

DIVISION 5 WATER COURT- SEPTEMBER 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 SEPTEMBER 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.*

23CW3116 (17CW3049, 10CW90, 02CW282, 96CW52) PITKIN COUNTY-ROARING FORK RIVER OR ITS TRIBUTARIES. Aspen Glow Real Estate Development, 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 Pump and Pipeline. Type: Pipeline. Original decree: October 11, 1996, Case No. 96CW52, Division No. 5 Water Court. Subsequent diligence decrees: March 8, 2004, Case No. 02CW238; February 19, 2011, Case No. 10CW90; September 17, 2017, Case No. 17CW3049. Decreed Legal description: The point of diversion is located on a tract of land in the NW ¼ SW ¼ of Section 25, Township 8 South, Range 86 West of the 6th P.M., otherwise known as Tract 11 of Aspen River Valley Ranch (Pitkin County), at a point approximately 520 feet from the West Section line and 2330 feet from the South Section line. A map is on file with the court as Exhibit A. Note: Due to a lot line adjustment, the point of diversion is no longer located on Tract 11 of Aspen River Valley Ranch but rather is located on Lot B, Tract 10 of Aspen River Valley Ranch. However, the actual location of the water right has not changed. See Exhibit A. The Court changed the point of diversion to the legal description above in Case No. 02CW283. Source: Roaring Fork River, tributary to the Colorado River. Appropriation date: November 20, 1995. Amount: 0.25 c.f.s., conditional. Use: Irrigation. Claim for finding of reasonable diligence: A detailed outline of the work performed toward the completion of the appropriation, including expenditures, is on file with the court as Exhibit B. Applicant owns the land upon which the structure is located and where water will be put to beneficial use.

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

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

23CW3117 (17CW3014, 10CW26, 03CW05, 95CW329) PITKIN COUNTY-ROARING FORK RIVER OR ITS TRIBUTARIES. Anne Hall, c/o Paul L. Noto, Esq. and Lauren N. Hoover, Esq., Patrick, Miller & Noto, P.C., 229 Midland Ave., Basalt, CO 81621 (970) 920-1030. APPLICATION FOR FINDING OF REASONABLE DILIGENCE. **Claim: For Finding of Reasonable Diligence:** Name of water right: SCM Pond No. 1. Original Decree: Case No. 95CW329, dated January 15, 1997. Previous diligence decrees: Case No. 03CW05, dated February 27, 2004; Case No. 10CW26, dated January 23, 2011; Case No. 17CW3014, dated September 17, 2017. Legal Description: The center point of the dam is located at a point in the NW ¼ of the SW ¼ of the SW ¼ Section 20, Township 11 South, Range 84 West of the 6th P.M., at a point 1100 feet from the south section line and 75 feet from the west section line. A map of the pond is on file with the court as Exhibit A. Source: Kaiser Creek, a tributary of Castle Creek, a tributary of the Roaring Fork and Colorado Rivers, via deliveries through the Elk Mountain Ditch. Appropriation date: September 8, 1994. Amount: 0.23 acre-foot, conditional. Uses: Piscatorial, recreational, fish and wildlife propagation, and fire protection purposes. Maximum height of dam: Under 10 feet. Length of dam: 50 feet. Total capacity of reservoir: 0.23 acre-foot. Active capacity: 0.184 acre-foot. Dead storage: 0.046 acre-foot. Claim for finding of reasonable diligence: A detailed outline of the work performed toward completion of the appropriation and application of water during the relevant diligence period including expenditures, is on file with the court as Exhibit B. Applicant owns the land upon which the structure is located, upon which the water will be stored, and upon which the water will be put to beneficial use.

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

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 SEPTEMBER 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.*

23CW3118 GRAND COUNTY. Fox Valley Ranch, LLC c/o Jack Fox, 1616 17th St. Suite 576, Denver, CO 80202. Applicant is represented by Katie Randall and Kent Whitmer, The Whitmer Law Firm, LLC, P.O. Box 38, Hot Sulphur Springs, CO 80451, (970) 725-3460. APPLICATION TO MAKE CONDITIONAL WATER RIGHTS ABSOLUTE OR FOR A FINDING OF REASONABLE DILIGENCE. Name of Structure: Lake Geraldine. Decrees: September 11, 1997 (96CW16); June 7, 2004 (03CW203); April 3, 2011

(10CW151); September 17, 2017 (17CW3068); all in Water Court Division No. 5. Legal Description: The dam is located at a point whence the East 1/4 corner of Section 31, Township 1 North, Range 76 West of the 6th P.M. bears N. 37°36'59" East 612.55 feet. The Feeder Ditch which flows into Pond: The Point of Diversion is NW1/4 of the SW1/4, Section 32, Township 1 North, Range 76 West of the 6th P.M., at a point 1425 feet North of the South Section line and 230 feet East of the West Section line of said Section 32. Source: Unnamed creek, tributary to Ten Mile Creek, tributary to the Fraser River, tributary to the Colorado River. Appropriation Date: 1987. Amount: 14.14 acre-feet. Uses: Domestic, commercial, fire protection, fish propagation and augmentation. Amount Claimed Absolute: 14.14 acre-feet. Additional Information: Applicant requests that the Court make absolute in the amount of 14.14 acre-feet the water right in Lake Geraldine. In the alternative, Applicant asks the Court to continue the entire storage right conditionally. The application and attached exhibits contain additional support for the absolute claim and 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 NOVEMBER to file with the Water Clerk a verified Statement of Opposition setting forth facts as to why this application should not be granted or why it should be granted in part or on certain conditions. A copy of such statement of opposition must also be served upon the applicant or the applicant's attorney and an affidavit or certificate of such service shall be filed with the Water Clerk, as prescribed by Rule 5, CRCP. (Filing Fee: \$192.00) KATHY POWERS, Water Clerk, Water Division 5; 109 8th Street, Suite 104 Glenwood Springs, CO 81601.

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

23CW3119 (16CW3053; 08CW86) PITKIN COUNTY. Richard L. and Theresa M. Beauchamp Trust, c/o Paul L. Noto, Esq. and Lauren N. Hoover, Esq., Patrick, Miller & Noto, P.C., 229 Midland Ave., Basalt, CO 81621 (970) 920-1030. APPLICATION FOR FINDING OF REASONABLE DILIGENCE. **Claim: For Finding of Reasonable Diligence:** Name of water right: Beauchamp Pump and Pipeline. Original Decree: Case No. 08CW86, Division 5 Water Court, dated July 12, 2010. Previous diligence decree: Case No. 16CW3053, dated September 17, 2017. Legal Description: The intake of the ditch is located in the SW ¼ SW1/4 of Section 28, Township 10 South, Range 84 West of the 6th P.M., at a point approximately 1187 feet from the South section line and 1203 feet from the West section line in Pitkin County. A map is on file with the court as Exhibit A. **Source: Roaring Fork River, tributary to the Colorado River.** Appropriation date: May 23, 2008. Amount: 0.176 c.f.s. Uses: Irrigation and to fill and refill water features for aesthetic use. Claim for finding of reasonable diligence: A detailed outline of the work performed toward completion of the appropriation and application of water during the relevant diligence period, including expenditures, is on file with the court as Exhibit B.

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

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

23CW3120 EAGLE COUNTY. Application for Findings of Reasonable. Applicant: Berlaimont Estates, LLC, c/o Katerina Kopecny, c/o Balcomb & Green, P.C., PO Drawer 790, Glenwood Springs, CO 81602; 970-945-6546. Applicant requests a finding of reasonable diligence in the development of the conditional water rights for Berlaimont Estates Ditch, Berlaimont Estates Spring, Berlaimont Estates Pond No. 1, and Berlaimont Estates Pond No. Structure: Berlaimont Estates Ditch. Decrees: 08CW158 entered on 01/13/2011 and 17CW3005 entered on 09/17/2017, Dist. Ct., Water Div. 5. Legal Description: SE1/4 NE1/4 of Sec. 29, T. 4 S., R. 82 W., 6th P.M., 2,232 ft. from the N. Sec. line and 129 ft. from the E. Sec. line. Date of Approp.: 11/18/2008. Source: Beard Creek, a tributary of the Eagle River, tributary to the CO River. Amts and Uses: 2.5 c.f.s., conditional, to fill and refill Berlaimont Estates Pond Nos. 1 and 2. 0.4 c.f.s., conditional, for dom., irr., and livestock watering uses and aug. of such uses. Irr. of up to 1.9 acres within Applicant's property, being up to 0.1 acre on each of the 19 lots within the property. Applicant's property in Sec. 20 and 29 of T. 4 S., R. 82 W., 6th P.M. and depicted in Exhibit A on file with the Water Ct. Structure: Berlaimont Estates Spring. Decrees: 08CW158 entered on 01/13/2011 and 17CW3005 entered on 09/17/2017, Dist. Ct., Water Div. 5. Legal Description: SE1/4 NE1/4 of Sec. 29, T. 4 S., R. 82 W., 6th P.M., 2,186 ft. from the N. Sec. line and 165 ft. from the E. Sec. line. Date of Approp.: 11/18/2008. **Source: Beard Creek, a tributary of the Eagle River, tributary to the CO River.** Amt.: 25 g.p.m., or 0.056 c.f.s., conditional. Uses: Dom. and livestock watering uses and to fill and refill Berlaimont Estates Ponds No. 1 and 2 for aug. of such uses; and for in-system storage prior to and to facilitate such uses. Irr. of up to 1.9 acres within Applicant's property, being up to 0.1 acre on each of the 19 lots within the property. Applicant's property in Sec. 20 and 29 of T. 4 S., R. 82 W., 6th P.M. and depicted in Exhibit A. Structure: Berlaimont Estates Pond No. 1. Decrees: 08CW158 entered on 01/13/2011 and 17CW3005 entered on 09/17/2017, Dist. Ct., Water Div. 5. Legal Description: NE1/4 SE1/4 of Sec. 29, T. 4 S., R. 82 W., 6th P.M., 2,374 ft. from the S. Sec. line and 386 ft. from the E. Sec. line. Date of Approp.: 11/18/2008. **Source: Beard**

Creek, a tributary of the Eagle River, tributary to the CO River. Amt.: 10 AF, conditional, with the right to fill and refill when in priority. Active Storage: 10 AF. Dead Storage: 0 AF. Surface Area: 1 acre. Length of Dam: 800 ft. Height of Dam: Up to 20 ft. Rate of Filling: 2.5 c.f.s. from the Berlaimont Estates Ditch and 25 g.p.m (0.056 c.f.s.) from the Berlaimont Estates Spring. Uses: Dom. and livestock watering uses and aug. of such use. Irr. of up to 1.9 acres within Applicant's property, being up to 0.1 acre on each of the 19 lots within the property. Applicant's property in Sec. 20 and 29 of T. 4 S., R. 82 W., 6th P.M. and depicted in Exhibit A. Structure: Berlaimont Estates Pond No. 2 Decrees: 08CW158 entered on 01/13/2011 and 17CW3005 entered on 09/17/2017, Dist. Ct., Water Div. 5. Legal Description: E 1/2 of Sec. 20, T. 4 S., R. 82 W., 6th P.M. and further described and confirmed in this decree as NW1/4 NE1/4 SE1/4 of Sec. 20, T. 4 S., R. 82 W., 6th P.M., 756 ft. from the E. Sec. line. Date of Approp.: 11/18/2008. **Source: Beard Creek, a tributary of the Eagle River, tributary to the CO River.** Amt.: 10 AF, conditional, with the right to fill and refill when in priority. Active Storage: 10 AF. Dead Storage: 0 AF. Surface Area: 1 acre. Length of Dam: 1,200 ft. Height of Dam: Up to 20 ft. Rate of Filling: 2.5 c.f.s. from the Berlaimont Estates Ditch and 25 g.p.m (0.056 c.f.s.) from the Berlaimont Estates Spring. Uses: Dom. and livestock watering uses and aug. of such use. Irr. of up to 1.9 acres within Applicant's property, being up to 0.1 acre on each of the 19 lots within the property. Applicant's property in Sec. 20 and 29 of T. 4 S., R. 82 W., 6th P.M. and depicted in Exhibit A. The application on file with the Ct. contains a detailed outline of the work performed during the diligence period. Names and address of owners of land on which structure is or will be located, upon which water is or will be stored, or upon which water is or will be placed to beneficial use: Applicant. (6 pages of original application, Exhibit A)

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

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

23CW3121 PITKIN COUNTY, SNOWMASS CREEK, ROARING FORK RIVER, COLORADO RIVER. Rhett D. Bentley and Ann P. Bentley, c/o Anne Marie McPhee, Oates, Knezevich, Gardenswartz, Kelly & Ticsay, P.C., 533 E. Hopkins Ave., Third Floor, Aspen, CO 81611, (970) 920-1701. APPLICATION TO MAKE WATER RIGHTS ABSOLUTE. **First Claim: To Make Water Right Absolute.** Structure: Sky Island Pump and Pipeline. Date of original decree: 11/8/1993. Case No. 92CW216, Div. 5 Water Court. Legal description: Located in the SW ¼ NE ¼ of Sect. 34, Twsp 8 South, R 86 W of the 6th P.M. at a point 2,400 ft west of the east section line and 2,410 ft south of the north section line. Source: Snowmass Creek. Approp. date: 8/12/1992. Amount: 50 g.p.m. (0.11 c.f.s.), cond. Use: Irr., livestock, pisc., recreation, aesthetic purposes. Claim to make absolute: Date applied to beneficial use: 8/11/2023. Amt: 50 g.p.m. (0.11 c.f.s.) Use: Irr., livestock, piscatorial, recreation, aesthetic. **Second Claim: To Make Water Right Absolute** Structure: Sky Island Pond. Date of original decree: 11/8/1993. Case No. 92CW216, Div. 5 Water Court. Legal description: Located in the SE ¼ NW ¼ and the NE ¼ SW ¼ of Sect. 34, Twsp 8 S, R 86 W of the 6th P.M. The centerline of the dam axis is located 2,540 ft east of the west section line and 2,600 ft south of the north section line. Source: Snowmass Creek. Approp. date: 8/12/1992. Amt: 5.0 af, cond., with the right to fill and refill when and if water is legally and physically available. Use: Irr., livestock, piscatorial, recreation, aesthetic. Surface area: 0.52 acre. Maximum height of dam: Less than 10 feet. Length of dam: Estimated at 10 feet. Total capacity: 3.40 af. Active capacity: 2.86 af. Dead capacity: 0.54 af. Claim to make absolute: Date applied to beneficial use: 8/11/2023 Amt: 3.40 af. Use: Irr, livestock, piscatorial, recreation, aesthetic, with the right to fill and refill in priority. Remaining conditional: 0.00 af. Applicants intend to abandon the remaining 1.60 af cond. water right. A detailed description of the work to complete the appropriations, map of the subject water rights and stage capacity table are on file with the Court. Owner of land where the structures are located and beneficially used: Applicants.

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

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

23CW3122 SPAR GULCH TRIBUTARY TO THE ROARING FORK RIVER, PITKIN COUNTY. Application for Finding of Reasonable Diligence. 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: Aspen Mountain Ditch. Prior Decrees: 10/16/1995, 91CW235; 06/24/2002, 01CW286; 01/11/2010, 08CW47; 9/17/2017,

16CW3012, all in Water Div. No. 5. Legal Description: The point of diversion as set forth in the original decree was described as a location on the West side of Spar Gulch at a point whence the East Quarter Corner of Section 24, T10S, R85W of the 6th PM bears No. 79°00' W. a distance of approximately 400 feet. Since this is an unsurveyed area in Pitkin County and the various methods of locating section lines on maps to correlate to the actual point of diversions are not very precise due the variations of the locations of the sections, the supplemental legal descriptions are as follows: (a) the primary point of diversion description is based on coordinates in degrees and minutes described as N 39°09.934' W 106°49.334'. (b) the UTM coordinates in Zone 13 using a Datum of NAD83 described as 342573mE and 4336731mN. These points were not averaged. Source: Spar Gulch, tributary to the Roaring Fork River. Approp. date: 06/01/1890. Amount: 2.0 c.f.s., absolute in part and conditional in part. Conditional Uses: Irrigation, dust suppression, land reclamation and recreation on the Aspen Mountain Ski Area. Land Ownership: Applicant. Remarks: the 2.0 c.f.s. decreed to the subject water right is absolute for flood control and drainage purposes. The absolute portion of the right is not a part of this case. A map showing the location of the subject structures is attached to the Application as Exhibit A. A detailed outline of activity during the diligence period is included in the application. (5 pages)

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

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

23CW3123 GARFIELD COUNTY. Application for Finding of Reasonable Diligence. Applicant: Elk Mesa Properties, LLC, 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 conditional water rights decreed to Elk Springs Mesa Wellfield and Elk Springs Mesa Wellfield First Enlargement, herein described as the "Subject Water Rights." Structure: Elk Springs Mesa Wellfield. Decrees: 98CW312 entered on 09/24/2003 09CW139, entered on 03/5/2011, and 17CW3065, entered on 09/17/2017 in Div. 5 Water Ct. Legal Description: One or more wells will be completed in the Spring Valley aquifer on Elk Springs Mesa and on easements owned by the Applicant on property adjacent to Elk Springs Mesa. The Elk Springs Mesa Wellfield will be generally located in E 1/2 of the SE 1/4 of Sec. 32, T. 6 S., R. 88 W. of the 6th P.M. All wells drilled will be located (1) on Applicant's property or property for which Applicant has a legal right of access and (2) within the Elk Springs Mesa Wellfield identified on the map attached hereto as Exh. A on file with the Water Ct. **Source: Groundwater tributary to the Spring Valley aquifer, tributary to the Roaring Fork River, tributary to the CO River.** Approp. Date: 12/8/1998. Amt.: The total max pumping capacity for the Elk Springs Mesa Wellfield and the Elk Springs Mesa Wellfield First Enlargement will be 1.0 c.f.s. (450 g.p.m.), conditional, individually or in combination. Maximum annual diversions will not exceed 160 AF as shown in the "Diversions" column in Exh. B of 98CW312. Uses: In-house uses for 21 dwelling units on 21 lots, 18 potential accessory dwelling units on 18 of the 21 lots, an equestrian clubhouse and equestrian related shop; lawn, garden, and landscape irr. for the 21 dwelling units and the equestrian clubhouse/shop (18 dwelling units with 49,560 square ft. of irr. per dwelling unit, three dwelling units with 3,000 square ft. of irr. per dwelling unit, and 6,000 square ft. for the equestrian clubhouse/shop, for a total of 907,080 square ft. or 20.82 acres); stock watering for up to 82 horses; effluent reuse for irr.; and other beneficial uses. Eighteen of the lots are thirty-five acres or more in size and, with a special use permit from Garfield Cty., can construct accessory dwelling units. The other three lots are approximately three acres in size and will not have accessory dwelling units. Remarks: Because the Application does not include a claim to make the Subject Water Rights absolute, the map attached hereto as Exh. A does not include identification of the area to be irrigated by the Subject Water Rights. The 98CW312 Decree does not include distances from Sec. lines for wells to be located within the Elk Springs Mesa Wellfield. These distances will be determined as wells are made absolute. The 98CW312 Decree for the Subject Water Rights does not include information regarding the depth of wells to be constructed in the Elk Springs Mesa Wellfield. These depths will be reported as wells are made absolute. Structure: Elk Springs Mesa Wellfield First Enlargement. Decrees: 98CW312 entered on 09/24/2003, 09CW139, entered on 03/5/2011, and 17CW3065, entered on 09/17/2017 in Div. 5 Water Ct. Legal Description: One or more wells will be completed in the Spring Valley aquifer on Elk Springs Mesa and on easements owned by the Applicant on property adjacent to Elk Springs Mesa. The Elk Springs Mesa Wellfield will be generally located in E 1/2 of the SE 1/4 of Sec. 32, T. 6 S. R. 88 W. of the 6th P.M. All wells drilled will be located (1) on Applicant's property or property for which Applicant has a legal right of access and (2) within the Elk Springs Mesa Wellfield identified on the map attached hereto as Exh. A. **Source: Groundwater tributary to the Spring Valley aquifer, tributary to the Roaring Fork River, tributary to the CO River.** Approp. Date: 02/4/2000. Amt.: The total max pumping capacity for the Elk Springs Mesa Wellfield First Enlargement and the Elk Springs Mesa Wellfield will be 1.0 c.f.s. (450 g.p.m.), conditional, individually or in combination. Uses: Crop irr. for a total of 36 acres, effluent reuse for irr. and other beneficial uses. Remarks: The Elk Springs Mesa Wellfield First Enlargement is for additional irr. of eighteen lots on Elk Springs Mesa property in the Amt. of two acres of irr. per lot, for a total of thirty-six acres of additional irr. Because the Application does not include a claim to make the Subject Water Rights absolute, the map attached hereto as Exh. A does not include identification of the area to be irrigated by the Subject Water Rights. The 98CW312 Decree does not include distances from Sec. lines for wells to be located within the Elk Springs Mesa Wellfield. These distances will be determined as wells are made absolute. The 98CW312 Decree for the Subject Water

Rights does not include information regarding the depth of wells to be constructed in the Elk Springs Mesa Wellfield. These depths will be reported as wells are made absolute. The application on file with the Ct. contains a detailed outline of the work performed during the diligence period. Names and address of owners of land on which structure is or will be located, upon which water is or will be stored, or upon which water is or will be placed to beneficial use: Applicant. (6 pages of original application, Exh. A)

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

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

2023CW3124- GRAND COUNTY, STRAWBERRY CREEK, WATER DISTRICT 5 Applicant: Strawberry Creek Ranch 9N, LLC, a Colorado limited liability company, also known as Strawberry Creek Ranch, P. O. Box 1879, Granby, CO 80446, 970-531-4040, c/o Frank M. Parker, NORIYUKI & PARKER, P.C., P.O. Box 949, Granby, CO 80446-0949, 970-887-2121. APPLICATION FOR FINDING OF REASONABLE DILIGENCE. Name of structure: Hankison Red Mountain Reservoir (AKA Strawberry Creek Reservoir, AKA Strawberry Creek Ranch Reservoir). Source: Strawberry and Meadow Creeks, tributaries to the Fraser River, which is a tributary to the Colorado River. Location: (PLSS from Ruling and Decree): In the NW1/4 of the NW1/4 of Section 3, Township 1 North, Range 76 West, 6th P.M. and the SW1/4 of the SW1/4 of Section 35, Township 2 North, Range 76 West, 6th P.M. The point of intersection of the dam and the unnamed draw is proposed to be at Latitude: 40°04'50.46" and Longitude: 105°52'55.19", or approximately 818 feet from the north Section line and approximately 434 feet from the west Section line of said Section 3, County of Grand, State of Colorado. Amount: 116.4 acre feet. Applicant is not claiming any amount absolute at this time. Appropriation Date: October 16, 1963. Date of Original Decree: November 7, 1974, *nunc pro tunc*, May 30, 1972. Civil Action Number: 1430. Subsequent decrees awarding findings of diligence: Case Number: 02CW246. Ruling and Decree signed by Water Referee on February 11, 2004, and made a Judgment and Decree by the Water Judge on March 8, 2004. Case Number: 10CW71. Ruling and Decree signed by Water Referee on February 3, 2011, and made a Judgment and Decree by the Water Judge on April 3, 2011. Case Number: 2017CW3051. Ruling and Decree signed by Water Referee on September 29, 2017, and made a Judgment and Decree by the Water Judge on November 12, 2017. Use: Domestic, irrigation, stock watering and fish habitat. Additional Information: Applicant is the successor to certain interests of Double D Strawberry Ranch, LLC, including the rights which are the subject matter hereof. The Applicant did purchase said rights from Double D Strawberry Ranch, LLC on January 29, 2014. Troy Neiberger and Robert Neiberger are the current co-managers of the Applicant, Strawberry Creek Ranch 9N, LLC. The Applicant provided factual information regarding the due diligence performed on this right and seeks a finding from the court that the diligence is reasonable and adequate.

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

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

2023CW3125 (02CW324, 10CW83, 17CW3042) 285 CONUNDRUM ROAD, LLC, c/o Heidi Houston, Managing Member, 520 East Hymen Avenue, Aspen, CO 81611. Direct pleadings to: Peter D. Nichols, Megan Christensen, Berg Hill Greenleaf Ruscitti LLP, 1712 Pearl Street, Boulder, CO 80302, (303) 402-1600. APPLICATION FOR A FINDING OF REASONABLE DILIGENCE in PITKIN COUNTY, COLORADO. 2. Description of Conditional Water Rights: A. Name of Structure: 285 Pond System. i. Date of Original Decree: March 15, 2004, Case No. 02CW324, District Court, Water Division No. 5. ii. Subsequent Diligence Decrees: This Court issued a finding of reasonable diligence in Case Nos. 10CW83 (February 5, 2011) and 17CW3042 (September 17, 2017), District Court, Water Division No. 5. iii. Legal description of decreed point of diversion: The 285 Pond System is located in the SW of the NE of Section 2, Township 11 South, Range 85 West of the 6th P.M., 1325 feet from the North section line and 1906 feet from the East section line, Pitkin County. A map of the reservoir is attached as Exhibit A. iv. **Source: The source of the 285 Pond System is an unnamed spring tributary to Castle Creek, tributary to Roaring Fork River via Hillside Ditch, as decreed in Case No. 02CW342, tributary to the Colorado River. v. Appropriation Date: June 26, 2002. vi. Amount: 0.5 acre-feet total, with 0.07 acre-feet for the 285 Pond System decreed absolute in Case No. 02CW342, Dist. Ct., Water Div. No. 5, for the uses of irrigation of 1 acre (in combination with Hillside Ditch water right, decreed in Case No. 02CW342, Dist. Ct., Water Div. No. 5), stockwatering and piscatorial, with an appropriation date of June 26, 2002, with the right to fill and refill when in priority and 0.43 acre-feet for the 285 Pond System conditional**

for the uses of irrigation of 1 acre (in combination with the Hillside Ditch water right, decreed in Case No. 02CW342), stockwatering and piscatorial, with an appropriation date of June 26, 2002, with the right to fill and refill when water is in priority. vii. Rate of fill: 0.04 cfs from the Hillside Ditch. viii. Use: Irrigation of 1 acre, stockwatering and piscatorial use, and filling of one or more interconnected ponds, comprising more than 3,000 square-feet total. ix. Land ownership information: Applicant. 3. Application for Finding of Reasonable Diligence. Since the Court's last finding of reasonable diligence, the Applicant has performed the following specific work related to the development of the 285 Pond System and the beneficial use of the water right connected therewith: A. Applicant has improved the irrigation system by cleaning it out, installing a cistern and improving the water collection for the existing pond. B. Applicant has expended in excess of \$6,000 for improvements to the existing pond and improving an area for an additional pond that could be included in the 285 Pond System. C. Applicant has further engaged a contractor to advise Applicant regarding the construction and design of an additional pond for the 285 Pond System. D. Applicant spends approximately \$750 annually for maintenance of the existing pond and improvements to the 285 Pond System. E. Applicant has undertaken legal analysis regarding the development and use of the 285 Pond System. F. Applicant has also engaged the services of Berg Hill Greenleaf Ruscitti LLP to monitor water rights applications, which could impact the subject water rights. WHEREFORE, Applicant prays this Court enter a decree that Applicant has exercised reasonable diligence toward the continuing development of 285 Pond System for the irrigation of 1 acre (in combination with the Hillside Ditch water right), stockwatering and piscatorial purposes described above and continuing this water right in full force and effect. Number of pages in Application:5, including 1 exhibit.

