 (Eagle County). Appropriation Date: June 30, 2015. Amount: Volume: 9.2 acre feet conditional with a right to refill. Rate of fill: 1.4 c.f.s. Use: commercial, industrial, domestic, fire protection, aesthetics and irrigation use, including use inside a commercial greenhouse on a year round basis. The approximate location of X Bar Ranch Pond No. 2 as well as the proposed irrigated area on Pleasant Valley Ranch Tract 8 is shown on Exhibit A filed with this Application. Detailed outline of what has been done toward completion of the appropriation and application of water to a beneficial use as conditionally decreed, including expenditures, during the previous diligence period: Applicant purchased the subject water right, together with the property on which it will be located and which it will serve, on July 28, 2023. Thus, Applicant owned the water right for 3 days before this application was due. In 2018, the prior owner negotiated and executed a Ditch Operation and Maintenance Agreement regarding the C & L Highline Ditch, which is the ditch that delivers water from the stream to the subject pond. The agreement expressly memorializes the applicant's right, and relative priority within the ditch, to use the ditch to carry water to fill the subject pond. Applicant retained counsel to receive legal advice regarding its rights and obligations with respect to the subject pond and C & L Highline Ditch. Applicant, who owns an excavation business, began site reconnaissance work and planning for the construction of the pond. Relief Requested. Applicant seeks a finding of reasonable diligence with respect to the subject water right. The owner of the land upon which any new diversion or storage structure or modification to any existing diversion or storage structure or existing storage pool is or will be constructed or upon which water is or will be stored: The pond on property owned by Applicant. No new diversion structure and no modification to any existing diversion structure is contemplated. (4 pages, 1 exhibit).

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

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

23CW3105 PITKIN COUNTY, Application for Finding of Reasonable Diligence. Applicant: City of Aspen, c/o Justin Forman, Utilities Director, 427 Rio Grande Place, Aspen, CO 81611; Telephone: (970) 429-1992; email: Justin.Forman@aspen.gov. Direct all pleadings to Cynthia F. Covell, Andrea L. Benson, and Gilbert Y. Marchand, Alperstein & Covell P.C., 1391 Speer Blvd. Suite 730, Denver CO 80204. Names of structure: Highlands Water and Sanitation District Water Diversion System. Description of conditional water right: Date of original decree: May 18, 1978, Case No. W-3297, Water Court, Water Division 5. Subsequent decrees awarding diligence: All subsequent decrees were entered by the Water Court, Water Division No. 5, as follows: Case No. 81CW505 on July 19, 1982; Case No. 85CW620 on April 29, 1986; Case No. 89CW278 on May 21, 1990; Case No. 96CW157 on November 5, 1996; Case No. 02CW306 on March 31, 2004; Case No. 10CW84 on December 19, 2010; Case No. 16CW3167 on July 23, 2017. Decreed location. The point of diversion is located in the NE¼ SE¼ of Section 15, T.10S., R.85W. of the 6th P.M. at a point whence the Northeast Corner of Section 3, said Township and Range, bears N.02°10' E. 14,300 feet. GPS Location Information in UTM format. (In case of discrepancy with decreed location, the decreed location controls.)

Alternative Description (UTM): Were points averaged? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Northing <u>4338314.162</u> ; Easting <u>339376.764</u> <input type="checkbox"/> Zone 12 <input checked="" type="checkbox"/> Zone 13
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A map is attached to the application as **Exhibit A. Source: Maroon Creek, tributary to the Roaring Fork River.** Appropriation date: September 1, 1963. Amount: 0.78 c.f.s conditional and 0.22 c.f.s. absolute (as originally decreed). Uses: Municipal, domestic, irrigation, exchange and replacement. Detailed outline of work performed during diligence period toward completion of appropriation: Prior to December 1998, the City of Aspen ("City") supplied water to the Highlands Water and Sanitation District ("HWSD") on a wholesale basis, using its integrated water supply system, including the Highlands Water and Sanitation District Water Diversion System water right, which had been conveyed to Aspen. The HWSD was dissolved by Court order on December 24, 1998, and Aspen has since provided water service directly to the District's former customers. The Highlands Water and Sanitation District Water Diversion System water right is part of Aspen's integrated water supply system to maintain a legal and reliable water supply to meet current and future demand. 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 this diligence period, Aspen has undertaken the following work, all of which is integral and prerequisite to the orderly development of this conditional water right. Aspen has continued to improve, operate and maintain its integrated water supply system, of which this conditional water right is a part. Aspen has spent in excess of \$14 million in the construction, repair and improvement of its water system infrastructure and related infrastructure and projects (which are part of the efficiency, operation and maintenance of its integrated water supply system), and for development and defense of its water rights, to enable Aspen to more effectively provide water service to its existing and future customers. These efforts have allowed Aspen to

continue to provide water service to the HWSD's former customers that is as efficient and reliable as the service provided to Aspen's other customers, while maintaining this original structure as a source of supply as needed, and planning for future water supplies and demands. This water right continues to be included in Aspen's long-range water supply planning. Aspen is currently investigating use of this water right to make snow for some of its Nordic trails and for other winter recreational activities. Aspen has defended its water rights, including this conditional water right, against applications filed by others. During this diligence period, Aspen has expended attorney fees of approximately \$489,000 (which are included in the estimated expenditure of approximately \$14 million described above), of which a portion was expended specifically in opposition to water court applications to protect and defend Aspen's water rights. Name and address of owner of land on which diversion structure is or will be located: Aspen holds an easement on the land on which the diversion structure is located. The name and address of the owner or reputed owner of the land burdened by the easement is located is CGW Aspen, LLC, 525 Okeechobee Boulevard, Suite 1000, West Palm Beach, Florida 33401. (5 pages and map)

