

DIVISION 5 WATER COURT- JUNE 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 JUNE 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.*

23CW3072 (17CW3000), (09CW77), (97CW283). DISTRICT COURT, WATER DIVISION NO. 5, STATE OF COLORADO, 109 8th Street, Suite 104, Glenwood Springs, CO 81601. CONCERNING THE APPLICATION FOR WATER RIGHTS OF THE TOWN OF BRECKENRIDGE IN THE BLUE RIVER AND ITS TRIBUTARIES IN SUMMIT COUNTY, COLORADO. APPLICATION TO MAKE CONDITIONAL WATER RIGHT ABSOLUTE AND FOR FINDING OF REASONABLE DILIGENCE. 1. Name, address, and telephone number of Applicant: Town of Breckenridge, c/o James Phelps, Public Works Director, PO Box 168, Breckenridge, CO. 80424, (970) 453-3181. Direct all pleadings to: Glenn E. Porzak, Porzak Law, LLC, 1111 Spruce Street, Suite 303, Boulder, CO. 80302, (303) 589-0909. 2. Name of Structure: Miners Creek Ditch. 3. Description of Conditional Water Right for which a Finding of Reasonable Diligence is Sought: Miners Creek Ditch: This water right was decreed by the District Court in and for Water Division No. 5 ("Water Court") in Case No. 97CW283, for 2.0 cfs, conditional, with a May 18, 1995 appropriation date to increase exchange potential on the upper Blue River, in the reach upstream of Dillon Reservoir to the confluence of the Blue River and North Barton Gulch, to enable the exchange of water under other water rights and exchanges for domestic, municipal, commercial, industrial, fire protection, irrigation, recreation, fish and wildlife propagation, reservoir evaporation and augmentation purposes. The Miners Creek Ditch diversion is located on the East Fork of Miners Creek in the SW1/4 NW1/4 of Section 14, Township 6 South, Range 78 West of the 6th P.M., Summit County, Colorado, at a point 1,000 feet from the west section line and 1,400 feet from the north section line of said Section 14. The Miners Creek Ditch runs approximately 2,400 feet in an easterly direction where it discharges into a tributary of North Barton Gulch, which in turn discharges into the Blue River. A map of the Miners Creek Ditch is attached hereto as Exhibit A. 4. Detailed Description of Work Done Toward Completion of the Project and Application of Water to Beneficial Use: During the diligence period, Breckenridge has been involved in a variety of activities toward the completion of the subject conditional water right. Breckenridge has previously obtained a special use permit from the U.S. Forest Service for the Miners Creek Ditch; designed, constructed and maintained the Miners Creek Ditch; and has diverted the Miners Creek Ditch water right. Breckenridge also previously spent in excess of \$2.4 million on the design, permitting and secular of the diversions for a second water treatment plant located in the Farmers Korner area, and adjudicated an application for water rights, change of water rights, and approval of a plan for augmentation in Water Court Case No. 13CW3094 for these diversions. These diversions and treatment plant form portions of Breckenridge's integrated municipal water system which are used in connection with water diverted by the Miners Creek Ditch. Additionally, Breckenridge has expended additional fees for engineering and legal services in developing, defending, and protecting the subject water right, and the maintenance, development, and protection of its integrated system and portfolio of water rights. 5. Application of Water to a Beneficial Use: On October 24, 2017, October 24, 2019, and again on September 26, 2022, Breckenridge diverted the entire 2.0 cfs decreed to the Miners Creek Ditch and applied said water to its decreed beneficial uses. Diversion also occurred in June 2017, 2018, 2020, and 2021. 6. Ownership: The Miners Creek Ditch diversion is located in the Arapahoe National Forest on land owned by the United States of America. A special use permit was obtained from the U.S. Department of Agriculture Forest Service for the Miners Creek Ditch on September 14, 2010. The address of the Forest Service is USDA Forest Service, White River National Forest, Dillon Ranger District, 680 Blue River Parkway, Silverthorne, CO. 80498. WHEREFORE, Breckenridge requests the 2.0 cfs of the Miners Creek Ditch be made absolute for all of its decreed purposes and that a finding of reasonable diligence be entered for any portion of the Miners Creek Ditch described in paragraph 3 above not be made absolute.

YOU ARE HEREBY NOTIFIED THAT YOU HAVE until the last day of AUGUST 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 JUNE 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.*

23CW3073 PITKIN COUNTY, Application for Findings of Reasonable Diligence. Applicant: Bismarck Bluffs LLC; *please direct all correspondence to Applicants' attorneys: Mary Elizabeth Geiger, Garfield & Hecht, P.C., 910 Grand Avenue, Suite 201, Glenwood Springs, CO 81601, (970)947-1936, megeiger@garfieldhecht.com.* The Applicant requests findings of reasonable diligence with regard to the following water rights: **Blattberg Pond First Enlargement**: *Type: Reservoir. Description of conditional water right.* Original decree: Case No. 93CW246, Division 5 Water Court, May 19, 1996. Subsequent diligence decree: Case No. 02CW127, September 3, 2002, Case No. 09CW141, January 30, 2011, and Case No. 17CW3013, June 18, 2017, Division 5 Water Court. *Original decreed legal description*: SE ¼, SW ¼ of Section 18, Township 11 South, Range 84 West of the 6th P.M., at a point 2,400 feet from the west section line and 1,250 feet from the south section line of said Section 18, in Pitkin County, Colorado. See Figure 1 submitted with the application. *Source*: **Blattberg Spring Area, to be diverted through the Blattberg Spring Area Feeder Ditch, and from Castle Creek, to be diverted through the DRC Castle Creek Pump and Pipeline. Both the Blattberg Spring Area and the DRC Castle Creek Pump and Pipeline are tributary to the Roaring Fork River, tributary to the Colorado River and are further described as follows: Blattberg Spring Area Feeder Ditch:**

0.10 c.f.s., NE ¼, SW ¼ of Section 18 (protracted), Township 11 South, Range 84 West of the 6th P.M., at a point 2,310 from the west section line and 1,540 feet from the south section line of said Section 18. DRC Castle Creek Pump and Pipeline: 0.10 c.f.s., SE ¼, SW ¼ of Section 18 (protracted), Township 11 South, Range 84 West of the 6th P.M., at a point 2,400 feet from the west section line and 350 feet from the south section line of said Section 18. *Appropriation date:* June 17, 1993. *Amount:* 1.75 acre-feet, conditional, to be diverted at a cumulative rate of flow of 0.10 c.f.s. from the Blattberg Spring Area through the Blattberg Spring Area Feeder Ditch, at up to a rate of 0.10 c.f.s., or to be diverted through the DRC Castle Creek Pump and Pipeline from Castle Creek, at up to a rate of 0.10 c.f.s., or to be diverted at a cumulative rate of flow of not to exceed 0.10 c.f.s. from a combination of both sources. *Use:* Irrigation, domestic, aesthetic, piscatorial, augmentation, recreation, and fire protection purposes. The Application includes a detailed description of the work performed during the diligence period and the application of the water rights to beneficial use. (6 pages).

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

23CW3074 GRAND COUNTY. Winter Park Water and Sanitation District, c/o Kent Bosshard, Manager, P.O. Box 7, Winter Park, CO 80482. Applicant is represented by Katie Randall and Kent Whitmer, The Whitmer Law Firm, LLC, P.O. Box 38, Hot Sulphur Springs, CO 80451, (970) 725-3460. APPLICATION FOR FINDING OF REASONABLE DILIGENCE. Name of Structure: Winter Park Water System. Original Decree: August 13, 1986 nunc pro tunc July 14, 1986, Case No., 82CW400, Water Division No. 5. Subsequent Decrees: October 4, 1990 (90CW099); November 5, 1996 (96CW169); February 18, 2004 (02CW291); January 23, 2011 (10CW13); June 18, 2017 (17CW3002); all in Water Division No. 5. Legal Description: **PLSS:** Suspended Section 14, Township 2 South, Range 75 West, 6th P.M., Grand County, Colorado. **UTM:** NAD 83, Zone 13 Northing 4414542 Easting 435505. Source: Fraser River. Appropriation Date: November 4, 1982. Amount: 2.25 c.f.s., conditional. Use: All municipal uses including industrial, recreational and snow making. Owner of Land Where Structure is Located: Applicant. Additional Information: The application and attached exhibit contain additional information and a detailed outline of the work performed during the diligence period (6 pages).

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

23CW3075 (98CW134; 08CW78; 18CW3096) EAGLE COUNTY -KOLORADO RIVER RANCH, LLC ("Applicant"), 7240 W. 98th Terrace Overland Park, Kansas 66212 Telephone: (970) 524-9854 Please direct all correspondence or inquiries regarding this matter to the attorneys for the Applicants: Carolyn F. Burr, Esq., James M. Noble, Esq., Kyle B. Howe, Esq., 1401 Lawrence Street, Suite 1800 Denver, Colorado 80202 Telephone: (303) 830-2500 **APPLICATION FOR CHANGE OF CONDITIONAL WATER RIGHT 2. Decreed Water Right for Which Change is Sought:** A. **Name of Structure:** River Ranch Golf Course Pond No. 3 (the "Subject Water Right") B. **Original and all Subsequent Decrees:** The original decree for the Subject Water Right was entered in Division 5 Case No. 98CW134, on June 24, 2002. The Division 5 Water Court entered decrees finding that the Subject Water Right had been pursued with reasonable diligence in Case No. 08CW78, entered on June 20, 2012, and in Case No. 18CW3096, entered on January 27, 2019. The Subject Water Right remains fully conditional. C. **Legal Description of Structure:** i. Points of Diversion: a. Nelson Ditch Enlargement: At the existing headgate of the Nelson Ditch on the left bank of Horse Creek whence the south quarter corner of Section 6, T. 3 S., R. 86 W., 6th P.M. bears S. 12° 08' W. 1838 feet. The Nelson Ditch diverts water from Horse Creek into Willow Creek. Water diverted into Willow Creek is rediverted from Willow Creek at the existing headgate of the Willow Creek Ditch No. 4, described below. b. Willow Creek No. 4 Ditch Enlargement: At the existing headgate of the Willow Creek No. 4 Ditch on the right bank of Willow Creek whence Angle Point No. 6 of Tract 43, Section 23, T. 3 S., R. 86 W., 6th P.M. bears N. 82° 40' W. 268 feet. c. Wilson and Doll Ditch Enlargement: At the existing headgate of the Wilson and Doll Ditch at a point on Red Dirt Creek 2,400 feet north from the south section line and 1,650 feet west from the east section line of Section 12, T. 3. S., R. 86 W., 6th P.M. d. Nottingham Pump No. 1 Enlargement: At the existing location of the Nottingham Pump No. 1 (a/k/a Nottingham Pump), in the NE ¼ of Section 23, T. 3. S., R. 86 W., 6th P.M., at a point 1180 feet west from the east line and 342 feet south from the north line of said Section 23. e. Nottingham Pump No. 2 Enlargement: At the existing location of the Nottingham Pump No. 2, in the SW ¼ of Section 23, T. 3. S., R. 86 W., 6th

P.M., at a point 2362 feet east from the west line and 297 feet north from the south line of said Section 23. f. River Ranch Pump: At a point on the right bank of the Colorado River in Section 23, T. 3 S., R. 86 W., 6th P.M. located 3800 feet north of the south section line and 2210 feet west of the east section line of said Section 23. ii. Location of Pond: At a point in the NW ¼ of Section 23, T. 3 S., R. 86 W., 6th P.M., 2150 feet south from the north line and 2360 feet east from the west line of said section. D. **Decreed Sources of Water:** Nelson Ditch Enlargement: Horse Creek and Willow Creek, tributaries of the Colorado River; Willow Creek No. 4 Ditch Enlargement: Willow Creek, a tributary of the Colorado River; Wilson and Doll Ditch Enlargement: Red Dirt Creek, a tributary of the Colorado River; Nottingham Pump Nos. 1 and 2 Enlargements and River Ranch Pump: Colorado River. E. **Appropriation Date:** July 30, 1998 F. **Total Amount Decreed to Structure:** 23.25 acre-feet, conditional, with the right to fill and continuously refill to its full capacity as necessary to replace seepage and evaporation loss and releases for beneficial use. The maximum volume of such successive refills is limited to the amount listed above for the initial storage right. G. **Rate of Diversion:** 5 c.f.s. H. **Surface Area:** 3.1 acres I. **Decreed Uses:** Irrigation of up to 384 acres (in combination with other water rights decreed in Case No. 98CW134), domestic, livestock, commercial, recreational, fishery, aesthetic purposes, replacement and augmentation of out-of-priority depletions. J. **Amount of Water That Applicant Intends to Change:** 16 acre-feet of storage. 3. **Description of Proposed Change:** A. Change of Location: Applicant proposes to change the location of the Subject Water Right from the location described in Paragraph 2(C)(ii) above to a location in the NW ¼ SE ¼ of Section 23, T. 3 S., R. 86 W., 6th P.M., the centroid of which is approximately 2,420 feet north from the south line and 1,800 feet west from the east line of said section. A map showing the proposed location is attached hereto as **Exhibit A**. B. Change of Purpose of Use: In addition to the existing decreed uses, Applicant seeks to add geothermal uses to the Subject Water Right. C. Reduction in Storage Amount: Applicant seeks to reduce the decreed storage amount for the Subject Water Right from 23.25 to 16 acre-feet, with the continued right to fill and continuously refill to its full capacity pursuant to the terms of the 98CW134 decree. D. Removal of Certain Points of Diversion: Applicant proposes to remove the Nelson Ditch Enlargement and the Willow Creek Ditch No. 4 Enlargement as authorized points of diversion for the Subject Water Right. The other decreed points of diversion are unchanged. E. Names and addresses of owners of land upon which any new diversion or storage structure, or modification to any existing diversion or storage structure is or will be constructed or upon which water is or will be stored, including any modification to the existing storage pool: All new or modified structures will be located on land owned by Applicant. WHEREFORE, Applicant requests the Court enter a decree approving the requested change of conditional water right, as described herein.

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23CW3076 IN SUMMIT COUNTY, COLORADO. APPLICATION FOR FINDING OF REASONABLE DILIGENCE. Name and address of Applicant: Howard W. Smith and Margaret L. Aldridge, P. O. Box 887, Breckenridge, CO 80424. 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: *Dianthia Well*. Date of original decree: November 5, 1996, in Case No. 96CW108, in the District Court in and for Water Division No. 5. Subsequent decrees awarding findings of diligence: Case No. 02CW318, entered on March 15, 2004; Case No. 10CW56, entered on January 27, 2011; and Case No. 17CW3006 entered on June 18, 2017, all in the District Court in and for Water Division No. 5. Legal description: The Dianthia Well's decreed point of diversion is located in the Southeast 1/4 of the Northwest 1/4 of Section 17, Township 7 South, Range 77 West of the 6th P.M., at a point 1,950 feet from the North line and 1,450 feet from the West line of said Section 17. Source: Groundwater tributary to the Blue River. Appropriation date: February 28, 1994. Amount: 15 g.p.m., of which 7 g.p.m. is conditional and 8 g.p.m. is absolute. In Case No. 10CW56, 8 g.p.m. of the Dianthia Well water right was decreed absolute. Uses: In-house use only for a single-family dwelling. Depth: 115 feet. Remarks: The Dianthia Well is permitted under Well Permit No. 208910. Claim for diligence: Applicant requests a finding of diligence for 7 g.p.m., conditional, for the Dianthia Well for in-house use only for a single-family dwelling. SECOND CLAIM - APPLICATION FOR FINDING OF REASONABLE DILIGENCE. Name of structure: *Halifax Well*. Date of original decree: November 5, 1996, in Case No. 96CW91, in the District Court in and for Water Division No. 5. Subsequent decrees awarding findings of diligence: Case No. 02CW320, entered on March 15, 2004; Case No. 10CW57, entered on April 3, 2011; and Case No. 17CW3006, entered on June 18, 2017, all in the District Court in and for Water Division No. 5. Legal description: The Halifax Well's decreed point of diversion is located in the Southwest 1/4 of the Northwest 1/4 of Section 17, Township 7 South, Range 77 West of the 6th P.M., at a point 1,650 feet from the North line and 550 feet from the West line of said Section 17. Source: Groundwater tributary to the Blue River. Appropriation date: January 10, 1994. Amount: 15 g.p.m., conditional. Uses: In-house use only for a single-family dwelling. Depth: 237 feet. Remarks: The Halifax Well is permitted under Well Permit No. 175671. Claim for diligence: Applicant requests a finding of diligence for 15 g.p.m., conditional, for the Halifax Well for in-house use only for a single-family dwelling. THIRD CLAIM - APPLICATION FOR FINDING OF REASONABLE DILIGENCE. Name of structure: *Black Cloud Well*. Date of original decree:

November 5, 1996, in Case No. 96CW57, in the District Court in and for Water Division No. 5. Subsequent decrees awarding findings of diligence: Case No. 02CW319, entered on March 14, 2004; Case No. 10CW58, entered on January 7, 2011, and Case No. 17CW3006, entered on June 18, 2017, all in the District Court in and for Water Division No. 5. Legal description: The Black Cloud Well's decreed point of diversion is located in the Southwest 1/4 of the Northwest 1/4 of Section 17, Township 7 South, Range 77 West of the 6th P.M., at a point 1,600 feet from the North line and 900 feet from the West line of said Section 17. Source: Groundwater tributary to the Blue River. Appropriation date: February 25, 1994. Amount: 15 g.p.m., of which 12 g.p.m. is conditional and 3 g.p.m. is absolute. In Case No. 10CW58, 3 g.p.m. of the Black Cloud Well water right was decreed absolute. Uses: In-house use only for a single-family dwelling. Depth: 81 feet. Remarks: The Black Cloud Well is permitted under Well Permit No. 202191. Claim for diligence: Applicant requests a finding of diligence for 12 g.p.m., conditional, for the Black Cloud Well for in-house use only for a single-family dwelling. Names and addresses of owners of land upon which structures are located: Applicants. The following exhibits are on file with the Water Court: Map depicting the location of the structures (Exhibit A), and detailed outline of what has been done toward completion of the appropriation and application to beneficial use of the water rights, including expenditures (Exhibit B) (pp. 7 with exhibits).