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

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

23CW3126 (17CW3053; 10CW160; 03CW20; 94CW248; 88CW366; 83CW259) PITKIN COUNTY – ROARING FORK RIVER OR ITS TRIBUTARIES. Spruce Lodge Trust Nos. 1, 2 & 3, c/o Kevin L. Patrick, Esq. and Lauren N. Hoover, Esq., Patrick, Miller & Noto, P.C., 229 Midland Ave., Basalt, CO 81621 (970) 920-1030. APPLICATION TO MAKE CONDITIONAL WATER RIGHT ABSOLUTE IN PART AND FOR FINDING OF REASONABLE DILIGENCE. **Claim: To Make Conditional Water Right Absolute: Name of water right:** Adams Ranch Well No. 2. **Original Decree:** Case No. 83CW259, dated November 28, 1984. **Previous diligence decrees:** Case No. 88CW366, dated February 27, 1989; Case No. 94CW248, dated February 26, 1997; Case No. 03CW20, dated June 7, 2004; Case No. 10CW160, dated March 28, 2011; Case No. 17CW3053, dated September 17, 2017. **Legal Description:** The Adams Ranch Well No. 2 is located in the SE ¼ of the SW ¼ of Section 3, Township 10 South, Range 86 West of the 6th P.M., at a point whence the Southwest Corner of Section 3 bears South 59°15' West 1,904.26 feet (in Pitkin County). A map of the pond is on file with the Court as Exhibit A. Supplemental legal description: The PLSS location is Pitkin County, SE ¼ of the SW ¼ of Section 3, Township 10 South, Range 86 West of the 6th P.M., at a point 1050 feet from the South Section line and 1600 feet from the West Section line. Note: Supplemental legal descriptions are provided for reference only and are not intended to alter or change the decreed location of the water right. **Source: Groundwater in the alluvium of Snowmass Creek, tributary to the Roaring Fork River, tributary to the Colorado River. Appropriation date:** August 11, 1983. **Amount:** 0.033 c.f.s. (15 g.p.m.) conditional. **Uses:** Domestic, irrigation, stock watering, and fish and wildlife propagation. **Well depth:** 80 feet. **Claim to make conditional water right absolute:** Applicant seeks to make the entire amount absolute for all uses except stockwatering. Applicant applied for and received a well permit. The well was drilled, and a completion report was filed. The well was connected, and the Applicant then placed the water to beneficial use. **Date placed to beneficial use:** October 6, 2017. **Claim for finding of reasonable diligence:** Applicant seeks a finding of reasonable diligence on the remaining use of stockwatering. A detailed outline of the work performed toward completion of the appropriation and application of water during the relevant diligence period including expenditures, is on file with the Court as Exhibit B. Applicant owns the land upon which the structure is located, upon which the water will be stored, and upon which the water is and will be put to beneficial use. **YOU ARE HEREBY NOTIFIED THAT YOU HAVE until the last day of NOVEMBER 2023 to file with the Water Clerk a verified Statement of Opposition setting forth facts as to why this application should not be granted or why it should be granted in part or on certain conditions. A copy of such statement of opposition must also be served upon the applicant or the applicant's attorney and an affidavit or certificate of such service shall be filed with the Water Clerk, as prescribed by Rule 5, CRCP. (Filing Fee: \$192.00) KATHY POWERS, Water Clerk, Water Division 5; 109 8th Street, Suite 104 Glenwood Springs, CO 81601.**

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

23CW3127 (17CW3055; 09CW155; 02CW359; 95CW56; 88CW443) PITKIN COUNTY – ROARING FORK RIVER OR ITS TRIBUTARIES. Spruce Lodge Trust Nos. 1, 2 & 3, c/o Kevin L. Patrick, Esq. and Lauren N. Hoover, Esq., Patrick, Miller & Noto, P.C., 229 Midland Ave., Basalt, CO 81621 (970) 920-1030. APPLICATION FOR FINDINGS OF REASONABLE DILIGENCE. **First Claim: For Finding of Reasonable Diligence:** Name of water right: Michael's Pond Pipeline. Original decree: Case No. 88CW443, dated May 15, 1989. Previous diligence decrees: Case No. 95CW56, dated December 5, 1996; Case No. 02CW359, dated October 15, 2003; Case No. 09CW155, dated March 23, 2011; Case No. 17CW3055, dated September 17, 2017. Legal Description: The point of diversion is on the west bank of Snowmass Creek in the SW ¼ of the NE ¼ of Section 3, Township 10 South, Range 86 West of the 6th P.M., at a point whence the Northeast corner of said Section 3 bears North 44°20' East 2,640 feet. A map of the pond is on file with the Court as Exhibit A. Supplemental legal description: The PLSS location is the SW ¼ of the NE ¼ of Section 3, Township 10 South, Range 86 West of the 6th P.M., at a point approximately 1912 feet from the North Section line and 1820 feet from the East Section line (Pitkin County). Note: The supplemental legal description does not alter or change the decreed location of the conditional water rights, but rather serves to provide additional and more detailed information. Source: Snowmass Creek, tributary to the Roaring Fork River, tributary to the Colorado River. Appropriation date: May 24, 1988. Amount: 1.25 c.f.s., conditional. Uses: Recreation, aesthetics, piscatorial, fish and wildlife propagation, and for delivery of storage water for Michael's Pond No. 1 and Michael's Pond No. 2. Claim for finding of reasonable diligence: A detailed outline of the work performed toward completion of the appropriation and application of water during the relevant diligence period including expenditures, is on file with the Court as Exhibit B. Remarks: Applicant owns the land upon which the structure is located, upon which the water will be stored, and upon which the water will be put to beneficial use. Michael's Pond Pipeline is a component part of Applicant's integrated water supply plan as shown by the Application in Case No. 88CW443 and the decrees in Case Nos. 95CW56, 02CW359, 09CW155, and 17CW3055. **Second Claim: For Finding of Reasonable Diligence:** Name of water right: Michael's Pump & Pipeline. Original decree: Case No. 88CW443, dated May 15, 1989. Previous diligence decrees: Case No. 95CW56, dated December 5, 1996; Case No. 02CW359, dated October 15, 2003; Case No. 09CW155, dated March 23, 2011; Case No. 17CW3055, dated September 17, 2017. Legal description: The point of diversion is on the west bank of Snowmass Creek in the NE ¼ of the NE ¼ of Section 3, Township 10 South, Range 86 West of the 6th P.M. at a point whence the NE corner of said Section 3 bears North 46°30' East 1,810 feet. A map is on file with the Court as Exhibit A. Supplemental legal description: The PLSS location is the NE ¼ of the NE ¼ of Section 3, Township 10 South, Range 86 West of the 6th P.M., at a point approximately 1263 feet from the North Section line and 1294 feet from the East Section line (Pitkin County). Note: The supplemental legal description does not alter or change the decreed location of the conditional water rights, but rather serves to provide additional and more detailed information. Source: Snowmass Creek, tributary to the Roaring Fork River, tributary to the Colorado River. Appropriation Date: May 24, 1988. Amount: 1.25 c.f.s., conditional. Claim for finding of reasonable diligence: A detailed outline of the work performed toward completion of the appropriation and application of water during the relevant diligence period including expenditures, is on file with the Court as Exhibit B. Remarks: Applicant owns the land upon which the structure is located, upon which the water will be stored, and upon which the water will be put to beneficial use. Michael's Pump & Pipeline is a component part of Applicant's integrated water supply plan as shown by the Application in Case No. 88CW443 and the decrees in Case Nos. 95CW56, 02CW359, 09CW155, and 17CW3055.

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

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

23CW3128 (17CW3054; 10CW78; 02CW360; 95CW51; 88CW442) PITKIN COUNTY – ROARING FORK RIVER OR ITS TRIBUTARIES. Spruce Lodge Trust Nos. 1, 2 & 3, c/o Kevin L. Patrick, Esq. and Lauren N. Hoover, Esq., Patrick, Miller & Noto, P.C., 229 Midland Ave., Basalt, CO 81621 (970) 920-1030. APPLICATION FOR FINDINGS OF REASONABLE DILIGENCE. **First Claim: For Finding of Reasonable Diligence:** Name of water right: Michael's Pond No. 1. Original decree: Case No. 88CW442, dated May 15, 1989. Previous diligence decrees: Case No. 95CW51, dated December 5, 1996; Case No. 02CW360, dated March 31, 2004; Case No. 10CW78, dated March 5, 2011; Case No. 17CW3054, dated September 17, 2017. Legal Description: The location of the pond is in the NE ¼ of the NE ¼ of Section 3, Township 10 South, Range 86 West of the 6th P.M., at a point whence the Northeast corner of said Section 3 bears North 52°33" East 1731.84 feet. A map of the pond is on file with the Court as Exhibit A. Supplemental legal description: The PLSS location is the NW¼ of the NE ¼ of Section 3, Township 10 South, Range 86 West of the 6th P.M. at a point 1094 feet from the North Section line and 1340 feet from the East Section line (Pitkin County). The UTM location is Zone 13 (X) = 0329426 E.; (Y) = 4342428 N. Note: Supplemental legal descriptions are provided for reference only and are not intended to alter or change the decreed location of the water right. Source: Snowmass Creek, tributary to the Roaring Fork River, tributary to the Colorado River, via deliveries through Michael's Pond Pipeline and Michael's Pump and Pipeline, individually or in combination. Appropriation date: May 24, 1988. Amount: 3.1 acre-feet, conditional. Uses: Piscatorial and recreational. Claim for finding of reasonable diligence: A detailed outline of the work performed toward completion of the appropriation and application of

water during the relevant diligence period including expenditures is on file with the Court as Exhibit B. Remarks: Applicant owns the land upon which the structure is located, upon which the water will be stored, and upon which the water will be put to beneficial use. Michael's Pond No. 1 is a component part of Applicant's integrated water supply as decreed in Case No. 02CW360. **Second Claim: For Finding of Reasonable Diligence:** Name of water right: Michael's Pond No. 2. Original decree: Case No. 88CW442, dated May 15, 1989. Previous diligence decrees: Case No. 95CW51, dated December 5, 1996; Case No. 02CW360, dated March 31, 2004; Case No. 10CW78, dated March 5, 2011; Case No. 17CW3054, dated September 17, 2017. Legal Description: The location of the pond is in the NE ¼ of the NE ¼ of Section 3, Township 10 South, Range 86 West of the 6th P.M., at a point whence the Northeast corner of said Section 3 bears North 44°32' East 1670.59 feet. A map of the pond is on file with the Court as Exhibit A. Supplemental legal description: The PLSS location is the NE ¼ of the NE ¼ of Section 3, Township 10 South, Range 86 West of the 6th P.M. at a point 1214 feet from the North Section line and 1144 feet from the East Section line (Pitkin County). The UTM location is Zone 13 (X) = 0329485 E.; (Y) = 4342390 N. Note: Supplemental legal descriptions are provided for reference only and are not intended to alter or change the decreed location of the water right. **Source: Snowmass Creek, tributary to the Roaring Fork River, tributary to the Colorado River, via deliveries through Michael's Pond Pipeline and Michael's Pump and Pipeline, individually or in combination.** Appropriation date: May 24, 1988. Amount: 2.0 acre-feet, conditional. Uses: Piscatorial and recreational. Claim for finding of reasonable diligence: A detailed outline of the work performed toward completion of the appropriation and application of water during the relevant diligence period including expenditures, is on file with the Court as Exhibit B. Remarks: Applicant owns the land upon which the structure is located, upon which the water will be stored, and upon which the water will be put to beneficial use. Michael's Pond No. 2 is a component part of Applicant's integrated water supply as decreed in Case No. 02CW360.

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

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

23CW3129 (17CW3025; 10CW181; 03CW54; 96CW266; CA5884) PITKIN COUNTY – ROARING FORK RIVER OR ITS TRIBUTARIES. Michael D. Eisner and Jane B. Eisner, c/o Kevin L. Patrick, Esq. and Lauren N. Hoover, Esq., Patrick, Miller & Noto, P.C., 229 Midland Ave., Basalt, CO 81621 (970) 920-1030. APPLICATION FOR FINDING OF REASONABLE DILIGENCE. **First Claim: For Finding of Reasonable Diligence:** Name of water right: Sam's Knob Reservoir. Original decree: Civil Action No. 5884, dated November 5, 1971. Previous diligence decrees: Case No. 96CW266, dated March 28, 1997; Case No. 03CW54, dated June 7, 2004; Case No. 10CW181, dated January 16, 2011; Case No. 17CW3025, dated September 17, 2017. Legal Description: Sam's Knob Reservoir is located in the channel of Snowmass Creek in Section 3, Township 10 South, Range 86 West of the 6th P.M. The approximate midpoint of the creek channel within Section 3 is located 2,650 feet north of the south section line and 2,450 feet west of the east section line of said Section 3. A map is on file with the Court as Exhibit A. Alternate points of diversion decreed to Applicants in Case No. 94CW0379: Michael's Pond Pipeline: A point on the West Bank of Snowmass Creek in the SW ¼, NE ¼ of Section 3, Township 10 South, Range 86 West of the 6th P.M., at a point whence the NE corner of said Section 3 bears North 44°20' East 2640 feet. Michael's Pump and Pipeline: A point on the West Bank of Snowmass Creek in the NE ¼, NE ¼ of Section 3, Township 10 South, Range 86 West of the 6th P.M., at a point whence the NE corner of said Section 3 bears North 46°30' East 1810 feet. Alternate points of storage decreed to Applicants in Case No. 94CW379: Michael's Pond No. 1: A pond in the NE ¼, NE ¼ of Section 3, Township 10 South, Range 86 West of the 6th P.M., at a point whence the NE corner of said Section 3 bears North 52°33" East 1731.84 feet. Michael's Pond No. 2: A pond in the NE ¼, NE ¼ of Section 3, Township 10 South, Range 86 West of the 6th P.M., at a point whence the NE corner of said Section 3 bears North 44°32' East 1670.59 feet. A map of these alternate points of diversion and storage are on file with the Court as Exhibit C. **Source: Snowmass Creek, tributary to the Roaring Fork River, tributary to the Colorado River.** Appropriation date: March 27, 1967. Amount: 10 acre-feet, conditional. Uses: Domestic, municipal, recreational, and other beneficial uses. The terms "domestic," "municipal," and "other beneficial uses" in this context includes residential and open space irrigation. In Case No. 97CW307, the Court expressly found that such terms allowed use for open space irrigation for residential use. Claim for finding of reasonable diligence: A detailed outline of the work performed toward completion of the appropriation and application of water during the relevant diligence period including expenditures, is on file with the court as Exhibit B. Remarks: Applicant owns the land upon which the structure is located, upon which the water will be stored, and upon which the water will be put to beneficial use. Applicant's basis for this Application is a leasehold interest through an agreement with the Snowmass Water and Sanitation District for 10 acre-feet, subject to prior decrees and agreements. The Snowmass Water and Sanitation District authorized Applicants to file this application.

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

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

23CW3130 (16CW3156, 07CW241) PITKIN COUNTY –ROARING FORK RIVER OR ITS TRIBUTARIES. Warren Creek Mountain, LLC c/o Kevin L. Patrick, Esq. and John M. Sittler, Esq., Patrick, Miller & Noto, P.C., 229 Midland Avenue, Basalt, CO 81621. (970) 920-1030. APPLICATION FOR FINDINGS OF REASONABLE DILIGENCE AND TO MAKE CONDITIONAL WATER RIGHT ABSOLUTE. **First Claim: To Make Absolute in Part and for Finding of Reasonable Diligence:** Name of conditional water right: First Enlargement of the Lewis Warren Creek Ditch No. 1. Original Decree: November 14, 2010, Case No. 07CW241, Water Division No. 5. Subsequent diligence decree: September 17, 2017, Case No. 16CW3156, Water Division No. 5. Legal description: The legal description was changed in Case No. 17CW3035: SE1/4 SE1/4 Section 20, Township 10 South, Range 84 West of the 6th P.M., 992 feet from the South section line and 862 feet from the East section line (Pitkin County). Location information in UTM format: UTM Zone 13, NAD 83 Easting 345449.5 meters and Northing 4336358.9 meters. A map of the diversion point is on file with the court as Figure 1. Source: Warren Creek, tributary to the Roaring Fork River, tributary to the Colorado River. Date of appropriation: May 22, 2007. Amount: 0.5 c.f.s. of which 0.1 c.f.s. was made absolute in Case No. 16CW3156 for fill and refill of the Stella Polare Pond No. 1, all other amounts remain conditional. Use: Fill and refill of the Stella Polare Ponds 1, 2 and 4. Claim for finding of reasonable diligence: Applicant has exercised reasonable diligence towards completion of the First Enlargement of the Lewis Warren Creek Ditch No. 1 water right. A detailed outline of work performed toward completion of the appropriation, including expenditures, is on file with the court as Exhibit A. Claim to make water right absolute: Applicant used a check dam to divert additional water to fill and refill the Stella Polare Pond No. 1. Amounts claimed absolute in this application: 0.29 c.f.s. (total diverted 0.39 c.f.s., inclusive of 0.1 cfs previously made absolute). Date water applied to beneficial use: September 11, 2023. **Second Claim: To Make Absolute in Part and for Finding of Reasonable Diligence:** Name of structure: Stella Polare Pond No. 1. Original decree: Case No. 07CW241, Water Division 5. Subsequent diligence decree: Case No. 16CW3156, Water Division 5. Legal description: The dam is located in the NW1/4 SE1/4 of Section 20, Township 10 South, Range 84 West of the 6th P.M., 1,334 feet from the South section line and 1,420 feet from the East section line. Source: Warren Creek, tributary to the Roaring Fork River, tributary to the Colorado River. If filled from a ditch: Name of ditch used to fill and capacity in c.f.s.: First Enlargement of the Lewis Warren Creek Ditch No. 1 at 0.5 c.f.s. Legal description of point of diversion: As described in paragraph 3.C of application. Date of appropriation: August 20, 2008. Amount: 0.31 acre-feet, of which 0.20 acre-feet was made absolute in Case No. 16CW3156, with 0.11 acre-feet remaining conditional. Uses: Geothermal use for heating and cooling of the primary residence and caretaker unit, aesthetic, augmentation, fire protection, and piscatorial. Claim for finding of reasonable diligence: Applicant has exercised reasonable diligence towards completion of the water right. A detailed outline of work performed toward completion of the appropriation, including expenditures is on file with the court as Exhibit A. Claim to make water right absolute: Applicant raised the embankment of the pond and installed a flashboard to store an additional 5,000 gallons of water. Date water applied to beneficial use: September 11, 2023. Amount claimed absolute in this application: 0.015 acre-foot (5,000 gallons). Uses: Geothermal use for heating and cooling of the primary residence and caretaker unit, aesthetic, augmentation, fire protection, and piscatorial. Applicant owns the land upon which water is and will be stored and put to beneficial use. **Third Claim: For Finding of Reasonable Diligence:** Name of structure: Stella Polare Pond No. 2. Original decree: Case No. 07CW241, Water Division 5. Subsequent diligence decree: Case No. 16CW3156, Water Division 5. Legal description: The dam is located in the NW1/4 SE1/4 of Section 20, Township 10 South, Range 84 West of the 6th P.M., 1,342 feet from the South section line and 1,486 feet from the East section line. Source: Warren Creek, tributary to the Roaring Fork River, tributary to the Colorado River. If filled from a ditch: Name of ditch used to fill and capacity in c.f.s.: First Enlargement of the Lewis Warren Creek Ditch No. 1 at 0.5 c.f.s. Legal description of point of diversion: As described above. Date of appropriation: August 20, 2008. Amount: 0.01 acre-foot, conditional. Uses: Aesthetic, fire protection, piscatorial, and augmentation. Augmentation use was added in Case No. 18CW3148, Division 5. Claim for finding of reasonable diligence: Applicant has exercised reasonable diligence towards completion of the water right. A detailed outline of work performed toward completion of the appropriation, including expenditures is attached to the Application as Exhibit A. **Fourth Claim: For Finding of Reasonable Diligence:** Name of structure: Stella Polare Pond No. 4. Original decree: Case No. 07CW241, Water Division 5. Subsequent diligence decree: Case No. 16CW3156, Water Division 5. Legal description: The dam is located in the NW1/4 SE1/4 of Section 20, Township 10 South, Range 84 West of the 6th P.M., 1,342 feet from the South section line and 1,486 feet from the East section line. Source: Warren Creek, tributary to the Roaring Fork River, tributary to the Colorado River. If filled from a ditch: Name of ditch used to fill and capacity in c.f.s.: First Enlargement of the Lewis Warren Creek Ditch No. 1 at 0.5 c.f.s. Legal description of point of diversion: As described in paragraph 3.C of the application. Date of appropriation: August 20, 2008. Amount: 0.01 acre-foot, conditional. Uses: Aesthetic, fire protection, and piscatorial. Claim for finding of reasonable diligence: Applicant has exercised reasonable diligence towards completion of the water right. A detailed outline of work performed toward completion of the appropriation, including expenditures is on file with the court as Exhibit A to the application.

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

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

23CW3131 BRUCHEZ AND SONS, LLC, P.O. Box 1359, Kremmling, CO 80459; E-mail: paul@reedercreekranch.com; Telephone: (970) 725-0281. Please direct all correspondence concerning this Application to: Peter C. Johnson, Esq., Andrea A. Kehrl, Esq., and Bradley N. Kershaw, Esq., Vranesh and Raisch, LLP, 5303 Spine Road, Suite 202, Boulder, CO 80301; E-mail: pcj@vrlaw.com; aak@vrlaw.com; bnk@vrlaw.com; Telephone: (303)443-6151. **APPLICATION FOR FINDINGS OF REASONABLE DILIGENCE IN GRAND COUNTY.** 2. Names of Structures. a. Big Lake Ditch b. Wolff Spring No. 1 c. Wolff Spring No. 2 d. Wolff Spring No. 3 e. Reeder Creek Spring No. 1 f. Reeder Creek Spring No. 2 g. Hidden Meadow Spring No. 1 h. Hidden Meadow Spring No. 2 i. Hidden Meadow Spring No. 3 j. The conditional water rights decreed to the nine structures listed above are referred to collectively as the "Subject Conditional Water Rights." 3. Description of Subject Conditional Water Rights. a. Date of original decree: Case No. 01CW343, State of Colorado, District Court, Water Division No. 5, entered on August 30, 2004. b. Subsequent decrees awarding findings of reasonable diligence: Case No. 10CW213, State of Colorado, District Court, Water Division No. 5, entered on April 3, 2011 and Case No. 17CW3084, State of Colorado, District Court, Water Division No. 5, entered on September 17, 2017. c. Legal description of the structures: i. Big Lake Ditch is located at a point whence the West 1/4 corner of Section 7, Township 1 South, Range 78 West, 6th P.M., bears North 75°54' West, 2,148 feet. ii. Wolff Spring No. 1 is located in the SW1/4 SW1/4 of Section 20, Township 1 North, Range 79 West, 6th P.M., at a point approximately 1,251 feet North of the South line and 877 feet East of the West line of said Section 20. iii. Wolff Spring No. 2 is located in the SW1/4 SW1/4 of Section 20, Township 1 North, Range 79 West, 6th P.M., at a point approximately 1,121 feet North of the South line and 1,190 feet East of the West line of said Section 20. iv. Wolff Spring No. 3 is located in the SW1/4 SW1/4 of Section 20, Township 1 North, Range 79 West, 6th P.M., at a point approximately 774 feet North of the South line and 1,548 East of the West line of said Section 20. v. Reeder Creek Spring No. 1 is located in the NW1/4 NW1/4 of Section 5, Township 1 South, Range 79 West, 6th P.M., at a point approximately 655 feet South of the North line and 729 feet East of the West line of said Section 5. vi. Reeder Creek Spring No. 2 is located in the NW1/4 NW1/4 of Section 5, Township 1 South, Range 79 West, 6th P.M., at a point approximately 766 feet South of the North line and 638 feet East of the West line of said Section 5. vii. Hidden Meadow Spring No. 1 is located in the NW1/4 NE1/4 of Section 28, Township 1 North, Range 79 West, 6th P.M., at a point approximately 165 feet South of the North line and 2,060 feet West of the East line of said Section 28. viii. Hidden Meadow Spring No. 2 is located in the SW1/4 NE1/4 of Section 28, Township 1 North, Range 79 West, 6th P.M., at a point approximately 1,445 feet South of the North line and 1,887 feet West of the East line of said Section 28. ix. Hidden Meadow Spring No. 3 is located in the SW1/4 NE1/4 of Section 28, Township 1 North, Range 79 West, 6th P.M., at a point approximately 1,987 feet South of the North Line and 1,898 feet West of the East line of said Section 28. x. The structures listed above are depicted on the map attached hereto as **Exhibit 1**. d. Sources of water: i. Big Lake Ditch: Williams Fork River ii. Wolff Spring Nos. 1, 2, and 3; Reeder Creek Springs Nos. 1 and 2; and Hidden Meadow Springs Nos. 1, 2, and 3 are all springs tributary to Reeder Creek, which is tributary to the Colorado River. e. Date of appropriation and amounts: December 20, 2001. The respective amounts follow: i. Big Lake Ditch: 85 cfs, conditional. ii. Wolff Spring No. 1: 2 cfs, conditional. iii. Wolff Spring No. 2: 2 cfs, conditional. iv. Wolff Spring No. 3: 2 cfs, conditional. v. Reeder Creek Spring No. 1: 2 cfs, conditional. vi. Reeder Creek Spring No. 2: 2 cfs, conditional. vii. Hidden Meadow Spring No. 1: 2 cfs, conditional. viii. Hidden Meadow Spring No. 2: 2 cfs, conditional. ix. Hidden Meadow Spring No. 3: 2 cfs, conditional. f. Uses: Big Lake Ditch; Reeder Creek Springs Nos. 1 and 2; and Hidden Meadow Springs Nos. 1, 2, and 3 will be used for irrigation, livestock watering, and storage. Wolff Spring Nos. 1, 2, and 3 will be used for livestock watering and storage. g. Depth (if well): N/A 4. Provide a detailed outline of what has been done toward completion or for completion of the appropriation and application of water to beneficial use as conditionally decreed, including expenditures, during the previous diligence period. a. As decreed in Case Nos. 10CW213 and 17CW3084, the Subject Conditional Water Rights are part of an integrated system that provides irrigation water to approximately 907 acres and water for livestock. Applicant has utilized the Big Lake Ditch structure to deliver leased water from Denver Water in its integrated system. b. The City and County of Denver ("Denver Water") owns other, separate priorities under the Big Lake Ditch: priority numbers 133 and 143, with appropriation dates of February 6, 1903 and September 1, 1904, respectively. During the diligence period, Applicant entered into a temporary agreement authorizing Applicant's use of Denver Water's Big Lake Ditch water rights. c. Also pertaining to Applicant's partnership with Denver Water, during the diligence period, Denver Water and Grand County completed a joint study, known as "the Big Lake Ditch Study," as partial fulfillment of the terms of the Colorado River Cooperative Agreement ("CRCA") and to evaluate various alternatives for future operations of Denver Water's Big Lake Ditch interests. The Big Lake Ditch Study evaluated historic and future ditch operations and sought a balance of the objectives defined in the CRCA. The Big Lake Ditch Study also evaluated how to maintain the historic agricultural uses of the Big Lake Ditch, including irrigation of Applicant's land, in order to maximize the environmental benefits, while substantially preserving the historic yield for Denver Water. The modeling work associated with the Big Lake Ditch Study is now complete and the study participants are developing an operational framework to implement the objectives defined in the CRCA. The implementation of this operational framework is likely to significantly impact the Subject Conditional Water Rights. d. During the diligence period, Applicant also expended significant legal fees to monitor Water Court applications in Water Division No. 5, in order to protect their water rights, and to develop and pursue the water rights subject to this Application. e. A map of the lands irrigated by the Subject Conditional Water Rights is attached hereto as **Exhibit 2**. 5. 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. All structures are located on lands owned by Applicant except Reeder Creek Springs Nos. 1 and 2. The owner of the land on which Reeder Creek Springs Nos. 1 and 2 are located follows: United States of America, Bureau of Land Management (“BLM”), P.O. Box 68, Kremmling, CO 80459-0068 6. Remarks or other pertinent information. a. Reeder Creek Springs Nos. 1 and 2 are located on public lands managed by the BLM. Pursuant to the Decree entered in Case No. 02CW52, the BLM has water rights in Reeder Creek Springs Nos. 1 and 2 in the amount of 0.0340 cfs, absolute, each, with appropriation dates that are senior to the Subject Conditional Water Rights. These two springs are currently intercepted by and flow into the Big Lake Ditch, which then carries the intercepted flows to Applicant’s land. Applicant does not intend to develop the springs to increase their flow. Rather, diversions from these springs will continue to be accomplished by allowing their natural flow to be intercepted by the Big Lake Ditch. b. This Application does not seek any right for Applicant for any other water right decreed to the Big Lake Ditch except those decreed in Case No. 01CW343. That Decree did not grant to Applicant any rights to those water rights previously decreed to the Big Lake Ditch and leased to Applicant pursuant to its contract with the City and County of Denver, acting by and through its Board of Water Commissioners. WHEREFORE, Applicant seeks entry of a decree: (1) finding that it has proceeded with reasonable diligence in the development of the remaining conditional portions of the Subject Conditional Water Rights; and (2) continuing the remaining conditional portions of the Subject Conditional Water Rights in full force and effect for another diligence period. (9 pgs., 2 Exhibits)

