

DIVISION 5 WATER COURT- NOVEMBER 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 NOVEMBER 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.*

23CW3153 MESA COUNTY, COLORADO RIVER, Clifton Sanitation District, c/o Eli Jennings, District Manager, 3217 D. Road, Clifton, Colorado 81520, ejennings@cliftonsanitation.com, (970) 434-7422, Kirsten M. Kurath, Reg. No. 24649 WILLIAMS, TURNER & HOLMES, P.C., 858 Grand Ave., Suite 1, Grand Junction, Colorado 81501, (970) 242-6262 kmkurath@wth-law.com APPLICATION FOR FINDING OF REASONABLE DILIGENCE AND TO MAKE CONDITIONAL WATER RIGHT PARTIALLY ABSOLUTE
Structure: The original water right was decreed as the Clifton Sanitation District #2 East Discharge and the Clifton Sanitation District #2 West Discharge. In Case No. 08CW133, District Court, Water Division No. 5, these points of diversion were changed to a single structure known as the CRWWTP Diversion Point. Original Decree: January 7, 1997, Case No. 96CW67, District Court, Water Division No. 5. Subsequent Diligence Decrees: October 29, 2004, Case No. 02CW372, District Court, Water Division 5; May 10, 2011, Case No. 10CW251 District Court, Water Division 5 and November 12, 2017, Case No. 2017CW3119, District Court, Water Division 5. Subsequent Change Decree: October 11, 2010, Case No. 08CW133, District Court, Water Division 5, wherein the Clifton Sanitation District #2 East Discharge and Clifton Sanitation District #2 West Discharge were changed to a single point of diversion, the CRWWTP Diversion Point, and the place of use and uses of the water right were changed. Original Decreed Location: Originally decreed at the following points of diversion: Clifton Sanitation District #2 East Discharge is located in the NE1/4SE1/4 of Section 14, Township 1 South, Range 1 East of the Ute Principal Meridian, 3,620 feet from the north section line and 437 feet from the east section line. Clifton Sanitation District #2 West Discharge is located in the SW1/4NW1/4 of Section 23, Township 2 South, Range 1 East of the Ute Principal Meridian, 1,928 feet from the north section line and 591 feet from the west section line. Decreed Location of CRWWTP Diversion Point: The point of diversion is the point at which waste water is released from the Clifton Regional Waste Water Treatment Plant ("CRWWTP") after it has been treated, which point is located in the NW1/4NW1/4 of Section 23, Township 1 South, Range 1 East, Ute Meridian, approximately 1,194 feet south of the North Section Line and 1,140 feet east of the West Section Line of said Section 23. The approximate location of the CRWWTP Diversion Point is shown on Figure 1 of the Application. Source: As originally decreed, the source was effluent discharge treated wastewater lagoon sites, now the decreed source is the treated water discharge of the CRWWTP, tributary to the Colorado River. Date of App.: January 7, 1997, Amount: 1.9687 c.f.s., conditional. Note that 0.8913 c.f.s. was decreed absolute in Case No. 10CW251 for irrigation; fire protection; dust control through application to the dirt roads and air drying pads located at the Applicant's facility; wetlands creation and wildlife habitat; and mechanical plant needs, including without limitation, use as or for wash down water, seal water and other processing purposes at the CRWWTP. Uses: Originally decreed uses - Municipal. Changed decreed uses - irrigation; fire protection; dust control through application to the dirt roads and air drying pads located at the Applicant's facility; wetlands creation and wildlife habitat; and mechanical plant needs, including without limitation, use as or for wash down water, seal water and other processing purposes, at the CRWWTP. Figure 1 shows the approximate place of use for the water at the CRWWTP. Finding of Reasonable Diligence: The Application contains a detailed outline of what has been done toward completion of the appropriation of the CRWWTP Diversion Point water right during this diligence period, including expenditures. Claim to Make Water Right Partially Absolute: Date water applied to beneficial use: The CRWWTP Diversion Point is already decreed absolute in the amount of 400 g.p.m. (0.8913 c.f.s.). On June 26, 2022, water was diverted under the CRWWTP Diversion Point at the rate of 600 g.p.m. (1.34 c.f.s.) and put to the decreed beneficial uses of irrigation; wetlands creation and wildlife habitat; and mechanical plant needs; and was available for fire protection, and dust control through application to the dirt roads and air drying pads located at the Applicant's facility. See the print-out from the Applicant's SCADA system attached as Exhibit A to the Application. The diversion was made while in priority. See CDSS Structure Call Analysis attached as Exhibit B to the Application. Amount: The total amount diverted in priority and put to beneficial use was 600 g.p.m., so an additional 200 g.p.m. (0.45 c.f.s.) should be decreed absolute. Name and Address of Landowner: Applicant. Applicant requests that the Court adjudge and decree Applicant has made the CRWWTP Diversion Point water right absolute in the total amount of 1.34 c.f.s (600 g.p.m) for all decreed purposes, that the Applicant has been reasonably diligent in the development of the remaining conditional portion of the CRWWTP Diversion Point water right and that the remaining conditional portion of the CRWWTP Diversion Point water right be continued in full force and effect.(8 pages)

YOU ARE HEREBY NOTIFIED THAT YOU HAVE until the last day of JANUARY 2024 to file with the Water Clerk a verified Statement of Opposition setting forth facts as to why this application should not be granted or why it should be granted in part or on certain conditions. A copy of such statement of opposition must also be served upon the applicant or the applicant's attorney and an affidavit or certificate of such service shall be filed with the Water Clerk, as prescribed by Rule 5, CRCP. (Filing Fee: \$192.00) KATHY POWERS, Water Clerk, Water Division 5; 109 8th Street, Suite 104 Glenwood Springs, CO 81601.

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

23CW3154 GARFIELD COUNTY. Application for Findings of Reasonable Diligence. Applicant: Canyon Creek Self Storage, LLC, c/o Balcomb & Green, P.C., P.O. Drawer 790, Glenwood Springs, CO 81602; 970-945-6546. Applicant seeks a finding of reasonable diligence in the development of its interests in the Gabossi Well. Structure: Gabossi Well. Original Decree: 02CW58, Dist. Ct., Water Div. 5, entered 03/15/2004. Subsequent Findings of Reasonable Diligence: 10CW50, entered 04/03/2011, 17CW3071, entered

11/12/2017. Decreed Location: SE1/4 NW1/4 Sec. 35, T. 5 S., R. 90 W. 6th P.M. in Garfield Cty., CO at a point 2,000 ft. from the N. sec. line and 1,770 ft. from the W. sec. line of said Section 35. See Figure 1 on file with the Water Ct. **Source: Alluvium of the Colorado River.** Approp. Date: 02/28/2002. Amt.: 0.056 c.f.s. (25 g.p.m.), not to exceed 1.4 AF/year. Uses: Irr. of 5,000 square ft. of lawn and comm. (sanitary and drinking) for 5 offices and washing of 10 vehicles/day. The land to be irrigated is located within Lot 3, Gabossi Subdivision Exemption according to the Plat thereof recorded 02/11/2003, Reception No. 620584. Well Permit No. 88167. Depth: 225 ft. A list of diligence activities performed in the six years preceding the filing of this Application is on file with this court. 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).

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

23CW3155 PITKIN COUNTY, COLORADO; COLORADO RIVER OR ITS TRIBUTARIES. MOOSE TV, LLC, a Colorado limited liability company; c/o Danielle L. Van Arsdale, Esq., Wood Pearce Nelson, LLC, 201 Main Street, Ste. 301, Carbondale, CO 81623 (970) 925-1551. APPLICATION TO MAKE ABSOLUTE. **First Claim.** Name of structure: Cooper Ditch JMAR Enlargement. Original decree: Case No. 02CW346, Division 5 Water Court; June 7, 2004. Subsequent diligence decrees: Case No. 10CW165, Division 5 Water Court; February 5, 2011; Case No. 2017CW3034, Division 5 Water Court; November 19, 2017. Legal description: Decreed – On the north bank of Cosseboom Creek at a point whence the southwest corner of Section 28, Township 10 S., Range 84 W. of the 6th P.M. bears South 33°50' W. 2,570 feet. Alternate / supplemental – The NW ¼, SW ¼ of Section 28, Township 10 S., Range 84 W. of the 6th P.M. at a point 2,219 feet from the south section line and 1,109 feet from the west section line. UTM: Northing 4335038; Easting 0346110; UTM Grid Zone: 13 (Pitkin County). Maps are on file with the court as Exhibits A and B. **Source: Cooseboom Creek, tributary to the Roaring Fork River, tributary to the Colorado River.** Date of appropriation: July 13, 1995. Amount: 0.07 c.f.s. Use: Storage in the JMAR Pond System and JMAR Aug Pond, as decreed in Case No. 95CW325, Division 5 Water Court, for subsequent release for augmentation, stock watering, fire protection, piscatorial and wildlife, and recreational purposes. Absolute claim: 0.07 c.f.s. for storage in the JMAR Pond System and JMAR Aug Pond. A statement of the claim to make absolute is on file with the court. Land ownership: The United States Forest Service owns the land upon which the point of diversion and diversion structure is located. Applicant owns the land upon which the storage structures are constructed and upon which water is stored and put to beneficial use.

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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 NOVEMBER 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.

23CW3156 (17CW3140, 09CW57, 01CW174, 98CW0278, 94CW188, 86CW008) GARFIELD COUNTY-ROARING FORK RIVER OR ITS TRIBUTARIES. Cassie C. Cerise, c/o Christina R. Sloan, Esq., The Sloan Law Firm, PLLC, 76 S. Main Street, Suite 1, Moab, Utah 84532. (435) 259-9940. APPLICATION FOR FINDING OF REASONABLE DILIGENCE. Claim: For Finding of Reasonable Diligence. Name of water right: Cerise Pond No. 1 (50%) and Douglas Cerise Well No. 1 (100%). Type: Pond and Well. Original decree: April 11, 1988, Case No. 86CW008, as amended October 18, 1999, Case No. 98CW0278, Div. No. 5 Water Court. Subsequent diligence decrees: July 13, 1995, Case No. 94CW188; July 30, 2003, Case No. 01CW174; June 23, 2011, Case No. 09CW57; November 19, 2017, Case No. 17CW3140. Decreed legal description: The headgate of the outlet of the Cerise Pond No. 1 is located in Sec. 24, T7S, R88W, 6th Principal Meridian, 800 ft from the E section line and 1,500 ft from the N section line of said Sec. 24. The point of diversion of the Cerise Well No. 1 is located in the NE ¼ NE ¼, Sec. 24, T7S, R88W, 6th Principal Meridian, 100 ft from the E section line and 100 ft from the N section line of said Sec. 24. A map is on file with the Court as Exhibit B. Source: The source of Cerise Pond No. 1 is C&M Ditch, which diverts from Cattle Creek, tributary to the Roaring Fork River, tributary to the Colorado River. The source of Cerise Well No. 1 is groundwater, tributary to Cattle Creek, tributary to the Roaring Fork River, tributary to the Colorado River. Appropriation date: October 1, 1985. Amount: 2.22 acre-feet, conditional for Cerise Pond No. 1 (from a total of 4.44 acre-feet decreed in Case No. 01CW174). 25 gpm (0.056 cfs), conditional for Cerise Well No. 1. Use: augmentation for commercial, domestic, and livestock uses, and fill/refill during irrigation season from May to September each year for Cerise Pond No. 1. Commercial, domestic,

and livestock uses for Cerise Well No. 1. A detailed description of the plan for augmentation is described in the Application on file with the Court. Depth of the Cerise Well No. 1: 175 feet. Claim for finding of reasonable diligence: A detailed outline of work performed toward completion of the appropriation, including expenditures is described in the Application on file with the Court in Sec. 4 and Exhibits C-L. Name and address of owner of land on which structures are located: Applicant.

YOU ARE HEREBY NOTIFIED THAT YOU HAVE until the last day of JANUARY 2024 to file with the Water Clerk a verified Statement of Opposition setting forth facts as to why this application should not be granted or why it should be granted in part or on certain conditions. A copy of such statement of opposition must also be served upon the applicant or the applicant's attorney and an affidavit or certificate of such service shall be filed with the Water Clerk, as prescribed by Rule 5, CRCP. (Filing Fee: \$192.00) KATHY POWERS, Water Clerk, Water Division 5; 109 8th Street, Suite 104 Glenwood Springs, CO 81601.

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

23CW3157 GARFIELD COUNTY, Application for Findings of Reasonable Diligence. Applicant: PVO/SSE Homeowners Association; *please direct all correspondence to Applicant's attorneys:* Mary Elizabeth Geiger, Garfield & Hecht, P.C., 910 Grand Avenue, Suite 201, Glenwood Springs, CO 81601, (970)947-1936, megeiger@garfieldhecht.com. In the Decree entered in Case No. 16CW3023, the Court confirmed that there is not a separate water right decreed to the **PVO/SSE Well No.1**, but rather this structure was decreed as an alternate point of diversion for the water rights decreed as the PVO/SSE First Enlargement of Simon Well (Decree 1 of 2 in Case No. 00CW36) and the PVO/SSE Second Enlargement of Simon Well (Decree 2 of 2 in Case No. 00CW36, and described herein below). However, to the extent it is an alternate point of diversion for decreed water rights and a finding for reasonable diligence is required, such is claimed herein. Applicant requests that the Court determine that future diligence filings are not necessary as this is not a separate water right. *Prior decrees:* Case No. 00CW36, Part 1 of 2, entered May 21, 2002, District Court in and for Water Division No. 5; *Subsequent decrees:* Case Nos. 08CW41, 09CW98, and 16CW3023, District Court in and for Water Division No. 5. **Source: Groundwater tributary to Cozza Gulch, tributary to the Colorado River.** *Legal description:* located in the NE¼ NE¼ NE¼ of Section 36, Township 5 South, Range 92 West of the 6th P.M. at a point 397 feet West and 425 feet south of the Northeast Corner of said Section 36. *Date of appropriation:* February 9, 2000. *Amount:* 0.11 c.f.s., 12 acre feet annually (this is an alternate point of diversion for the PVO/SSE Enlargement of the Simon Well, decreed in Case No. 00CW36, which is located in the NE¼ NE¼ NE¼ of Section 36, Township 5 South, Range 92 West of the 6th P.M. at a point 397 feet West and 147.5 feet south of the Northeast Corner of said Section 36, which well is the subject of Well Permit No. 68614-F and PVO/SSE Second Enlargement of Simon Well which is described herein below). *Decreed uses:* domestic (27 residential units), irrigation, fire protection and livestock watering. *Total number of acres to be irrigated:* 11,000 square feet (500 square feet for each of 22 residential lots). *Legal description of acreage to be irrigated:* a total of 14 lots in the Peach Valley Orchard Subdivision, 3 lots in the Simon Subdivision Exemption and 5 lots in the North 27 Subdivision. The lands are located in the NE ¼ and the NE ¼ NW ¼ of Section 36, Township 5 South, Range 92 West of the 6th P.M. *Owner of land upon which well will be located:* Red Dog LLC, 12144 E. Welsh Trail, Scottsdale, AZ 85259. Applicant requests findings of reasonable diligence with regard to the water rights decreed to the **PVO/SSE Second Enlargement of Simon Well**. *Information from prior decrees:* Case No. 00CW36, Part 2 of 2, entered by the District Court, Water Division No. 5 on July 22, 2008; *Subsequent diligence decree:* Case No. 09CW98, 16CW3023, District Court in and for Water Division No. 5. **Source:** Groundwater tributary to Cozza Gulch, tributary to the Colorado River. *Legal description:* The well is located in the NE¼ NE¼ NE¼ of Section 36, Township 5 South, Range 92 West of the 6th P.M. at a point 397 feet West and 147.5 feet south of the Northeast Corner of said Section 36. *Date of appropriation:* February 9, 2000. *Amount:* 0.11 c.f.s., 3.8 acre feet annually, conditional. *Uses:* Domestic in 9 residential units (4 primary and 5 secondary units), irrigation, fire protection, and livestock watering. Irrigation for 2,000 square feet (500 square feet for each of 4 residential lots). *Legal description of acreage to be irrigated:* a total of 4 lots on Lot 4 of the Simon Subdivision Exemption. The lands are located in the NE¼ NE¼ of Section 36, Township 5 South, Range 92 West of the 6th P.M. *Remarks:* The PVO/SSE Well No. 1, described herein above, is an alternate point of diversion for this water right. *Owner of land upon which well will be located:* Kristin Goodwin and William Howard, 0830 CR 250, Silt, CO 81652. The Application includes a detailed outline of work performed during the diligence period toward the development of the conditional water rights (5 pages).

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23CW3158 (16CW3094, 06CW2668) IN PITKIN COUNTY, COLORADO. Application for Finding of Reasonable Diligence-Conditional Water Rights. 1. Name and Address of Applicant: CEASKI Properties, LLC (“Applicant”), 19475 E. Hinsdale Place, Centennial, CO 80016. Please direct all pleadings and communications to Applicant’s counsel, Somach Simmons & Dunn, P.C., at the address given in the caption above. 2. Background: A. The conditional water rights (“Subject Water Rights”) that are the subject of this diligence application were originally decreed by the District Court, Water Division 5, in Case No. 06CW268 (“Original Decree”) on September 5, 2010. B. The District Court, Water Division 5, entered its decree in Case No. 16CW3094 on November 12, 2017, making absolute the water rights for Coles Pond A, Coles Pond F, Walter Ditch Coles Enlargement, and the Coles Exchange as follows: i. Coles Pond A: for 0.23 acre-foot for piscatorial, aesthetic, recreation, stock watering, fire protection, and augmentation of depletions under the plan for augmentation decreed in Case No. 06CW269, with the right to fill and refill in priority, with an appropriation date of December 11, 2006; ii. Coles Pond F: 3.92 acre-feet for piscatorial, aesthetic, recreation, stock watering, fire protection, and augmentation of depletions under the plan for augmentation decreed in Case No. 06CW269, with the right to fill and refill in-priority; with an appropriation date of December 11, 2006; iii. Walter Ditch Coles Enlargement: 0.8 c.f.s. of the 1.3 c.f.s, conditional originally decreed for aesthetic, recreation, piscatorial, fire protection, stock watering uses, and to fill and refill Coles Ponds A through G for piscatorial, aesthetic, recreation, fire protection, stock watering, and for augmentation of depletions under the plan for augmentation decreed in Case No. 06CW269, with an appropriation date of December 13, 2006; and iv. Coles Exchange: for 0.79 acre-foot of the 2.3 acre-feet originally decreed, at a rate of 0.015 c.f.s. for the depletion amount reach, and 1.3 c.f.s. for the diversion amount reach for substitution and exchange uses under the plan for augmentation decreed in Case No. 06CW269, with an appropriation date of December 29, 2006. C. Additionally, the decree in Case No. 16CW3094 found reasonable diligent development for the remainder of the Subject Water Rights (Coles Pond B; Coles Pond C; Coles Pond D; Coles Pond E; Coles Pond G; Coles Pump and Pipeline No. 1; Coles Pump and Pipeline No. 2; Walter Ditch Coles Enlargement (0.5 cfs out of 1.3 cfs); and Coles Exchange (1.51 acre-feet out of 2.3 acre-feet), which remain conditional. D. The Subject Water Rights are component parts of an integrated water system for Applicant’s property decreed in Case No. 06CW268 and the plan for augmentation decreed in Case No. 06CW269. A map showing all of Applicant’s structures is attached as Exhibit A. **FIRST CLAIM: FOR A FINDING OF REASONABLE DILIGENCE.** 3. Name of Structure: Coles Pond B. A. Description of conditional water right: i. Date of original decree: September 5, 2010. Case No. 06CW268, Division 5 Water Court. ii. Legal description: The centerline of the dam at the outlet will be located in the NE ¼ of the NE ¼ of Section 11, Township 9 South, Range 86 West of the 6th P.M., at a point approximately 730 feet from the east section line and 440 feet from the north section line. See map attached as Exhibit A. iii. **Source: Snowmass Creek**. iv. Appropriation date: December 11, 2006. v. Amount: 0.18 acre-feet, filled at a rate of 1.3 c.f.s., conditional. vi. Use: Piscatorial, aesthetic, recreation, stock watering, fire protection, and augmentation of depletions under the plan for augmentation decreed in Case No. 06CW269, with the right to fill and refill in priority. vii. Surface area: 0.058 acre. a. Maximum height of dam: Less than 10 feet. b. Length of dam: Estimated at 150 feet. viii. Total capacity of reservoir: 0.18 acre-feet. a. Active capacity: 0.18 acre-feet. B. A detailed description of the work to complete the appropriation, including expenditures, is listed in Exhibit B. C. Applicant owns the land where the structure is located and upon which the water is beneficially used. **SECOND CLAIM: FOR A FINDING OF REASONABLE DILIGENCE.** 4. Name of Structure: Coles Pond C. A. Description of conditional water right: i. Date of original decree: September 5, 2010. Case No. 06CW268, Division 5 Water Court. ii. Legal description: The centerline of the dam at the outlet will be located in the NE ¼ of the NE ¼ of Section 11, Township 9 South, Range 86 West of the 6th P.M., at a point approximately 640 feet from the east section line and 300 feet from the south section line. See map attached as Exhibit A. iii. Source: Snowmass Creek. iv. Appropriation date: December 11, 2006. v. Amount: 0.20 acre-feet, filled at a rate of 1.3 c.f.s., conditional. vi. Use: Piscatorial, aesthetic, recreation, stock watering, fire protection, and augmentation of depletions under the plan for augmentation decreed in Case No. 06CW269, with the right to fill and refill in priority. vii. Surface area: 0.066 acre. a. Maximum height of dam: Less than 10 feet. b. Length of dam: Estimated at 150 feet. viii. Total capacity of reservoir: 0.20 acre-feet. a. Active capacity: 0.20 acre-feet. B. A detailed description of the work to complete the appropriation, including expenditures, is listed in Exhibit B. C. Applicant owns the land where the structure is located and upon which the water is beneficially used. **THIRD CLAIM: FOR A FINDING OF REASONABLE DILIGENCE.** 5. Name of Structure: Coles Pond D. A. Description of conditional water right: i. Date of original decree: September 5, 2010. Case No. 06CW268, Division 5 Water Court. ii. Legal description: The centerline of the dam at the outlet will be located in the NE ¼ of the NE ¼ of Section 11, Township 9 South, Range 86 West of the 6th P.M., at a point approximately 590 feet from the east section line and 10 feet from the north section line. See map attached as Exhibit A. iii. Source: Snowmass Creek. iv. Appropriation date: December 11, 2006. v. Amount: 2.5 acre-feet, filled at a rate of 1.3 c.f.s., conditional. vi. Use: Piscatorial, aesthetic, recreation, stock watering, fire protection, and augmentation of depletions under the plan for augmentation decreed in Case No. 06CW269, with the right to fill and refill in priority. vii. Surface area: 0.405 acre. a. Maximum height of dam: Less than 10 feet. b. Length of dam: Estimated at 300 feet. viii. Total capacity of reservoir: 2.5 acre-feet. a. Active capacity: 2.5 acre-feet. B. A detailed description of the work to complete the appropriation, including expenditures, is listed in Exhibit B. C. Applicant owns the land where the structure is located and upon which the water is beneficially used. **FOURTH CLAIM: FOR A FINDING OF REASONABLE DILIGENCE.** 6. Name of Structure: Coles Pond E. A. Description of conditional water right: i. Date of original decree: September 5, 2010. Case No. 06CW268, Division 5 Water Court. ii. Legal description: The centerline of the dam at the outlet will be located in the SE ¼ of the SE ¼ of Section 2, Township 9 South, Range 86 West of the 6th P.M., at a point approximately 440 feet from the east section line and 90 feet from the south section line. See map attached as Exhibit A. iii. Source: Snowmass Creek. iv. Appropriation date: December 11, 2006. v. Amount: 1.25 acre-feet, filled at a rate of 1.3 c.f.s, conditional. vi. Use: Piscatorial, aesthetic, recreation, stock watering, fire protection, and augmentation of depletions under the plan for augmentation decreed in Case No. 06CW269, with the right to fill and refill in-priority. vii. Surface area: 0.208 acre. a. Maximum height of dam: Less than 10 feet. b. Length of dam: Estimated at 250 feet. viii. Total capacity of reservoir: 1.25 acre-feet. a. Active capacity: 1.25 acre-feet. B. A detailed

description of the work to complete the appropriation, including expenditures, is listed in Exhibit B. C. Applicant owns the land where the structure is located and upon which the water is beneficially used. FIFTH CLAIM: FOR A FINDING OF REASONABLE DILIGENCE. 7. Name of Structure: Coles Pond G. A. Description of conditional water right: i. Date of original decree: September 5, 2010. Case No. 06CW268, Division 5 Water Court. ii. Legal description: The centerline of the dam at the outlet will be located in the NE ¼ of the SE ¼ of Section 2, Township 9 South, Range 86 West of the 6th P.M., at a point approximately 930 feet from the east section line and 1360 feet from the south section line. See map attached as Exhibit A. iii. Source: Snowmass Creek. iv. Appropriation date: December 11, 2006. v. Amount: 7.3 acre-feet, filled at a rate of 1.3 c.f.s., conditional. vi. Use: Piscatorial, aesthetic, recreation, stock watering, fire protection, and augmentation of depletions under the plan for augmentation decreed in Case No. 06CW269, with the right to fill and refill in-priority. vii. Surface area: 1.219 acres. a. Maximum height of dam: Less than 10 feet. b. Length of dam: Estimated at 550 feet. viii. Total capacity of reservoir: 7.3 acre-feet. a. Active capacity: 7.3 acre-feet. B. A detailed description of the work to complete the appropriation, including expenditures, is listed in Exhibit B. C. Applicant owns the land where the structure is located and upon which the water is beneficially used. SIXTH CLAIM: FOR A FINDING OF REASONABLE DILIGENCE. 8. Name of Structure: Coles Pump and Pipeline No. 1. A. Description of conditional water right: i. Date of original decree: September 5, 2010. Case No. 06CW268, Division 5 Water Court. ii. Legal description: The point of diversion will be located in the NE ¼ of the SE ¼ of Section 2, Township 9 South, Range 86 West of the 6th P.M., at a point approximately 760 feet from the east section line and 1500 feet from the south section line. See map attached as Exhibit A. iii. Source: Snowmass Creek. iv. Appropriation date: December 13, 2006. v. Amount: 1.3 c.f.s., conditional. This is the maximum diversion rate from the Coles Pump and Pipeline No. 1, Coles Pump and Pipeline No. 2, and Walter Ditch, Coles Enlargement combined. vi. Use: Fire protection, stock watering, and to fill and refill Coles Ponds A through G for piscatorial, aesthetic, recreation, fire protection, stock watering and augmentation of depletions under the plan for augmentation decreed in Case No. 06CW269. B. A detailed description of the work to complete the appropriation, including expenditures, is listed in Exhibit B. C. Applicant owns the land where the structure is located and upon which the water is beneficially used. SEVENTH CLAIM: FOR A FINDING OF REASONABLE DILIGENCE. 9. Name of Structure: Coles Pump and Pipeline No. 2. A. Description of conditional water right: i. Date of original decree: September 5, 2010. Case No. 06CW268, Division 5 Water Court. ii. Legal description: The point of diversion will be located in the NW ¼ of the NW ¼ of Section 12, Township 9 South, Range 86 West of the 6th P.M., at a point approximately 30 feet from the west section line and 140 feet from the north section line. See map attached as Exhibit A. iii. Source: Snowmass Creek. iv. Appropriation date: December 13, 2006. v. Amount: 1.3 c.f.s., conditional. This is the maximum diversion rate from the Coles Pump and Pipeline No. 1, Coles Pump and Pipeline No. 2, and Walter Ditch, Coles Enlargement combined. vi. Use: Fire protection, stock watering, and to fill and refill Coles Ponds A through G for piscatorial, aesthetic, recreation, fire protection, stock watering, and augmentation of depletions under the plan for augmentation decreed in Case No. 06CW269. B. A detailed description of the work to complete the appropriation, including expenditures, is listed in Exhibit B. C. Applicant owns the land where the structure is located and upon which the water is beneficially used. EIGHTH CLAIM: FOR A FINDING OF REASONABLE DILIGENCE. 10. Name of Structure: Walter Ditch, Coles Enlargement. A. Description of conditional water right: i. Date of original decree: September 5, 2010. Case No. 06CW268, Division 5 Water Court. ii. Legal description: The point of diversion is located in the NE ¼ of the NE ¼ of Section 14, Township 9 South, Range 86 West of the 6th P.M., at a point approximately 900 feet from the east section line and 50 feet from the north section line. See map attached as Exhibit A. iii. Source: Snowmass Creek. iv. Appropriation date: December 13, 2006. v. Amount: Remaining 0.5 c.f.s., conditional, out of 1.3 c.f.s. originally decreed. 1.3 c.f.s. is the combined maximum diversion rate from the Coles Pump and Pipeline No. 1, Coles Pump and Pipeline No. 2, and Walter Ditch, Coles Enlargement. vi. Use: Aesthetic, recreation, piscatorial, fire protection, stock watering and to fill and refill Coles Ponds A through G for piscatorial, aesthetic, recreation, fire protection, stock watering, and augmentation of depletions under the plan for augmentation decreed in Case No. 06CW269. B. A detailed description of the work to complete the appropriation, including expenditures, is listed in Exhibit B. C. Aspen Camp School for the Deaf, P.O. Box 1494, Aspen, Colorado, 81612, owns the land upon which the Walter Ditch headgate is located. Applicant owns the land upon which the Walter Ditch, Coles Enlargement is beneficially used. NINTH CLAIM: FOR A FINDING OF REASONABLE DILIGENCE. 11. Name of Structure: Coles Exchange. A. Description of conditional water right: i. Date of original decree: September 5, 2010. Case No. 06CW268, Division 5 Water Court. ii. Legal Description: a. Lower termini: (1) For exchange of Green Mountain Reservoir water: The confluence of the Roaring Fork and Colorado Rivers located in the SE ¼ NW ¼ of Section 9, Township 6 South, Range 89 West of the 6th P.M., at a point approximately 2200 feet from the North section line and 2350 feet from the West section line. (2) For exchange of Ruedi Reservoir and/or Troy and Edith Ditch water: The confluence of the Roaring Fork and Fryingpan Rivers located in the SW ¼ SE ¼ of Section 7, Township 8 South, Range 86 West of the 6th P.M., at a point approximately 647 feet from the South section line and 1475 feet from the East section line. (3) For exchange of the Robinson Ditch water: The point of diversion of the Robinson Ditch on the Roaring Fork River located in the NW ¼ SE ¼ of Section 11, Township 8 South, Range 87 West of the 6th P.M., at a point approximately 2307 feet from the South section line and 2309 feet from the East section line. b. Upper termini: (1) For the depletion amount reach: The intakes of the Coles Pump and Pipeline Nos. 1 and 2 described in the Sixth and Seventh Claims above. (2) For the diversion amount reach: The headgate of the Walter Ditch described in the Eighth Claim above. iii. Source: Water released from Green Mountain Reservoir, Ruedi Reservoir, the Troy and Edith Ditch, and the Robinson Ditch under Applicant's Basalt Water Conservancy District Water Allotment Contract No. 517e. iv. Appropriation date: December 29, 2006. v. Amount: Remaining 1.51 acre-feet, conditional, out of the 2.3 acre-feet originally decreed. vi. Rate: 0.015 c.f.s. for the depletion amount reach; 1.3 c.f.s. for the diversion amount reach. vii. Volume: 2.3 acre-feet. viii. Use: Substitution and exchange under the plan for augmentation decreed in Case No. 06CW269. B. A detailed description of the work to complete the appropriation, including expenditures, is listed in Exhibit B. C. Aspen Camp School for the Deaf, P.O. Box 1494 Aspen, Colorado, 81612, owns the land upon

which the Walter Ditch headgate is located. Applicant owns the land upon which the affected diversions under the Coles Exchange occur.

YOU ARE HEREBY NOTIFIED THAT YOU HAVE until the last day of JANUARY 2024 to file with the Water Clerk a verified Statement of Opposition setting forth facts as to why this application should not be granted or why it should be granted in part or on certain conditions. A copy of such statement of opposition must also be served upon the applicant or the applicant's attorney and an affidavit or certificate of such service shall be filed with the Water Clerk, as prescribed by Rule 5, CRCP. (Filing Fee: \$192.00) KATHY POWERS, Water Clerk, Water Division 5; 109 8th Street, Suite 104 Glenwood Springs, CO 81601.