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23CW3077 PITKIN COUNTY. Application for Finding of Reasonable Diligence. Applicant 1765Z81654 LLC, Balcomb & Green, P.C., P.O. Drawer 790, Glenwood Springs, CO 81602; 970-945-6546. Summary of Application: Applicant seeks a finding of reasonable diligence in the development of its interests in conditional waters right awarded to Edgerly Pond. Name of Structure: Edgerly Pond. Original Decree: 01CW364 on 05/10/2004 in Div. 5 Water Ct. Subsequent Decrees: 10CW136 on 01/30/2011 and 16CW3161 on 06/18/2017 Div. 5 Water Ct. Location of Dam: SE1/4 SW1/4, Sec. 34, T. 8 S., R. 86 W. 6th P.M., at a point 150 ft. from the S. Sec. line and 2,500 ft. from the W. Sec. line at said Sec. 34, as depicted in Figure 1 on file with the Water Ct. The pond is an off-channel reservoir filled by the Edgerly Ditch. **Source: Capitol Creek, tributary to Snowmass Creek, tributary to Roaring Fork River.** Approp. Date: 05/24/1999. Amt.: 0.28 AF, conditional. Uses: Aesthetic, piscatorial, fire protection, and rec. Surface Area of High-Water Line: 0.07 acres. Max Height of Dam: N/A, excavated pond to 8 ft. Total Capacity of Reservoir: 0.35 AF, all in active storage. The application on file with the Ct. contains a detailed outline of the work performed during the diligence period. Names and address of owners of land on which structure is or will be located, upon which water is or will be stored, or upon which water is or will be placed to beneficial use: Applicant. (4 pages of original application, Figure 1 & Exhibit A).

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

23CW3078 PITKIN COUNTY. APPLICATION FOR CONDITIONAL STORAGE WATER RIGHTS. 1. Name and Address of Applicant: Elk Wallow Ranch, LLC ("Applicant"), P.O. Box 7877, Aspen, Colorado 81612, c/o Kristin H. Moseley, Michael W. Daugherty, Somach Simmons & Dunn, P.C., 1155 Canyon Boulevard, Suite 110, Boulder, Colorado 80302. **FIRST CLAIM: STORAGE WATER RIGHT (CONDITIONAL).** 2. Name of Structure: Sacrificial Pond A. 2.1. Legal description: Point near the dam outlet located in the NE 1/4 SW 1/4 of Section 9, Township 10 South, Range 85 West, 6th P.M. (UTM NAD83 Z13: 337038.0m E, 4339939.9m N). A vicinity map that shows the general locations of Sacrificial Ponds A, B, and C is attached as **Exhibit A**. 2.2. Source: Hines Owl Creek Ditch and Hines Owl Creek Ditch, First Enlargement, tributary to an unnamed tributary of Owl Creek, tributary to Owl Creek, tributary to the Roaring Fork River, tributary to the Colorado River. 2.3. Date of appropriation: June 28, 2023. 2.4. How appropriation was initiated: Formation of intent to appropriate water coupled with the filing of this Application. 2.5. Date water applied to beneficial use: N/A 2.6. Uses: Irrigation, livestock watering, piscatorial, fish propagation, fire protection, and delivery of water into storage in Marlot Reservoir and Marlot Pond. 2.7. Amount: 6.5 acre-feet, conditional; plus a refill right of 6.5 acre-feet, conditional. 2.8. Surface area of high water line: 0.84 acres. 2.8.1. Dam height: Less than 10 vertical feet. 2.8.2. Dam length: Approximately 490 feet (total length). 2.9. Total capacity of pond: 6.5 acre-feet. **SECOND CLAIM: STORAGE WATER RIGHT (CONDITIONAL)** 3. Name of Structure: Sacrificial Pond B 3.1. Legal description: Point near the dam outlet in the SE 1/4 SW 1/4 of Section 9, Township 10 South, Range 85

West, 6th P.M. (UTM NAD83 Z13: 336727.0m E, 4339797.83m N). A vicinity map that shows the general locations of Sacrificial Ponds A, B, and C is attached as **Exhibit A**. 3.2. Source: **Unnamed tributary of Owl Creek, tributary to Owl Creek, tributary to the Roaring Fork River, tributary to the Colorado River**. 3.3. Date of appropriation: June 28, 2023. 3.4. How appropriation was initiated: Formation of intent to appropriate water coupled with the filing of this Application. 3.5. Date water applied to beneficial use: N/A 3.6. Uses: Irrigation, livestock watering, piscatorial, fish propagation, fire protection, and delivery of water into storage in Marlot Reservoir and Marlot Pond. 3.7. Amount: 6.4 acre-feet, conditional; plus a refill right of 6.4 acre-feet, conditional. 3.8. Surface area of high water line: 0.92 acres. 3.8.1. Dam height: Less than 10 vertical feet. 3.8.2 Dam length: Approximately 550 feet (total length). 3.9. Total capacity of pond: 6.4 acre-feet. **THIRD CLAIM: STORAGE WATER RIGHT (CONDITIONAL)** 4. Name of Structure: Sacrificial Pond C 4.1. Legal description: Point near the dam outlet in the NW 1/4 SW 1/4 of Section 9, Township 10 South, Range 85 West, 6th P.M. (UTM NAD83 Z13: 336628.81m E, 4339874.37m N). A vicinity map that shows the general locations of Sacrificial Ponds A, B, and C is attached as **Exhibit A**. 4.2. Source: Unnamed tributary of Owl Creek, tributary to Owl Creek, tributary to the Roaring Fork River, tributary to the Colorado River. 4.3. Date of appropriation: June 28, 2023. 4.4. How appropriation was initiated: Formation of intent to appropriate water coupled with the filing of this Application. 4.5. Date water applied to beneficial use: N/A 4.6. Uses: Irrigation, livestock watering, piscatorial, fish propagation, fire protection, and delivery of water into storage in Marlot Reservoir and Marlot Pond. 4.7. Amount: 7.0 acre-feet, conditional; plus a refill right of 7.0 acre-feet, conditional. 4.8. Surface area of high water line: 1.10 acres. 4.8.1. Dam height: Less than 10 vertical feet. 4.8.2 Dam length: Approximately 785 feet (total length). 4.9. Total capacity of pond: 7.0 acre-feet. 5. Name of owners of land upon which this structure is located: Applicant. WHEREFORE, Applicant requests that the Court enter a decree: (i) confirming the above-described conditional storage water rights, and (ii) granting such other and further relief as the Court deems proper.

YOU ARE HEREBY NOTIFIED THAT YOU HAVE until the last day of AUGUST 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 JUNE 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.*

23CW3079(16CW3120) PITKIN COUNTY. APPLICATION FOR FINDING OF REASONABLE DILIGENCE. 1. Name and Address of Applicant: Sinclair Property, LLC ("Applicant"), 533 E. Hopkins Avenue, Aspen, Colorado 81611, c/o Kristin H. Moseley, Michael W. Daugherty, Somach Simmons & Dunn, P.C., 1155 Canyon Blvd, Suite 110, Boulder, Colorado 80302. 2. Name of Structure: Sinclair Reservoir. 3. Description of Conditional Water Right: 3.1. Original Decree: The Sinclair Reservoir was originally decreed by the Water Court in and for Water Division No. 5 ("Water Court") in Case No. 96CW146 on November 5, 1996. Subsequent findings of reasonable diligence were granted in Case Nos. 02CW310, 09CW127, and 16CW3120. 3.2. Location: Located in the SW1/4 SW1/4 of Section 5, Township 10 South, Range 85 West of the 6th P.M., at a point approximately 1262 feet from the South section line and 212 feet from the West section line of said Section 5. A water rights location map for the Sinclair Reservoir is attached as Figure 1. 3.3. Source: **Sinclair Draw, which receives water from Sinclair Spring, which is tributary to Brush Creek, a tributary of the Roaring Fork River**. 3.4. Appropriation Date: November 22, 1995. 3.5. Uses: Domestic purposes for up to two (2) residences, up to 1/4 acre of lawn irrigation, fish propagation and augmentation. 3.6. Amount: 3 acre-feet. 4. Detailed outline of work done to complete project and apply water to beneficial use: Since the last diligence decree for the Sinclair Reservoir was entered in Case No. 16CW3120, Applicant has engaged in the following specific activities that demonstrate diligence and that were necessary to ultimately construct and apply the Sinclair Reservoir to its decreed uses: 4.1. Applicant continues to investigate options for construction of a residence on the property, including engaging in the following diligence activities: 4.1.1. Applicant engaged High Country Engineering to conduct a site visit and a survey of the property and easement related to the Snowmass Water & Sanitation District facilities. 4.1.2. Applicant installed a fiber optic line and gas line for the property to be utilized in existing structures and a new future residence. 4.2. LRE provided engineering services related to the Sinclair Reservoir, including the design of a conceptual grading plan denoted on Figure 2 and a conceptual development design for Sinclair Spring on Figure 3. Applicant spent in excess of \$40,000 on these activities, which prove commitment to developing the Sinclair Reservoir and placing it to beneficial use. Given that the Sinclair Reservoir is decreed for domestic purposes, the design and construction of the associated domicile is a necessary precondition to the construction of the pond. Applicant has no intent to abandon the Sinclair Reservoir. 5. Names and addresses of owners of land upon which structures are or will be located, upon which water is or will be stored, or upon which water is or will be placed to beneficial use: Applicant. WHEREFORE, Applicant seeks a finding that it has exercised reasonable diligence with respect to the water right identified in paragraphs 2 and 3, above, and such other and further relief as this Court deems just and proper.

YOU ARE HEREBY NOTIFIED THAT YOU HAVE until the last day of AUGUST 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 JUNE 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.*

23CW3080 (16CW3092, 09CW07, 01CW377) PITKIN COUNTY – CAPITOL CREEK OR ITS TRIBUTARIES. Peter and Ellen Itzler c/o Scott C. Miller, Esq. and Lisa A. Claxton, Esq., Patrick, Miller & Noto, P.C., 229 Midland Ave., Basalt, CO 81621 (970) 920-1030. APPLICATION FOR FINDINGS OF REASONABLE DILIGENCE. **First Claim: For Finding of Reasonable Diligence.** Name of structure: Heinecken-Ryan Pump and Pipeline (a/k/a Itzler Pump and Pipeline). Original decree: January 3, 2003, Case No. 01CW377, Division 5 Water Court. Subsequent diligence decrees: September 17, 2010, Case No. 09CW07, Division 5 Water Court and June 18, 2017, Case No. 16CW3092, Division 5 Water Court. Legal description: The point of diversion is located in the NE ¼ NW ¼ of Section 3, Township 9 South, Range 86 West, of the 6th P.M., approximately 500 feet from the North section line and 1,700 feet from the West section line (Pitkin County). A map is on file with the court as Exhibit A. Source: Capitol Creek, tributary to the Roaring Fork River. Appropriation date: May 15, 2001. Amount: 0.14 c.f.s., conditional. Use: Irrigation and filling of Heinecken-Ryan Pond. Legal description of land to be irrigated: Approximately 2 acres on Lot 3, Capitol Woods Subdivision Filing No. 1, as described in Plat Book 4, Page 288, recorded September 27, 1972 as Reception No. 154281, Pitkin County Clerk and Recorder. 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 B. Applicant owns the land upon which the structure is located and where water will be put to beneficial use. **Second Claim: For Finding of Reasonable Diligence.** Name of structure: Heinecken-Ryan Pond (a/k/a Itzler Pond). Original decree: January 3, 2003, Case No. 01CW377, Division 5 Water Court. Subsequent diligence decrees: September 17, 2010, Case No. 09CW07, Division 5 Water Court and June 18, 2017, Case No. 16CW3092, Division 5 Water Court. Legal description: The dam is located in the NE ¼ NW ¼ of Section 3, Township 9 South, Range 86 West, of the 6th P.M., approximately 200 feet from the North section line and 1,800 feet from the West section line (Pitkin County). A map is on file with the court as Exhibit A. Source: Capitol Creek, tributary to the Roaring Fork River, via the Heinecken-Ryan Pump and Pipeline. Appropriation date: May 15, 2001. Amount: 0.44 acre-foot, conditional. Surface area: Approximately 0.06 acre. Maximum height of dam: 10 feet. Use: Irrigation, aesthetic, and fire protection. Legal description of land to be irrigated: Approximately 2 acres on Lot 3, Capitol Woods Subdivision Filing No. 1, as described in Plat Book 4, Page 288, recorded September 27, 1972 as Reception No. 154281, Pitkin County Clerk and Recorder. 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 B. Applicant owns the land upon which the structure is located and where water will be put to beneficial use. **Third Claim: For Finding of Reasonable Diligence.** Name of structure: Heinecken-Ryan Pump and Pipeline, First Enlargement (a/k/a Itzler Pump and Pipeline, First Enlargement). Original decree: September 17, 2010, Case No. 09CW07, Division 5 Water Court. Subsequent diligence decree: June 18, 2017, Case No. 16CW3092, Division 5 Water Court. Legal description: The point of diversion is located in the NE ¼ NW ¼ of Section 3, Township 9 South, Ranch 86 West, of the 6th P.M., approximately 500 feet from the North section line and 1,700 feet from the West section line (Pitkin County). A map is on file with the court as Exhibit A. Source: Capitol Creek, tributary to the Roaring Fork River. Appropriation date: June 15, 2008. Total amount decreed: 0.14 c.f.s. (or 63 g.p.m.). Amount previously made absolute: 0.033 c.f.s., absolute (or 15 g.p.m.). Amount remaining conditional: 0.107 c.f.s., conditional (or 48 g.p.m.). Uses: Domestic and fire protection. Remarks: The Court decreed the Heinecken-Ryan Pump and Pipeline for 0.14 c.f.s. conditional for irrigation use and filling of the Heinecken-Ryan Pond is Case No. 01CW377 as described in the First Claim above. The Court decreed the Heinecken-Ryan Pump and Pipeline, First Enlargement for new domestic and fire protection uses only in Case No. 09CW07 and not an additional 0.14 c.f.s. Rather, the cumulative diversions for all uses at the structure shall not exceed 0.14 c.f.s. 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 B. Applicant owns the land upon which the structure is located and where water will be put to beneficial use. **Fourth Claim: For Finding of Reasonable Diligence.** Name of structure: Heinecken-Ryan Pond, First Enlargement (a/k/a Itzler Pond, First Enlargement). Original decree: September 17, 2010, Case No. 09CW07, Division 5 Water Court. Subsequent diligence decree: June 18, 2017, Case No. 16CW3092, Division 5 Water Court. Legal Description: The dam is located in the NE ¼ NW ¼ of Section 3, Township 9 South, Ranch 86 West, of the 6th P.M., approximately 200 feet from the North section line and 1,800 feet from the West section line (Pitkin County). A map is on file with the court as Exhibit A. Source: Capitol Creek, tributary to the Roaring Fork River, via the Heinecken-Ryan Pump and Pipeline. Appropriation date: January 30, 2009. Amount: 0.44 acre-foot, conditional. Surface area: Approximately 0.06 acre. Maximum height of dam: 10 feet. Use: piscatorial. Remarks: The court decreed the Heinecken-Ryan Pond for 0.44 acre-foot conditional for irrigation, aesthetic, and fire protection uses in Case No. 01CW377 as described in the Second Claim above. The Court decreed the Heinecken-Ryan Pond, First Enlargement for new piscatorial use only in Case No. 09CW07 and not an additional 0.44 acre-foot. Rather, the cumulative storage for all uses in the structure shall not exceed 0.44 acre-foot. 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 B. Applicant owns the land upon which the structure is located and where water will be put to beneficial use. **Fifth Claim: For Finding of Reasonable Diligence.** Name of structure: Heinecken-Ryan Pond, Second Enlargement (a/k/a Itzler Pond, Second Enlargement). Original decree: June 18, 2017, Case No. 16CW3092, Division 5 Water Court. Legal description: The dam is located in the NE ¼ NW ¼ of Section 3, Township 9 South, Range 86 West, of the 6th P.M., approximately 200 feet from the North section line and 1,800 feet from the West section line (Pitkin County). A map is on file with the court as Exhibit A. Source: Capitol Creek, tributary to the Roaring Fork River, via the Heinecken-Ryan Pump and Pipeline. Appropriation date:

September 30, 2016. Amount: 0.44 acre-foot, conditional, plus the right to fill and re-fill for all uses decreed to the Heinecken-Ryan Pond; Heinecken-Ryan Pond, First Enlargement, and Heinecken-Ryan Pond, Second Enlargement water rights. Surface area: Approximately 0.06 acre. Maximum height of dam: 10 feet. Use: Domestic and augmentation. The augmentation use shall not be made absolute unless and until Applicant files an application for a related plan for augmentation. Remarks: The Court decreed the Heinecken-Ryan Pond for 0.44 acre-foot conditional for irrigation, aesthetic, and fire protection uses in Case No. 01CW377 as described in the Second Claim above. The Court decreed the Heinecken-Ryan Pond, First Enlargement for new piscatorial use in Case No. 09CW07 as described in the Fourth Claim above. The Court decreed the Heinecken-Ryan Pond, Second Enlargement for new domestic and augmentation uses only, and the right to fill and refill for all uses decreed to the structure in Case No. 16CW3092, and not an additional 0.44 acre-foot. Rather, the cumulative storage for all uses in the structure shall not exceed 0.44 acre-foot, filled and re-filled. 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 B. Applicant owns the land upon which the structure is located and where water will be put to beneficial use.