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

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

23CW3106 IN GARFIELD COUNTY, COLORADO. APPLICATION FOR FINDING OF REASONABLE DILIGENCE Name and address of Applicant: Town of Silt, c/o Town Administrator, P.O. Box 70, Silt, CO 81625. Please direct all correspondence, motions, and pleadings to Michael J. Sawyer or Danielle T. Skinner, KARP NEU HANLON, P.C., 201 14th Street, Suite 200, P.O. Drawer 2030, Glenwood Springs, CO 81602, (970) 945-2261. **FIRST CLAIM - APPLICATION FOR FINDING OF REASONABLE DILIGENCE.** Name of structure: *Silt Well No. 2.* Date of original decree: October 11, 2010, in Case No. 07CW219, in the District Court in and for Water Division 5. Subsequent decrees awarding findings of diligence: July 23, 2017, in Case No. 2016CW3134, in the District Court in and for Water Division 5. Legal description: A point in the SW 1/4 of the NW 1/4 of Section 11, Township 6 South, Range 92 West of the 6th P.M. located approximately 2,210 feet south of the North Section line and 180 feet east of the West Section line of said Section 11. Source: Alluvial groundwater tributary to the Colorado River. Appropriation date: December 1, 2007. Amount: 1 c.f.s., conditional, instantaneous, up to 140 acre-feet annually. Uses: Irrigation and municipal uses. Place of use: Applicant's potential future water service area. Remarks: The Silt Well No. 2 has not been constructed and is currently unpermitted. The Silt Well No. 2 will operate pursuant to the plan for augmentation approved in Case No. 07CW219, as amended in Case No. 13CW52, and Bureau of Reclamation Contracts Nos. 099D6C0147 and 099D6C0149. The decreed point of diversion for the Silt Well No. 2 water right is located on a parcel of land currently owned by Silt 70, LLC and known as Garfield County Assessor's Parcel Number 2179-112-00-007. Claim for diligence: Applicant requests a finding of diligence for 1 c.f.s., conditional, instantaneous, up to 140 acre-feet annually, for the Silt Well No. 2 for irrigation and municipal uses. **SECOND CLAIM - APPLICATION FOR FINDING OF REASONABLE DILIGENCE.** Name of structure: *Silt Well No. 3.* Date of original decree: October 11, 2010, in Case No. 07CW219, in the District Court in and for Water Division 5. Subsequent decrees awarding findings of diligence: July 23, 2017, in Case No. 2016CW3134, in the District Court in and for Water Division 5. Legal description: A point in the SW 1/4 of the NE 1/4 of Section 10, Township 6 South, Range 92 West of the 6th P.M. located approximately 2,290 feet south of the North Section line and 1,600 feet west of the East Section line of said Section 10. Source: Alluvial groundwater tributary to the Colorado River. Appropriation date: December 1, 2007. Amount: 1 c.f.s., conditional, instantaneous, up to 140 acre-feet annually. Uses: Irrigation and municipal uses. Place of use: Applicant's potential future water service area. Remarks: The Silt Well No. 3 has not been constructed and is currently unpermitted. The Silt Well No. 3 will operate pursuant to the plan for augmentation approved in Case No. 07CW219, as amended in Case No. 13CW52, and Bureau of Reclamation Contracts Nos. 099D6C0147 and 099D6C0149. The decreed point of diversion for the Silt Well No. 3 water right is located on a parcel of land currently owned by Red Horse, LLC and known as Garfield County Assessor's Parcel Number 2179-101-00-039. Claim for diligence: Applicant requests a finding of diligence for 1 c.f.s., conditional, instantaneous, up to 140 acre-feet annually, for the Silt Well No. 3 for irrigation and municipal uses. **THIRD CLAIM - APPLICATION FOR FINDING OF REASONABLE DILIGENCE.** Name of structure: *Silt Well No. 4.* Date of original decree: October 11, 2010, in Case No. 07CW219, in the District Court in and for Water Division 5. Subsequent decrees awarding findings of diligence: July 23, 2017, in Case No. 2016CW3134, in the District Court in and for Water Division 5. Legal description: A point in the SW 1/4 of the NW 1/4 of Section 10, Township 6 South, Range 92 West of the 6th P.M., at a point approximately 2,320 feet south of the North Section line and 471 feet east of the West Section line of said Section 10. Source: Alluvial groundwater tributary to the Colorado River. Appropriation date: December 1, 2007. Amount: Conditional portion: 0.73 c.f.s. of the 1 c.f.s., instantaneous, and 133.91 acre-feet of the 140 acre-feet, annually, for irrigation use; and the entire 1 c.f.s., instantaneous, and 140 acre-feet, annually, for municipal use. Absolute portion: 120 g.p.m./0.27 c.f.s., instantaneous, and 6.09 acre-feet of the 140 acre-feet, annually, for irrigation use made absolute in Case No. 2016CW3134, in the District Court in and for Water Division 5. Uses: Irrigation and municipal uses. Place of use: Applicant's potential future water service area. Depth: 50 feet. Remarks: The Silt Well No. 4 is permitted under Division of Water Resources Permit No. 78540-F. The Silt Well No. 4 is operated by Camp Colorado River, LLC under an agreement with Applicant. The decreed point of diversion is located on a parcel of land owned by Camp Colorado River, LLC