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

23CW3159 GRAND COUNTY. Boyce J. Holland Estate, c/o Kenneth Wright, Secretary & Treasurer, Aspen Pines Estates, Inc. Homeowners Association, P.O. Box 1564, Grand Lake, CO 80447. Applicant is represented by Katie Randall and Kent Whitmer, The Whitmer Law Firm, LLC, P.O. Box 38, Hot Sulphur Springs, CO 80451, (970) 725-3460. APPLICATION FOR FINDING OF REASONABLE DILIGENCE. Prior Decrees: March 28, 1997 (96CW276); February 18, 2004 (03CW43); May 10, 2011 (10CW18); November 12, 2017 (17CW3112); all in Water Court Division No. 5. **Appropriative Rights of Exchange – Holland Subdivision Exchange:** Name of Structures: Aspen Pines Estates Well Nos. 1-13. Type of Structures: Wells (Decreed Well Field). There are no water rights decreed for these wells. The original Application was for a plan for augmentation including exchange. Legal Description: The Applicant's well field and wells will be located within the boundaries of the property consisting of 69 acres in the W1/2 NW1/4, Section 25, Township 4 North, Range 76 West, 6th P.M. in Grand County, Colorado, as shown in the map attached to the application. Appropriation Date: October 9, 1996. Amount: 15 gallons per minute (g.p.m.) for each well, 0.99 acre-feet of depletions. Uses: In-house and irrigation. Source: Alluvium of sand, gravel and other materials hydraulically connected to the Colorado River. Exchange Reach: Upstream Terminus: The reach of the stream affected by this exchange is the Colorado River from the North half of Section 25, Township 4 North, Range 76 West, 6th P.M. Downstream Terminus: Granby Reservoir located on the Colorado River, upstream of its confluence with the Fraser River, in parts of Sections 25, 26, 27, 34, 35 and 36, Township 3 North, Range 76 West; Sections 30 and 32, Township 3 North, Range 75 West; Sections 1, 2, 3, 10, 11, 12, 13, and 15, Township 2 North, Range 76 West; and Sections 5, 6, 7, 8, 9, 14, 15, 16, 17, 18, 21, 22 and 23, Township 2 North, Range 75 West, 6th P.M., all in Grand County, Colorado. Rate of Exchange: 0.0014 c.f.s., limited to 0.99 acre-foot of annual depletions, conditional. Source of Augmentation/Exchange Water: The subject water rights will operate pursuant to the plan for augmentation decreed in Case No. 96CW276. Augmentation water will be provided from Granby Reservoir. Landowner Notice: C.R.S. § 37-92-302(2)(b)(II) requires notice to the owners or reputed owners of land upon which any new diversion or storage structure or modification to any existing diversion or storage structure or existing storage pool is or will be constructed or upon which water is or will be stored. See the application for a list of the names and addresses of landowners receiving notice of this application. Additional Information: Applicant requests a finding of diligence for the conditional water rights for the Holland Subdivision Exchange. The previous decrees set forth additional terms and conditions, including a plan for augmentation, that continue to be in effect for the water rights of this application. The application and attached exhibits contain a detailed outline of the work performed during the diligence period (24 pages).

YOU ARE HEREBY NOTIFIED THAT YOU HAVE until the last day of JANUARY 2024 to file with the Water Clerk a verified Statement of Opposition setting forth facts as to why this application should not be granted or why it should be granted in part or on certain conditions. A copy of such statement of opposition must also be served upon the applicant or the applicant's attorney and an affidavit or certificate of such service shall be filed with the Water Clerk, as prescribed by Rule 5, CRCP. (Filing Fee: \$192.00) KATHY POWERS, Water Clerk, Water Division 5; 109 8th Street, Suite 104 Glenwood Springs, CO 81601.

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

23CW3160 GARFIELD COUNTY. APPLICATION for Findings of Reasonable Diligence. Applicant: Redstone Well, LLC, c/o Kjell Mitchell, Manager c/o Balcomb & Green, P.C., P.O. Drawer 790, Glenwood Springs, CO 81602; 970-945-6546. Redstone Well, LLC ("Applicant") is jointly owned by Glenwood Hot Springs Lodge and Pool, Inc. ("Glenwood Hot Springs") and Iron Mountain Hot Springs LLC ("Iron Mountain"). Glenwood Hot Springs owns 90% and Iron Mountain owns 10% of Redstone Well, LLC. Additionally, Iron Mountain owns 100 g.p.m. of Redstone Well 21-9. Applicant requests a finding of reasonable diligence in the development of the conditional water rights decreed to Redstone Well 21-9. Name of Structure: Redstone Well 21-9. Original Decree: 83CW150 on 10/17/1983, Dist. Ct., Water Div. 5. Subsequent Diligence Decree: 87CW208 on 01/19/1988, 93CW208 on 03/16/1995, 00CW171 on 02/21/2003, 09CW15 on 02/24/2010, and 16CW3020 on 12/13/2017, Dist. Ct., Water Div. 5. Subsequent Terms and Conditions: The conditional water right decreed to Redstone Well 21-9 is subject to the provisions of the Order Adding Terms and Conditions dated 12/27/2002, in 94CW253 decree, Water Div. 5. Legal Description: NW1/4 NW1/4, Sec. 9, T. 6 S., R. 89 W., 6th P.M. at a point whence the N. Quarter Corner of said Sec. 9 bears N. 77°05'46" E. 1,913.23 ft., such point being 480 ft. from the N. line and 833 ft. from the

W. line of Sec. 9 (UTM Northing: 4380887.5 m, Easting: 299310.6 m). See Exh. A on file with the Water Ct. Date of Approp.: 06/18/1981. **Source: A well having a depth of 155 ft., being tributary to the CO River.** Amt. and Use: 5.45 c.f.s., comprised of the following uses and amts.: 0.45 c.f.s., absolute, for geothermal energy, from geothermal fluid and recovery of geothermal byproducts, including comm., manufacturing, rec. and medicinal purposes (decreed absolute in 16CW3020), 5.0 c.f.s., conditional, for geothermal energy, from geothermal fluid and recovery of geothermal byproducts, including comm., manufacturing, rec. and medicinal purposes. Well Permit No. 460-G. A list of diligence activities performed in the six years preceding the filing of this Application is on file with this Ct. 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: Iron Mountain Hot Springs, LLC, c/o Steve Beckley, 281 Centennial St., Glenwood Springs, CO 81601. (5 pages of original application, Exh. A).

YOU ARE HEREBY NOTIFIED THAT YOU HAVE until the last day of JANUARY 2024 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 NOVEMBER 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.*

23CW3161 (2017CW3123, 2010CW145, 2003CW64, 92CW296) EAGLE COUNTY. APPLICATION FOR FINDING OF REASONABLE DILIGENCE AND TO MAKE A PORTION OF CONDITIONAL WATER RIGHTS ABSOLUTE. 1. Names, addresses and telephone numbers of Applicants: Red Canyon Estates Homeowners Association, Inc. c/o Jodi Teague, 54 Wildcat, Edwards, Colorado 81632, Telephone: (970) 376-0817; Red Canyon Partners LLC, c/o Alex Coleman, 33 Latigo Cir., PO Box 4724, Edwards, CO 81632, Telephone: (970) 855-0112; J. Reed Roesler, Pamela A. Roesler, P.O. Box 332, Edwards, Colorado 81632, Telephone: (970) 569-2446. Mailing address for purposes of this application: David L. Kueter (26136), Kent Holsinger (33907), Holsinger Law, LLC, 1800 Glenarm Place, Suite 500, Denver, Colorado 80202, Telephone: (303) 722-2828, dkueter@holsingerlaw.com, kholsinger@holsingerlaw.com. **2. Names of structures:** 2.a. Red Canyon Estates Pond No. 5. 2.b. Red Canyon Estates Lot 5 Pond No. 5 Irrigation Pump. 2.c. Red Canyon Estates Lot 12 Spring No. 1. 2.d. Red Canyon Estates Community Landscape Pump and Pipeline. **3. Date of original decree for all structures:** March 28, 1997, Case No. 92CW296, in the District Court, Water Division No. 5, State of Colorado. **4. Subsequent diligence decrees for all structures:** May 19, 2004, Case No. 2003CW64, in the District Court, Water Division No. 5, State of Colorado; May 10, 2011, Case No. 2010CW145, in the District Court, Water Division No. 5; and November 12, 2017, Case No. 2017CW3123, in the District Court, Water Division No. 5. **5. Location of structures:** 5.a. Red Canyon Estates Pond No. 5: Located on Lot 5, Red Canyon Estates Subdivision in the southwest quarter of the northeast quarter, Section 25, Township 4 South, Range 83 West of the 6th P.M., Eagle County, Colorado, more specifically described as follows: The point of intersection of the centerline of the dam and the spillway is located whence the northeast corner of Section 25 bears North 58 degrees 00 minutes East 3,130 feet. The preferred method to describe said location is as follows, yet it does not change the decreed location: 1,741 feet from the north section line and 2,629 feet from the east section line of said Section 25. The location of Red Canyon Estates Pond No. 5 is shown on the map attached hereto as **Exhibit A**. 5.b. Red Canyon Estates Lot 5 Pond No. 5 Irrigation Pump: The Red Canyon Estates Lot 5 Pond No. 5 Irrigation Pump diverts from the Red Canyon Estates Pond No. 5, as described in paragraph 5.a., above. 5.c. Red Canyon Estates Lot 12 Spring No. 1: The source of supply for the Red Canyon Estates Lot 12 Spring No. 1 is a spring as defined in C.R.S. § 37-90-107(21)(b) and is located on Lot 12, Red Canyon Estates Subdivision, in the southeast quarter of the northeast quarter of Section 24, Township 4 South, Range 83 West of the 6th P.M., Eagle County, Colorado, more specifically described as follows: The spring area consists of seeps and springs within a circular area 100 feet in radius, the centroid of which is located whence the southeast corner of said Section 24 bears south 23 degrees 15 feet east 3,610 feet. The preferred method to describe said location is as follows, yet it does not change the decreed location: 1,528 feet from the east section line and 2,119 feet from the north section line of said Section 24. The location of Red Canyon Estates Lot 12 Spring No. 1 is shown on the map attached hereto as **Exhibit A**. 5.d. Red Canyon Estates Community Landscape Pump and Pipeline: The point of diversion is located within the access road and utility easement on Lot 13, Red Canyon Estates Subdivision, in the northeast quarter, southeast quarter, Section 24, Township 4 South, Range 83 West of the 6th P.M., Eagle County, Colorado at a point whence the southeast corner of said Section 24 bears south 27 degrees east, 2,660 feet. The preferred method to describe said location is as follows, yet it does not change the decreed location: 2,364 feet from the south section line and 1,222 feet from the east section line of said Section 24. The location of Red Canyon Estates Community Landscape Pump and Pipeline is shown on the map attached hereto as **Exhibit A**. **6. Source for all structures:** **Red Canyon Creek, seeps, springs and precipitation runoff tributary to Red Canyon Creek, tributary to the Eagle River, tributary to the Colorado River.** **7. Appropriation date for all structures:** June 1, 1986. **8. Decreed Amounts:** 8.a. Red Canyon Estates Pond No. 5: 2.0 acre feet, conditional. 8.b. Red Canyon Estates Lot 5 Pond No. 5 Irrigation Pump: 0.15 c.f.s., conditional. 8.c. Red Canyon Estates Lot 12 Spring No. 1: 0.1 c.f.s., conditional. 8.d. Red Canyon Estates Community Landscape Pump and Pipeline: 0.5 c.f.s., conditional. **9. Decreed Uses:** 9.a. Red Canyon Estates Pond No. 5: Red Canyon Estates Pond No. 5 was decreed the right to fill and maintain full continually when in priority for application to the following uses: domestic, stock watering, piscatorial, aesthetic, fire suppression, dust suppression, wildlife, augmentation, recreation and the irrigation of 56 acres. 9.b. Red Canyon Estates Lot 5

Pond No. 5 Irrigation Pump, Red Canyon Estates Lot 12 Spring No. 1, and Red Canyon Estates Community Landscape Pump and Pipeline: Domestic, stock watering, fish propagation, recreation, wildlife, hydropower, fire suppression, dust suppression, aesthetics, irrigation of approximately 56 acres, and storage. 9.c. Pursuant to the decree in Case No. 92CW296, Applicants Pamela and J. Reed Roesler, as the owners of Lot 5, have the exclusive right to the use of Red Canyon Estates Pond No. 5 for recreation purposes and of Red Canyon Estates Lot 5 Pond No. 5 Irrigation Pump for irrigation uses on Lot 5. 9.d. Applicant Red Canyon Partners LLC, as the owner of Lot 12, has exclusive right to the use of Red Canyon Estates Lot 12 Spring No. 1 for household uses, fire protection, watering of domestic animals and livestock, and for the irrigation of not over one acre of gardens and lawns. 9.e. Applicant Red Canyon Estates Homeowners Association, Inc. is the applicant and claimant with respect to each water right described herein in such surplus amounts and for such uses not otherwise expressly claimed for exclusive use pursuant to the decree in Case No. 92CW296. **10. Provide a detailed outline of what has been done toward completion of the appropriation and application of water to a beneficial use as conditionally decreed, including expenditures:** 10.a. Applicants and their predecessors-in-interest have spent in excess of \$44,000.00 in fees and costs since November 2017 in connection with Applicants' water rights, including the rights which are the subject of this application, including: 10.a.i. The conditional water rights which are the subject of this application are part of Applicants' augmentation plan decreed in Case No. 92CW296. During the subject diligence period, Applicant Red Canyon Estates Homeowners Association, Inc. has paid \$11,030.88 to the United States Bureau of Reclamation, under Green Mountain Reservoir Contract No. 4-07-60-W1057, for augmentation releases in accordance with the decree in Case No. 92CW296. Applicant Red Canyon Estates Homeowners Association, Inc. also paid \$8,242.15 to the Colorado River Water Conservation District for Eagle Park Reservoir augmentation water. 10.a.ii. During the diligence period, Applicants J. Reed and Pamela Roesler have paid in excess of \$20,000.00 on engineering, surveying, and construction associated with the Lot 5 water rights. 10.a.iii. During the diligence period, Applicants and their predecessors-in-interest have paid in excess of \$5,300.00 in legal fees. 10.b. Applicant Red Canyon Partners LLC purchased Red Canyon Estates Lot 12, including the associated interest in the water rights herein, in October 2022. 11. **If claim to make absolute:** During the diligence period, Applicants Pamela and J. Reed Roesler operated the Red Canyon Estates Lot 5 Pond No. 5 Irrigation Pump as follows: 11.a. Date of diversion: May through September 2023. 11.b. Amount claimed absolute: 0.15 c.f.s. (67 g.p.m.). 11.c. Amount remaining conditional: n/a. 12. **Names and addresses of owners or reputed owners of the land upon which any new diversion or storage structure, or modification to any existing diversion or storage structure is or will be constructed or upon which water is or will be stored, including any modification to the existing storage pool.** 12.a. Red Canyon Estates Pond No. 5 and Red Canyon Estates Lot 5 Pond No. 5 Irrigation Pump: Applicants Pamela and J. Reed Roesler. 12.b. Red Canyon Estates Lot 12 Spring No. 1: Applicant Red Canyon Partners LLC. 12.c. Red Canyon Estates Community Landscape Pump and Pipeline: Applicant Red Canyon Estates Homeowners Association, Inc. WHEREFOR, Applicants request the Court enter a decree finding and determining that Red Canyon Estates Lot 5 Pond No. 5 Irrigation Pump has been made absolute in the amount of 0.15 c.f.s., and that Applicants have exercised reasonable diligence in the development of the remaining subject conditional water rights and continuing said conditional water rights in full force and effect for an additional six-year diligence period. (Number of pages of Application: 8 pages, including 1 page of exhibits.)

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

23CW3162 GARFIELD COUNTY. Colorado Water Conservation Board ("CWCB"), 1313 Sherman Street, Suite 718, Denver, Colorado 80203. Please direct communications regarding this case to Jennifer Mele, First Assistant Attorney General, Christopher Davis, Assistant Attorney General, Water Conservation Unit, Natural Resources & Environment Section, Office of the Colorado Attorney General, 1300 Broadway, 7th Floor, Denver, Colorado 80203. Telephone: (720) 508-6282 (Mele) (720) 508-6280 (Davis). Email: jen.mele@coag.gov; christopher.davis@coag.gov. APPLICATION FOR WATER RIGHTS TO PRESERVE THE NATURAL ENVIRONMENT TO A REASONABLE DEGREE. **1. Name & Address of Applicant:** Colorado Water Conservation Board ("CWCB") 1313 Sherman Street, Suite 718 Denver, CO 80203 (303) 866-3441 Please direct communications regarding this case to the attorney listed in the caption. **2. Name of water right:** Hack Lake Natural Lake Level ("NLL") Water Right. **3. Legal Description:** A map depicting the approximate location of the Hack Lake NLL Water Right is attached as **Exhibit 1. A. Location:** Hack Lake Center Point: 1. UTM: Northing: 4409994.98; Easting: 316816.32 (NAD 1983 Zone 13 North) 2. Lat/Long: Latitude 39° 49' 12.78" N; Longitude 107° 08' 25.08" WB. **Size:** 1. Surface Area: 1.29 acres 2. Average Depth: 6.4 feet C. The Universal Transverse Mercator (UTM) of the lake center point will be used as the legal description for the decree in this matter. The Lat/Long coordinates are provided as cross-reference locations only. The UTM and Lat/Long locations for the lake center point were derived from CWCB GIS using the National Hydrography Dataset (NHD). **4. Source: Water flows from Hack Lake to Hack Creek, tributary to Sweetwater Creek, tributary to the Colorado River.** **5. A. Date of initiation of appropriation:** January 24, 2023. **B. How appropriation was initiated:** Appropriation and beneficial use occurred on January 24, 2023, by the action of the CWCB pursuant to sections 37-92-102(3) and (4)

and 37-92-103(3), (4) and (10), C.R.S. C. Date applied to beneficial use: January 24, 2023. **6. Amount of Water Claimed**: 8.92 acre-feet absolute, at a lake surface-level elevation of 9,875 feet (North American Vertical Datum of 1988 or "NAVD88") **7. Proposed Uses**: Natural surface water levels or volumes to preserve the natural environment to a reasonable degree. **8. Names and addresses of owners or reputed owners of the land upon which any new or existing diversion structure will be located**: The notice required by section 37-92-302(2)(b), C.R.S., to the owners or reputed owners of the land upon which any new or existing diversion or storage structure is or will be constructed is not applicable in this case. This Application is for natural lake level water rights, exclusive to the CWCB under the provisions of section 37-92-102(3), C.R.S. As a natural lake level water right, the CWCB's appropriation does not require diversion structures. See *Colo. River Water Conservation Dist. V. Colo. Water Conservation Bd.*, 594 P.2d 570, 574 (Colo. 1979); § 37-92-103(4)(c), C.R.S. As a natural lake level water right, the CWCB's appropriation of natural lake level water rights does not involve construction of a well. **9. Remarks**: This appropriation by the CWCB, on behalf of the people of the State of Colorado, is made pursuant to sections 37-92-102(3) & (4) and 37-92-103(3), (4) & (10), C.R.S. The purpose of the CWCB's appropriation is to preserve the natural environment to a reasonable degree. At its regular meeting on May 18, 2023, the CWCB determined, pursuant to section 37-92-102(3)(c), C.R.S., that the natural environment of Hack Lake will be preserved to a reasonable degree by the water available for the appropriations to be made; that there is a natural environment that can be preserved to a reasonable degree with the CWCB's water rights herein, if granted; and that such environment can exist without material injury to water rights.

YOU ARE HEREBY NOTIFIED THAT YOU HAVE until the last day of JANUARY 2024 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 NOVEMBER 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.

23CW3163 As to a 63% interest in the water right that is subject of this Application: Barry Stout, 2000 Baldy Creek Road, New Castle, CO 81647. Please direct pleadings and correspondence concerning Barry Stout's interest under this Application to the attorneys for Applicant Barry Stout. As to a 37% interest in the water right that is subject of this Application: TEP Rocky Mountain, LLC ("TEP"), 1058 County Road 215, PO BOX 370, Parachute, Colorado 81635. Please direct pleadings and correspondence concerning TEP's interest under this Application to the attorneys for Applicant TEP. **APPLICATION FOR FINDING OF REASONABLE DILIGENCE in GARFIELD COUNTY. FIRST CLAIM FINDING OF REASONABLE DILIGENCE FOR SURFACE WATER RIGHT 2. Name of conditional water right and description**: Sadie Ditch. A. **Decree information**: i. **Original Decree**: April 2, 1996, Case No. 94CW313, District Court in and for Water Division No. 5, Colorado. ii. **Subsequent decrees**: February 18, 2004, Case No. 02CW99; April 3, 2011, Case No. 10CW17; and November 19, 2017, Case No. 17CW3077, each in the District Court in and for Water Division No. 5, Colorado. B. **Location**: SE1/4 of the SE1/4 of Section 35, Township 6 South, Range 91 West of the 6th P.M., at a point approximately 1,000 feet west of the East Section line and approximately 75 feet north of the South Section line of said Section 35. A water rights location map depicting the location of the decreed point of diversion of the Sadie Ditch is attached as **Exhibit A. C. SOURCE: JACKSON GULCH, TRIBUTARY TO DIVIDE CREEK, TRIBUTARY TO COLORADO RIVER D. Appropriation Date**: December 21, 1994 E. **Amount and use**: 2.3 c.f.s. comprised of the following amounts and uses: i. 2.0 c.f.s., conditional, for irrigation purposes. ii. 0.3 c.f.s. conditional, for domestic use iii. 0.3 c.f.s., absolute, for stock watering (decreed absolute in Case No. 02CW99) F. **Name and address of owner of land on which structure is located**: Applicant Barry Stout. 3. **Claim for Finding of Reasonable Diligence**: A detailed outline of what has been done by the Applicants during the diligence period toward or for completion of the appropriation and application of the conditional Sadie Ditch water right to beneficial use as decreed, is presented in the attached **Exhibit B. WHEREFORE**, Applicants respectfully request that this Court enter an order finding that reasonable diligence has been exercised in the development of this conditional water right and that 2.0 c.f.s. of the subject water right be continued as conditional for irrigation purposes and 0.3 c.f.s. of the subject water right be continued as conditional for domestic use. (5 pages, 2 exhibits)

YOU ARE HEREBY NOTIFIED THAT YOU HAVE until the last day of JANUARY 2024 to file with the Water Clerk a verified Statement of Opposition setting forth facts as to why this application should not be granted or why it should be granted in part or on certain conditions. A copy of such statement of opposition must also be served upon the applicant or the applicant's attorney and an affidavit or certificate of such service shall be filed with the Water Clerk, as prescribed by Rule 5, CRCP. (Filing Fee: \$192.00) KATHY POWERS, Water Clerk, Water Division 5; 109 8th Street, Suite 104 Glenwood Springs, CO 81601.

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

23CW3164(17CW3032, 82CW94) Water Division 5. DISTRICT COURT, WATER DIVISION NO. 5, STATE OF COLORADO, Garfield County Courthouse, 109 8th Street, Suite 104, Glenwood Springs, CO 81601. IN THE MATTER OF THE APPLICATION FOR WATER RIGHTS OF AMERICAN GYPSUM, COMPANY, IN **EAGLE COUNTY, COLORADO. APPLICATION FOR FINDING OF REASONABLE DILIGENCE.** 1. Name, address, and telephone number of Applicant: American Gypsum Company, LLC (“Applicant”), P.O. Box 980, 740 Highway 6, Gypsum, Colorado 81637, (970) 524-9700, Direct all pleadings and/or correspondence to: Steven J. Bushong, Gunnar J. Paulsen, Bushong & Holleman PC, 1525 Spruce Street, Suite 200, Boulder, Colorado 80302, E-mail: sbushong@bh-lawyers.com; gpaulsen@bh-lawyers.com 2. Name of structures: Schmidt Gypsum Ranch Spring Nos. 5, 6, 7, and 8 (“Subject Water Rights”). 3. Introduction: Applicant acquired the land on which the Subject Water Rights are located in 2021, including a reversionary interest in the Subject Water Rights. Oldcastle SW Group Inc. (“Oldcastle”) continues to mine that land, operate the gravel mining facility located thereon, and continues to use the Subject Water Rights that were already decreed as absolute. Upon cessation of mining activities by Oldcastle, the Subject Water Rights shall revert to Applicant and the remaining conditional portion of the Subject Water Rights will be developed. 4. Description of conditional water rights: 4.1. Decrees: The Subject Water Rights were originally decreed by the Water Court in and for Water Division 5 (“Water Court”) Case No. 82CW94 on April 15, 1983. Subsequent decrees granting requests for findings of reasonable diligence were entered by the Water Court in Case Nos. 87CW43 on July 7, 1987; 91CW31 on July 17, 1991; 97CW71 on August 15, 1997; 03CW183 on April 30, 2004; and 17CW3032 on November 12, 2017. In Case No. 02CW211 the Water Court entered a decree on February 23, 2004, that added Gypsum Ranch Well as an alternate point of diversion for the Subject Water Rights. In Case No. 04CW98, the Gypsum Ranch Well decreed an alternate surface diversion at the same decreed location, called the Gypsum Ranch Pipeline. In Case No. 10CW121 the Water Court entered a decree on February 5, 2011, that made the Subject Water Rights partially absolute and entered findings of diligence for the remainder of the conditional rights, 4.2. Decreed Legal descriptions: 4.2.1. Schmidt Gypsum Ranch Spring No. 5: NE1/4 NE1/4 of Section 4, Township 5 South, Range 85 West of the 6th P.M., being southerly of the Eagle River approximately 800 feet west and 1,200 feet south of the section lines. A map showing the location of the Schmidt Gypsum Ranch Spring Nos. 5-8 is attached as **Exhibit A**, 4.2.2. Schmidt Gypsum Ranch Spring No. 6: NE1/4 of Section 4, Township 5 South, Range 85 West of the 6th P.M., being southerly of the Eagle River approximately 500 feet west and 1,400 feet south of the section lines, 4.2.3. Schmidt Gypsum Ranch Spring No. 7: NW1/4 NW1/4 of Section 3, Township 5 South, Range 85 West of the 6th P.M., being southerly of the Eagle River approximately 50 feet east and 900 feet south of the section lines, 4.2.4. Schmidt Gypsum Ranch Spring No. 8: is a series of springs located in the N1/2 NW1/4 and the NW1/4 NE1/4 of Section 3, Township 5 South, Range 85 West of the 6th P.M., being approximately 1,800 feet west of the section line and ending approximately 800 feet east of the section line, following a course approximately 700 feet south of the Eagle River, 4.3. **SOURCE: SPRINGS TRIBUTARY TO THE EAGLE RIVER, TRIBUTARY TO THE COLORADO RIVER,** 4.4. Appropriation date: February 17, 1981, 4.5. Amount: The total decreed amount is 0.88 c.f.s., supplied at a rate of 0.22 c.f.s. from each of the four springs, 4.6. Use: The Schmidt Gypsum Ranch Spring Nos. 5-8 are decreed absolute in their full amounts for domestic, irrigation, industrial, and commercial use. They remain decreed conditionally in their full amounts for piscatorial use. 5. Claim for Finding of Reasonable Diligence: Applicant and/or Oldcastle has undertaken the following specific activities over the last six years that demonstrate diligence toward placing the remaining conditional portion of the Subject Water Rights to beneficial use: 5.1. Oldcastle continued to use the Subject Water Rights for their decreed absolute uses in support of its gravel mining operations, 5.2. Oldcastle mined in excess of 2,000,000 pounds of gravel at the Schmidt Ranch gravel mine, 5.3. Applicant acquired the underlying land and a reversionary interest in the Subject Water Rights in 2021, 5.4. Applicant expended considerable engineering and legal efforts to study development of a reservoir on the former Schmidt Ranch property, which, when developed, will allow the piscatorial uses of the Subject Water Rights to be made absolute, 5.5. Applicant has actively participated as an objector in other water court cases that could adversely affect its water rights, 5.6. Applicant continues to rely upon the Subject Water Rights and has no intention to abandon the same. 6. The name and address of the owner of the land on which the structures and/or water rights are located: Applicant. WHEREFORE, Applicant requests that the Court enter a final decree that (A) finds reasonable diligence with respect to the remaining conditional portion of the Subject Water Rights and retains the conditional status of said water rights; and (B) grants such further relief as may be appropriate. (5 pages + Exhibit)

YOU ARE HEREBY NOTIFIED THAT YOU HAVE until the last day of JANUARY 2024 to file with the Water Clerk a verified Statement of Opposition setting forth facts as to why this application should not be granted or why it should be granted in part or on certain conditions. A copy of such statement of opposition must also be served upon the applicant or the applicant’s attorney and an affidavit or certificate of such service shall be filed with the Water Clerk, as prescribed by Rule 5, CRCP. (Filing Fee: \$192.00) KATHY POWERS, Water Clerk, Water Division 5; 109 8th Street, Suite 104 Glenwood Springs, CO 81601.

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

23CW3165(17CW3118, 89CW132) Water Division 5. DISTRICT COURT, WATER DIVISION NO. 5, STATE OF COLORADO, Garfield County Courthouse, 109 8th Street, Suite 104, Glenwood Springs, CO 81601. IN THE MATTER OF THE APPLICATION FOR WATER RIGHTS OF AMERICAN GYPSUM COMPANY LLC, IN **EAGLE COUNTY, COLORADO. APPLICATION FOR FINDING OF REASONABLE DILIGENCE.** 1. Name, address, and telephone number of applicant: American Gypsum Company LLC, (“Applicant”), P.O. Box 980, 740 Highway 6, Gypsum, Colorado 81637, (970) 524-9700, Direct all pleadings and/or

correspondence to: Steven J. Bushong, Gunnar J. Paulsen, Bushong & Holleman PC, 1525 Spruce Street, Suite 200, Boulder, Colorado 80302, E-mail: sbushong@bh-lawyers.com; gpaulsen@bh-lawyers.com

2. Name of water right: Eagle Gypsum Exchange.

3. Description of conditional water right: 3.1. Decrees: Decreed by the District Court in and for Water Division No. 5 in Case No. 89CW132 on July 13, 1990. By decree of the District Court in and for Water Division No. 5 in Case Nos. 91CW109 and 02CW391 additional structures were added as additional points of exchange. Previous diligence decrees have been entered in Case Nos. 96CW321, 04CW074, 10CW254, and 17CW3118, 3.2. Decreed location: The exchange is from the confluence of the Eagle River and Colorado River up the Eagle River to the following structures with reference to the decrees by which those structures were decreed as exchange-to points for the Eagle Gypsum Exchange: Eagle Gypsum Gallery Nos. 1 and 2 (89CW132), Eagle Gypsum Reservoir No. 1 (89CW132), Eagle Gypsum Well Nos. 1, 2, and 3 (91CW109), Well F, (02CW391), American Gypsum Well Field (02CW391) and the Eagle River Intakes (02CW391). These structures are located in the NE1/4 NW1/4 and NW1/4 NE1/4 of Section 5, Township 5 South, Range 85 West of the 6th P.M. A map depicting the exchange reach is attached hereto as **Exhibit A**, 3.3. Source: **Eagle River, a tributary of the Colorado River**. Water for the exchange is released to the Colorado River from Green Mountain Reservoir, under Applicant's contract with the Bureau of Reclamation and as described in the decree entered in Case No. 89CW132, and from Wolford Reservoir, under Applicant's contract with the Colorado River Water Conservation District and as described in the decree entered in Case No. 02CW391, 3.4. Appropriation date: May 17, 1989, 3.5. Amount: 1 cfs with an annual limit of 270 acre feet. Of this amount, 0.835 cfs was made absolute by decree dated September 9, 1998 entered in Case No. 98CW024, with 0.165 cfs remaining conditional, 3.6. Use: Exchange to facilitate industrial, landscape irrigation, recreational, piscatorial and augmentation uses of the structures exchanged to. 4. Detailed outline of work done to complete project and apply water to beneficial use: Applicant has undertaken the following specific activities within the last six years that demonstrate its diligence with regard to the remaining conditional portion of the Eagle Gypsum Exchange, 4.1. The "exchange to" points for the Eagle Gypsum Exchange include Eagle Gypsum Well Nos. 1, 2 and 3, per the decree entered in Case No. 02CW391. Each such well was decreed for 1 cfs, with a combined instantaneous diversion rate of 1 cfs. In Case No. 19CW3029, Applicant sought and obtained findings of reasonable diligence with respect to the pumping rates for these wells that remained conditional, 4.2. The "exchange to" points for the Eagle Gypsum Exchange include Well F, the American Gypsum Well Field, and the Eagle River Intake Nos. 1 and 2, per the decree entered in Case No. 02CW391. In Case No. 19CW3030, Applicant obtained a decree making a finding of diligence with respect to their remaining conditional amounts, 4.3. Applicant continues to operate and improve the water supply system of which the Eagle Gypsum Exchange is an integral feature. Such work included upgrades to the well system, which involved installing individual flow meters on all the wells, upgrading the well casing water level indicators, and upgrading programmable logic controllers and input/output module upgrades, drive upgrades, and human machine interface at a cost of approximately \$369,000., 4.4. Applicant has maintained in full force and effect contracts for 270 acre feet of water from Green Mountain Reservoir and Wolford Mountain Reservoir, which water is used in the exchange, 4.5. Applicant acquired additional land and water rights in Eagle County to facilitate its further development plans and allow expansion of the facilities at the existing plant, for which the exchange remains a vital component, 4.6. Applicant has also actively participated as an objector in other water court cases that could adversely affect its water rights, 4.7. Applicant continues to rely upon the exchange and has no intention to abandon the same. 5. Ownership. Applicant owns all of the structures to which water will be exchanged and has current contracts/leases for the exchange water. WHEREFORE, Applicant requests that the Court enter a final decree that (A) finds reasonable diligence with respect to the remaining conditional amount of the subject appropriative right of exchange, and (B) grants such further relief as may be appropriate. (5 pages + Exhibit)

YOU ARE HEREBY NOTIFIED THAT YOU HAVE until the last day of JANUARY 2024 to file with the Water Clerk a verified Statement of Opposition setting forth facts as to why this application should not be granted or why it should be granted in part or on certain conditions. A copy of such statement of opposition must also be served upon the applicant or the applicant's attorney and an affidavit or certificate of such service shall be filed with the Water Clerk, as prescribed by Rule 5, CRCP. (Filing Fee: \$192.00) KATHY POWERS, Water Clerk, Water Division 5; 109 8th Street, Suite 104 Glenwood Springs, CO 81601.