YOU ARE HEREBY NOTIFIED THAT YOU HAVE until the last day of AUGUST 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 JUNE 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.*

23CW3081 (16CW3093, 09CW147, 01CW53, 94CW42, 89CW238) PITKIN COUNTY – ROARING FORK RIVER OR ITS TRIBUTARIES. JCH, LLC, c/o Scott C. Miller, Esq. and Lisa A. Claxton, Esq., Patrick, Miller & Noto, P.C., 229 Midland Ave., Basalt, CO 81621 (970) 920-1030. APPLICATION FOR FINDING OF REASONABLE DILIGENCE. Claim for Finding of Reasonable Diligence: Name of water right: Mosher Ditch and Pipeline. Date of original decree: April 20, 1990, Case No. 89CW238, Division No. 5 Water Court. Subsequent diligence decrees: Case No. 94CW42, Division No. 5 Water Court. Case No. 01CW53, Division No. 5 Water Court. Case No. 09CW147, Division No. 5 Water Court. Case No. 16CW3093, Division No. 5 Water Court. Legal description: SW ¼, NE ¼, Section 2, Township 10 S, Range 85 W of the 6th Principal Meridian, at a point 860 feet from the East section line and 2,118 feet from the North section line of said Section 26. Maps of the location of the structure are on file with the court as Exhibit A. Source: **Queen's Gulch, tributary to Castle Creek, tributary to the Roaring Fork River, tributary to the Colorado River.** Appropriation date: November 1, 1989. Amount: 0.25 c.f.s., conditional. Use: Domestic use in a maximum of three household dwellings on the Applicant's property. Remarks: Domestic is the only remaining conditional use. Irrigation, aesthetic, piscatorial, stock watering, and filling of the Mosher Ponds No. 1 and No. 2 uses were decreed absolute in Case No. 94CW42. The Mosher Ditch and Pipeline is a component part of Applicant's integrated water supply system, as decreed in Case No. 09CW147 at paragraph 4.G.a. 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 B. The land upon which the diversion is located is owned by: Aspen-Sopris Ranger District, White River National Forest, PO Box 309, Carbondale, CO 81623.

YOU ARE HEREBY NOTIFIED THAT YOU HAVE until the last day of AUGUST 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 JUNE 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.*

23CW3082 GRAND COUNTY. Loch-N-Vale, LLC, c/o Suzanne Docheff, 3921 County Road 3, Parshall, CO 80468. 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 RIGHT ABSOLUTE IN PART AND FOR A FINDING OF REASONABLE DILIGENCE. Name of Structure: Dawson Gulch Spring Pond Exchange, Wolford Mountain Reservoir. Decrees: June 10, 2010 (07CW234); June 6, 2017 (16CW3041); both in Water Court Division No. 5. Legal Description: The source of the water used in the Exchange is Wolford Mountain Reservoir, pursuant to a Water Supply Contract with the Colorado River Water Conservation District. The legal description of place of storage for Wolford Mountain Reservoir is: the dam is located in the SW1/4 of the NE1/4 of Section 25, Township 2 North, Range 81 West, 6th P.M. The intersection of the dam axis with the right abutment will occur at a point which bears W. 54E54'20" E, a distance of 3,716.46 feet from the NW Corner of said Section 25. Downstream Terminus: Confluence of the Colorado River and Muddy Creek, located at the NW1/4 of NE1/4 of Section 19, Township 1 North, Range 80 West of the 6th

P.M., at a point approximately 180 feet South of the North section line and 1,990 feet West of the East section line. **Upstream Terminus:** Dawson Gulch Spring Pond, described as follows: Located in the NE1/4 of the SE1/4 of Section 36, Township 1 North, Range 79 West of the 6th P.M. at a point approximately 360 feet West of the East section line and 2,520 feet North of the South section line of said Section 36. This description is the approximate center of the reservoir basin. **Source:** Dawson Gulch Pond: Dawson Gulch Spring, tributary to the Williams Fork River. The source of the water used in the Exchange is Wolford Mountain Reservoir, pursuant to a Water Supply Contract with the Colorado River Water Conservation District. **Appropriation Date:** December 31, 2007. **Amount:** Maximum rate of exchange not to exceed 0.1 cubic feet, 4.32 acre-feet. In Case No. 16CW3041, 2.92 acre-feet of the Exchange was made absolute for irrigation and industrial uses. **Uses:** Irrigation, industrial, recreation, fishery, fire suppression and stock watering use. **Amount Claimed Absolute:** A cumulative amount of 3.42 acre-feet, for all decreed uses. **Amount Requested to be Continued Conditionally:** 0.9 acre-foot. **Additional Information:** Applicant requests that the Court make absolute in the cumulative amount of 3.42 acre-feet the water right in Dawson Gulch Spring Pond Exchange for irrigation, industrial, recreation, fishery, fire suppression and stock watering uses, with the remaining 0.9 acre-foot continued conditionally. In the alternative, Applicant asks the Court to continue conditionally all portions of the Exchange right not already made absolute. The application and attached exhibits contain additional support for the absolute claim and a detailed outline of the work performed during the diligence period (15 pages).

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

23CW3083 PITKIN COUNTY, ROARING FORK RIVER. Thunder River Properties, LLC c/o Johnston Van Arsdale Martin PLLC, 305 Gold Rivers Court, Ste 200 Basalt, 81621, (970) 922-2122. Application for Findings of Reasonable Diligence. First Claim. Structure: Gibson Pump & Pipeline. Original decree: 01CW326, Div 5 entered on 6/9/2003. Subsequent decrees: 09CW67, Div 5 (entered 10/11/2010), 09CW69, Div 5 (entered 9/18/2010) and 16CW3132, Div 5 (entered 6/18/2017). Legal desc: The Gibson Pump & Pipeline is located in the NE¼ NW¼ Sec 16 T9S R85W 6th PM, at a pt. 1260 ft from the N section line and 1990 ft from the W section line in Pitkin County. (This legal desc. reflects the corrected location as decreed in 09CW69.) Source: Roaring Fork River, trib to Colorado River. Approp. date: 6/1/2001. Amount: 0.22 cfs, currently comprised of: 0.033 cfs abs. for irrigation of 5000 sq ft and 0.187 cfs cond. for irrigation. and filling of Gibson Pond for irrigation, recreation and piscatorial purposes. Uses: Irrigation and filling of Gibson Pond for irrigation, recreation, and piscatorial purposes. Acreage of land to be irrigated: Approx. 0.65 acres, as decreed in 09CW69. Remarks: Gibson Pump & Pipeline operates pursuant to the plan for augmentation. decreed in 01CW326 and amended in 09CW69 and 12CW131. Gibson Pump and Pipeline, First Enlargement was decreed in 13CW50 and is not the subject of this Application. Second Claim. Structure: Gibson Pond. Original decree: 01CW326, Div 5, entered on 6/9/2003. Subsequent decrees: 09CW67, Div 5 (entered 10/11/2010), 09CW69, Div 5 (entered 9/18/2010) and 16CW3132, Div 5 (entered 6/18/2017). Legal desc.: The Gibson Pond is located in the NE¼NW¼ Sec 16 T9S R89W 6th PM, at a pt. 2100 ft from the W section line and 1300 ft from the N section line in Pitkin County. (This legal desc. reflects the corrected location as decreed in 09CW69.) Source: Roaring Fork River, via the Gibson Pump & Pipeline. Approp. date: 6/1/2001. Amount: 2.5 af cond. with right to fill and refill when water is legally and physically available. Total rate: 0.22 cfs, currently comprised of: 0.033 cfs abs. and 0.187 cfs cond. Uses: Irrigation, recreation, and piscatorial purposes. Acreage of land to be irrigated: Approx. 0.65 acres, as decreed in 09CW69. Surface Area: 0.5 acres. Max. dam height: 10 ft. Active Capacity: 1 af. Dead Capacity: 1.5 af. Remarks: Gibson Pond operates pursuant to the plan for augmentation decreed in 01CW326 and amended in 09CW69 and 12CW131. Gibson Pond, First Enlargement was decreed in 13CW50 and is not the subject of this Application. Third Claim. Structure: Gibson Exchange. Original decree: 01CW326, Div 5 entered on 6/9/2003. Subsequent decrees: 09CW67, Div 5 (entered 10/11/2010), 09CW69, Div 5 (entered 9/18/2010) and 16CW3132, Div 5 (entered 6/18/2017). Upstream terminus: Gibson Pump & Pipeline: location described above. Downstream terminus: The confluence of the Roaring Fork River and the Colorado River, in the SE¼NW¼ Sec 9 T6S R89W 6th PM, at a pt. 2940 ft from the E section line and 3150 ft from the S section line. Source: Water released from Green Mountain Reservoir, Ruedi Reservoir, Troy Ditch and Edith Ditch. Approp. date: 6/1/2001. Total amount: 0.22 cfs, currently comprised of: 0.033 cfs abs. and 0.187 cfs, cond. Uses: Exchange of water delivered pursuant to Applicant's Basalt Water Conservancy District Water Allotment Contract No. 405a, as provided for in the plan for augmentation. and exchange originally decreed in 01CW326, with amendments to the plan for augmentation. decreed in 09CW69 and 12CW131. Remarks: Gibson Exchange, First Enlargement, was decreed in 13CW3050 and is not the subject of this Application. Application on file with the court includes a list of activities demonstrating diligence. Landowner: Applicant. (7 pages, 1 exhibit).

YOU ARE HEREBY NOTIFIED THAT YOU HAVE until the last day of AUGUST 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 JUNE 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.*

23CW3084 (16CW3147) (08CW185) (12CW190) - GRAND COUNTY - APPLICATION TO MAKE CONDITIONAL WATER RIGHTS ABSOLUTE AND FOR FINDING OF REASONABLE DILIGENCE. 1. Name, Address, Phone Number, and E-Mail Address of Applicants. Aspen Springs Owners Association, Inc. c/o Allegiant Management LLC, 78884 U.S. Highway 40, Winter Park, Colorado 80482, Phone: 970-726-5701, Email: thartmann@allegiantmgmt.com; C Lazy U Ranch Development, LLC c/o Triton Investment Company, 7000 E. Belleview Avenue, Suite 300, Greenwood Village, Colorado 80111, Phone: 970-887-5926, Email: bjohnson@clazyu.com. Copies of all pleadings to: Richard A. Johnson, David F. Bower, Michael S. Davidson, Johnson & Repucci LLP, 850 W. South Boulder Road, Suite 100, Louisville, Colorado 80027, Phone: 303-442-1900, Fax: 303-442-0191, Email: rajohnson@j-rlaw.com; dfbower@j-rlaw.com; msdavidson@j-rlaw.com. 2. Overview. Aspen Springs is a development consisting of ten (10) residential parcels at the C Lazy U Ranch, a guest ranch and resort located north of Granby in the Willow Creek drainage. Conditional water rights and a plan for augmentation for Aspen Springs were originally decreed in Case No. 08CW185. In Case No. 12CW190, the original Aspen Springs rights were changed to clarify their decreed uses, a new conditional right for the development was decreed, and the plan for augmentation was amended and restated. In Case No. 16CW3147, portions of some conditional rights were made absolute and all the remaining rights were continued. By this application, Applicants seek to make absolute a portion of the exchange right associated with the plan for augmentation and request a finding of reasonable diligence on all the other conditional rights and portions thereof. A map of Aspen Springs and the structures and exchange that serve the development are attached as Figures 1 and 2. 3. Original and Subsequent Decrees. The original decrees for the subject rights were entered on November 14, 2010, in Case No. 08CW185, Water Division 5, and on April 20, 2014, in Case No. 12CW190, Water Division 5. The use of the original rights was changed in Case No. 12CW190. A decree making a portion of certain rights absolute and continuing the remainder was entered on June 18, 2017, in Case No. 16CW3147, Water Division 5. 4. Description of Conditional Water Rights. (a) Underground Water Rights - Case No. 08CW185. (i) Names and Legal Descriptions of Structures. (A) Aspen Springs Well No. 1. NE1/4 NE1/4 of Section 11, Township 2 North, Range 77 West of the 6th P.M., 1,162 feet from the north section line and 1,097 feet from the east section line. (B) Aspen Springs Well No. 2. NW1/4 SW1/4 of Section 12, Township 2 North, Range 77 West of the 6th P.M., 1,843 feet from the south section line and 412 feet from the west section line. (C) Aspen Springs Well No. 3. NE1/4 SW1/4 of Section 12, Township 2 North, Range 77 West of the 6th P.M., 1,860 feet from the south section line and 1,736 feet from the west section line. (D) Aspen Springs Well No. 4. SE1/4 SW1/4 of Section 12, Township 2 North, Range 77 West of the 6th P.M., 1,130 feet from the south section line and 2,699 feet from the east section line. (E) Aspen Springs Well No. 5. SE1/4 SW1/4 of Section 12, Township 2 North, Range 77 West of the 6th P.M., 250 feet from the south section line and 2,723 feet from the west section line. (ii) Source. Groundwater tributary to Willow Creek, which is tributary to the Colorado River. (iii) Amount. 40 gpm, conditional, each. (iv) Appropriation Date. November 18, 2008. (v) Uses. Domestic, irrigation, stock watering, and fire protection. (b) Spring Rights - Case No. 08CW185. (i) Names and Legal Descriptions of Structures. (A) AS Spring No. 1. NW1/4 SW1/4 of Section 12, Township 2 North, Range 77 West of the 6th P.M., 1,838 feet from the south section line and 330 feet from the west section line. (B) AS Upper Spring. NW1/4 SW1/4 of Section 12, Township 2 North, Range 77 West of the 6th P.M., 1,476 feet from the south section line and 51 feet from the west section line. (C) Duck Pond Spring No. 1. SE1/4 SW1/4 of Section 12, Township 2 North, Range 77 West of the 6th P.M., 250 feet from the south section line and 2,701 feet from the west section line. (D) Duck Pond Spring No. 2. SE1/4 SW1/4 of Section 12, Township 2 North, Range 77 West of the 6th P.M., 250 feet from the south section line and 2,669 feet from the east section line. (ii) Source. Spring water and seepage tributary to Willow Creek, which is tributary to the Colorado River. (iii) Amount. 20 gpm, conditional, each, for AS Upper Spring, Duck Pond Spring No. 1, and Duck Pond Spring No. 2. 8 gpm, absolute, and 12 gpm, conditional, for AS Spring No. 1. (iv) Appropriation Date. November 18, 2008. (v) Uses. Domestic, irrigation, stock watering, and fire protection. (c) Spring Enlargement Right - Case No. 08CW185. (i) Name of Structure. Springdale Pipeline Diversion First Enlargement. (ii) Legal Description. SE1/4 NW1/4 SW1/4 of Section 12, Township 2 North, Range 77 West of the 6th P.M., 1,470 feet from the south section line and 815 feet from the west section line. (iii) Source. Spring flows tributary to Willow Creek, which is tributary to the Colorado River. (iv) Amount. 1.0 cfs, conditional. (v) Appropriation Date. November 18, 2008. (vi) Uses. Domestic, irrigation, stock watering, and fire protection. (vii) Associated Cases. The Springdale Pipeline Diversion was originally decreed by the Grand County District Court on November 7, 1952, in Civil Action No. 814, for domestic purposes. The water right was continued pursuant to the diligence decrees entered in Case Nos. 07CW19, 14CW3072, and 20CW3144. The originally decreed legal description for the right is "... a point whence SW corner of Section 12, Township 2 North, Range 77 West of the 6th P.M. bears South 21°40' West 1985 feet." (d) Underground Water Right - Case No. 12CW190. (i) Name of Structure. C Lazy U Supplemental Well No. 1 (Aspen Springs). (ii) Legal Description of Structure. SW1/4 SE1/4 of Section 2, Township 2 North, Range 77 West of the 6th P.M., 562 feet from the south section line and 1,528 feet from the east section line of said Section 2. (iii) Source. Ground water tributary to Willow Creek, which is tributary to the Colorado River. (iv) Amount. 23.6 gpm, absolute, and 11.4 gpm, conditional; no more than 20 acre-feet/year. (v) Appropriation Date. December 31, 2012. (vi) Uses. Domestic, irrigation, stock watering, and fire protection. (vii) Associated Cases. In Case No. 12CW188, C Lazy U Ranch Holdings, LLC was decreed a water right for this same gallery well structure named C Lazy U Supplemental Well No. 1 (Main Ranch). Pumping under the C Lazy U Supplemental Well No. 1 (Aspen Springs) water right and the C Lazy U Supplemental Well No. 1 (Main Ranch) are separately metered and accounted for pursuant to their respective plans for augmentation. (e) Remarks. The underground, spring, and spring enlargement rights described in

this paragraph are subject to a cumulative diversion limit of 20 acre-feet/year. The irrigation uses are limited to approximately 2,500 square feet of lawn and garden areas in the vicinity of each of the ten (10) parcels. The domestic use is to serve the single residence of between 2,500 and 10,000 square feet to be built on each of the ten (10) parcels, along with any associated guest house, accessory structure, outbuilding, or garage built on the ten (10) parcels. The stock watering use is limited to four (4) horses for each of the ten (10) parcels for the summer months only (May through September). The fire protection use is for the protection of Aspen Springs.

5. Description of Conditional Exchange Right. Out-of-priority depletions from the Aspen Springs water rights may at times be replaced by exchange using Middle Park contract water from the Windy Gap Project. In Case No. 08CW185, a conditional right of exchange was decreed from the confluence of the Colorado River and Willow Creek, up to the highest point of depletion for the Aspen Springs water rights on Willow Creek (the “Willow Creek Exchange”). Because depletions from the water right decreed in Case No. 12CW190 impact the stream system above the Willow Creek Exchange’s upstream terminus, an extension of the Willow Creek Exchange was decreed in Case No. 12CW190 (the “Willow Creek Exchange Extension”). The Willow Creek Exchange and Willow Creek Exchange Extension components are more fully described below: (a) Downstream Terminus. The confluence of Willow Creek with the Colorado River in the SE1/4 NW1/4, Section 21, Township 2 North, Range 76 West of the 6th P.M., 2,060 feet from the north section line and 1,390 feet from the west section line. (b) Upstream Termini. (i) Willow Creek Exchange. A point of depletion on Willow Creek located within the NW1/4 SW1/4, Section 12, Township 2 North, Range 77 West of the 6th P.M., 2,400 feet from the south section line and 1,245 feet from the west section line. (ii) Willow Creek Exchange Extension. A point of depletion on Willow Creek located within the SW1/4 SE1/4, Section 2, Township 2 North, Range 77 West of the 6th P.M., 456 feet from the south section line and 1,634 feet from the east section line. (c) Rate. Up to 0.00530 cfs (0.0104 acre-feet per day). (d) Volumetric Limit. 2.0 acre-feet/year. (e) Appropriation Dates. (i) Willow Creek Exchange. December 30, 2008. (ii) Willow Creek Exchange Extension. December 31, 2012. (f) Remarks. Pursuant to the Division of Water Resources’ memorandum regarding Water Exchange Projects in Plans for Augmentation, dated June 10, 2022, this appropriative right of exchange may be characterized as an Exchange Project Right. Applicants request that this exchange right be recognized as an appropriative right of exchange and/or Exchange Project Right, as appropriate, to be properly administered by the Division Engineer.