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

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

23CW3132 Concerning the Application for Water Rights of West Divide Water Conservancy District in GARFIELD COUNTY, Colorado, Application for Findings of Reasonable Diligence and to Make Absolute. Applicant: West Divide Water Conservancy District, P.O. Box 1478, Rifle, CO 81650, c/o Edward B. Olszewski, Esq., Olszewski, Massih & Maurer, P.C., P.O. Box 916, Glenwood Springs, CO 81602, (970) 928-9100. *Structure:* Alsbury Reservoir. *Original Decree Info:* C.A. 4954, decreed 07/09/1965. *Subsequent Decrees:* 81CW118, decreed 11/1981; 85CW130, decreed 09/13/1985; 89CW095, decreed 09/22/1989; 95CW093, decreed 03/11/1996; 98CW054, decreed 11/09/1998; 02CW071, decreed 12/02/2002; 08CW155, decreed 02/05/2011; and 17CW3038, decreed September 17, 2017, all in Garfield County District Court, Water Division No. 5. *Legal Description:* The point of intersection of the centerline of the dam axis with the right abutment at high water line is located at a point whence the NE corner of Section 36, Township 8 South, Range 91 West of the 6th P.M. bears South 45 degrees 54’W a distance of 4,428.08 feet. The location is also described as follows: The centerline of Alsbury Dam axis is located in the SW ¼ of the NE ¼ of Section 30 Township 8 South, Range 90 West of the 6th P.M. 1996 ft south of the north section line and 2,394 ft west of the east section line. *Source: East Divide Creek, tributary to Divide Creek, tributary to the Colorado River.* *Appropriation:* June 15, 1961. *Amount:* 249.76 acre-feet. *Uses:* the 249.76 acre-feet was originally decreed for irrigation. *Remarks:* Case No. 98CW054: 1) changed 67.76 acre-feet of this water from irrigation only to domestic, municipal, recreation, fire protection, irrigation, piscatorial, wildlife, augmentation, hydro-electric, and livestock watering; 2) changed 50 acre-feet of water from conditional right to an absolute right, to be used as a conservation pool for over-wintering fishery; and 3) made 132 acre-feet of irrigation water absolute. Case No. 02CW071 made the remaining 67.76 acre-feet of conditional Alsbury Reservoir water absolute for recreation, fire protection, piscatorial, wildlife, livestock watering, and augmentation uses. The domestic, municipal, irrigation, and hydro-electric uses for 67.76 acre-feet of the Reservoir remained conditional. Case No. 08CW155 made the remaining 67.76 acre-feet of conditional Alsbury Reservoir water absolute for irrigation. Remaining conditional uses are 67.76 acre feet for domestic, municipal and hydro-electric uses and should be made absolute pursuant to CRS 37-92-301(4)(e). A detailed outline of diligence activities is in the Application. *Landowner Notification:* Landowner Notification: US Forest Service Attn: Steve Hunter 900 Grand Avenue Glenwood Springs CO 81601 sjhunter@fs.fed.us Applicant has a permit to operate the Reservoir on US Forest Service property. Claim to Make Absolute. Remaining conditional uses are 67.76 acre feet for domestic, municipal and hydro-electric uses and should be made absolute pursuant to CRS 37-92-301(4)(e). Applicant prays for a decree of this Court and finding the Applicant has exercised reasonable diligence toward the development of the aforementioned water rights and has made a portion thereof absolute. (5 Pages. 1 table)

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

18. PURSUANT TO C.R.S., §37-92-302, AS AMENDED, YOU ARE NOTIFIED THAT THE FOLLOWING PAGES COMPRISE A RESUME OF THE APPLICATIONS AND AMENDED APPLICATIONS FILED WITH THE WATER

CLERK FOR WATER DIVISION 5 DURING THE MONTH OF SEPTEMBER 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.*

23CW3133 Concerning the Application for Water Rights of West Divide Water Conservancy District in **GARFIELD COUNTY**, Colorado, Application for Findings of Reasonable Diligence and to make Absolute. Applicant: West Divide Water Conservancy District, P.O. Box 1478, Rifle, CO 81650, c/o Edward B. Olszewski, Esq., Olszewski, Massih & Maurer, P.C., P.O. Box 916, Glenwood Springs, CO 81602, (970) 928-9100. *Structure:* Baldy Reservoir (Alsburry Reservoir). *Original Decree Info:* 90CW200, decreed on 07/23/1997. *Subsequent Decree:* 08CW156, decreed on 02/05/2011, 17CW3039, decreed on September 17, 2017. *Legal Description:* The point of intersection of the centerline of the dam axis with the right abutment at high water line is located at a point whence the NE corner of Section 36, Township 8 South, Range 91 West of the 6th P.M. bears South 45 degrees 54'W a distance of 4,428.08 feet. The location is also described as follows: The centerline of Alsburry Dam axis is located in the SW ¼ of the NE ¼ of Section 30 Township 8 South, Range 90 West of the 6th P.M. 1996 ft south of the north section line and 2,394 ft west of the east section line. **Source: East Divide Creek, tributary to Divide Creek, tributary to the Colorado River.** *Appropriation:* 09/12/1990. *Amount:* 54 acre-feet, absolute; 46 acre-feet, conditional. *Uses:* 10 acre-feet for use on 15 acres in the W ½ NW ¼ of Section 5, T.8S., R.90W., 6th P.M., and 90 acre-feet on-site at the reservoir or by exchange or augmentation. Uses at all such places shall be for irrigation, evaporation losses, dead storage, domestic, livestock watering, fire protection, commercial, recreation, piscatorial or wildlife. *Remarks:* Case No. 08CW156: made 54 acre-feet absolute for irrigation, fire protection, recreation, piscatorial and wildlife. A detailed outline of diligence activities is in the Application. *Landowner Notification:* US Forest Service Attn: Steve Hunter 900 Grand Avenue Glenwood Springs CO 81601 sjhunter@fs.fed.us Applicant has a permit to operate the Reservoir on US Forest Service property. Applicant claims the remaining 46 acre-foot conditional portion of the above-described water right should be made absolute for its decreed uses. Applicant has diverted water to the full extent of the reservoirs decreed capacity and placed that water to beneficial use. Applicant prays for a decree of this Court and finding the Applicant has exercised reasonable diligence toward the development of the aforementioned water rights and has made a portion thereof absolute. (5 Pages, 1 table, 1 Exhibit)

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

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 SEPTEMBER 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.*

2023CW3134 MESA COUNTY. Application to Make Absolute and for Finding of Reasonable Diligence. Applicants: Robert A. Gurtler Jody K. Gurtler, c/o John T. Howe, Hoskin, Farina & Kampf, Professional Corporation, Post Office Box 40, Grand Junction, Colorado 81502; (970) 986-3400. Prior Decrees: Case No. 2017CW3002, September 17, 2017; Case No. 2009CW137, January 23, 2010; Case No. 2000CW283 September 3, 2003. Name of Structure: Caldwell Pond No. 2. **Source: Unnamed tributary to the Colorado River.** Location: NW¼SE¼ of Section 15, T11S, R101W of the 6th P.M.; 2,090 feet from the South section line, 1,690 feet from the East section line. Uses: Irrigation, power generation, fire protection, stock watering, wildlife (consistent with construction of a pond), recreational, aesthetic, evaporation and piscatorial purposes. Appropriation Date: March 1, 2000. Quantity: 3.00 acre feet, conditional. Name of Structure: Caldwell Pond No. 2 Intake. Source: Unnamed tributary to the Colorado River. Location: NW¼SE¼ of Section 15, T11S, R101W of the 6th P.M. Uses: Irrigation, power generation, fire protection, stock watering, wildlife (consistent with construction of a pond), recreational, aesthetic, evaporation and piscatorial purposes. Appropriation Date: March 1, 2000. Quantity: 0.25 c.f.s., conditional. Landowner: Applicants. Applicants seek to make Caldwell Pond No. 2 absolute in the amount of 0.20 acre feet and Caldwell Pond No. 2 Intake absolute in the amount of 0.25 c.f.s. for the decreed uses of irrigation, fire protection, stock watering, wildlife (consistent with construction of a pond), recreational, aesthetic, evaporation and piscatorial purposes and request a finding of reasonable diligence for the remaining conditional rights. The Application contains a detailed description of the work performed during the diligence period.

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

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 SEPTEMBER 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.*

23CW3135 IN GARFIELD COUNTY, COLORADO. APPLICATION FOR FINDING OF REASONABLE DILIGENCE. Name and address of Applicant: City of Glenwood Springs, c/o City Manager, 101 West 8th Street, Glenwood Springs, CO 81601. Please direct all correspondence, motions, and pleadings to Karl J. Hanlon or Danielle T. Skinner, KARP NEU HANLON, P.C., 201 14th Street, Suite 200, P.O. Drawer 2030, Glenwood Springs, CO 81602, (970) 945-2261. **FIRST CLAIM - APPLICATION FOR FINDING OF REASONABLE DILIGENCE.** Name of structure: *Atkinson Canal Diversion*. Date of original decree: January 7, 1997, in Case No. 94CW358, District Court in and for Water Division No. 5. Subsequent decrees awarding findings of diligence: 03CW13 on March 8, 2004, 10CW66 on January 28, 2011, and 2017CW3076 on September 17, 2017, District Court in and for Water Division No. 5. Legal description: A point on the West Bank of the Roaring Fork River in the SW1/4 of the NE1/4 of the SW1/4 of Section 22, Township 6 South, Range 89 West, 6th P.M., approximately 1,480 feet east of the West Section line and 1,620 feet north of the South Section line of said Section 22. Source: Roaring Fork River, tributary to the Colorado River. Appropriation date: May 31, 1987. Amount: 5.0 c.f.s., conditional. Uses: All municipal purposes, including but not limited to, domestic, irrigation, commercial, industrial, sanitary, recreation, fire protection, and storage for subsequent use. Place of use: Within Applicant's potential municipal water service area. Remarks: The Atkinson Canal Diversion will operate out-of-priority pursuant to the plan for augmentation approved in Case No. 94CW358 and Applicant's contract with the Bureau of Reclamation, Contract No. 6-07-60-W0503, for the supply of 500 acre-feet of water annually from Ruedi Reservoir. Claim for diligence: Applicant requests a finding of diligence for 5.0 c.f.s., conditional, for the Atkinson Canal Diversion for all municipal purposes, including but not limited to, domestic, irrigation, commercial, industrial, sanitary, recreation, fire protection, and storage for subsequent use. **SECOND CLAIM - APPLICATION FOR FINDING OF REASONABLE DILIGENCE.** Name of structure: *Seventh Street Diversion Structure*. Date of original decree: January 7, 1997, in Case No. 94CW358, District Court in and for Water Division No. 5. Subsequent decrees awarding findings of diligence: 03CW13 on March 8, 2004, 10CW66 on January 28, 2011, 10CW220 on September 25, 2016, and 2017CW3076 on September 17, 2017, District Court in and for Water Division No. 5. Legal description: A point on the West Bank of the Roaring Fork River in the NE1/4 of the SW1/4 of Section 9, Township 6 South, Range 89 West, 6th P.M., approximately 2,270 feet east of the West Section line and 2,200 feet north of the South Section line of said Section 9. Source: **Roaring Fork River, tributary to the Colorado River.** Appropriation date: May 31, 1987. Amount: 6.34 c.f.s., conditional, out of 15.0 c.f.s. total approved for the water right. In Case No. 10CW66, 8.66 c.f.s. was made absolute for all decreed uses. Uses: All municipal purposes, including but not limited to, domestic, irrigation, commercial, industrial, sanitary, recreation, fire protection, and storage for subsequent use. Place of use: Within Applicant's potential municipal water service area. Remarks: The Seventh Street Diversion Structure is the back-up water supply source for Applicant's municipal water system, which system is primarily supplied by diversions from Grizzly Creek. In Case No. 10CW220, 2.36 c.f.s. of Applicant's senior water rights in the Atkinson Canal (Priority Nos. 105A, 107A, 228, and 594) were changed for diversion at the Seventh Street Diversion Structure as an alternate point of diversion. The Seventh Street Diversion Structure water right will divert out-of-priority pursuant to the plan for augmentation approved in Case No. 94CW358 and Applicant's contract with the Bureau of Reclamation, Contract No. 6-07-60-W0503, for the supply of 500 acre-feet of water annually from Ruedi Reservoir. Claim for diligence: Applicant requests a finding of diligence for 6.34 c.f.s., conditional, for the Seventh Street Diversion Structure for all municipal purposes, including but not limited to, domestic, irrigation, commercial, industrial, sanitary, recreation, fire protection, and storage for subsequent use. **THIRD CLAIM - APPLICATION FOR FINDING OF REASONABLE DILIGENCE.** Name of structure: *South Glenwood Diversion Structure*. Date of original decree: January 7, 1997, in Case No. 94CW358, District Court in and for Water Division No. 5. Subsequent decrees awarding findings of diligence: 03CW13 on March 8, 2004, 10CW66 on January 28, 2011, and 2017CW3076 on September 17, 2017, District Court in and for Water Division No. 5. Legal description: A point on the West Bank of the Roaring Fork River in the SE1/4 of the SW1/4 of Section 27, Township 6 South, Range 89 West, 6th P.M., approximately 1,200 feet west of the East Section line and 500 feet north of South Section line of said Section 27. Source: Roaring Fork River, tributary to the Colorado River. Appropriation date: May 31, 1987. Amount: 15.0 c.f.s., conditional. Uses: All municipal purposes, including but not limited to, domestic, irrigation, commercial, industrial, sanitary, recreation, fire protection, and storage for subsequent use. Place of use: Within Applicant's potential municipal water service area. Remarks: The South Glenwood Diversion Structure, Structure ID 3801230, has not been constructed and is intended to be a structure distinct from the structure under which the South Glenwood Irrigation Diversion water right is diverted, Structure ID 3801866. The South Glenwood Diversion Structure will divert out-of-priority pursuant to the plan for augmentation approved in Case No. 94CW358 and Applicant's contract with the Bureau of Reclamation, Contract No. 6-07-60-W0503, for the supply of 500 acre-feet of water annually from Ruedi Reservoir. Claim for diligence: Applicant requests a finding of diligence for 15 c.f.s., conditional, for the South Glenwood Diversion Structure for all municipal purposes, including but not limited to, domestic, irrigation, commercial, industrial, sanitary, recreation, fire protection, and storage for subsequent use. Names and addresses of owners of land upon which structures are located: Applicant. Integrated Water System: As decreed in Case No. 2017CW3076, the Atkinson Canal Diversion, Seventh Street Diversion Structure, and South Glenwood Diversion Structure are each component parts 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 Atkinson Canal Diversion, Seventh Street Diversion Structure, and South Glenwood Diversion Structure. The following exhibits are on file with the Water Court: Map depicting the location of the structures (Exhibit A), Map of Applicant's potential municipal water service area (Exhibit B), a detailed outline of what has been done toward completion of the appropriation and application of the water rights to beneficial use, including expenditures (Exhibit C) (pp. 10 with exhibits).

YOU ARE HEREBY NOTIFIED THAT YOU HAVE until the last day of NOVEMBER 2023 to file with the Water Clerk a verified Statement of Opposition setting forth facts as to why this application should not be granted or why it should be granted

in part or on certain conditions. A copy of such statement of opposition must also be served upon the applicant or the applicant's attorney and an affidavit or certificate of such service shall be filed with the Water Clerk, as prescribed by Rule 5, CRCP. (Filing Fee: \$192.00) KATHY POWERS, Water Clerk, Water Division 5; 109 8th Street, Suite 104 Glenwood Springs, CO 81601.

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

23CW3136 GARFIELD COUNTY, SOURCE: EAST DIVIDE CREEK, TRIB. TO COLORADO RIVER. Application for Finding of Reasonable Diligence. Applicant: Bobby Glen McPherson, c/o Edward B. Olszewski, Esq., Olszewski, Massih & Maurer, P.C., P.O. Box 916, Glenwood Springs, CO 81602, (970) 928-9100. Please direct all pleadings and correspondence to Applicant's counsel This Application requests a finding of reasonable diligence in the development of the Rose Well No. 1 and the Rose Pond Nos. 1-8. Prior Decrees: Original decree entered on 8/26/97 Case No. 96CW347, Water Div. 5. Subsequent diligence entered 5/10/04 in Case No. 03CW184, 4/3/11 in Case No. 10CW134 and 9/17/2017 in Case No. 17CW3103, Water Div. 5. **Rose Well No. 1.** Legal Description: SW1/4 NE1/4 of Sec. 32, T. 7 South, R. 90 W. of the 6th P.M., 2900 ft. from the S. sec. line and 2600 ft. from the E. sec. line of Sec. 32. Amt: 15 g.p.m. (0.033 c.f.s.), cond. Use: domestic use in one single family dwelling, irrigation of one acre of lawn and garden, livestock watering and fire protection purposes. Date of App.: 12/02/1996 Depth: 200ft. **Rose Pond No. 1.** Legal Description: outlet located in Sec. 32, T. 7 S., R. 90 W. of the 6th P.M., 1850 feet from the S. sec. line and 3800 feet from the E. Sec. line of Sec. 32. Amt: 8 AF, cond. Use: Livestock and wildlife watering, fire protection, piscatorial and wetlands creation. Date of App.: 07/01/1991. **Rose Pond No. 2.** Legal Description: outlet located in Sec. 32, T. 7 S., R. 90 W. of the 6th P.M., 2100 ft. from the S. sec. line and 3500 ft. from the E. sec. line of Sec. 32. Amt: 5 AF, cond. Use: Livestock and wildlife watering, fire protection, piscatorial and wetlands creation. Date of App.: 07/01/1991. **Rose Pond No. 3:** Legal Description: outlet located in Sec. 32, T. 7 S., R. 90 W. of the 6th P.M., 2150 ft. from the S. sec. line and 3300 ft. from the E. sec. line of Sec. 32. Amt: 5 AF, cond. Use: Livestock and wildlife watering, fire protection, piscatorial and wetlands creation. Date of App.: 07/01/1991. **Rose Pond No. 4.** Legal Description: outlet located in Sec. 32, T. 7 S., R. 90 W. of the 6th P.M., 2300 ft. from the S. sec. line and 3050 ft. from the E. sec. line of Sec. 32. Amt: 5 AF, cond. Use: Livestock and wildlife watering, fire protection, piscatorial and wetlands creation. Date of App.: 07/01/1991. **Rose Pond No. 5.** Legal Description: outlet located in Sec. 32, T. 7 S., R. 90 W. of the 6th P.M., 2350 ft. from the S. sec. line and 2850 ft. from the E. sec. line of Sec. 32. Amt: 5 AF, cond. Use: Livestock and wildlife watering, fire protection, piscatorial and wetlands creation. Date of App.: 07/01/1991. **Rose Pond No. 6:** Legal Description: outlet located in Sec. 32, T. 7 S., R. 90 W. of the 6th P.M., 2350 ft. from the S. sec. line and 2600 ft. from the E. sec. line of Sec. 32. Amt: 15 AF, cond. Use: Livestock and wildlife watering, fire protection, piscatorial, wetlands creation, domestic, augmentation and exchange. Date of App.: 07/01/1991. **Rose Pond No. 7.** Legal Description: outlet located in Sec. 32, T. 7 S., R. 90 W. of the 6th P.M., 2250 ft. from the S. sec. line and 2200 ft. from the E. sec. line of Sec. 32. Amt: 20 AF, cond. Use: Livestock and wildlife watering, fire protection, piscatorial, wetlands creation, domestic, augmentation and exchange. Date of App.: 07/01/1991. **Rose Pond No. 8.** Legal Description: outlet located in Sec. 32, T. 7 S., R. 90 W. of the 6th P.M., 600 ft. from the S. sec. line and 3850 ft. from the E. sec. line of Sec. 32. Amt: 5 AF, cond. Use: Livestock and wildlife watering, fire protection, piscatorial and wetlands creation. Date of App.: 07/01/1991. Name and address of owner of land upon which any new diversion or storage structure will be located: Applicant. 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 is included in the Application on file with the Water Court. Applicant requests a decree of this Court and finding the Applicant has exercised reasonable diligence toward the development of the aforementioned conditional water rights.

(10 pages, 1 map)

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

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 SEPTEMBER 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.*

23CW3137 (17CW3009; 10CW28, 01CW177, 95CW006, 87CW246, W-3865, CA 2371) SUMMIT COUNTY, WILLOW CREEK, SOUTH WILLOW CREEK AND SALT LICK GULCH; ALL TRIBUTARY TO THE BLUE RIVER, TRIBUTARY TO THE COLORADO RIVER, APPLICATION FOR FINDING OF REASONABLE DILIGENCE. 1. The name and address of the Applicant: Town of Silverthorne, c/o Town Administrator, P. O. Box 1309, Silverthorne, Colorado 80498 c/o Peter J. Ampe, Hill & Robbins, P.C., 3401 Quebec St., Suite 3400, Denver, CO 80207, Phone: (303) 296-8100. 2. Name of Structures: Willow Creek Unit of the Vidler Tunnel Project. 3. Describe conditional water right, as to each structure, including the following information from the previous decree: A. Date of Original Decree and All Subsequent Decrees Awarding Findings of Diligence: The 145 c.f.s. conditional

water right of the Willow Creek Unit was adjudicated by the Interlocutory Decree dated March 19, 1979, entered by the Summit County District Court in Civil Action No. 2371, as made the final judgment and decree by Order of the Court on March 19, 1979, and as diligence has been maintained by decrees of the District Court in and for Water Division No. 5 (“Water Court”), Case No. W-3865, Case No. 87CW246, Case No. 95CW006, Case No. 01CW177, Case No. 10CW28, and Case No. 17CW3009. B. Legal Description: The Willow Creek Unit consist of three (3) separate points of diversion located at points from whence the NE corner of Section 2, T5S, R78W of the 6th P.M. bears North 80°52’ East a distance of 4113 feet; North 78°22’ East a distance of 4375 feet; and North 13°01’ West a distance of 12,647 feet. A map showing the three points of diversion is attached hereto as Exhibit A. C. Source of Water: Willow Creek, South Willow Creek and Salt Lick Gulch; all tributary to the Blue River, tributary to the Colorado River. D. Appropriation Date: July 28, 1958. E. Amount: 145 c.f.s., conditional. F. Use: Domestic, agricultural, industrial, and municipal. G. Depth: N/A. 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: Applicant acquired this conditional water right in December 2016. During the current diligence period, Applicant has incurred approximately at least \$159,000 in legal, engineering and consulting expenses related to the Town’s municipal supply of water, approximately \$6,250,00 in expenses for the improvement, operation, and maintenance of the Town’s municipal supply system. 5. Names and Addresses of Land Owners: a. United States Department of Agriculture, Forest Service, C/o District Ranger, Dillon Ranger District, P.O. Box 620, Silverthorne, CO 80498-0620, b. Board of County Commissioners, Summit County, P.O. Box 68, Breckenridge, CO 80424-0068. 6. Request for finding of reasonable diligence: Applicant requests a finding that it has exercised reasonable diligence in the development of the 145 c.f.s. conditional water right awarded to the Willow Creek Unit of the Vidler Tunnel Project and that the work and expenditures described in the Application constitutes reasonable diligence in the development of this conditional water right, subject to the terms and conditions contained in paragraph 6.9 of the Decree entered in Case No. 17CW3009 . Applicant does not request any portion of the conditional water right be made absolute at this time. (4 Pages).

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

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 SEPTEMBER 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.*

23CW3138(16CW3022, 08CW111, 88CW449) EAGLE, LAKE, AND PITKIN COUNTIES. Homestake Partners, being the City of Colorado Springs, Colorado, and the City of Aurora, Colorado. APPLICATION FOR A FINDING OF DILIGENCE. 1. Name, address, and telephone number(s) of Applicant: Homestake Partners, comprising: The City of Colorado Springs, acting by and through its Enterprise, Colorado Springs Utilities (“Colorado Springs”), c/o Kim Gortz, Water Supply Resources Manager, 1521 South Hancock Expressway, MC 1825, Colorado Springs, CO 80903; Phone: 719-668-8030; Email: kgortz@csu.org and: City of Aurora, acting by and through its Utilities Enterprise, Aurora Water (“Aurora”) Utilities Department, 15151 E. Alameda Parkway, Suite 3600, Aurora, CO 80012; Phone: 303-695-7370; Email: AuroraWater@auroragov.org. Collectively, Colorado Springs and Aurora constitute the “Homestake Partners.” Pleadings should be served on the undersigned counsel for the Applicants: Karl D. Ohlsen, Sarah B. Wiedemann, Carlson, Hammond & Paddock, L.L.C., 1900 N. Grant St., Suite 1200, Denver, CO 80203, Phone: 303-861-9000, Email: kohlsen@chp-law.com, swiedemann@chp-law.com; Michael J. Gustafson, Nathan Endersbee, City Attorney’s Office—Utilities Division, 30 S. Nevada, Ave., Suite 501, P.O. Box 1575, Mail Code 510, Colorado Springs, CO 80901, Phone: 719-385-6422, Email: michael.gustafson@coloradosprings.gov, nathan.endersbee@coloradosprings.gov; Stephen C. Cann, Ian J. Best, 15151 E Alameda Pkwy, Aurora, CO 80012-1555, Phone: 303-517-6252, Email: scann@auroragov.org, ibest@auroragov.org. 2. Names of Structures: A. Resolution Creek Reservoir B. Lower East Fork Reservoir C. Eagle Park Reservoir D. Eagle Park Wetland Irrigation System E. Eagle Park Aquifer Well Field F. Homestake Project structures, including: Homestake Conduit, East Fork Conduit, Homestake Tunnel, Homestake Reservoir, Eagle Arkansas Ditch. 3. Describe conditional water rights: A. Resolution Creek Reservoir: i. Original Decree: Case No. 88CW449, District Court Water Division No. 5. ii. Date of Original Decree: August 20, 2002. iii. Location and Legal Description: The dam is located within the NE1/4 of the NW1/4, the SE1/4 of the NW1/4, the NW1/4 of the NE1/4, and the SW1/4 of the NE1/4 of Section 11, T.7S, R.80W, of the 6th P.M. The center of the dam axis is located approximately 1,510 feet south of the north section line and 2,410 feet west of the east section line of said Section 11. iv. Source: Resolution Creek and Pearl Creek, tributaries to the Eagle River. v. Appropriation Date: December 19, 1988. vi. Amount: 5,000 AF conditional. vii. Use: Wetland creation and irrigation, exchange, augmentation, recharge, municipal, commercial, industrial, snowmaking, recreation, fishery, wildlife, and all other beneficial uses. More specifically, water in storage can be utilized for the replacement of out of priority consumptive water use associated with wetland restoration at Eagle Park; the augmentation of transbasin diversions; for purposes of developing vested or conditionally-decreed water rights, including the Homestake Project, by meeting federal, state, and local permit conditions which necessitate the use of water resources; and for in-basin use within the Eagle and Colorado River basins. viii. Depth (if well): N/A. B. Lower East Fork Reservoir: i. Original Decree: Case No. 88CW449, District Court Water Division No. 5. ii. Date of Original Decree: August 20, 2002. iii. Location and Legal Description: The dam is located within the NE1/4 of the SW1/4, the SE1/4 of the SW1/4, the NW1/4 of the SE1/4, and the SW1/4 of the SE1/4 of Section 24, T.7S, R.80W, of the 6th P.M. The center of the dam axis is located approximately

1,065 feet north of the south section line and 2,590 feet east of the west section line of said Section 24. iv. Source: East Fork of the Eagle River and Cataract Creek, tributaries to the Eagle River. v. Appropriation Date: December 19, 1988. vi. Amount: 2,500 acre feet, conditional. vii. Use: Wetland creation and irrigation, exchange, augmentation, recharge, municipal, commercial, industrial, snowmaking, recreation, fishery, wildlife, and all other beneficial uses. More specifically, water in storage can be utilized for the replacement of out of priority consumptive water use associated with wetland restoration at Eagle Park; the augmentation of transbasin diversions; for purposes of developing vested or conditionally-decreed water rights, including the Homestake Project, by meeting federal, state, and local permit conditions which necessitate the use of water resources; and for in-basin use within the Eagle and Colorado River basins. viii. Depth (if well): N/A. C. Eagle Park Reservoir: i. Original Decree: Case No. 88CW449, District Court Water Division No. 5. ii. Date of Original Decree: August 20, 2002. iii. Location and Legal Description: a. The Eagle Park Reservoir is surface and underground storage located entirely within T.7S, R.80W, of the 6th P.M. The lands occupy approximately 1,450 surface acres, more or less, within the following sections of T.7S, R.80W, 6th P.M.: Section 3: Part of the SW1/4 of the SW1/4. Section 4: Part of the SE1/4. Section 9: Part of the E1/2. Section 10: Part of the W1/2 of the NW1/4, Part of the NW1/4 of the SW1/4, Part of the S1/2 of SW1/4, Part of the SW1/4 of the SE1/4. Section 15: Part of the W1/2, Part of the W1/2 of the NE1/4, Part of the SE1/4. Section 16: Part of the E1/2 of the NE1/4, Part of the NW1/4 of the NE1/4. Section 22: Part of the E1/2, Part of the E1/2 of the NW1/4, Part of the NE1/4 of the SW1/4. Section 23: Part of the S1/2, Part of the S1/2 of the NW1/4, Part of the SW1/4 of the NE1/4. Section 24: Part of the SW1/4. b. Water will be stored in the Eagle Park Reservoir above the naturally occurring groundwater table by means of artificial recharge through the construction of numerous groundwater retention structures, check dams, and other facilities. Water will be stored within the surface stream channel and also within and/or above the alluvium and/or other surficial deposits adjacent to the Eagle River and its tributaries within the identified Eagle Park Reservoir site. Groundwater retention structures may include, but will not be limited to, the following locations within T.7S, R.80W, of the 6th P.M.