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

23CW3166 GRAND COUNTY, COLORADO RIVER. MEADOWVIEW MOUNTAIN LODGE, LLC, c/o Ryan Jarvis or Laurel Quinto, Johnston Van Arsdale Martin PLLC, 305 Gold Rivers Ct, Ste 200 Basalt, CO 81621, (970) 922-2122. Application for Findings of Reasonable Diligence. Name of Structure: Richmond Well No. 1. Original decree: 07CW207, entered 9/26/2010, Div 5. Subsequent decree: 16CW3085, entered 11/19/2017 (reasonable diligence and confirming partially abs.). Legal desc.: SW1/4 SW1/4 Sec 24 T 4 N R 76 W 6th PM, 929 ft from the S sec. line and 952 ft from the W sec. line of said Sec 24. The location is described in the records of the Office of the State Engineer by GPS Coordinates: Northing 4460116, Easting 427017, Zone 13. Source: Groundwater tributary to the North Fork of the Colorado River. Depth: 300 ft. Date of approp.: 9/21/2007. Amount and uses: 50 gpm, total, comprised by 15 gpm, abs., for domestic use within 1 single-family dwelling and irrigation of 1.5 acres, and 35 gpm, cond., for domestic use for up to 3 single-family dwellings, irrigation, fire protection and other beneficial uses. Owner of land: Applicant. Remarks: When out of priority, this water right is exercised in conjunction with the augmentation plan decreed in 07CW207 and Richmond Exchange decreed in 16CW3085. The well operates pursuant to Well Permit No. 75663-F. Application on file with the court includes a list of activities demonstrating diligence. (4 pages, 1 exhibit).

YOU ARE HEREBY NOTIFIED THAT YOU HAVE until the last day of JANUARY 2024 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 NOVEMBER 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.*

23CW3167 EAGLE, GARFIELD, & PITKIN COUNTIES. Application for Findings of Reasonable Diligence and to Make Absolute. Applicant: Timber Springs Metropolitan District, c/o Sara M. Dunn & Ryan L. Scheidt, Balcomb & Green, P.C., P.O. Drawer 790, Glenwood Springs, CO 81602; 970-945-6546. Applicant requests the Ct. find it has exercised reasonable diligence in the development of the Timber Springs Entrance Diversion Wolford Mountain Reservoir Exchange, Timber Springs Entrance Diversion Ruedi Reservoir Exchange, and the Timber Springs Entrance Diversion Eagle Park Reservoir Exchange (the "Subject Water Rights"), herein referred to as the Timber Springs Entrance Exchange Project. See Exhibit A on file with the Water Ct. for a map of the exchange reaches. First Claim for Finding of Reasonable Diligence. Name of Exchange: Timber Springs Entrance Diversion Wolford Mountain. Original Decree: 16CW3180 Dist. Ct., Water Div. 5, on 11/09/2017. Exchange Termini: The exchange reach is from the confluence of the CO and Eagle Rivers generally located in the SW1/4 SE1/4 of Sec. 7, T. 8 S., R. 86 W. of the 6th P.M. at a point approx. 750 ft. from the S. Sec. line and 1,500 ft. from the E. Sec. line of said Sec. 7, up the CO River, the Eagle River and Spring Creek to the diversion points for the Timber Springs Entrance Diversion, as decreed in 16CW3180, ¶ 10(a)(i). Date of Approp.: 12/30/2016. Amt.: The max rate of exchange is 0.06 c.f.s., conditional, and up to 0.7 AF/yr, alone or in combination with the Timber Springs Entrance Diversion Ruedi Reservoir Exchange. Use: The water exchanged from Wolford Mountain Reservoir to the Timber Springs Entrance Diversion shall be used as described above, and to augment out-of-priority diversions associated with the Timber Springs Entrance Diversion for the irrigation of 0.62 acres of landscaping and natural grasses, as decreed in 16CW3180, ¶ 3(d). Remarks: The exchange using Wolford Mountain Reservoir releases will be exercised to address calls occurring below the confluence of the CO and Eagle Rivers. This exchange is also referred to as Timber Springs Entrance Exchange Project Reach No. 2. Name of Exchange: Timber Springs Entrance Diversion Ruedi Reservoir Exchange. Original Decree: 16CW3180 Dist. Ct., Water Div. 5, on 11/19/2017. Exchange Termini: The exchange reach is from the confluence of the CO and Roaring Fork Rivers in the SE1/4 of the NW1/4 of Sec. 9, T. 6 S., R. 89 W. of the 6th P.M., at a point approx. 2,200 ft. from the N. Sec. line and 2,350 ft. from the W. Sec. line, up the CO River, the Eagle River and Spring Creek to the diversion points for the Timber Springs provided however, that Ruedi Reservoir releases may be used only to address calls occurring below the confluence of the CO River and Roaring Fork River, as decreed in 16CW3180, ¶ 10(b)(i). Date of Approp.: 12/30/2016. Amt.: the max rate of exchange is 0.06 c.f.s., conditional, and up to 0.7 AF/yr, alone or in combination with the Timber Springs Entrance Diversion Wolford Mountain Reservoir Exchange. Use: The water exchanged from Wolford Mountain Reservoir to the Timber Springs Entrance Diversion shall be used as described above and to augment out-of-priority diversions associated with the Timber Springs Entrance Diversion for the irrigation of 0.62 acres of landscaping and natural grasses, as decreed in 16CW3180, ¶ 3(d). Remarks: The exchange using Ruedi Reservoir releases will be exercised to address calls occurring below the confluence of the CO and Roaring Fork Rivers. This exchange is also referred to as Timber Springs Entrance Exchange Project Reach No. 3. Name of Exchange: Timber Springs Entrance Diversion Eagle Park Reservoir Exchange. Original Decree: 16CW3180 Dist. Ct., Water Div. 5, on 11/19/2017. Exchange Termini: The exchange reach is from the confluence of the CO River and the Eagle River located in the SW1/4 SE1/4 of Sec. 7, T. 8 S., R. 86 W. of the 6th P.M., at a point approx. 750 ft. from the S. Sec. line and 1,500 ft. from the E. Sec. line of said Sec. 7 up the Eagle River and Spring Creek to the location of the Timber Springs Entrance Diversion, as decreed in 16CW3180, ¶ 10(c)(i). Date of Approp.: 12/30/2016. Amt.: The max rate of exchange of 0.06 c.f.s, conditional, and up to 0.4 AF/yr. Use: The water exchanged from Wolford Mountain Reservoir to the Timber Springs Diversion Ditch shall be used as described above and to augment out-of-priority diversions associated with the Timber Springs Entrance Diversion for the irrigation of 0.62 acres of landscaping and natural grasses, as decreed in 16CW3180, ¶ 3(d). Remarks: The exchange using Eagle Park Reservoir releases will primarily be exercised to address calls occurring above the confluence of the CO River and the Eagle Rivers. This exchange is also referred to as Timber Springs Entrance Exchange Project Reach No. 1. A list of diligence activities performed in the six years preceding the filing of this Application is on file with this Ct. Second Claim to Make Absolute. Applicant requests a finding that the conditional water rights decreed to Timber Springs Entrance Exchange Project be confirmed absolute as follows. Structure: Timber Springs Entrance Exchange Project. Date of Beneficial Use: 07/21/2021. Amt.: 0.06 c.f.s. Use: Exchange Project to replace out-of-priority diversions by the Timber Springs Entrance Diversion for irrigation of 0.62 acres of landscaping pursuant to the plan for aug. approved in 16CW3180. Exchange Project. Exchange Reach 1: Upstream Terminus: NE1/4 SE1/4 of Sec. 36, T. 4 S., R. 83 W. of the 6th P. M., 722 ft. W. of the E. Sec. line and 1, 979 ft. N. of the S. Sec. line, as decreed in 16CW3180, ¶ 3. Downstream Terminus, Timber Springs Entrance Diversion Wolford Mountain Reservoir Exchange: The exchange reach is from the confluence of the CO River and the Eagle River located in the SW1/4 SE1/4 of Sec. 7, T. 8 S., R. 86 W. of the 6th P.M., at a point approx. 750 ft. from the S. Sec. line and 1,500 ft. from the E. Sec. line of said Sec. 7. Exchange Reach 2: Upstream Terminus as described above. Downstream Terminus, Timber Springs Entrance Diversion Eagle Park Reservoir Exchange: The exchange reach is from the confluence of the CO and Eagle Rivers generally located in the SW1/4

SE1/4 of Sec. 7, T. 8 S., R. 86 W. of the 6th P.M. at a point approx. 750 ft. from the S. Sec. line and 1,500 ft. from the E. Sec. line of said Sec. 7. Exchange Reach 3: Upstream Terminus as described above. Downstream Terminus, Timber Springs Entrance Diversion Ruedi Reservoir Exchange: The exchange reach is from the confluence of the CO and Roaring Fork Rivers in the SE1/4 of the NW1/4 of Sec. 9, T. 6 S., R. 89 W. of the 6th P.M., at a point approx. 2,200 ft. from the N. Sec. line and 2,350 ft. from the W. Sec. line. Remarks: Exchange Reaches 1 and 2 as described above, are nested within Exchange Reach 3. Description of Use Supporting Claim to Make Absolute: Exchange Reaches 1-3 were made absolute on 07/21/2021, when the Timber Springs Entrance Diversion was operating, and the CO River Water Conservation Dist. unleashed water from Ruedi Reservoir for Applicant's benefit to address the Cameo Call pursuant to Applicant's Contract No. CW16007 and the place for aug. decreed in 16CW3180. Name and address of owner 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: Patrick and Donna Martin, 100 Timber Springs Drive, Edwards, CO 81632. (8 pages of original application, Exh. A & B)

YOU ARE HEREBY NOTIFIED THAT YOU HAVE until the last day of JANUARY 2024 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 NOVEMBER 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.*

23CW3168(16CW3173) Water Division: 5, DISTRICT COURT, WATER DIVISION NO. 5, STATE OF COLORADO, Garfield County Courthouse, 109 8th Street, Suite 104, Glenwood Springs, CO 81601, (970) 928-3065. IN THE MATTER OF THE APPLICATION FOR WATER RIGHTS OF: BUCKHORN VALLEY METROPOLITAN DISTRICT NO. 1, IN EAGLE COUNTY, COLORADO. **APPLICATION FOR FINDING OF REASONABLE DILIGENCE.** 1. Applicant: 1.1. Name: Buckhorn Valley Metropolitan District No. 1 (the "Applicant"), 1.2. Mailing Address: c/o Sarah Shepherd, Circuit Rider of Colorado, P.O. Box 359, Littleton, CO 80160, 1.3. Email Address and Phone Number: c/o John V. Hill, (970) 470-2087, JVHill@Hill-Co.org. 1.4. Direct All Pleadings to: Bushong & Holleman PC, Attn: Steve Bushong & Cassidy Woodard, 1525 Spruce Street, Suite 200, Boulder, CO 80302, sbushong@BH-lawyers.com; cwoodard@BH-lawyers.com 2. Name of Structure: Buckhorn Pond No. 1 (Supplemental). 3. Overview: The Buckhorn Pond No. 1 (Supplemental) water right is a junior storage right in the Buckhorn Pond No. 1 using the J.P.O. No. 1 Ditch and J.P.O. No. 2 Ditch (collectively referred to sometimes herein as the "JPO Ditches") to divert water for filling said pond. 4. Description of Conditional Water Right: The Buckhorn Pond No. 1 (Supplemental) water right was originally decreed by the District Court in and for Water Division No. 5 (the "Water Court") in Case No. 16CW3173 on November 19, 2017 (the "16CW3173 Decree"), 4.1. Location: The dam for Buckhorn Pond No. 1 is located in the S1/2SE1/4 of Section 11, T. 5 S., R. 85 W. of the 6th P.M., approximately 460 feet from the south section line and 1,720 feet from the east section line of said Section 11. UTM Zone 13 NAD 1983, Easting 337941, Northing 4387866. *See Exhibit A*, 4.2. Source: **Hernage Creek (J.P.O. Ditch No. 1) and Abrams Creek (J.P.O. Ditch No. 2). Hernage Creek is tributary to Abrams Creek, tributary to Brush Creek, tributary to the Eagle River,** 4.3. Description of Ditches Used to Fill Buckhorn Pond No. 1 (Supplemental): 4.3.1. J.P.O. Ditch No. 1: The headgate for J.P.O. No. 1 Ditch is located on Hernage Creek in Eagle County at a point whence the NW corner of Section 30 in T. 5 S., R. 84 W. of the 6th P.M., bears N. 20° 8' West 10,029 feet. UTM Zone 13 NAD 1983, Easting 341045, Northing 4381551. *See Exhibit A*, 4.3.2. J.P.O. Ditch No. 2: The headgate for J.P.O. No. 2 Ditch is located on Abrams Creek in Eagle County at a point whence the NW corner of Section 30 in T. 5 S., R. 84 W. of the 6th P.M., bears N. 9° 00' West 3,114 feet. UTM Zone 13 NAD 1983, Easting 340248, Northing 4383554. *See Exhibit A*, 4.4. Appropriation Date: June 1, 2008, 4.5. Amount: A total cumulative amount of 62 acre-feet a year, with rights to fill and refill so long as the total cumulative storage under this Buckhorn Pond No. 1 (Supplemental) water right does not exceed 62 acre-feet in any year. 12.05 acre-feet of this water right is absolute, and the remainder is conditional, 4.6. Filling Rates: 4.6.1. J.P.O. Ditch No. 1: 4 cubic feet per second ("cfs"), of which 1.7 cfs is absolute and 2.3 cfs is conditional, 4.6.2. J.P.O. Ditch No. 2: 3 cfs, of which 1.3 cfs is absolute and 1.7 cfs is conditional, 4.7. Uses: Storage for irrigation. Irrigation use is for lands within the Buckhorn service area, as approximately shown on **Exhibit A**, 4.8. Remarks: 4.8.1. The Buckhorn Pond No. 1 (Supplemental) water right grants an additional storage right in Buckhorn Pond No. 1, which was a structure previously decreed a water storage right in Water Court Consolidated Case Nos. 97CW2 and 97CW136. The JPO Ditches were originally decreed water rights in Civil Action No. 548 in the District Court of Eagle County by decree dated February 28, 1911, and thereafter extended and enlarged in Civil Action No. 841 in the District Court of Eagle County by decree dated December 3, 1926. No water is stored for more than seventy-two hours under the aforementioned senior priorities of the JPO Ditches, 4.8.2. The legal description for the J.P.O. Ditch No. 1 given in Paragraph 4.3.1 above is derived from Civil Action No. 841 and is slightly different than that given in Civil Action No. 548. The J.P.O. Ditch No. 1 diverts water from Hernage Creek and is separate from the J.P.O. Ditch No. 2 until the water from both ditches are combined into one ditch below the J.P.O. Ditch No. 2 diversion point on Abrams Creek, as described in Civil Action No. 841. 5. Request for Findings of Reasonable Diligence: For all portions of the remaining conditional water right described in Paragraph 4 above, Applicant requests a finding that it has exercised reasonable diligence in the development of the full remaining conditional water right and that said conditional water right continues in full force and effect. 6. Diligence Activities: The water right decreed to the Buckhorn Pond No. 1 (Supplemental) is part of Applicant's

integrated water system. As such, under C.R.S. § 37-92-301(4)(b), “[w]hen a project or integrated system is comprised of several features, work on one feature of the project or system shall be considered in finding that reasonable diligence has been shown in the development of water rights for all features of the entire project or system.” During the diligence period, Applicant has undertaken significant system maintenance, renovation, and capital improvements and has experienced an increase demand on its water system due to growth within its service area. The following activities demonstrate that Applicant exercised reasonable diligence in the development of the remaining conditional water rights: 6.1. During the diligence period, approximately \$1.4 million was expended on supply system capital improvements, including the installation of over five miles of eighteen-inch HDPE pipeline to eliminate ditch loss in the J.P.O. Ditches. The improvements also included a self-cleaning fish screen that provides the maximum allowed flow for Applicant’s diversions but protects the native cutthroat trout. This project also results in delivery of cleaner, more reliable water to Buckhorn Pond No. 1 and reduces siltation in the pond. The cleaner water also reduces the clogging of valves throughout Applicant’s system, 6.2. Demand for water continues to grow within the Applicant’s service area. During the diligence period, there were approximately twenty-five new single-family homes and eighty new multifamily units constructed, 6.3. Applicant hired an accredited contractor to repair the liner in Buckhorn Pond No. 1. To further protect the integrity of the reservoir liner, Applicant installed fencing to prevent damage from intrusions from livestock and wildlife watering, 6.4. Applicant performs annual maintenance and implements operational improvements and renovations to improve the efficient collection and distribution of irrigation water within their boundaries. During the diligence period, Applicant expended approximately \$1.5 million on such activities, which include the Reservoir lining project described above and following additional projects: 6.4.1. Replacement and repair of leaking and broken distribution system components, such as connections, joints, and pipelines. Applicant regularly evaluates its water distribution system and removes and replaces aging components with new, more stable fittings, valves, and pipelines of higher quality and longer lasting materials, 6.4.2. Applicant periodically performed major service work at the pump station for its Eagle River Right water right, which included pump well silt removal via vacuum truck and hand operations, replacement of pump seals and bearings, and various electrical services, 6.4.3. Applicant increased its control over the irrigation system operations by extending the central computer system, which monitors the operation of valves throughout the irrigated area. Now, operations personnel can adjust operating days, time, and duration for the majority of the irrigation system from one central location, which allows earlier detection of overuse and system breaks and subsequently prevents unnecessary waste, 6.5. The operation of the J.P.O. No. 2 Ditch in a manner that leaves adequate water in Abrams Creek for trout habitat was adjudicated in Water Court Case No. 18CW3025 and decreed during the diligence period on November 4, 2018. Those benefits were made possible by the piping project described above, 6.6. Buckhorn Valley Metropolitan District No. 1 participated in the Colorado Water Conservation Board proceedings during the diligence period to increase the Abrams Creek instream flow in a manner that protected Applicant’s interests while supporting the benefit of the above-described pipeline project, 6.7. Applicant continues to collaborate with the Town of Gypsum to ensure that its residents operate under and within the restrictions and guidance set forth in the raw water usage plan approved by the Town of Gypsum, 6.8. Applicant incurred regular and significant engineering and legal expenses during the diligence period to protect their water rights, including to adjudicate Case No. 18CW3025, discussed above, and pending Case No. 23CW3113, which is a diligence application for other water rights that are part of Applicant’s integrated system. 7. Land Ownership: 7.1. Buckhorn Pond No. 1: Applicant, 7.2. JPO Ditches: Applicant and lands owned by United States of America, c/o Bureau of Land Management, 2300 River Frontage Road, Silt, CO 81652-8633. WHEREFORE, Applicant respectfully requests that the court enter an order (1) granting Applicant’s request for a finding of reasonable diligence on the remaining conditional portion of the Buckhorn Pond No. 1 (Supplemental) water right so that said conditional water right continues in full force and effect; and (2) granting such other and further relief as deemed appropriate. (6 pages + Exhibit)

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23CW3169 EAGLE COUNTY, COLORADO. APPLICATION FOR A FINDING OF REASONABLE DILIGENCE. Name and Address of Applicant: Upper Eagle Regional Water Authority (the “Applicant” or “Authority”), c/o General Manager, 846 Forest Road, Vail, CO 81657, c/o Kristin H. Moseley, Michael W. Daugherty, Somach Simmons & Dunn, P.C., 1155 Canyon Blvd., Suite 110, Boulder, CO 80302. Names of structures: Squaw Creek Recreation Reservoir No. 6 (WDID 3703966). Squaw Creek Recreation Reservoir No. 7 (WDID 3703967). Squaw Creek Recreation Reservoir No. 8 (WDID 3703968). Descriptions of conditional water rights: Squaw Creek Recreation Reservoir No. 6. Decrees: Case No. 86CW153 (August 18, 1987), District Court in and for Water Division No. 5 (“Water Court”); Water Court Case No. 91CW78 (January 3, 1992); Water Court Case No. 93CW191 (May 24, 1994); Water Court Case No. 00CW76 (December 11, 2000); Water Court Case No. 06CW248 (November 27, 2017). Location: Squaw Creek Recreation Reservoir No. 6 was originally decreed in the SW1/4 NW1/4 of Section 1, T. 5 S., R. 83 W. of the 6th P.M. By virtue of the decree entered in Case No. 91CW78, the location was changed to Government Lot 15 in the SE1/4 of Section 1, T. 5 S., R. 83 W. of the 6th P.M. Source: Unnamed tributaries of Squaw Creek, tributary to the Eagle River, and groundwater tributary to the Eagle

River, tributary to the Colorado River. Appropriation date: November 30, 1985. Amount: 10 acre-feet, conditional. Uses: Irrigation, domestic, stockwatering, commercial, lodge, augmentation, restaurant, health club, recreation, and fire protection purposes. Squaw Creek Recreation Reservoir No. 7. Decrees: Water Court Case No. 86CW153 (August 18, 1987); Water Court Case No. 91CW78 (January 3, 1992); Water Court Case No. 93CW191 (May 24, 1994); Water Court Case No. 00CW76 (December 11, 2000); Water Court Case No. 06CW248 (November 27, 2017). Location: Squaw Creek Recreation Reservoir No. 7 was originally decreed in the NW1/4 SW1/4 of Section 6, T. 5 S., R. 82 W. of the 6th P.M. By virtue of the decree entered in Case No. 91CW78, the location was changed to Government Lot 20 in the SE1/4 of Section 1, T. 5 S., R. 83 W. of the 6th P.M. Source: Unnamed tributaries of Squaw Creek, tributary to the Eagle River, and groundwater tributary to the Eagle River, tributary to the Colorado River. Appropriation date: November 30, 1985. Amount: 10 acre-feet, conditional. Uses: Irrigation, domestic, stockwatering, commercial, lodge, augmentation, restaurant, health club, recreation, and fire protection purposes. Squaw Creek Recreation Reservoir No. 8. Decrees: Water Court Case No. 86CW153 (August 18, 1987); Water Court Case No. 91CW78 (January 3, 1992); Water Court Case No. 93CW191 (May 24, 1994); Water Court Case No. 00CW76 (December 11, 2000); Water Court Case No. 06CW248 (November 27, 2017). Location: Squaw Creek Recreation Reservoir No. 8 was originally decreed in the NW1/4 SE1/4 of Section 6, T. 5 S., R. 83 W. of the 6th P.M. By virtue of the decree entered in Case No. 91CW78, the location was changed to Government Lot 19 in the SE1/4 of Section 1, T. 5 S., R. 83 W. of the 6th P.M. Source: Unnamed tributaries of Squaw Creek, tributary to the Eagle River, and groundwater tributary to the Eagle River, tributary to the Colorado River. Appropriation date: November 30, 1985. Amount: 10 acre-feet, conditional. Uses: Irrigation, domestic, stockwatering, commercial, lodge, augmentation, restaurant, health club, recreation, and fire protection purposes. Each of the Squaw Creek Recreation Reservoirs was decreed as an alternate point of storage for the other reservoirs. A general location map depicting the above-described water rights is attached as **Exhibit A. Detailed outline of work done to complete project and apply water to beneficial use:** The Authority has engaged in activities that are necessary prerequisites to applying the conditional water rights described in paragraph 3, above, to the beneficial uses for which there were decreed. The Authority expended approximately \$2,710,380 to construct a new centralized treatment and pumping facility for Cordillera's Fenno Wells, which will be a source of supply for the conditional storage water rights described in paragraph 3, above. The Authority operates an integrated municipal water system of which the water rights described in paragraph 3, above, are an integrated component. Work done on any component of the system advances the whole. Name 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: The Squaw Creek Recreation Reservoirs Nos. 6-8 are located on land owned by CSMN Investments LLC whose address is 2205 Cordillera Way, Cordillera, CO 81632; Doug and Sue Sewell whose address is 1715 Cordillera Way, Cordillera, CO 81632; Majid-Neyzari Padash whose address is 7208 Loch Lomond Drive, Bethesda, MD 20817; and Bryan and Jill Johnson whose address is 420 Little Andorra Road, Edwards, CO 81632. WHEREFORE, the Authority requests that the Court enter a finding of reasonable diligence for the conditional water rights described in paragraph 3, above.

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23CW3170 GARFIELD, MESA & PITKIN COUNTIES- Concerning the Application for Water Rights of West Divide Water Conservancy District in Garfield County, Colorado, Application for Finding of Reasonable Diligence and to Make Water Rights Absolute, Applicant: West Divide Water Conservancy District, P.O. Box 1478, Rifle, CO 81650, c/o Edward B. Olszewski, Esq., Olszewski & Massih, P.C., P.O. Box 916, Glenwood Springs, CO 81602, (970) 928-9100, **CLAIM FOR FINDING OF REASONABLE DILIGENCE**, Name of Conditional Water Rights: Area A Service Area Exchange, Date of Original Decree: September 30, 2010, Case No.: 02CW123, Court: Garfield County District Court, Water Division No. 5., Date of Appropriation: January 1, 2004, Description of Exchange: The general reach of the exchange is between the Roaring Fork River and Colorado River and the upper boundary of the Applicant's Area A Service Area as depicted on the map attached to the Application as Exhibit A. Applicant's Area A Service Area has been grouped into 9 Regions, including: *Region 1:* Water District 38; *Region 2:* Water District 52 and Water District 53; *Region 3:* Glenwood Springs to Elk Creek in Water District 39; *Region 4:* West of the Elk Creek Watershed to East of the Rifle Creek Watershed in Water District 39; *Region 5:* West of the Rifle Creek Watershed in Water District 39; *Region 6:* Portions of Water Districts 39, 70, and 72; *Region 7:* East of Alkali Creek in Water District; *Region 8:* Alkali Creek to Beaver Creek in Water District 45; and *Region 9:* West of Beaver Creek in Water District 45 and Portions of Water District 72. Legal Descriptions: **Region 1. This Region is the area west of the Roaring Fork River, and all tributaries thereto in Water District 38, from the confluence of the Roaring Fork River with the Colorado River to the confluence of the Crystal River and the Roaring Fork River**, excluding areas upstream of the following structures: (1) Eby Sullivan and Laws Ex Ditch on Threemile Creek; and (2) Gristy Ditch on Four Mile Creek. Legal Description: The confluence of the Roaring Fork River and the Colorado River is located within the SE ¼ of the NW ¼ in Section 9, Township 6 South, Range 89 West of the 6th P.M., at a point 2400 ft east of the west section line and 2300 ft south of the north section line. The confluence of the Crystal River and the Roaring Fork River is located within the SW ¼ of the NW ¼ in Section

28, Township 7 South, Range 88 West of the 6th P.M., at a point 300 ft east of the west section line and 2500 ft south of the north section line. The Eby Sullivan and Laws Ex Ditch is located at a point on Threemile Creek, within the NW 1/4 of the NW 1/4 Section 27, Township 6 South, Range 89 West of the 6th P.M., at a point 270 ft east of the west section line and 730 ft south of the north section line. The headgate of the Gristy Ditch is located at a point on Fourmile Creek, within the SE 1/4 of the NE 1/4 Section 34, Township 6 South, Range 89 West of the 6th P.M., at a point 650ft west of the east section line and 3000 ft south of the north section line. *The Region 1 Service Area includes:* (1) portions of Sections 8, 9, 16, 17, 18, 19, 20, 21, 22, 27, 28, 34, 35, and 36, T. 6 S., R. 89 W., 6th P.M.; (2) all of Section 30, and portions of Sections 18, 19, 20, 28, 29, 31, 32, T. 7 S., R. 88 W., 6th P.M.; and (3) all of Section 2, and portions of Sections 1, 3, 10, 11, 12, 13, 14, 23, 24, 25, 26, 35, and 36, T. 7 S., R. 89 W., 6th P.M. **Region 2.** This region is the area in Water District 52 south of the Colorado River and the area in Water District 53 north of the Colorado River and all tributaries thereto, from the confluence of the Colorado River to the Roaring Fork River upstream to a point on the Colorado River in Section 3, Township 6 South, Range 89 West. *Legal Description:* The confluence of the Colorado River and the Roaring Fork River is located within the SE 1/4 of the NW 1/4 in Section 9, Township 6 South, Range 89 West of the 6th P.M., at a point 2400 ft east of the west section line and 2300 ft south of the north section line. The upper point on the Colorado River to which Region 2 extends is located within the SE 1/4 of the SW 1/4 in Section 3, Township 6 South, Range 89 West of the 6th P.M., at a point 1750 ft east of the west section line and 800 ft north of the south section line. *The Region 2 Service Area includes:* (1) portions of Sections 3, 4, 9, 10, and 11, T. 6 S., R. 89 W., 6th P.M. **Region 3.** This Region is the area north of the Colorado River, and all tributaries thereto, between the confluence of the Colorado River with the Roaring Fork River and the confluence of the Colorado River with Elk Creek, excluding areas upstream of the following structures: (1) Mitchell and Cooper Ditch on Oasis Creek; (2) Reynolds and Cain Ditch on Mitchell Creek; (3) Johnson Ditch on Canyon Creek; and (4) Bowles Spring. *Legal Description:* The confluence of the Colorado River with the Roaring Fork River is located within the SE 1/4 of the NW 1/4 in Section 9, Township 6 South, Range 89 West of the 6th P.M., at a point 2400 ft east of the west section line and 2300 ft south of the north section line. The confluence of Elk Creek and the Colorado River is located within the NE 1/4 of the SW 1/4 in Section 31, Township 5 South, Range 90 West of the 6th P.M., at a point 1400 ft east of the west section line and 1600 ft north of the south section line. The headgate of the Mitchell and Cooper Ditch is located at a point on Oasis Creek, within the SE 1/4 of the SE 1/4 Section 35, Township 5 South, Range 89 West of the 6th P.M., at a point 350 ft west of the east section line and 20 ft north of the south section line. The headgate of the Reynolds and Cain Ditch is located at a point on Mitchell Creek, within the SW 1/4 of the SW 1/4 Section 34, Township 5 South, Range 89 West of the 6th P.M., at a point 740 ft east of the west section line and 340 ft north of the south section line. The headgate of the Johnson Ditch is located at a point on Canyon Creek, within the NW 1/4 of the SW 1/4 Section 25, Township 5 South, Range 90 West of the 6th P.M., at a point 2300 ft east of the west section line and 950 ft north of the south section line. The headgate of the Bowles Spring is located at a point on an unnamed tributary, within the SW 1/4 of the NW 1/4 Section 35, Township 5 South, Range 90 West of the 6th P.M., at a point 1400 ft east of the west section line and 1550 ft south of the north section line. *The Region 3 Service Area includes:* (1) portions of Sections 30, and 31, T. 5 S., R. 88 W., 6th P.M.; (2) all of Section 32, and portions of Sections 23, 24, 25, 26, 27, 28, 29, 30, 31, 33, 34, 35, and 36, T. 5 S., R. 89 W., 6th P.M.; (3) portions of Sections 25, and 36, T. 5 S., R. 89 1/2 W., 6th P.M.; (4) all of Sections 27, 28, and 33, and portions of Sections 16, 17, 20, 21, 22, 23, 25, 26, 29, 30, 31, 32, 34, 35, and 36, T. 5 S., R. 90 W., 6th P.M.; (5) portions of Sections 25, and 36, T. 5 S., R. 91 W., 6th P.M.; (6) portions of Sections 4, 5, 6, and 9, T. 6 S., R. 89 W., 6th P.M.; (7) portions of Sections 1, 2, and 6, T. 6 S., R. 90 W., 6th P.M.; and (8) portions of Section 1, T. 6 S., R. 91 W., 6th P.M. **Region 4.** This Region is the area north of the Colorado River, and all tributaries thereto, between the confluence of the Colorado River with Elk Creek and the confluence of the Colorado River with Rifle Creek, excluding the Elk Creek Watershed, the Rifle Creek Watershed and areas upstream of the following structures: (1) Giacinta Ditch on Pretti Gulch; (2) Coleman Ditch on Cozza Gulch; (3) C E Lewis Ditch on Harvey Gap; (4) Thode Waste Water Ditch; (5) Haberbeck Waster Water Ditch; (6) McBride Waste Water Ditch No. 3; (7) McBride Waste Water Ditch No. 2; (8) Cameron Ditch; and (9) Green Collection Ditch. *Legal Description:* The confluence of the Colorado River and Elk Creek is located within the NE 1/4 of the SW 1/4 in Section 31, Township 5 South, Range 90 West of the 6th P.M., at a point 1400 ft east of the west section line and 1600 ft north of the south section line. The confluence of the Colorado River and Rifle Creek is located within the SE 1/4 of the NE 1/4 in Section 17, Township 6 South, Range 93 West of the 6th P.M., at a point 150 ft west of the east section line and 2050 ft south of the north section line. The headgate of the Giacinta Ditch is located at a point on Pretti Gulch, within the NW 1/4 of the NW 1/4 Section 2, Township 6 South, Range 92 West of the 6th P.M., at a point 300 ft east of the west section line and 340 ft south of the north section line. The headgate of the Coleman Ditch is located at a point on Cozza Gulch, within the SW 1/4 of the SW 1/4 Section 31, Township 5 South, Range 91 West of the 6th P.M., at a point 130 ft east of the west section line and 20 ft north of the south section line. The headgate of the C E Lewis Ditch is located at a point on Harvey Gap, within the NW 1/4 of the NE 1/4 Section 4, Township 6 South, Range 92 West of the 6th P.M., at a point 1440 ft west of the east section line and 20 ft south of the north section line. The headgate of the Thode Waste Water Ditch is located at a point on an unnamed tributary, within the SE 1/4 of the SW 1/4 Section 35, Township 5 South, Range 92 West of the 6th P.M., at a point 2125 ft east of the west section line and 20ft north of the south section line. The headgate of the Haberbeck Waste Water Ditch is located at a point on an unnamed tributary, within the SW 1/4 of the NW 1/4 Section 5, Township 6 South, Range 92 West of the 6th P.M., at a point 1375 ft east of the west section line and 2225 ft south of the north section line. The headgate of the McBride Waste Water Ditch No. 3 is located at a point on an unnamed tributary, within the NE 1/4 of the NE 1/4 Section 12, Township 6 South, Range 93 West of the 6th P.M., at a point 150 ft west of the east section line and 1070 ft south of the north section line. The headgate of the McBride Waste Water Ditch No. 2 Is located at a point on an unnamed tributary, within the SE 1/4 of the NW 1/4 Section 12, Township 6 South, Range 93 West of the 6th P.M., at a point 2060 ft east of the west section line and 2040 ft south of the north section line. The headgate of the Cameron Ditch is located at a point on an unnamed tributary, within the NW 1/4 of the NW 1/4 Section 1, Township 6 South, Range 93 West of the 6th P.M., at a point 630 east of the west section line and 700 ft south of the north section line. The headgate of the Green Collection Ditch is located at point on an