6. Claim to Make Absolute. Since the decree was entered in Case No. 16CW3147, Applicants have made a portion of the exchange right absolute. An engineering letter prepared by Applicants’ water resources consultants, BBA Water Consultants, Inc. (“BBA”), evidencing that a portion of the exchange right has been made absolute in the amount claimed, is attached as Exhibit A. The Willow Creek Exchange and Willow Creek Exchange Extension has been operated at a rate of 0.00286 cfs, or 0.0057 acre-feet per day. Accordingly, Applicants request that the conditional exchange right be made absolute for that amount. Applicants request that the remaining 0.00244 cfs, or 0.0047 acre-feet per day, be continued as conditional.

7. Claim for Finding of Reasonable Diligence. Applicants seek to continue as conditional the water rights and portions thereof originally decreed in Case Nos. 08CW185 and 12CW190 that have not been made absolute and are not recognized as absolute in this matter. During the subject diligence period from June 2017 to present, the following activities were performed proving Applicants’ intention to put the subject water rights to beneficial use and the actions taken by Applicants to do so: (a) Continued Development and Use of Aspen Springs. C Lazy U Ranch Development (“CLU Development”) has continued to develop the property served by the subject water rights into the development known as Aspen Springs, with six of the ten houses now completed and another starting construction soon. The Aspen Springs Owners Association, Inc. (the “HOA”) has continued to work on behalf of the homeowners to ensure a reliable water supply for the development, including for both potable and non-potable purposes. Collectively, Applicants continue to utilize the subject rights as components of the domestic water supply system and for other amenities associated with Aspen Springs. (b) Operation of Augmentation Plan. In conjunction with general water supply operations, the HOA, with the assistance of CLU Development, has continued to account for diversions and depletions under the Aspen Springs plan for augmentation and report such accounting to the Water Commissioner. Much of the accounting and other water resources related work has been performed by BBA and Applicants have incurred regular costs for their services. The HOA has also paid its annual contract with the Middle Park Water Conservancy District for the replacement water used under the plan for augmentation. (c) Water Treatment Plant. In October 2020, the East Troublesome Fire burned down the HOA’s water treatment system, as well as one house within Aspen Springs. Since the fire, Applicants have spent over \$1,000,000 to build a new water treatment plant, which is served by the water rights and structures that are the subject of this matter. (d) Other Development Efforts. Applicants have expended significant time and energy during the diligence period to investigate system resiliency, supply capacities, treatment requirements, and growing water demand. The East Troublesome Fire temporarily delayed some of these activities and also resulted in increased urgency for certain water supply resiliency projects. (e) Springdale Pipeline. CLU Development prosecuted a diligence application to continue the original water right decreed to the Springdale Pipeline Diversion in Case No. 20CW3144. Part of that work involved investigating whether the water right could be used directly on individual lots, piped into the Aspen Springs water system, or changed to divert at the AS Spring No. 1. BBA was in the process of analyzing these approaches when the East Troublesome Fire hit the C Lazy U Ranch, burning down the HOA’s water treatment system. (f) General Legal and Engineering Costs. Applicants have also incurred significant general legal and engineering costs in performing water rights related work and in monitoring, evaluating, and participating in other related projects in order to protect the Aspen Springs water rights against injury.

8. Name and Address of Landowner Upon which any New or Modified Diversion or Storage Structure is Located. The landowners and their mailing addresses for properties where new or modified structures may be located, as identified by the Grand County real property records, is as follows: (a) Aspen Springs Well No. 1 - RC WISCO LLC, East 11364 State Road 136, Baraboo, WI 53913-9217; (b) Aspen Springs Well No. 2, AS Spring No. 1, and AS Upper Spring - Christian Aymond, 101 S. Birch St., Denver, CO 80246-1016; (c) Aspen Springs Well No. 3 - JDA HOA Holdings, LLC, 1389 Green Oaks Dr., Greenwood Village, CO 80121-1330; (d) Aspen Springs Well No. 4, Aspen Springs Well No. 5, Duck Pond Spring No. 1, and Duck Pond Spring No. 2 - Thomas & Sonya Ricketts, 2429 N. Fillmore St., Arlington, VA 22207-4930; (e) Springdale Pipeline Diversion - 7 Peaks, LLC, 14180 W. Sunset Blvd., Pacific Palisades, CA 90272-3931; and (f) C

Lazy U Supplemental Well No. 1 - C Lazy U Ranch Holdings, LLC, c/o Triton Investment Company, P.O. Box 379, Granby, CO 80446-0379. Pursuant to C.R.S. § 37-92-302(2)(b)(II), Applicants shall provide a copy of this application by certified mail, return receipt requested, to the above-referenced landowners within 14 days of the application being filed with the Water Court. WHEREFORE, Applicants respectfully request that the Water Court enter a decree finding and concluding that (i) the Willow Creek Exchange and Willow Creek Exchange Extension right has been made absolute in the amount set forth in paragraph 6 above; (ii) Applicants have been reasonably diligent on the development of the conditional rights decreed in Case Nos. 08CW185 and 12CW190 that have not been made absolute as described in paragraphs 4 and 5 above, based upon the activities set forth in paragraph 7 above; and (iii) all remaining conditional rights are continued in full force and effect for an additional diligence period or until otherwise disposed of. (9 pages plus exhibits)

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

23CW3085 (17CW3012) (08CW187) - GRAND COUNTY - APPLICATION TO MAKE CONDITIONAL WATER RIGHTS ABSOLUTE AND FOR FINDING OF REASONABLE DILIGENCE. 1. Name, Address, Phone Number, and E-Mail Address of Applicants. C Lazy U Chimney Rock Cabins Owners Association, Inc. c/o Allegiant Management LLC, 78884 U.S. Highway 40, Winter Park, Colorado 80482, Phone: 970-726-5701, Email: thartmann@allegiantmgmt.com; C Lazy U Ranch Development, LLC c/o Triton Investment Company, 7000 E. Belleview Avenue, Suite 300, Greenwood Village, Colorado 80111, Phone: 970-887-5926, Email: bjohnson@clazyu.com. Copies of all pleadings to: Richard A. Johnson, David F. Bower, Michael S. Davidson, Johnson & Repucci LLP, 850 W. South Boulder Road, Suite 100, Louisville, Colorado 80027, Phone: 303-442-1900, Fax: 303-442-0191, Email: rajohnson@j-rlaw.com; dfbower@j-rlaw.com; msdavidson@j-rlaw.com. 2. Overview. Chimney Rock Cabins is a development consisting of nine (9) residential parcels at the C Lazy U Ranch, a guest ranch and resort located north of Granby in the Willow Creek drainage. Conditional water rights and a plan for augmentation for Chimney Rock Cabins were originally decreed in Case No. 08CW187. In Case No. 17CW3012, a portion of the conditional C Lazy U Spring No. 4 First Enlargement right was made absolute and all the remaining rights were continued. By this application, Applicants seek to make absolute a portion of the exchange right associated with the plan for augmentation and for a finding of reasonable diligence on all the other conditional rights and portions thereof. Maps of Chimney Rock Cabins and the structures and exchange that serve the development are attached as Figures 1 and 2. 3. Original and Subsequent Decrees. The original decree for the subject rights was entered on January 13, 2011, in Case No. 08CW187, Water Division 5. A decree making certain rights absolute and continuing the remainder was entered on June 18, 2017, in Case No. 17CW3012, Water Division 5. 4. Description of Conditional Water Rights. (a) Name of Structure. C Lazy U Spring No. 4. (i) Name of Water Right. C Lazy U Spring No. 4 First Enlargement. (ii) Legal Description. SW1/4 NE1/4 of Section 11, Township 2 North, Range 77 West of the 6th P.M., 1,720 feet from the north section line and 1,780 feet from the east section line. (iii) Source. Spring or seepage tributary to Willow Creek, which is tributary to the Colorado River. (iv) Amount. 8 gpm, absolute, 12 gpm, conditional. (v) Appropriation Date. November 18, 2008. (vi) Uses. Domestic, irrigation, and fire protection. (vii) Associated Cases. There are two other rights decreed to the C Lazy U Spring No. 4. The original right was decreed in Case No. 01CW141, for domestic, irrigation, and stock watering purposes at the C Lazy U Main Ranch (the "Main Ranch"). The Second Enlargement right was decreed in Case No. 12CW188 to add commercial use to the structure for the Main Ranch. (b) Names of Structure. Chimney Rock Well No. 1. (i) Name of Water Right. Chimney Rock Well No. 1. (ii) Legal Description. SW1/4 SE1/4 of Section 2, Township 2 North, Range 77 West of the 6th P.M., 334 feet from the south section line and 1,821 feet from the east section line. (iii) Source. Groundwater tributary to Willow Creek, which is tributary to the Colorado River. (iv) Amount. 40 gpm, conditional. (v) Appropriation Date. November 18, 2008. (vi) Uses. Domestic, irrigation, and fire protection. (c) Names of Structure. C Lazy U Fish Pond No. 2. (i) Name of Water Right. C Lazy U Fish Pond No. 2 First Enlargement. (ii) Legal Description. SE1/4 NE1/4 of Section 3, Township 2 North, Range 77 West of the 6th P.M., 2,050 feet from the north section line and 614 feet from the east section line. (iii) Source. Spring water, surface runoff, and seepage tributary to Willow Creek, which is tributary to the Colorado River. (iv) Amount. 15.77 acre-feet, conditional. (v) Rate of Fill. 5.0 cfs. (vi) Appropriation Date. November 18, 2008. (vii) Uses. Augmentation, replacement and exchange, fire protection, fish culture, recreation, and stock watering. (viii) Associated Cases. The C Lazy U Fish Pond No. 2 was originally decreed in Case No. W-11, for irrigation, recreation, fish culture, stock watering, and domestic purposes. The First Enlargement right was decreed for use in connection with both the Chimney Rock Cabins and the Aspen Springs augmentation plan approved in Case No. 08CW185 and amended in Case No. 12CW190. The Second Enlargement right was decreed in Case No. 12CW188 to add augmentation and other uses to the structure for the Main Ranch. (d) Remarks. The C Lazy U Spring No. 4 First Enlargement and Chimney Rock Well No. 1 rights are subject to a cumulative diversion limit of 5 acre-feet/year. The irrigation uses are limited to approximately 500 square feet of lawn and garden areas in the vicinity of each of the nine (9) cabins on each of the nine (9) parcels. The domestic use is limited to serve the nine (9) cabins, each of which will be constructed with square footage of between 1,000 and 3,500 square feet. The fire protection use is for the protection of Chimney Rock Cabins. 5. Description of

Conditional Exchange Right. Out-of-priority depletions from the Chimney Rock Cabins water rights may at times be replaced by exchange using Middle Park contract water from the Windy Gap Project. In Case No. 08CW187, a conditional right of exchange was decreed from the confluence of the Colorado River and Willow Creek, up to the highest point of depletion for the Chimney Rock Cabin water rights on Willow Creek. The components of this exchange are more fully described below: (a) Downstream Terminus. The confluence of Willow Creek with the Colorado River in the SE1/4 NW1/4, Section 21, Township 2 North, Range 76 West of the 6th P.M., 2,060 feet from the north section line and 1,390 feet from the west section line. (b) Upstream Terminus. A point of depletion on Willow Creek located within the NE1/4 NE1/4, Section 11, Township 2 North, Range 77 West of the 6th P.M., 655 feet from the north section line and 550 feet from the east section line. (c) Rate. Up to 0.00109 cfs (0.00216 acre-feet per day), conditional. (d) Appropriation Date. December 30, 2008. (e) Remarks. Pursuant to the Division of Water Resources' memorandum regarding Water Exchange Projects in Plans for Augmentation, dated June 10, 2022, this appropriative right of exchange may be characterized as an Exchange Project Right. Applicants request that this exchange right be recognized as an appropriative right of exchange and/or Exchange Project Right, as appropriate, to be properly administered by the Division Engineer. 6. Claim to Make Absolute. Since the decree was entered in Case No. 17CW3012, Applicants have made a portion of the exchange right absolute. An engineering letter prepared by Applicants' water resources consultants, BBA Water Consultants, Inc. ("BBA"), evidencing that a portion of the exchange right has been made absolute in the amount claimed is attached as Exhibit A. The exchange has been operated at a rate of 0.00082 cfs (0.00163 acre-feet per day). Accordingly, Applicants request that the conditional exchange right be made absolute for that amount. Applicants request that the remaining 0.00027 cfs (0.00053 acre-feet per day) be continued as conditional. 7. Claim for Finding of Reasonable Diligence. Applicants seek to continue as conditional the water rights and portions thereof originally decreed in Case Nos. 08CW187 that have not been made absolute and are not recognized as absolute in this matter. During the subject diligence period from June 2017 to present, the following activities were performed proving Applicants' intention to put the subject water rights to beneficial use and the actions taken by Applicants to do so: (a) Continued Development and Use of Chimney Rock Cabins. C Lazy U Ranch Development, LLC ("CLU Development") sold the remaining parcels in Chimney Rock Cabins and eight of the nine homes are now completed. The C Lazy U Chimney Rock Cabins Owners Association, Inc. (the "HOA") has continued to work on behalf of the homeowners to ensure a reliable water supply for the development, including for both potable and non-potable purposes. Collectively, Applicants continue to intend to utilize the subject rights as components of the domestic water supply system and for other amenities associated with Chimney Rock Cabins. (b) Operation of Augmentation Plan. In conjunction with general water supply operations, the HOA, with the assistance of CLU Development, has continued to account for diversions and depletions under the Chimney Rock Cabins plan for augmentation and report such accounting to the Water Commissioner. Much of the accounting and other water resources related work has been performed by BBA and Applicants have incurred regular costs for their services. The HOA has also paid its annual contract with the Middle Park Water Conservancy District for the replacement water used under the plan for augmentation. (c) Other Development Efforts. Applicants have expended significant time and energy during the diligence period to investigate system resiliency, supply capacity, and growing water demand and to otherwise protect their ability to place the subject water rights to beneficial use. This included the addition of a supplemental well to the Chimney Rock system. The East Troublesome Fire temporarily delayed some of these activities and also resulted in increased urgency for certain water supply resiliency projects. (d) Fish Pond No. 2 Easement. CLU Development sold the real property underlying the C Lazy U Fish Pond No. 2 in 2022. In connection with that sale, CLU Development negotiated and granted certain easement rights relating to the Fish Pond No. 2. (e) General Legal and Engineering Costs. Applicants have also incurred significant general legal and engineering costs in performing water rights related work and in monitoring, evaluating, and participating in other related projects in order to protect the Chimney Rock water rights against injury. 8. Name and Address of Landowner Upon which any New or Modified Diversion or Storage Structure is Located. The landowners and their mailing addresses for properties where new or modified structures may be located, as identified by the Grand County real property records, is as follows: (a) C Lazy U Spring No. 4 - Jeffrey & Kimberly Nelson, 310 6th St., Atlantic Beach, FL 32233-5348; (b) Chimney Rock Well No. 1 - C Lazy U Ranch Holdings, LLC, c/o Triton Investment Company, P.O. Box 379, Granby, CO 80446-0379; and (c) C Lazy U Fish Pond No. 2 - Dexter Ranch LLC, 1473 Delgany St., Unit 2, Denver, CO 80202-1344. Pursuant to C.R.S. § 37-92-302(2)(b)(II), Applicants shall provide a copy of this application by certified mail, return receipt requested, to the above-referenced landowners within 14 days of the application being filed with the Water Court. WHEREFORE, Applicants respectfully request that the Water Court enter a decree finding and concluding that (i) the subject exchange right has been made absolute in the amount set forth in paragraph 6 above; (ii) Applicants have been reasonably diligent on the development of the conditional rights decreed in Case No. 08CW187 that have not been made absolute as described in paragraphs 4 and 5 above based upon the activities set forth in paragraph 7 above; and (iii) all remaining conditional rights are continued in full force and effect for an additional diligence period or until otherwise disposed of. (7 pages plus exhibits)

YOU ARE HEREBY NOTIFIED THAT YOU HAVE until the last day of AUGUST 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 JUNE 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.*