Structure		
No.	Section	Approximate Location
1	4	180 feet West of the East section line, 615 feet North of the South section line
2	3	50 feet East of the West section line, 50 feet North of the South section line
3	10	410 feet East of the West section line, 2250 feet South of the North section line
4	9	270 feet West of the East section line, 1500 feet North of the South section line
5	9	460 feet West of the East section line, 230 feet North of the South section line
6	10	660 feet East of the West section line, 310 feet North of the South section line
7	15	1040 feet East of the West section line, 1980 feet North of the South section line
8	15	2280 feet East of the West section line, 1660 feet North of the South section line
9	22	1210 feet West of the East section line, 2310 feet South of the North section line
10	23	1090 feet East of the West section line, 840 feet North of the South section line
11	23	910 feet West of the East section line, 1230 feet North of the South section line,
12	15	1610 feet East of the West section line, 1720 feet South of the North section line

iv. Source: The Eagle River and all streams and other water sources tributary to the Eagle River within the identified reservoir boundary.
v. Appropriation Date: December 19, 1988. vi. Amount: 3,500 acre feet, conditional. vii. Use: Wetland creation and irrigation, exchange, augmentation, recharge, municipal, commercial, industrial, snowmaking, recreation, fishery, wildlife, and all other beneficial uses. More specifically, water in storage can be utilized for the replacement of out of priority consumptive water use associated with wetland restoration at Eagle Park; the augmentation of transbasin diversions; for purposes of developing vested or conditionally-decreed water rights, including the Homestake Project, by meeting federal, state, and local permit conditions which necessitate the use of water resources; and for in-basin use within the Eagle and Colorado River basins. viii. Depth (if well): N/A. D. Eagle Park Wetland Irrigation System: i. Original Decree: Case No. 88CW449, District Court Water Division No. 5. ii. Date of Original Decree: August 20, 2002. iii. Location and Legal Description: a. The Eagle Park Wetland Irrigation System is located entirely within T.7S, R.80W, of the 6th P.M. It is estimated that the irrigation system will occupy up to 275 acres located within the 1,450 acres described in paragraph 3.C.iii.a. above. b. Points of diversion include the following, all in T.7S, R.80W, 6th P. M., although such points may be relocated or added within the Eagle Park area (subject to Division Engineer approval) as described in paragraph V.C. of the decree in Case No. 88CW449 (paragraph 3.C.3.a above), or deleted based upon actual conditions encountered upon the site and Forest Service or other requirements.

	<u>Structure No.</u>	<u>Section</u>	<u>Approximate Location</u>
section line,	1	4	180 feet West of the East
section line			615 feet North of the South
section line,	2	3	50 feet East of the West
section line			50 feet North of the South
section line,	3	10	410 feet East of the West
North section line			2250 feet South of the
section line,	4	9	270 feet West of the East
South section line			1500 feet North of the
section line,	5	9	460 feet West of the East
section line			230 feet North of the South
section line,	6	10	660 feet East of the West
section line			310 feet North of the South
section line,	7	15	1040 feet East of the West
South section line			1980 feet North of the
section line,	8	15	2280 feet East of the West
South section line			1660 feet North of the
section line,	9	22	1210 feet West of the East
North section line			2310 feet South of the

section line, 10 23 1090 feet East of the West
840 feet North of the South
section line

section line, 11 23 910 feet West of the East
1230 feet North of the
South section line,

section line, 12 15 1610 feet East of the West
1720 feet South of the
North section line

iv. Source: The Eagle River and all streams and other water sources tributary to the Eagle River within the identified irrigation system boundary. v. Appropriation Date: December 19, 1988. vi. Amount: 60 c.f.s. conditional. vii. Use: Wetland creation and irrigation. viii. Depth (if well): N/A. E. Eagle Park Aquifer Well Field: i. Original Decree: Case No. 88CW449, District Court Water Division No. 5. ii. Date of Original Decree: August 20, 2002. iii. Location and Legal Description: a. The Eagle Park Aquifer Well Field is located entirely within T.7S, R.80W, of the 6th P.M. It produces water from the Eagle Park Aquifer which underlies approximately 1,450 surface acres described in paragraph 3.C.iii.a. above. b. Applicant intends to utilize the aforementioned groundwater through a series of wells operating as part of a well field. It is anticipated that there will be approximately 20 wells, though this number may be enlarged or diminished based upon specific site conditions and Forest Service requirements. Approximate legal descriptions, all within T.7S, R.80W, 6th P. M., are as follows:

Well Name	Approximate Location
EP # 1	Located in NE1/4 of the NE1/4 Sec. 9 300 feet South of the North section line and 150 feet West of the East section line
EP # 2	Located in the SW1/4 of the NE1/4 Sec. 10 1500 feet South of the North section line 300 feet East of the West section line
EP # 3	Located in NE1/4 of the SE1/4 Sec. 9 1900 feet North of the South section line and 400 feet West of the East section line
EP # 4	Located in SE1/4 of the SE1/4 Sec. 9 900 feet North of the South section line and 200 feet West of the East section line
EP # 5	Located in NW1/4 of the NW1/4 Sec. 15 200 feet South of the North section line and 1200 feet East of the West section line
EP # 6	Located in NE1/4 of the NW1/4 Sec. 15 1100 feet South of the North section line and 1500 feet East of the West section line
EP # 7	Located in SE1/4 of the NW1/4 Sec. 15 2100 feet South of the North section line and 2000 feet East of the West section line
EP # 8	Located in NE1/4 of the SW/14 Sec. 15 2200 feet North of the South section line and 1900 feet East of the West section line
EP # 9	Located in NW1/4 of the SE1/4 Sec. 15 1400 feet North of the South section line and 2600 feet West of the East section line
EP #10	Located in SE1/4 of the SW1/4 Sec. 15 900 feet North of the South section line and 2400 feet East of the West section line
EP #11	Located in SW1/4 of the SE1/4 Sec. 15 300 feet North of the South section line and 2100 feet West of the East section line
EP #12	Located in NW1/4 of the NE1/4 Sec. 22

	400 feet South of the North section line and 2400 feet West of the East section line
EP #13	Located in NW1/4 of the NE1/4 Sec. 22 1100 feet South of the North section line and 1500 feet West of the East section line
EP #14	Located in SW1/4 of the NE1/4 Sec. 22 2000 feet South of the North section line and 1700 feet West of the East section line
EP #15	Located in SE1/4 of the NE1/4 Sec. 22 2100 feet South of the North section line and 800 feet West of the East section line
EP #16	Located in NE1/4 of the SE1/4 Sec. 22 1900 feet North of the South section line and 500 feet West of the East section line
EP #17	Located in SE1/4 of the SE1/4 Sec. 22 1200 feet North of the South section line and 900 feet West of the East section line
EP #18	Located in SW1/4 of the SW1/4 Sec. 23 1200 feet North of the South section line and 600 feet East of the West section line
EP #19	Located in SE1/4 of the SW1/4 Sec. 23 1100 feet North of the South section line and 1900 feet East of the West section line
EP #20	Located in SW1/4 of the SE1/4 Sec. 23 1300 feet North of the South section line and 2100 feet West of the East section line

Applicant shall provide exact locations for such wells at the time of application for well permits. iv. Source: The Eagle Park Aquifer Well Field withdraws water from the alluvium of the Eagle River and from all streams and other underground and surface water sources tributary to the Eagle River within the area described in paragraph 3.E.iii above. v. Appropriation Date: December 19, 1988. vi. Amount: 60 c.f.s., not to exceed 5,000 acre feet per year; 1350 g.p.m. (3 c.f.s.) for each well. vii. Use: Wetland creation and irrigation, exchange, augmentation, recharge, municipal, commercial, industrial, recreation, snowmaking, fishery, wildlife, and all other beneficial uses. The total number of acres proposed to be irrigated is 600 acres. In addition, Applicant intends to utilize the water rights for purposes of developing its vested or conditionally-decreed water rights, including the Homestake Project, for transmountain diversions, and to meet federal, state, and local permit conditions which necessitate the use of water resources. Applicant may also use or sell water from this source, for municipal, commercial, industrial, snowmaking, recreation, fishery, wildlife, exchange, augmentation, and all other beneficial uses in the Colorado River basin. Finally, Applicant may use water withdrawn from the wells for purposes of augmenting out of priority depletions by direct replacement of water to the streams identified herein. viii. Depth (if well): Up to 750 feet, more or less. F. 1988 Homestake Exchange: i. Original Decree: Case No. 88CW449, District Court Water Division No. 5. a. In Case No. 95CW272-A, District Court Water Division No. 5, a Decree was entered on March 16, 2011, for conditional water rights, for changes of water rights, and for approval of a plan for augmentation, including exchange. The legal descriptions of certain conditional water rights of the Homestake Project were changed, and alternate points of diversion added, by the Decree entered in this case. The new alternate and changed points of diversion decreed in Case No. 95CW272-A are included and described in Paragraph 3.F.iii.a.(1), below. ii. Date of Original Decree: August 20, 2002. iii. Location and Legal Description: a. Exchange From Points: Homestake Project, including: (1) Homestake Conduit. The Homestake Conduit receives and delivers appropriated water to Homestake Reservoir for conveyance to Homestake Tunnel or storage in the reservoir from the following sources:

Stream or Other Source of Supply	Point of Diversion	Amount Cubic Feet Per Second of Time
Unnamed Creek Alternate Point: Changed Points:	S 86° 25'E 35,177 ft. to NW cor 6-7S-80W S 86° 4.7'E, 35,286 ft. to NW cor 6-7S-80W Blodgett Reservoir, Homestake Creek Intake, Turkey Creek Intake, or Cross Creek Intake for the Eagle-Cross Pump and Pipeline, Fall Creek Intake for the Eagle-Cross Pump and Pipeline, Peterson Creek Intake for the Eagle-Cross Pump and Pipeline, or Eagle River Intake for the Eagle-Cross Pump and Pipeline	60 C*

West Cross Creek Alternate Point: Changed Points:	N 81° 58'E 36,256 ft. to NW cor 6-7S-80W N 79° 52.5'E 38,572 ft. to NW cor 6-7S-80W Blodgett Reservoir, Homestake Creek Intake, Turkey Creek Intake, or Cross Creek Intake for the Eagle-Cross Pump and Pipeline, Fall Creek Intake for the Eagle-Cross Pump and Pipeline, Peterson Creek Intake for the Eagle-Cross Pump and Pipeline, or Eagle River Intake for the Eagle-Cross Pump and Pipeline	200 C*
Cross Creek Alternate Point: Changed Points:	N 81° 26'E 35,064 ft. to NW cor 6-7S-80W N 75° 59.9'E 36,569 ft. to NW cor 6-7S-80W Blodgett Reservoir, Homestake Creek Intake, Turkey Creek Intake, or Cross Creek Intake for the Eagle-Cross Pump and Pipeline, Fall Creek Intake for the Eagle-Cross Pump and Pipeline, Peterson Creek Intake for the Eagle-Cross Pump and Pipeline, or Eagle River Intake for the Eagle-Cross Pump and Pipeline	300 C*
East Cross Creek Alternate Point: Changed Points:	S 74° 11'E 26,649 ft. to NW cor 6-7S-80W S 74° 52.9'E 25,882 ft. to NW cor 6-7S-80W Blodgett Reservoir, Homestake Creek Intake, Turkey Creek Intake, or Cross Creek Intake for the Eagle-Cross Pump and Pipeline, Fall Creek Intake for the Eagle-Cross Pump and Pipeline, Peterson Creek Intake for the Eagle-Cross Pump and Pipeline, or Eagle River Intake for the Eagle-Cross Pump and Pipeline	130 C*
Fall Creek Alternate Point: Changed Points:	S 82° 55'E 12,812 ft. to NW cor 6-7S-80W N 83° 01.8'E 14,320 ft. to NW cor 6-7S-80W Blodgett Reservoir, Homestake Creek Intake, Turkey Creek Intake, or Cross Creek Intake for the Eagle-Cross Pump and Pipeline, Fall Creek Intake for the Eagle-Cross Pump and Pipeline, Peterson Creek Intake for the Eagle-Cross Pump and Pipeline, or Eagle River Intake for the Eagle-Cross Pump and Pipeline	260 C*
Peterson Creek Alternate Point: New Alternate Points:	S 64° 05'E 6,822 ft. to NW cor 6-7S-80W S 76° 2.9'E 6,474 ft. to NW cor 6-7S-80W Blodgett Reservoir, Homestake Creek Intake, Turkey Creek Intake, or Cross Creek Intake for the Eagle-Cross Pump and Pipeline, Fall Creek Intake for the Eagle-Cross Pump and Pipeline, Peterson Creek Intake for the Eagle-Cross Pump and Pipeline, or Eagle River Intake for the Eagle-Cross Pump and Pipeline	50 C*
Unnamed Creek Alternate Point: Changed Points:	S 76° 45'E 10,572 ft. to SW cor 18-7S-80W S 73° 26.5'E 10,896 ft. to SW cor 18-7S-80W Blodgett Reservoir, Homestake Creek Intake, Turkey Creek Intake, or Cross Creek Intake for the Eagle-Cross Pump and Pipeline, Fall Creek Intake for the Eagle-Cross Pump and Pipeline, Peterson Creek Intake for the Eagle-Cross Pump and Pipeline, or Eagle River Intake for the Eagle-Cross Pump and Pipeline	50 C*
Whitney Creek Alternate Point: Changed Points:	N 81° 42'E 13,489 ft. to SW cor 18-7S-80W N 83° 27.8'E 13,879 ft. to SW cor 18-7S-80W Blodgett Reservoir, Homestake Creek Intake, Turkey Creek Intake, or Cross Creek Intake for the Eagle-Cross Pump and Pipeline, Fall Creek Intake for the Eagle-Cross Pump and Pipeline, Peterson Creek Intake for the Eagle-Cross Pump and Pipeline, or Eagle River Intake for the Eagle-Cross Pump and Pipeline	80 C*
French Creek New Alternate Points:	S 82° 18.3'E 20,988 ft. to NW cor 31-7S-80W Blodgett Reservoir, Homestake Creek Intake, Turkey Creek Intake, or Cross Creek Intake for the Eagle-Cross Pump and	62.18 A* 117.82 C*

	Pipeline, Fall Creek Intake for the Eagle-Cross Pump and Pipeline, Peterson Creek Intake for the Eagle-Cross Pump and Pipeline, or Eagle River Intake for the Eagle-Cross Pump and Pipeline	
Fancy Creek New Alternate Points:	N 85° 10.5'E 25,280 ft. to NW cor 31-7S-80W Blodgett Reservoir, Homestake Creek Intake, Turkey Creek Intake, or Cross Creek Intake for the Eagle-Cross Pump and Pipeline, Fall Creek Intake for the Eagle-Cross Pump and Pipeline, Peterson Creek Intake for the Eagle-Cross Pump and Pipeline, or Eagle River Intake for the Eagle-Cross Pump and Pipeline	38.6 A* 91.4 C*
Missouri Creek New Alternate Points:	N 77° 12.4'E 28,800 ft. to NW cor 31-7S-80W Blodgett Reservoir, Homestake Creek Intake, Turkey Creek Intake, or Cross Creek Intake for the Eagle-Cross Pump and Pipeline, Fall Creek Intake for the Eagle-Cross Pump and Pipeline, Peterson Creek Intake for the Eagle-Cross Pump and Pipeline, or Eagle River Intake for the Eagle-Cross Pump and Pipeline	39.8 A* 80.2 C*
Sopris Creek New Alternate Points:	N 74° 7.6'E 29,848 ft. to NW cor 31-7S-80W Blodgett Reservoir, Homestake Creek Intake, Turkey Creek Intake, or Cross Creek Intake for the Eagle-Cross Pump and Pipeline, Fall Creek Intake for the Eagle-Cross Pump and Pipeline, Peterson Creek Intake for the Eagle-Cross Pump and Pipeline, or Eagle River Intake for the Eagle-Cross Pump and Pipeline	41.3 A* 118.7 C*
Small unnamed streams, springs, seeps, sheet flows and ground waters along Homestake Conduit Changed Points:	Blodgett Reservoir, Homestake Creek Intake, Turkey Creek Intake, or Cross Creek Intake for the Eagle-Cross Pump and Pipeline, Fall Creek Intake for the Eagle-Cross Pump and Pipeline, Peterson Creek Intake for the Eagle-Cross Pump and Pipeline, or Eagle River Intake for the Eagle-Cross Pump and Pipeline	120 C*
	Total	181.88 A* 1,658.12 C*

* A = ABSOLUTE

* C = CONDITIONAL

Said amounts from any and all sources are limited by the capacity of the Homestake Conduit from its lowest diversion to Homestake Reservoir to 1,530 cubic feet per second of time. The changed and alternate points of diversion identified in the above table are located as follows as decreed in Case No. 95CW272-A: Blodgett Reservoir: NE1/4 of the NE1/4 of Section 6, T7S, R80W of the 6th P.M. at a point on Homestake Creek approximately 1,050 feet South of the North section line and 800 feet West of the East section line. Homestake Creek Intake: NE1/4 of the SE1/4 of Section 31, T6S, R80W of the 6th P.M. at a point on Homestake Creek approximately 1,900 feet North of the South section line and 75 feet West of the East section line. Turkey Creek Intake: SW1/4 of the NW1/4 of Section 20, T6S, R80W of the 6th P.M. at a point on Turkey Creek approximately 1,500 feet South of the North section line and 880 feet East of the West section line. Cross Creek Intake for the Eagle-Cross Pump and Pipeline: SE1/4 of the SW1/4 of Section 36, T5S, R81W of the 6th P.M. at a point on Cross Creek approximately 2,000 feet East of the West section line and 1,250 feet North of the South section line. Fall Creek Intake for the Eagle-Cross Pump and Pipeline: SW1/4 of the NW1/4 of Section 13, T6S, R81W of the 6th P.M. at a point on Fall Creek approximately 4,300 feet East of the West section line and 2,400 feet South of the North section line. Peterson Creek Intake for the Eagle-Cross Pump and Pipeline: NW1/4 of the NE1/4 of Section 24, T6S, R81W of the 6th P.M. at a point on Peterson Creek approximately 1,400 feet West of the East section line and 1,100 feet South of the North section line. Eagle River Intake for the Eagle-Cross Pump and Pipeline: SE1/4 of the SW1/4 of Section 19, T6S, R80W of the 6th P.M. at a point on the Eagle River approximately 1,100 feet North of the South section line and 1,750 feet East of the West section line. (2) East Fork Conduit. The East Fork Conduit diverts water from the East Fork of Homestake Creek pursuant to its appropriation of 74.63 cubic feet per second of time ABSOLUTE and 185.37 cubic feet per second of time CONDITIONAL therefrom and conveys these waters to Homestake Reservoir for conveyance to Homestake Tunnel or storage in the reservoir, said East Fork Conduit having a capacity of 260 cubic feet per second of time and a total length of approximately 3093 feet. The point of diversion of said conduit is on East Fork Homestake Creek at a point whence the Northwest Corner of Section 31, T7S, R80W bears North 55° 40.5' East, 22,917 feet. In addition to the originally decreed points of diversion, the East Fork Conduit may divert at the following alternate points of diversion as decreed in Case No. 95CW272-A: Blodgett Reservoir; the Homestake Creek Intake; the Turkey Creek Intake; or Cross Creek intake, Fall Creek intake, Peterson Creek intake, or Eagle River intake for the Eagle-Cross Pump and Pipeline, as described in Paragraph 3.F.iii.a.(1) above. (3) Homestake Tunnel. Homestake Tunnel under the Continental Divide for the conveyance of water into the Arkansas River Basin with its intake located at a

point under Homestake Reservoir whence the Northwest corner of Section 10, T9S, R81W of the 6th P.M. bears South 15° 27'08" East 26,173.03 feet appropriates a maximum amount of 10 cubic feet per second of time CONDITIONAL of water seeping and percolating into Homestake Tunnel from former Water District No. 37 areas and 300 cubic feet per second of time ABSOLUTE from Middle Fork of Homestake Creek, at its said Northerly portal, its point of diversion; said tunnel has a length of 27,400 feet and a capacity of 700 cubic feet per second of time. The tunnel will convey out of former Water District No. 37 up to 700 cubic feet per second of time of waters appropriated by the tunnel from the Middle Fork of Homestake Creek, together with water appropriated by the tunnel from the Homestake Creek and East Fork Conduits and Homestake Reservoir, to an outlet at a point from where the Northwest corner of Section 10, T9S, R81W of the 6th P.M. bears North 6°40'52" East, a distance of 2,173.54 feet. (4) Homestake Reservoir. Homestake Reservoir, also known as Elliott-Weers Reservoir, has a decreed capacity of 83,338.98 acre feet, is located on Homestake Creek with a dam whence Homestake Peak bears South 73° 26' East 10,477 feet from the easterly end thereof and South 74° 57' East 13,347 feet from the westerly end thereof, said dam having a maximum height of 411.5 feet and a length of 3,380 feet. The sources of supply of said reservoir are Homestake Conduit (the sources of this conduit are set forth above), East Fork Conduit (the source of this conduit is set forth above), the Middle Fork of Homestake Creek and Homestake Creek. Homestake Reservoir also conveys water from Homestake Conduit and East Fork Conduit to Homestake Tunnel. Existing Homestake Reservoir has a storage capacity of 43,504.7 acre feet ABSOLUTE, 39,834.28 acre feet CONDITIONAL, and is located on Homestake Creek with a dam whence the NW Corner of Section 31, T7S, R80W of the 6th P.M. bears North 58° 30.6' East 24,659 feet from the East dam abutment and North 62° 25.8' East 25,746 feet from the West dam abutment; said dam has a maximum height of 265.0 feet and a length of 1,996 feet. The sources of supply of said existing Homestake Reservoir are Homestake Conduit, East Fork Conduit, the Middle Fork of Homestake Creek and Homestake Creek. Pursuant to the decree entered in Case No. 95CW272-A, the Applicant may divert and store 9,316 acre-feet annually in either the Homestake Reservoir or in Blodgett Reservoir. (5) Eagle-Arkansas Ditch. The Eagle-Arkansas Ditch receives and delivers into the Tennessee Pass Tunnel for conveyance under the Continental Divide and out of former Water District No. 37 into the Arkansas River Basin the water appropriated from the following sources:

Stream or Other Source of Supply	Point of Diversion	Amount Cubic Feet Per Second of Time
	(Bearing and distance to land Corners of the Sections, Ranges and Townships Indicated, all refer to 6th P.M.)	
Cataract Creek New Alternate Points:	S 54° 46'35"W 3,147.15 ft. to E/4 cor Sec 24-7S-80W Blodgett Reservoir, Homestake Creek Intake, Turkey Creek Intake, or Cross Creek Intake for the Eagle-Cross Pump and Pipeline, Fall Creek Intake for the Eagle-Cross Pump and Pipeline, Peterson Creek Intake for the Eagle-Cross Pump and Pipeline, or Eagle River Intake for the Eagle-Cross Pump and Pipeline	90 C*
Sheep Gulch New Alternate Points:	S 61° 59'03"W 262.66 ft. to NW cor Sec 29-7S-79W Blodgett Reservoir, Homestake Creek Intake, Turkey Creek Intake, or Cross Creek Intake for the Eagle-Cross Pump and Pipeline, Fall Creek Intake for the Eagle-Cross Pump and Pipeline, Peterson Creek Intake for the Eagle-Cross Pump and Pipeline, or Eagle River Intake for the Eagle-Cross Pump and Pipeline	20 C*
East Fork Eagle River New Alternate Points:	N 27° 54'39"E 1,328.12 ft. to E/4 cor Sec 32-7S-79W Blodgett Reservoir, Homestake Creek Intake, Turkey Creek Intake, or Cross Creek Intake for the Eagle-Cross Pump and Pipeline, Fall Creek Intake for the Eagle-Cross Pump and Pipeline, Peterson Creek Intake for the Eagle-Cross Pump and Pipeline, or Eagle River Intake for the Eagle-Cross Pump and Pipeline	230 C*
Jones Gulch New Alternate Points:	N 29° 19'38"E 826.82 ft. to E/4 cor Sec 26-7S-80W Blodgett Reservoir, Homestake Creek Intake, Turkey Creek Intake, or Cross Creek Intake for the Eagle-Cross Pump and Pipeline, Fall Creek Intake for the Eagle-Cross Pump and Pipeline, Peterson Creek Intake for the Eagle-Cross Pump and Pipeline, or Eagle River Intake for the Eagle-Cross Pump and Pipeline	90 C*
Fiddler Creek New Alternate Points:	N 83° 20'47"W 1,360.22 ft. to NW cor Sec 2-8S-80W Blodgett Reservoir, Homestake Creek Intake, Turkey Creek Intake, or Cross Creek Intake for the Eagle-Cross Pump and Pipeline, Fall Creek Intake for the Eagle-Cross Pump and Pipeline, Peterson Creek Intake for the Eagle-Cross Pump and Pipeline, or Eagle River Intake for the Eagle-Cross Pump and Pipeline	30 C*

Taylor Gulch New Alternate Points:	S 9° 55'55"W 6,128.68 ft. to SW cor Sec 11-8S-80W Blodgett Reservoir, Homestake Creek Intake, Turkey Creek Intake, or Cross Creek Intake for the Eagle-Cross Pump and Pipeline, Fall Creek Intake for the Eagle-Cross Pump and Pipeline, Peterson Creek Intake for the Eagle-Cross Pump and Pipeline, or Eagle River Intake for the Eagle-Cross Pump and Pipeline	20 C*
Piney Creek New Alternate Points:	S 52° 18'04"W 2,193.82 ft. to SW cor Sec 11-8S-80W Blodgett Reservoir, Homestake Creek Intake, Turkey Creek Intake, or Cross Creek Intake for the Eagle-Cross Pump and Pipeline, Fall Creek Intake for the Eagle-Cross Pump and Pipeline, Peterson Creek Intake for the Eagle-Cross Pump and Pipeline, or Eagle River Intake for the Eagle-Cross Pump and Pipeline	20 C*
Small unnamed streams, springs, seeps, sheet flows and ground water along Eagle-Arkansas Ditch, one of which is located at a point on an unnamed tributary of the East Fork of the Eagle River whence the S¼ cor of S¼ cor of Sec 29-7S-79W of the 6th P.M. bears S60° 9'47"W, a distance of 1,551.06 ft.		30 C*
Total		530 C*

* A = ABSOLUTE
* C = CONDITIONAL

The location of the alternate points of diversion as decreed in Case No. 95CW272-A are described in Paragraph 3.F.iii.a.(1) above. The original Decree for the Homestake Project was entered in Civil Action No. 1193, Eagle County District Court, on June 8, 1962; these rights have been made absolute in part, and the remaining conditional components have been the subject of subsequent diligence findings entered on September 17, 2007, in Case No. 06CW225, and most recently on February 9, 2014, in Case No. 13CW3045, which also made certain conditional components absolute. The legal descriptions of certain of the remaining conditional water rights of the Homestake Project were corrected, and alternate points of diversion added, by the Decrees entered by the District Court in and for Water Division No. 5 in Cases No. 85CW151, 85CW582 and 85CW583 on August 10, 1988, and in Case No. 06CW225 on September 17, 2007. b. Exchange To Points: 1. Resolution Creek Reservoir, described in paragraph 3.A.ii above. 2. Lower East Fork Reservoir, described in paragraph 3.B.ii above. 3. Eagle Park Reservoir, described in paragraph 3.C.ii above. 4. Eagle Park Wetland Irrigation System, described in paragraph 3.D.ii above. 5. Eagle Park Aquifer Well Field, described in paragraph 3.E.ii above. iv. Source/Reaches of Stream affected: The Eagle River and each of its tributaries between the points of diversion or storage described in paragraph 3.F.iii.a. above as sources of exchange and the structures for diversion or storage by exchange as described in paragraph 3.F.3.b. above. v. Priority Date: December 19, 1988. vi. Amount: a. The component parts of the Homestake Project were awarded conditional priorities in the amounts set forth in paragraph 3.F.ii.a. above, and overall amounts and ditch or reservoir numbers and priority numbers as follows:

Number of Ditch	Name of Ditch or Reservoir	Original Construction or Enlargement	Priority No.	Water Allowed
358 ½ A	Homestake Conduit	Original	536 ½ A	181.88 c.f.s. A* 1658.12 c.f.s. C*
358 ½ B	East Fork Conduit	Original	536 ½ B	74.63 c.f.s. A* 185.37 c.f.s. C*
358 ½ C	Homestake Tunnel	Original	536 ½ C	300 c.f.s. A*
358 ½ D	Homestake Reservoir	Original	536 ½ D	43,504.7AF A* 83,338.98AF C*
358 ½ E	Eagle-Arkansas Ditch	Original	536 ½ E	530 c.f.s. C*

* A = ABSOLUTE
* C = CONDITIONAL

b. The Exchange allows diversion or storage by exchange at any combination of the structures described in paragraph 3.F.iii.b. above of such amounts as would be available in priority for diversion or storage at decreed points of diversion or storage for the Homestake Project's conditional water rights as more fully described in paragraph 3.F.iii.a. above. c. Applicant is allowed to exchange for diversion or storage at the structures described in paragraph 3.F.iii.b. above, any amount required to be bypassed to maintain minimum flow levels within the stream or to meet conditions imposed by any federal, state, or local permitting agency. The bypass flow amounts now quantified are as follows:

<u>Diversion point</u>	<u>Bypass amount</u>
West Cross Creek	5 c.f.s.
Cross Creek	4 c.f.s.
East Cross Creek	3 c.f.s.