unnamed tributary, within the NW $\frac{1}{4}$ of the NW $\frac{1}{4}$ Section 1, Township 6 South, Range 93 West of the 6th P.M., at a point 10 ft east of the west section line and 1000 ft south of the north section line. *The Region 4 Service Area includes:* (1) portions of Section 31, T. 5 S., R. 90 W., 6th P.M.; (2) all of Sections 28, 33, and 34, and portions of Sections 20, 21, 22, 26, 27, 29, 31, 32, 35, and 36, T. 5 S., R. 91 W., 6th P.M.; (3) portions of Sections 31, 32, 33, 34, 35, 36, T. 5 S., R. 92 W., 6th P.M.; (4) portions of Sections 3, 4, 5, 6, 7, and 8, T. 6 S., R. 91 W., 6th P.M.; (5) all of Sections 1, and 4, and portions of Sections 2, 3, 5, 6, 7, 8, 9, 10, 11, and 12, T. 6 S., R. 92 W., 6th P.M.; and (6) portions of Sections 1, 2, 3, 9, 10, 11, 12, 14, 15, 16, and 17, T. 6 S., R. 93 W., 6th P.M. **Region 5.** This Region is the area north of the Colorado River, and all tributaries thereto, between the confluence of the Colorado River with Rifle Creek and a point between Smith Gulch and Kelly Gulch in Water District 39 that intersects with the Colorado River, excluding areas upstream of the following structures: (1) Langstaff Ditch; (2) Jensen Ditch on Cottonwood Gulch; and (3) Daisy Ditch on Parachute Creek. *Legal Description:* The confluence of Rifle Creek and the Colorado River is located within the SE $\frac{1}{4}$ of the NE $\frac{1}{4}$ in Section 17, Township 6 South, Range 93 West of the 6th P.M., at a point 150 ft west of the east section line and 2050 ft south of the north section line. A point between Smith Gulch and Kelly Gulch in Water District 39 that intersects with the Colorado River is located within the SW $\frac{1}{4}$ of the NE $\frac{1}{4}$ in Section 33, Township 7 South, Range 96 West of the 6th P.M., at a point 1300 ft west of the east section line and 1800 ft south of the north section line. The headgate of the Langstaff Ditch is located at a point on an unnamed tributary, within the NW $\frac{1}{4}$ of the SW $\frac{1}{4}$ Section 16, Township 6 South, Range 94 West of the 6th P.M., at a point 100 ft west of the east section line and 1250 ft north of the south section line. The headgate of the Jensen Ditch is located at a point on Cottonwood Gulch, within the SE $\frac{1}{4}$ of the NW $\frac{1}{4}$ Section 28, Township 6 South, Range 95 West of the 6th P.M., at a point 1800 ft east of the west section line and 2500 ft south of the north section line. The headgate of the Daisy Ditch is located at a point on Parachute Creek, within the NW $\frac{1}{4}$ of the SE $\frac{1}{4}$ Section 2, Township 7 South, Range 96 West of the 6th P.M., at a point 3300 ft west of the east section line and 1890 ft north of the south section line. *The Region 5 Service Area includes:* (1) portions of Section 31, T. 5 S., R. 93 W., 6th P.M.; (2) portions of Sections 35, and 36, T. 5 S., R. 94 W., 6th P.M.; (3) all of Section 7, and portions of Sections 5, 6, 8, 9, 16, 17, and 18, T. 6 S., R. 93 W., 6th P.M.; (4) all of Sections 10, 11, 12, 14, 15, 18, 19, 20, and 21, and portions of Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 13, 16, 17, 22, 23, 24, 27, 28, 29, 30, 33, and 34, T. 6 S., R. 94 W., 6th P.M.; (5) all of Sections 13, 23, 24, 26, 27, 30, 31, 32, 33, and 34, and portions of Sections 7, 11, 12, 14, 15, 18, 19, 20, 21, 22, 25, 28, 29, 35, and 36, T. 6 S., R. 95 W., 6th P.M.; (6) all of Section 25, and portions of Sections 13, 23, 24, 26, 35, and 36, T. 6 S., R. 96 W., 6th P.M.; (7) portions of Sections 3, 4, 5, 6, 7, and 18, T. 7 S., R. 95 W., 6th P.M.; and (8) all of Sections 12, 14, 21, and 22, and portions of Sections 1, 2, 10, 11, 13, 15, 16, 17, 19, 20, 23, 24, 26, 27, 28, 29, 33, and 34, T. 7 S., R. 96 W., 6th P.M. **Region 6.** This Region is the area north of the Colorado River, and all tributaries thereto, extending from a point between Smith Gulch and Kelly Gulch in Water District 39 to the confluence of the Colorado River and a point on Sulphur Gulch in Section 18, Township 9 South, Range 97 West including only areas east of the Range 97 West and north of Section 18 in Township 9 South, Range 97 West, excluding areas upstream of the following structure: (1) Reservoir Ditch on Roan Creek. *Legal Description:* A point between Smith Gulch and Kelly Gulch in Water District 39 that intersects the Colorado River is located within the SW $\frac{1}{4}$ of the NE $\frac{1}{4}$ in Section 33, Township 7 South, Range 96 West of the 6th P.M., at a point 1300 ft west of the east section line and 1800 ft south of the north section line. The downstream extent of the Region 7 boundary is a point on the Colorado River located within the SW $\frac{1}{4}$ of the SE $\frac{1}{4}$ in Section 18, Township 9 South, Range 97 West, of the 6th P.M., at a point 1060 ft west of the east section line and 0 ft north of the south section line. The headgate of the Reservoir Ditch is located at a point on Roan Creek, within the SE $\frac{1}{4}$ of the SE $\frac{1}{4}$ Section 7, Township 8 South, Range 97 West of the 6th P.M., at a point 1050 ft west of the east section line and 200 ft north of the south section line. *The Region 6 Service Area includes:* (1) all of Sections 30, 31, and 32, and portions of Sections 19, 20, 28, 29, and 33, T. 7 S., R. 96 W., 6th P.M.; (2) portions of Sections 24, 25, 33, 34, 35, and 36, T. 7 S., R. 97 W., 6th P.M.; (3) portions of Sections 4, 5, 6, and 7, T. 8 S., R. 96 W., 6th P.M.; (4) all of Sections 1, 2, 9, 10, 11, 12, 14, 15, 16, 17, 19, 20, 21, 29, 30, and 31, and portions of Sections 3, 4, 5, 7, 8, 13, 18, 22, 23, 24, 27, 28, 32, and 33, T. 8 S., R. 97 W., 6th P.M.; and (5) all of Sections 6, and 7, and portions of Sections 5, 8, 17, and 18, T. 9 S., R. 97 W., 6th P.M. **Region 7.** This Region is the area south of the Colorado River, and all tributaries thereto, between the intersection of Water District 38 and 45 to Alkali Creek, excluding areas upstream of the following structures: (1) Richardson Pump No. 1 and Richardson Pump No. 2; and (2) Talbott Ditch No. 2 on Alkali Creek. *Legal Description:* The intersection of Water Districts 38 and 45 on the Colorado River is located within the SE $\frac{1}{4}$ of the NW $\frac{1}{4}$ in Section 9, Township 6 South, Range 89 West of the 6th P.M., at a point 2400 ft east of the west section line and 2300 ft south of the north section line. The confluence of Alkali Creek and the Colorado River is located within the SE $\frac{1}{4}$ of the SE $\frac{1}{4}$ in Section 36, Township 5 South, Range 91 West of the 6th P.M., at a point 1200 ft west of the west section line and 300 ft north of the south section line. The headgate of the Richardson Pump No. 1 and Richardson Pump No. 2 is located at a point on South Canyon Creek, within the SW $\frac{1}{4}$ of the SW $\frac{1}{4}$ Section 14, Township 6 South, Range 90 West of the 6th P.M., at a point 130 ft east of the west section line and 1310 ft north of the south section line. The headgate of the Talbott Ditch No. 2 is located at a point on Alkali Creek, within the SW $\frac{1}{4}$ of the NE $\frac{1}{4}$ Section 3, Township 6 South, Range 91 West of the 6th P.M., at a point 2000 ft west of the east section line and 1400 ft south of the north section line. *The Region 7 Service Area includes:* (1) portions of Section 31, T. 5 S., R. 89 W., 6th P.M.; (2) portions of Section 36, T. 5 S., R. 89 1/2 W., 6th P.M.; (3) portions of Sections 31, 32, 33, 34, 35, and 36, T. 5 S., R. 90 W., 6th P.M.; portions of Section 36, T. 5 S., R. 91 W., 6th P.M.; (4) all of Section 7, and (5) portions of Sections 4, 5, 6, 8, 9, 17, 18, 19, T. 6 S., R. 89 W., 6th P.M.; (6) all of Sections 3, 4, 11, 12, and portions of Sections 1, 2, 5, 6, 8, 9, 10, 13, 14, 15, 22, 23, 24, 27, T. 6 S., R. 90 W., 6th P.M.; and (7) portions of Sections 1, 2, and 3, T. 6 S., R. 91 W., 6th P.M. **Region 8.** This Region is the area south of the Colorado River, and all tributaries thereto, between Alkali Creek and Beaver Creek, excluding the following structures: (1) Talbott Ditch No. 2 on Alkali Creek; (2) Moore Ditch on Garfield Creek; (3) Ward and Reynolds Ditch on Divide Creek; (4) Ed Conner Ditch on Dry Hollow Creek; (5) Rainbow Ditch on Mamm Creek; (6) Adolfo Spring No. 5; (7) Crann Pipeline Ditch; (8) Hunter and Gant Ditch; (9) Cedar Spring and Ditch; (10) Side Hill Ditch; (11) Anderson Interception Ditch; (12) McCarnes Spring No. 1; (13) McCarnes Spring No. 2; (14) McCarnes Spring No. 3; (15) McCarnes Spring No. 4; and (16) Buffalo Ditch on Beaver Creek. *Legal*

Description: The confluence of Alkali Creek and the Colorado River is located within the SE ¼ of the SE ¼ in Section 36, Township 5 South, Range 91 West of the 6th P.M., at a point 1200 ft west of the east section line and 300 ft north of the south section line. The confluence of Beaver Creek and the Colorado River is located within the SE ¼ of the SE ¼ in Section 22, Township 6 South, Range 94 West of the 6th P.M., at a point 600 ft west of the east section line and 150 ft north of the south section line. The headgate of the Talbott Ditch No. 2 is located at a point on Alkali Creek, within the SW ¼ of the NE ¼ Section 3, Township 6 South, Range 91 West of the 6th P.M., at a point 2000 ft west of the east section line and 1400 ft south of the north section line. The headgate of the Moore Ditch is located at a point on Garfield Creek, within the NW ¼ of the SE ¼ Section 4, Township 6 South, Range 91 West of the 6th P.M., at a point 2700 ft west of the east section line and 1500 ft north of the south section line. The headgate of the Ward and Reynolds Ditch is located at a point on Divide Creek, within the NW ¼ of the SE ¼ Section 13, Township 6 South, Range 92 West of the 6th P.M., at a point 1750 ft east of the west section line and 2050 ft north of the south section line. The headgate of the Ed Conner Ditch is located at a point on an Dry Hollow Creek, within the SW ¼ of the NW ¼ Section 15, Township 6 South, Range 92 West of the 6th P.M., at a point 20 ft east of the west section line and 2600 ft south of the north section line. The headgate of the Rainbow Ditch is located at a point on an Mamm Creek, within the SE ¼ of the NW ¼ Section 29, Township 6 South, Range 92 West of the 6th P.M., at a point 2600 ft east of the west section line and 2550 ft south of the north section line. The headgate of the Adolfo Spring No. 5 is located at a point on an unnamed tributary, within the SE ¼ of the NE ¼ Section 18, Township 6 South, Range 92 West of the 6th P.M., at a point 1030 ft west of the east section line and 1660 ft south of the north section line. The headgate of the Crann Pipeline Ditch is located at a point on an unnamed tributary, within the SE ¼ of the SE ¼ Section 24, Township 6 South, Range 93 West of the 6th P.M., at a point 60 ft west of the east section line and 60 ft north of the south section. The headgate of the Hunter and Gant Ditch is located at a point on Dry Creek, within the NW ¼ of the SE ¼ Section 21, Township 7 South, Range 93 West of the 6th P.M., at a point 1820 ft west of the east section line and 70 ft south of the north section. The headgate of the Cedar Spring and Ditch is located at a point on an unnamed tributary, within the SE ¼ of the NW ¼ Section 11, Township 7 South, Range 93 West of the 6th P.M., at a point 1800 ft east of the west section line and 2500 ft south of the north section line. The headgate of the Side Hill Ditch is located at a point on an unnamed tributary, within the NE ¼ of the NE ¼ Section 19, Township 6 South, Range 93 West of the 6th P.M., at a point 1000 ft west of the east section line and 900 ft south of the north section line. The headgate of the Anderson Interception Ditch is located at a point on an unnamed tributary, within the NW ¼ of the NE ¼ Section 19, Township 6 South, Range 93 West of the 6th P.M., at a point 1450 ft west of the east section line and 600 ft south of the north section line. The headgate of the McCarnes Spring No. 1 is located at a point on an unnamed tributary, within the NW ¼ of the NE ¼ Section 19, Township 6 South, Range 93 West of the 6th P.M., at a point 2400 ft west of the east section line and 250 ft south of the north section line. The headgate of the McCarnes Spring No. 2 is located at a point on an unnamed tributary, within the NE ¼ of the NW ¼ Section 19, Township 6 South, Range 93 West of the 6th P.M., at a point 1950 ft east of the west section line and 600 ft south of the north section line. The headgate of the McCarnes Spring No. 3 is located at a point on an unnamed tributary, within the NE ¼ of the NW ¼ Section 19, Township 6 South, Range 93 West of the 6th P.M., at a point 1700 ft east of the west section line and 500 ft south of the north section line. The headgate of the McCarnes Spring No. 4 is located at a point on an unnamed tributary, within the NW ¼ of the NW ¼ Section 19, Township 6 South, Range 93 West of the 6th P.M., at a point 1350 ft east of the west section line and 740 ft south of the north section line. The headgate of the Buffalo Ditch is located at a point on Beaver Creek, within the NE ¼ of the NW ¼ Section 26, Township 6 South, Range 94 West of the 6th P.M., at a point 2000 ft east of the west section line and 700 ft south of the north section line. *The Region 8 Service Area includes:* (1) portions of Section 36, T. 5 S., R. 91 W., 6th P.M.; (2) portions of Sections 2, 3, 4, 5, 7, 8, 9, 10, 11, 14, 15, 16, 17, 18, 19, 20, 21, and 28, T. 6 S., R. 91 W., 6th P.M.; (3) all of Sections 19, and 20, and portions of Sections 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 21, 28, 29, 30, and 31, T. 6 S., R. 92 W., 6th P.M.; (4) all of Sections 13, 21, 22, 23, 26, 27, 28, 29, 31, 32, 33, 34, 35, and portions of Sections 11, 12, 14, 15, 16, 17, 18, 19, 20, 24, 25, 30, and 36 T. 6 S., R. 93 W., 6th P.M.; (5) portions of Sections 13, 22, 23, 24, 25, 26, 27, and 36, T. 6 S., R. 94 W., 6th P.M.; (6) all of Sections 2, 3, 4, 5, and 9, and portions of Sections 1, 6, 7, 8, 10, 11, 12, 14, 15, 16, 17, 20, 21, 22, and 23, T. 7 S., R. 93 W., 6th P.M.; and (7) portions of Section 6, T. 7 S., R. 92 W., 6th P.M. **Region 9.** This Region is the area south of the Colorado River, and all tributaries thereto, between Beaver Creek and a point on the Colorado River in Section 18, Township 9 South, Range 97 West including only areas north of Section 14-18 and 1-2, Township 9 South, Range 97 West, Sections 31-34, Township 9 South, Range 97 West, excluding areas upstream of the following structures: (1) Luxon Spring and Ditch; (2) Buffalo Ditch on Beaver Creek; (3) Rancho Tres Well No. 2 on Porcupine Creek; (4) Anderson Ditch on Spruce Creek; (5) Reeves Spring on Spring Run-Gulch; (6) Mocking Bird Ditch on Cache Creek; (7) Potter Springs No 1 2 3 Ditch; (8) Graves Springs; (9) Mahaffey Gathering D No 1; (10) Mahaffey Gathering D No 2; (11) Spring Creek Ditch on Cottonwood Creek; (12) Forshee Gathering D No 2; (13) Slide Creek Ditch No 2; (14) Slide Creek Ditch No 1; (15) Rivers Ditch; (16) Knight Ditch; (17) Wayne Ditch on Battlement Creek; (18) Grand Valley Water Supply Pl; (19) Spring Gulch D No 1; (20) Spring Gulch D No 2; (21) Spring Gulch D No 3; (22) Revell Spring and WW; (23) Monument Gulch Ditch; (24) Dry Creek Ditch on Dry Creek; (25) James Leonard Spring; (26) Pete and Bill Ditch on Pete and Bill Creek; (27) Tanney No 2 Ditch on Spring Creek; (28) Baker Springs; (29) Baker Ditch on Wallace Creek; (30) Eaken Ditch No 1 on Little Alkali Creek; and (31) Sawyer Ditch on Alkali Creek. *Legal Description:* The confluence of Beaver Creek and the Colorado River is located within the SE ¼ of the SE ¼ in Section 22, Township 6 South, Range 94 West of the 6th P.M., at a point 600 ft west of the east section line and 150 ft north of the south section line. The downstream extent of the Region 9 boundary is a point on the Colorado River located within the SE ¼ of the SE ¼ in Section 18, Township 9 South, Range 97 West, of the 6th P.M., at a point 1060 ft west of the east section line and 0 ft north of the south section line. The headgate of the Luxon Spring and Ditch is located at a point on an unnamed tributary, within the SW ¼ of the NE ¼ Section 26, Township 6 South, Range 94 West of the 6th P.M., at a point 1600 ft west of the east section line and 2000 ft south of the north section line. The headgate of the Buffalo Ditch is located at a point on Beaver Creek, within the NE ¼ of the NW ¼ Section 26, Township 6 South, Range 94 West of the 6th P.M., at a point 2000 ft east of the west section line and 700 ft south of the north section

line. The headgate of the Rancho Tres Well No. 2 is located at a point on Porcupine Creek, within the SW ¼ of the SW ¼ Section 26, Township 6 South, Range 94 West of the 6th P.M., at a point 1060 ft east of the west section line and 920 ft north of the south section line. The headgate of the Anderson Ditch is located at a point on Spruce Creek, within the NE ¼ of the NE ¼ Section 4, Township 7 South, Range 94 West of the 6th P.M., at a point 215 ft west of the east section line and 950 ft south of the north section line. The headgate of the Reeves Spring is located at a point on Spring Run-Gulch, within the NW ¼ of the SW ¼ Section 4, Township 7 South, Range 94 West of the 6th P.M., at a point 860 ft east of the west section line and 2840 ft south of the north section line. The headgate of the Mocking Bird Ditch is located at a point on an Cache Creek, within the NW ¼ of the SE ¼ Section 32, Township 6 South, Range 94 West of the 6th P.M., at a point 600 ft east of the west section line and 2500 ft north of the south section line. The headgate of the Potter Springs No 1 2 3 Ditch is located at a point on an unnamed tributary, within the SW ¼ of the SW ¼ Section 30, Township 6 South, Range 94 West of the 6th P.M., at a point 80 ft east of the west section line and 100 ft north of the south section line. The headgate of the Graves Springs is located at a point on an unnamed tributary, within the NE ¼ of the NE ¼ Section 36, Township 6 South, Range 95 West of the 6th P.M., at a point 1300 ft west of the east section line and 500 ft south of the north section line. The headgate of the Mahaffey Gathering D No 1 is located at a point on an unnamed tributary, within the SE ¼ of the NW ¼ Section 36, Township 6 South, Range 95 West of the 6th P.M., at a point 2100 ft east of the west section line and 1850 ft south of the north section line. The headgate of the Mahaffey Gathering D No 2 is located at a point on an unnamed tributary, within the NE ¼ of the SE ¼ Section 35, Township 6 South, Range 95 West of the 6th P.M., at a point 500 ft west of the east section line and 1550 ft north of the south section line. The headgate of the Spring Creek Ditch is located at a point on Cottonwood Creek, within the SW ¼ of the NE ¼ Section 2, Township 7 South, Range 95 West of the 6th P.M., at a point 1500 ft west of the east section line and 2150 ft south of the north section line. The headgate of the Forshee Gathering D No 2 is located at a point on an unnamed tributary, within the SE ¼ of the NW ¼ Section 2, Township 7 South, Range 95 West of the 6th P.M., at a point 1100 ft east of the west section line and 1500 ft south of the north section line. The headgate of the Slide Creek Ditch No 2 is located at a point on an unnamed tributary, within the SE ¼ of the NW ¼ Section 3, Township 7 South, Range 95 West of the 6th P.M., at a point 2240 ft west of the east section line and 1800 ft south of the north section line. The headgate of the Slide Creek Ditch No 1 is located at a point on an unnamed tributary, within the SW ¼ of the NE ¼ Section 3, Township 7 South, Range 95 West of the 6th P.M., at a point 2320 ft east of the west section line and 2000 ft south of the north section line. The headgate of the Rivers Ditch is located at a point on an unnamed tributary, within the SE ¼ of the NE ¼ Section 4, Township 7 South, Range 95 West of the 6th P.M., at a point 200 ft west of the east section line and 2150 ft south of the north section line. The headgate of the Wayne Ditch is located at a point on Battlement Creek, within the SE ¼ of the NW ¼ Section 4, Township 7 South, Range 95 West of the 6th P.M., at a point 2600 ft east of the west section line and 1800 ft south of the north section line. The headgate of the Grand Valley Water Supply Pl is located at a point on an unnamed tributary, within the NE ¼ of the SE ¼ Section 5, Township 7 South, Range 95 West of the 6th P.M., at a point 960 ft west of the east section line and 350 ft north of the south section line. The headgate of the Spring Gulch D No 1 is located at a point on an unnamed tributary, within the NW ¼ of the SE ¼ Section 5, Township 7 South, Range 95 West of the 6th P.M., at a point 1700 ft west of the east section line and 1450 ft north of the south section line. The headgate of the Spring Gulch D No 2 is located at a point on an unnamed tributary, within the NW ¼ of the SE ¼ Section 5, Township 7 South, Range 95 West of the 6th P.M., at a point 1650 ft west of the east section line and 1550 ft north of the south section line. The headgate of the Spring Gulch D No 3 is located at a point on an unnamed tributary, within the NW ¼ of the SE ¼ Section 5, Township 7 South, Range 95 West of the 6th P.M., at a point 1500 ft west of the east section line and 1700 ft north of the south section line. The headgate of the Revell Spring and WW is located at a point on an unnamed tributary, within the SE ¼ of the SE ¼ Section 5, Township 7 South, Range 95 West of the 6th P.M., at a point 1120 ft west of the east section line and 700 ft north of the south section line. The headgate of the Monument Gulch Ditch is located at a point within the NW ¼ of the SW ¼ Section 18, Township 7 South, Range 95 West of the 6th P.M., at a point 2020 ft north of the south section line and 470 ft east of the west section line. The headgate of the Dry Creek Ditch is located at a point on Dry Creek, within the SW ¼ of the SW ¼ Section 24, Township 7 South, Range 96 West of the 6th P.M., at a point 650 ft east of the west section line and 880 ft north of the south section line. The headgate of the James Leonard Spring is located at a point on an unnamed tributary, within the NW ¼ of the NW ¼ Section 1, Township 8 South, Range 96 West of the 6th P.M., at a point 150 ft east of the west section line and 400 ft south of the north section line. The headgate of the Pete and Bill Ditch is located at a point on Pete and Bill Creek, within the SE ¼ of the NE ¼ Section 35, Township 7 South, Range 96 West of the 6th P.M., at a point 240 ft west of the east section line and 2330 ft south of the north section line. The headgate of the Tanney No 2 Ditch is located at a point Spring Creek, within the NW ¼ of the SE ¼ Section 34, Township 7 South, Range 96 West of the 6th P.M., at a point 1550 west of the east section line and 2550 ft north of the south section line. The headgate of the Baker Springs is located at a point on an unnamed tributary, within the NE ¼ of the SW ¼ Section 34, Township 7 South, Range 96 West of the 6th P.M., at a point 1770 ft east of the west section line and 1550 ft north of the south section line. The headgate of the Baker Ditch is located at a point on Wallace Creek, within the SE ¼ of the NW ¼ Section 3, Township 8 South, Range 96 West of the 6th P.M., at a point 2020 ft east of the west section line and 1450 ft south of the north section line. The headgate of the Eaken Ditch No 1 is located at a point on Little Alkali Creek, within the NE ¼ of the NW ¼ Section 4, Township 8 South, Range 96 West of the 6th P.M., at a point 2600 ft east of the west section line and 500 ft south of the north section line. The headgate of the Sawyer Ditch is located at a point on Alkali Creek, within the SE ¼ of the NE ¼ Section 8, Township 8 South, Range 96 West of the 6th P.M., at a point 170 ft west of the east section line and 2670 ft north of the section line. *The Region 9 Service Area includes:* (1) portions of Sections 22, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35 and 36, T. 6 S., R. 94 W., 6th P.M.; (2) portions of Sections 25, 35, and 36, T. 6 S., R. 95 W., 6th P.M.; (3) portions of Sections 2, 3, 4, 5, 8, 9, 10, 11, 15, 16, and 17, T. 7 S., R. 94 W., 6th P.M.; (4) portions of Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 14, 15, 16, 17, 18, 19, 20, 21, 28, 29, and 30, T. 7 S., R. 95 W., 6th P.M.; (5) portions of Sections 13, 23, 24, 25, 26, 27, 33, 34, 35, and 36, T. 7 S., R. 96 W., 6th P.M.; (6) all of Sections 18, 19, 20, 29, 30, 31, and 32, and portions of Sections 1, 2, 3, 4, 5, 7, 8, 9, 16, 17, 21, 28, 33, and 34, T. 8 S., R. 96 W.,

6th P.M.; (7) all of Sections 25, 34, 35, and 36, and portions of Sections 13, 23, 24, 26, 27, 33, T. 8 S., R. 97 W., 6th P.M.; and (8) all of Sections 1, 2, 3, 9, 10, 14, 15, and 16, and portions of Sections 4, 5, 8, 11, 12, 13, 17, and 18, T. 9 S., R. 97 W., 6th P.M. A detailed outline of what has been done toward placing water to beneficial use, including expenditures is outlined in the Application. **CLAIM TO MAKE CONDITIONAL WATER RIGHTS ABSOLUTE** (1) Applicant claims 3.94 cfs (105.05 acre feet) of the conditional exchange rights referenced above should be made absolute by virtue of that water being diverted and placed to beneficial use. The following information is sourced from Table 1 of the application and describes each structure associated with the absolute exchange claim. Each structure listed below is described by Region, structure name, contract no., UTMx, UTM_y, structure type, well permit no, exchange rate in cubic feet per second, exchange amount in acre feet. Structures are separated by a semicolon. Region 1, Vetter Well, 140619STV(b), 300451.34, 4376129.76, Well, 78266-F, 0.03, 0.13; Region 1, KW Pump, 140821KWG(a), 301725.7, 4375030.2, Pump, -, 0.03, 0.12; Region 1, Juhl Well, 150219DJ(a), 300761.3, 4375332.5, Well, 78928-F, 0.03, 0.32; Region 1, Cuc Well, 160218JEC(a), 301486, 4375081, Well, 79708-F, 0.03, 0.33; Region 3, CWHF Well, 100422CWH(b), 289412, 4383241.6, Well, 74683-F, 0.22, 0.28; Region 3, Wright Diversion, 140220FMW(b), 289734.82, 4383695.58, Pump, -, 0.04, 0.48; Region 3, McGirr Well No. 1, 140220TE(b), 286345.71, 4382893.74, Well, 78064-F, 0.03, 0.08; Region 3, Finley Well No. 4, 200416OCR(a), 289590, 4384073, Well, 84410-F, 0.07, 0.47; Region 3, Dever Well # 2, 220519MMME(a), 295166, 4381812, Well, 84355-F, 0.44, 1.08; Region 3, Dever Well #1, 220519MMME(a), 294950, 4381774, Well, 84353-F, 0.44, 1.08; Region 3, Dever Well #3, 220519MMME(a), 295358, 4381928, Well, 84354-F, 0.44, 1.08; Region 4, Nielson Well #1, 050519CN(c), 270911.1, 4380471.6, Well, 24328-F, 0.01, 1.15; Region 4, Nielson Well #2, 050519CN(c), 270987, 4380421.3, Well, 67880-F, 0.00, 1.15; Region 4, Powerline Well #1, 110216PPP(a), 264099.3, 4380269.8, Well, 67243-F, 0.06, 1.99; Region 4, Powerline Well #2, 110216PPP(a), 264050.6, 4380240.4, Well, 67244-F, 0.03, 1.99; Region 4, C. Bagley Well, 110421CB(b), 269101.14, 4381941.79, Well, 75924-F, 0.03, 0.33; Region 4, Steven's Well, 111020PVA(a), 275186.9365, 4381375.6577, Well, 75689-F, 0.12, 0.23; Region 4, Copeland Well, 120309KC(b), 265183.6335, 4380457.0713, Well, 76013-F, 0.03, 0.46; Region 4, R/J Well, 120816CCP(b), 279263.1167, 4381802.2277, Well, 76692-F, 0.03, 0.11; Region 4, GE Bagley Well, 120816GB(b), 269393.5426, 4382560.5901, Well, 76688-F, 0.07, 0.53; Region 4, Perau Well, 140424RP(a), 264951.36, 4381570.96, Well, 78102-F, 0.03, 0.39; Region 4, Moulton Well, 140619WMM(b), 277414, 4381137, Well, 82140-F, 0.03, 0.23; Region 4, Self Well, 160421SSS(a), 272118.2, 4382429.4, Well, 79819-F, 0.02, 0.32; Region 4, Big R Lot 1 well, 170223BRLOA(a), 264602.8, 4380404, Well, 66789-F-R, 0.03, 4.54; Region 4, Big R Lot 2 Well, 170223BRLOA(a), 264611.8, 4380489.5, Well, 62976-F-R, 0.06, 4.54; Region 4, Big R Lot 5 Well, 170223BRLOA(a), 264592.1, 4380625, Well, 66792-F, 0.03, 4.54; Region 4, Big R Lot 9 Well, 170223BRLOA(a), 264641.3, 4380545.5, Well, 66796-F, 0.03, 4.54; Region 4, Red Barn Guest Ranch Well, 170420LMH(b), 276627, 4381756, Well, 81008-F, 0.03, 0.43; Region 4, Aguirre Well, 171019JEA(a), 276415, 4381666, Well, 81475-F, 0.03, 0.28; Region 4, Smith Well, 181115TA(a), 270074, 4383341, Well, 82854-F, 0.03, 0.20; Region 4, Ochoa Well, 190117SO(a), 277225, 4381717, Well, 82956-F, 0.03, 0.38; Region 4, HES 51 COUNTY ROAD 223 LLC WELL, 191017HES51#2(a), 265333.4, 4380692.26, Well, 84541-F, 0.06, 1.24; Region 4, Brakett/Bass Well #A3, 200116LKR(b), 268467, 4381626, Well, 84048-F, 0.03, 0.10; Region 5, Plus Five Well, 150219PF(b), 232288, 4366035, Well, 79121-F, 0.02, 0.15; Region 5, West Rifle Pit, 200319CA(a), 259428, 4378658, Well, 64228-F, 0.00, 0.48; Region 6, Kobe Water Auth Ind Well, 180920KWA(a), 222215, 4357161, Well, 82571-F, 0.03, 0.96; Region 6, Guerra Well, 210517JG(a), 219311, 4358072, Well, 85713-F, 0.03, 0.16; Region 7, Burning Mountain Well, 190117CRS(a), 283107, 4382788, Well, 54774-F, 0.03, 0.83; Region 7, Richardson Well No. 1, 190418DR(a), 292115, 4377893, Well, 83278-F, 0.03, 0.24; Region 7, Richardson Well No. 2, 190418DR(a), 292125, 4377876, Well, 83279-F, 0.06, 0.24; Region 8, Eagle Springs Organic Well no. 1, 100819ES(a), 269142.7, 4378305.8, Well, 74700-F, 0.07, 2.85; Region 8, Lazier/Sills Well #2, 110721PO(b), 264291.51, 4376630.68, Well, 75546-F, 0.04, 0.95; Region 8, Schultz Pump #1, 120621RKN(a), 278208.638, 4380687.893, Pump, -, 0.01, 1.03; Region 8, Schultz Well #1, 120621RKN(a), 278204.5451, 4380655.2243, Well, 62068-F, 0.03, 1.03; Region 8, Davis Well, 140220DC(b), 272696, 4379745, Well, 78366-F, 0.03, 0.44; Region 8, Kelly Well, 150618GK(b), 262026.2, 4372738.8, Well, 79726-F, 0.01, 0.06; Region 8, Dick Well, 161020LG(b), 255036.992, 4376883.681, Well, 47472-F-R, 0.03, 0.40; Region 8, River Rock Well #1, 180412CJM(a), 276723, 4380485, Well, 82612-F, 0.04, 1.41; Region 8, SF No. 1, 191017SF(a), 271550, 4379370, Well, 84038-F, 0.09, 12.06; Region 8, SF No. 3, 191017SF(a), 272289, 4379558, Well, 84036-F, 0.07, 12.06; Region 8, SF No. 4, 191017SF(a), 271870, 4379383, Well, 84037-F, 0.06, 12.06; Region 8, Highwater Well, 220519HF(a), 271319, 4379733, Well, 87133-F, 0.03, 0.05; Region 8, Highlander Well, 220519TTC(a), 275617, 4379726, Well, 87305-F, 0.03, 0.12; Region 8, Well Pond #1 (East), 990527TCT(c), 272489, 4379737, Well Pond, 78833-F, 0.00, 1.17; Region 8, Well Pond #2 (West), 990527TCT(c), 272459, 4379717, Well Pond, 78834-F, 0.00, 1.17; Region 9, Latham-Burkett Pitt, 050616LW(b), 223110.9, 4357567.7, Reservoir, -, 0.35, 61.32; Region 9, Olson Well, 060720PLO(b), 253454, 4376041, Well, 65198-F, 0.03, 0.28; Region 9, Lyons Pond, 090618JLS(a), 238733.3, 4371254.8, Reservoir, 68890-F, 0.01, 1.66; Region 9, Lucero Well, 100819ML(a), 243611.5, 4371475.9, Well, 74732-F, 0.03, 0.30; Region 9, North Star Well, 120216TT(a), 240569.3025, 4372105.7077, Well, 67379-F, 0.04, 0.24; Region 9, S. Snyder Well, 120920SMS(a), 253283.1703, 4375443.2381, Well, 51469-F, 0.02, 1.29; Region 9, Loncle Well, 200618PCL(b), 252562, 4374119, Well, 84474-F, 0.03, 0.39. Water will be placed to beneficial use within the boundaries of the Area A Service Area as defined in Exhibit A. The specific owners of land upon which the water rights will be placed to beneficial use will be determined at future dates as augmentation contracts are issued. The water rights may be put to beneficial use on lands owned by many individuals and entities who are currently unknown to Applicant. Therefore, it is not feasible to list at this time the names and addresses of all the owners of land upon which water may be placed to beneficial use. Applicant continues to develop its conditional water right and requests the Court find the Applicant has been reasonably diligent in the development of its conditional water right. Applicant further requests the Court find that 3.94 cfs (105.05 acre feet) of its conditional exchange right has been made absolute by the diversion and application of that water to beneficial use. Applicant requests a finding of reasonable diligence as to all conditional amounts and uses for the subject conditional

exchange rights; a finding that 3.94 cfs (105.5 acre feet) of the exchange has been made absolute; and such other and further relief as the Court may deem appropriate. (20 pages)

YOU ARE HEREBY NOTIFIED THAT YOU HAVE until the last day of JANUARY 2024 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.