and known as Garfield County Assessor's Parcel Number 2179-102-00-008. The Silt Well No. 4 operates pursuant to the plan for augmentation approved in Case No. 07CW219, as amended in Case No. 13CW52, and Bureau of Reclamation Contracts Nos. 099D6C0147 and 099D6C0149. Claim for diligence: Applicant requests a finding of diligence for 0.73 c.f.s. of the 1 c.f.s., conditional, instantaneous, and 133.91 acre-feet of the 140 acre-feet, annually, for irrigation use by the Silt Well No. 4; and the entire 1 c.f.s., conditional, instantaneous, and 140 acre-feet, annually, for municipal use by the Silt Well No. 4. **FOURTH CLAIM - APPLICATION FOR FINDING OF REASONABLE DILIGENCE.** Name of structure: *Silt/Last Chance Ditch - Lower Cactus Valley Ditch Exchange*. Date of original decree: October 11, 2010, in Case No. 07CW219, in the District Court in and for Water Division 5. Subsequent decrees awarding findings of diligence: July 23, 2017, in Case No. 2016CW3134, in the District Court in and for Water Division 5. Exchange reach location: The exchange reach is within the Colorado River between the following termini: Upper Terminus: The Lower Cactus Valley Ditch point of diversion, which is located in the SE 1/4 of the SE 1/4 of Section 5, Township 6 South, Range 91 West of the 6th P.M., at a point approximately 565 feet north of the South section line and 390 feet west of the East Section line of said Section 5. Lower Terminus: The Last Chance Ditch point of diversion, which is located in the NE 1/4 of the SE 1/4 of Section 10, Township 6 South, Range 92 West of the 6th P.M. at a point approximately 1,475 feet north of the South section line and 950 feet west of the East Section line of said Section 10. Appropriation date: December 14, 2007. Rate of Exchange: 3.033 c.f.s., conditional. Uses: Irrigation and municipal uses. Operation of Exchange: Water is diverted at the Lower Cactus Valley Ditch, as an alternate point of diversion for the Last Chance Ditch pursuant to the change of water right approved for the Last Chance Ditch in Case No. 07CW219. Claim for diligence: Applicant requests a finding of diligence for 3.033 c.f.s., conditional, for the Silt/Last Chance Ditch - Lower Cactus Valley Ditch Exchange for irrigation and municipal uses. Names and addresses of owners of land upon which structures are located: Silt Well No. 2: Silt 70 LLC, 10106 W. San Juan Way, Suite 205, Littleton CO 80127. Silt Well No. 3: Red Horse LLC, 16064 County Road 8, Meeker CO 81641. Silt Well No. 4: Camp Colorado River LLC, P.O. Box 5050, Eagle CO 81631. Integrated Water System. The Silt Wells No. 2, 3, and 4, and the Silt/Last Chance Ditch - Lower Cactus Valley Ditch Exchange water rights are component parts of the integrated water system of the Applicant, Town of Silt. The integrated nature of the Town of Silt's water system was decreed in Case No. 2016CW3134. Pursuant to C.R.S. §37-92-301(4)(b), when an integrated water system is comprised of several features, 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. The following exhibits are on file with the Water Court: Map depicting the location of the structures (Exhibit A), Map of Applicant's potential future water service area (Exhibit B), a detailed outline of what has been done toward completion of the appropriation and application to beneficial use of the water rights, including expenditures (Exhibit C), and Silt Well No. 4 Division of Water Resources Permit No. 78540-F (Exhibit D) (pp. 23 with exhibits)

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

22CW3010 PITKIN COUNTY – COLORADO RIVER OR ITS TRIBUTARIES. Sopris Mountain Ranch Homeowners' Association, Inc., c/o Paul L. Noto, Esq. and John M. Sittler, Esq., Patrick, Miller & Noto, P.C., 229 Midland Ave, Basalt, CO 81621 (970) 920-1030. AMENDED APPLICATION FOR ABSOLUTE AND CONDITIONAL SURFACE WATER RIGHTS. This Amended Application revises the location of the Middle Spring to instead claim the Middle Spring Collection System on private land within Applicant's homeowners association. **First Claim: For Absolute and Conditional Surface Water Right.** Name of structure: Elk Wallow Spring. Description of water right: Legal description: In the SW ¼ of the SW ¼ of Section 34, Township 8 South, Range 87 West of the 6th P.M., Pitkin County, Colorado. UTM Coordinates NAD 83, Zone 13N: Easting: 318825, Northing: 4352978. A map is on file with the Court as Exhibit A. Source: **Surface water, including discharge from springs, snowmelt, and local runoff, of an unnamed tributary of Dry Creek, tributary to West Sopris Creek, tributary to Sopris Creek, tributary to the Roaring Fork River, tributary to the Colorado River.** Dates of appropriation: October 10, 1951 for uses under the Pearson Ditch. May 1, 2003 for additional uses on Sopris Mountain Ranch Lot 33. May 1, 2007 for additional uses on Sopris Mountain Ranch Lot 34. May 1, 2012 for additional uses on Sopris Mountain Ranch Lot 35. May 1, 2006 for additional uses on Sopris Mountain Ranch Lot 36. November 2, 2007 for additional uses on Sopris Mountain Ranch Lots 32, 37, 40, 41, 42, 45, 49, 50, and 51. How appropriation was initiated: Intent to appropriate, construction of the Pearson Ditch and application of the spring water to beneficial use, inspection of the spring and clearing of debris and ground channeling to facilitate flow into the ditch; and additionally for the later appropriations, construction of piping from the Pearson Ditch to the respective irrigated areas, construction of irrigation systems and water storage facilities for fire protection, and application of water to beneficial use. For additional uses on Sopris Mountain Ranch Lots 32, 37, 40, 41, 42, 45, 49, 50, and 51, intent to appropriate and filing of Case No. 07CW196, Division 5 Water Court. Date water applied to beneficial use: October 10, 1951 for uses under the Pearson Ditch. May 1, 2003 for additional uses on Sopris Mountain Ranch Lot 33. May 1, 2007 for additional uses on Sopris Mountain Ranch Lot 34. May 1, 2012 for additional uses on Sopris Mountain Ranch Lot 35. May 1, 2006 for additional uses on Sopris Mountain Ranch Lot 36. N/A for additional uses on Sopris Mountain Ranch Lots 32, 37, 40, 41, 42, 45, 49, 50, and 51.