Fall Creek	3 c.f.s.
French Creek	1.67 c.f.s.
Fancy Creek	1 c.f.s.
Missouri Creek	3 c.f.s.
Sopris Creek	2 c.f.s.
East Fork Homestake Creek	2.67 c.f.s.
Middle Fork Homestake Creek	6 c.f.s.
Homestake Creek at Gold Park	24 c.f.s.

The water which is not diverted or stored or is released at the points of diversion or storage described in paragraph 3.F.iii.a. for the Homestake Project, including the bypasses described herein, shall be used to satisfy downstream rights in the Eagle or Colorado River basins in exchange for water being stored or diverted at the structures described in paragraph 3.F.iii.b. above. All water diverted or stored by exchange may be used for such uses and at such places as described in paragraphs 3.A.vii, 3.B.vii, 3.C.vii, 3.D.vi, and 3.E.vii and is subject to use, reuse and successive use to extinction for all beneficial uses as described therein including reuse and successive use to extinction of all return flows therefrom. d. Applicant shall operate the exchanges described above at an instantaneous flow rate not to exceed the decreed rates of flow or volumetric limits for all sources of exchange described herein. vii. Use: The uses decreed for the Exchange To structures as set forth in paragraphs 3.A.vii, 3.B.vii, 3.D.vii, and 3.E.vii above. viii. Depth (if well): N/A. 4. Integrated System: The conditional water rights that are the subject of the decree in Case No. 88CW449 comprise features of an integrated water supply project, that is in turn integrated with the integrated Homestake Project. Further, the conditional water rights herein and the Homestake Project are integrated into the water supply systems of the City of Colorado Springs and the City of Aurora. Diligence as to one portion of the integrated system constitutes diligence as to all portions thereof. 5. 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 Applicant and its constituent members, Colorado Springs and Aurora, engaged in extensive work during the diligence period to develop the subject water rights, comprising work to advance and effect application of the conditional rights to beneficial use, work to maintain and protect existing infrastructure and water rights needed for development and use of the subject water rights, and work in maintaining, protecting, and developing the Applicants' respective integrated water supply systems. Applicants' diligence activities are as follows: A. Homestake Partners diligence activities: i. Completed adjudication in the Division 5 Water Court of Case No. 16CW3131 (09CW17; 98CW270), and a decree was entered on June 18, 2017. That decree made a finding of reasonable diligence for water rights and exchanges involving structures to be developed and used in conjunction with and as part of the integrated Homestake Project. A subsequent application for finding of reasonable diligence was filed in the Division 5 Water Court in Case No. 23CW3087 on June 30, 2023. ii. Secured entry of a decree on June 10, 2018, in Case No. 17CW3064 (95CW272A), Water Division No. 5, confirming diligence and continuing in effect conditional water rights originally decreed in Case No. 95CW272A, which comprise part of the integrated Homestake Project. iii. Filed an application for findings of reasonable diligence and to make absolute portions of water rights associated with the integrated Homestake Project in Case No. 20CW3024, Water Division 5, entered a stipulation with the sole opposer, and continued discussions with the Division Engineer to obtain final decree in the same. iv. Continued to pursue development of a joint project or projects as contemplated by the 1998 Eagle River MOU with Vail Associates, Upper Eagle River Regional Water Authority, Eagle River Water and Sanitation District, Cypress Climax Mining Company, and the Colorado River Water Conservation District. In pursuit of the project, Homestake Partners engaged in discussions and negotiations regarding joint development of the joint projects and initiatives. v. Participated in the development of the Upper Colorado River Wild and Scenic Stakeholder Group Management Plan to protect outstandingly remarkable values (ORVs) in Segments 4 through 7 of the Colorado River mainstem that was submitted to the Bureau of Land Management in 2011 and have continued to participate in the alternative plan proposed and set out in the Management Plan during this diligence period. Specifically, Applicants have worked to ensure that development of the subject water rights and the integrated Homestake Project will be consistent with wild and scenic river management of the Colorado River Segments 4 through 7. vi. Supported and participated in the Eagle River Watershed Council Board and its activities to protect and enhance the natural, scenic, and economic values that rivers and tributaries provide, and to promote the interconnected conservation values the watershed represents to diverse interest groups that benefit from its continued health. In this connection, Homestake Partners have worked to ensure that development of the integrated Homestake Project will be consistent with the watershed activities, education, and restoration efforts of the Eagle River Watershed Council. vii. Supported and participated in the Eagle River Watershed Water Quality Data Collection and Assessment Program, which began with a United States Geological Survey Eagle River Watershed Retrospective Assessment Program. The continued monitoring and assessment efforts are currently coordinated through the Eagle River Watershed Council to identify water quality conditions and trends. The Applicants have worked to understand water quality conditions and potential negative and positive effects for potential diversion, storage, transmission alignments and operations to collect and transport the subject water rights. viii. Supported and participated in the Eagle River Community Water Plan (ERCWP), including modeling and planning in the Upper Eagle River Basin, and have worked to ensure that development of the subject water rights and the integrated Homestake Project are incorporated in the ERCWP efforts. ix. Engaged with Federal representatives regarding proposed Colorado Outdoor Recreation and Economy Act and development of Camp Hale-Continental Divide National Monument. Worked to include language that is protective of decreed water rights in Eagle River watershed. x. Promoted the development of the Subject Water Rights through the inclusion of the Eagle River MOU Project as an Identified Project and Process (IPP) in the Arkansas, Colorado, and South Platte River Basin Implementation Plans to meet the future water supply needs of Aurora and Colorado Springs, consistent with the goals of the Colorado Water Plan. xi. Made capital improvements to existing structures and facilities of the Homestake Project, including completion of dam face reconstruction and outlet works for rehabilitation/maintenance of Homestake Reservoir; pipeline repair and

replacement of certain sections of the Homestake Pipeline. xii. In connection with the Arkansas River Diversion Dam Project, planning for which began in 2014, obtained required permits and permissions from applicable authorities, obtained land use rights for the affected lands not owned by the Homestake Partners, organized a joint effort between stakeholders to ensure the dam would meet and satisfy myriad stakeholder requirements, including fish passage and a boat chute, and continued to execute and supervise design, construction, and project management contracts for project construction, which began in 2018, and was completed in 2020. The Arkansas River Diversion Dam serves as an on-channel intake on the Arkansas River for the Otero Pump Station, which conveys water to the Cities of Aurora and Colorado Springs. xiii. Acting individually or through the Homestake Steering Committee, have participated in numerous water court applications as opposers in Water Division No. 5 involving water rights in the Colorado and Eagle River basins in order to protect the subject water rights, water rights of the integrated Homestake Project, and water rights of the Applicants' respective integrated water supply systems, including: Case No. 13CW3109, the application of Glenwood Springs for a recreational in-channel diversion; Case Nos. 21CW3029 and 21CW3030, the applications of Eagle River Water and Sanitation District and the Upper Eagle Regional Water Authority for water rights and approval of plans for augmentation and exchange; Case No. 21CW3180, the application of the Town of Minturn for water right, approval of a plan for augmentation, and appropriative rights of exchange; Case No. 21CW3132, the application of Eagle Vail Metropolitan District for water rights, changes of water rights, and approval of augmentation plan and exchange; Case No. 22CW3014, the application of the Town of Eagle for change of water rights and approval of plan for augmentation and exchange; and Case No. 23CW3031, the application of the Upper Eagle Regional Water Authority for finding of diligence and to make water rights absolute, in part, originally decreed in Case No. 91CW76. xiv. During the diligence period, Homestake Partners made joint capital expenditures of at least \$40,844,671.00 and \$730,000.00 in legal and consulting fees in pursuit of the diligence activities described above. B. City of Aurora's diligence activities (excluding Homestake Project activities): i. Integrated Water Supply System. The water rights that are the subject of this application are part of Aurora's trans-basin municipal water supply system that is an integrated system of water rights and structures under C.R.S. § 37- 92-301(4)(b). During the diligence period, Aurora performed the following work and made the following expenditures toward completion of the appropriations and application of the subject water rights to beneficial use (expenditure numbers are rounded to the nearest \$1,000). ii. Project Specific Efforts. During the diligence period, Aurora has done at least the following project-specific work toward completion of the appropriations and application of the conditional water rights decreed in Case No. 98CW270 to beneficial use: a. Homestake Project. Aurora has participated in the efforts described in paragraph 4.4.1, above, in furtherance of its integrated water supply system. Once water is transported over the Continental Divide and through the Otero Pump Station and Homestake Pipeline, Aurora transports its share to Spinney Mountain Reservoir in the South Platte Basin. b. Legal Actions. Aurora has actively protected the subject conditional water rights from potential injury by performing monthly reviews of the Water Division 5 Water Court Resume to determine whether the filing of statements of opposition was necessary to protect its water rights in Water Division 5, including the subject conditional water rights. Aurora has filed statements of opposition in numerous cases to protect its water rights during this diligence period. Additionally, Aurora's counsel has continued to participate in pending legal actions to protect the conditional water rights during this diligence period. During the subject diligence period, Aurora expended substantial funds, in excess of \$50,000, for legal expenses for the aforementioned protection of the subject conditional water rights. iii. Systemwide Efforts. During the diligence period, Aurora has accomplished at least the following systemwide efforts that will be used to operate or benefit the conditional rights: a. Colorado River Basin. (1) During this diligence period, Aurora entered into an Agreement and Intergovernmental Agreement with the Colorado River Water Conservation District, Basalt Water Conservancy District, Board of County Commissioners of Eagle County, Board of County Commissioners of Pitkin County, Grand Valley Water Users Association, Orchard Mesa Irrigation District, and the Ute Water Conservancy District, effective date August 1, 2018 (the "Settlement Agreement"). Inter alia, the Settlement Agreement addressed resolution of 09CW142, Water Division 2, amongst certain parties thereto, and is filed in the Court's file for Case No. 09CW142. As contemplated and limited by the terms of the Settlement Agreement, Aurora filed an application in Case No. 19CW3159, Water Division 5, seeking judicial determination of appropriative rights of exchange by which 900 acre-feet of water of the Twin Lakes Reservoir and Canal Company ("Twin Lakes"), available to Aurora via its share ownership and over which Aurora has maintained dominion and control in any one year, will be moved as follows. Water from Grizzly Reservoir will be placed into Lincoln Gulch, a tributary of Lincoln Creek, or bypassed from the Twin Lakes system's Roaring Fork River basin facilities into other tributaries of the Roaring Fork River, and then exchanged from the confluence of the Roaring Fork and Fryingpan Rivers upstream on the Fryingpan River to Ruedi Reservoir and an additional exchange, as a component subset of the 900 acre feet, up to 450 acre feet in any one year from Ruedi Reservoir upstream to Ivanhoe Reservoir located upon Ivanhoe Creek for subsequent movement into Water Division 2. (2) Protection Efforts. During this diligence period, Aurora made expenditures in excess of \$100,000 for legal services for participation in Water Divisions 2 and 5 cases to protect the rights and interests of Aurora with regard to its water supply system, including the subject conditional water rights. b. South Platte River Basin. (1) Metro Wastewater Reclamation District Charges. Aurora expended approximately \$181,291,000 for fees for wastewater treatment of its water at the Metro Wastewater Reclamation facility. Such treatment is necessary for reuse of the water within the South Platte River Basin and to comply with water reuse requirements. (2) Sand Creek Water Reuse Plant Improvements. Aurora operates the Sand Creek Water Reuse Plant, a 5-million-gallon per day facility, which provides treated water used for irrigation throughout the City and for discharge into Sand Creek for use as a replacement source. Aurora expended approximately \$16,211,662 for improvements to and operating costs for the Sand Creek plant. This work is necessary for reuse within the South Platte River Basin of the subject water rights and to comply with water reuse requirements. (3) Griswold Water Treatment Plant Renovations. This facility treats a portion of the raw water before it is delivered to Aurora's customers. Approximately \$43,228,000 was spent by Aurora for improvements to this facility necessary to accommodate the subject water rights. This includes expenditures directly by Aurora for renovation of the facility. (4) Wemlinger Water Treatment Plant Expansion. Aurora spent approximately \$41,053,000 for expansion of the Wemlinger Water Treatment Plant. This facility treats a

portion of the raw water before it is delivered to Aurora's customers. (5) Improvements to Extend and Improve Water Service in and to Aurora. At least \$69,936,000 was spent by Aurora for extension and upgrades of its water transmission system necessary to deliver the water to Aurora's customers. (6) Automated Meter Reading System. Aurora spent approximately \$9,064,000 for updates to its automated utility reading system. This is needed for efficient operation of Aurora's water supply and delivery system, including use of the subject water rights. (7) Improvements to Sanitary Sewer System. Up to \$75,346,000 was spent by Aurora for extension and upgrade of its sanitary sewer system necessary for wastewater treatment and reuse within the South Platte River Basin of the subject water rights. (8) Prairie Waters Project. The Prairie Waters Project is a large comprehensive water supply, storage, and treatment project in which return flows to the South Platte River from Aurora's water sources, including the water that is the subject of this application, may be rediverted for subsequent reuse. To facilitate this project Aurora obtained various decrees in Case Nos. 06CW104, 03CW414, and 03CW415, Water Division 1. This project allows further reuse of much of the water decreed to Aurora. During the diligence period, Aurora obtained a decree in Case No. 15CW3064, finding reasonable diligence for the water rights originally decreed in Case No. 06CW104 (decreed December 1, 2017). On November 23, 2021, in Case No. 21CW3006 Aurora obtained a decree finding reasonable diligence for the Aurora-Everist No. 2 water rights originally decreed in Case No. 03CW414. On November 4, 2020, Aurora was granted a decree in Case No. 20CW3058 for findings of reasonable diligence for conditional storage rights for the Aquifer Recharge and Recovery Facility B (ARR-B) and the Tucson South Reservoir, originally decreed in Case No. 03CW414. On December 9, 2021, in Case No. 21CW3028 Aurora obtained a decree finding diligence on the conditional rights originally decreed in Case No. 03CW415. On April 28, 2022, in Case No. 21CW3077, Aurora obtained a decree finding diligence for the PWP Infill Wells originally decreed in Case No. 13CW3042, Water Division 1. Aurora has expended at least \$9,294,000 on several elements of the Prairie Waters Project during this diligence period. (9) Lawn Irrigation Return Flows (LIRFs) Credits. Aurora obtained a decree in Case No. 02CW341, Water Division 1, on September 25, 2008, quantifying LIRFs from its municipal system (and subsequent requantification as required by the Decree in 02CW341), generated as a result of use of transmountain water rights, fully consumable in-basin water rights, decreed and permitted non-tributary sources and any other fully consumable water available to Aurora. Aurora also installed seventeen new monitoring wells and expends manpower to monitor these wells every three months. Water that is used in Aurora's service area can be reused under the decree in Case No. 02CW341. On April 15, 2018, the Court granted an Aurora motion to approve revised deep percolation percentages, revised unit response factors, and revised accounting forms. Aurora has expended significant sums during this diligence period for engineering and legal costs required to requantify the LIRFs adjudicated in Case No. 02CW341 available for reuse. (10) Binney Water Purification Facility. This state-of-the-art water purification and recycling plant owned and operated by Aurora treats water for use throughout the City. Approximately \$5,678,000 was spent by Aurora during the diligence period for improvements to this facility. (11) Aurora Know Your Flow Program. During the diligence period Aurora Water Conservation developed its voluntary Know Your Flow Program designed to help customers understand how efficiently they are using water. Through the program, Aurora Water Conservation estimates what a customer's water use could be for a given billing cycle if the customer were using water efficiently. The customer receives a monthly e-mail from Aurora Water Conservation showing the property's actual water use versus the customized recommended indoor and outdoor water use. Customers also receive weekly watering recommendations and tips during the irrigation season. The Know Your Flow Program was designed by Aurora to encourage more efficient use of the water that is the subject of this application. (12) Legal Actions. Aurora has actively protected its water rights from potential injury by performing monthly reviews of the Water Division 1 Water Court Resume to determine whether the filing of Statements of Opposition was necessary to protect its water rights in Water Division 1. Aurora has filed Statements of Opposition in numerous cases to protect its water rights during this diligence period. During the subject diligence period, Aurora expended approximately \$312,000 on legal expenses for the aforementioned protection of its water rights in the South Platte Basin. c. Arkansas River Basin. (1) Payment for purchase and lease of Rocky Ford Ditch shares. During this diligence period, Aurora spent approximately \$584,000 for repayment of bonds and payments to note sellers, including principal and interest, that were issued or refunded for the purchase of original Rocky Ford Ditch shares changed in Case No. 83CW18, Water Division 2. (2) Otero IGA. Aurora and Otero County entered into an Intergovernmental Agreement on February 22, 1994, and amended that Agreement on October 29, 2001, under which Amendment Aurora agreed to make annual payments to Otero County concerning the Rocky Ford Ditch shares that are the source for the subject conditional water rights. During this diligence period, Aurora made payments of approximately \$289,000. (3) Pueblo Reservoir Storage. During this diligence period, Aurora paid the Bureau of Reclamation approximately \$5,036,000 for storage use of Pueblo Reservoir, as well as for consultants and legal fees for the long-term storage contract. (4) Assessments Paid for Use of Twin Lakes, Lake Henry/Lake Meredith, Rocky Ford Ditch. During this diligence period, Aurora paid the following in annual assessments: approximately \$525,000 for Twin Lakes Company (necessary for storage); at least \$2,359,000 for the Colorado Canal/Lake Henry/Lake Meredith (necessary for storage); and approximately \$1,691,000 for the Rocky Ford Ditch for the shares attributable to the Subject Rocky Ford Ditch Water Right. (5) Intergovernmental Agreement with SECWCD. On October 3, 2003, Aurora entered into an Intergovernmental Agreement with the Southeastern Colorado Water Conservancy District ("SECWCD"), replacing an agreement between the parties dated December 7, 2001. Under this new IGA, Aurora and SECWCD agreed to support proposed federal legislation relating to the Fryingpan-Arkansas Project to include, among other things, re-operations of the existing water storage facilities, studies for enlargements to Pueblo and Turquoise Reservoirs, and confirming the authority of the Bureau of Reclamation to enter into contracts with Aurora for use of the facilities including long-term contracts. Aurora's ability to use Fryingpan-Arkansas facilities is expanded under this IGA and Aurora is obligated to make certain payments to SECWCD in consideration for the expanded use. Under this IGA, SECWCD also agreed not to oppose Aurora's attempts to contract with the Bureau of Reclamation for use of the Fryingpan-Arkansas Project facilities, to facilitate delivery of Aurora's water, and to settle opposition to each other's water court applications. During this diligence period, Aurora made payments of approximately \$1,001,000.00 to SECWCD under this IGA. (6) Intergovernmental Agreement with Lower Arkansas Valley Water Conservation District ("LAVWCD"). Pursuant to an

Intergovernmental Agreement with the LAVWCD, Aurora paid approximately \$750,000 to LAVWCD for the identification and implementation of infrastructure improvements, research, and investigations designed to assist in the permitting or implementation of water leasing programs in the Lower Arkansas Valley, as well as remediation and restoration efforts in the Fountain Creek Corridor. (7) Agreements for Use of the Holbrook System Facilities. On March 1, 2005, Aurora entered into two agreements pertaining to the use of the diversion, conveyance, and storage facilities of the Holbrook Mutual Irrigating Company (“Holbrook”). Aurora and Holbrook extended this agreement on February 2, 2010. These agreements implement a program to recapture and store yield from foregone diversions of senior water rights. Aurora completed structural modifications to the Holbrook system facilities and filed a Substitute Water Supply Plan necessary to implement the program. An Amended Agreement was entered into on April 21, 2016. Further, Aurora initiated a study to examine enlargement of the Holbrook Reservoir to further facilitate operations. During this diligence period, Aurora made payments of approximately \$489,000 to Holbrook under this agreement. (8) Recovery of Yield (“ROY”). On August 17, 2016, Aurora, along with Colorado Springs, the Pueblo Board of Water Works, the City of Fountain, and the Southeastern Colorado Water Conservancy District, obtained a decree in WD-2, Case No. 06CW120 adjudicating exchanges necessary as a result of the 2004 Regional Intergovernmental Agreement (“IGA”) between the various water providers and the City of Pueblo, whereby the water providers agreed to allow certain of their senior flows to pass through Pueblo’s RICD reaches on the condition those flows could be removed downstream and exchanged back upstream. In addition, the ROY participants, including Aurora, have made significant efforts to secure the Arkansas Gravel Pit Reservoir (“AGPR”) or a comparable facility. In December 2021, the ROY participants purchased the so-called Fossil property for potential use as a reservoir site. Aurora has expended approximately \$1,158,000 on these efforts during the diligence period. (9) Revegetation. Aurora has expended approximately \$1,468,000 during this diligence period for revegetation, including expenditures for expert revegetation classifications and reports, actual revegetation and weed control costs, as well as farm equipment purchases, office overhead and personnel costs, under Case No. 83CW18. Aurora also expended additional sums for revegetation and continued farming of historically irrigated lands pursuant to the decree in Case No. 99CW169(A). On June 3, 2014, Aurora entered into an Intergovernmental Agreement with Otero County to clarify between the parties, certain terms contained in the 99CW 169(A) decree regarding revegetation. d. Non-Basin Specific Efforts. (1) Study of Aurora’s Water Needs. Aurora spent approximately \$3,080,000 towards its Integrated Water Master Plan to assist in determining the City’s future water needs and developing a plan to meet those needs. This study will increase the overall efficiency of Aurora’s operations. (2) Aurora Raw Water System Model. Aurora spent approximately \$605,000 for consultant fees to develop and support a computer model of Aurora’s raw water system. C. City of Colorado Springs diligence activities (excluding Homestake Project activities): i. The water rights that are the subject of this application are part of Colorado Springs’ municipal water supply system that is an integrated system of water rights and structures under C.R.S. § 37- 92-301(4)(b), which is comprised of water rights and infrastructure in the Colorado, Arkansas, and South Platte River basins, including the Homestake System and IPTDS. During the diligence period, Colorado Springs pursued development of its integrated water supply system. Examples of such activities include retaining engineering consultants and attorneys to assist it in the acquisition, operation, maintenance, improvement, and protection of its water resources and its municipal water supply, distribution, and wastewater treatment systems. Colorado Springs also undertook numerous projects and activities for the improvement and enlargement of its water supply and distribution systems in order to facilitate the completion of the appropriation of the conditionally decreed rights of storage, substitution and exchange that are the subject of this Application including, but not limited to: completion of the Southern Delivery System (SDS) Project Phase 1; construction and establishment of certain wetlands along Fountain Creek as required per the SDS Project environmental mitigation requirements; improvements to the raw water pipeline between Pikeview Reservoir and the Tollefson (Mesa) water treatment plant; improvements to the Northfield Reservoir dam and spillway; completion of upgrades to the 33rd Street Pump Station; completion of upgrades to the Manitou Intake diversion structure on Ruxton Creek; improvements to the French Creek Intake diversion structure; improvements to Gold Camp and South Suburban Reservoirs; investigations into seepage from Rampart Reservoir dam; investigations regarding system water losses; install water quality improvements on its Northfield and Pikeview Systems, replacement of the South Catamount transfer pipeline, design and initial construction activities for refacing of the Crystal Creek Reservoir dam; improvements to the Nichols Reservoir dam and spillway; design for refacing of the South Catamount Reservoir dam; operation and development of its Arkansas River exchange program and its Colorado Canal reuse program; development and completion of the Integrated Water Resources Plan which identified a portfolio of water supply projects, policies, and processes that will be necessary to provide a reliable and sustainable supply of water for its customers for the next 50 years; and pursuit of a project to maximize the yield of the Blue River System. Colorado Springs also purchased shares in the Lower Arkansas Water Management Association and the Fort Lyon Canal Company. ii. Filed an application in March 2018 seeking a finding of reasonable diligence for Homestake/Blue River exchange right, Case No. 18CW3041, Water Division 5. Colorado Springs also participated in negotiations with parties to the 1955 Blue River Decree, the State of Colorado, and others regarding various Blue River Decree matters, including operations of Green Mountain Reservoir vis-à-vis other Blue River and Colorado River water rights, which have resulted in an agreed Green Mountain Reservoir Protocol. In addition, Colorado Springs participated as an objector in numerous water court cases in Water Division 5 involving water rights in the Blue River basin in order to protect the subject conditional water rights, the water rights of the integrated Homestake Project, and water rights of Colorado Springs’ integrated water supply system, including: Case No. 12CW176, application of Climax Molybdenum, and Case No. 16CW3015, application of Summit County Board of Commissioners. iii. Participated as objectors in numerous applications in Water Division No. 2 involving water rights in the Arkansas River basin in order to protect water rights of the integrated Homestake Project and water rights of Colorado Springs’ integrated water supply system. Colorado Springs also filed numerous applications for finding of reasonable diligence and for adjudication of water rights in Water Division 2. iv. Colorado Springs made capital expenditures of at least \$413,993,005.87 in pursuit of the diligence activities described above during the diligence period. D. The Applicant reserves the right to identify additional relevant efforts that may be later discovered or to make upward adjustments

to amounts expended on certain projects. In particular, Aurora and Colorado Springs have extensive water rights portfolios, extensive and complex water supply, collection, treatment and reuse systems, and extensive numbers of agreements, contracts, and leases etc. related to their facilities and the use, reuse, and storage of their water rights. Aurora and Colorado Springs are involved in many legal actions related to the collection, treatment, reuse, and protection of their water rights. Further, the management, protection, and operation of the water rights and the facilities system involve numerous Aurora and Colorado Springs departments and staff members throughout the state. Aurora and Colorado Springs made diligent efforts with regard to this Application to determine and quantify all efforts made by the Cities toward completion of the appropriations and application of the water rights decreed in Case No. 88CW449 to beneficial use. However, it is reasonably possible that relevant efforts or expenditures may have been overlooked or need further upward adjustment. 6. Names and addresses of owner(s) or reputed owners of the land upon which any new diversion or storage structure, or modification to any existing diversion or storage structure is or will be constructed or upon which water is or will be stored, including any modification to the existing storage pool: A. United States Forest Service, Holy Cross Ranger District – Mike Smith, Acting District Ranger, 24747 U.S. Highway 24, P.O. Box 190, Minturn, CO 81645-0190 (Diversion or Storage Structure: Resolution Creek Reservoir; Lower East Fork Reservoir; Eagle Park Reservoir; Eagle Park Wetland Irrigation System; Eagle Park Aquifer Well Field; Homestake Tunnel Inlet; Homestake Reservoir; East Fork Conduit; all Homestake Conduit diversion points; Cataract Creek, Sheep Gulch, East Fork Eagle River, Jones Gulch, Fiddler Creek, and Piney Creek diversion points of Eagle-Arkansas Ditch). B. United States Forest Service, Leadville Ranger District - Patrick Mercer, District Ranger, 2015 N. Poplar St., Leadville, CO 80461 (Diversion or Storage Structure: Homestake Tunnel Outlet). C. Marjorie Westermann, P.O. Box 885, Leadville, CO 80461 (Diversion or Storage Structure: Taylor Gulch diversion of Eagle-Arkansas Ditch). D. DNC Parks & Resorts at Camp Hale Inc., Delaware North Companies Inc., 250 Delaware Ave., Buffalo, NY 14202-2014 (Diversion or Storage Structure: Eagle Park Reservoir Structure No. 5, Eagle Park Wetlands Irrigation System Structure No. 5). WHEREFORE, Applicant requests that a finding of reasonable diligence be entered, and the conditional water rights that are the subject of this application be continued in force.