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 NOVEMBER 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.*

23CW3171 (17CW3091, 10CW167, 03CW215, 96CW380) GARFIELD AND EAGLE COUNTIES. Ten Peaks Mesa Homeowners Association, Inc. c/o Paul L. Noto, Esq. and Lisa A. Claxton, Esq., Patrick, Miller & Noto, P.C., 229 Midland Avenue, Basalt, CO 81621. (970) 920-1030. APPLICATION FOR FINDING OF REASONABLE DILIGENCE. **Claim For Finding of Reasonable Diligence:** Name of water right: Ten Peaks Pond. Original decree: September 18, 1997; Case No. 96CW380, Division 5 Water Court. Subsequent diligence decrees: June 7, 2004, Case No. 03CW215; April 3, 2011, Case No. 10CW167; November 19, 2017, Case No. 17CW3091. Legal description: The center of the dam is located in the SE ¼ SW ¼ of Section 4, Township 7 South, Range 87 West of the 6th P.M., at a point approximately 300 feet from the South Section line and 1800 feet from the West Section line (Garfield County). A map is on file with the court as Exhibit A. Sources: **Cattle Creek via deliveries from the TP Enlargement of the C&L Highline Ditch decreed in Case No. 96CW381, and consumptive use credits from dry-up of historic irrigation, tributary to the Roaring Fork and Colorado Rivers.** Appropriation date: November 18, 1996. Amount: 10.0 acre-feet, of which 5.3 acre-feet remains conditional. The Court decreed 4.7 acre-feet absolute for all uses in Case No. 03CW215. Uses: Augmentation and replacement of consumptive uses from the Ten Peaks Development and Water System as described in the plan for augmentation decreed in Consolidated Case Nos. 96CW378 and 96CW379. 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. Dean Bacon, 587 County Road 122, Carbondale, CO 81623, owns the land upon which the structure is located. Applicant owns the land where water will be put to beneficial use.

YOU ARE HEREBY NOTIFIED THAT YOU HAVE until the last day of JANUARY 2024 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.

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 NOVEMBER 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.*

23CW3172 (2016CW3135, 05CW138, 95CW357) PITKIN COUNTY. Roaring Fork Club, LLC c/o Scott C. Miller, Esq. and Jason M. Groves, Esq., Patrick, Miller & Noto, P.C., 229 Midland Avenue, Basalt, CO 81621. (970) 920-1030. APPLICATION FOR FINDINGS OF REASONABLE DILIGENCE. **First Claim:** RFC Well No. 1 (a/k/a Kittle Well), Permit No. 67754-F. Original decree: November 18, 1999, Case No. 95CW357, Water Division 5. Legal description: SW ¼, NE ¼, Section 17, Township 8 South, Range 86 West of the 6th P.M. at a point 2,640 feet from the North section line and 1,980 feet from the East section line of said Section 17, in Pitkin County. Source: Roaring Fork Alluvium. Appropriation date: December 12, 1995. Amount: 0.49 c.f.s. (220 g.p.m.), conditional. Use: Domestic, commercial, industrial, and fire protection. Depth: Approximately 200 feet. **Second Claim:** RFC Well No. 2, Well Permit No. 67755-F. Original decree: November 18, 1999, Case No. 95CW357, Water Division 5. Legal description: NW ¼, SE ¼, Section 17, Township 8 South, Range 86 West of the 6th P.M. at a point 2,485.25 feet from the South section line and 2,041.35 feet from the East section line of said Section 17, in Pitkin County. Source: **Roaring Fork Alluvium.** Appropriation date: December 12, 1995. Amount: 0.45 c.f.s. (200 g.p.m.), conditional. Use: Domestic, commercial, industrial, and fire protection. Depth: Approximately 200 feet. **Third Claim:** RFC Well No. 3, Well Permit No. 67756-F. Original decree: November 18, 1999, Case No. 95CW357, Water Division 5. Legal description: NW ¼, SE ¼, Section 17, Township 8 South, Range 86 West of the 6th P.M. at a point 1,850.20 feet from the South section line and 1,801.89 feet from the East section line of said Section 17, in Pitkin County. Source: Roaring Fork Alluvium. Appropriation date: December 12, 1995. Amount: 0.53 c.f.s. (235 g.p.m.), conditional. Use: Domestic, commercial, industrial, and fire protection. Depth: Approximately 200 feet. **Fourth Claim:** RFC Well No. 4, Well Permit No. 67757-F. Original decree: November 18, 1999, Case No. 95CW357, Water Division 5. Legal description: NE ¼, NW ¼, Section 20, Township 8 South, Range 86 West of the 6th P.M. at a point 168.90 feet from the North section line and 2,706.46 feet from the East section line of said Section 20, in Pitkin County. Source: Roaring Fork Alluvium. Appropriation date: December 12, 1995. Amount: 0.11 c.f.s. (50 g.p.m.), conditional. Use: Domestic, commercial, industrial, and fire protection. Depth: Approximately 50 feet. **Fifth Claim:** RFC Well No. 5, Well Permit No. 67758-F. Original decree: November 18, 1999, Case No. 95CW357, Water Division 5. Legal description: NW ¼, NE ¼, Section 20,

Township 8 South, Range 86 West of the 6th P.M. at a point 778.91 feet from the North section line and 1,644.08 feet from the East section line of said Section 20, in Pitkin County. Source: Roaring Fork Alluvium. Appropriation date: December 12, 1995. Amount: 0.11 c.f.s. (50 g.p.m.), conditional. Use: Domestic, commercial, industrial, and fire protection. Depth: Approximately 75 feet. **Sixth Claim:** RFC Well No. 6, Well Permit No. 67759-F. Original decree: November 18, 1999, Case No. 95CW357, Water Division 5. Legal description: SE ¼, NW ¼, Section 17, Township 8 South, Range 86 West, 6th P.M. at a point 3,021.92 feet from the South section line and 3,016.72 feet from the East section line of said Section 17, in Pitkin County. This well location reflects the corrected location decreed in Case No. 05CW138. Source: Roaring Fork Alluvium. Appropriation date: December 12, 1995. Amount: 0.53 c.f.s. (235 g.p.m.), conditional. Use: Domestic, commercial, irrigation during early and late golf course irrigation season, industrial, and fire protection. Depth: Approximately 200 feet. Remarks applicable to all claims: The RFC Well Nos 1-6 are operated under the plan for augmentation approved in Case No. 96CW55, Water Division 5. The subject water rights are components of Applicant's integrated water supply system. *See Decree, Case No. 05CW138, pgs. 5-6, ¶ 5.* A map of the structures and a detailed description of work done towards the completion of the appropriations, including expenditures, are on file with court. Applicant owns the land where the structures are located. **YOU ARE HEREBY NOTIFIED THAT YOU HAVE until the last day of JANUARY 2024 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 NOVEMBER 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.*

23CW3173 (17CW3019, 10CW82) PITKIN COUNTY. Last Chance Ranch LLC c/o Paul L. Noto, Esq. and Lisa A. Claxton, Esq., Patrick, Miller & Noto, P.C., 229 Midland Avenue, Basalt, CO 81621. (970) 920-1030. APPLICATION FOR FINDING OF REASONABLE DILIGENCE. **Claim: For Finding of Reasonable Diligence:** Name of water right: Chapman Pond. Type: Reservoir. Original decree: March 8, 2004, Case No. 02CW284, Division 5 Water Court. Subsequent diligence decree: January 1, 2011, Case No. 10CW82; November 12, 2017, Case No. 17CW3019. Legal description: The center of the pond is located in the SW ¼ NW ¼ of Section 25, Township 8 South, Range 86 West of the 6th P.M., at a point approximately 800 feet from the West section line and 2750 feet from the South section line. A map is on file with the court as Exhibit A. **Source: Chapman Pump and Pipeline, First Enlargement, via diversions from the Roaring Fork River, tributary to the Colorado River.** Appropriation date: July 26, 2001. Amount: 2.0 acre-feet, conditional. Uses: Aesthetic, piscatorial, stockwatering, wildlife, domestic, and fire protection. Surface area of high water line: 0.5 acre. Maximum height of dam: 10 feet. Length of dam: 200 feet. Total capacity of reservoir: 2.0 acre-feet (all active capacity). 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 Chapman Pond is a component part of Applicant's integrated water supply plan as decreed in Case No. 02CW284. 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 JANUARY 2024 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.

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

23CW3174 GARFIELD COUNTY. Application for Findings of Reasonable. Applicant: Glenwood Canyon Resort, LLC, c/o Han Capital, LLC, c/o Christopher L. Geiger & Peyton F. Lindley, Balcomb & Green, P.C., P.O. Drawer 790, Glenwood Springs, CO 81602; 970-945-6546. Applicant requests a finding of reasonable diligence in the development of the Rock Gardens Well Nos. 1 – 3 (the "Subject Water Right"). A map depicting the general location of the Subject Water Rights is attached as Ex. A on file with the Water Ct. Structure: Rock Gardens Well No. 1. Original Decree: 83CW380, entered on 02/06/1986, by the Dist. Ct., Water Div. No. 5. Subsequent Diligence Decree: 88CW435 entered on 05/31/1989, 95CW69 entered on 08/26/1997, 02CW49 entered on 12/23/2003, 09CW179 entered on 04/03/2011, and 17CW3078 entered on 11/12/2017, Dist. Ct., Water Div. 5. Location: The decreed point of diversion is in the NW1/4 of the SE1/4, Sec. 2, T. 6 S., R. 89 W. in the 6th P.M. at a point 1,975 ft. from the S. Sec. line and 2,350 ft. from the E. Sec. line of said Sec. 2. **Source: CO River.** Date of Approp.: 12/21/1983. Amt: 0.11 c.f.s., comprised of 0.06 c.f.s. (28.3 g.p.m.), absolute. 0.05 c.f.s. (21.7 g.p.m.), conditional. Uses: Dom., irr. and comm. Structure: Rock Gardens Well No. 2. Original Decree: 02CW49 entered on 12/23/2003, by the Dist. Ct., Water Div. No. 5. Subsequent Diligence Decree: 09CW179 entered on 04/03/2011, and 17CW3078 entered on 11/12/2017, Dist. Ct., Water Div. 5. Location: The decreed point of diversion is in the NW1/4

of the SE1/4, Sec. 2, T. 6 S., R. 89 W. in the 6th P.M. at a point 2,368 ft. W. of the E. Sec. line and ft. 2,153 N. of the S. Sec. line of said Sec. 2. **Source: Groundwater tributary to the CO River.** Date of Approp.: 02/01/2002. Amt.: 0.11 c.f.s., comprised of 0.066 c.f.s. (30 g.p.m.), absolute, 0.044 c.f.s (20 g.p.m.), conditional. Depth of Well: 210 ft. Uses: Dom, irr., and comm. purposes within the Glenwood Canyon Resort comm. resort (formerly known as Rock Gardens Campground and Mobile Home). Structure: Rock Gardens Well No. 3. Original Decree: 02CW49 entered on 12/23/2003, by the Dist. Ct., Water Div. No. 5. 09CW179 entered on 04/03/2011, and 17CW3078 entered on 11/12/2017, Dist. Ct., Water Div. 5. Location: The decreed point of diversion is in the SW1/4 of the SE1/4, Sec. 2, T. 6 S., R. 89 W. in the 6th P.M. at a point 1,534 ft. W. of the E. Sec. line and 1,129 ft. N. of the S. Sec. line of said Sec. 2. **Source: Groundwater tributary to the CO River.** Date of Approp.: 02/01/2002. Amt.: 0.22 c.f.s (100 g.p.m.) conditional. Uses: Dom, irr., and comm. purposes within the Glenwood Canyon Resort commercial resort (formerly known as Rock Gardens Campground and Mobile Home). Integrated System: The Subject Water Rights are an integrated system of water rights for the Applicant. "When a project or integrated system is comprised of several features, work on one feature of the project or system shall be considered in finding that reasonable diligence has been shown in the development of water rights for all features of the entire project or system." C.R.S. § 37-92-301(4)(b). Consequently, all work and expenditures by Applicant in connection with their respective projects during their period of ownership of the conditional water right directly and indirectly constitute part of the Applicant's reasonable diligence in developing the conditional water rights to be used in their water system. A list of diligence activities performed in the six years preceding the filing of this Application is on file with this Ct. Name and address of the owner of the land upon which the above-described water right is located: Applicant. (6 pages of original application, Exh. A)

YOU ARE HEREBY NOTIFIED THAT YOU HAVE until the last day of JANUARY 2024 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

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

23CW3175 IN GARFIELD COUNTY, COLORADO. APPLICATION FOR FINDING OF REASONABLE DILIGENCE. Name and address of Applicant: City of Rifle, Colorado, P.O. Box 1908, Rifle, CO 81650. 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. Name of structure: *City of Rifle Colorado River Intake Enlargement.* Date of original decree: June 7, 1982, in Case No. 81CW437, District Court in and for Water Division No. 5. Subsequent decrees awarding findings of diligence: 1986CW96, 1990CW92, 1996CW228, 2003CW06, 2004CW193, 2010CW114, and 2017CW3028, all in District Court in and for Water Division No. 5. Legal description: Original Point of Diversion (as decreed in Case No. 81CW437): On the north bank of the Colorado River at a point whence the Northeast Corner of Section 15, Township 6 South, Range 93 West of the 6th P.M. bears N. 48°48'52" E. 2,132.13 feet. Alternate Points of Diversion (as decreed in Case No. 04CW193): The Rifle Pond River Intake: A point in the NE1/4 of the NE1/4 of Section 15, Township 6 South, Range 93 West of the 6th P.M. approximately 1,050 feet south of the North Section line and 100 feet West of the East Section line of said Section 15. Rifle Pond Well: A point in the NE1/4 of the NE1/4 of Section 15, Township 6 South, Range 93 West of the 6th P.M., approximately 500 feet South of the North Section line and 1,050 feet West of the East Section of said Section 15. **Source: Colorado River.** Appropriation date: December 16, 1981. Amount: 23.1 c.f.s., conditional. Uses: All municipal uses, including irrigation, domestic, manufacturing, commercial, industrial, mechanical, fire protection, power generation, fish and wildlife propagation, recreation, storage for system balance, with the right to reuse and totally consume water. Place of use: Applicant's water service area. Claim for diligence: Applicant requests a finding of diligence for 23.1 c.f.s., conditional, for the City of Rifle Colorado River Intake Enlargement for all municipal uses, including irrigation, domestic, manufacturing, commercial, industrial, mechanical, fire protection, power generation, fish and wildlife propagation, recreation, storage for system balance, with the right to reuse and totally consume water. Names and addresses of owners of land upon which structures are located: Applicant. Integrated Water System. As decreed in Case No. 2017CW3028, the City of Rifle Colorado River Intake Enlargement is a component part of Applicant's integrated municipal water supply system, within the meaning of C.R.S. § 37-92-301. As such, work performed with respect to any other component parts of Applicant's water supply system constitutes diligence toward development of the City of Rifle Colorado River Intake Enlargement. The following exhibits are on file with the Water Court: map depicting the location of the structures (Exhibit A), and a detailed outline of what has been done toward completion of the appropriation and application of the water rights to beneficial use as decreed, including expenditures (Exhibit B) (pp. 7 with exhibits).

YOU ARE HEREBY NOTIFIED THAT YOU HAVE until the last day of JANUARY 2024 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

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

23CW3176 GRAND COUNTY. Middle Park Water Conservancy District (“MPWCD”), P.O. Box 145, Granby, CO 80446. 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. Original Decree: September 5, 1964 as modified on October 5, 1970, Case No.: C.A. 946, Grand County District Court. Subsequent Decrees: December 8, 1982 (W-789-76; 80SA12); March 8, 1982 (80CW94); January 27, 1987 (84CW70); November 28, 1989 (88CW85); January 7, 1997 (95CW250); June 21, 2004 (03CW04); June 23, 2011 (10CW159); November 19, 2017 (17CW3136); all in Water Court Division No. 5. **Claim for Finding of Reasonable Diligence – The Troublesome Project:** Name of Structures: Haypark Reservoir, Haypark Canal Headgate No. 1, Haypark Canal Headgate No. 2, Kirtz No. 2 Enlargement, Kremmling Canal. Legal Descriptions: **Haypark Reservoir:** Sections 22, 27, 28, 33 and 34, Township 3 North, Range 79 West, 6th P.M., whence Northwest corner of Section 4, Township 2 North, Range 79 West, 6th P.M. bears South 26°13’ West 2,417.5 feet. **Haypark Canal Headgate No. 1:** Right bank of the East Fork of Troublesome Creek, whence Northwest corner of Section 4, Township 2 North, Range 79 West, 6th P.M. bears South 42°57’ East 1,344.4 feet. **Haypark Canal Headgate No. 2:** Right bank of the Monument Creek, whence Northwest corner of Section 4, Township 2 North, Range 79 West, 6th P.M. bears South 77°34’ East 3,549.2 feet. **Kirtz No. 2 Enlargement:** Whence North 1/4 corner of Section 26, Township 3 North, Range 80 West, 6th P.M. bears North 58°15’ West 2,350.8 feet. **Kremmling Canal:** NE1/4 NW1/4 of Section 18, Township 2 North, Range 79 West of the 6th P.M., 665 feet from North Section line, 1,572 feet from the West Section line. The legal descriptions are explained in more detail in the application and are shown in the map attached as Exhibit A. Sources: Haypark Reservoir: East Fork Troublesome Creek, tributary to Troublesome Creek, tributary to Colorado River. Haypark Canal Headgate No. 1: East Fork Troublesome Creek, tributary to Colorado River. Haypark Canal Headgate No. 2: Monument Creek, tributary to East Fork Troublesome Creek, tributary to Troublesome Creek, tributary to Colorado River. Kirtz No. 2 Enlargement: Troublesome Creek, tributary to Colorado River. Kremmling Canal: Troublesome Creek, tributary to Colorado River. Appropriation Date for All Structures: August 5, 1959. Amounts: Haypark Reservoir: 20,115.9 acre-feet, conditional. Haypark Canal Headgate No. 1: 70 cubic feet per second (“c.f.s”), conditional for irrigation. 145 c.f.s. conditional for all other uses. Haypark Canal Headgate No. 2: 70 c.f.s., conditional for irrigation. 145 c.f.s., conditional for all other uses. Kirtz No. 2 Enlargement: 82.55 c.f.s., conditional. Kremmling Canal: 35 c.f.s., conditional. Uses: All structures decreed for irrigation, stock, domestic, municipal, industrial, piscatorial and recreation. Landowner Notice: C.R.S. § 37-92-302(2)(b)(II) requires notice to the owners or reputed owners of land upon which any new diversion or storage structure or modification to any existing diversion or storage structure or existing storage pool is or will be constructed or upon which water is or will be stored. See the application for a list of the names and addresses of landowners receiving notice of this application. Additional Information: Applicant requests a finding of diligence for the conditional water rights described herein. The application contains a detailed outline of the work performed during the diligence period (8 pages).

YOU ARE HEREBY NOTIFIED THAT YOU HAVE until the last day of JANUARY 2024 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

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

23CW3177 (2016CW3136, 05CW139, 95CW356) PITKIN COUNTY. Roaring Fork Club, LLC c/o Scott C. Miller, Esq. and Jason M. Groves, Esq., Patrick, Miller & Noto, P.C., 229 Midland Avenue, Basalt, CO 81621. (970) 920-1030. APPLICATION FOR FINDINGS OF REASONABLE DILIGENCE AND TO MAKE ABSOLUTE. **First Claim: To Make Absolute.** RFC Pump and Pipeline. Original decree: July 19, 1999, Case No. 95CW356, Water Division 5. Legal description: SE¼, SW¼, Section 17, Township 8 South, Range 86 West of the 6th P.M. at a point 1,000 feet from the South section line and 2,300 feet from the West section line of said Section 17, in Pitkin County. **Source: Roaring Fork River.** Appropriation date: December 12, 1995. Amount: 2.0 c.f.s., conditional. Uses: Golf course irrigation, aesthetic, recreation, filling RFC Pond Nos. 7 and 12 for all decreed uses. Date of beneficial use: Applicant commenced installation of the structure and anticipates completing the conditional appropriation during the pendency of this case. Applicant requests a finding of reasonable diligence in the alternative. Applicant owns the land where the structure is located. **Second Claim: For Finding of Reasonable Diligence.** RFC Ditch. Original decree: July 19, 1999, Case No. 95CW356, Water Division 5. Legal description: NW¼, NE¼, Section 20, Township 8 South, Range 86 West of the 6th P.M. at a point 390 feet from the north section line and 1,730 feet from the east section line of said Section 20, in Pitkin County. **Source: Roaring Fork River.** Appropriation date: December 12, 1995. Amount: 5.05 c.f.s., conditional. Uses: Golf course irrigation and filling RFC Pond No. 7 for all decreed uses. Applicant owns the land where the structure is located. **Third Claim: For Finding of Reasonable Diligence.** Grace & Shehi Ditch – Second Enlargement. Original decree: July 19, 1999, Case No. 95CW356, Water Division 5. Legal description: NE¼, NE¼, Section

20, Township 8 South, Range 86 West of the 6th P.M. at a point whence the Northeast corner of said Section 20 bears N 46°32' E, 1,315.8 feet, in Pitkin County. Source: Roaring Fork River. Appropriation date: December 12, 1995. Amount: 3.0 c.f.s., conditional. Use: Golf course irrigation. Applicant owns the land where the structure is located. **Fourth Claim: For Finding of Reasonable Diligence.** Kester Ditch – Third Enlargement. Original decree: July 19, 1999, Case No. 95CW356, Water Division 5. Legal description: NW¼, NW¼, Section 27, Township 8 South, Range 86 West of the 6th P.M. at a point whence the Southeast corner of Section 21, Township 8 South, Range 86 West, 6th P.M. bears N 15°20' W, 320 feet, in Pitkin County. Source: Roaring Fork River. Appropriation date: December 12, 1995. Amount: 0.3 c.f.s., conditional. Use: Golf course irrigation. Landowner where headgate located: Pitkin County, 530 E. Main Street, #301, Aspen, CO 81611. **Fifth Claim: To Make Absolute.** RFC Pond No. 2. Original decree: July 19, 1999, Case No. 95CW356, Water Division 5. Legal description: The outlet of the pond is in the SE¼, NW¼, Section 17, Township 8 South, Range 86 West of the 6th P.M. at a point 1,950 feet from the North section line and 2,400 feet from the West section line of said Section 17, in Pitkin County. Source: Snowmass Creek and/or Roaring Fork River by diversion through the Alexis Arbaney Ditch and the Kester Ditch. Appropriation date: December 12, 1995. Amount 3.7 acre-feet, conditional Uses: Golf course irrigation. Date of beneficial use: In multiple water years following August 7, 2013, Applicant filled RFC Pond No. 2 to 3.7 acre-feet. C.R.S. § 37-92-301(4)(e). Applicant owns the land where the pond is located. **Sixth Claim: To Make Absolute.** RFC Pond No. 4. Original decree: July 19, 1999, Case No. 95CW356, Water Division 5. Legal description: The outlet of the pond is located in the NW¼, SE¼, Section 17, Township 8 South, Range 86 West of the 6th P.M. at a point 2,000 feet from the South section line and 2,100 feet from the East section line of said Section 17, in Pitkin County. Source: Snowmass Creek and/or Roaring Fork River by diversion through the Alexis Arbaney Ditch and the Kester Ditch. Appropriation date: December 12, 1995. Amount: 4.6 acre-feet, conditional. Use: Golf course irrigation. Date of beneficial use: In multiple water years following August 7, 2013, Applicant filled RFC Pond No. 4 to 4.6 acre-feet. C.R.S. § 37-92-301(4)(e). Applicant owns the land where the pond is located. **Seventh Claim: To Make Absolute.** RFC Pond No. 5. Original decree: July 19, 1999, Case No. 95CW356, Water Division 5. Legal description: The outlet of the pond is located in the NE¼, SW¼, Section 17, Township 8 South, Range 86 West of the 6th P.M. at a point 2,000 feet from the South section line and 2,150 feet from the West section line of said Section 17, in Pitkin County. Source: Snowmass Creek and/or Roaring Fork River by diversion through the Alexis Arbaney Ditch and the Kester Ditch. Appropriation date: December 12, 1995. Amount: 8.5 acre-feet, conditional. Use: Golf course irrigation. Date of beneficial use: In multiple water years following August 7, 2013, Applicant filled RFC Pond No. 5 to 8.5 acre-feet. C.R.S. § 37-92-301(4)(e). Applicant owns the land where the pond is located. **Eighth Claim: To Make Absolute.** RFC Pond No. 12. Original decree: July 19, 1999, Case No. 95CW356, Water Division 5. Legal description: The outlet of the pond is located in the NW¼, NW¼, Section 20, Township 8 South, Range 86 West of the 6th P.M. at a point 10 feet from the North section line and 1,350 feet from the West section line of said Section 20, in Pitkin County. Source: Roaring Fork River by diversion through the Grace & Shehi Ditch, RFC Ditch and/or RFC Pump and Pipeline. Appropriation date: December 12, 1995. Amount: 4.7 acre-feet, conditional. Use: Golf course irrigation. Date of beneficial use: In multiple water years following August 7, 2013, Applicant filled RFC Pond No. 12 to 4.7 acre-feet. C.R.S. § 37-92-301(4)(e). Applicant owns the land where the pond is located. **Ninth Claim: To Make Absolute.** RFC Pond No. 17. Original decree: July 19, 1999, Case No. 95CW356, Water Division 5. Legal description: The outlet of the pond is located in the SE¼, NW¼, Section 17, Township 8 South, Range 86 West of the 6th P.M. at a point 2,250 feet from the North section line and 2,600 feet from the West section line of said Section 17, in Pitkin County. Source: Snowmass Creek and/or Roaring Fork River by diversion through the Alexis Arbaney Ditch and Kester Ditch. Appropriation date: December 12, 1995. Amount: 6.5 acre-feet, conditional. Use: Golf course irrigation. Date of beneficial use: In multiple water years following August 7, 2013, Applicant filled RFC Pond No. 17 to 6.5 acre-feet. C.R.S. § 37-92-301(4)(e). Applicant owns the land where the pond is located. **Tenth Claim: To Make Absolute.** RFC Pond No. 18. Original decree: July 19, 1999, Case No. 95CW356, Water Division 5. Legal description: The outlet of the pond is located in the NW¼, SE¼, Section 17, Township 8 South, Range 86 West of the 6th P.M. at a point 2,250 feet from the South section line and 1,900 feet from the East section line of said Section 17, in Pitkin County. Source: Snowmass Creek and/or Roaring Fork River by diversion through the Alexis Arbaney Ditch and Kester Ditch. Appropriation date: December 12, 1995. Amount: 0.8 acre-feet, conditional. Use: Golf course irrigation. Date of beneficial use: In multiple water years following August 7, 2013, Applicant filled RFC Pond No. 18 to 0.8 acre-feet. C.R.S. § 37-92-301(4)(e). Applicant owns the land where the pond is located. Remarks applicable to all claims: Most of the subject water rights are operated under the plan for augmentation approved in Case No. 96CW55, Water Division 5. The RFC Ditch is operated under a separate augmentation plan approved in Case No. 07CW55, Water Division 5. The subject water rights are components of an integrated water supply system for the Applicant's property. See Decree, Case No. 95CW356, ¶114. A map of the structures and a detailed description of work done towards completing the appropriations, including expenditures, are on file with court.