23CW3086 PITKIN COUNTY. Application for Findings of Reasonable and to Make Absolute, In Part. Applicant: Hell Roaring Ranch LLC, c/o Balcomb & Green, P.C., PO Drawer 790, Glenwood Springs, CO 81602; 970-945-6546. Applicant seeks a finding of reasonable diligence of the conditional water rights awarded to Avalanche Ditch Enlargement, Kier Ditch Use Enlargement, and Hell Roaring Reservoir No. 1 Use Enlargement, herein referred to collectively as the “Subject Water Rights.” Applicant further requests the Hell Roaring Reservoir No. 1, Use Enlargement be made absolute in part. First Claim for Finding of Reasonable Diligence. Structure: Avalanche Ditch Enlargement. Original Decree: 08CW180 on 11/14/2010 in Dist. Ct. Water Div. 5. Subsequent Decree: 16CW3146 on 06/18/2017 in Dist. Ct. Water Div. 5. Decreed Location: SE1/4 of the SE1/4 of Sec. 29, T. 9 S., R. 88 W. of the 6th P.M., 900 ft. N. of the S. Sec. line and 500 ft. W. of the E. Sec. line of said Sec. 29. **Source: Crystal River, tributary to the Roaring Fork River, tributary to the CO River.** Approp. Date: 12/30/2008. Amts.: 0.5 c.f.s., conditional with total diversion into storage of 2.0 AF per year. Uses: Filling of Hell Roaring Reservoir Nos. 1 and 2 to be used to augment depletions from the Ogilby Geothermal Well Field. Remarks: Water diverted into the Hell Roaring Reservoir Nos. 1 and 2 from the Avalanche Ditch Enlargement stored for aug. of depletions from the Ogilby Geothermal Well Field are administered with a 2008 priority. Structure: Kier Ditch, Use Enlargement. Original Decree: 08CW180 on 11/14/2010 in Dist. Ct. Water Div. 5. Subsequent Decree: 16CW3146 on 06/18/2017 in Dist. Ct. Water Div. 5. Decreed Location: As decreed in Civil Action 994, Garfield Cty. Dist. Ct., the Kier Ditch takes its supply of water from an unnamed stream with a source of supply from certain springs in Sections 29 and 32, T. 9 S., R. 88 W. of the 6th P.M. The location may also be described as being located in the NE1/4 of the SE1/4 of Sec. 29, T. 9 S., R. 88 W. of the 6th P.M., at a point 1,780 ft. from the S. Sec. line and 2,030 ft. from the E. Sec. line of said Sec. 29. **Source: Unnamed tributary of the Crystal River, tributary to the Roaring Fork River, tributary to the CO River.** Approp. Date: 12/30/2008. Amt.: 0.3 c.f.s., of which 0.175 c.f.s. remains conditional, with total diversion into storage of 2.0 AF per year. Per decree in 16CW3146, 0.125 c.f.s. was made absolute of the total amt. of 0.3 c.f.s. Uses: As decreed in CA994 and 02CW383, the Kier Ditch is decreed for irrigation or operational storage in the Hell Roaring Reservoirs No. 1 and 2. The Applicant was awarded a decree in 08CW180 for a use enlargement to allow water to be diverted by the Kier Ditch into the Hell Roaring Reservoir Nos. 1 and 2 to be used to augment depletions from the Ogilby Geothermal Well Field. Remarks: Water diverted into the Hell Roaring Reservoir Nos. 1 and 2 from the Kier Ditch to be stored for aug. of depletions from the Ogilby Geothermal Well Field are administered with a 2008 priority. Structure: Hell Roaring Reservoir No. 1, Use Enlargement. Original Decree: 08CW180 on 11/14/2010 in Dist. Ct. Water Div. 5. Subsequent Decree: 16CW3146 on 06/18/2017 in Dist. Ct. Water Div. 5. Decreed Location: SW1/4 of the SE1/4 of Sec. 29, T. 9 S., R. 88 W. of the 6th P.M. at a point 1,150 ft. N. of the S. line and 1,620 ft. W. of the E. line of said Sec. 29. Alternate Place of Storage: Hell Roaring Reservoir No. 2. The dam is located off-channel. The outlet of the pond is located in the SE1/4 of Sec. 29, T. 9 S., R. 88 W. of the 6th P.M. at a point 1,200 ft. N. of the S. line and 1,200 ft. W. of the E. line of said Sec. 29. Remarks: The Applicant filed an Application for an Alternate Place of Storage to Hell Roaring Reservoir No. 2 in 23CW3000, Dist. Ct., Water Div. No. 5. The final decree has yet to be issued. Source: An unnamed tributary of the Crystal River through the Kier Ditch in the amt. of 0.3 c.f.s., and the Avalanche Ditch Enlargement Crystal River Diversion No. 1 in the amt. of 0.5 c.f.s. Approp. Date: 12/30/2008. Amt.: 2.0 AF, of which 1.7 AF remains conditional. Use: Augment depletions from the Ogilby Geothermal Well Field. Surface Area of High-Water Line: 0.19 acres. Height of Dam: Less than 10 ft. Length of Dam: 130 ft. Remarks: Water stored for aug. uses in the Hell Roaring Reservoir No. 1 is stored under a 2008 approp. date. The application on file with the Ct. contains a detailed outline of the work performed during the diligence period. Second Claim to Make Absolute. Structure: Hell Roaring Reservoir No. 1, Use Enlargement. Date of Beneficial Use: 06/15/2023. Uses: Augment depletions from the Ogilby Geothermal Well Field. Amt. Claimed as Absolute: 0.5 AF shall be confirmed as absolute by its storage in the Hell Roaring Reservoir No. 2. Amt. to Remain Conditional: 1.2 AF of 2.0 AF shall remain conditional. Names and address of owners of land on which structure is or will be located: Applicant. (7 pages of original application, Figure 1)

YOU ARE HEREBY NOTIFIED THAT YOU HAVE until the last day of AUGUST 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 JUNE 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.*

23CW3087 (16CW3131) EAGLE, GARFIELD, GRAND, PITKIN AND SUMMIT COUNTIES, APPLICATION FOR FINDING OF REASONABLE DILIGENCE. Names and Addresses of Applicants: The Homestake Partners, acting through the Homestake Steering Committee, comprising: The City of Colorado Springs, acting by and through its Enterprise, Colorado Springs Utilities (“Colorado Springs”), c/o Kim Gortz, Water Supply Resources Manager, 1521 South Hancock Expressway, MC 1825, Colorado Springs, Colorado 80903, and: The City of Aurora, acting by and through its Utilities Enterprise, Aurora Water (“Aurora”), 15151 E. Alameda Parkway, Suite 3600, Aurora, Colorado 80012, Collectively, Colorado Springs and Aurora constitute the “Homestake Partners.” Vail Associates, Inc. (“Vail Associates”), 390 Interlocken Crescent, Suite 1000, Broomfield, Colorado 80012, The Upper Eagle Regional Water Authority (the “Authority”) and the Eagle River Water and Sanitation District (the “District”), 846 Forest Road, Vail, Colorado 81657, The Colorado River Water Conservation District, acting by and through its Colorado River Water Projects Enterprise (the “Colorado River District”), 201 Centennial Street, Suite 200, Glenwood Springs, Colorado 81601, Collectively, Vail

Associates, the Authority, the District, and the Colorado River District constitute the “Eagle Park Reservoir Company.” Pleadings should be served on the undersigned counsel for all Co-Applicants. Names of Structures: Certain features of the Independence Pass Transmountain Diversion System (“IPTDS”), as follows: Lost Man Diversion Dam and Lost Man Diversion Canal; Roaring Fork Diversion Dam, Tunnel No. 2 and Lincoln Gulch Connection Canal; New York Collection Canal; Lincoln Gulch Diversion Dam and Tunnel No. 1. Certain features of the Homestake Project, as follows: French Creek Intake of the Homestake Conduit; Fancy Creek Intake of the Homestake Conduit; Missouri Creek Intake of the Homestake Conduit; Sopris Creek Intake of the Homestake Conduit; East Fork Conduit; Homestake Tunnel; Homestake Reservoir. Green Mountain Reservoir. Ruedi Reservoir. Wolford Mountain Reservoir. Confluence of the Roaring Fork and Colorado Rivers. The confluence is located within the SE1/4 NW1/4 of Section 9, T. 6 S., R. 89 W. of the 6th P.M. in Garfield County located at a point 2,400 feet east of the west section line and 2,300 feet south of the north section line. Description of Conditional Water Rights: Roaring Fork Exchanges: Out-of-priority upstream diversion and storage at the IPTDS structures listed in paragraph 2.1, above, located on and diverting from the Roaring Fork River and certain of its tributaries, including Lincoln Creek, Grizzly Creek, Lost Man Creek, West Fork Gulch, New York Gulch, and Tabor Gulch, will be augmented by releases from Green Mountain Reservoir, Ruedi Reservoir, and Wolford Mountain Reservoir, listed in paragraphs 2.3, 2.4, and 2.5, above, and described in paragraph below. Original Decree: Case No. 98CW270 (February 6, 2003), District Court, Water Division No. 5 (“Water Court”). See Paragraphs 7(a)(5), 5(e), and 7(e) of Decree. Subsequent Decrees: Case No. 09CW17 (October 11, 2010), District Court, Water Court, and Case No. 16CW3131 (June 18, 2017), Water Court. Locations and Legal Descriptions: Location of Augmented Structures (IPTDS Exchange-to Points): Lost Man Diversion Dam and Lost Man Diversion Canal: The initial point of survey of the Lost Man Diversion Dam is located in Pitkin County, Colorado, at a point whence the southwest corner of Section 6, T. 11 S., R. 82 W. of the 6th P.M. bears S 58°42' E 6,473.2 feet. The headgate of the Lost Man Diversion Canal is located in Pitkin County, Colorado, on the east bank of Lost Man Creek at a point whence the southwest corner of Section 6, T. 11 S., R. 82 W. of the 6th P.M. bears S 58°18' E 6,871.2 feet. Roaring Fork Diversion Dam, Tunnel No. 2, and Lincoln Gulch Connection Canal: The initial point of survey of the Roaring Fork Diversion Dam is located in Pitkin County, Colorado, at a point whence the southwest corner of Section 6, T. 11 S., R. 82 W. of the 6th P.M. bears S 80°09' E 6,946.3 feet. The headgate or point of intake of Tunnel No. 2 is located in Pitkin County, Colorado, on the south bank of the Roaring Fork River at a point whence the southwest corner of Section 6, T. 11 S., R. 82 W. of the 6th P.M. bears S 80°38' E 6,921.6 feet. The point of beginning of the Lincoln Gulch Connection Canal is located in Pitkin County, Colorado, at the south end of Tunnel No. 2 at a point whence the southwest corner of Section 6, T. 11 S., R. 82 W. of the 6th P.M. bears N 50°42' E 12,539.2 feet. New York Collection Canal: The headgates of the New York Collection Canal are located in Pitkin County, Colorado, as follows: Headgate No. 1 (also known as the New York Gulch Diversion) is located on the east bank of West Fork Gulch, a tributary of Lincoln Creek, at a point whence the southwest corner of Section 6, T. 11 S., R. 82 W. of the 6th P.M. bears N 58°06' E 24,724.6 feet. Headgate No. 2 (also known as the Brooklyn Gulch Diversion) is located on New York Gulch at a point whence the southwest corner of Section 6, T. 11 S., R. 82 W. of the 6th P.M. bears N 57°24' E 23,997.4 feet. Headgate No. 3 (also known as the Tabor Gulch Diversion) is located on Tabor Gulch at a point whence the southwest corner of Section 6, T. 11 S., R. 82 W. of the 6th P.M. bears N 51°32' E 16,923.1 feet. Lincoln Gulch Diversion Dam and Tunnel No. 1: The initial point of survey of the Lincoln Gulch Diversion Dam (which creates Grizzly Reservoir) is located in Pitkin County, Colorado, at a point whence the southwest corner of Section 6, T. 11 S., R. 82 W. of the 6th P.M. bears N 18°55' E 14,565.5 feet. The headgate or intake of Tunnel No. 1 is located in Pitkin County, Colorado, at a point whence the southwest corner of Section 6, T. 11 S., R. 82 W. of the 6th P.M. bears N 17°33' E 14,380.9 feet. Location of Augmentation Sources: Green Mountain Reservoir: On the Blue River in Summit County in Sections 11, 12, 13, 14, 15, and 24, T. 2 S., R. 80 W., and Section 18, 19, 20, 21, 28, 29, and 34, T. 2 S. R. 79 W of the 6th P.M. Ruedi Reservoir: On the Fryingpan River in Eagle and Pitkin Counties in Sections 7, 8, 9, 11, and 14 through 18, T. 8 S., R. 84 W. of the 6th P.M. Wolford Mountain Reservoir: The dam is located in the SW1/4 of the NE1/4 of Section 25, T. 2 N., R. 81 W. of the 6th P.M. in Grand County, Colorado. Sources: IPTDS: The Roaring Fork River and certain of its tributaries, including Lincoln Creek, Grizzly Creek, Lost Man Creek, West Fork Gulch, New York Gulch, and Tabor Gulch. Green Mountain Reservoir: The Blue River and its tributaries. Ruedi Reservoir: The Fryingpan River and its tributaries. Wolford Mountain Reservoir: Muddy Creek and its tributaries. Priority Date: February 13, 1995. Amount: 400 c.f.s., up to an annual amount of 800 acre-feet, conditional. Uses: Augmentation of out-of-priority diversions and storage by the IPTDS, to which water rights are decreed for direct flow and storage purposes, for irrigation, domestic, commercial, industrial, municipal and all beneficial uses, pursuant to the decree of the District Court in and for Garfield County dated August 25, 1936, in Case No. 3082 (Original Decree), and the decree of the Water Court dated May 12, 1976, in Case No. W-1901 (Change Decree). Description of Decreed Augmentation Plan/Exchange: By this augmentation plan including exchange, as modified and supplemented by the decree of the Water Court in Case No. 09CW28, Applicants and the Eagle Park Reservoir Company augment out of priority diversions at the IPTDS and storage in Homestake Reservoir in an amount up to 4,000 acre-feet from July 1 of one year to June 30 of the following year pursuant to the terms of: (a) the Water Exchange Agreement dated June 17, 1998; (b) the 2004 Water Exchange Agreement dated June 21, 2004; and (c) as modified by the Consolidated Water Exchange Agreement dated January 5, 2010. To augment such out of priority diversions by the IPTDS and storage in Homestake Reservoir, Applicants Vail Associates, the District, the Authority, and the Colorado River District, together with the Eagle Park Reservoir Company, cause the release of a corresponding amount of water from Green Mountain Reservoir, Wolford Mountain Reservoir and/or Ruedi Reservoir, described in paragraph 3.1.3.2, above. The Roaring Fork Exchanges described in paragraph 3.1 are secondary “backup” exchanges intended to be operated only if necessary pursuant to the terms of the Water Exchange Agreement dated June 17, 1998, and the 98CW270 decree that adjudicated the exchanges. The conditions under which the backup exchanges would be operated did not occur during the subject diligence period. Homestake Exchanges: Out-of-priority upstream diversions and storage at the Homestake Project structures listed in paragraph 2.2 above, located on and diverting from the Eagle River and its tributaries, including Homestake Creek, its East and Middle Forks, French

Creek, Fancy Creek, Missouri Creek and Sopris Creek are augmented with releases from Ruedi Reservoir, described in paragraph 3.1.3.2.2., above. Original Decree: Case No. 98CW270 (February 6, 2003), Water Court. *See* paragraphs 6(b)(2) and 7(e) of Decree. Subsequent Decrees: Case No. 09CW17 (October 11, 2010), Water Court; Case No. 09CW28 (December 23, 2012), Water Court; Case No. 16CW3131 (June 18, 2017), Water Court. Change Decree: In Case No. 95CW272-A, Water Court, a decree was entered on March 16, 2011, for conditional water rights, for changes of water rights, and for approval of a plan for augmentation, including exchange. The legal descriptions of certain conditional water rights of the Homestake Project were changed, and alternate points of diversion added, by the Decree entered in Case No. 95CW272-A. Locations and Legal Descriptions: Location of Augmented Structures (Exchange-to Points): Certain features of the Homestake Project, as follows: French Creek Intake of the Homestake Conduit: S 82°18.3' E 20,988 ft. to northwest corner Section 31, T. 7 S., R. 80 W., of the 6th P.M., Eagle County, Colorado. New alternate points decreed in Case No. 95CW272-A: Blodgett Reservoir, Homestake Creek Intake, Turkey Creek Intake, or Cross Creek Intake for the Eagle-Cross Pump and Pipeline, Fall Creek Intake for the Eagle-Cross Pump and Pipeline, Peterson Creek Intake for the Eagle-Cross Pump and Pipeline, or Eagle River Intake for the Eagle-Cross Pump and Pipeline. Fancy Creek Intake of the Homestake Conduit: N 85°10.5' E 25,280 ft. to northwest corner Section 31, T. 7 S., R. 80 W., of the 6th P.M., Eagle County, Colorado. New alternate points decreed in Case No. 95CW272: Blodgett Reservoir, Homestake Creek Intake, Turkey Creek Intake, or Cross Creek Intake for the Eagle-Cross Pump and Pipeline, Fall Creek Intake for the Eagle-Cross Pump and Pipeline, Peterson Creek Intake for the Eagle-Cross Pump and Pipeline, or Eagle River Intake for the Eagle-Cross Pump and Pipeline. Missouri Creek Intake of the Homestake Conduit: N 77°12.4' E 28,800 ft. to northwest corner Section 31, T. 7 S., R. 80 W., of the 6th P.M., Eagle County, Colorado. New alternate points decreed in Case No. 95CW272: Blodgett Reservoir, Homestake Creek Intake, Turkey Creek Intake, or Cross Creek Intake for the Eagle-Cross Pump and Pipeline, Fall Creek Intake for the Eagle-Cross Pump and Pipeline, Peterson Creek Intake for the Eagle-Cross Pump and Pipeline, or Eagle River Intake for the Eagle-Cross Pump and Pipeline. Sopris Creek Intake of the Homestake Conduit: N 74°7.6' E 29,848 ft. to northwest corner Section 31, T. 7 S., R. 80 W., of the 6th P.M., Eagle County, Colorado. New alternate points decreed in Case No. 95CW272: Blodgett Reservoir, Homestake Creek Intake, Turkey Creek Intake, or Cross Creek Intake for the Eagle-Cross Pump and Pipeline, Fall Creek Intake for the Eagle-Cross Pump and Pipeline, Peterson Creek Intake for the Eagle-Cross Pump and Pipeline, or Eagle River Intake for the Eagle-Cross Pump and Pipeline. Pursuant to the decree in Case No. 95CW272-A, the changed and alternate points of diversion identified above are located as follows: Blodgett Reservoir: NE1/4 of the NE1/4 of Section 6, T. 7 S., R. 80 W. of the 6th P.M. at a point on Homestake Creek approximately 1,050 feet South of the North section line and 800 feet West of the East section line. Homestake Creek Intake: NE1/4 of the SE1/4 of Section 31, T. 6 S., R. 80 W. of the 6th P.M. at a point on Homestake Creek approximately 1,900 feet North of the South section line and 75 feet West of the East section line. Turkey Creek Intake: SW1/4 of the NW1/4 of Section 20, T. 6 S., R. 80 W. of the 6th P.M. at a point on Turkey Creek approximately 1,500 feet South of the North section line and 880 feet East of the West section line. Cross Creek Intake for the Eagle-Cross Pump and Pipeline: SE1/4 of the SW1/4 of Section 36, T. 5 S., R. 81 W. of the 6th P.M. at a point on Cross Creek approximately 2,000 feet East of the West section line and 1,250 feet North of the South section line. Fall Creek Intake for the Eagle-Cross Pump and Pipeline: SW1/4 of the NW1/4 of Section 13, T. 6 S., R. 81 W. of the 6th P.M. at a point on Fall Creek approximately 4,300 feet East of the West section line and 2,400 feet South of the North section line. Peterson Creek Intake for the Eagle-Cross Pump and Pipeline: NW1/4 of the NE1/4 of Section 24, T. 6 S., R. 81 W. of the 6th P.M. at a point on Peterson Creek approximately 1,400 feet West of the East section line and 1,100 feet South of the North section line. Eagle River Intake for the Eagle-Cross Pump and Pipeline: SE1/4 of the SW1/4 of Section 19, T. 6 S., R. 80 W. of the 6th P.M. at a point on the Eagle River approximately 1,100 feet North of the South section line and 1,750 feet East of the West section line. East Fork Conduit: The point of diversion of said conduit is on East Fork Homestake Creek at a point whence the northwest corner of Section 31, T. 7 S., R. 80 W. of the 6th P.M. bears North 55°40.5' East, 22,917 feet, Eagle County, Colorado. In addition to the originally decreed points of diversion, the East Fork Conduit may divert at the following alternate points of diversion as decreed in Case No. 95CW272-A: Blodgett Reservoir; the Homestake Creek Intake; the Turkey Creek Intake; or Cross Creek Intake, Fall Creek Intake, Peterson Creek Intake, or Eagle River Intake for the Eagle-Cross Pump and Pipeline, as described in paragraph 3.2.4, above. Homestake Tunnel: Intake located at a point under Homestake Reservoir whence the northwest corner of Section 10, T. 9 S., R. 81 W. of the 6th P.M. bears South 15°27'08" East 26,173.03 feet, Pitkin County, Colorado, and outlet at a point from where the northwest corner of Section 10, T. 9 S., R. 81 W. of the 6th P.M. bears North 6°40'52" East, a distance of 2,173.54 feet, Lake County, Colorado. Homestake Reservoir: Located on Homestake Creek with a dam whence the northwest corner of Section 31, T. 7 S., R. 80 W. of the 6th P.M. bears North 58°30.6' East 24,659 feet from the East dam abutment and North 62°25.8' East 25,746 feet from the West dam abutment, Eagle County, Colorado. Pursuant to the decree entered in Case No. 95CW272-A, the Applicants may divert and store 9,316 acre-feet annually in either the Homestake Reservoir or in Blodgett Reservoir, as described in paragraph 3.2.4, above. Location of Augmentation Source: Ruedi Reservoir. *See* paragraph 3.1.3.2.2, above. Sources: Homestake Project: The Eagle River and its tributaries, including Homestake Creek and its East and Middle Forks, French Creek, Fancy Creek, Missouri Creek, and Sopris Creek. Ruedi Reservoir. *See* paragraph 3.1.3.2.2, above. Appropriation Date: February 13, 1995. Amount: 400 c.f.s., up to an annual amount of 800 acre-feet, conditional. Uses: Augmentation of out-of-priority diversions and storage by the features identified above of the Homestake Project, which was decreed in Civil Action No. 1193 of the Eagle County District Court, on June 8, 1962, as a system of works, including ditches, tunnels and reservoirs, for the collection, diversion, storage, regulation, and transportation of water to supply the water works and water systems of Colorado Springs, Aurora, and other entities and persons as may use the water from Colorado Springs and Aurora for domestic and municipal uses, and other uses made of water furnished through municipal and other water systems furnishing water to inhabitants of municipalities and suburban areas, including such uses, but not by way of limitation or exclusion, domestic and household uses, industrial, business and mechanical uses, generation of power, sewage treatment, street sprinkling and washing, watering of parks, lawns and gardens, fire protection and other use as may be necessary or proper to safeguard the health and welfare of the persons and