Amount: 0.25 c.f.s., absolute for use under the Pearson Ditch and on Sopris Mountain Ranch Lots 30, 31, 33-36; 0.25 c.f.s., conditional, for additional uses on Sopris Mountain Ranch Lots 32, 37, 40, 41, 42, 45, 49, 50, and 51. Uses: Irrigation, wildlife watering, livestock watering, and fire protection. If irrigation, complete the following: Number of acres historically irrigated: approximately 0.75 acre on each of lots 33-35, and 2 acres on lot 36. Number of acres intended to be irrigated: 0.25 acres on Lots 32, 37, 40, 41, 42, 49, 50, and 51. The approximate locations of the lots are shown on the map on file with the Court as Exhibit B. Water from the Elk Wallow Spring historically supplemented flows in the Pearson Ditch and irrigated approximately 25 acres as shown on the map on file with the Court as Exhibit C. If non-irrigation, describe purpose fully: Wildlife watering, livestock watering, and fire protection. Relation back of filing date: Under C.R.S. § 37-92-306.1 (2021), the filing date for this application relates back to December 15, 2021, which is the date a prior application was filed by Blue Cabin LLC in Case No. 21CW3146 involving the same source of water and the same point of diversion as the water right in this claim. Applicant filed a timely statement of opposition to Case No. 21CW3146 and filed this application within 60 days of the prior application. Blue Cabin LLC owns the land upon which the Elk Wallow Spring is located. Mountain Paradise, LLC; Richard and Sally Russo, Pattie Bernard and Collier Weiner, David and Cynthia Culpepper, Steven Lue, Mountain Wildflower LP, Austin Fam Trust, Tomcat Ranch Holdings LLC, Kathryn Roberts, Blue Cabin LLC, Morgan Michael and Deidre Whitcomb, Keysha Bailey and Joseph Deery, Bonnie M. Kloosterman Trust, Armen Malikian, and Richard V. Filippini Trust own the land upon which the water is or will be put to beneficial use. **Second Claim: For Absolute and Conditional Surface Water Right.** Name of structure: Middle Spring Collection System. Description of water rights: Legal description: In the SW ¼ SW ¼ Section 34, Township 8 South, Range 87 West of the 6th P.M. (Pitkin County). UTM Coordinates NAD 83, Zone 13N: Easting: 318818, Northing: 4352946. GPS: 39.30696, -107.10139 A map is on file with the Court as Exhibit A. Source: Unnamed tributaries of Dry Creek, tributary to West Sopris Creek, tributary to Sopris Creek, tributary to the Roaring Fork River, tributary to the Colorado River. Dates of appropriation: October 10, 1951 for uses under the Pearson Ditch. May 1, 2003 for additional uses on Sopris Mountain Ranch Lot 33. May 1, 2007 for additional uses on Sopris Mountain Ranch Lot 34. May 1, 2012 for additional uses on Sopris Mountain Ranch Lot 35. May 1, 2006 for additional uses on Sopris Mountain Ranch Lot 36. November 2, 2007 for additional uses on Sopris Mountain Ranch Lots 32, 37, 40, 41, 42, 45, 49, 50, and 51. How appropriation was initiated: Intent to appropriate, construction of the Pearson Ditch and application of the spring water to beneficial use, inspection of the spring and clearing of debris and ground channeling to facilitate flow into the ditch; and additionally for the later appropriations, construction of piping from the Pearson Ditch to the respective irrigated areas, construction of irrigation systems and water storage facilities for fire protection, and application of water to beneficial use. For additional uses on Sopris Mountain Ranch Lots 32, 37, 40, 41, 42, 45, 49, 50, and 51, intent to appropriate and filing of Case No. 07CW196, Division 5 Water Court. Date water applied to beneficial use: October 10, 1951 for uses under the Pearson Ditch. May 1, 2003 for additional uses on Sopris Mountain Ranch Lot 33. May 1, 2007 for additional uses on Sopris Mountain Ranch Lot 34. May 1, 2012 for additional uses on Sopris Mountain Ranch Lot 35. May 1, 2006 for additional uses on Sopris Mountain Ranch Lot 36. N/A for additional uses on Sopris Mountain Ranch Lots 32, 37, 40, 41, 42, 45, 49, 50, and 51. Amount: 1.0 c.f.s., absolute for use under the Pearson Ditch and on Sopris Mountain Ranch Lots 33-36; 1.0 c.f.s., conditional, for additional uses on Sopris Mountain Ranch Lots 30, 31, 32, 37, 40, 41, 42, 45, 49, 50, and 51. Uses: Irrigation, wildlife watering, livestock watering, and fire protection. If irrigation, complete the following: Number of acres historically irrigated: approximately 0.75 acre on each of lots 33-35 and 2 acres on lot 36 Number of acres intended to be irrigated: 0.25 acres on Lots 32, 37, 40, 41, 42, 49, 50, and 51. The approximate locations of the lots are shown on the map on file with the Court as Exhibit B. Water from the Middle Spring historically supplemented flows in the Pearson Ditch and irrigated approximately 25 acres as shown on the map on file with the Court as Exhibit C. If non-irrigation, describe purpose fully: Wildlife watering, livestock watering, and fire protection. Relation back of filing date: Under C.R.S. § 37-92-306.1, the filing date for this application relates back to December 15, 2021, which is the date a prior application was filed by Blue Cabin LLC in Case No. 21CW3146 involving the same source of water and the same point of diversion as the water right in this claim. Applicant filed a timely statement of opposition to Case No. 21CW3146 and filed this application within 60 days of the prior application. Blue Cabin LLC owns the land upon which the Middle Spring Collection System is located. Mountain Paradise, LLC; Richard and Sally Russo, Pattie Bernard and Collier Weiner, David and Cynthia Culpepper, Steven Lue, Mountain Wildflower LP, Austin Fam Trust, Tomcat Ranch Holdings LLC, Kathryn Roberts, Blue Cabin LLC, Morgan Michael and Deidre Whitcomb, Keysha Bailey and Joseph Deery, Bonnie M. Kloosterman Trust, Armen Malikian, and Richard V. Filippini Trust own the land upon which the water is or will be put to beneficial use

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22CW3130 PITKIN COUNTY, COLORADO, COLORADO RIVER OR ITS TRIBUTARIES. Mainland Ranch P1, LLC, c/o Paul L. Noto, Esq. and John M. Sittler, Esq., Patrick, Miller & Noto, P.C., 229 Midland Ave, Basalt, CO 81621, (970) 920-1030. APPLICATION FOR STORAGE WATER RIGHTS AND APPROVAL OF PLAN FOR AUGMENTATION INCLUDING EXCHANGE. The Amended Application adds the Four Suns Dewatering Well Nos. 1-4 as fill sources for the Four Suns Fishery Pond