YOU ARE HEREBY NOTIFIED THAT YOU HAVE until the last day of JANUARY 2024 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

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

23CW3178 (17CW3045, 10CW94, 02CW263, 96CW154, 90CW123, 85CW280) PITKIN COUNTY, ROARING FORK RIVER OR ITS TRIBUTARIES. Leslie Wexner c/o Kevin L. Patrick and John M. Sittler, Patrick, Miller & Noto, P.C., 229 Midland Ave., Basalt, CO 81621 (970) 920-1030. APPLICATION TO MAKE WATER RIGHT ABSOLUTE. **Claim: To Make Absolute: Name of water right:** Hornet's Nest Draw Pipeline. **Original Decree:** June 23, 1986, Case No. 85CW280, Division 5 Water Court. **Subsequent diligence decrees:** October 15, 1990, Case No. 90CW123; October 23, 1996, Case No. 96CW154; March 1, 2004, Case No. 02CW263; February 5, 2011, Case No. 10CW94; November 12, 2017, Case No. 17CW3045, all Division 5 Water Court. **Legal Description:** The point of diversion is located in the SW ¼ NW ¼ of Section 6, Township 10 South, Range 84 West of the 6th P.M., at a point whence the East Quarter Corner of Section 1, Township 10 South, Range 85 West of the 6th P.M. bears West 240.11 feet. A map has been filed with the court as Exhibit A. **Supplemental legal description:** The SW ¼, NW ¼ of Section 6, Township 10 South, Range 84 West of the 6th P.M., at a point approximately 2,290 feet from the North section line and 241 feet from the West section line (Pitkin County). Note that the distances from section lines provided in the supplemental legal description are for reference only and do not alter or change the decreed location of the Hornet's Nest Draw Pipeline. **Source:** Hornet's Nest Draw, tributary to the Roaring Fork River, tributary to the Colorado River. **Appropriation Date:** August 6, 1985. **Amount:** 1.0 c.f.s., conditional. **Uses:** Irrigation and piscatorial purposes, and storage in Wexner Pond. The Division 5 Water Court decreed Wexner Pond on April 4, 1986 in Case No. 85CW279. **Claim to make absolute:** Date water applied to beneficial use: June 15, 2019. Amount: 25 g.p.m. Use: Irrigation, piscatorial, and storage in Wexner Pond. The United States Forest Service owns the land upon which the structure is located. Applicant owns the land upon which the water is placed to beneficial use. **Remarks:** By making the Hornet's Nest Draw Pipeline absolute for 25 g.p.m., Applicant withdraws any claims to the remaining conditional amount decreed to the Hornet's Nest Draw Pipeline and allows that remaining amount (424 g.p.m. or 0.944 c.f.s.) to be canceled.

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23CW3179 EAGLE COUNTY, COLORADO. APPLICATION FOR FINDING OF REASONABLE DILIGENCE. **Names and Addresses of Applicants:** Upper Eagle Regional Water Authority, c/o General Manager, 846 Forest Road, Vail, CO 81657, c/o Kristin H. Moseley, Michael W. Daugherty, Somach Simmons & Dunn, P.C., 1155 Canyon Blvd., Suite 110, Boulder, CO 80302; Town of Avon, c/o Town Manager, P. O. Box 975, Avon, CO 81620, c/o Richard J. Mehren, Moses, Wittemyer, Harrison, and Woodruff, P.C., 2595 Canyon Blvd., Suite 240, Boulder, CO 80302. **Name of structures:** Metcalf Ditch Headgate; Raw Water Booster Pump; The Village (at Avon) Lake No. 1; The Village (at Avon) Lake No. 2; Rights of Exchange. **Description of conditional water rights: Metcalf Ditch Headgate: Decrees:** Case No. 97CW306 (April 9, 2001), the District Court in and for Water Division No. 5 ("Water Court"); Water Court Case No. 07CW83 (August 1, 2010); Water Court Case No. 16CW3067 (November 12, 2017). **Location:** On the North Bank of the Eagle River in Section 7, T. 5 S., R. 81 W. of the 6th P.M. at a point from which the SE corner of the SW1/4 of said Section 7 bears South 53°00'40" E. 1,446 feet. This location is alternatively described as the SE1/4 of the SW1/4 of Section 7, T. 5 S., R. 81 W. of the 6th P.M., at a point approximately 870 feet from the South section line and 1,485 feet from the West section line of said Section 7. A general location map is attached as **Exhibit A.** **Appropriation date:** December 31, 1997. **Amount:** 0.257 cubic feet per second ("cfs"), absolute, and 3.343 cfs conditional for domestic, municipal, commercial, fire protection, and irrigation purposes, and 3.6 cfs conditional for industrial, recreation, piscatorial, and fish and wildlife uses. **Source:** Eagle River, tributary to the Colorado River. **Uses:** Domestic, municipal, commercial, industrial, fire protection, irrigation, recreational, piscatorial, and fish and wildlife uses. **Raw Water Booster Pump: Decrees:** Water Court Case No. 97CW306 (April 9, 2001); Water Court Case No. 07CW83 (August 1, 2010); Water Court Case No. 16CW3067 (November 12, 2017). **Location:** On the North bank of the Eagle River and diverts from a point from which the SW corner of the NW1/4 of Section 12, T. 5 S., R. 82 W. of the 6th P.M. bears South 18° 01' 34" W. 1,551.13 feet. This location is alternatively described as the NW1/4 of the NW1/4 of Section 12, T. 5 S., R. 82 W. of the 6th P.M., at a point approximately 1,165 feet from the North section line and 480 feet from the West section line of said Section 12. A general location map is attached as **Exhibit A.** **Appropriation date:** December 31, 1997. **Amount:** 0.267 cfs, absolute, and 3.333 cfs conditional for domestic, municipal, commercial, fire protection, and irrigation purposes and 3.6 cfs conditional for industrial, recreational, piscatorial, and fish and wildlife uses. **Source: Eagle River, tributary to the Colorado River. Uses:** Domestic, municipal, commercial, industrial, fire protection, irrigation, recreational, piscatorial, and fish and wildlife uses. **The Village (at Avon) Lake No. 1 and The Village (at Avon) Lake No. 2: Decrees:** Water Court Case No. 97CW306 (April 9, 2001); Water Court Case No. 07CW83 (August 1, 2010); Water Court Case No. 16CW3067 (November 12, 2017). **Location:** Off-channel, within the following 40-acre areas: **The Village (at Avon) Lake No. 1:** In the S1/2 SE1/4 NE1/4 and the N1/2 NE 1/4 SE1/4 of Section 12, T. 5 S., R. 82 W. of the 6th P.M., Eagle County, Colorado. A general location map is attached as **Exhibit A.** **The Village (at Avon) Lake No. 2:** In the NW1/4 SE1/4 of Section 7, T. 5 S., R. 81 W. of the 6th P.M., Eagle County, Colorado. A general location map is attached as **Exhibit A.** **Appropriation date:** May 20, 1997. **Amount:** The Village (at Avon) Lakes Nos. 1 and 2 are decreed for a total combined storage of 27 acre-feet, conditional, with the right to fill and refill. The total surface

area of the two lakes combined will not exceed 2.7 acres. The precise quantity of water stored in each lake, the surface area of each lake and a more definite legal description of each lake will be included in any application to make the conditional water rights absolute, limited only by the total storage and total surface area maximums and the legal descriptions set forth herein. Source: Surface drainage tributary to the Eagle River, and surface diversions from the Eagle River or its tributaries. Filling and refilling of The Village (At Avon) Lake Nos. 1 and 2, whether by direct diversion or by augmentation, is limited to a diversion rate of 5 cfs, and will be from the Nottingham and Puder Ditch, which diverts from the north bank of the Eagle River at a point which bears S.12° W. 250 feet from the S1/4 corner of Section 8, T. 5 S., R. 81 W. of the 6th P.M. Uses: Domestic, municipal, commercial, industrial, fire protection, irrigation, recreational, piscatorial, fish and wildlife uses, augmentation and exchange. Rights of Exchange: Four separate rights of exchange were decreed by the Water Court in Case No. 97CW306 as follows: Exchange Reaches: Exchange No. 1: The exchange reach shall extend from a point on the Eagle River in the SE1/4 of Section 12, T. 5 S., R. 82 W. of the 6th P.M. (outlet of The Village (at Avon) Lake No. 1) upstream on the Eagle River to its confluence with Traer Creek in the NW1/4 of Section 16, T. 5 S., R. 81 W. of the 6th P.M., and then upstream on Traer Creek to a point in the NE1/4 of Section 9, T. 5 S., R. 81 W. of the 6th P.M. being the approximate point where 41 individual wells will deplete Traer Creek. Exchange No. 2: The exchange reach shall extend from a point on the Eagle River in the SE1/4 of Section 12, T. 5 S., R. 82 W. of the 6th P.M. (outlet of The Village (At Avon) Lake No. 1) upstream on the Eagle River to the headgate of the Metcalf Ditch at the location described in paragraph 3.1.2 above. Exchange No. 3: The exchange reach shall extend from the confluence of Nottingham Gulch and the Eagle River in the SE1/4 of Section 7, T. 5 S., R. 81 W. of the 6th P.M., upstream on the Eagle River to its confluence with Traer Creek in the NW1/4 of Section 16, T. 5 S., R. 81 W. of the 6th P.M., and then upstream on Traer Creek to a point in the NE1/4 of Section 9, T. 5 S., R. 81 W. of the 6th P.M. being the approximate point where 41 individual wells will deplete Traer Creek. Exchange No. 4: The exchange reach shall extend from the Nottingham and Puder Ditch headgate, on the North Bank of the Eagle River at a point which bears S. 12° W. 250 feet from the S1/4 corner of Section 8, T. 5 S., R. 81 W. of the 6th P.M., upstream on the Eagle River to its confluence with Traer Creek in the NW1/4 of Section 16, T. 5 S., R. 81 W. of the 6th P.M., and then upstream on Traer Creek to a point in the NE1/4 of Section 9, T. 5 S., R. 81 W. of the 6th P.M. being the approximate point where 41 individual wells will deplete Traer Creek. A general location map depicting the exchange reaches is attached as **Exhibit B**. Exchange rates: Exchange No. 1: 0.0152 cfs. Exchange No. 2: 0.55 cfs. Exchange No. 3: 0.0152 cfs. Exchange No. 4: 0.0152 cfs. Exchange priority date: December 31, 1997, for all four exchanges. Decrees: Water Court Case No. 97CW306 (April 9, 2001); Water Court Case No. 07CW83 (August 1, 2010); Water Court Case No. 16CW3067 (November 12, 2017). Detailed outline of work and expenditures done by Co-Applicants to complete appropriations and apply water to beneficial use: The conditional water rights and rights of exchange that are the subject of this Application (the “Subject Water Rights”) were granted by decree entered in Water Court Case No. 97CW306 (the “97CW306 Decree”). In addition to the Subject Water Rights, the 97CW306 Decree approved a change in various water rights and a plan for augmentation to provide water service to the Village (at Avon), a mixed-use development project located on approximately 1,789 acres of land in Eagle County, Colorado that obtained entitlements to construct 2,400 residential units, 650,000 square feet of commercial/retail space, and 300,000 square feet of cultural space. Some of the Subject Water Rights were conveyed by the Traer Creek Metropolitan District to Avon, and then some of the Subject Water Rights were conveyed from Avon to the Authority. The Authority is obligated to provide water service to the Development. The Subject Water Rights owned by the Authority and Avon are part of their respective extensive integrated systems to provide a municipal water supply water to the Authority’s and to Avon’s customers. “When a project or integrated system is comprised of several features, work on one feature of the project or system shall be considered in finding that reasonable diligence has been shown in the development of the water rights for all features of the entire project or system.” C.R.S. §37-92-301(4)(b). Consequently, all work and expenditures by the Authority and Avon in connection with their respective municipal water supply systems directly and indirectly constitute part of the Authority’s and Avon’s reasonable diligence in developing the Subject Water Rights to be used in their respective water systems. Specific activities demonstrating reasonable diligence towards completion of the appropriations for the Subject Water Rights include the following: The Authority expended approximately \$10,300,000 to reconstruct the Traer Creek water tank after the existing water tank suffered catastrophic failure. The Authority water system and the water rights described in paragraph 3 serve the Piedmont Apartments, which is a 226-unit apartment complex constructed in 2019 within the Traer Creek development. The Traer Creek Metropolitan District extended its water system as part of the East Beaver Creek Blvd Phase 1 in 2019 to serve the Traer Creek development, including the Piedmont Apartments described in paragraph 4.2, above, at a cost of approximately \$449,894. The Traer Creek Metropolitan District is extending its water system as part of the East Beaver Creek Blvd Phase 2, which is currently under construction and scheduled to be completed in 2023 at a cost of approximately \$208,590. The Traer Creek Metropolitan District extended its water system as part of the construction of Wagon Wheel Road in 2017 to serve the Traer Creek development at a cost of approximately \$168,850. Avon has expended significant financial and other resources for engineering and legal advice, and for planning, design, construction, maintenance and repair of various features of its municipal water system during the subject diligence period. Such work included but was not limited to the following: Paying \$872,500 to design and line 2,160 feet of the Nottingham Puder Ditch to serve the Traer Creek development and eventually provide water service to the Village (at Avon) Lakes Nos. 1 and 2. Paying \$14,000 to evaluate potential maintenance, repair and improvements that may be needed to the Nottingham Puder Ditch headgate. Paying \$20,000 for clearing and stabilizing the Nottingham and Puder Ditch. Paying \$67,000 for a Phase I and Phase II evaluation of the spillway, outlet works, vegetation management, seepage, and for an emergency action plan for Avon’s Nottingham Reservoir that will be used in part to provide water to the Village (at Avon). Avon has incurred a total of approximately \$58,941 in legal fees to obtain decrees for water rights that are part of Avon’s integrated water system and for monitoring various Water Court cases to protect Avon’s water rights against injury from other water users. The Authority expended approximately \$35,000 for the maintenance of the Raw Water Booster Pump Station, which provides water to the Avon Water Treatment Plant. Maintenance activities include replacing valves, removing a portion of the baffle wall, installing a vertical screen at the headwall, and constructing a screen

bypass at the headwall. The Authority conducts routine maintenance of the Metcalf Ditch Headgate, including clearing debris and vegetation from the intake. The Authority expended approximately \$125,000 during the diligence period to complete a reservoir master plan and develop a water rights hydrology model and evaluate storage alternatives. Name 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: The Raw Water Booster Pump is located on land owned by the Eagle River Water and Sanitation District. The Metcalf Ditch Headgate is located on land owned by Tanya Argo and Chris Striebich whose address is 2274 S. Ogden St., Denver, CO 80210. The Village (at Avon) Lakes Nos. 1 and 2 are planned to be located on land owned by Co-Applicant Avon and Traer Creek Holdings No. 1 LLC whose address is P.O. Box 9429, Avon, CO 81620. WHEREFORE, Co-Applicants request that the Court enter a finding of reasonable diligence with respect to the conditional portions of the water rights decreed to the Metcalf Ditch Headgate, Raw Water Booster Pump, The Village (at Avon) Lake No. 1, The Village (at Avon) Lake No. 2, and the Rights of Exchanges described herein, and granting such other relief as the Court may see fit.

YOU ARE HEREBY NOTIFIED THAT YOU HAVE until the last day of JANUARY 2024 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

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

23CW3180 (16CW3106; 09CW37; 02CW003; 94CW370) EAGLE COUNTY. Eagle County School District RE-501J, 948 Chambers Avenue, PO Box 740, Eagle, Colorado 81631. Please send all correspondence to and serve all court filings on Matthew Machado and Casey J. Weaver, Lyons Gaddis, PC., PO Box 978, Longmont, CO 80502-0978, (303)776-9900, mmachado@lyonsgaddis.com; cweaver@lyonsgaddis.com. APPLICATION FOR FINDING OF REASONABLE DILIGENCE FOR CONDITIONAL WATER RIGHT. 2. **Name of structure:** High School Drain. 3. **Description of the Conditional Water Right:** a) **Date of original decree:** January 3, 1996, Case No. 94CW370, District Court, Water Division No. 5, Colorado. b) **Legal description:** The manhole from which water is withdrawn from the drain is located in the SE ¼, NE ¼, SW ¼ of Section 5, Township 5 South, Range 85 West of the 6th P.M., Eagle County, Colorado. The point of diversion is a manhole located at a point whence the Angle Point 6 of Tract 67, Township 5 South, Range 85 West of the 6th P.M. bears South 62°29'46" East 1,457.58 feet. The location of the subject water right is depicted on **EXHIBIT A.** c) **Source:** GROUND WATER TRIBUTARY TO GYPSUM CREEK AND/OR THE EAGLE RIVER. d) **Appropriation Date:** December 30, 1994 e) **Amount:** 0.28 cfs f) **Use:** Irrigation and piscatorial uses. Water is used indoors for hydroponic cultivation of plants and fish habitat. This water may also be used for irrigation of approximately 16 acres of grounds around the school in the NE ¼ of the SW ¼ and the NW ¼ of the SE ¼ of Section 5, Township 5 South, Range 85 West of the 6th P.M. It is anticipated that the non-irrigation uses of water will consume no more than 0.75 acre feet annually. All water not utilized for irrigation purposes shall be returned to Gypsum Creek either via the Town of Gypsum's wastewater treatment system or via a pipeline which discharges water to Gypsum Creek. g) **Depth:** The drain is buried approximately eight feet underground. h) **Amounts previously made absolute:** 0.18 cfs of the 0.28 cfs was made absolute in Case No. 02CW003 for piscatorial use and hydroponic cultivation use. i) **Conditional amounts for which findings of reasonable diligence are requested:** 0.10 cfs for piscatorial use and hydroponic cultivation use remains conditional, as does 0.28 cfs for the irrigation use. 4. **Provide a detailed outline of what has been done toward completion or for completion of the appropriation and application of water to a beneficial use as conditionally decreed, including expenditures:** The decreed uses for this water right are all located on the Eagle Valley High School campus. Since the completion of the renovation of EVHS and modifications to the campus landscaping, the District, in conjunction with its engineering and legal consultants, have been investigating use of the subject water rights on the campus, including for irrigation of landscaping and use within a new educational greenhouse facility on campus. In addition, the District has maintained its 1996 contract for Green Mountain Reservoir water service with the Bureau of Reclamation by making annual payments. The State Engineer required the District to obtain this contract in order to divert water under the subject water right. 5. **If a claim to make absolute, water applied to beneficial use:** Not applicable. 6. **Names and addresses of owners of land on which structures are located:** Applicant. WHEREFORE, Applicant requests the Court continue the conditional water right for the aforementioned uses and amounts for an additional six years.

YOU ARE HEREBY NOTIFIED THAT YOU HAVE until the last day of JANUARY 2024 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

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

23CW3181 (17CW3120) DISTRICT COURT, WATER DIVISION NO. 5, STATE OF COLORADO, 109 8th Street, Suite 104, Glenwood Springs, CO 81601, 970-928-3065. CONCERNING THE APPLICATION FOR WATER RIGHTS OF VAIL SUMMIT RESORTS, INC. IN SUMMIT COUNTY, COLORADO. APPLICATION FOR FINDING OF REASONABLE DILIGENCE. 1. Name, Address, Telephone Number, and Email Address of Applicant: Vail Summit Resorts, Inc. (“VSR” or “Applicant”), c/o Legal Department, 390 Interlocken Crescent, Suite 1000, Broomfield, CO 80021, legalnotices@vailresorts.com, (303) 404-1800. Direct All Pleadings To: P. Fritz Holleman, Gunnar J. Paulsen, and Kate A. Bosh, Bushong & Holleman PC, 1525 Spruce Street, Suite 200, Boulder, Colorado 80302, fholleman@bh-lawyers.com; gpaulsen@bh-lawyers.com; kbosh@bh-lawyers.com, (303) 431-9141. 2. Names of Structures: 2.1. Vistahaus Well No. 1; 2.2. Vistahaus Well No. 2; 2.3. Peak 9 Collection Gallery; 2.4. Peak 10 Well No. 1; 2.5. Peak 10 Well No. 2; 2.6. A-2 Well No. 1; 2.7. A-2 Well No. 2; 2.8. A-2 Collection Gallery; 2.9. Breckenridge Ski Area Pumping Plant and Pipeline. 3. Description of Conditional Water Rights, Including Original and Subsequent Decrees: The following water rights were decreed by the District Court in and for Water Division No. 5, State of Colorado (“Water Court”) on February 7, 1990, in Consolidated Case Nos. 81CW3, 85CW132, 86CW152, and 87CW390 (“Consolidated Cases”). Previous cases finding diligence include Case Nos. 96CW046, 03CW245, and 10CW243. Changes to the water rights were made in Case Nos. 92CW294, 03CW233, and 15CW3102. The water rights are operated under the augmentation plans decreed in the Consolidated Cases and Case No. 92CW294, as amended in Case No. 16CW3144. The water rights were most recently the subject of the decree in Case No. 17CW3120, entered on May 25, 2017. That decree made an additional 2.1 cfs of the Breckenridge Ski Area Pumping Plant and Pipeline water rights absolute and found that Applicant had been reasonably diligent with respect to the remaining conditional portions of the water rights, including any portion not made absolute. The location of all of the subject water rights is depicted on the map attached as Exhibit A. 3.1 Vistahaus Well No. 1: 3.1.1. Decreed Location: SW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of the unsurveyed Section 2 of Township 7 South, Range 78 West of the 6th P.M., whence the SW Corner of Section 36 of Township 6 South, Range 78 West bears north 57° 24’ east at a distance of 4,901 feet. The foregoing point can alternately be described as the NW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of the unsurveyed Section 2, Township 7 South, Range 78 West of the 6th P.M., Summit County, Colorado, at a point 2,640 feet from the North section line and 4,130 feet from the East section line of said Section. The UTM coordinates for the point are NAD83, Zone 13, Easting: 406792.59, Northing: 4369558.17. 3.1.2. Permit No.: 35079-F. 3.1.3. Source: Groundwater tributary to the Blue River, which is tributary to the Colorado River. 3.1.4. Depth: 200 feet, estimated. 3.1.5. Appropriation date: December 31, 1982. 3.1.6. Amount: Total of 0.1 cfs, with a total annual volumetric limitation of 2.5 acre-feet. Of that amount, 0.022 cfs and 1.3 acre-feet were made absolute in Case No. 96CW046; 0.078 cfs and 1.2 acre-feet remain conditional. 3.1.7. Uses: Municipal, domestic, and all other beneficial uses associated with the operation of the restaurant facilities. 3.1.8. Remarks: By decree in 03CW233, this right may be diverted at the Sawmill Gulch Infiltration Gallery alternate point of diversion. 3.2. Vistahaus Well No. 2: 3.2.1. Decreed Location: SW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of the unsurveyed Section 2 of Township 7 South, Range 78 West of the 6th P.M., whence the SW Corner of Section 36 of Township 6 South, Range 78 West bears north 58° 11’ east at a distance of 4,931 feet. The foregoing point can alternately be described as the NW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of the unsurveyed Section 2, Township 7 South, Range 78 West of the 6th P.M., Summit County, Colorado, at a point 2,600 feet from the North section line and 4,000 feet from the East section line of said Section 2. The UTM coordinates for the point are NAD83, Zone 13, Easting: 406832.62, Northing: 4369594.51. 3.2.2. Permit No.: 35080-F-R (previously 35080-F). 3.2.3. Source: Groundwater tributary to the Blue River, which is tributary to the Colorado River. 3.2.4. Depth: 200 feet, estimated. 3.2.5. Appropriation date: December 31, 1982. 3.2.6. Amount: Total of 0.1 cfs, with a total annual volumetric limitation of 2.5 acre-feet. Of that amount, 0.027 cfs was made absolute in Case No. 96CW046; 0.073 cfs remains conditional. 3.2.7. Uses: Municipal, domestic, and all other beneficial uses associated with the operation of the restaurant facilities. 3.2.8. Remarks: By decree in 03CW233, this right may be diverted at the Sawmill Gulch Infiltration Gallery alternate point of diversion. 3.3. Peak 9 Collection Gallery: 3.3.1. Decreed Location: The point of diversion is located on Lehman Gulch in the SW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of the unsurveyed Section 11 of Township 7 South, Range 78 West of the 6th P.M., whence the SW Corner of Section 36 of Township 6 South, Range 78 West bears north 14° 9’ east at a distance of 7,766 feet. The foregoing point can alternately be described as the SW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 11, Township 7 South, Range 78 West of the 6th P.M., Summit County, Colorado, at a point 2,250 feet from the North section line and 1,900 feet from the East section line of said Section 11. The UTM coordinates for the point are NAD83, Zone 13, Easting: 407445.36, Northing: 4368106.98. 3.3.2. Permit No.: 35081-F. 3.3.3. Source: Groundwater tributary to the Blue River, which is tributary to the Colorado River. 3.3.4. Depth: 5-10 feet, estimated. 3.3.5. Appropriation Date: December 31, 1974. 3.3.6. Amount: Total of 0.1 cfs, with a total annual volumetric limitation of 2.5 acre-feet. Of that amount, 0.065 cfs were made absolute in Case No. 96CW46; 0.035 cfs remains conditional. 3.3.7. Uses: Municipal, domestic, and all other beneficial uses associated with the operation of the restaurant facilities. 3.4. Peak 10 Well No. 1: 3.4.1. Decreed Location: NE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of the unsurveyed Section 11 of Township 7 South, Range 78 West of the 6th P.M., whence the SW Corner of Section 36 of Township 6 South, Range 78 West bears north 5° 21’ east at a distance of 9,109 feet. The foregoing point can alternately be described as the SE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 11, Township 7 South, Range 78 West of the 6th P.M., Summit County, Colorado, at a point 3,922 feet from the North section line and 845 feet from the East section line of said Section 11. The UTM coordinates for the point are NAD83, Zone 13, Easting: 407753.23, Northing: 4367588.97. 3.4.2. Source: Groundwater tributary to the Blue River, which is tributary to the Colorado River. 3.4.3. Depth: 200 feet, proposed. 3.4.4. Appropriation Date: July 23, 1987. 3.4.5. Amount: Total of 0.1 cfs, with a total annual volumetric limitation of 2.0 acre-feet. 3.4.6. Uses: Municipal, domestic, and all other beneficial uses associated with the operation of the restaurant facilities on Peak 10. 3.4.7. Remarks: This well is to serve Breckenridge Ski Area’s lodge facility near the top of the Peak 10 lift. 3.5. Peak 10 Well No. 2: 3.5.1. Decreed Location: NE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of the unsurveyed Section 11 of Township 7 South, Range 78 West of the 6th P.M., whence the SW Corner of Section 36 of Township 6 South, Range 78 West bears north 6° 2’ east at a distance of 9,120 feet. The foregoing point

can alternately be described as the SE¼ of the SE¼ of Section 11, Township 7 South, Range 78 West of the 6th P.M., Summit County, Colorado, at a point 3,924 feet from the North section line and 955 feet from the East section line of said Section 11. The UTM coordinates for the point are NAD83, Zone 13, Easting: 407719.62, Northing: 4367589.14. 3.5.2. Source: Groundwater tributary to the Blue River, which is tributary to the Colorado River. 3.5.3. Depth: 200 feet, proposed. 3.5.4. Appropriation Date: July 23, 1987. 3.5.5. Amount: Total of 0.1 cfs, conditional, with a total annual volumetric limitation of 2.0 acre-feet. 3.5.6. Uses: Municipal, domestic, and all other beneficial uses associated with the operation of the restaurant facilities on Peak 10. 3.5.7. Remarks: This well is to serve Breckenridge Ski Area's lodge facility near the top of the Peak 10 lift. 3.6. A-2 Well No. 1: 3.6.1. Decreed Location: NE¼ of the NW¼ of the unsurveyed Section 12 of Township 7 South, Range 78 West of the 6th P.M., whence the SW Corner of Section 36 of Township 6 South, Range 78 West bears north 20° 53' west a distance of 6,732 feet. The foregoing point can alternately be described as the NE¼ of the NW¼ of Section 12, Township 7 South, Range 78 West of the 6th P.M., Summit County, Colorado, at a point 1,100 feet from the North section line and 2,996 feet from the East section line of said Section 12. The UTM coordinates for the point are NAD83, Zone 13, Easting: 408747.91, Northing: 4368430.37. 3.6.2. Source: Groundwater tributary to the Blue River, which is tributary to the Colorado River. 3.6.3. Depth: 200 feet, proposed. 3.6.4. Appropriation Date: July 23, 1987. 3.6.5. Amount: Total of 0.1 cfs, conditional, with a total annual volumetric limitation of 2.0 acre-feet. 3.6.6. Uses: Municipal, domestic, and all other beneficial uses associated with the operation of the restaurant facilities. 3.7. A-2 Well No. 2: 3.7.1. Decreed Location: NE¼ of the NW¼ of the unsurveyed Section 12 of Township 7 South, Range 78 West of the 6th P.M., whence the SW Corner of Section 36 of Township 6 South, Range 78 West bears north 21° 10' west a distance of 6,648 feet. The foregoing point can alternately be described as the NE¼ of the NW¼ of Section 12, Township 7 South, Range 78 West of the 6th P.M., Summit County, Colorado, at a point 1,020 feet from the North section line and 2,997 feet from the East section line of said Section 12. The UTM coordinates for the point are NAD83, Zone 13, Easting: 408748.41, Northing: 4368557.92. 3.7.2. Source: Groundwater tributary to the Blue River, which is tributary to the Colorado River. 3.7.3. Depth: 200 feet, proposed. 3.7.4. Appropriation Date: July 23, 1987. 3.7.5. Amount: Total of 0.1 cfs, conditional, with a total annual volumetric limitation of 2.0 acre-feet. 3.7.6. Uses: Municipal, domestic, and all other beneficial uses associated with the operation of the restaurant facilities. 3.8. A-2 Collection Gallery: 3.8.1. Decreed Location: The point of diversion is located on Lehman Gulch in the NE¼ of the NW¼ of the unsurveyed Section 12 of Township 7 South, Range 78 West of the 6th P.M., whence the SW Corner of Section 36 of Township 6 South, Range 78 West bears north 19° 32' west a distance of 6,578 feet. The foregoing point can alternately be described as the NE¼ of the NW¼ of Section 12, Township 7 South, Range 78 West of the 6th P.M., Summit County, Colorado, at a point 1,021 feet from the North section line and 3,199 feet from the East section line of said Section 12. The UTM coordinates for the point are NAD83, Zone 13, Easting: 408687.02, Northing: 4368458.24. 3.8.2. Source: Groundwater tributary to the Blue River, which is tributary to the Colorado River. 3.8.3. Depth: 10 feet, proposed. 3.8.4. Appropriation Date: July 23, 1987. 3.8.5. Amount: Total of 0.1 cfs, conditional, with a total annual volumetric limitation of 2.0 acre-feet. 3.8.6. Uses: Municipal, domestic, and all other beneficial uses associated with the operation of the restaurant facilities. 3.9. Breckenridge Ski Area Pumping Plant and Pipeline: 3.9.1. Decreed Location: The point of diversion is located on the left (Northwesterly) bank of the Blue River whence the Northwest corner of Section 7, Township 7 South, Range 77 West of the 6th P.M., bears north 41° 13' west at a distance of 1,400 feet. The foregoing point can alternately be described as the NW ¼ of the NW ¼ of Section 6, Township 7 South, Range 77 West of the 6th P.M., Summit County, Colorado, at a point 1,066 feet from the North Section line and 4,547 feet from the East section line of said Section 6. The UTM coordinates for the point are NAD83, Zone 13, Easting: 409962.99, Northing: 4370026.15. 3.9.2. Source: Blue River, which is tributary to the Colorado River. 3.9.3. Appropriation Date: July 25, 1981. 3.9.4. Amount: Total of 14 cfs. Of that amount, 6.0 cfs was decreed absolute in the Consolidated Cases; 3.7 cfs was decreed absolute in Case No. 10CW243; and 2.1 cfs was made absolute in Case No. 17CW3120. The total amount decreed absolute is 11.8 cfs, with 2.2 cfs remaining conditional. 3.9.5. Uses: Snowmaking. 4. Request for Finding of Reasonable Diligence: Applicant seeks a finding that it has exercised reasonable diligence in the development of the conditional water rights described in Paragraph 3 above, for all conditional amounts and uses. 5. Diligence Activities: During the subject diligence period, Applicant's efforts toward development of the subject water rights include, but are not limited to, the following: 5.1. The subject water rights are part of an integrated water supply system to provide water service and snowmaking to the Breckenridge Ski Resort, including for the on-mountain restaurants. Applicant has engaged in numerous activities during the relevant diligence period that demonstrate diligence toward the application of the subject water rights to the decreed beneficial uses and has incurred significant expense in investigations and capital improvements related to its water supply facilities to provide a dependable legal and physical supply of water to the ski area. All such expenditures are necessary steps in the development of the ski area's integrated water supply system and the subject water rights. 5.2. Applicant made substantial expenditures for snowmaking maintenance and upgrades to the snowmaking infrastructure, including adding new fan guns and replacing outdated snow guns with low energy/high efficiency HKD stick guns across the resort. 5.3. Applicant made substantial expenditures to construct the Zendo Chair on Peak 6, replace two fixed-grip double chairlifts on Peak 8 with two high-speed detachable chairlifts, and add the Freedom SuperChair to Peak 7 to accommodate additional users. 5.4. Applicant maintained its Annual Green Mountain Reservoir Contract with the United States Department of the Interior. The Green Mountain water is one source of augmentation for the subject groundwater rights under the plan for augmentation decreed in the Consolidated Cases. The cost to maintain this contract during the diligence period was more than \$10,000. 5.5. The accounting for the wells that have been constructed and for the snowmaking are prepared and filed by LRE Water and forwarded to the State Engineer's office. LRE also supports Applicant on its water rights matters. The cost for these services during the diligence period was more than \$40,000. 5.6. Applicant reviews water rights applications made within the Colorado River Basin to ensure its water rights will not be adversely affected; and 5.7. Applicant continues to rely upon the subject water rights and fully intends to develop and utilize the subject water rights for the full decreed amounts and has no intention to abandon them. 6. Land Ownership: United States Forest Service, Dillon Ranger Station, 680 Blue River Parkway, Post Office Box 620, Silverthorne, Colorado 80498. WHEREFORE, Applicant Vail Summit

Resorts, Inc. respectfully requests that the Court enter a decree finding that it has exercised reasonable diligence in the development of the subject conditional water rights, continuing those conditional water rights in full force and effect for an additional diligence period, and granting such other and further relief as deemed appropriate.