communities using this water, including such uses as may be necessary, proper, or incident to providing a safe, firm and adequate supply of water for the present and future water needs of the communities and the inhabitants thereof to be served by this water supply.

Description of Decreed Augmentation Plan/Exchange: By this augmentation plan including exchange, as modified and supplemented by the decree of the Water Court in Case No. 09CW28, Applicants and the Eagle Park Reservoir Company augment out of priority diversions at the IPTDS and storage in Homestake Reservoir in an amount up to 4,000 acre feet from July 1 of one year to June 30 of the following year pursuant to the terms of (a) the Water Exchange Agreement dated June 17, 1998; (b) the 2004 Water Exchange Agreement dated June 21, 2004; and (c) as modified by the Consolidated Water Exchange Agreement dated January 5, 2010. To augment such out of priority diversions by the IPTDS and storage in Homestake Reservoir, the Eagle Park Reservoir Company causes the release of a corresponding amount of water from Green Mountain Reservoir, Wolford Mountain Reservoir and/or Ruedi Reservoir, described in paragraph 3.1.3.2. above. The conditions under which the Ruedi Reservoir to Homestake Project portion of the Homestake Exchanges would be operated did not occur during the subject diligence period. A general location map of the water rights described in paragraph 3 is attached as **Exhibit A. Detailed Outline of Work Done to Apply Water to a Beneficial Use:** The infrastructure necessary to operate the conditional water rights has been constructed, is in place, and is available for diversions. However, the conditions under which the exchanges would be operated did not occur during the subject diligence period. The Applicants also engaged in extensive work during the diligence period to develop the subject water rights, comprising work to advance and effect application of the conditional rights to beneficial use, work to maintain and protect existing infrastructure and water rights needed for development and use of the subject water rights, and work in maintaining, protecting, and developing the Applicants' respective integrated water supply systems. Applicants' diligence activities are as follows: Eagle Park Reservoir Company diligence activities: The Eagle Park Reservoir Company contributed approximately \$125,000 to the Eagle River Water and Sanitation District and Upper Eagle Regional Water Authority for the development of a water supply planning model. The water supply planning model has been utilized to assist with water supply planning in the Eagle River basin, to incorporate the development of the subject water rights in future water supplies, to evaluate additional Eagle River Memorandum of Understanding project, and to model future hydrology in the development of the Eagle River Community Water Plan. The Eagle Park Reservoir Company paid LRE Water approximately \$69,000 for development of the Homestake Creek Transit Loss Study, which was initiated in response to the Division Engineer's higher assessment of transit losses in the Homestake drainage following the 2020 Homestake Reservoir State Line Release. The Eagle Park Reservoir Company engaged in review and comment work related to the establishment of the Camp Hale National Monument, including working with other interested parties to provide comments to the proponents of the designation. The Eagle Park Reservoir Company continued to operate the Homestake Exchanges from June 22 – July 2, 2021, for a total exchange volume in the amount of 749.86 acre-feet and at a maximum exchange rate of 51.27 c.f.s., and again from July 10 – July 16, 2022, for a total exchange volume of 136.6 acre-feet and at a maximum exchange rate of 18.13 c.f.s. Exchanges from Green Mountain Reservoir and Wolford Mountain Reservoir to the Homestake Project structures were previously decreed absolute in Case No. 98CW270. Colorado River District diligence activities: Wolford Mountain Reservoir Operations. Over the course of the diligence period, the Colorado River District dedicated substantial personnel time and expended in excess of \$5.4 million, excluding personnel expenditures, for the operation and maintenance of Wolford Mountain Reservoir, including the following: Funded United States Geological Survey gaging stations at Wolford Mountain Reservoir and Muddy Creek to gauge water quality and stream flows respectively. Conducted watershed management and mitigation area monitoring and maintenance below Wolford Mountain Reservoir. General maintenance of Wolford Mountain Reservoir facilities, including the shop and recreational area. During the diligence period, the Colorado River District spent significant resources in analyzing and monitoring the dam at Wolford Mountain Reservoir. This work included but is not limited to mapping, surveying, the installation and monitoring of inclinometers, piezometers, and extensometers. Additional work included a crest raise and the fabrication and replacement of the main gate. Funded an invasive aquatic species program at Wolford Mountain Reservoir. Renewed the right-of-way permit (COC-45805) from the Bureau of Land Management (BLM) for continued use of public land for the reservoir, dam, habitat mitigation areas, roads, and parking area through December 31, 2050. Homestake Partners diligence activities: Completed adjudication in the Division 5 Water Court of Case No. 16CW3022 (88CW449; 08CW111), and a decree was entered on September 17, 2017. That decree made a finding of reasonable diligence for water rights and exchanges involving structures to be developed and used in conjunction with and as part of the integrated Homestake Project. Secured entry of a decree on June 10, 2018, in Case No. 17CW3064 (95CW272A), Water Division No. 5, confirming diligence and continuing in effect conditional water rights originally decreed in Case No. 95CW272A, which comprise part of the integrated Homestake Project. Filed an application for findings of reasonable diligence and to make absolute portions of water rights associated with the integrated Homestake Project in Case No. 20CW3024, Water Division 5, entered into a stipulation with the sole opposer, and continued discussions with the Division Engineer to obtain final decree in the same. Pursued development of infrastructure required to develop the water rights associated with the Eagle-Arkansas Ditch. To that end, Homestake Partners have secured engineering studies by staff and outside engineering consultants of potential diversion, storage, and transmission structures, alignments, and operations to collect and transport the decreed water. Continued to pursue development of a joint project or projects as contemplated by the 1998 Eagle River MOU with Vail Associates, Upper Eagle River Regional Water Authority, Eagle River Water and Sanitation District, Cypress Climax Mining Company, and the Colorado River Water Conservation District. In pursuit of the project, Homestake Partners engaged in discussions and negotiations regarding joint development of the joint projects and initiatives. Participated in the development of the Upper Colorado River Wild and Scenic Stakeholder Group Management Plan to protect outstandingly remarkable values (ORVs) in Segments 4 through 7 of the Colorado River mainstem that was submitted to the Bureau of Land Management in 2011, and have continued to participate in the alternative plan proposed and set out in the Management Plan during this diligence period. Specifically, Applicants have worked to ensure that development of the subject water rights and the integrated Homestake Project will be consistent with wild and scenic river management of the Colorado River Segments 4 through 7. Supported and participated in the

Eagle River Watershed Council Board and its activities to protect and enhance the natural, scenic, and economic values that rivers and tributaries provide, and to promote the interconnected conservation values the watershed represents to diverse interest groups that benefit from its continued health. In this connection, Homestake Partners have worked to ensure that development of the integrated Homestake Project will be consistent with the watershed activities, education, and restoration efforts of the Eagle River Watershed Council. Supported and participated in the Eagle River Watershed Water Quality Data Collection and Assessment Program, which began with a United States Geological Survey Eagle River Watershed Retrospective Assessment Program. The continued monitoring and assessment efforts are currently coordinated through the Eagle River Watershed Council to identify water quality conditions and trends. The Applicants have worked to understand water quality conditions and potential negative and positive effects for potential diversion, storage, transmission alignments and operations to collect and transport the subject water rights. Supported and participated in the Eagle River Community Water Plan (ERCWP), including modeling and planning in the Upper Eagle River Basin, and have worked to ensure that development of the subject water rights and the integrated Homestake Project are incorporated in the ERCWP efforts. Promoted the development of the Subject Water Rights through the inclusion of the Eagle River MOU Project as an Identified Project and Process (IPP) in the Arkansas, Colorado, and South Platte River Basin Implementation Plans to meet the future water supply needs of Aurora and Colorado Springs, consistent with the goals of the Colorado Water Plan. Made capital improvements to existing structures and facilities of the Homestake Project, including completion of dam face reconstruction and outlet works for rehabilitation/maintenance of Homestake Reservoir; pipeline repair and replacement of certain sections of the Homestake Pipeline. In connection with the Arkansas River Diversion Dam Project, planning for which began in 2014, obtained required permits and permissions from applicable authorities, obtained land use rights for the affected lands not owned by the Homestake Partners, organized a joint effort between stakeholders to ensure the dam would meet and satisfy myriad stakeholder requirements, including fish passage and a boat chute, and continued to execute and supervise design, construction, and project management contracts for project construction, which began in 2018, and was completed in 2020. The Arkansas River Diversion Dam serves as an on-channel intake on the Arkansas River for the Otero Pump Station, which conveys water to the Cities of Aurora and Colorado Springs. Acting individually or through the Homestake Steering Committee, have participated in numerous water court applications as opposers in Water Division No. 5 involving water rights in the Colorado and Eagle River basins in order to protect the subject water rights, water rights of the integrated Homestake Project, and water rights of the Applicants' respective integrated water supply systems, including: Case No. 13CW3109, the application of Glenwood Springs for a recreational in-channel diversion; Case Nos. 21CW3029 and 21CW3030, the applications of Eagle River Water and Sanitation District and the Upper Eagle Regional Water Authority for water rights and approval of plans for augmentation and exchange; Case No. 21CW3180, the application of the Town of Minturn for water right, approval of a plan for augmentation, and appropriative rights of exchange; Case No. 21CW3132, the application of Eagle Vail Metropolitan District for water rights, changes of water rights, and approval of augmentation plan and exchange; Case No. 22CW3014, the application of the Town of Eagle for change of water rights and approval of plan for augmentation and exchange; and Case No. 23CW3031, the application of the Upper Eagle Regional Water Authority for finding of diligence and to make water rights absolute, in part, originally decreed in Case No. 91CW76. During the diligence period, Homestake Partners made joint capital expenditures of at least \$ 40,844,671 and \$730,000 in legal and consulting fees in pursuit of the diligence activities described above. City of Aurora's diligence activities (excluding Homestake Project activities): Integrated Water Supply System. The water rights that are the subject of this application are part of Aurora's trans-basin municipal water supply system that is an integrated system of water rights and structures under C.R.S. § 37- 92-301(4)(b). During the diligence period, Aurora performed the following work and made the following expenditures toward completion of the appropriations and application of the subject water rights to beneficial use (expenditure numbers are rounded to the nearest \$1,000). Project Specific Efforts. During the diligence period, Aurora has done at least the following project-specific work toward completion of the appropriations and application of the conditional water rights decreed in Case No. 98CW270 to beneficial use: Homestake Project. Aurora has participated in the efforts described in paragraph 4.4.1, above, in furtherance of its integrated water supply system. Once water is transported over the Continental Divide and through the Otero Pump Station and Homestake Pipeline, Aurora transports its share to Spinney Mountain Reservoir in the South Platte Basin. Legal Actions. Aurora has actively protected the subject conditional water rights from potential injury by performing monthly reviews of the Water Division 5 Water Court Resume to determine whether the filing of statements of opposition was necessary to protect its water rights in Water Division 5, including the subject conditional water rights. Aurora has filed statements of opposition in numerous cases to protect its water rights during this diligence period. Additionally, Aurora's counsel has continued to participate in pending legal actions to protect the conditional water rights during this diligence period. During the subject diligence period, Aurora expended substantial funds, in excess of \$50,000, for legal expenses for the aforementioned protection of the subject conditional water rights. Systemwide Efforts. During the diligence period, Aurora has accomplished at least the following systemwide efforts that will be used to operate or benefit the conditional rights: Colorado River Basin. During this diligence period, Aurora entered into an Agreement and Intergovernmental Agreement with the Colorado River Water Conservation District, Basalt Water Conservancy District, Board of County Commissioners of Eagle County, Board of County Commissioners of Pitkin County, Grand Valley Water Users Association, Orchard Mesa Irrigation District, and the Ute Water Conservancy District, effective date August 1, 2018 (the "Settlement Agreement"). Inter alia, the Settlement Agreement addressed resolution of 09CW142, Water Division 2, amongst certain parties thereto, and is filed in the Court's file for Case No. 09CW142. As contemplated and limited by the terms of the Settlement Agreement, Aurora filed an application in Case No. 19CW3159, Water Division 5, seeking judicial determination of appropriative rights of exchange by which 900 acre-feet of water of the Twin Lakes Reservoir and Canal Company ("Twin Lakes"), available to Aurora via its share ownership and over which Aurora has maintained dominion and control in any one year, will be moved as follows. Water from Grizzly Reservoir will be placed into Lincoln Gulch, a tributary of Lincoln Creek, or bypassed from the Twin Lakes system's Roaring Fork River basin facilities into other tributaries of the Roaring Fork River, and then exchanged from the confluence of the Roaring Fork