Nos. 1 and 2 and revises the claimed plan for augmentation. The amount of required augmentation water under the plan will not change although this amendment revises the timing of augmentation releases. **First Claim: For Conditional Storage Water Right.** Name of structure: Four Suns Fishery Pond No. 1. Legal description: Legal description: The outlet of Four Suns Fishery Pond No. 1 is located in the NE ¼ NE ¼ of Section 23, Township 9 South, Range 85 West of the 6th P.M. (Pitkin County). UTM NAD83 Z13: Northing – 4347381.20, Easting – 340991.98. A map is on file with the court as Exhibit A. Source: Collins Creek, tributary to Woody Creek, tributary to the Roaring Fork River, tributary to the Colorado River. Name of structures used to fill and capacity in c.f.s.: Collins Creek Sprinkler Diversion at an estimated fill rate of 0.25 c.f.s. The Collins Creek Sprinkler Diversion is located in the NE ¼, NE ¼, NE ¼ of Section 23, T. 9 S., R. 85 W. of the 6th P.M. at a point whence the northeast corner of said section bears N 42°30' E a distance of 640 feet; Four Suns Pond System Diversion at an estimated fill rate of 1.0 c.f.s. The Four Suns Pond System Diversion is located in the NE ¼ NE ¼ of Section 23, Township 9 South, Range 85 West of the 6th P.M. (Pitkin County). UTM NAD83 Z13: Northing – 4347499, Easting - 341192. Four Suns Dewatering Well No. 1 at a fill rate of up to 0.25 c.f.s., cumulative with all Four Suns Dewatering Wells. The Four Suns Dewatering Well No. 1 is located in the NE ¼ NE ¼ of Section 23, Township 9 South, Range 85 West of the 6th P.M. (Pitkin County). UTM NAD83 Z13: Northing – 4347479.5, Easting – 341170.3. Four Suns Dewatering Well No. 2 at a fill rate of up to 0.25 c.f.s., cumulative with all Four Suns Dewatering Wells. The Four Suns Dewatering Well No. 2 is located in the NE ¼ NE ¼ of Section 23, Township 9 South, Range 85 West of the 6th P.M. (Pitkin County). UTM NAD83 Z13: Northing – 4347448.9, Easting – 341119.8. Four Suns Dewatering Well No. 3 at a fill rate of up to 0.25 c.f.s., cumulative with all Four Suns Dewatering Wells. The Four Suns Dewatering Well No. 3 is located in the NE ¼ NE ¼ of Section 23, Township 9 South, Range 85 West of the 6th P.M. (Pitkin County). UTM NAD83 Z13: Northing – 4347330.4, Easting – 340918.1. Four Suns Dewatering Well No. 4 at a fill rate of up to 0.25 c.f.s., cumulative with all Four Suns Dewatering Wells. The Four Suns Dewatering Well No. 4 is located in the NE ¼ NE ¼ of Section 23, Township 9 South, Range 85 West of the 6th P.M. (Pitkin County). UTM NAD83 Z13: Northing – 4347330.4, Easting – 340918.1. Appropriation date: December 29, 2022. How appropriation was initiated: Field inspection, formulation of intent to apply water to beneficial use, development of plans for the pond, and filing of this application. Date water applied to beneficial use: N/A. Amount: 1.29 acre-feet, conditional, with the right to fill and refill in priority or as augmented. Uses: Piscatorial, recreational, aesthetic, and fire protection. Surface area of high water line: 0.27 acre. Vertical height of dam: Less than 10 feet. Length of dam: 220 feet. Total capacity: 1.29 acre-feet. Active capacity: 0.0 acre-feet. Dead storage: 1.29 acre-feet. Remarks: Four Suns Fishery Pond No. 1 is a component part of an integrated water supply project for Applicant's property along with the water rights applied for in this application. Applicant will line Four Suns Fishery Pond No. 1 to prevent interception of groundwater. Applicant will use Four Suns Fishery Pond No. 1 as an irrigation control structure for its interest in the Collins Creek Sprinkler Diversion water rights for irrigation of historically irrigated lands. Applicant owns the land on which the subject water right is located and where the water will be put to beneficial use. **Second Claim: For Conditional Storage Water Right.