(10 pages + Exhibit)

YOU ARE HEREBY NOTIFIED THAT YOU HAVE until the last day of JANUARY 2024 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

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

23CW3182 District Court, Water Division No. 5, State of Colorado, 109 Eighth Street, Suite 104, Glenwood Springs, CO 81601, Concerning the Application for Water Rights of EVERIST LAND HOLDINGS, LLC, IN SUMMIT COUNTY, COLORADO. **APPLICATION FOR WATER RIGHTS, CHANGE OF WATER RIGHT, PLAN FOR AUGMENTATION AND RECHARGE, AND EXCHANGE RIGHTS.** 1. Name and address of Applicant: Everist Land Holdings, LLC ("Everist"), River Center, 200 E. 10th Street, Suite 203, Sioux Falls, SD 57104, Direct all documents in this matter to: Steve Bushong, Gunnar Paulsen, and Kate Bosh, Bushong & Holleman, P.C., 1525 Spruce Street, Suite 200, Boulder, Colorado 80302, Email: sbushong@bh-lawyers.com; gpaulsen@bh-lawyers.com; kbosh@bh-lawyers.com 2. Introduction: Everist owns land north of the Town of Silverthorne where it is developing the North Maryland Creek Ranch subdivision on approximately 374 acres and three additional 35-acre tracts, all as generally depicted on **Exhibit A** hereto and located in Summit County in the N ½ of Section 22, the W ½ of Section 15, the SW ¼, SW ¼ of Section 10, and the SE ¼ of Section 9 all in Township 4 South, Range 78 West of the 6th P.M. (collectively referred to herein as "NMCR"). NMCR will have up to 20 single-family residences, 20 accessory dwelling units ("ADUs"), a community center, and related community facilities that will all require water. Everist also plans to develop a well group to supply approximately 7 additional lots on about another 150 acres located in the E ½ SW ¼ and W ½ SE ¼ of Section 15 and the NE ¼ NW ¼, the NE ¼, and the N ½ SE ¼ of Section 22, Township 4 South, Range 78 West, of the 6th P.M. (the "150 Acres"), generally depicted on **Exhibit A**. By this application, Everist seeks to adjudicate tributary groundwater and surface water rights and an associated plan for augmentation, recharge, and exchange to provide a reliable water supply to NMCR and the 150 Acres. Everist also seeks to change a portion of the McKay Ditch water right and to replace winter return flows associated with its ownership in the Maryland No. 2 Ditch water right that was previously changed and quantified in the Water Court for Water Division 5 ("Water Court"), Case No. 16CW3040 ("16CW3040 Decree"). The changed Maryland No. 2 Ditch and McKay Ditch water rights will be used in the augmentation plan sought herein and for other uses. **I. Claim for Tributary Groundwater Rights.** 3. Description of Claimed Groundwater Rights: 3.1. Welland Well (aka NMCR Well No. 3): 3.1.1. Legal Description: located in Summit County: NE ¼ of the SW ¼, Section 15, Township 4 South, Range 78 West, of the 6th P.M. (UTM X = 404605.0 m, UTM Y = 4395113.0 m, Zone 13), as depicted on **Exhibit B**, 3.1.2. Source: Alluvial groundwater tributary to the Blue River, tributary to the Colorado River, 3.1.3. Depth: 54 feet, 3.1.4. Well Permit No.: 32823, currently permitted as a monitoring well, Everist will apply to the Division of Water Resources ("DWR") to convert this to a production well under a new permit after entry of final decree in this case, 3.1.5. Appropriation Date: September 14, 2022, based on construction of well under monitoring well permit, 3.1.6. Amount: 0.1114 cubic feet per second ("cfs"), (50 gallons per minute "gpm"), conditional, 3.1.7. Uses: Domestic, commercial, irrigation, stock watering (including horses), and construction associated with NMCR. The foregoing uses include all indoor and outdoor uses associated with single family homes, ADUs, and community structures and amenities at NMCR. Lawn and garden irrigation will be limited to 1,500 square feet per lot or tract of land and up to 10,000 square feet of community area, 3.2. Old Weller Well (aka NMCR Well No. 4): 3.2.1. Legal Description: located in Summit County: NE ¼ of the SW ¼, Section 15, Township 4 South, Range 78 West, of the 6th P.M. (UTM X = 404604.0 m, UTM Y = 4395096.0 m, Zone 13), as depicted on **Exhibit B**, 3.2.2. Source: Alluvial groundwater tributary to the Blue River, tributary to the Colorado River, 3.2.3. Depth: 53 feet, 3.2.4. Well Permit No.: 32824, currently permitted as a monitoring well, Everist will apply to DWR to convert this to a production well under a new permit after entry of final decree in this case, 3.2.5. Appropriation Date: September 15, 2022, based on construction of well under monitoring well permit, 3.2.6. Amount: 0.1114 cubic feet per second ("cfs"), (50 gpm), conditional, 3.2.7. Uses: Domestic, commercial, irrigation, stock watering (including horses), and construction associated with NMCR. The foregoing uses include all indoor and outdoor uses associated with single family homes, ADUs and community structures and amenities at NMCR. Lawn and garden irrigation will be limited to 1,500 square feet per lot or tract of land and up to 10,000 square feet of community area, 3.3. NMCR Well Group: 3.3.1. Legal Description. A grouping of seven or more wells located on the 150 Acres in Summit County: located in the E ½ SW ¼ and W ½ SE ¼ of Section 15 and the NE ¼ NW ¼, the NE ¼, and the N ½ SE ¼ of Section 22, Township 4 South, Range 78 West, of the 6th P.M., as depicted on **Exhibit B**, with more precise legal descriptions for each well to be provided when made absolute. The NMCR Well Group does not include the Welland Well or Old Weller Well, 3.3.2. Source: Alluvial groundwater tributary to the Blue River, tributary to the Colorado River, 3.3.3. Depth: Approximately 50 feet for each well, with precise depth determined at time of construction, 1.1.1. Appropriation Date: November 30, 2023, 1.1.2. Amount: Up to 15 gpm for each well, conditional, not to exceed a collective 120 gpm for the NMCR Well Group, 1.1.3. Uses: Domestic, commercial, irrigation, stock watering (including horses), and construction

associated with the 150 Acres. The foregoing uses include all indoor and outdoor uses associated with single family homes and ADUs at the 150 Acres. Lawn and garden irrigation will be limited to 1,500 square feet per lot or tract of land on the 150 Acres. **II. Claim for Storage Water Right.** 4. Description of Storage Water Right, 4.1. Name of Structure: NMCR Lake, 4.1.1. Location: NMCR Lake will be a lined storage facility approximately located in E ½ of Section 22 of Township 4 South, Range 78 West of the 6th P.M., as generally depicted in **Exhibit B**, with the precise legal description described at the time it is made absolute, 4.1.2. Sources: Blue River, and natural drainage and precipitation that enters NMCR Lake tributary to the Blue River, tributary to the Colorado River, 4.1.3. Point of Diversion: The McKay Ditch, which diverts from the Blue River at the location described below at Paragraphs 6.1.2 and 6.1.3, will be used to divert and deliver water from the Blue River to NMCR Lake under this new junior water right, 4.1.4. Appropriation Date: November 30, 2023, 4.1.5. Uses: Storage for augmentation, replacement, exchange, recharge, aesthetic, recreation, fire protection, piscatorial, wildlife, stock watering, and irrigation uses, 4.1.6. Location of use: All uses will occur within NMCR Lake or within NMCR, except as follows: (i) irrigation use may occur both within NMCR and on lands adjacent to NMCR Lake; and (ii) augmentation, replacement, recharge, and exchange uses shall occur consistent with the decree issued in this case and/or consistent with any future substitute water supply plan or augmentation plan that relies upon the Lake for such uses, 4.1.7. Amount Claimed: 450 acre-feet (“AF”), conditional, with the right to flow through water and to fill and refill when in-priority, 4.1.8. Rates of Diversion into NMCR Lake from McKay Ditch: 18.67 cfs., 4.1.9. Surface Area of High-Water Line: Approximately 15 acres, 4.1.10. Remarks: In addition to storing diversions under the water right claimed herein, NMCR Lake may also store any other water that may be lawfully stored therein by diverting said water at the McKay Ditch including, but not limited to, the Everist Maryland No. 2 Water described below in Paragraph 9.1.3, the changed Subject McKay Right described below at Paragraphs 6 and 7, the appropriated Subject McKay Right RFOs described at Paragraph 7.5, below, and by the exchanges described below in Paragraphs 14.1 and 14.2. **III. Claim for Recharge Water Right.** 5. Description of Water Right, 5.1. Name of Structure: Lake Everist, 5.1.1. Location. Lake Everist is an existing gravel pit structure with the center point of the lake located in Summit County: NE ¼ of the SE ¼, Section 22, Township 4 South, Range 78 West, of the 6th P.M. (UTM X = 405376.0 m, UTM Y = 4393588.5 m, Zone 13), as depicted on **Exhibit B**, 5.1.2. Sources. Blue River, tributary to the Colorado River, 5.1.3. Point of Diversion. The McKay Ditch, which diverts from the Blue River at the location described below at Paragraphs 6.1.2 and 6.1.3, will be used to divert and deliver water from the Blue River to Lake Everist under this new junior water right, 5.1.4. Appropriation Date. November 30, 2023, 5.1.5. Uses. Recharge, augmentation, replacement, and exchange. Lake Everist is a recharge facility. Surface water diversions into Lake Everist result in lagged groundwater accretions to the Blue River that will be used for augmentation, replacement, and exchange, 5.1.6. Rate of Diversion. The rate of diversion into Lake Everist through the McKay Ditch pursuant to this water right is 18.67 cfs, conditional, 5.1.7. Surface Area of High-Water Line: Approximately 18.87 acres, 5.1.8. Lake Everist Evaporation. Lake Everist lies within the existing Everist mining boundary and its out-of-priority evaporative depletions of groundwater are addressed through a mining SWSP. The permanent replacement of groundwater evaporative losses from Lake Everist along with other mining facilities will be addressed prior to termination of the mining SWSP, 5.1.9. Remarks: In addition to diversions into Lake Everist under the water right claimed herein, Lake Everist may also be used for recharge purposes with any other water that may be lawfully recharged therein including, but not limited to, the Everist Maryland No. 2 Water described below in Paragraph 9.1.3, the changed Subject McKay Right described below at Paragraphs 6 and 7, the appropriated Subject McKay Right RFOs described at Paragraph 7.5, below, NMCR Lake water described at Paragraph 4.1, above, and by the exchanges described below in Paragraphs 14.1 and 14.2. **IV. Claim for Change of Water Right.** 6. Decreed Water Right for which Change is Sought and Associated Structure, 6.1. McKay Ditch, 6.1.1. Original Decree: Decreed by the District Court in and for Summit County dated March 10, 1952, in Civil Action No. 1805 (“CA 1805 Decree”), 6.1.2. Original Decreed Point of Diversion: The CA 1805 Decree states the “headgate is located on the west or left bank of [the Blue River] at a point whence the S. quarter cor. Sec. 26, T. 4 S., R. 78 W. of the 6th P.M. bears S. 18° 20' West 1975 feet.”, 6.1.3. UTM Coordinates of McKay Ditch Headgate: NAD 83, UTM Zone 13, Northing 4391863, Easting 406553, 6.1.4. Source: Blue River, tributary to the Colorado River, 6.1.5. Appropriation Date: October 1, 1926, 6.1.6. Amount: 18.67 cfs, absolute, 6.1.7. Use: Irrigation, 6.1.8. Historical Place of Use: The McKay Ditch water right historically irrigated approximately 89.9 acres of land in Summit County: E ½ of Section 22 and the SW ¼ SW ¼ of Section 23, Township 4 South, Range 78 West, of the 6th P.M., depicted in **Exhibit C** attached hereto, 6.1.9. Subsequent Decree: By the 16CW3040 Decree, 1.12 cfs of the 18.67 cfs decreed to the McKay Ditch was changed such that 0.40 cfs may be diverted by the Town of Silverthorne for irrigation of the Town Park and 0.72 cfs was relinquished to the stream as described in the 16CW3040 Decree (the “Changed Park Irrigation Portion”). 7. Proposed Change of the McKay Ditch Water Right, 7.1. Amount to be Changed: 17.55 cfs, which is the remaining absolute portion of the McKay Ditch water right described above, excluding the Changed Park Irrigation Portion (“Subject McKay Right”), 7.2. Change of Water Right: Everist seeks to change the type and location of use of the Subject McKay Right from irrigation to irrigation, augmentation, replacement, and exchange, including such uses after storage in NMCR Lake or via recharge through Lake Everist as described in Paragraphs 4.1 and 5.1, above. The changed uses of augmentation and replacement are limited to augmentation and replacement of domestic use and irrigation return flow obligations. Irrigation use will occur within NMCR, on lands adjacent to NMCR Lake and Lake Everist, and by exchange to irrigate lands located at approximately the E ½ SW ¼ and the W ½ SE ¼ of Section 15 and in the NW ¼ and the W ½ NE ¼ of Section 22 Township 4 South, Range 78 West, of the 6th P.M., 7.3. Continued Use of McKay Ditch Structure. Everist shall continue to divert the Subject McKay Right at the McKay Ditch or, to the extent permitted by decree entered herein, bypass some or all of said diversions at the McKay Ditch headgate. The McKay Ditch can supply water to NMCR Lake and/or Lake Everist, 7.4. Return Flow Obligations: In connection with the change of the Subject McKay Right, Everist will have return flow obligations (“Subject McKay Right RFOs”) resulting from the historical use of the Subject McKay Right. Everist will replace said Subject McKay Right RFOs when there is a call on the Blue River or Colorado River administered against Everist and senior to November 30, 2023. For ease of administration, Everist will address the Subject McKay Right RFOs through its Plan for Augmentation and Recharge

described below, 7.5. Appropriation of Subject McKay Right RFOs. Everist does hereby appropriate the return flows for the Subject McKay Right RFOs up to 4.9 cfs, conditional, with an appropriation date of November 30, 2023, which accrue to the Blue River at approximately the SW ¼ of the SW ¼, Section 23, Township 4 South, Range 78 West, of the 6th P.M. (UTM X = 405720.3 m, UTM Y = 4393841.6 m, Zone 13, as depicted on **Exhibit C**, for storage in NMCR Lake and subsequent use described in Paragraph 4 above, and for augmentation, replacement, exchange, and recharge through Lake Everist as described in Paragraph 5. As a result of this appropriation, the Subject McKay Right RFOs do not need to be replaced when the applicable administrative call is junior to November 30, 2023. **V. Claim for Approval of Plan for Augmentation and Recharge.** 8. Structures, Water Rights, and Obligations to be Augmented: 8.1. The Welland Well and Old Weller Well described above in Paragraphs 3.1 and 3.1 (collectively referred to herein as the “Wells”), 8.2. The NMCR Well Group described above in Paragraph 3.3., 8.3. NMCR Lake and water right, as described above in Paragraph 4, 8.4. The Everist portion of the winter return flow obligations associated with its changed 3.0 cfs in the Marland No. 2 Ditch as described in the 16CW3040 Decree (hereinafter “Maryland No. 2 Winter RFOs”). The Maryland No. 2 Winter RFOs total 6.4 AF and are owed during October – January, 8.5. Subject McKay Right RFOs described in Paragraph 7.4, above, 9. Water Rights to be Used for Augmentation: 9.1. Maryland No. 2 Ditch: The previously changed and quantified historical stream depletions attributable to Everist’s interest in the Maryland No. 2 Ditch as described in the 16CW3040 Decree will be further changed by these proceedings to allow use for augmentation, replacement, exchange and other beneficial uses pursuant to this Application, either directly, by letting the water flow into the Blue River, or by re-diversion from the Blue River at the McKay Ditch for (i) subsequent storage and beneficial use in NMCR Lake as described in Paragraph 4.1.5 and release therefrom to the Blue River; or (ii) subsequent recharge and accretion to the Blue River through Lake Everist. A description of the Maryland No. 2 Ditch water right and Everist’s interest in the changed right are as follows: 9.1.1. Original Maryland No. 2 Ditch Decree: Decree in Civil Action No. 1277, District Court in and for Summit County dated March 2, 1910, for 5 cfs for irrigation and 38.5 cfs for placer mining, with an appropriation date of May 30, 1874. The headgate of the Maryland No. 2 Ditch is located on the left bank of the North Fork of Willow Creek in the SE1/4 SW1/4 of Section 34, Township 4 South, Range 78 West of the 6th P.M., with UTM coordinates of NAD 83, Zone 13, Northing 4390036, Easting 404480. The source is North Fork of Willow Creek, tributary to Willow Creek, tributary to the Blue River, tributary to the Colorado River, 9.1.2. Relevant Decrees: By decree of the Water Court dated June 6, 2008, in Case No. 01CW337, the 38.5 cfs decreed for placer mining was abandoned. By decree of the Water Court dated September 3, 1975, in Case No. W-1929, two of the five cfs decreed to the Maryland No. 2 Ditch for irrigation purposes were changed to irrigation, domestic, municipal, commercial and augmentation use in connection with the Eagles Nest development in Silverthorne, 9.1.3. Everist and Town of Silverthorne Change Decree: In Case No. 16CW3040, Everist and the Town of Silverthorne (“Town”) sought, *inter alia*, to change 3 cfs of the Maryland No. 2 Ditch water right originally decreed for irrigation use. By the 16CW3040 Decree entered on February 6, 2022, the Water Court quantified the Historical Consumptive Use (“HCU”) associated with 3 cfs of the Maryland No. 2 Ditch water right to be 60.0 acre-feet annually, of which 16.24 AF of HCU credit and 0.22 cfs were dedicated to the Town. Everist is entitled to divert at a rate up to 0.6 cfs for a total of 50.1 AF during May – September, which represents the historical stream depletion associated with its interest (“Everist Maryland No. 2 Water”), subject to monthly limits and satisfying the Maryland No. 2 Winter RFOs described in the 16CW3040 Decree (resulting in a net annual HCU of 43.7 AF). The 16CW3040 Decree also added municipal, industrial, augmentation, and replacement uses to the changed 3 cfs of the Maryland No. 2 Ditch water right. This prior quantification of historical use may not be reconsidered or re-quantified in this case pursuant to C.R.S. § 37-92-305(3)(e), 9.2. Changed Subject McKay Right: as described above in Paragraphs 6-7, including but not limited to the Subject McKay Right RFOs, 9.3. NMCR Lake: as described above in Paragraph 4, including all sources that may be stored therein, 9.4. Lake Everist: as described above in Paragraph 5, including all sources that may be recharged therein, 9.5. Green Mountain Reservoir: Water from Green Mountain Reservoir, decreed by the United States District Court for the District of Colorado in Consolidated Case Nos. 2782, 5016 and 5017, for 154,645 AF, with an appropriation date of August 1, 1935. Green Mountain Reservoir is located on the Blue River in Sections 11, 12, 13, 14, 15 and 24, Township 2 South, Range 80 West, and Sections 18, 19, 20, 21, 28, 29 and 34, Township 2 South, Range 79 West of the 6th P.M., Summit County, Colorado pursuant to any existing or future contract for such water. Everist has a current contract with the U.S. Bureau of Reclamation dated November 1, 2019 (Contract No. 199E650081) for 84 AF for industrial use. Everist will amend that contract as needed to use a portion of that 84 AF of water in this augmentation plan, 9.6. Dillon Reservoir: Up to 3.3 AF per year from Dillon Reservoir. Dillon Reservoir is located on the Blue River in Sections 7, 8, 11, 18, 19, 20, 21, 30, and 31, Township 5 South, Range 77 West, and Sections 13, 23 24, 25, 26, 35 and 36, Township 5 South, Range 78 West of the 6th P.M., in Summit County, Colorado. Everist has a contract issued by the Board of County Commissioners of Summit County for 4.3 AF per year of the 100 AF per year of augmentation water to be released to the Blue River from Dillon Reservoir pursuant to paragraph 6(b) of the Agreement dated September 18, 1985 (the “Summit County Agreement”), between the City and County of Denver acting by and through its Board of Water Commissioners and the Board of County Commissioners of Summit County, Colorado (the “Dillon Water”). 10. Return Flow Credits: The unconsumed portion of the indoor use and outdoor use at NMCR associated with the Wells and at the 150 Acres associated with the NMCR Well Group will return to the Blue River and credit for said return flows will be taken to reduce Everist’s out-of-priority depletions augmented by this plan. Return flows for indoor and outdoor uses will be based upon the measured delivery of water and commonly used engineering assumptions. Applicant proposes to use two points of return flow for the NMCR development: one for those uses that have return flows at approximately the location of the Blue River depletions from the Wells located in the NE ¼ NW ¼ of Section 15, Township 4 South, Range 78 West, of the 6th P.M. (“Upstream Return Flows”); and the other for uses that have return flows downstream of that location located in the NW ¼ of Section 15 and the SW ¼ of Section 10, Township 4 South, Range 78 West, of the 6th P.M. (“Downstream Return Flows”). (See **Exhibit B**). The Upstream Return Flows will offset a portion of the out-of-priority depletions that require augmentation under all circumstances, and the Downstream Return Flows will offset a portion of the out-of-priority depletions that require augmentation under all circumstances except for an instream flow water right call

lawfully administered on the segment of the Blue River between the Wells and the Downstream Return Flows. The return flows for the 150 Acres will be at the location of the Blue River depletions from the NMCR Well Group and will offset a portion of the out-of-priority depletions that require augmentation under all circumstances. 11. Plan for Augmentation: The annual average anticipated diversions at the Wells for use within NMCR is estimated to be 18.9 AF per year and will be measured. The annual average anticipated diversions at the NMCR Well Group for use within the 150 Acres is estimated to be 6.39 AF per year. The location and timing of depletions to the Blue River from use of the Wells and the NMCR Well Group will be determined in these proceedings. Total net out-of-priority depletions associated with said diversions after taking credit for return flows as described in Paragraph 10 above, will be augmented hereunder whenever there is a valid senior call administered against the Wells and NMCR Well Group. Out-of-priority diversions or inflow into NMCR Lake and the Subject McKay Right RFOs will also be augmented whenever there is a valid senior call administered against those rights or structures. Further, the Maryland No. 2 Winter RFOs will also be augmented per the monthly schedule in the 16CW3040 Decree. Augmentation will occur by delivery to the Blue River of one or more of the above-identified augmentation supplies upstream of the calling water right, with or without prior storage. Releases from storage will be measured and reported at the frequency required by any decree resulting from this application. In addition, the Lake Everist recharge water right and some or all of the changed Subject McKay Right, Subject McKay Right RFOs, Everist Maryland No. 2 Water, and NMCR Lake water may be used for augmentation, replacement and exchange by delivery to Lake Everist and accounting for accretion credits pursuant to the Recharge Plan discussed below. 12. Recharge Plan. Everist seeks approval to use Lake Everist as part of its augmentation plan to allow for the delivery of water to Lake Everist through the McKay Ditch and to account for the resulting recharge accretions to the Blue River in time, location, and amount as a source of water for augmentation, replacement, and exchange, 12.1. Recharge Facility. Lake Everist, described above in Paragraph 5, 12.2. Sources of Recharge, 12.2.1. Everist Maryland No. 2 Water as described above in Paragraph 9.1.3, 12.2.2. Changed Subject McKay Right as described above in Paragraphs 6-7, including but not limited to the Subject McKay Right RFOs, 12.2.3. Lake Everist recharge water right, as described above at Paragraph 5, 12.2.4. NMCR Lake, as described above in Paragraph 4, 12.3. Rates of Diversion to Lake Everist, 12.3.1. Up to 0.6 cfs of the Everist Maryland No. 2 Water, 12.3.2. Up to 17.55 cfs of the changed Subject McKay Right, 12.3.3. Up to 18.67 cfs of the Lake Everist junior recharge water right, 12.3.4. Up to 1 cfs of the NMCR Lake water right, 12.4. Use of Recharge Accretions. The timing, location, and amount of accretions will be established in the proceedings for use in the augmentation plan described above. To the extent there are recharge accretions that are not used in the plan for augmentation described herein or that are not diverted by appropriate right of exchange described below, Everist reserves the right to beneficially use such accretions by later SWSP or augmentation plan. 13. Additional Sources of Augmentation or Replacement Water. Everist seeks the right to add additional sources of augmentation or replacement water to this plan for augmentation that are lawfully available for augmentation pursuant to 37-92-305(8)(c), C.R.S., and subject to appropriate terms and conditions. **VI. Claims for Appropriate Rights of Exchange and Exchange Project Rights.** 14. Appropriate Rights of Exchange: Everist seeks the following appropriate rights of exchange depicted on the attached **Exhibit D**, 14.1. GMR-McKay Ditch Exchange, 14.1.1. Downstream Terminus. The outlet works of Green Mountain Reservoir Dam, which is located on the Blue River in Section 15, Township 2 South, Range 80 West of the 6th P.M., 14.1.2. Upstream Terminus. The McKay Ditch headgate described at Paragraphs 6.1.2 and 6.1.3 for storage in NMCR Lake and subsequent release for augmentation and replacement or for recharge in Lake Everist for augmentation, replacement, and exchange, 14.1.3. Appropriation Date. November 30, 2023, based on filing of this application, 14.1.4. Rate. Maximum rate of exchange 18.67 cfs, conditional, 14.2. Lake Everist-McKay Ditch Exchange, 14.2.1. Downstream Terminus. The location on the Blue River that receives accretions from Lake Everist, which is located approximately at the SW ¼ of the SW ¼, Section 23, Township 4 South, Range 78 West, of the 6th P.M. (UTM X = 405720.3 m, UTM Y = 4393841.6 m, Zone 13), 14.2.2. Upstream Terminus. The McKay Ditch headgate described at Paragraphs 6.1.2 and 6.1.3 for storage in NMCR Lake and subsequent release for augmentation and replacement, or for recharge in Lake Everist for augmentation, replacement, and exchange, 14.2.3. Appropriation Date. November 30, 2023, based on filing of this application, 14.2.4. Rate. Maximum rate of exchange 6 cfs, conditional, 14.3. McKay Ditch – Famine Creek Ditch Exchange, 14.3.1. Downstream Terminus. The Changed Subject McKay Right will be either bypassed at the McKay Ditch headgate, recharged through Lake Everist, or otherwise returned to the Blue River and delivered downstream to the confluence of Maryland Creek and the Blue River located at approximately at the SE ¼ of the SE ¼, Section 15, Township 4 South, Range 78 West, of the 6th P.M. (UTM X = 405247.6 m, UTM Y = 43938145.0 m, Zone 13), 14.3.2. Upstream Terminus. The existing Famine Creek Ditch headgate on Maryland Creek, located at approximately at the NW ¼ of the SE ¼, Section 21, Township 4 South, Range 78 West, of the 6th P.M. (UTM X = 403915.9 m, UTM Y = 4393704.6 m, Zone 13), for irrigation use under the Famine Creek Ditch, 14.3.3. Appropriation Date. November 30, 2023, based on filing of this application, 14.3.4. Rate. Maximum rate of exchange 2.4 cfs, conditional, 15. Exchange Project Rights. Everist seeks the following Water Exchange Project rights depicted on the attached **Exhibit D**, 15.1. Green Mountain Reservoir – Wells Depletion Point Exchange Project, 15.1.1. Downstream Terminus. The outlet works of Green Mountain Reservoir Dam, which is located on the Blue River in Section 15, Township 2 South, Range 80 West of the 6th P.M., 15.1.2. Upstream Terminus. The point of Well depletions on the Blue River located at approximately at the SE ¼ of the NW ¼, Section 15, Township 4 South, Range 78 West, of the 6th P.M. (UTM X = 404727.2 m, UTM Y = 4395516.6 m, Zone 13), 15.1.3. Appropriation Date. November 30, 2023, based on filing of this application, 15.1.4. Rate. Maximum rate of exchange 0.008 cfs, conditional, 15.2. Green Mountain Reservoir – NMCR Well Group Depletion Point Exchange Project, 15.2.1. Downstream Terminus. The outlet works of Green Mountain Reservoir Dam, which is located on the Blue River in Section 15, Township 2 South, Range 80 West of the 6th P.M., 15.2.2. Upstream Terminus. The upper most point of NMCR Well Group depletions on the Blue River located approximately at the SW ¼ NW ¼ of Section 23, Township 4 South, Range 78 West, of the 6th P.M. (UTM X = 405701.0 m, UTM Y = 4394020.7 m, Zone 13), 15.2.3. Appropriation Date. November 30, 2023, based on filing of this application, 15.2.4. Rate. Maximum rate of exchange 0.002 cfs, conditional. 16. Name and address of the owner(s) of the land on which the subject water rights are located: The Wells, NMCR Well Group, Lake Everist, and

NMCR Lake are or will be located on land owned by Everist. Green Mountain Reservoir is located on land owned by the United States, whose address is 11056 W. County Rd 18E, Loveland, CO 80537-9711. Dillon Reservoir is located on land owned by (1) Denver Municipal Water Works, 1600 W. 12th Ave., Denver, CO 80204, (2) United States Department of Agriculture, Forest Service, c/o District Ranger, PO Box 620, Silverthorne, CO 80498; (3) Summit County Board of Commissioners, PO Box 68, Breckenridge, CO 80424; (4) Town of Dillon, PO Box 8, Dillon, CO 80435; and (5) Summit School District RE-1, PO Box 7, Frisco, CO 80443. The McKay Ditch diverts on land owned by United States Department of Agriculture, Forest Service, at the address given above. WHEREFORE Everist requests that the Water Court issue a final decree granting the (1) claims for conditional tributary groundwater rights as set forth in Paragraph 3; (2) claim for conditional storage water right as set forth in Paragraph 4; (3) claim for recharge, augmentation, replacement and exchange water right as set forth in Paragraph 5; (4) claim for change of water rights as set forth in Paragraphs 6-7; (5) claim for approval of a plan for augmentation and recharge as set forth in Paragraphs 8-13; (5) claim for conditional appropriative rights of exchange and exchange project rights as set forth in Paragraphs 14 and 15; and (6) granting such other and further relief as may be appropriate. (16 pages + Exhibits)

YOU ARE HEREBY NOTIFIED THAT YOU HAVE until the last day of JANUARY 2024 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