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

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 SEPTEMBER 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.*

23CW3139 MESA COUNTY, COLORADO RIVER, Ronald E. Tipping and Marie E. Tipping, 1967 Broadway, Grand Junction, CO 81507, c/o of Kirsten M. Kurath, Williams, Turner & Holmes, P.C., 858 Grand Ave., Suite 1, Grand Junction, CO 81501, 970-242-6262, kmkurath@wth-law.com. APPLICATION FOR FINDING OF REASONABLE DILIGENCE Structure: Obergfell Diversion. Original Decree: April 17, 1978. Case No.: W-3468, District Court, Water Div No. 5. Subsequent Diligence Decrees: Case No. 82CW19 (October 17, 1982); Case No. 85CW321 (October 30, 1986); Case No. 90CW007 (May 21, 1990); Case No. 96CW259 (February 26, 1997); Case No. 03CW021 (August 4, 2003); Case No. 09CW85 (September 17, 2010) and Case No. 16CW3079 (September 17, 2017). Location: The original decreed point of diversion is located on the left bank of the Colorado River at a point whence the Southeast Corner of Lot 5, Section 2, T. 1 S., R. 2 E., Ute Meridian, bears S. 54° 08' 42" E., 1,304.16 feet. Applicants own 2.0 c.f.s. of the Obergfell Diversion. The point of diversion for Applicants' 2.0 c.f.s. interest in the Obergfell Diversion was changed to the following point in Case No. 03CW007: A point on the north bank of the Colorado River, located approximately 195 feet north of the south section line and 640 feet west of the east section line of Section 6, T. 1 S., R. 1 W., Ute Meridian. This point is located in the SE1/4 SE1/4 of said Section 6, Mesa County, Colorado. A map showing the location of this point of diversion is attached to the Application as Exhibit A. Source: Colorado River. App. Date: February 28, 1977. Amount: 20 c.f.s., of which amount Applicants own 2.0 c.f.s.; conditional. Uses: The original decreed uses for the Obergfell Diversion were industrial, irrigation, domestic, and municipal purposes. In Case No. 03CW007, the following additional uses were added to the Applicants; 2.0 c.f.s. interest in the Obergfell Diversion: wildlife habitat (including irrigation of up to 30 acres of wildlife habitat), wildlife watering, piscatorial, aesthetic and recreational purposes. The anticipated location of the 30 acres of irrigated wildlife habitat is shown in crosshatching on Exhibit A. Finding of Reasonable Diligence: The Application contains a detailed outline of what has been done toward completion of the appropriation of the Applicants' Obergfell Diversion conditional water right during this diligence period, including expenditures. Name and Address of Landowner: The point of diversion for the Applicants' interest in the Obergfell Diversion is located on land owned by the following entity: State of Colorado, acting by and through the Department of Natural Resources, for the use and benefit of the Division of Parks and Outdoor Recreation and Board of Parks and Outdoor Recreation, whose address is 1313 Sherman Street, Room 618, Denver, CO 80203-2240. Applicants request that the Court adjudge and decree that Applicants have been reasonably diligent in the development of the Applicants' interest in the Obergfell Diversion, and that the Applicants' interest in the Obergfell Diversion be continued in full force and effect. (6 pages)

YOU ARE HEREBY NOTIFIED THAT YOU HAVE until the last day of NOVEMBER 2023 to file with the Water Clerk a verified Statement of Opposition setting forth facts as to why this application should not be granted or why it should be granted in part or on certain conditions. A copy of such statement of opposition must also be served upon the applicant or the applicant's

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

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 SEPTEMBER 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.*

23CW3140 (17CW3050, 10CW80, 03CW99, 96CW307, 90CW240, 86CW66) YMCA of the Rockies (“YMCA”) Attn: CEO, P.O. Box 20800, Estes Park, CO 80511-2800, (970) 887-2152. Please direct all pleadings to: Peter D. Nichols, Geoffrey M. Williamson, Megan Christensen, Berg Hill Greenleaf Ruscitti LLP, 1712 Pearl Street, Boulder, Colorado, 80302, Telephone: 303-402-1600. The Fairways at Pole Creek Development, LLC (“FPC”), c/o Judy Ley Allen, 4545 Post Oak Place, Suite 100, Houston, Texas 77027. Please direct all pleadings to: Richard A. Johnson, David F. Bower, Johnson & Repucci, LLP, 850 W. South Boulder Rd., Suite 100, Louisville, Colorado 80027. **APPLICATION FOR FINDING OF REASONABLE DILIGENCE in GRAND COUNTY.** 2. Description of Conditional Water Rights: A. Name of Structure: Gaylord Feeder Ditch and Pipeline (formerly known as the Snow Mountain Feeder Ditch and Pipeline), as shown on Exhibit A. i. Date of Original Decree: Originally decreed on January 21, 1987 in Case No. 86CW66, Water Division No. 5. ii. Subsequent Diligence Decrees: This Court has issued a finding of reasonable diligence in Case Nos. 90CW240 on March 15, 1991, 96CW307 on May 29, 1997, 03CW99 on March 29, 2004, 10CW80 on February 5, 2011, (municipal use cancelled), and 17CW3050 on September 17, 2017. iii. Location: The point of diversion is located in the NE1/4 NE1/4 of Section 12, T1S, R77W, 6th P.M., at a point 1150 feet West of the East line and 700 feet South of the North line of said Section 12. iv. Source: Pole Creek, tributary to Crooked Creek, tributary to the Fraser River, tributary to the Colorado River. v. Appropriation Date: November 12, 1976. vi. Amount: 10.0 cfs conditional. vii. Use: The use of the water for storage in the Snow Mountain Reservoir No. 1 (decreed in Case No. W-3251), now known as Gaylord Reservoir, for domestic, fire protection, commercial, piscatorial, recreation, augmentation, replacement and exchange, and irrigation. 3. Application for Finding of Reasonable Diligence: Applicants seek a finding of reasonable diligence for the Gaylord Feeder Ditch and Pipeline conditional water right. This conditional water right is part of an integrated raw water supply and potable water distribution system. This system includes, among other things, the Gaylord Reservoir (f/k/a Snow Mountain Reservoirs Nos. 1 and 2), the Ruesch Spring and Ruesch Spring Nos. 2, 3 and 5, the YMCA (Just) Spring, Well Nos. 1 and 2, the Gaylord Feeder Ditch and Pipeline and associated facilities. This Court has previously found that diligence on one part of this system is diligence on the entire system. Outline of Work Done Toward Completion of Project and Application of Water to Beneficial Use: During the interval of time since this Court’s last finding of diligence concerning the Gaylord Feeder Ditch and Pipeline, in continuing the development of the water right which is the subject of this Application, Applicants have engaged in additional planning, design and construction work related to the improvement of their storage, treatment, and distribution system for delivering water for beneficial use, and have engaged in legal defense and protection of their rights. Work performed to develop the subject conditional water rights includes, but is not limited to: A. YMCA performed a major leak repair on the Gaylord Dam at a total cost of over \$1 million. B. YMCA has conducted general maintenance of the Gaylord Dam including repairing the spillway flume, cleaning the toe drain, and removing vegetation. C. In addition to inspections and general maintenance of its water filtration plant and system, YMCA made a major repair to its system in 2023. American Leak Detection identified five leaks in the water lines that YMCA caused to be repaired by Conroy Excavating, resulting in significant savings in water use. D. YMCA has continued to retain W.W. Wheeler and Associates, Inc. to provide consulting services relating to the development and maintenance of the water rights that are used to supply Snow Mountain Ranch, including the water rights that are the subject of this Application. These services included, but are not limited to, ongoing accounting and engineering work related to the Gaylord Dam. E. YMCA continued to protect and improve its legal water supplies for Snow Mountain Ranch that are integrated with the subject water rights, including: i. Obtaining findings of reasonable diligence in Case No. 21CW3052 on March 10, 2022 for Ruesch Spring Nos. 2, 3 and 5. ii. Obtaining a decree to make Gaylord Reservoir absolute for its entire decreed amount for all decreed uses in Case No. 18CW3066 on January 27, 2019. iii. Monitoring applications for water rights that could adversely affect YMCA’s water rights decrees. F. FPC has continued to incur costs in connection with developing the Fairways at Pole Creek subdivision and associated water rights, including but not limited to paying HOA dues, marketing and promoting lots, and performing landscaping, snow removal, and other maintenance. G. FPC and its successors and assigns to other water rights decreed to the Fairways at Pole Creek development, the Fraser Valley Metropolitan Recreation District and the Fairways at Pole Creek Homeowners Association, have continued to operate the plan for augmentation decreed to serve the golf course and development in Case No. 96CW175, and have incurred engineering and legal costs in doing so. Gaylord Reservoir is a source of augmentation water for the development and golf course. 4. Owners of Land Upon Which Structures are Located: Applicant, YMCA of the Rockies. WHEREFORE, Applicants pray this Court enter a decree that Applicants have exercised reasonable diligence in the development of the Gaylord Feeder and Pipeline described above and continuing this water right in full force and effect. Number of pages in Application: 8, including 1 exhibit.

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

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 SEPTEMBER 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.*

2023CW3141 (16CW3172) GARFIELD COUNTY. GROUNDWATER TRIBUTARY TO THE ROARING FORK RIVER.

Application for Findings of Reasonable Diligence. Applicant: Stirling Ranch Property Owners Association, Inc.; c/o Garfield & Hecht, P.C., 910 Grand Ave., Suite 201, Glenwood Springs, CO 81601, (970)947-1936. Names of Structures: Stirling Wells A, B, C, D, E, F, G, H, I, J, and L. Original decree: Entered on September 11, 1980 in Case No. 79CW383, Water Div. No. 5. Subsequent decrees: Decrees finding reasonable diligence and/or making the subject water rights partially absolute were entered in Case Nos. 84CW297, 88CW254, 94CW285, 01CW111, 08CW25, and 2016CW3172. In Case No. 84CW741, the points of diversion of Stirling Wells 3, 4, 6, 7, 8, 9, 10, 11, and 12 were changed to Stirling Wells A-L, inclusive. In Case No. 87CW244, as modified by Case No. 99CW036, a commercial use of the wells for a health spa was added to their decreed conditional uses. In Case No. 92CW238, the locations of Stirling Wells K and L were changed, Stirling Well K being changed to Stirling Well L. In Case No. 99CW036, the decreed locations of Stirling Wells D, F, I, and J were changed. In Case No. 02CW135, the decreed locations and/or amounts of Stirling Wells B, D, F, I, and L were changed. Decreed Locations: (A map showing the well locations is attached to the application as Exhibit A.) Stirling Well A is located in the NW1/4 NE1/4 of Section 29, Township 7 South, Range 87 West of the 6th P.M. at a point whence the Northwest corner of said Section bears North 74°00' West a distance of 3,880 feet. Stirling Well B is located in the SW1/4 NE1/4 of Section 29, Township 7 South, Range 87 West of the 6th P.M., at a point 1,375 feet from the North section line and 1,970 feet from the East section line of said Section 29. Stirling Well C is located in the SW1/4 NE1/4 of Section 29, Township 7 South, Range 87 West of the 6th P.M. at a point whence the Northwest corner of said Section bears North 57°30' West a distance of 3,160 feet. Stirling Well D is located in the NE1/4 SE1/4 of Section 29, Township 7 South, Range 87 West of the 6th P.M., at a point 800 feet from the East section line and 2,600 feet from the South section line of said Section 29. Stirling Well E is located in the NW1/4 SE1/4 of Section 29, Township 7 South, Range 87 West of the 6th P.M. at a point whence the Northwest corner of said Section bears North 42°30' West a distance of 4,080 feet. Stirling Well F is located in the SW1/4 NE1/4 of Section 29, Township 7 South, Range 87 West of the 6th P.M., at a point 2,200 feet from the North section line and 1,350 feet from the East section line of said Section 29. Stirling Well G is located in the NW1/4 SE1/4 of Section 29, Township 7 South, Range 87 West of the 6th P.M. at a point whence the Northwest corner of said Section bears North 35° West a distance of 4,070 feet. Stirling Well H is located in the NW1/4 SW1/4 of Section 29, Township 7 South, Range 87 West of the 6th P.M. at a point whence the Northwest corner of said Section bears North 17°30' West a distance of 3,350 feet. Stirling Well I is located in the SE1/4 NW1/4 of Section 29, Township 7 South, Range 87 West of the 6th P.M., at a point 2,370 feet from the North section line and 1,795 feet from the West section line of said Section 29. Stirling Well J is located in the SW1/4 SW1/4 of Section 29, Township 7 South, Range 87 West of the 6th P.M., at a point 2,100 feet from the South section line and 1,500 feet from the West section line of said Section 29. Stirling Well L is located in the SE1/4 NE1/4 of Section 30, Township 7 South, Range 87 West of the 6th P.M., at a point 434 feet from the East section line and 1,438 feet from the North section line of said Section 30. Source: Groundwater tributary to the Roaring Fork River. Date of appropriation: May 15, 1979. Amounts: Stirling Well A: 14 g.p.m., conditional. Stirling Well B: 12 g.p.m., absolute. Stirling Well C: 14 g.p.m., conditional. Stirling Well D: 15 g.p.m., absolute. Stirling Well E: 14 g.p.m., conditional. Stirling Well F: 12 g.p.m., absolute. Stirling Well G: 5 g.p.m., conditional. Stirling Well H: 5 g.p.m., conditional. Stirling Well I: 25 g.p.m., absolute. Stirling Well J: 18 g.p.m., conditional. Stirling Well L: 10 g.p.m., absolute. Uses: Stirling Wells A, C, E, G, H, and J (all uses conditional): domestic, commercial, household purposes, livestock water, fire protection, and lawn and garden irrigation. Stirling Wells B, D, F, I, and L: Absolute Uses: domestic, household purposes, fire protection, and lawn and garden irrigation. Conditional Uses: commercial and livestock water. Well Permits and Depths of Wells: Stirling Well B – Well Permit No. 67902-F; 300 feet in depth. Stirling Well D – Well Permit No. 59637-F; 160 feet in depth. Stirling Well F – Well Permit No. 59639-F; 280 feet in depth. Stirling Well I – Well Permit No. 67903-F; 340 feet in depth. Stirling Well L – Well Permit No. 59644-F; 260 feet in depth. Names of Structures: Stirling Wells M, N, O, and P. Original decree: Entered on January 29, 1986 in Case No. 85CW139, Water Div. No. 5. Subsequent decrees: Decrees finding reasonable diligence and/or making the subject water rights partially absolute were entered in Case Nos. 90CW004, 96CW019, 02CW168, 08CW25, and 2016CW3172. The original decree was amended by decree in Case No. 87CW244 entered on February 18, 1988, as further amended by decree in Case No. 99CW36 entered on January 14, 2000. The decreed locations and/or amounts of Stirling Wells O and P were changed by decree entered on February 24, 2003 in Case No. 02CW135. Decreed Locations: (A map showing the well locations is attached to the application as Exhibit A.) Stirling Well M is located in the SW1/4 NW1/4 of Section 29, Township 7 South, Range 87 West of the 6th P.M., at a point whence the Northwest corner of said Section bears North 25° West a distance of 1,516 feet. Stirling Well N is located in the SE1/4 NW1/4 of Section 29, Township 7 South, Range 87 West of the 6th P.M., at a point whence the Northwest corner of said Section bears North 42°45' West a distance of 2,362 feet. Stirling Well O is located in the SE1/4 NW1/4 of Section 29, Township 7 South, Range 87 West of the 6th P.M., at a point 2,105 feet from the North section line and 1,895 feet from the West section line of said Section 29. Stirling Well P is located in the NW1/4 NE1/4 of Section 29, Township 7 South, Range 87 West of the 6th P.M., at a point whence the Northwest corner of said Section bears North 82°30' West, a distance of 3,386 feet. Source: Groundwater tributary to the Roaring Fork River. Date of appropriation: April 5, 1985. Amounts: Stirling Well M: 0.033 c.f.s. (15 g.p.m.), conditional. Stirling Well N: 0.033 c.f.s. (15 g.p.m.), conditional. Stirling Well O: 0.033 c.f.s. (15 g.p.m.), absolute. Stirling Well P: 21 g.p.m.; of which 16 g.p.m. is absolute and 5 g.p.m. is conditional. Uses: Stirling Wells M and N (all uses conditional): domestic, commercial, household purposes, livestock water, fire protection, and lawn and garden irrigation. Stirling Well O: Absolute Uses: livestock water, fire protection, and lawn and garden irrigation. Conditional Uses: domestic, household

purposes, and commercial uses. Stirling Well P: Absolute Uses: domestic, household purposes, fire protection, and lawn and garden irrigation. Conditional Uses: commercial and livestock water. Well Permits and Depths of Wells: Stirling Well O – Well Permit No. 59647-F; 300 feet in depth. Stirling Well P – Well Permit No. 59648-F; 221 feet in depth. Integrated System. As decreed in Case No. 08CW25, the water rights for Stirling Wells A-J and L-P form an integrated water supply system pursuant to C.R.S. § 37-92-301(4)(b), such that work on any one feature of the system shall be considered in finding that reasonable diligence has been shown in the development of water rights for all features of the system as a whole. The application includes a detailed description of what has been done toward or for completion of the appropriation and application of water to beneficial use as conditionally decreed, including expenditures. 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: Stirling Well A is located on land owned by Hugh and Kelly Phillips, 232 Clipper Place, Carbondale, CO 81623; Stirling Well B is located on land owned by Julia G. Herman, 233 Clipper Place, Carbondale, CO 81623; Stirling Wells C and P are located on lands owned by Janice James and Sherman Muller, 184 Clipper Place, Carbondale, CO 81623; Stirling Well E is located on land owned by Wallace W. Graham, as Successor Trustee for the Adeline W. Graham TUW DTD 11/14/12 Exercised Power of Appointment U/ Henry D. Wright TUW #7 DTD 3/19/94 FBO Wallace W. Graham, 111 Pinnacle Court, Carbondale, CO 81623; Stirling Well J is located on land owned by Theresa Irene Enea Revocable Trust, 8025 N. River Road, River Hills, WI 53217; Stirling Well M is located on land owned by Amanda Toft-David and Shane David, 422 County Road 162, Carbondale, CO 81623; Stirling Wells D, F, G, H, I, L, N, and O are located on land owned by Applicant. Applicant requests the Court to enter a decree finding and concluding that the Applicant has shown reasonable diligence in the development of the subject conditional water rights and continuing such conditional water rights throughout the next diligence period.

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

27. 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 SEPTEMBER 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.*

23CW3142 (16CW3044, CA 4004) (17CW3072, 16CW3045, W-252) **IN GARFIELD COUNTY - APPLICATION FOR FINDINGS OF REASONABLE DILIGENCE** Caerus Piceance LLC, c/o Jennifer M. DiLalla, Moses, Wittemyer, Harrison and Woodruff, P.C., 2595 Canyon Blvd, Suite 240, Boulder, CO 80302; Solvay Chemicals, Inc., c/o Christopher L. Geiger, Blake C. Peterson, Balcomb & Green, P.C., P.O. Drawer 790, Glenwood Springs, CO 81602; Chevron U.S.A. Inc., c/o Scott Grosscup, Balcomb & Green, P.C., P.O. Drawer 790, Glenwood Springs, CO 81602 1. Names, addresses, and telephone numbers of applicants: Caerus Piceance LLC (“Caerus”), c/o Legal Department, 1001 17th St., Ste. 1600, Denver, CO 80202; Solvay Chemicals, Inc. (“Solvay”), c/o David Valvoda, Plant Manager, Parachute Creek Site, 2717 County Rd. 215, Parachute, CO 81635; Chevron U.S.A. Inc. (“Chevron”), c/o Rick D. Cross, P.O. Box 36366, Houston, TX 77236 2. Names of structures: Pumping Pipeline of Union Oil Company of California (“Pumping Pipeline”) and Parachute Creek Reservoir. 3. Combined application: The water rights that are the subject of this Application were last continued as conditional in Case Nos. 16CW3044, 16CW3045, and 17CW3072. Consistent with Rule 3(c) of the Uniform Local Rules for All State Water Court Divisions, Caerus and Solvay filed motions in Case Nos. 16CW3044 and 16CW3045, and Chevron filed a motion in Case No. 17CW3072, for leave of court to file this single combined Application for Findings of Reasonable Diligence rather than three separate applications. By orders dated Sept. 13, 2023, in Case Nos. 16CW3044, 16CW3045, and 17CW3072, the Court granted such leave. 4. Pumping Pipeline: 4.1 Original decree: Sept. 5, 1952, in Civil Action No. 4004, Garfield County District Court. 4.2 Legal description of decreed points of diversion, all as shown on **Ex. A:** 4.2.1 The originally decreed point of diversion of the Pumping Pipeline is at a point on the westerly or northwesterly bank of the Colorado River whence the section corner common to Sections 6 and 7, T7S, R95W of the 6th P.M. and Sections 1 and 12, T7S, R96W of the 6th P.M. bears South 89°5' West 3,364.65 feet. 4.2.2 Alternate points of diversion at Union 76 Water Well Nos. 1, 1A, 2, 3, 4, and 5 on Caerus property in the SW1/4 of Section 30 and the NW1/4 NW1/4 of Section 31, T5S, R95W of the 6th P.M., and in the S1/2 of Section 25 and the E1/2 of Section 36, T5S, R96W of the 6th P.M., as decreed in Case No. W-3946. 4.2.3 Alternate points of diversion at Union 76 Water Well Nos. 6 and 6A on Solvay property in the NE1/4 of Section 33, T6S, R96W of the 6th P.M., as decreed in Case No. 81CW319. 4.2.4 Alternate points of diversion on Caerus property at the following headgates, as decreed in Case No. 99CW317: 4.2.4(i) Charley Dere Ditch, on the west bank of the Middle Fork of Parachute Creek at a point whence the West quarter corner of Lot 9, Section 18, T5S, R95W of the 6th P.M. bears South 60°00' West a distance of 559 feet. 4.2.4(ii) West Fork Ditch, out of the West Fork of Parachute Creek in the SE1/4 NW1/4 of Section 25, T5S, R96W of the 6th P.M. at a point whence the Northwest Corner of Section 30, T5S, R95W of the 6th P.M. bears N50°23'08”E a distance of 3,539.31 feet. 4.2.4(iii) Davenport Ditch, out of the Middle Fork of Parachute Creek in Lot 4 of Section 30, T5S, R95W of the 6th P.M. at a point whence the Northwest corner of said Section 30 bears N04°15'54”W a distance of 1,450.09 feet. 4.2.5 Alternate points of diversion decreed in Case No. 05CW52: 4.2.5(i) Last Chance Ditch Alternate Point of Diversion, located on the South bank of the old channel of the Colorado River in the NE1/4 SE1/4, Section 10, T6S, R92W of the 6th P.M., 890 feet from the East section line and 1,600 feet from the South section line of said Section 10. 4.2.5(ii) Rulison Alternate Point of Diversion, located on the North bank