** Name of structure: Four Suns Fishery Pond No. 2. Legal description: Legal description: The outlet of Four Suns Fishery Pond No. 1 is located in the NE ¼ NE ¼ of Section 23, Township 9 South, Range 85 West of the 6th P.M. (Pitkin County). UTM NAD83 Z13: Northing – 4347325.26, Easting – 340886.46. A map is on file with the court as Exhibit A. Source: Collins Creek, tributary to Woody Creek, tributary to the Roaring Fork River, tributary to the Colorado River. Name of structures used to fill and capacity in c.f.s.: Collins Creek Sprinkler Diversion at an estimated fill rate of 0.25 c.f.s. The Collins Creek Sprinkler Diversion is located in the NE ¼, NE ¼, NE ¼ of Section 23, T. 9 S., R. 85 W. of the 6th P.M. at a point whence the northeast corner of said section bears N 42°30' E a distance of 640 feet; Four Suns Pond System Diversion at an estimated fill rate of 1.0 c.f.s. The Four Suns Pond System Diversion is located in the NE ¼ NE ¼ of Section 23, Township 9 South, Range 85 West of the 6th P.M. (Pitkin County). UTM NAD83 Z13: Northing – 4347499, Easting - 341192. Four Suns Dewatering Well No. 1 at a fill rate of up to 0.25 c.f.s., cumulative with all Four Suns Dewatering Wells. The Four Suns Dewatering Well No. 1 is located in the NE ¼ NE ¼ of Section 23, Township 9 South, Range 85 West of the 6th P.M. (Pitkin County). UTM NAD83 Z13: Northing – 4347479.5, Easting – 341170.3. Four Suns Dewatering Well No. 2 at a fill rate of up to 0.25 c.f.s., cumulative with all Four Suns Dewatering Wells. The Four Suns Dewatering Well No. 2 is located in the NE ¼ NE ¼ of Section 23, Township 9 South, Range 85 West of the 6th P.M. (Pitkin County). UTM NAD83 Z13: Northing – 4347448.9, Easting – 341119.8. Four Suns Dewatering Well No. 3 at a fill rate of up to 0.25 c.f.s., cumulative with all Four Suns Dewatering Wells. The Four Suns Dewatering Well No. 3 is located in the NE ¼ NE ¼ of Section 23, Township 9 South, Range 85 West of the 6th P.M. (Pitkin County). UTM NAD83 Z13: Northing – 4347330.4, Easting – 340918.1. Four Suns Dewatering Well No. 4 at a fill rate of up to 0.25 c.f.s., cumulative with all Four Suns Dewatering Wells. The Four Suns Dewatering Well No. 4 is located in the NE ¼ NE ¼ of Section 23, Township 9 South, Range 85 West of the 6th P.M. (Pitkin County). UTM NAD83 Z13: Northing – 4347330.4, Easting – 340918.1. Appropriation date: December 29, 2022. How appropriation was initiated: Field inspection, formulation of intent to apply water to beneficial use, development of plans for the pond, and filing of this application. Date water applied to beneficial use: N/A. Amount: 2.65 acre-feet, conditional, with the right to fill and refill in priority or as augmented. Uses: Piscatorial, recreational, aesthetic, and fire protection. Surface area of high water line: 0.38 acre. Vertical height of dam: Less than 10 feet. Length of dam: 175 feet. Total capacity: 2.65 acre-feet. Active capacity: 0.0 acre-feet. Dead storage: 2.65 acre-feet. Remarks: Four Suns Fishery Pond No. 2 is a component part of an integrated water supply project for Applicant's property along with the water rights applied for in this application. Applicant will line Four Suns Fishery Pond No. 2 to prevent interception of groundwater. Applicant will use Four Suns Fishery Pond No. 2 as an irrigation control structure for its interest in the Collins Creek Sprinkler Diversion water rights for irrigation of historically irrigated lands. Applicant owns the land on which the subject water right is located and where the water will be put to beneficial use. **Third Claim: For Conditional Storage Water Right.** Name of structure: Four Suns Augmentation Pond No. 1. Legal description: The outlet of Four Suns Augmentation Pond No. 1 is located in the NE ¼ NE ¼ of Section 23, Township 9 South, Range 85 West of the 6th P.M. (Pitkin County). UTM NAD83 Z13: Northing – 4347482.35, Easting – 341147.07. A map is on file with the court as Exhibit A. Source: Collins Creek, tributary to Woody Creek, tributary to the Roaring Fork River, tributary to the