and Fryingpan Rivers upstream on the Fryingpan River to Ruedi Reservoir and an additional exchange, as a component subset of the 900 acre feet, up to 450 acre feet in any one year from Ruedi Reservoir upstream to Ivanhoe Reservoir located upon Ivanhoe Creek for subsequent movement into Water Division 2. Protection Efforts. During this diligence period, Aurora made expenditures in excess of \$100,000 for legal services for participation in Water Divisions 2 and 5 cases to protect the rights and interests of Aurora with regard to its water supply system, including the subject conditional water rights. South Platte River Basin. Metro Wastewater Reclamation District Charges. Aurora expended approximately \$181,291,000 for fees for wastewater treatment of its water at the Metro Wastewater Reclamation facility. Such treatment is necessary for reuse of the water within the South Platte River Basin and to comply with water reuse requirements. Sand Creek Water Reuse Plant Improvements. Aurora operates the Sand Creek Water Reuse Plant, a 5-million-gallon per day facility, which provides treated water used for irrigation throughout the City and for discharge into Sand Creek for use as a replacement source. Aurora expended approximately \$16,211,662 for improvements to and operating costs for the Sand Creek plant. This work is necessary for reuse within the South Platte River Basin of the subject water rights and to comply with water reuse requirements. Griswold Water Treatment Plant Renovations. This facility treats a portion of the raw water before it is delivered to Aurora's customers. Approximately \$43,228,000 was spent by Aurora for improvements to this facility necessary to accommodate the subject water rights. This includes expenditures directly by Aurora for renovation of the facility. Wemlinger Water Treatment Plant Expansion. Aurora spent approximately \$41,053,000 for expansion of the Wemlinger Water Treatment Plant. This facility treats a portion of the raw water before it is delivered to Aurora's customers. Improvements to Extend and Improve Water Service in and to Aurora. At least \$69,936,000 was spent by Aurora for extension and upgrades of its water transmission system necessary to deliver the water to Aurora's customers. Automated Meter Reading System. Aurora spent approximately \$9,064,000 for updates to its automated utility reading system. This is needed for efficient operation of Aurora's water supply and delivery system, including use of the subject water rights. Improvements to Sanitary Sewer System. Up to \$75,346,000 was spent by Aurora for extension and upgrade of its sanitary sewer system necessary for wastewater treatment and reuse within the South Platte River Basin of the subject water rights. Prairie Waters Project. The Prairie Waters Project is a large comprehensive water supply, storage and treatment project in which return flows to the South Platte River from Aurora's water sources, including the water that is the subject of this application, may be redirected for subsequent reuse. To facilitate this project Aurora obtained various decrees in Case Nos. 06CW104, 03CW414, and 03CW415, Water Division 1. This project allows further reuse of much of the water decreed to Aurora. During the diligence period, Aurora obtained a decree in Case No. 15CW3064, finding reasonable diligence for the water rights originally decreed in Case No. 06CW104 (decreed December 1, 2017). On November 23, 2021, in Case No. 21CW3006 Aurora obtained a decree finding reasonable diligence for the Aurora-Everist No. 2 water rights originally decreed in Case No. 03CW414. On November 4, 2020, Aurora was granted a decree in Case No. 20CW3058 for findings of reasonable diligence for conditional storage rights for the Aquifer Recharge and Recovery Facility B (ARR-B) and the Tucson South Reservoir, originally decreed in Case No. 03CW414. On December 9, 2021, in Case No. 21CW3028 Aurora obtained a decree finding diligence on the conditional rights originally decreed in Case No. 03CW415. On April 28, 2022, in Case No. 21CW3077, Aurora obtained a decree finding diligence for the PWP Infill Wells originally decreed in Case No. 13CW3042, Water Division 1. Aurora has expended at least \$9,294,000 on several elements of the Prairie Waters Project during this diligence period. Lawn Irrigation Return Flows (LIRFs) Credits. Aurora obtained a decree in Case No. 02CW341, Water Division 1, on September 25, 2008, quantifying LIRFs from its municipal system (and subsequent requantification as required by the Decree in 02CW341), generated as a result of use of transmountain water rights, fully consumable in-basin water rights, decreed and permitted non-tributary sources and any other fully consumable water available to Aurora. Aurora also installed seventeen new monitoring wells and expends manpower to monitor these wells every three months. Water that is used in Aurora's service area can be reused under the decree in Case No. 02CW341. On April 15, 2018, the Court granted an Aurora motion to approve revised deep percolation percentages, revised unit response factors, and revised accounting forms. Aurora has expended significant sums during this diligence period for engineering and legal costs required to requantify the LIRFs adjudicated in Case No. 02CW341 available for reuse. Binney Water Purification Facility. This state-of-the-art water purification and recycling plant owned and operated by Aurora treats water for use throughout the City. Approximately \$5,678,000 was spent by Aurora during the diligence period for improvements to this facility. Aurora Know Your Flow Program. During the diligence period Aurora Water Conservation developed its voluntary Know Your Flow Program designed to help customers understand how efficiently they are using water. Through the program, Aurora Water Conservation estimates what a customer's water use could be for a given billing cycle if the customer were using water efficiently. The customer receives a monthly e-mail from Aurora Water Conservation showing the property's actual water use versus the customized recommended indoor and outdoor water use. Customers also receive weekly watering recommendations and tips during the irrigation season. The Know Your Flow Program was designed by Aurora to encourage more efficient use of the water that is the subject of this application. Legal Actions. Aurora has actively protected its water rights from potential injury by performing monthly reviews of the Water Division 1 Water Court Resume to determine whether the filing of Statements of Opposition was necessary to protect its water rights in Water Division 1. Aurora has filed Statements of Opposition in numerous cases to protect its water rights during this diligence period. During the subject diligence period, Aurora expended approximately \$312,000 on legal expenses for the aforementioned protection of its water rights in the South Platte Basin. Arkansas River Basin. Payment for purchase and lease of Rocky Ford Ditch shares. During this diligence period, Aurora spent approximately \$584,000 for repayment of bonds and payments to note sellers, including principal and interest, that were issued or refunded for the purchase of original Rocky Ford Ditch shares changed in Case No. 83CW18, Water Division 2. Otero IGA. Aurora and Otero County entered into an Intergovernmental Agreement on February 22, 1994, and amended that Agreement on October 29, 2001, under which Amendment Aurora agreed to make annual payments to Otero County concerning the Rocky Ford Ditch shares that are the source for the subject conditional water rights. During this diligence period, Aurora made payments of approximately \$289,000. Pueblo Reservoir Storage. During this diligence period, Aurora paid the Bureau of Reclamation approximately \$5,036,000

for storage use of Pueblo Reservoir, as well as for consultants and legal fees for the long-term storage contract. Assessments Paid for Use of Twin Lakes, Lake Henry/Lake Meredith, Rocky Ford Ditch. During this diligence period, Aurora paid the following in annual assessments: approximately \$525,000 for Twin Lakes Company (necessary for storage); at least \$2,359,000 for the Colorado Canal/Lake Henry/Lake Meredith (necessary for storage); and approximately \$1,691,000 for the Rocky Ford Ditch for the shares attributable to the Subject Rocky Ford Ditch Water Right. Intergovernmental Agreement with SECWCD. On October 3, 2003, Aurora entered into an Intergovernmental Agreement with the Southeastern Colorado Water Conservancy District ("SECWCD"), replacing an agreement between the parties dated December 7, 2001. Under this new IGA, Aurora and SECWCD agreed to support proposed federal legislation relating to the Fryingpan-Arkansas Project to include, among other things, re-operations of the existing water storage facilities, studies for enlargements to Pueblo and Turquoise Reservoirs, and confirming the authority of the Bureau of Reclamation to enter into contracts with Aurora for use of the facilities including long-term contracts. Aurora's ability to use Fryingpan-Arkansas facilities is expanded under this IGA and Aurora is obligated to make certain payments to SECWCD in consideration for the expanded use. Under this IGA, SECWCD also agreed not to oppose Aurora's attempts to contract with the Bureau of Reclamation for use of the Fryingpan-Arkansas Project facilities, to facilitate delivery of Aurora's water, and to settle opposition to each other's water court applications. During this diligence period, Aurora made payments of approximately \$1,001,000.00 to SECWCD under this IGA. Intergovernmental Agreement with Lower Arkansas Valley Water Conservation District ("LAVWCD"). Pursuant to an Intergovernmental Agreement with the LAVWCD, Aurora paid approximately \$750,000 to LAVWCD for the identification and implementation of infrastructure improvements, research, and investigations designed to assist in the permitting or implementation of water leasing programs in the Lower Arkansas Valley, as well as remediation and restoration efforts in the Fountain Creek Corridor. Agreements for Use of the Holbrook System Facilities. On March 1, 2005, Aurora entered into two agreements pertaining to the use of the diversion, conveyance and storage facilities of the Holbrook Mutual Irrigating Company ("Holbrook"). Aurora and Holbrook extended this agreement on February 2, 2010. These agreements implement a program to recapture and store yield from foregone diversions of senior water rights. Aurora completed structural modifications to the Holbrook system facilities and filed a Substitute Water Supply Plan necessary to implement the program. An Amended Agreement was entered into on April 21, 2016. Further, Aurora initiated a study to examine enlargement of the Holbrook Reservoir to further facilitate operations. During this diligence period, Aurora made payments of approximately \$489,000 to Holbrook under this agreement. Recovery of Yield ("ROY"). On August 17, 2016, Aurora, along with Colorado Springs, the Pueblo Board of Water Works, the City of Fountain, and the Southeastern Colorado Water Conservancy District, obtained a decree in WD-2, Case No. 06CW120 adjudicating exchanges necessary as a result of the 2004 Regional Intergovernmental Agreement ("IGA") between the various water providers and the City of Pueblo, whereby the water providers agreed to allow certain of their senior flows to pass through Pueblo's RICD reaches on the condition those flows could be removed downstream and exchanged back upstream. In addition, the ROY participants, including Aurora, have made significant efforts to secure the Arkansas Gravel Pit Reservoir ("AGPR") or a comparable facility. In December 2021, the ROY participants purchased the so-called Fossil property for potential use as a reservoir site. Aurora has expended approximately \$1,158,000 on these efforts during the diligence period. Revegetation. Aurora has expended approximately \$1,468,000 during this diligence period for revegetation, including expenditures for expert revegetation classifications and reports, actual revegetation and weed control costs, as well as farm equipment purchases, office overhead and personnel costs, under Case No. 83CW18. Aurora also expended additional sums for revegetation and continued farming of historically irrigated lands pursuant to the decree in Case No. 99CW169(A). On June 3, 2014, Aurora entered into an Intergovernmental Agreement with Otero County to clarify between the parties, certain terms contained in the 99CW 169(A) decree regarding revegetation. Non-Basin Specific Efforts. Study of Aurora's Water Needs. Aurora spent approximately \$3,080,000 towards its Integrated Water Master Plan to assist in determining the City's future water needs and developing a plan to meet those needs. This study will increase the overall efficiency of Aurora's operations. Aurora Raw Water System Model. Aurora spent approximately \$605,000 for consultant fees to develop and support a computer model of Aurora's raw water system. City of Colorado Springs diligence activities (excluding Homestake Project activities): The water rights that are the subject of this application are part of Colorado Springs' municipal water supply system that is an integrated system of water rights and structures under C.R.S. § 37- 92-301(4)(b), which is comprised of water rights and infrastructure in the Colorado, Arkansas, and South Platte River basins, including the Homestake System and IPTDS. During the diligence period, Colorado Springs pursued development of its integrated water supply system. Examples of such activities include retaining engineering consultants and attorneys to assist it in the acquisition, operation, maintenance, improvement, and protection of its water resources and its municipal water supply, distribution, and wastewater treatment systems. Colorado Springs also undertook numerous projects and activities for the improvement and enlargement of its water supply and distribution systems in order to facilitate the completion of the appropriation of the conditionally decreed rights of storage, substitution and exchange that are the subject of this Application including, but not limited to: completion of the Southern Delivery System (SDS) Project Phase 1; construction and establishment of certain wetlands along Fountain Creek as required per the SDS Project environmental mitigation requirements; improvements to the raw water pipeline between Pikeview Reservoir and the Tollefson (Mesa) water treatment plant; improvements to the Northfield Reservoir dam and spillway; completion of upgrades to the 33rd Street Pump Station; completion of upgrades to the Manitou Intake diversion structure on Ruxton Creek; improvements to the French Creek Intake diversion structure; improvements to Gold Camp and South Suburban Reservoirs; investigations into seepage from Rampart Reservoir dam; investigations regarding system water losses; install water quality improvements on its Northfield and Pikeview Systems, replacement of the South Catamount transfer pipeline, design and initial construction activities for refacing of the Crystal Creek Reservoir dam; improvements to the Nichols Reservoir dam and spillway; design for refacing of the South Catamount Reservoir dam; operation and development of its Arkansas River exchange program and its Colorado Canal reuse program; development and completion of the Integrated Water Resources Plan which identified a portfolio of water supply projects, policies, and processes that will be necessary to provide a reliable

and sustainable supply of water for its customers for the next 50 years; and pursuit of a project to maximize the yield of the Blue River System. Colorado Springs also purchased shares in the Lower Arkansas Water Management Association and the Fort Lyon Canal Company. Filed an application in March 2018 seeking a finding of reasonable diligence for Homestake/Blue River exchange right, Case No. 18CW3041, Water Division 5. Colorado Springs also participated in negotiations with parties to the 1955 Blue River Decree, the State of Colorado, and others regarding various Blue River Decree matters, including operations of Green Mountain Reservoir vis-à-vis other Blue River and Colorado River water rights, which have resulted in an agreed Green Mountain Reservoir Protocol. In addition, Colorado Springs participated as an objector in numerous water court cases in Water Division 5 involving water rights in the Blue River basin in order to protect the subject conditional water rights, the water rights of the integrated Homestake Project, and water rights of Colorado Springs' integrated water supply system, including: Case No. 12CW176, application of Climax Molybdenum, and Case No. 16CW3015, application of Summit County Board of Commissioners. Participated as objectors in numerous applications in Water Division No. 2 involving water rights in the Arkansas River basin in order to protect water rights of the integrated Homestake Project and water rights of Colorado Springs' integrated water supply system. Colorado Springs also filed numerous applications for finding of reasonable diligence and for adjudication of water rights in Water Division 2. Colorado Springs made capital expenditures of at least \$413,993,005.87 in pursuit of the diligence activities described above during the diligence period. Applicants reserve the right to identify additional relevant efforts that may be later discovered or to make upward adjustments to amounts expended on certain projects. Applicants have extensive water rights portfolios, extensive and complex water supply, collection, treatment and reuse systems, and extensive numbers of agreements, contracts, and leases, etc., related to their facilities and the use, reuse and storage of their water rights. Applicants are involved in many legal actions related to the collection, treatment, reuse, and protection of their water rights. Further, Applicants' management, protection, and operation of their water rights and facilities systems involve numerous departments and staff members throughout the state. Applicants made diligent efforts with regard to this Application to determine and quantify all efforts made toward completion of the appropriations and application for the water rights decreed in Case No. 98CW270 to beneficial use. However, it is reasonably possible that relevant efforts or expenditures may have been overlooked or need further upward adjustment. Names and addresses of owner(s) or reputed owners of the land upon which any new diversion or storage structure, or modification to any existing diversion or storage structure is or will be constructed or upon which water is or will be stored, including any modification to the existing storage pool: United States Forest Service, Holy Cross Ranger District – Leanne Veldhius, District Ranger, 24747 U.S. Highway 24, P.O. Box 190, Minturn, Colorado 81645, (Diversion or Storage Structure: Homestake Tunnel Inlet; Homestake Reservoir; East Fork Conduit; all Homestake Conduit diversion points), United States Forest Service, Leadville Ranger District – Patrick Mercer, District Ranger, 810 Front Street, Leadville, Colorado 80461, (Diversion or Storage Structure: Homestake Tunnel Outlet), United States Forest Service, Aspen-Sopris Ranger District – Kevin Warner, District Ranger, 620 Main Street, P.O. Box 308, Carbondale, Colorado 81623, (Diversion or Storage Structure: IPTDS), United States Bureau of Reclamation, Great Plains Region, Eastern Colorado Area Office, 11056 West County Road 18E, Loveland, Colorado 80537, (Diversion or Storage Structure: Green Mountain Reservoir; Ruedi Reservoir), Colorado River Water Conservation District (Co-Applicants), 201 Centennial Street, Suite 200, Glenwood Springs, Colorado 81601, (Diversion or Storage Structure: Wolford Mountain Reservoir), WHEREFORE, Applicants seek a finding that they have exercised reasonable diligence with respect to the water rights identified in paragraph 3, above, and such other and further relief as this Court deems just and proper.

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

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

23CW3088 PITKIN COUNTY – TRIBUTARY TO THE ROARING FORK RIVER AND THE COLORADO RIVER. Aspen Valley Ranch Homeowners Association, Inc., c/o Kevin L. Patrick, Esq. and John M. Sittler, Esq., Patrick, Miller & Noto, P.C., 229 Midland Ave, Basalt, CO 81621, (970) 920-1030. APPLICATION TO MAKE A WATER RIGHT ABSOLUTE. Name of structure: AVR Lower ICS (Irrigation Control Structure). Date of original decree: June 18, 2017, Case No. 15CW3053. Legal description: The outlet of the AVR Lower ICS is located in the NW ¼ NE ¼ of Section 8, Township 9 South, Range 85 West of the 6th P.M., at a point approximately 195 feet from the North section line and 1,874 feet from the East section line (Pitkin County). UTM NAD83 Z13: Northing – 4350847, Easting – 335804. A map is on file with the Court as Exhibit A. Source: Roaring Fork River, via the Salvation Ditch. Applicant owns several water rights that are diverted at the Roaring Fork headgate of the Salvation Ditch. Applicant's interest in the Salvation Ditch includes the following: Applicant's undivided interest in the 1.0 c.f.s. filling right decreed for certain ponds in Case No. 95CW264. Case No. 15CW3052 changed the place of storage for a number of these rights. Applicant's undivided interest in the 0.399 c.f.s. of the senior Salvation Ditch water right, changed in Case No. 95CW264. Applicant's interest in the 0.399 c.f.s. is used in accordance with that decree. Applicant's unchanged interest in the senior Salvation Ditch water rights (3.66 c.f.s.). Applicant's unchanged interests are delivered to the AVR Lower ICS as an irrigation control structure, temporarily detained in the AVR Lower ICS structure, and used for irrigation. These rights are not used to store water under the AVR Lower ICS storage right. Applicant's interests

in the Waco Ditch, which diverts from Woody Creek, tributary to the Roaring Fork River, tributary to the Colorado River. At times when the water rights described above do not require the full capacity of the reservoir for irrigation control purposes or storage under other decreed water rights senior to the rights decreed to the AVR Lower ICS, water is stored under the AVR Lower ICS storage right when it is physically and legally available. In addition, the AVR Lower ICS receives water from the AVR Well Field, which withdraws alluvial water tributary to the Roaring Fork River under a Basalt Water Conservancy District Allotment Contract. Amount: 4.438 acre-feet, conditional, with the right to fill and refill. Appropriation date: August 31, 2011. Uses: Irrigation, irrigation control, wetland mitigation, and standby fire protection. The court decreed 1.438 acre-feet, absolute, for fire protection in Case No. 15CW3053. A map showing the irrigated area is on file with the Court as Exhibit C. Surface area of high water line: 1.40 acres. Maximum height of dam: 7.0 feet. Length of dam: 570 feet. Claim to make absolute: Date water applied to beneficial use: September 14, 2019. Amount: 4.438 acre-feet. Uses: Irrigation, irrigation control, wetland mitigation, and standby fire protection. Applicant owns the land where the water right is located and where the water is placed to beneficial use. Remarks: The AVR Lower ICS is a component of an integrated legal water supply project belonging to Applicant involving the water rights described in Case No. 15CW3052. Table A on file with the Court shows all of the water rights, including the AVR Lower ICS, that may be stored in the AVR Lower ICS structure, including water temporarily stored for irrigation control purposes. Applicant requests a finding of reasonable diligence for any portions of the AVR Lower ICS not made absolute in this case. A detailed outline of the work toward completion of the appropriation and application of the water toward beneficial use is on file with the Court as Exhibit B.