of the Colorado River in the NE1/4 SE1/4, Section 25, T6S, R95W of the 6th P.M., 620 feet from the East section line and 2,135 feet from the South section line of said Section 25. 4.2.5(iii) Parachute Alternate Point of Diversion, located on the North bank of the Colorado River in the SW1/4 SE1/4, Section 6, T7S, R95W of the 6th P.M., 1,500 feet from the East section line and 652 feet from the South section line of said Section 6. 4.2.5(iv) Unabridge Alternate Point of Diversion, located on the North bank of the Colorado River in the SW1/4 NW1/4, Section 34, T7S, R96W of the 6th P.M., 758 feet from the West section line and 2,725 feet from the North section line of said Section 34. 4.2.5(v) Debeque Alternate Point of Diversion, located on the South bank of the Colorado River in the SW1/4 NE1/4, Section 27, T8S, R97W of the 6th P.M., 2,554 feet from the East section line and 2,688 feet from the South section line of said Section 27. 4.3 Related decrees in the Division 5 Water Court: 4.3.1 Case No. W-3946, decree entered on July 8, 1980, confirmed that 2.75 cubic feet per second (“cfs”) of the Pumping Pipeline water right may be diverted at the Union 76 Water Well Nos. 1, 1A, 2, 3, 4, and 5, as described in par. 3.2.2 above, as alternate points of diversion. 4.3.2 Case No. 81CW319, decree entered on May 5, 1983, confirmed that 1.0 cfs of the Pumping Pipeline water right may be diverted at the Union 76 Water Well Nos. 6 and 6A in the alluvium of Parachute Creek, as described in par. 3.2.3 above, as alternate points of diversion. 4.3.3 Case No. 83CW349, decree entered on May 8, 1985, confirmed that the use of the Pumping Pipeline water right was contemplated to be 100% consumptive, added to the decreed uses of the Pumping Pipeline water right storage and irrigation for reclamation of retorted shale and other irrigation reasonably required for Unocal’s shale oil projects, and determined that water diverted under that right could be stored in the proposed Parachute Creek Reservoir and in another storage structure located in Hayes Gulch. 4.3.4 Case No. 99CW300, decree entered on Jan. 26, 2004, confirmed that the Pumping Pipeline water rights owned by Solvay could be used for general industrial, mining, processing, retorting, refining and commercial purposes, including (without limiting the generality of the foregoing) any and all uses in connection with all aspects of Solvay’s project to extract nahcolite and minerals upon lands of Solvay located in the Parachute Creek and Piceance Creek basins. 4.3.5 Case No. 99CW310, decree entered on Dec. 9, 2001, incorporated the Pumping Pipeline and other rights into Solvay’s augmentation plan. 4.3.6 Case No. 99CW317, decree entered on Jan. 26, 2004, approved a change of water right for 22 cfs of Caerus’ portion of the Pumping Pipeline water right, for irrigation use by diversion from Parachute Creek at the headgates of the Charley Dere Ditch, the West Fork Ditch, and the Davenport Ditch, as described in par. 3.2.4 above, as alternate points of diversion. 4.3.7 Case No. 05CW052, decree entered Apr. 3, 2011, approved a change of water right for 7.0 cfs of Caerus’ portion of the Pumping Pipeline, for diversion at the Last Chance Ditch Alternate Point of Diversion, Rulison Alternate Point of Diversion, Parachute Alternate Point of Diversion, Unabridge Alternate Point of Diversion, and Debeque Alternate Point of Diversion, as described in par. 3.2.5 above, as alternate points of diversion. The decree also confirmed use of Caerus’ portion of the Pumping Pipeline water right for all purposes in connection with Caerus’ oil and gas drilling operations and industrial use. 4.3.8 Case No. 05CW289, decree entered Dec. 27, 2001, confirmed that use of the Solvay’s portion of the Pumping Pipeline water right for development of oil and gas resources at existing and future well, refining and processing locations in Garfield and Rio Blanco counties within the Colorado River and Piceance Creek basins is consistent with the decreed uses for this water right, and can occur on lands owned or leased by Solvay or parties in privity with Solvay at existing and future oil and gas well, refining and processing locations in Garfield and Rio Blanco counties within the Colorado River and Piceance Creek basins. 4.4 Prior diligence decrees: Since the conditional decree for the Pumping Pipeline was entered on Sept. 5, 1952, timely applications for finding of reasonable diligence were filed and decrees were entered in Case Nos. W-26, W-26-74, W-26-76, 80CW171, 84CW144, 88CW135, 91CW162, 94CW241, 01CW58, 09CW49, and 16CW3044. The 09CW49 decree made absolute an additional 4.0 cfs of Caerus’ portion of the Pumping Pipeline. 4.5 Source: Colorado River. 4.6 Appropriation date: Feb. 14, 1949. 4.7 Amount: 118.5 cfs, of which 11.49 cfs is ABSOLUTE (9.93 cfs owned by Caerus; 1.56 cfs owned by Solvay), and 107.01 cfs is CONDITIONAL (98.57 cfs owned by Caerus; 8.44 cfs owned by Solvay). Of the portion of the water right that is absolute, Caerus’ 9.93 cfs is absolute for all decreed purposes. All of Solvay’s 1.56 cfs is absolute for industrial, mining, processing, refining and commercial purposes; 0.85 cfs of Solvay’s 1.56 cfs is absolute for domestic purposes. This Application pertains to the 107.01 cfs remaining conditional. 4.8 Uses: Industrial, retorting, mining, refining, power, domestic and storage and irrigation for reclamation of retorted shale and all other purposes used in connection with the production of shale oil and its products and for water necessary or convenient in the operation of such plants and of the persons and lands used for the housing of employees of Co-Applicants in connection with said plants and their families. Storage and irrigation for reclamation of retorted shale and other irrigation reasonably required for Unocal’s oil shale projects were added to the decreed uses of the Pumping Pipeline water right by decree entered May 8, 1985 in Case No. 83CW349. The decree in Case No. 99CW300 confirmed use of Solvay’s portion of the Pumping Pipeline water right for general industrial, mining, processing, retorting, refining and commercial purposes, including (without limiting the generality of the foregoing) any and all uses in connection with all aspects of Solvay’s project to extract nahcolite and minerals upon lands of Solvay located in the Parachute Creek and Piceance Creek basins. The decree in Case No. 05CW52 confirmed use of Caerus’ portion of the Pumping Pipeline water right for all purposes in connection with Caerus’ oil and gas drilling operations and industrial use. 5. Parachute Creek Reservoir: 5.1 Original decree: July 26, 1971, in Case No. W-252, Division 5 Water Court. 5.2 Legal description of decreed point of diversion: The intersection of the centerline of the dam axis with the centerline of Parachute Creek located at a point whence the South Quarter Corner of Section 36, T5S, R96W of the 6th P.M. bears North 6°42’ East a distance of 9,049.8 feet, as generally shown on **Ex. B**. 5.3 Related decrees in the Division 5 Water Court: 5.3.1 Case No. 83CW349, decree entered on May 8, 1985, confirmed that the use of the Pumping Pipeline water right was contemplated to be 100% consumptive and that water diverted under that right could be stored in Parachute Creek Reservoir and Hayes Gulch Settling Basin. 5.3.2 Case No. 99CW300, decree entered on Jan. 26, 2004, confirmed that the Parachute Creek Reservoir water right and other water rights owned by Solvay could be used for general industrial, mining, processing, retorting, refining and commercial purposes, including (without limiting the generality of the foregoing) any and all uses in connection with all aspects of Solvay’s project to extract nahcolite and minerals upon lands of Solvay located in the Parachute Creek and Piceance Creek basins. 5.3.3 Case No. 99CW310, entered Dec. 9, 2001, authorized the inclusion of Parachute Creek Reservoir and

other water rights into Solvay's plan for augmentation decreed in Case No. W-2206. 5.3.4 Case No. 05CW289, decree entered Dec. 27, 2001, changed the place of storage for 30.9 acre-feet ("af") of Solvay's portion of the Parachute Creek Reservoir water right to the location of the American Soda Stormwater Retention Pond as described therein. 5.4 Prior diligence decrees: Since the conditional decree for Parachute Creek Reservoir was entered on July 26, 1971, timely applications for finding of reasonable diligence were filed and decrees were entered in Case Nos. W-252-72, W-252-76, 80CW459, 84CW660, 88CW167, 96CW011, 96CW13, 02CW210, 03CW51, 09CW50, 10CW81, 16CW3045, and 17CW3072. 5.5 Source: Parachute Creek and its tributaries, all of which are tributary to the Colorado River; the Colorado River. 5.5.1 Caerus and Solvay will divert water from the Colorado River through their Pumping Pipeline diversion facility, as described in par. 3.2.1 above, at a rate up to 118.5 cfs. 5.5.2 Chevron will divert water from the Colorado River through Chevron's Dragert, Eaton and Pacific No. 1 pumping plant and pipeline facilities. 5.6 Appropriation date: Dec. 15, 1966. 5.7 Amount: 33,773 af, of which Chevron owns 16,885.5 af ("Chevron Interest) and Caerus and Solvay own 16,886.5 af ("Caerus/Solvay Interest"). Of the Caerus/Solvay Interest, Caerus owns an undivided 80.1% (13,520.5 af, CONDITIONAL), and Solvay owns an undivided 19.9% (30.9 af, ABSOLUTE, and 3,335.1 af, CONDITIONAL). 5.8 Uses: 5.8.1 Under original decree: Mining, retorting, refining, power, municipal, industrial, mechanical, domestic and all purposes for which water may be required in connection with the production of shale oil and its products. 5.8.2 Solvay's portion under 99CW300 decree: General industrial, mining, processing, retorting, refining and commercial purposes, including (without limiting the generality of the foregoing) any and all uses in connection with all aspects of Solvay's project to extract nahcolite and minerals upon lands of Solvay located in the Parachute Creek and Piceance Creek basins. 6. Detailed outline of work and expenditures toward completion of the appropriations and application of the water to beneficial use: 6.1 Diligence period: The diligence period for the Pumping Pipeline and Parachute Creek Reservoir is Sept. 2017 through Sept. 2023 ("Diligence Period"). During the Diligence Period, and as described in pars. 6.2 through 6.4 below, Caerus and Solvay worked diligently to develop the Pumping Pipeline water right, complete the appropriation, and place the water to beneficial use; and Caerus, Solvay, and Chevron worked diligently to develop the Parachute Creek Reservoir water right, complete the appropriation, and place the water to beneficial use. 6.2 Caerus' diligence work and expenditures: 6.2.1 The Pumping Pipeline and Parachute Creek Reservoir are part of Caerus' extensive integrated system to supply water in connection with its oil and gas drilling operations in the Piceance geologic basin, and its planned future shale gas operations in that basin. "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 Caerus in connection with its oil and gas drilling operations and its planned future shale gas operations directly and indirectly constitute part of Caerus' reasonable diligence in developing the Pumping Pipeline and Parachute Creek Reservoir water rights to be used in Caerus' water system, which supplies those oil and gas drilling operations and related uses and which will supply those planned future shale gas operations. A map of Caerus' integrated system is attached as **Ex. C**, and a table of the water rights included in Caerus' integrated system is attached as **Ex. D**. 6.2.2 Caerus acquired the majority of Exxon Mobil's and XTO Energy's assets in the Piceance geologic basin ("Exxon/XTO Acquisition"). 6.2.3 Caerus engaged a project management team to complete a company-wide evaluation of all of Caerus' assets, including water rights and associated infrastructure and facilities. Of Caerus' total expenditure of \$527,000 for the project management team's work, approximately \$131,750 pertains to the project management team's evaluation and assessment of water rights and associated infrastructure and facilities. 6.2.4 Caerus spent approximately \$32,973,691 in direct water infrastructure costs, including without limitation costs for pipelines, pits, storage tanks, river outtakes, and satellite facilities that are used to divert, store, and transport both fresh water, including water that will be diverted and stored under the Pumping Pipeline and Parachute Creek Reservoir water rights, and flowback/produced water for use in connection with Caerus' oil and gas drilling and completions operations. 6.2.5 Caerus spent approximately \$779,882,866 on mineral development, including expenditures for drilling, completions, and production facilities. 6.2.6 Caerus has devoted and continues to devote significant personnel resources to its integrated water supply system. Caerus currently has eighteen employees and full-time contractors solely dedicated to water-gathering and management (three foremen and fifteen operators). These Caerus employees and contractors are responsible for short- and long-range water balance planning, water treatment operations, fresh water diversions, water recycling, water accounting and reporting, water capital infrastructure planning and construction, and all other operations related to Caerus' integrated water system. 6.2.7 Caerus spent approximately \$621,376 in legal consulting costs related to development and protection of its water rights, including the Pumping Pipeline and Parachute Creek Reservoir, and its water supply and water infrastructure within Caerus' integrated system. Legal consulting activities included, without limitation, filing and prosecuting water court applications for other water rights within the integrated system; monitoring the water court filings of other water users to protect Caerus' water rights, including the Pumping Pipeline and Parachute Creek Reservoir, and participating in water court cases as an objector; developing and maintaining its supply of fresh water; and entering into and maintaining water supply agreements with other water users. 6.2.8 Caerus spent approximately \$425,000 on engineering consulting costs related to development and protection of its water rights, including the Pumping Pipeline and Parachute Creek Reservoir. 6.2.9 Caerus directed its water rights counsel to complete a detailed inventory of Caerus' water rights. The purpose of the inventory was to assist Caerus in determining the highest and best use of its water rights, including without limitation the Pumping Pipeline and Parachute Creek Reservoir, following the Exxon/XTO Acquisition. 6.2.10 In May 2022, Caerus' water rights counsel and consulting engineers participated in a site visit and a series of meetings focused on strategies for development and beneficial use of Caerus' Colorado River and Parachute Creek basin water rights, including the Pumping Pipeline and Parachute Creek Reservoir; and participated in a second site visit and series of meetings focused on strategies for development and beneficial use of the entire integrated system of water rights in the Piceance geologic basin. 6.2.11 Beginning after the Exxon/XTO Acquisition, Caerus' leadership, staff, water rights counsel, and consulting engineers participated in quarterly meetings focused on strategies for development and beneficial use of Caerus' integrated system of water rights, including the Pumping Pipeline and Parachute Creek Reservoir. 6.2.12 Caerus obtained

diligence decrees for other water rights in the integrated system in Division 5 Case Nos. 19CW3066, 19CW3108, and 20CW3164, and in Division 6 Case Nos. 17CW3015, 18CW3015, and 20CW3035; and obtained a decree correcting the location of an established but erroneously described point of diversion for one of the integrated system water rights in Division 5 Case No. 19CW3154. 6.3 Solvay's diligence work and expenditures: 6.3.1 Parachute Creek Reservoir and the Pumping Pipeline are part of Solvay's integrated system to supply water in connection with its project to extract nahcolite and other minerals (including oil shale) and also development of oil and gas resources at existing and future wells, refining and processing locations in Garfield and Rio Blanco Counties within the Colorado River and Piceance Creek basins. "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 Solvay in connection with its nahcolite and mineral extraction operations and development of oil and gas resources directly and indirectly constitute part of Solvay's reasonable diligence in developing the remaining conditional portion of Parachute Creek Reservoir and Pumping Pipeline to be used in its water system. 6.3.2 During the Diligence Period, Solvay has worked diligently to develop the remaining conditional portion of Parachute Creek Reservoir and Pumping Pipeline, complete the appropriations, and place the water to beneficial use, as demonstrated by the following, partial, list of activities and expenditures: 6.3.2(i) Solvay maintained operations at its Parachute Creek Site facilities that rely on the Parachute Creek Reservoir and Pumping Pipeline water rights by staffing 41 employees and resident contractors, who process and market sodium bicarbonate products using Solvay's integrated water supply. 6.3.2(ii) Solvay expended more than \$6.6 million in capital investments to expand and improve its sodium bicarbonate production processes by roughly 30% at its Parachute Creek Site. These activities include but are not limited to improvements to water diversion and delivery structures, including the installation of meters and improved pumping equipment. 6.3.2(iii) Solvay expended more than \$900,000 on maintenance of the assets related to the subject water rights. 6.3.2(iv) Solvay expanded its sodium bicarbonate sales by roughly 30% through innovation and new market developments. 6.3.2(v) Solvay monitored the water rights filings of other water users to protect its water rights and has taken other actions related to the development and protection of its integrated water supply, including the Parachute Creek Reservoir and Pumping Pipeline water rights. 6.3.2(vi) Solvay participated as an opposer in Case Nos. 16CW3178, 19CW3066, and 19CW3120, against Puckett Land Company, Caerus Cross Timbers, LLC, and Parachute Battlement Mesa Park, respectively, to protect its water rights located within the Colorado River and Piceance Creek basins. 6.3.2(vii) Solvay prosecuted its application in Case No. 17CW3060 to decree, entered Dec. 28, 2017, for a finding of reasonable diligence in the development of the Union 76 Well Nos. 2, 3, 4, and 5, and said well water rights are part of Solvay's integrated water supply system. 6.3.2(viii) Solvay prosecuted its application in Case No. 17CW3089 to decree, entered June 16, 2019, confirming portions of its water rights decreed to Davenport Ditch and West Fork Ditch as absolute, and said ditch water rights are part of Solvay's integrated water supply system. 6.3.2(ix) Solvay prosecuted its application in Case No. 17CW3257 to decree, entered Aug. 31, 2019, for a finding of reasonable diligence in the development of three appropriative rights of exchange located in Parachute Creek and the Colorado River, and said exchanges water rights are part of Applicant's integrated water supply system. 6.3.2(x) Solvay undertook, with the assistance of legal water counsel, a technical analysis of its existing Pumping Pipeline infrastructure and facilities and developed a proposal, including the identification and recommendation of necessary improvements, in anticipation of using its full 10.0 c.f.s. interest decreed to the Pumping Pipeline water right. 6.3.2(xi) In connection with the foregoing activities, Solvay expended more than \$60,000 for legal and water engineering expenses directly associated with development and protection of its integrated water supply. 6.3.2(xii) Solvay entered into and maintains leases with oil and gas exploration and development companies to utilize its integrated water supply water rights for development of oil and gas resources pursuant to the decree entered in Case No. 05CW289. 6.3.2(xiii) Solvay continues to rely upon the Parachute Creek Reservoir and Pumping Pipeline for future sodium bicarbonate operations and for oil and gas exploration and development and does not intend to abandon this conditional water right. 6.4 Chevron's diligence work and expenditures: 6.4.1 Introduction. 6.4.1(i) Chevron U.S.A. Inc., an indirect wholly-owned subsidiary of Chevron Corporation, owns and manages the business and assets of Chevron Corporation as they relate to shale oil exploration, development and production on properties currently held by Chevron and on properties to be acquired in the future. Chevron U.S.A. Inc. is also responsible for advancing, through corporate affiliates and others, research and development activities related to shale oil exploration, development and production and for managing, developing and protecting Chevron's Water Rights. Most of the above-described activities are accomplished through Chevron Shale Oil Company, a division of Chevron U.S.A. Inc. 6.4.1(ii) Chevron Corporation, Chevron U.S.A. Inc., its Mid-Continent Business Unit, Chevron Shale Oil Company and corporate research affiliate Chevron Energy Technology Company ("CTEC") are sometimes referred to collectively and individually as "Chevron" in this Application. 6.4.1(iii) The Parachute Creek Reservoir described above is a part of Chevron's water rights portfolio ("Chevron Water Rights"). The Parachute Creek Reservoir has been found to be a component of Chevron's integrated water system ("Chevron Integrated Water System") in Case No. 83CW257. Chevron also has other water rights that are part of this integrated system and described in, but not limited to, Case Nos. 22CW3098 and 22CW3099. All of these water rights are part of the Chevron Integrated Water System and are necessary to serve its oil shale project. All work performed with respect to development of each of the conditional water rights within the Chevron Water Rights and a component of the Chevron Integrated Water System constitutes diligence toward each and all of the conditional decrees. 6.4.1(iv) Chevron intends to divert water available under the Parachute Creek Reservoir water right through the Chevron Integrated Water System for beneficial uses in connection with shale oil operations and production on its properties in Western Colorado. Chevron's properties in Western Colorado are illustrated on attached **Ex. E**. During the diligence period, Chevron and its corporate affiliates carried forward activities and programs and made expenditures, in furtherance thereof, as detailed in the following sections of this Application. 6.4.2 Chevron's Shale Oil Project: Chevron has acquired oil shale resource lands in Garfield and Mesa Counties that contain about 30 billion barrels of shale oil in place. These include lands previously owned by Getty Oil Company, Texaco Inc., Gulf Oil Corporation and Union Oil Company of California in addition to lands originally acquired by

Chevron. Chevron has a proven retorting technology known as the Staged Turbulent Bed (“STB”) retorting process. The STB process is an above-ground shale oil extraction technology that processes mined and crushed oil shale rock to remove the shale oil by heat transfer. The heat transfer is accomplished by mixing spent oil shale, which has been heated in a separate combustor, with fresh shale, causing the fresh shale to decompose and release the shale oil. The STB process recovers 100% of the shale oil from the feedstock. Using Chevron’s proven STB technology, Chevron estimates it will need approximately 16,000 AF of water per year for the industrial uses associated with each 100,000-barrel-per-day commercial shale oil unit. It is also possible that Chevron may have to supplement local public water supplies if required in the permitting process for the project (thus the decreed municipal use). Chevron estimates that it could need to supply up to approximately 8,000 AF of water per year for such purposes for each 100,000-barrel-per-day commercial shale oil unit. Therefore, Chevron anticipates it will need approximately 24,000 AF of water per year to support each 100,000-barrel-per-day commercial shale oil unit. Prior estimates of the yield of the Chevron Water Rights indicate they can provide sufficient water to produce approximately 500,000 barrels of shale oil per day using Chevron’s STB technology. The lands associated with the Chevron Water Rights contain sufficient oil shale resources to support a 500,000 barrel per day commercial shale oil project which is consistent with the original contemplated use of those water rights. As explained below, Chevron is continuing to update and refine its water right yield estimates.

6.4.3 Reasonable Diligence: Between Sept. 17, 2017, when the Water Court for Water Division No. 5 entered a decree in Case No. 17CW3072, and the date of this Application, Chevron and its corporate affiliates, building on past efforts, engaged in a steady application of effort necessary to ultimately develop and apply water available under the Chevron Water Rights to beneficial uses in its future shale oil operations. The following activities and programs are examples of such efforts to advance previous activities and evidence Chevron’s plan and intent to put the Chevron Water Rights to their decreed beneficial uses.

6.4.4 Continued Shale Oil Technology Research and Development: During the Diligence Period, Chevron U.S.A. Inc., through its Chevron Shale Oil Company division and its Mid-Continent Business Unit and CETC, worked on the development of technical processes that may ultimately be used in shale oil operations, which will put to beneficial use water diverted in the exercise of Chevron’s conditional water rights, including the subject conditional water rights.

6.4.5 Water Rights/System Development and Protection:

6.4.5(i) Chevron’s Man Camp, Fresh Water Ponds, and Feeder Pipeline Diligence: Chevron owns certain water rights tributary to Roan Creek, tributary to the Colorado River, that were continued under a finding of reasonable diligence in Case No. 23CW3009, District Court, Water Division No. 5, entered on Aug. 27, 2023, including the Chevron Valley Man Camp Well, the Chevron Wells, Chevron Fresh Water Pond, and Chevron Fresh Water Pond Feeder Pipeline. The water rights at issue in Case No. 23CW3009 are features of the Chevron Integrated Water System as decreed in Case No. 08CW58. The following are specific diligence activities Chevron engaged in within the Diligence Period related to those integrated water rights:

6.4.5(i)(1) The Chevron Valley Man Camp Well was put into service and connected to Chevron’s nearby Skinner Ridge Field Office on Mar. 30, 2011; however, water was not used until the installation of a filtration system in Aug. 2018 at a cost of \$71,644. During the 1st quarter of 2022 the well pump was replaced with an 18 GMP, 1 HP Pump and Motor for a cost of \$3,667. No other wells have been put into service at this time.

6.4.5(i)(2) Water has been stored in the Chevron Fresh Water Pond and accounted for every year during this diligence period. Annual accountings have been submitted to the Division Engineer’s Office.

6.4.5(i)(3) The Chevron Fresh Water Pond Feeder Pipeline has been used every year of this diligence period to keep the Chevron Fresh Water Pond full when water was available in priority.

6.4.5(i)(4) Since 2016, Chevron has continued to use water stored in the Chevron Fresh Water Pond for its oil and gas operations at its Skinner Ridge natural gas development project (“Skinner Ridge”), primarily for dust control.

6.4.5(i)(5) During 2023, Chevron plans to execute hydraulic fracture completion operations on 17 to 18 existing oil and gas wells located in the Skinner Ridge Field on lands Chevron owns or leases. Chevron will source some of the fresh water from the Chevron Fresh Water Pond for the water volumes associated with the upstream completion operations. Concurrently, Chevron will plug, abandon, and remove 4 to 5 existing oil and gas wells on the same well pad. The downhole work associated with the plug and removal operations of the wells will also require some fresh water sourced from the Chevron Fresh Water Pond.

6.4.5(i)(6) In addition to the actionable upstream plans outlined above, Chevron is in the process of compiling the necessary materials for a new oil and gas development plan for Garfield County and the Colorado Oil and Gas Conservation Commission. The plan for the proposed development will include the drilling and completion of two new oil and gas wells in the Chevron’s Skinner Ridge Field. Each new well will include multiple stages of hydraulic fracture completion associated with the development. This new oil and gas development plan is estimated to be submitted for approval to Garfield County and the Colorado Oil and Gas Conservation Commission in Aug. or Sept. of this year. Consistent with its intended submittal, Chevron will source some of the fresh water associated with the proposed development of the new oil and gas location from the Chevron Fresh Water Pond. As the new well application submittal continues to be finalized, there will likely be offset wells associated with the proposed development that will be plugged and removed per an offset well evaluation. If any of the offset wells associated with the new development are identified as being candidates for plug and removal and are operated by Chevron, Chevron plans to utilize fresh water from the Chevron Fresh Water Pond for the downhole plug and abandonment operations associated with the offset well decommission whenever possible. Chevron intends to further build out the initial oil and gas development plan submittal into subsequent submittals that utilize the Chevron Fresh Water Pond and related infrastructure into a wider, long-term development of the surrounding area.

6.4.5(i)(7) Chevron has an on-going annual maintenance program for the Chevron Fresh Water Pond Feeder Pipeline, the Chevron Fresh Water Pond and Chevron Valley Man Camp Well.

6.4.5(i)(8) Chevron extended its pumping pipeline in Roan Creek to deliver water to Chevron-owned lands.

6.4.5(i)(9) Chevron incurred costs and paid salaries to employees who worked to develop Chevron’s conditional water rights and/or managing the system including but not limited to water accounting, obtaining monthly data, annual reporting to the Division Engineer, monitoring water calls on the Colorado River, Roan and Clear Creeks, and managing water data collection on Roan and Clear Creeks.

6.4.5(i)(10) Chevron incurred expenses for an outside water consultant who prepared and filed monthly water storage and usage accounting reports with the Division Engineer.

6.4.5(i)(11) Chevron incurred expenses for an outside water consultant to study and analyze stream flow on Clear Creek, Roan Creek, and the Colorado River.

6.4.5(i)(12) In order to protect its water rights, including the Conditional Water Rights, from injury caused by third-party water right activities, Chevron monitored the Water Court resumes for Water Division 5. Chevron incurred in-house costs for the salaries and benefits of its employees assigned to protect its water rights, outside consultant costs, and attorney fees and costs. During this diligence period, Chevron retained attorneys for advice pertaining to the development of the conditional water rights. 6.4.5(ii) Water Rights Prosecution and Protection Activities: In order to maintain and protect certain of its water rights, including the Chevron Water Rights, Chevron prosecuted the following Water Division 5 Water Court applications to decree: 6.4.5(ii)(1) Case No. 16CW3049, entered on Feb. 26, 2017, District Court, Water Division No. 5, regarding the Chevron Fresh Water Pond, Chevron Fresh Water Pond Feeder Pipeline, Chevron Central Man Camp Well, Chevron Valley Man Camp Well, Chevron Office Complex Well, Chevron Central Production Facility Well, and Chevron Stage III Production Facility Well water rights, components of Chevron's Integrated Water System. 6.4.5(ii)(2) Case No. 20CW3098, entered on June 6, 2021, District Court, Water Division No. 5, regarding the Dragert Pump Plant and Pipeline, Eaton Pumping Plant and Pipeline, and Pacific Oil Company Pipeline and Pumping Plant No. 1 water rights, components of Chevron's Integrated Water System. 6.4.5(ii)(3) Case No. 20CW3099 entered on June 6, 2021, District Court, Water Division No. 5, regarding the Getty Oil Company Water System, a component of Chevron's Integrated Water System. 6.4.5(ii)(4) Case No. 23CW3009, entered on Aug. 27, 2023, District Court, Water Division No. 5, regarding the Chevron Valley Man Camp Well, Chevron Fresh Water Pond, Chevron Fresh Water Pond Feeder Pipeline, Chevron Central Man Camp Well, Chevron Office Complex Well, Chevron Central Production Facility Well, and Chevron Stage III Production Facility Well water rights, components of Chevron's Integrated Water System. 6.4.6 Other activities and matters: 6.4.6(i) Chevron retained attorneys throughout the diligence period to provide advice and other services pertaining to all of its conditional water rights as well as legal advice and other services pertaining specifically to the subject conditional water rights. This advice and services involved: the activities previously described in this Application; conditional water right diligence requirements and standards; water system permitting requirements and issues; water supply development concepts; and third-party water right applications which could adversely affect Chevron's water rights. 6.4.6(ii) Chevron believes that production of synthetic hydrocarbon products such as oil from shale will become commercially feasible in the foreseeable future. Chevron continues to prepare for and invest in that eventuality. The commercial development of shale oil is a necessary prerequisite to beneficial use of the subject conditional water rights for their decreed purposes. 6.4.7 Can and Will: There is a substantial probability that Chevron can and will complete the facilities necessary to effect the Chevron Water Right appropriations and that the appropriations will be completed with diligence. 6.4.8 Continued Diligence: The foregoing discussion of diligence activities does not reflect each and every activity of Chevron to place its conditional water rights to beneficial use, but is illustrative of Chevron's continued diligence to develop its portfolio of water rights and its mineral resources. Many of the activities described above are also related to those activities described to support other water rights owned by Chevron including, but not limited to, those water rights claimed in Case Nos. 16CW3049, 20CW3098, 20CW3099, and 23CW3009. Additional work will be performed and additional expenses will be incurred between the date this Application is filed and the date a diligence decree is entered. 6.5 Economic conditions: "[N]either current economic conditions beyond the control of the applicant which adversely affect the feasibility of perfecting a conditional water right or the proposed use of water from a conditional water right nor the fact that one or more governmental permits or approvals have not been obtained shall be considered sufficient to deny a diligence application, so long as other facts and circumstances which show diligence are present." C.R.S. § 37-92-301(4)(c). 6.5.1 As shown on the U.S. Energy Information Administration summary attached as **Ex. F**, natural gas prices during the diligence period averaged approximately 29% of their levels in late 2005. Those economic conditions beyond Co-Applicants' control have adversely affected Co-Applicants' proposed use of the conditional portion of the Pumping Pipeline and Parachute Creek Reservoir during the Diligence Period. 6.5.2 Current economic conditions in the shale gas industry likewise have adversely affected the feasibility of shale gas development and therefore Co-Applicants' proposed use of the conditional portion of the Pumping Pipeline and Parachute Creek Reservoir during the Diligence Period. 7. 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: Co-Applicants own the land on which Parachute Creek Reservoir will be constructed. Based on the foregoing, Caerus, Solvay, and Chevron request that the Court enter a decree granting this Application, finding that they have exercised reasonable diligence in developing and completing the appropriations of the conditional portions of the Pumping Pipeline water right and the Parachute Creek Reservoir water right during the Diligence Period, and continuing the conditional portions of those water rights in full force and effect for six years from the month in which a final decree is entered in this case.