Colorado River. Name of ditches used to fill and capacity in c.f.s.: Four Suns Pond System Diversion at an estimated fill rate of 1.0 c.f.s. The Four Suns Pond System Diversion is located in the NE ¼ NE ¼ of Section 23, Township 9 South, Range 85 West of the 6th P.M. (Pitkin County). UTM NAD83 Z13: Northing – 4347499, Easting – 341192. Appropriation date: December 29, 2022. How appropriation was initiated: Field inspection, formulation of intent to apply water to beneficial use, development of plans for the pond, and filing of this application. Date water applied to beneficial use: N/A. Amount: 1.25 acre-feet, conditional, with the right to fill and refill in priority or as augmented. Uses: Aesthetic, recreation, fire protection, and augmentation. Surface area of high water line: 0.19 acre. Vertical height of dam: Less than 10 feet. Length of dam: 285 feet. Total capacity: 1.25 acre-feet. Active capacity: 1.14 acre-feet. Dead storage: 0.11 acre-feet. Remarks: Four Suns Augmentation Pond No. 1 is a component part of an integrated water supply project for Applicant's property along with the water rights applied for in this application. Applicant will line Four Suns Augmentation Pond No. 1 to prevent interception of groundwater. Applicant owns the land on which the subject water right is located and where the water will be put to beneficial use. **Fourth Claim: For Conditional Storage Water Right.** Name of structure Four Suns Augmentation Pond No. 2. Legal description: The outlet of Four Suns Augmentation Pond No. 2 is located in the NE ¼ NE ¼ of Section 23, Township 9 South, Range 85 West of the 6th P.M. (Pitkin County). UTM NAD83 Z13: Northing – 4347444.88, Easting – 341098.20. A map is on file with the court as Exhibit A. Source: Collins Creek, tributary to Woody Creek, tributary to the Roaring Fork River, tributary to the Colorado River. Name of ditches used to fill and capacity in c.f.s.: Four Suns Pond System Diversion at an estimated fill rate of 1.0 c.f.s. The Four Suns Pond System Diversion is located in the NE ¼ NE ¼ of Section 23, Township 9 South, Range 85 West of the 6th P.M. (Pitkin County). UTM NAD83 Z13: Northing – 4347499, Easting – 341192. Appropriation date: December 29, 2022. How appropriation was initiated: Field inspection, formulation of intent to apply water to beneficial use, development of plans for the pond, and filing of this application. Date water applied to beneficial use: N/A. Amount: 1.69 acre-feet, conditional, with the right to fill and refill in priority or as augmented. Uses: Aesthetic, recreation, fire protection, and augmentation. Surface area of high water line: 0.24 acre. Vertical height of dam: Less than 10 feet. Length of dam: 265 feet. Total capacity: 1.69 acre-feet. Active capacity: 1.54 acre-feet. Dead storage: 0.15 acre-feet. Remarks: Four Suns Augmentation Pond No. 2 is a component part of an integrated water supply project for Applicant's property along with the water rights applied for in this application. Applicant will line Four Suns Augmentation Pond No. 2 to prevent interception of groundwater. Applicant owns the land on which the subject water right is located and where the water will be put to beneficial use. **Fifth Claim: For Approval of Plan for Augmentation.** Names of structures to be augmented: Four Suns Fishery Pond No. 1, as described in the First Claim. Four Suns Fishery Pond No. 2, as described in the Second Claim. Four Suns Augmentation Pond No. 1, as described in the Third Claim. Four Suns Augmentation Pond No. 2, as described in the Fourth Claim. Water Rights to be used for augmentation: Basalt Water Conservancy District ("BWCD") Allotment Contract from the sources described in paragraph 19.A of the application. Four Suns Augmentation Pond No. 1, as described in the Third Claim. Four Suns Augmentation Pond No. 2, as described in the Fourth Claim. Complete statement of plan for augmentation: Background: Applicant recently purchased its property on Collins Creek and is developing a water supply plan for the property. The pond system will comprise of the Four Suns Fishery Pond Nos. 1 and 2 and the Four Suns Augmentation Pond Nos. 1 and 2. The ponds will include a recirculation feature from Fishery Pond No. 2 to Fishery Pond No. 1 to assist with fish habitat and aesthetics. Additionally, Applicant will install dewatering wells below each of the ponds to relieve upward pressure on the pond liners and provide cold water replacement flows to the fishery ponds. Applicant's engineer included the surface area of the connecting ditches as shown in Exhibit C, Table C-1. The surface area of the Four Suns Fishery Pond Nos. 1 and 2 and connecting ditches is 0.77 acre, including a 3.6 percent buffer. The surface area of the Four Suns Augmentation Pond Nos. 1 and 2 and connecting ditches is 0.49 acre. Applicant's plan for augmentation will replace evaporative depletions from all ponds and ditches during a Colorado River mainstem call and use the two augmentation ponds to replace depletions from the fishery ponds and their connecting ditches during a local call to allow those ponds to remain full. The Fishery Pond Nos. 1 and 2 will also be topped off from the dewatering wells located below each pond. Water requirements: Tables describing the total water depletions for the Four Suns Fishery Pond Nos. 1 and 2 and the Four Suns Augmentation Pond Nos. 1 and 2, and their connecting ditches, are attached as Exhibit C, Tables C-1 and C-2. Monthly distribution and calculation of gross annual water feature evaporation is in accordance with the State Engineer's Office General Guidelines for Substitute Water Supply Plans for Sand and Gravel Pits. The annual gross free water surface evaporation is 37 inches based on NOAA Technical Report NWS 33. Applicant's engineer calculated the maximum annual evaporation from the Four Suns Fishery Pond Nos. 1 and 2 and connecting ditches as 2.23 acre-feet as shown on Table 1, Column 6(c); and the Four Suns Augmentation Pond Nos. 1 and 2 and connecting ditches as 1.42 acre-feet, as shown on Table 1, Column 5(c). Evaporation is 100 percent consumptive. Applicant's engineer conservatively assumed an ice-covered period from December through February. Applicant's engineer calculated the lagged depletions from the Four Suns Dewatering Well Nos. 1-4 that will be used to top off the Four Suns Fishery Pond Nos. 1 and 2. Applicant is only augmenting out-of-priority evaporative depletions from the ponds so the total amount of required augmentation water does not increase, but the timing of the depletions is modified through the lagging of dewatering well depletions. The map attached as Exhibit D shows the Four Suns Dewatering Well Nos. 1-4 locations and the Glover analysis parameters. The Dewatering Well lagged diversions are accounted for in Exhibit C, Table C-1, Column 6(b) and Dewatering Well return flows are shown in Table C-1, Column 6(d). Return flow from the dewatering wells will accrue back to Collins Creek within 24 hours. Factoring in the lagging from the Four Suns Dewatering Well Nos. 1-4, total net stream depletions is estimated at 6.39 acre-feet for Four Suns Fishery Pond Nos. 1 and 2 and connecting ditches. Applicant's engineer calculated total depletions for Four Suns Augmentation Pond Nos. 1 and 2, including connecting ditches as 1.42 acre-feet. Downstream call: During free river conditions or during an augmented Colorado mainstem call, Applicant will divert water at the Four Suns Pond System Diversion. This water will fill Four Suns Augmentation Pond Nos. 1 and 2 before flowing down the interconnecting ditch to fill Four Suns Fishery Pond Nos. 1 and 2. If the calling water right is below the confluence of the Roaring Fork and Fryingpan Rivers, Applicant will augment the out-of-priority depletions from all ponds by using water rights owned or controlled by the BWCD, as described above. Applicant holds BWCD Contract