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

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

23CW3089 PITKIN COUNTY, ROARING FORK AND COLORADO RIVERS. Two Hastings Ranch LLC c/o Johnston Van Arsdale Martin PLLC, 305 Gold Rivers Court, Ste 200 Basalt, 81621, (970) 922-2122. Application for Finding of Reasonable Diligence. Name of structure: Wilderness Pond II. Original decree: 16CW3101, entered on 6/18/2017, Water Div. 5. Location: The center of the dam at the outlet is at a point in the SE1/4 NW1/4 of Sec 25 T8S R87W 6th PM, at a point 2,115 ft south of the north section line and 1,730 ft east of the west section line of said Sec 25 (UTM Easting 322327.33, UTM Northing 4355352.79, Zone 13). Date of approp.: 9/30/2016. Amount: 0.50 af., cond. Surface area of high-water line: 0.075 acres. Vertical height of dam: 9.9 ft. Length of dam: 220 ft. Total capacity of pond: 0.50 af. Activity capacity: 0.45 af. Dead storage: 0.05 af. Uses: Irrigation, aesthetic, recreation, fire protection, wildlife watering, piscatorial, and stockwatering. Proposed irrigated area: Approx. 5.1 acres located on Applicant's property in the SE1/4 NW1/4 and the SW1/4 NE1/4 of Sec 25 T8S R87W 6th PM. **Source: East Sopris Creek, trib. to the Roaring Fork River, trib. to the Colorado River.** Name and capacity of ditch used to fill reservoir: Miller Ditch. Legal desc. of p.o.d.: UTM Easting 322835, UTM Northing: 4355666, Zone 13. Rate of diversion for filling the reservoir: 0.20 cfs. Remarks: Wilderness Pond II fills with water diverted at the Miller Ditch headgate, that is pumped out of a sump in the ditch at approx. the same p.o.d. decreed to the Miller Ditch Pump in 89CW47. The water is pumped up to Applicant's homesite where it flows into the Wilderness Pond I (decreed in 16CW3101) and will flow into Wilderness Pond II upon construction. Direct irrigation use of said water will be made on the approx. 1.09 acres near the Applicant's homesite. An outlet pipe in Wilderness Pond II will allow water to enter a pipe that runs to the approx. 4-acre pasture located below Applicant's homesite. Owner of land upon which structure is or will be located: Applicant. In 16CW3101, the Court determined the subject water right is part of an integrated system that includes the Wilderness Pond I, Wilderness Pond II, and the Miller Ditch First Enlargement. An outline of the activities evidencing reasonable diligence in the development of the approp. for the subject cond. water right is included in the Application on file with the Court.(5 pages, 3 exhibits).

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

23CW5 (16CW19) GARFIELD COUNTY-SPRING TRIBUTARY TO THE COLORADO RIVER. Larry Klebold; P.O. Box 67; Parachute, CO 81635. (303)888-6861. 4K Spring No. - Application for Finding of Reasonable Diligence. Location: Southeast ¼ Northwest ¼ of Sec. 35, T.7S., R.96W. of the 6th P.M. 1,344 ft. from the north sec. line and 2,136 ft. from the west sec. line.

Appropriation: Mar. 21, 2000. Amount: 0.75 c.f.s., conditional. Uses: domestic use for in-house purposes only, stock watering and fire protection. The applicant has included a comment concerning the status of diligence activities within the application.

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

22CW3042 EAGLE COUNTY. Amended Application for Conditional Ground Water Right, Change of Water Rights, and Plan for Augmentation Including Exchange Project Rights. Applicant: Red Mountain Ranch Partnership, LLLP, c/o Balcomb & Green, P.C., P.O. Drawer 790, Glenwood Springs, CO 81602; 970-945-6546. Applicant requests confirmation of a conditional groundwater water right for the Red Mountain Ranch Tree Farm Well, with a total of 3 points of diversion, in the cumulative amt. of 0.289 c.f.s. for winter Irr. of a commercial nursery and tree farm and year-round indoor commercial uses in a warehouse; to change a portion of the Applicant’s Warren Ditch water rights to be diverted at the Red Mountain Ranch Tree Farm Well and its alternate points of diversion (collectively its “APODs”); and a plan for Aug. including exchange projects to allow the Red Mountain Ranch Tree Farm Well and its APODs to operate without injury to water rights holders in the Eagle River or CO River watersheds. First Claim Conditional Groundwater Right. Name of Structure: Red Mountain Ranch Tree Farm Well. Legal Descriptions: Red Mountain Ranch Tree Farm Well: The well will be located within the 27.994 acres of land known as Red Mountain Ranch Parcel L (“Parcel L”), lying within T. 4 S., R. 84 W. of the 6th P.M., all within Eagle Cty., CO. Further described as 21401 US Hwy 6 as recorded in the Eagle Cty. Records Reception No. 201914373. Further described as UTM Coordinates, Easting: 348531, Northing: 4393725, NAD 83, Zone 13, as depicted in Exhibit A on file with the Water Ct. Red Mountain Ranch Tree Farm Well, Alternate Point of Diversion No. 1: The well will be located within Parcel L, lying within T. 4 S., R. 84 W. of the 6th P.M., all within Eagle Cty., CO. Further described as 21401 US Hwy 6 as recorded in the Eagle Cty. Records Reception No. 201914373. Further described as UTM Coordinates, Easting: 348189, Northing: 4393697, NAD 83, Zone 13. Red Mountain Ranch Tree Farm Well, Alternate Point of Diversion No. 2: The well will be located within Parcel L, lying within T. 4 S., R. 84 W. of the 6th P.M., all within Eagle Cty., CO. Further described as 21401 US Hwy 6 as recorded in the Eagle Cty. Records at Reception No. 201914373. Further described as UTM Coordinates, Easting: 348090, Northing: 4393651, NAD 83, Zone 13. Source: Groundwater, tributary to the Eagle River, tributary to the CO River. Depth: Up to 100 ft. Date of Approp.: 05/31/2022. How Approp. was Initiated: The filing of an application, as amended by this application. Amt. claimed: 0.289 c.f.s., conditional, for the Red Mountain Ranch Tree Farm Well and its APODs, collectively. Uses: Year-round indoor commercial, outdoor winter Irr. Remarks: Applicant proposes to divert water from the Red Mountain Ranch Tree Farm Well and its APODs under this new conditional right to provide for year-round indoor commercial demands, and to provide for outdoor winter Irr. of a nursery and tree farm. In 84CW310, the Ct. defined the outdoor Irr. season as the period between May 15 through October 31. Out-of-priority depletions will be augmented pursuant to the Third and Fourth Claims for Relief, below, via contract water from the CRWCD from Eagle Park Reservoir. Second Claim Surface Water Rights – Change in Point of Diversion. Name of Structure: Warren Ditch. Information From Previous Decrees: The Warren Ditch water rights associated with Parcel L were originally Decreed in Civil Action Nos. 294, 963, and 1193 in the District Ct., Eagle Cty., CO. The Warren Ditch water rights were changed in 84CW310 to include Dom., Irr., industrial, commercial, and municipal uses. In 84CW659, the Ct. determined a consumptive use of 1.73 AF from the historical Irr. of 241.6 acres with 416 AF of water. The table below shows each water right in the Warren Ditch, the Amts included in 84CW659 and 84CW310, and the pro-rata Amt. allocated to the Red Mountain Ranch Tree Farm Well and its APODs requested in this application.

Case No.	Water Right	Adj Date	Appr Date	Priority No.	Decreed Amt. (c.f.s.)	Amt. in 84CW310 Decree (c.f.s)	Amt. in 84CW659 Decree (c.f.s.)	Amt. Changed in 84CW310 (c.f.s.)
CA294	Warren	1889-12-17	1885-04-20	32	3.700	0.373	3.179	0.139
CA294	Warren 1st Enl	1889-12-17	1889-10-09	95	2.400	0.243	2.074	0.091
CA294	Warren 2nd Enl	1889-12-17	1889-10-09	96	1.600	0.161	1.375	0.060
CA446	Warren 3rd Enl	1907-06-04	1901-10-01	235	0.936	0.000	0.000	-
CA963	Warren 4th Enl	1936-10-03	1922-10-01	450	11.830	1.035	8.825	-

CA1193	Warren 5th Enl	1958-07-23	1952-04-30	534	15.000	1.575	13.425	-
				Total	35.466	3.387	28.878	0.289

Decreed Point of Diversion: The Warren Ditch diverts from the NW side of the Eagle River in the NW1/4 of the SE1/4 of Sec. 24, T. 4 S., R. 84 W., of the 6th P.M. Source: Eagle River, tributary to the CO River. Decreed Uses: Dom., Irr., industrial, commercial, and municipal, as decreed in 84CW310. Amt. Requested to be Changed: 0.289 c.f.s., collectively, as described in the table above. Historical Use: The Warren Ditch water rights to be changed for the Red Mountain Ranch Tree Farm Well are based on the historical consumptive use from the historic Irr. of 10 acres within Parcel L as quantified in 84CW310. The area of historic use is depicted in Exhibit B. The historical consumptive use of 1.73 AF/acre was quantified in 84CW659. Therefore, Irr. of the 10-acre tree farm will be limited to annual consumptive use of 17.30 AF. Proposed Change: Applicant is requesting a change to an alternate point of diversion for a portion of its interests in the Warren Ditch to the Red Mountain Ranch Tree Farm Well and its APODs, described above in paragraph 3.1, and limited to 10 acres as described in 84CW310. There will be no change in the time of use of the Warren Ditch water rights as they will continue to be used for summer Irr. on up to 10 acres located within Parcel L. The only change sought is to divert a portion of Applicant's Warren Ditch water rights at the Red Mountain Ranch Tree Farm Well and its APODs. Remarks: The Applicant's interests in the Warren Ditch water rights diverted at the Red Mountain Ranch Tree Farm Well and its APODs will continue to divert under their respective priorities to provide for the summer Irr. season (May 15 to October 31, as defined in 84CW310) Irr. of up to 10 acres on Parcel L, while the new outdoor winter season Irr. and indoor year-round commercial uses in the warehouse will occur under a 2022 priority date and be augmented per the First and Third Claims for Relief. Lagged depletions have been accounted for and will be augmented as detailed in the Third Claim for Relief below. Third Claim Plan for Aug. Name of structures to be augmented: The Red Mountain Ranch Tree Farm Well and its APODs, described in Paragraph 3.1, above. Water rights to be used for Aug.: Applicant will replace out-of-priority lagged depletions from winter season Irr. and year-round commercial use from the new points of diversion at the Red Mountain Ranch Tree Farm Well and its APODs pursuant to the two contracts as depicted in Exhibit C and Exhibit D with CRWCD. The two contracts provide Aug. water required to account for Applicant's lagged depletions from its agricultural, municipal, and industrial uses. The Red Mountain Ranch Tree Farm Well and its APODs' water uses will be augmented during an administrative call by releases from the CRWCD's CO River and Eagle River Supply Sources as described in the application and available on CRWCD's website www.crwcd.org and include Wolford Mountain Reservoir, Ruedi Reservoir, Eagle Park Reservoir the Exchange Supply. Statement of Plan for Aug. Applicant is developing a commercial nursery and tree farm operation on its Parcel L, E. of Eagle, CO. A portion of the Applicant's Warren Ditch water rights associated with Parcel L will subsequently be diverted at the Red Mountain Ranch Tree Farm Well and its APODs, rather than the Warren Ditch. This plan replaces those out-of-priority lagged depletions occurring from the new junior uses of winter Irr. of the nursery and tree farm and for year-round indoor commercial uses in the warehouse as detailed in the First Claim for Relief. Attached hereto is the Glover Analysis Map depicting the location of the Red Mountain Ranch Tree Farm Well and its APODs, the centroid of the wells, the distance to the stream, and the distance from the stream to the aquifer boundary. These parameters were used to calculate the lagged impacts to the Eagle River from pumping of the Red Mountain Ranch Tree Farm Well and its APODs. SGM calculated delayed well depletions with the Glover methodology using the Well Pumping Depletion Model, developed by Western Water Consulting, Inc. as an adaptation of the analytical stream depletion model developed by Dewayne R. Schroeder in 1987 for the Division of Water Resources State Engineer's Office. Operation of the Plan: Applicant will replace out-of-priority depletions through its existing CRWCD contracts with water stored in the Eagle Park Reservoir from the Aug. sources identified above, or as otherwise allowed based on additional or alternative Aug. supplies Applicant may require. Pursuant to C.R.S. § 37-92-305(8), the Applicant may use additional and alternative sources of Aug. water for replacement in this plan for Aug., including water leased or otherwise acquired by Applicant, if such sources are decreed and lawfully available for Aug. use, if such sources are part of a substitute water supply plan approved pursuant to C.R.S. § 37-92-305(8), or if such sources are part of an interruptible water supply agreement approved pursuant to C.R.S. § 37-92-309. In addition, such sources must be of the quality and quantity required by C.R.S. § 37-92-305(5). The Applicant assumed a year-round call on the CO River from the Shoshone Powerplant and the "Cameo Call" collection of senior rights diverting in DeBeque Canyon upstream from Grand Junction, CO. The Applicant will meet calls against its out-of-priority diversions and depletions by having water released from the CRWCD's sources in Amt.s, including transit losses, to fully replace those depletions. The Aug. plan for replacing stream depletions is attached. The annual total augmented out-of-priority stream depletion amount is 1.829 AF. However, the Applicant will secure 2.032 AF of CRWCD contract water to accommodate transit losses. Calls originating on the Eagle River will also be augmented via CRWCD contract water coming from the Eagle Park Reservoir. Fourth Claim Approval of Appropriative Rights of Exchange. Name of Exchange: Red Mountain Ranch Exchange Project. Exchange Reach 1: Upstream Terminus: The point of depletion on the Eagle River from cumulative diversions of the Red Mountain Ranch Tree Farm Well and its APODs, as described above. Downstream Termini, Wolford Mountain Reservoir: The confluence of the Eagle River and the CO River located in the SW1/4 of the NE1/4 of Sec. 5, T. 5 S., R. 86 W., of the 6th P.M. at a point 544 ft. from the E. Sec. line, and 53 ft. from the S. Sec. line. Exchange Reach 2: Upstream Terminus: The point of depletion on the Eagle River from the cumulative diversions of the Red Mountain Ranch Tree Farm Well and its APODs, as described above. Downstream Termini, Ruedi Reservoir Exchange: The confluence of the Roaring Fork River and the CO River located in the SE1/4 of the NW1/4 of Sec. 5, T. 5 S., R. 86 W., of the 6th P.M. at a point 336 ft. from the E. Sec. line, and 600 ft. from the S. Sec. line. Source: Waters owned or controlled by CRWCD, as more fully described in the above, for which Applicant holds the CRWCD Contracts. Date of Approp.: 05/31/2022. Amt.: 0.01 c.f.s., not to exceed 1.829 AF per year, cumulative. Remarks: Whenever a valid and administered call is made by a senior water right with a point of diversion on the mainstem of the CO River below its confluence with the Eagle River, Applicant may utilize its CRWCD Contracts for 2.032 AF, collectively, to

augment by exchange all out-of-priority depletions from the Red Mountain Ranch Tree Farm Well and its APODs with releases from Eagle Park Reservoir. Names and addresses of owners or reputed owners of the land upon which any new diversion or storage structure or modification to any existing diversion or storage structure is or will be constructed: Applicant. WHEREFORE, the Applicant requests a decree confirming: (1) a conditional groundwater right for the Red Mountain Ranch Tree Farm Well and its alternate points of diversion as described herein; (2) three alternate points of diversion for a portion of its Warren Ditch water rights as described herein; (3) confirmation of its plan for Aug. as described herein; (4) confirmation of its exchange project as described herein; and (5) for such other relief as the Ct. deems proper.

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

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

23CW3038 EAGLE COUNTY. AMENDED APPLICATION FOR FINDING OF REASONABLE DILIGENCE AND TO CONFIRM ABSOLUTE. Applicant Eagle Springs Golf Club, c/o Christopher L. Geiger and Blake C. Peterson, Balcomb & Green, P.C., P.O. Drawer 790, Glenwood Springs, CO 81602; 970-945-6546. Applicant hereby files this Amended Application for Finding of Reasonable Diligence and to Confirm Absolute, and states as follows. Applicant filed its Application for Finding of Reasonable Diligence ("Application") on 04/25/2023. Pursuant to C.R.C.P. 15(a), "a party may amend [its] pleadings once as a matter of course at any time before a responsive pleading is filed." Rule 4(a), Uniform Local Rules for All State Water Court Divisions provides that an "application shall be considered a complaint, and a Statement of Opposition shall be considered to be a responsive pleading." Because no Statements of Opposition or other responsive pleadings have been filed in this case, Applicant may, and hereby does, amend its Application without first seeking leave from this Ct. Summary of Amended Application: Applicant requests the Ct. confirm the Golf Well No. 1 water right is absolute in the additional amount of 40 g.p.m. for dom., comm., irr. (up to 3,000 square ft.), and fire protection uses for a clubhouse, and a maintenance facility associated with a golf course. Applicant hereby also abandons use of the Golf Well No. 1 water right for these same uses in two single-family residences. Additional Claim to Confirm Absolute. Structure: Golf Well No. 1. Date of Beneficial Use: 06/16/2023. Amount Claimed as Absolute: 40 g.p.m., in addition to 60 g.p.m. confirmed absolute in 02CW109, Dist. Ct., Water Div. 5, for a total of 100 g.p.m. absolute. Use: Dom., comm., irr. (of up to 3,000 square ft.), and fire protection uses for a clubhouse and a maintenance facility associated with a golf course. Grounds for confirmation water right made absolute: As discussed in its Application, Applicant recently installed an additional pump in the Golf Well No. 1. On 06/16/2023, Applicant diverted 103.3 g.p.m. at the Golf Well No. 1 into its water supply system and used this water for dom., comm, irr. (up to 3,000 square ft.), and fire protection uses for a clubhouse and a maintenance facility associated with a golf course. Records maintained by the CO DWR reflect no administrative calls were in effect on 06/16/2023 that would curtail in-priority diversions by the Golf Well No. 1. WHEREFORE, Applicant, in addition to its request for a finding of reasonable diligence in its original Application, requests a decree finding that the remaining conditional 40 g.p.m. decreed to the Golf Well No. 1 has been made absolute for dom., comm., irr. (up to 3,000 square ft.), and fire protection uses for a clubhouse and a maintenance facility associated with a golf course. Except as amended herein, the Application remains unchanged. (3 pages of original amended application)

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