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

23CW3183 PITKIN COUNTY. Puckett Land Company ("Puckett") Attention: Eric R. Stearns, 5460 South Quebec Street, Suite 250, Greenwood Village, CO 80111, (303) 763-1000, APPLICATION FOR FINDING OF REASONABLE DILIGENCE. Direct pleadings and correspondence to: Peter D. Nichols, Megan Christensen, Berg Hill Greenleaf Ruscitti LLP, 1712 Pearl Street, Boulder, Colorado 80302, (303) 402-1600, 2. Name of structure: Thompson Creek Reservoir. 3. Description of conditional water right: Thompson Creek Reservoir. 3.1. Date of Original Decree: November 5, 1971, Case No. CA5884, district Court, Garfield County. 3.2. Subsequent decrees awarding findings of diligence (Case No. and date of decree): W-862, March 15, 1973; W-862-76, March 7, 1977; 80CW223, January 30, 1981; 84CW135, October 29, 1984; 88CW191, December 4, 1989; 95CW298, June 25, 1996; 02CW161, February 18, 2004 (municipal use cancelled); 10CW40, April 4, 2011; 17CW3107, November 19, 2017; all in Water Division No. 5. 3.3. Legal description of original point of diversion: The initial point of survey for said reservoir is located on the left abutment of the dam at a point whence the SE corner of Section 21, Township 8 South, Range 88 West of the 6th P.M., bears North 55° 57' East, a distance of 6,119 feet. 3.4. Alternate Legal Description: The decreed location for the reservoir is set forth above. For purposes of this application only, an estimated alternate legal description is provided, as shown on Exhibit 1. The decreed location of the initial point of survey for the reservoir is estimated to be in the NW 1/4 of the SW 1/4 of Section 28, Township 8 South, Range 88 West, 6th P.M., Pitkin County, Colorado, at a point 252 feet from the West line and 1,774 feet from the South line of said Section 28. 3.5. Source of water: **THOMPSON CREEK, TRIBUTARY TO THE CRYSTAL RIVER, TRIBUTARY TO THE ROARING FORK RIVER, TRIBUTARY TO THE COLORADO RIVER.** 3.6. Appropriation date: December 17, 1966. 3.7. Amount: 23,893 acre-feet, conditional. 3.8. Use: Industrial, domestic, recreational, irrigation, power, mining, and all other purposes and uses necessary and related to the production of shale oil and its by-products, including all domestic purposes incident to the maintenance of a general camp and community and the inhabitants of such general camp and community. The decree entered in Case No. 2002CW161 cancelled municipal use for the Thompson Creek Reservoir conditional water right. 3.9. Land ownership information: U.S. Bureau of Land Management, Colorado River Valley Field Office, 2300 River Frontage Road, Silt, CO 81652. 4. Application for Finding of Reasonable Diligence. 4.1. Background: Puckett is a Colorado corporation that currently holds interests in approximately 17,500 acres of land in Garfield and Rio Blanco Counties, Colorado. The conditional water right that is the subject of this Application was appropriated and is needed for the commercial development of Puckett's oil, gas, coalbed methane, and/or oil shale minerals associated with these lands, including industrial, domestic, recreational, and other beneficial uses associated with such developments. 4.2. Puckett's Integrated System: The subject water rights are part of a decreed integrated system for the benefit of Puckett's lands in Garfield and Rio Blanco Counties. Pursuant to the decrees in Case Nos. 95CW298, 02CW16, 02CW161, 02CW162, 07CW239, 07CW244, 07CW245, 07CW246, 09CW16, 10CW39 and 10CW40, Water Division 5, the other parts of the integrated system include but are not limited to the Starkey Gulch Reservoir, South Starkey Gulch Reservoir, TOSCO Pumping Plant and Pipeline, the Sinclair Oil and Gas Company Pumping Plant & Pipeline, the Dow Pumping Plant and Pipeline, and the Eaton Pipeline No.1. Each structure and water right of the system has a direct bearing on, and is necessary for the functioning of, the entire system. Accordingly, diligence with respect to any part of the system constitutes diligence with respect to the entire system. C.R.S. § 37-92-301(4)(b). 4.3. Economic Conditions: The commercial development of oil shale is one prerequisite to beneficial use of water under the subject conditional water rights. Current economic conditions are adverse to oil shale production. Pursuant to section 37-92-301(4)(c), C.R.S., current economic conditions beyond the control of applicant that adversely affect the feasibility of perfecting a conditional right shall not be considered sufficient to deny a diligence application so long as other facts and circumstances that show diligence are present. 4.4. Diligence Activity: During this diligence period, in continuing the development of the conditional water rights, Puckett has been engaged in the legal defense and

protection of the subject water rights and has been diligent in the continued development of the water rights involved, including expenditures for legal, consulting, and engineering work. The foregoing activities are described in more detail as follows. 4.4.1. The Division 5 Water Court approved a Puckett application to add an alternate point of diversion for the Eaton Pipeline No. 1 water right in Case No. 20CW3110. Applicant filed the Application in Case No. 20CW3110 to increase the flexibility of its integrated system. 4.4.2. Attended various meetings and engaged in correspondence to understand state and local water programs and the Colorado Water Plan developed by the Colorado Water Conservation Board, Interbasin Compact Committee and Yampa River Basin Roundtable. 4.4.3. At this time, Applicant's properties are primarily used for cattle grazing, hay production, and operation of existing oil and gas wells. Applicant has also worked on plugging one well and reclaiming the surface, including stormwater controls, seeding, and revegetation. At the same time, infrastructure is being installed in furtherance of new mineral development activities on Applicant's property that is anticipated to require additional water use in the coming years. 4.4.4. Applicant has expended significant resources including nearly \$100,000 on maintaining, repairing, and upgrading its irrigation infrastructure and overall water system on its properties in the Colorado River Basin. 4.4.5. Applicant has expended significant resources including over \$80,000 on operational activities related to maintaining, repairing, and upgrading infrastructure and its properties in general in order to make beneficial use of the subject water rights and integrated water system. Such activities include, but are not limited to, seeding, road maintenance, erosion control, hauling gravel, and electricity charges for water pumps, buildings, and other uses on the property. 4.4.6. Applicant has further expended over \$16,000 on professional services related to operating and maintaining its properties in the Colorado River Basin, including but not limited to survey work and title work. 4.4.7. Applicant reviewed the water resume of applications as published by the Water Court for Water Division 5 for protection of the subject conditional rights. As a result, Puckett has filed Statements of Opposition to applications in the Colorado River basin and participated in these cases to prevent injury to the subject conditional water right. Puckett expended over \$80,000 on legal services during the diligence period to protect and develop its water rights. WHEREFORE, Applicant seeks entry of a decree confirming that the Applicant has exercised reasonable diligence toward completion of the appropriation for the decreed uses, and continuing the subject conditional water right in full force and effect for another six-year diligence period. (7 pages incl. 1 exhibit)

YOU ARE HEREBY NOTIFIED THAT YOU HAVE until the last day of JANUARY 2024 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

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

23CW3184 GARFIELD COUNTY. Puckett Land Company ("Puckett"), Attention: Eric R. Stearns, 5460 South Quebec Street, Suite 250, Greenwood Village, CO 80111, (303) 763-1000. APPLICATION FOR FINDINGS OF REASONABLE DILIGENCE. Direct pleadings and correspondence to: Peter D. Nichols, Megan Christensen, Berg Hill Greenleaf Ruscitti LLP, 1712 Pearl Street, Boulder, Colorado 80302, (303) 402-1600. 2. Name of structures: 2.1. Starkey Gulch Reservoir. 2. South Starkey Gulch Reservoir. 2.3. Sinclair Pumping Plant & Pipeline. 3. Description of conditional water rights: 3.1. Starkey Gulch Reservoir. 3.1.1. Date of Original Decree: Aug. 23, 1972, Case No. W-321, Water Division No. 5. 3.1.2. Subsequent decrees awarding findings of diligence (Case No. and date of decree): W-321-76, September 30, 1976; 80CW259, February 11, 1981; 84CW204, November 16, 1984; 88CW234, December 4, 1989; 95CW300, June 25, 1996; 02CW162, February 18, 2004, (municipal use cancelled); 10CW41, March 7, 2011; 17CW3108, November 19, 2017; all Water Div. 5. 3.1.3. Subsequent decree for alternate locations of storage (Case No. and date of decree): 07CW239, September 25, 2016, Water Div. 5. 3.1.4. Legal description of original point of diversion: The initial point of survey for the reservoir is located at a point whence the SW corner of Section 36, Township 6 South, Range 97 West of the 6th P.M. bears N 85°37'W, a distance of 8,774 feet. 3.1.5. Alternate Legal Description: The decreed location for the reservoir is set forth above. For purposes of this application only, an estimated alternate legal description is provided, as shown on Exhibit 1. The decreed location of the initial point of survey for the reservoir is estimated to be in the SW 1/4 of the NE 1/4 of Section 31, Township 6 South, Range 96 West, 6th P.M., Garfield County, Colorado, at a point 1,411 feet from the East line and 2,190 feet from the North line of said Section 31. 3.1.6. SOURCE OF WATER: STARKEY GULCH, TRIBUTARY TO PARACHUTE CREEK, TRIBUTARY TO COLORADO RIVER. 3.1.7. Appropriation date: February 20, 1967. 3.1.8. Amount: 7,360 acre-feet, conditional. 3.1.9. Use: Industrial, domestic and irrigation purposes. The decree in Case No. 2002CW162 cancelled municipal use for the Starkey Gulch Reservoir conditional water right. 3.2. South Starkey Gulch Reservoir. 3.2.1. Date of Original Decree: Aug. 23, 1972, Case No. W-321, Water Division No. 5. 3.2.2. Subsequent decrees awarding findings of diligence (Case No. and date of decree): W-321-76, September 30, 1976; 80CW259, February 11, 1981; 84CW204, November 16, 1984; 88CW234, December 4, 1989; 95CW300, June 25, 1996; 02CW162, February 18, 2004, (municipal use cancelled); 10CW41, March 7, 2011; 17CW3108, November 19, 2017; all in Water Div. 5. 3.2.3. Subsequent decree for alternate locations of storage (Case No. and date of decree): 07CW239, September 25, 2016, Water Div. 5. 3.2.4. Legal description of point of diversion: The initial point of survey for the reservoir is located at a point whence the SW corner of Section 36, Township 6 South, Range 97 West of the 6th P.M. bears N. 85° 03' W, a distance of 12,000 feet. 3.2.5. Alternate legal description: The decreed location for the reservoir is set forth above. For purposes of this application only, an estimated alternate legal description is provided, as shown on Exhibit 1. The decreed location of the initial point of survey for the

reservoir is estimated to be in the NE 1/4 of the SW 1/4 of Section 32, Township 6 South, Range 96 West, 6th P.M., Garfield County, Colorado at a point 1,806 feet from the West line and 2,452 feet from the South line of said Section 32. 3.2.6. Source of water: South Starkey Gulch, tributary to Parachute Creek, tributary to Colorado River. 3.2.7. Appropriation date: February 20, 1967. 3.2.8. Amount: 5,541 acre-feet, conditional. 3.2.9. Use: Industrial, domestic, and irrigation purposes. The decree in Case No. 2002CW162 cancelled municipal use for the South Starkey Gulch Reservoir conditional water right. 3.3. Sinclair Oil and Gas Company Pumping Plant & Pipeline. 3.3.1. Date of Original Decree: November 10, 1966, Case No. CA 4914, District Court, Garfield County. 3.3.2. Subsequent decrees awarding findings of diligence (Case No. and date of decree): CA 4914, March 5, 1968; W-62, December 9, 1971; W-609, January 4, 1973; W-609-76, September 30, 1976; 80CW225, March 11, 1981; 84CW134, September 28, 1984; 88CW192, December 4, 1989; 95CW299, June 26, 1996; 02CW162, February 18, 2004; 10CW41, March 7, 2011; 17CW3108, November 19, 2017; all in Water Div. 5. 3.3.3. Subsequent decree to add as alternate point of diversion (Case No. and date of decree): 07CW239, September 25, 2016, Water Div. 5. 3.3.4. Legal Description: Located on the northerly bank of the Colorado River at a point whence the West quarter corner of Section 23, Township 7 South, Range 96 West of the 6th P.M., bears S 62° 51'W, a distance of 4,605 feet. 3.3.5. Source of water: Colorado River. 3.3.6. Appropriation Date: November 29, 1956. 3.3.7. Amount: 33 cfs, conditional. 3.3.8. Use: Industrial, mining, retorting, refining, power, domestic and all other purposes and uses necessary and related to the production of shale oil and its by-products, including all domestic purposes incident to the maintenance of a general camp and community and the inhabitants of such general camp and community. 4. Application for Findings of Reasonable Diligence. 4.1. Background: Puckett is a Colorado corporation that currently holds interests in approximately 17,500 acres of land in Garfield and Rio Blanco Counties, Colorado. The conditional water rights that are the subject of this Application were appropriated and are needed for the commercial development of Puckett's oil, gas, coalbed methane, and/or oil shale minerals associated with these lands, including industrial, domestic, recreational, and other beneficial uses associated with such developments. 4.2. Integrated System: The subject water rights are part of a decreed integrated system for the benefit of Puckett's lands in Garfield and Rio Blanco Counties. Pursuant to the decrees in Case Nos. 95CW298, 02CW16, 02CW161, 02CW162, 07CW239, 07CW244, 07CW245, 07CW246, 09CW16, 10CW39, and 10CW40, Water Division 5, the other parts of the integrated system include but are not limited to the Thompson Creek Reservoir, the TOSCO Pumping Plant and Pipeline, the DOW Pumping Plant and Pipeline, and the Eaton Pipeline No. 1. Each structure and water right of the system has a direct bearing on, and is necessary for the functioning of, the entire system. Accordingly, diligence with respect to any part of the system constitutes diligence with respect to the entire system. C.R.S. § 37-92-301(4)(b). 4.3. Economic Conditions: The commercial development of oil shale is one prerequisite to beneficial use of water under the subject conditional water rights. Current economic conditions are adverse to oil shale production. Pursuant to section 37-92-301(4)(c), C.R.S., current economic conditions beyond the control of applicant that adversely affect the feasibility of perfecting a conditional right shall not be considered sufficient to deny a diligence application so long as other facts and circumstances which show diligence are present. 4.4. Diligence Activity: During this diligence period, in continuing the development of the conditional water rights, Puckett has been engaged in the legal defense and protection of the subject water rights and has been diligent in the continued development of the water rights involved, including expenditures for legal, consulting, and engineering work. The foregoing activities are described in more detail as follows. 4.4.1. The Division 5 Water Court approved a Puckett application to add an alternate point of diversion for the Eaton Pipeline No. 1 water right in Case No. 20CW3110. Applicant filed the Application in Case No. 20CW3110 to increase the flexibility of its integrated system. 4.4.2. Attended various meetings and engaged in correspondence to understand state and local water programs and the Colorado Water Plan developed by the Colorado Water Conservation Board, Interbasin Compact Committee and Yampa River Basin Roundtable. 4.4.3. At this time, Applicant's properties are primarily used for cattle grazing, hay production, and operation of existing oil and gas wells. Applicant has also worked on plugging one well and reclaiming the surface, including stormwater controls, seeding, and revegetation. At the same time, infrastructure is being installed in furtherance of new mineral development activities on Applicant's property that is anticipated to require additional water use in the coming years. 4.4.4. Applicant has expended significant resources including nearly \$100,000 on maintaining, repairing, and upgrading its irrigation infrastructure and overall water system on its properties in the Colorado River Basin. 4.4.5. Applicant has expended significant resources including over \$80,000 on operational activities related to maintaining, repairing, and upgrading infrastructure and its properties in general in order to make beneficial use of the subject water rights and integrated water system. Such activities include, but are not limited to, seeding, road maintenance, erosion control, hauling gravel, and electricity charges for water pumps, buildings, and other uses on the property. 4.4.6. Applicant has further expended over \$16,000 on professional services related to operating and maintaining its properties in the Colorado River Basin, including but not limited to survey work and title work. 4.4.7. Applicant reviewed the water resume of applications as published by the Water Court for Water Division 5 for protection of the subject conditional rights. As a result, Puckett has filed Statements of Opposition to applications in the Colorado River basin and participated in these cases to prevent injury to the subject conditional water right. Puckett expended over \$80,000 on legal services during the diligence period to protect and develop its water rights. 5. Land Ownership Information. Applicant. WHEREFORE, Applicant seeks entry of a decree confirming that the Applicant has exercised reasonable diligence toward completion of the appropriations for the decreed uses and continuing the subject conditional water rights in full force and effect for another six-year diligence period. (9 pages incl. 1 exhibit)

YOU ARE HEREBY NOTIFIED THAT YOU HAVE until the last day of JANUARY 2024 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

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

23CW3185 MESA COUNTY. Application for Finding of Reasonable Diligence. Applicant: BC Family Partnership, LLLP, 831 Elberta Drive, Fruita, Colorado 81521. Attorney for Applicant: John T. Howe, Hoskin, Farina & Kampf, Professional Corporation, Post Office Box 40, Grand Junction, Colorado 81502; (970) 986-3400. Original Decree: Case No. 2000CW179, September 9, 2002. Subsequent decrees: Case No. 2008CW126, September 17, 2010; 2016CW3102, November 19, 2017. Name of structure: Burkett-Rench Ditch No. 2. **Source: Unnamed tributary to Big Salt Wash, tributary to the Colorado River.** Location: SW¼SE¼ of Section 6, Township 1 North, Range 2 West of the Ute Meridian. The point of diversion is located 800 feet north of the SE corner of said SW¼SE¼. Uses: irrigation, stock watering, wildlife, recreational, aesthetic and piscatorial purposes, either directly and/or to fill and refill one or more ponds to be constructed for subsequent use for such purposes. Appropriation Date: July 12, 2000. Quantity: 2.00 c.f.s. Additional Information: Irrigation and stock watering uses were made absolute in Case No. 2016CW3102. Applicant seeks a finding of diligence with respect to the remaining uses. The application contains the basis for a finding of reasonable diligence.

YOU ARE HEREBY NOTIFIED THAT YOU HAVE until the last day of JANUARY 2024 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

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

23CW3186 GARFIELD COUNTY. Puckett Land Company ("Puckett"), Attention: Eric R. Stearns, 5460 South Quebec Street, Suite 250, Greenwood Village, CO 80111, (303) 763-1000. APPLICATION FOR FINDING OF REASONABLE DILIGENCE. Direct pleadings and correspondence to: Peter D. Nichols, Megan Christensen, Berg Hill Greenleaf Ruscitti LLP, 1712 Pearl Street, Boulder, Colorado 80302, (303) 402-1600. 2. Name of structures: 2.1. Dow Pumping Plant and Pipeline. 2.2. Eaton Pipeline No. 1. 3. Description of conditional water rights: 3.1. Dow Pumping Plant and Pipeline. 3.1.1. Date of Original Decree: November 10, 1966, Case No. CA 4914, District Court, Garfield County. 3.1.2. Subsequent decrees awarding findings of diligence (Case No. and date of decree): W-121, August 28, 1970; W-706, October 25, 1972; W-706-76, January 10, 1978; 80CW222, December 20, 1980; 84CW160, October 7, 1985; 88CW188, June 26, 1989; 95CW132, January 27, 1996; 02CW16, February 27, 2004; 10CW39, January 30, 2011; 17CW3021, November 19, 2017; all in Water Division No. 5. 3.1.3. Subsequent decree for alternate point of diversion (Case No. and date of decree): W-2786, January 27, 1977, Water Division No. 5. 3.1.4. Subsequent decree for alternate points of diversion and change of use and location of use of water rights (Case No. and date of decree): 07CW239, September 25, 2016, Water Division No. 5. 3.1.5. Legal description of original point of diversion: A point on the Northerly bank of the Colorado River whence the East Quarter Corner of Section 6, Township 7 South, Range 95 West of the 6th P.M. bears North 13° 17' East 753 feet. 3.1.6. Legal description of alternate point of diversion decreed in W-2786: Located on the Northerly bank of the Colorado River at a point whence the East Quarter Corner of Section 6, Township 7 South, Range 95 West of the 6th P.M. bears North 35° 00' East, 1880 feet. 3.1.7. Legal description of alternate points of diversion decreed in 07CW239: 3.1.7.1. Low Cost Ditch: The decreed point of diversion is in Garfield County on the east bank of Parachute Creek, about eight miles above the mouth. Applicant's engineers estimate the headgate and diversion point is located in Lot 13 of Section 17, Township 6 South, Range 96 West, 6th P.M. located at a point whence the South Quarter Corner of said Section 17 bears S. 18° 11' 00" West a distance of 798.61 feet, approximately 760 feet from the South Section Line and 2,320 feet from the East Section Line. This estimate, however, should not be considered as changing or supplementing the decreed legal description of the Low Cost Ditch, Low Cost Ditch First Enlargement, and/or the Low Cost Ditch Yeoman Enlargement. 3.1.7.2. Parachute Creek PDC Diversion: SE ¼ SE ¼ Section 8, Township 6 South, Range 96 West, 6th P.M., at a point approximately 355 feet from the south line and 1,240 feet from the east line of said Section 8. 3.1.7.3. Forever Young PDC Diversion: NW ¼ SW ¼ of Section 11, Township 6 South, Range 97 West, 6th PM, at a point approximately 1,345 feet from the south line and 1,265 feet from the west line of said Section 11. 3.1.7.4. Eaton Pipeline No. 1: SW ¼ SW ¼ of Sec. 13, Township 7 South, Range 96 West, 6th P.M., at a point from whence the Southwest corner of said section bears South 82 degrees 27 minutes 52 seconds West 1033.31 feet, as changed in Case No. 95CW100, District Court, Water Division No. 5. 3.1.7.5. TOSCO Pumping Plant and Pipeline: 3.1.7.5.1. Decreed in Civil Action No. 4914, District Court, Garfield County, is on the right bank of the Colorado River at a point whence the SE corner of Section 32, Township 6 South, Range 95 West, 6th P.M., bears North 77 degrees 37 minutes West 122.16 feet. 3.1.7.5.2. An alternate point of diversion, decreed on December 29, 1975 in Case No. W-2785, District Court, Water Division 5, is on the right bank of the Colorado River at a point whence the East 1/4 corner of Section 6, Township 7 South, Range 95 West of the 6th P.M. bears North 35 degrees 0 minutes East 1,880 feet. 3.1.7.6. Sinclair Oil and Gas Company Pumping Plant and Pipeline: Located on the northerly bank of the Colorado River at a point whence the West quarter corner of Section 23, Township 7 South, Range 96 West of the 6th P.M., bears S 62°50' W, a distance of 4,605 feet. 3.1.8. Alternate legal descriptions. The decreed locations for the original and alternate points of

diversion are set forth above. For purposes of this application only, estimated alternate legal descriptions are provided below, as shown on Exhibit 1. 3.1.8.1. The decreed location for the original point of diversion is estimated to be in the NE ¼ of the SE ¼, Section 6, Township 7 South, Range 95 West, 6th P.M., Garfield County, Colorado, at a point 170 feet from the East line and 1,876 feet from the South line of said Section 6. 3.1.8.2. The decreed location for the alternate point of diversion is estimated to be in the SE ¼ of the SE ¼ of Section 6, Township 7 South, Range 95 West, 6th P.M., Garfield County, Colorado, at a point 1,072 feet from the South line of said Section 6. 3.1.9. **SOURCE OF WATER: COLORADO RIVER.** 3.1.10. Appropriation date: January 24, 1955. Pursuant to paragraph 7.A.ii.a of Case No. 07CW239, notwithstanding the date of appropriation decreed to the Dow Pumping Plant and Pipeline right out of the Colorado River, diversion sought to be made of the 20 cfs of that right changed in 07CW239 out of Parachute Creek or its tributaries shall, as against other rights decreed out of those streams, be administered as though its decreed date of appropriation is December 28, 2007 and its adjudication date is December 31, 2007. 3.1.11. Amount: 3.1.11.1. Rate: 178 cfs conditional. 20.2 cfs of the conditional water right has been made absolute by another owner. Puckett owns the right to 43 cfs of the remaining conditional portion of the water right. The maximum rate for the 20 cfs changed in Case No. 07CW239 shall be reduced to the maximum rate of diversion placed to beneficial use and claimed absolute within 20 years after September 25, 2016, which is date of the entry of the decree in Case No. 07CW239. Puckett's remaining 23 cfs, conditional, is not limited by Case No. 07CW239, the original decree, or subsequent decrees. 3.1.11.2. Volume: Total diversions for the 20 cfs changed in Case No. 07CW239 are limited to a 20-year rolling average of 1,800 acre-feet per year. Puckett's remaining 23 cfs, conditional, is not limited by Case No. 07CW239, the original decree, or subsequent decrees. 3.1.12. Use: Industrial, mining, retorting, refining, power, domestic, and all other uses necessary and related to the production of shale and its by-products. 3.2. Eaton Pipeline No. 1. 3.2.1. Date of Original Decree: July 9, 1965, Case No. CA 4954, District Court, Garfield County. 3.2.2. Subsequent decrees awarding findings of diligence (Case No. and date of decree): W-126, February 2, 1971; W-665, January 4, 1973; W-665-76, July 28, 1977; 84CW160, October 7, 1985; 88CW188, June 26, 1989; 95CW132, January 27, 1996; 02CW16, February 27, 2004 (1 cfs made absolute); 10CW39, January 30, 2011; 17CW3021, November 19, 2017; all in Water Division No. 5. 3.2.3. Subsequent decree changing point of diversion (Case No. and date of decree): 95CW100, April 21, 1997, Water Division No. 5. 3.2.4. Subsequent decree adding alternate point of diversion (Case No. and date of decree): 20CW3110, July 4, 2021, Water Division No. 5. 3.2.5. Legal description of point of diversion: Located in the SW ¼ SW ¼ of Section 13, Township 7 South, Range 96 West, 6th P.M., at a point from whence the Southwest corner of said section bears South 82 degrees 27 minutes 52 seconds West, 1033.31 feet, as changed in Case No. 95CW100, Water Division No. 5. 3.2.6. Alternate legal description: The decreed location for the point of diversion as changed in Case No. 95CW100 is set forth above. For purposes of this application only, an estimated alternate legal description is provided, as shown on Exhibit 1. The point of diversion is estimated to be at a point located in the SW ¼ of the SW ¼ of Section 13, Township 7 South, Range 96 West, 6th P.M., Garfield County, Colorado 1,021 feet from the West line and 156 feet from the South line of said Section 13. 3.2.7. Alternate point of diversion: Island Ranch POD, located in the NW¼ SE¼ of Section 13, Township 7 South, Range 96 West, 6th P.M., at a point approximately 2,550 feet from the east line and 2,335 feet from the south line of said Section 13, as decreed in Case No. 20CW3110, Water Division No. 5. 3.2.8. Source of water: Colorado River. 3.2.9. Appropriation date: December 17, 1956. 3.2.10. Amount: 10 cfs total, of which 1.0 cfs was decreed absolute for irrigation in Case No. 02CW16. The remaining portion of the water right and uses are conditional. 3.2.11. Use: Irrigation, manufacturing, industrial, and domestic. 4. Application for Finding of Reasonable Diligence. 4.1. Background: Puckett is a Colorado corporation that currently holds interests in approximately 17,500 acres of land in Garfield and Rio Blanco Counties, Colorado. The conditional water rights that are the subject of this Application were appropriated and are needed for the commercial development of Puckett's oil, gas, coalbed methane, and/or oil shale minerals associated with these lands, including industrial, domestic, recreational, and other beneficial uses associated with such developments. 4.2. Puckett's Integrated System: The subject water rights are part of a decreed integrated system for the benefit of Puckett's lands in Garfield and Rio Blanco Counties. Pursuant to the decrees in Case Nos. 95CW298, 02CW16, 02CW161, 02CW162, 07CW239, 07CW244, 07CW245, 07CW246, 09CW16, 10CW39 and 10CW40, Water Division 5, the other parts of the integrated system include but are not limited to the Thompson Creek Reservoir, Starkey Gulch Reservoir, South Starkey Gulch Reservoir, TOSCO Pumping Plant and Pipeline, and the Sinclair Oil and Gas Company Pumping Plant & Pipeline. Each structure and water right of the system has a direct bearing on, and is necessary for the functioning of, the entire system. Accordingly, diligence with respect to any part of the system constitutes diligence with respect to the entire system. C.R.S. § 37-92-301(4)(b). 4.3. Economic Conditions: The commercial development of oil shale is one prerequisite to beneficial use of water under the subject conditional water rights. Current economic conditions are adverse to oil shale production. Pursuant to section 37-92-301(4)(c), C.R.S., current economic conditions beyond the control of applicant that adversely affect the feasibility of perfecting a conditional right shall not be considered sufficient to deny a diligence application so long as other facts and circumstances which show diligence are present. 4.4. Diligence Activity: During this diligence period, in continuing the development of the conditional water rights, Puckett has been engaged in the legal defense and protection of the subject water rights and has been diligent in the continued development of the water rights involved, including expenditures for legal, consulting, and engineering work. The foregoing activities are described in more detail as follows. 4.4.1. The Division 5 Water Court approved a Puckett application to add an alternate point of diversion for the Eaton Pipeline No. 1 water right in Case No. 20CW3110. Applicant filed the Application in Case No. 20CW3110 to increase the flexibility of its integrated system. 4.4.2. Attended various meetings and engaged in correspondence to understand state and local water programs and the Colorado Water Plan developed by the Colorado Water Conservation Board, Interbasin Compact Committee and Yampa River Basin Roundtable. 4.4.3. At this time, Applicant's properties are primarily used for cattle grazing, hay production, and operation of existing oil and gas wells. Applicant has also worked on plugging one well and reclaiming the surface, including stormwater controls, seeding, and revegetation. At the same time, infrastructure is being installed in furtherance of new mineral development activities on Applicant's property that is anticipated to require additional water use in the coming years. 4.4.4. Applicant has expended significant resources

including nearly \$100,000 on maintaining, repairing, and upgrading its irrigation infrastructure and overall water system on its properties in the Colorado River Basin. 4.4.5. Applicant has expended significant resources including over \$80,000 on operational activities related to maintaining, repairing, and upgrading infrastructure and its properties in general in order to make beneficial use of the subject water rights and integrated water system. Such activities include, but are not limited to, seeding, road maintenance, erosion control, hauling gravel, and electricity charges for water pumps, buildings, and other uses on the property. 4.4.6. Applicant has further expended over \$16,000 on professional services related to operating and maintaining its properties in the Colorado River Basin, including but not limited to survey work and title work. 4.4.7. Applicant reviewed the water resume of applications as published by the Water Court for Water Division 5 for protection of the subject conditional rights. As a result, Puckett has filed Statements of Opposition to applications in the Colorado River basin and participated in these cases to prevent injury to the subject conditional water right. Puckett expended over \$80,000 on legal services during the diligence period to protect and develop its water rights. 5. Land Ownership Information. Applicant. The Oil Shale Corporation, c/o Keri Hutchins, ConocoPhillips Co., 3401 East 30th Street, Farmington, NM 87042. WHEREFORE, Applicant seeks entry of a decree confirming that the Applicant has exercised reasonable diligence toward completion of the appropriations for the decreed uses and continuing the subject conditional water rights in full force and effect for another six-year diligence period. (10 pages incl. 1 exhibit)

YOU ARE HEREBY NOTIFIED THAT YOU HAVE until the last day of JANUARY 2024 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

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

23CW3187 UNNAMED SPRINGS TRIBUTARY TO THE ROARING FORK RIVER, PITKIN COUNTY. Application for Findings of Reasonable Diligence and to Make Partially Absolute. Aspen Skiing Company, LLC, c/o Susan M. Ryan, Esq. and Mark E. Hamilton, Esq., HOLLAND & HART LLP, 600 E. Main St., Suite 104, Aspen, CO 81611-1991, smryan@hollandhart.com, mehamilton@hollandhart.com, (970) 925-3476. Name of structures: Loushin Spring No. 1 First Enlargement and Loushin Spring No. 2 First Enlargement. Prior Decrees: 08/14/1990, 89CW312; 07/15/1997, 96CW192; 09/03/2003, 02CW186; 12/30/2010, 09CW128; 11/19/17, 16CW3171, all in Water Div. No. 5. Legal Description: (i) Loushin Spring No. 1: SW¼SE¼ of Section 30, Township 10 South, Range 84 West, 6th P.M., Pitkin County, Colorado, at a point whence Corner No. 4 of Iron Silver Placer, U.S.M.S. No. 5963, bears S. 1°26' E. a distance of 1443 feet. A supplemental legal description based on UTM derived from the Colorado Division of Water Resources Aqua Map system is X Zone 13 343611, Y Zone 134334627, Long. -106°48'35" Lat. 39°8'48.5". (ii) Loushin Spring No. 2: SW¼SE¼ of Section 30, Township 10 South, Range 84 West, 6th P.M., Pitkin County, Colorado, at a point whence Corner No. 4 of Iron Silver Placer, U.S.M.S. No. 5963, bears S. 00°45' W. a distance of 1426 feet. A supplemental legal description based on UTM derived from the Colorado Division of Water Resources Aqua Map system is X Zone 13 343622, Y Zone 134334617 Long. - 106°48'34.6" Lat. 39°8'48.2". Source: Unnamed springs tributary to the Roaring Fork River, tributary to the Colorado River. Approp. date: 12/29/1985. Amounts: Loushin Spring No. 1: 0.05 c.f.s., conditional. Loushin Spring No. 2: 0.03 c.f.s., conditional. Uses: Domestic, recreation, irrigation, commercial, snowmaking, and fire protection uses. Diligence Activities: A detailed outline of activity during the diligence period is included in the Application. Claim to make absolute for Loushin Spring No. 1: A. Date water applied to beneficial use: November 23, 2023. B. Amount claimed as absolute: 0.016 c.f.s. C. Uses claimed as absolute: Domestic, recreation, irrigation, commercial, snowmaking, and fire protection uses. Names and addresses of owners or reputed owners of the land upon which structures are located: Jeffrey S. Shoaf, P.O. Box 3123, Aspen, CO 81612; Washington Carver, LLC, a Colorado limited liability company, P.O. Box 3123, Aspen, CO 81612. A map showing the locations of the subject structures is attached to the Application as Exhibit A. (6 pages)

YOU ARE HEREBY NOTIFIED THAT YOU HAVE until the last day of JANUARY 2024 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

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

23CW7 MESA COUNTY- UNNAMED SPRINGS AND UNNAMED RETURN/WASTE TRIBUTARY TO MESA CREEK TRIBUTARY TO PLATEAU CREEK TRIBUTARY TO THE COLORADO RIVER. Dale & Cindy York; P.O. Box 236; Mesa, CO 81643 (970)260-6533. Water Rights: York Spring No. 1, York Spring No. 1 Return/Wastewater and York Spring No. 1

Return/Wastewater Alternate Point of Diversion and York Spring No. 2 – Application for Conditional Water Rights(Surface). **Locations:** All within the SE1/4NE1/4 of Section 30, T10S, R96W 6th P.M., Specifically at: York Spring No. 1- UTM: E228772.6 N4339318.1 Z13; York Spring No. 1 Return/Wastewater -UTM: E228687.8 N4339315.6 Z13; York Spring No. 1 Return/Wastewater Alt. Pt. of Diversion-UTM: E228687.8 N4339315.6 Z13;York Spring No. 2 -UTM: E228687.8 N4339315.6 Z13. **Appropriation** **Dates:** York Spring No. 1 – 4/17/2022; York Spring No. 1 1 Return Wastewater – 6/2/2022; York Spring No. 1 Return Wastewater Alt. Pt. of Diversion – 5/01/2022; York Spring No. 2 – 4/17/2022. **Amounts:** York Spring No. 1 – 6.0 g.p.m.; York Spring No. 1 Return/Wastewater and Return/Wastewater Alternate Point of Diversion – 1.0 c.f.s.; and York Spring No. 2 – 0.15 c.f.s. **Uses:** irrigation for lawn, gardens, etc. for a total of 9.68 acres, fire protection and livestock water. **Name and Address of Landowners of which structures are located:** Ute Water Conservancy District; P.O. Box 460; Grand Junction, CO 81502 and C. Warren and Bettie G. Bruton; P.O. Box 42; Mesa, CO 81643.

YOU ARE HEREBY NOTIFIED THAT YOU HAVE until the last day of JANUARY 2024 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