No. 815 for 2.40 acre-feet of water annually. The contract will cover evaporative depletions from the ponds and connection ditches during a Colorado River mainstem call, which Applicant's engineer estimated at 1.98 acre-feet per year, including transit loss. The augmentation will be administered through the Four Suns Exchanges, applied for below. The attached Table C-1 outlines an augmentation schedule for a downstream call, such as the Cameo Call. Applicant's engineer assumed a Colorado mainstem call for April, 15 days in May and June, July through October, and 15 days in November. Applicant's BWCD Contract will cover a Colorado mainstem call for April and 15 days in May and June for the Four Suns Augmentation Pond Nos. 1 and 2. If a mainstem call on the Colorado River occur outside these months, Applicant will curtail diversions into the ponds. If there is water in the Four Suns Augmentation Pond Nos. 1 and 2 during a mainstem call outside those months, Applicant may also release water to offset evaporative depletions from the Four Suns Fishery Pond Nos. 1 and 2. Applicant may also use the Four Suns Dewatering Well Nos. 1-4 to fill Four Suns Fishery Pond Nos. 1 and 2. Applicant's engineer factored in the lagged depletions from this filling as shown in Table C-1. Local call: In the event of a call on Collins Creek, Woody Creek, or the Roaring Fork River above the confluence with the Fryingpan River, Applicant will curtail all diversions into the Four Suns Augmentation Pond Nos. 1 and 2 by shutting the headgate at the Four Suns Pond System Diversion. Applicant will release water from Four Suns Augmentation Pond Nos. 1 and 2 via a low-level outlet in Pond No. 2 that replaces water directly back to Collins Creek. Applicant will divert a like amount of water at the Collins Creek Sprinkler Diversion or Four Suns Dewatering Well Nos. 1-4 to replace evaporative losses in the Four Suns Fishery Pond Nos. 1 and 2. Applicant will continue to divert water at the Collins Creek Sprinkler Diversion or Four Suns Dewatering Well Nos. 1-4 to replace evaporation in the Four Suns Fishery Pond Nos. 1 and 2 so long as that volume can be replaced through releases to Collins Creek. Applicant's engineer conservatively assumed a local call period of June through October and half of November. Factoring in lagged depletions from the Four Suns Dewatering Well Nos. 1-4, the Four Suns Augmentation Pond Nos. 1 and 2 may be required to release up to 1.58 acre-feet per year during a local call. The attached Table C-2 outlines a local call augmentation schedule. **Sixth Claim: For Conditional Exchange Project.** Name of structure: Four Suns Green Mountain Exchange Project. Location of downstream terminus: 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 of the 6th P.M. (Garfield County, UTM NAD83 Z13 coordinates: Northing – 4380346, Easting – 299776). Location of upstream terminus: The Four Suns Pond System Diversion, located in the NE ¼ NE ¼ of Section 23, Township 9 South, Range 85 West of the 6th P.M. (Pitkin County). UTM NAD83 Z13: Northing – 4347499, Easting – 341192. A map is on file with the court as Exhibit B. Source: The water rights in Green Mountain Reservoir owned or controlled by the BWCD and for which Applicant is in the process of applying for an Allotment Contract for the use of, as described in paragraph 19.A of the application. Appropriation date: December 29, 2022. How appropriation was initiated: Formulation of intent to apply water to beneficial use, application to the BWCD for an Allotment Contract, and filing of this application. Date water applied to beneficial use: N/A. Amount: 0.012 c.f.s., with a volumetric limit of 1.78 acre-feet per year, cumulative between all Four Suns Exchange Projects. Remarks: All Four Suns Exchange Projects utilize the same BWCD contract, include a portion of the Roaring Fork River, Woody Creek, and Collins Creek, and have an upstream terminus at the Four Suns Pond System Diversion. Operation of an exchange with a lower terminus shall be considered operation of any other exchanges that are wholly contained within the longer exchange reach. For example, operation of the Four Suns Green Mountain Exchange Project shall be considered operation of both the Four Suns Fryingpan Exchange Project and Four Suns Robinson Ditch Exchange Project. **Seventh Claim: For Conditional Exchange Project.** Name of structure: Four Suns Fryingpan Exchange Project. Location of downstream terminus: The confluence of the Roaring Fork and Fryingpan Rivers, located in the SW ¼ SE ¼ of Section 7, Township 8 S., Range 86 W. of the 6th P.M. (Eagle and Pitkin Counties, UTM NAD83 Z13 coordinates: Northing – 4359437, Easting – 324739). Location of upstream terminus: The Four Suns Pond System Diversion, located in the NE ¼ NE ¼ of Section 23, Township 9 South, Range 85 West of the 6th P.M. (Pitkin County). UTM NAD83 Z13: Northing – 4347499, Easting – 341192. A map is on file with the court as Exhibit B. Source: The water rights on the Fryingpan River owned or controlled by the BWCD and for which Applicant is in the process of applying for an Allotment Contract for the use of, as described in paragraph 19.A of the application. Appropriation date: December 29, 2022. How appropriation was initiated: Formulation of intent to apply water to beneficial use, application to the BWCD for an Allotment Contract, and filing of this application. Date water applied to beneficial use: N/A. Amount: 0.012 c.f.s., with a volumetric limit of 1.78 acre-feet per year, cumulative between all Four Suns Exchange Projects. Remarks: All Four Suns Exchange Projects utilize the same BWCD contract, include a portion of the Roaring Fork River, Woody Creek, and Collins Creek, and have an upstream terminus at the Four Suns Pond System Diversion. Operation of an exchange with a lower terminus shall be considered operation of any other exchanges that are wholly contained within the longer exchange reach. For example, operation of the Four Suns Green Mountain Exchange Project shall be considered operation of both the Four Suns Fryingpan Exchange Project and Four Suns Robinson Ditch Exchange Project. **Eighth Claim: For Conditional Exchange Project.** Name of structure: Four Suns Robinson Ditch Exchange Project. Location of downstream terminus: The point of diversion as decreed is located on the North bank of the Roaring Fork River one-half mile below the mouth of Sopris Creek in Section 11, T.8 S., R. 87 West, 6th P.M. (Eagle County, UTM NAD83 Z13 coordinates: Northing – 4359863, Easting – 321622). Location of upstream terminus: The Four Suns Pond System Diversion, located in the NE ¼ NE ¼ of Section 23, Township 9 South, Range 85 West of the 6th P.M. (Pitkin County). UTM NAD83 Z13: Northing – 4347499, Easting – 341192. A map is on file with the court as Exhibit B. Source: The water rights in the Robinson Ditch owned or controlled by the BWCD and for which Applicant is in the process of applying for an Allotment Contract for the use of, as described in paragraph 19.A of the application. Appropriation date: December 29, 2022. How appropriation was initiated: Formulation of intent to apply water to beneficial use, application to the BWCD for an Allotment Contract, and filing of this application. Date water applied to beneficial use: N/A. Amount: 0.012 c.f.s., with a volumetric limit of 1.78 acre-feet per year, cumulative between all Four Suns Exchange Projects. Remarks: All Four Suns Exchange Projects utilize the same BWCD contract, include a portion of the Roaring Fork River, Woody Creek, and Collins Creek, and have an upstream terminus at the Four Suns Pond System Diversion. Operation of an exchange with a lower terminus shall be considered

operation of any other exchanges that are wholly contained within the longer exchange reach. For example, operation of the Four Suns Green Mountain Exchange Project shall be considered operation of both the Four Suns Fryingpan Exchange Project and Four Suns Robinson Ditch Exchange Project.

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