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

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 SEPTEMBER 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.*

23CW3143 GARFIELD COUNTY, ROARING FORK RIVER. Panorama Ranches Homeowners Association c/o Ryan Jarvis, Johnston Van Arsdale Martin PLLC, 305 Gold Rivers Court, Ste 200 Basalt, 81621, (970) 922-2122. Application for Findings of

Reasonable Diligence and to Make Partially Absolute. First Claim: finding of reasonable diligence and to make partially absolute. Name of structure: Panorama Ranches Well No. 1, First Enlargement. Original decree: 93CW130, entered 6/20/1996, Div 5. Subsequent decrees: 02CW177 (entered 10/15/2003), 09CW152 (entered 10/21/2010), and 16CW3137 (entered 9/10/2017) all in Div 5. Location: The well is located within SW¼NW¼ Sec 16 T7S R87W 6th PM at a point 2022 ft S of the N line and 1085 ft E of W line of Sec 16. Source: Pleistocene Basalt Formation in watershed of Roaring Fork River. Approp. date: 1/26/1993. Amount: 50 gpm, cond. Uses: In-house domestic use for 3 single family dwellings, irrigation of up to 5.79 acres within Panorama Ranches Subdivision, livestock watering and fire protection. Depth: 435 ft. Owners of land: Davis & Cathie Farrar, 165 Basalt Mountain Dr., Carbondale, CO 81623. Claim to make partially absolute: Date applied to beneficial use: 7/25/2020. Amount applied to beneficial use: 48 gpm. Uses: In-house domestic use for 3 single family dwellings, irrigation of up to 5.79 acres within the Panorama Ranches Subdivision, livestock watering and fire protection. Description of place where water applied to beneficial use: within Panorama Ranches Subdivision. Second Claim: finding of reasonable diligence and to make partially absolute. Name of structure: Panorama Ranches Well No. 2, First Enlargement. Original decree: 93CW130, entered on 6/20/1996, Div 5. Subsequent decrees: 02CW177 (entered 10/15/2003), 09CW152 (entered 10/21/2010), and 16CW3137 (entered 9/10/2017) all in Div 5. Location: The well is located within SE¼NE¼ of Sec 17 T7S R87W of the 6th PM 1790 ft S of the N line and 55 ft W of the E line of Sec 17. Source: Pleistocene Basalt Formation in watershed of Roaring Fork River. Approp. date: 1/26/1993. Amount: 50 gpm, cond. Uses: In-house domestic use for 3 single family dwellings, irrigation of up to 5.79 acres within the Panorama Ranches Subdivision, livestock watering and fire protection. Depth: 335 ft. Owners of land: Lelani Damke, 1825 Panorama Dr., Carbondale, CO 81623. Claim to make partially absolute: Date applied to beneficial use: 7/25/2020. Amount applied to beneficial use: 48 gpm. Uses: In-house domestic use for 3 single family dwellings, irrigation of up to 5.79 acres within the Panorama Ranches Subdivision, livestock watering and fire protection. Place where water applied to beneficial use: within Panorama Ranch Subdivision. Application on file with the court includes a list of activities demonstrating diligence. (6 pages, 1 exhibit).

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

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 SEPTEMBER 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.*

23CW3144 DISTRICT COURT, WATER DIVISION NO. 5, STATE OF COLORADO, 109 8th Street, Suite 104, Glenwood Springs, CO 81601. CONCERNING THE APPLICATION FOR WATER RIGHTS OF THE GRAND MESA METROPOLITAN DISTRICT, IN MESA COUNTY, COLORADO. **APPLICATION FOR CHANGE OF WATER RIGHT.** 1. Name, address, and telephone number of Applicant: Grand Mesa Metropolitan District's (the "District"), c/o Sheila Dole, 48338 Powderhorn Road, Mesa, Colorado 81643. Direct all pleadings to: Glenn E. Porzak, Porzak Law, LLC, 1111 Spruce Street, Suite 303, Boulder, CO. 80302, (303) 589-0909, 2. Name of Structure: Powderhorn Well No. 1. 3. Description of Water Right: a. Original Decree: Decreed by the District Court in and for Water Division No. 5, State of Colorado in Case No. 84CW458 on February 22, 1991. b. Legal Description: The Powderhorn Well No. 1 is located in the SE1/4 SW1/4 of Section 20, T. 11 S., R. 96 W. of the 6th PM at a point 150 feet from the South section line and 1400 feet from the West section line of said Section 20. c. Appropriation Date: August 13, 1984. d. **Source: A well having a depth of 500 feet and being tributary to Pinedale Till, tributary to Mesa Creek, tributary to Plateau Creek, tributary to the Colorado River.** e. Amount: 0.222 cfs f. Uses: Municipal, domestic, commercial, irrigation and snowmaking. 4. Change of Water Rights: By this application, the District seeks to change the location and point of diversion for the Powderhorn Well No. 1 to the SW1/4 SW1/4 of Section 20, T. 11 S., R. 96 W. of the 6th PM, Mesa County, Colorado, at a point 6.5 feet from the South section line and 1009.91 feet from the West section line of said Section 20. This is a distance of approximately 416 feet from the original point of diversion. See the attached map. The new location is Latitude N 39° 04' 08.70714", Longitude W 108° 09' 09.70244" (NAD 83). 5. Land Ownership: The Powderhorn Real Estate Company, LLC is the owner of the land on which the Powderhorn Well No. 1 is located. It's address is 299 Milwaukee Street, Suite 500, Denver, CO. 80206. Attn: Evan Gart. WHEREFORE, the District seeks a decree that changes the location of the Powderhorn Well No. 1 to the location desired in paragraph 4 above and grants such other relief as the Court may provide.

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

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 SEPTEMBER 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.*

23CW3145 (prior Case Nos. 82CW452, 89CW82, 96CW160, 02CW276, and 10CW93, 17CW3044) **GRAND COUNTY, COLORADO RIVER CATTLE RANCH, AND THE GRAND RIVER RANCH OWNERS ASSOCIATION, INC. APPLICATION FOR FINDING OF REASONABLE DILIGENCE.** 1. Name, mailing address, email address, and telephone number of applicant(s): Colorado River Cattle Ranch, LLC, (Jones Reservoir No. 1, Second Filling), c/o John T. Pfannenstien, 1290 Broadway, Suite 1150, Denver, CO 80203, (303) 839-8500; Grand River Ranch Owners Association (“GRROA”), (Jones Reservoir No. 2, Second Filling), Carol Culbreath, Manager, Grand River Ranch, P.O. Box 1568, Kremmling, CO 80459, (970) 724-8912. With a copy to Karl D. Ohlsen and Sarah B. Wiedemann, Carlson, Hammond & Paddock, 1900 N. Grant Street Suite #1200, Denver, Colorado 80203. 2. Name of structures: Jones Reservoir No. 1, second filling; Jones Reservoir No. 2, second filling. 3. Describe conditional water rights including the following information from the previous Referee’s Ruling and Judgment and Decree: A. Jones Reservoir No. 1, Second filling. i. Date of Original Decree: April 5, 1985, Case No. 82CW452. District Court, Water Division No. 5. ii. Subsequent decrees awarding findings of diligence and making a portion absolute: finding of reasonable diligence entered on May 1, 1990, in Case No. 89CW82, District Court, Water Division No. 5; made absolute, in part, and a finding of reasonable diligence entered on October 23, 1996, in Case No. 96CW160, District Court, Water Division No. 5; made absolute, in part, and a finding of reasonable diligence entered in Case No. 02CW276 on March 1, 2004; a finding of reasonable diligence entered in Case No. 10CW93 on February 5, 2011; and a finding of reasonable diligence entered in Case No. 17CW3044 on September 17, 2017. B. Jones Reservoir No. 2, Second filling. i. Date of Original Decree: April 5, 1985, Case No. 82CW452, District Court, Water Division No. 5. ii. Subsequent decrees awarding findings of diligence and making a portion absolute: finding of reasonable diligence entered on May 1, 1990, in Case No. 89CW82, District Court, Water Division No. 5; made absolute, in part, and a finding of reasonable diligence entered on October 23, 1996 in Case No. 96CW160, District Court, Water Division No. 5; made absolute, in part, and a finding of reasonable diligence entered on March 1, 2004, in Case No. 02CW276, District Court, Water Division No. 5; a finding of reasonable diligence entered in Case No. 10CW93 on February 5, 2011; and a finding of reasonable diligence entered in Case No. 17CW3044 on September 17, 2017. C. Legal description of Jones Reservoir No. 1 Dam: as decreed in Case No. 82CW452 – an axis which bears North 73° 15’ West from a point that is the initial point of survey from which the Northeast corner of Section 15, T1N, R81W of the 6th P.M. bears North 59°15’ East, a distance of 1,304.14 feet. See Exhibit A. The following additional legal description is approximate and is not intended to supersede the decreed legal description: PLSS Legal Description: Grand County, NW ¼ of the NE ¼ Section 15 Township 1 North, Range 81 West, 6th Principal Meridian. Distance from section lines: 600 feet from North section line and 1,300 feet from East section line. i. Source of water: Sheep Creek and seven unnamed tributaries of the Colorado River and surface runoff, percolation, and other water tributary to the reservoir. ii. Appropriation Date: May 7, 1982; Amount: 236.58 acre-feet of which 29.56 acre-feet are absolute and 207.02 acre-feet remain a conditional water right. iii. Use: Irrigation, stock watering, fish propagation, recreation, and aesthetics. D. Legal description of Jones Reservoir No. 2 Dam: as decreed in Case No. 82CW452 – the South end of the reservoir axis is located at a point whence the Northeast corner of Section 15, T1N, R81W of the 6th P.M. bears South 15°54’ East for 816.18 feet. See Exhibit A. The following additional legal description is approximate and is not intended to supersede the decreed legal description: PLSS Legal Description: Grand County SE¼ of the SE¼ Section 10, Township 1 North, Range 81 West, 6th Principal Meridian. Distance from section lines to dam embankment: 800 feet from South section line and 300 feet from East section line. i. Source of water: Sheep Creek and surface water tributary thereto, tributary to the Colorado River and surface runoff, percolation, and other water tributary to the reservoir. ii. Appropriation Date: May 7, 1982. Amount: 388.12 acre-feet of which 48.50 acre-feet have been made absolute and 339.62 acre-feet remain a conditional water right. iii. Use: Irrigation, stock watering, fish propagation, recreation, and aesthetics. 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. A. In Case No. 17CW3044, the court reaffirmed its earlier rulings that the water rights for the Jones Reservoir No. 1, Second Filling, and the Jones Reservoir No. 2, Second Filling, are part of the integrated water supply system for the Grand River Ranch. During the diligence period, February 2017 through September 2023, Applicant GRROA has continued to prosecute with reasonable diligence the development of the integrated water supply system for the Grand River Ranch. The activities constituting diligence in the development of the Grand River Ranch integrated water supply system include, but are not limited to, the following actions: i. Applicant GRROA applied for and received a finding of reasonable diligence and to make conditional rights absolute in Case No. 19CW3100, and a decree was entered in that case on October 25, 2020. That case involved conditional water rights, including exchanges, necessary for the plan for augmentation decreed in Cases No. 01CW41 and 06CW32. The structures that were the subject matter of the application include the Jones Reservoirs as exchange-to points. ii. Applicant GRROA applied for a finding of reasonable diligence and to make conditional water rights absolute, in part, in Case No. 18CW3227, and a decree was entered in that case on September 22, 2019. That case involved conditional water rights included in the Applicants’ integrated system and originally decreed in Case No. 01CW40. iii. Applicant GRROA applied for a finding of reasonable diligence in Case No. 18CW3228, and a decree was entered on July 14, 2019. That case involved portions of the Applicant’s integrated water supply system decreed in Case No. 99CW316. iv. Applicant GRROA applied for a finding of reasonable diligence in Case No. 22CW3104, and the ruling of the referee was entered on August 20, 2023. That case involved portions of the Applicant’s integrated water supply system included as part of the integrated water supply system decree in Case No. 14CW3099. v. In connection with the adjudication of water rights and plan for augmentation for the Grand River Ranch, Applicants continued to operate under a Water Supply Agreement with the Town of Kremmling. That agreement addresses, among other things, the Town’s construction of a pumping plant on the Grand River Ranch to pump water from the Colorado River to the Town’s water treatment plant on the Ranch. Pursuant to that agreement Applicants have the right to use the pumping plant to deliver water to the Ranch in connection with its integrated water supply system. The Water Supply Agreement also includes a Reservoir Operation and Maintenance Agreement between the Town and Applicants. That agreement addresses the procedures for operation, maintenance and repair of Jones Reservoirs No. 1 and 2. The Water Supply Agreement also provides for the delivery of water to Jones

Reservoir No. 2 by means of contract exchanges and use of the Town's pumping plant on the Colorado River. vi. Applicants continued to operate pursuant to a Water Supply Contract with the Colorado River Water Conservation District for deliveries of water from Wolford Mountain Reservoir. Pursuant to that contract, Applicant GRROA is entitled to 100 acre-feet of water annually for 40 years and contracted to annually pay a share of project operations and maintenance. vii. Applicant GRROA continued to implement and operate the plan for augmentation decreed in Case No. 01CW41 and modified in Case No. 06CW32. viii. In 2018, Applicant Colorado River Cattle Ranch replaced the headgate, inlet, and outlet for Jones Reservoir No. 3. Applicant Colorado River Cattle Ranch also added CIP-liner inside the outlet pipe for Jones Reservoir No. 3 and added rip-rap to the face of the dam. The expenses for that project totaled approximately \$120,000. B. With respect to the second filling conditional water rights of Jones Reservoirs No. 1 and 2, Applicants have completed the following diligence activities: i. Applicants have continued to operate and maintain Jones Reservoirs No. 1 and 2 and conduct routine maintenance on the reservoirs. During the diligence period, the total costs of ordinary maintenance of the Jones Reservoir Nos. 1 and 2, were approximately \$7,010. ii. During the diligence period, Applicants made repairs to the Jones Reservoir No. 2 gate totaling approximately \$8,000. iii. Applicants performed significant cleaning and repairs downstream from Jones Reservoirs No. 1 and 2 (which are on-channel), costing approximately \$18,000 during the diligence period. iv. Applicants continue to monitor the devices that measure deliveries into the reservoirs as required by the Water Supply Agreement. C. During the diligence period Applicants spent approximately \$22,364 on legal services related to the Grand River Ranch's integrated water supply system matters, including approximately \$11,173 on work directly related to the subject water rights, described above. D. Attached to this application as Exhibit A is a map showing the location of the reservoirs and the lands that have been or may be irrigated by the conditional water rights. 5. If claim to make absolute. Not applicable. 6. Actual location of the structure if different from the location in paragraph 3.C. above. Not applicable. 7. Names(s) and address(es) of owner(s) or reputed owners of the land upon which any new diversion or storage structure, or modification to any existing diversion or storage structure is or will be constructed or upon which water is or will be stored, including any modification to the existing storage pool. Grand River Ranch Owners Association (Jones Reservoir No. 2, Second Filling); Colorado River Cattle Ranch, LLC (Jones Reservoir No. 1, Second Filling). 8. Remarks or any other pertinent information: Since Applicants are the owners of the land on which the structures and storage pools are located, no notice is required to be served by section 37-92-302(2) (b) (II), C.R.S. (2009). WHEREFORE, the Applicants request that the Court enter a decree: A. Determining that they have exercised reasonable diligence in the development of the second filling conditional water rights for Jones Reservoirs No. 1 and 2, continuing the conditional water rights in good standing for an additional six years from the date of any decree herein; B. Confirming that the second filling conditional water rights for Jones Reservoirs No. 1 and 2 are part of the Grand River Ranch integrated water supply system for purposes of finding of reasonable diligence, and; C. Confirming that any diligence activities undertaken after the date of filing of this application and prior to entry of a decree herein be considered as diligence in the development of the conditional water rights for purposes of the next diligence period, and that any decree entered herein not preclude Applicants from relying upon such activities to assist in demonstration of reasonable diligence in the next diligence period.

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

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 SEPTEMBER 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.*

23CW3146 PITKIN COUNTY, COLORADO; COLORADO RIVER OR ITS TRIBUTARIES. PITKIN COUNTY HOLDINGS 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 FOR FINDINGS OF REASONABLE DILIGENCE. **First Claim. Name of structure: Davies Ditch. **Original decree:** Case No. 81CW481, Division 5 Water Court; June 12, 1982. **Subsequent diligence decrees:** Case No. 2016CW312, September 17, 2017; Case No. 09CW151, October 21, 2010; Case No. 02CW313, October 16, 2003; Case No. 96CW122, November 5, 1996; Case No. 90CW80, August 14, 1990; Case No. 86CW101, October 21, 1986. **Legal description:** SW ¼, SE¼, unsurveyed Section 1, Township 10 S., Range 85 W., 6th P.M., at a point whence the South Quarter Corner of said unsurveyed Section 1 bears South 08°52' W. 805 feet. UTM Coordinates (Not averaged): Zone 13, Northing: 4341234, Easting: 341879. Maps are on file with the Court as **Figure 1. Source: Kayak Creek, tributary to the Roaring Fork River, tributary to the Colorado River. Date of appropriation:** November 1, 1981. **Conditional amount:** 0.25 c.f.s. The Davies Ditch is decreed for a total of 0.5 c.f.s. The Court decreed 0.25 c.f.s. absolute for all uses in Case No. 96CW122. **Uses:** Irrigation, fish and wildlife propagation, fire protection, and recreation. **An outline of diligent efforts to complete the appropriation and a statement of "can and will" pursuant to CRS 37-92-305(9)(b) and CRS 37-92-103(a)(I) are on file with the Court.** Applicant owns the land upon which water is and will be put to beneficial use. **Second Claim. Name of structure:** Three Sons Pond No. 2. **Original decree:** Case No. 81CW481, Division 5 Water Court; June 12, 1982. **Subsequent diligence decrees:** Case No. 2016CW312, September 17, 2017; Case No. 09CW151, October 21, 2010; Case No. 02CW313, October 16, 2003; Case No. 96CW122, November 5, 1996; Case No. 90CW79, August 14, 1990; Case No. 86CW102, October 21, 1986. **Legal description:** SW ¼, SE¼, unsurveyed Section 1, Township 10 S., Range 85 W., 6th P.M., at a point whence the South Quarter Corner of said unsurveyed Section 1 bears South 12°45' W. 645 feet. UTM Coordinates (Not averaged): Zone 13,**

Northing: 4341213, Easting: 341897. Maps are on file with the Court as **Figure 1**. Source: Kayak Creek, tributary to the Roaring Fork River, tributary to the Colorado River, via deliveries from the Davies Ditch. Date of appropriation: November 1, 1981. Conditional amount: 0.18 acre-foot. Uses: Irrigation, fish and wildlife propagation, fire protection, and recreation. Description of reservoir: Dam height: 4 feet; Dam length: 50 feet; Total capacity: 0.18 acre-foot (all active). An outline of diligent efforts to complete the appropriation and a statement of “can and will” pursuant to CRS 37-92-305(9)(b) and CRS 37-92-103(a)(I) are on file with the Court. Applicant owns the land upon which the storage structure will be located and upon water will be put to beneficial use.

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

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 SEPTEMBER 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.*

2023CW3147 (16CW3025, 04CW246) COLORADO DIVISION OF PARKS AND WILDLIFE AND THE PARKS AND WILDLIFE COMMISSION, 6060 Broadway, Denver, CO 80216 (Please address all correspondence and inquiries regarding this matter to: Elizabeth M. Joyce 720-508-6761 and Ema I. G. Schultz 720-508-6307, Office of the Attorney General, 1300 Broadway, 7th Floor, Denver, CO 80203.) APPLICATION FOR FINDINGS OF REASONABLE DILIGENCE, in GARFIELD COUNTY, COLORADO. **1. Name, mailing address, e-mail address, and telephone number of Applicant:** Colorado Division of Parks and Wildlife (“CPW”); Attn: Water Section Manager; 6060 Broadway, Denver, Colorado 80216, 303-291-7466. **2. Name of Structures:** Sweetwater Pump & Pipeline, Sweetwater Lake, Sweetwater Well Nos. 1 through 6, Keep Ditch Sweetwater Enlargement, King Spring and Ditch Sweetwater Enlargement, Sweetwater Exchange, and Sweetwater Ruedi Exchange. **3. Applicant requests a finding of reasonable diligence for the conditional water rights described as follows:** a. Name of structure: Sweetwater Pump & Pipeline. b. Original decree: Case No. 04CW246, entered on March 14, 2010, by the District Court in and for Water Division No. 5. c. Subsequent decrees: Case No. 16CW3025 entered on September 17, 2017, by the District Court in and for Water Division No. 5. In Case No. 10CW308, entered on March 27, 2012, by the District Court in and for Water Division No. 5, the point of diversion of this water right was changed to the point described in Paragraph 3.d. below. d. Location: The Sweetwater Pump & Pipeline is located within the SE¼SW¼, Section 9, Township 3 South, Range 87 West of the 6th P.M., at a point 640 feet north of the south section line and 2,477 feet east of the west section line of said Section 9. This point is depicted on the location map attached hereto as **Exhibit A**. e. Legal description of the point of diversion originally decreed in Case No. 04CW246: The Sweetwater Pump and Pipeline was located within the NW ¼ of the NE ¼ Section 16, Township 3 South, Range 87 West of the 6th P.M., at a point 1750 ft west of the east section line and 240 ft south of the north section line. f. Source: Sweetwater Lake and Sweetwater Creek, tributary to the Colorado River. g. Appropriation date: December 21, 2004. h. Amount: 5.0 c.f.s., conditional. The combined instantaneous pumping rates of this water right and the water right decreed to the Keep Ditch Sweetwater Enlargement, described in paragraph 11 below, shall not exceed 8.0 c.f.s. i. Uses: Irrigation, domestic, commercial, municipal, recreation, piscatorial, stockwatering and fire protection. j. Remarks: By decree entered by this Court in Case No. 10CW308, Sweetwater Lake Spring was approved as an alternate point of diversion for this water right. This water right will be operated in conjunction with the plan for augmentation decreed in Case No. 04CW246. **4. Applicant requests a finding of reasonable diligence for the conditional water right described as follows:** a. Name of structure: Sweetwater Lake. b. Original decree: Case No. 04CW246, entered on March 14, 2010, by the District Court in and for Water Division No. 5. c. Subsequent decrees: Case No. 16CW3025, entered on September 17, 2017, by the District Court in and for Water Division No. 5. d. Location: Sweetwater Lake is an existing on-channel reservoir located on Sweetwater Creek. The outlet is located within the NE¼ of the NE¼, Section 16, Township 3 South, Range 87 West of the 6th P.M., at a point 800 feet west of the east section line and 500 feet south of the north section line. This point is depicted on the location map attached hereto as **Exhibit A**. e. Source: Lake Creek, Sweetwater Creek and other tributaries to Sweetwater Lake, tributary to the Colorado River. f. Appropriation date: December 21, 2004. g. Amount: 200 acre feet, conditional, with right to fill and refill in priority. h. Uses: Irrigation, recreation, piscatorial, stockwatering, domestic, commercial, municipal, fire protection, and augmentation. i. Surface area of high water line: 73 acres. j. Maximum height of dam: 3 feet. k. Length of dam: 150 feet. l. Active storage: 200 acre feet. m. Dead storage: Unknown. **5. Applicant requests a finding of reasonable diligence for the conditional water rights described as follows:** b. Name of structure: Sweetwater Well No. 1. b. Original decree: Case No. 04CW246, entered on March 14, 2010, by the District Court in and for Water Division No. 5. c. Subsequent decree: Case No. 16CW3025, entered on September 17, 2017, by the District Court in and for Water Division No. 5. d. Location: The well is located in the SE¼SE¼, Section 5, Township 3 South, Range 87 West of the 6th P.M., at a point 5,790 feet south of the north section line and 4,200 feet east of the west section line. This point is depicted on the location map attached hereto as **Exhibit A**. e. Source: Groundwater tributary to Sweetwater Creek, tributary to the Colorado River. f. Appropriation date: December 21, 2004. g. Amount: 2.5 c.f.s., conditional. The maximum combined rate of flow for Sweetwater Well Nos. 1 through 6 shall not exceed 2.5 c.f.s. h. Depth: 150 feet. i. Uses: Domestic, commercial, municipal, irrigation, stockwatering, and fire protection. j. Remarks: By decree entered by this Court in Case No. 10CW308, Sweetwater Lake Spring was approved as an alternate point of diversion for this water right. This water right will be operated in conjunction with the plan for augmentation decreed in Case No. 04CW246. **6. Applicant requests a finding of reasonable diligence for the conditional**

water rights described as follows: a. Name of Structure: Sweetwater Well No. 2. b. Original decree: Case No. 04CW246, entered on March 14, 2010, by the District Court in and for Water Division No. 5. c. Subsequent decree: Case No. 16CW3025, entered on September 17, 2017, by the District Court in and for Water Division No. 5. d. Location: The well is located in the NW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 9, Township 3 South, Range 87 West of the 6th P.M., at a point 530 feet south of the north section line and 450 feet east of the west section line. This point is depicted on the location map attached hereto as **Exhibit A**. e. Source: Groundwater tributary to Sweetwater Creek, tributary to the Colorado River. f. Appropriation date: December 21, 2004. g. Amount: 2.5 c.f.s., conditional. The maximum combined rate of flow for Sweetwater Well Nos. 1 through 6 shall not exceed 2.5 c.f.s. h. Depth: 150 feet. i. Uses: Domestic, commercial, municipal, irrigation, stockwatering, and fire protection. j. Remarks: By decree entered by this Court in Case No. 10CW308, Sweetwater Lake Spring was approved as an alternate point of diversion for this water right. This water right will be operated in conjunction with the plan for augmentation decreed in Case No. 04CW246. **7. Applicant requests a finding of reasonable diligence for the conditional water rights described as follows:** a. Name of structure: Sweetwater Well No. 3. b. Original decree: Case No. 04CW246, entered on March 14, 2010, by the District Court in and for Water Division No. 5. c. Subsequent decree: Case No. 16CW3025, entered on September 17, 2017, by the District Court in and for Water Division No. 5. d. Location: The well is located in the SE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 9, Township 3 South, Range 87 West of the 6th P.M., at a point 1,750 feet south of the north section line and 2,400 feet east of the west section line. This point is depicted on the location map attached hereto as **Exhibit A**. e. Source: Groundwater tributary to Sweetwater Creek, tributary to the Colorado River. f. Appropriation date: December 21, 2004. g. Amount: 2.5 c.f.s., conditional. The maximum combined rate of flow for Sweetwater Well Nos. 1 through 6 shall not exceed 2.5 c.f.s. h. Depth: 150 feet. i. Uses: Domestic, commercial, municipal, irrigation, stockwatering, and fire protection. j. Remarks: By decree entered by this Court in Case No. 10CW308, Sweetwater Lake Spring was approved as an alternate point of diversion for this water right. This water right will be operated in conjunction with the plan for augmentation decreed in Case No. 04CW246. **8. Applicant requests a finding of reasonable diligence for the conditional water rights described as follows:** a. Name of structure: Sweetwater Well No. 4. b. Original decree: Case No. 04CW246, entered on March 14, 2010, by the District Court in and for Water Division No. 5. c. Subsequent decree: Case No. 16CW3025, entered on September 17, 2017, by the District Court in and for Water Division No. 5. d. Location: The well is located in the NE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 9, Township 3 South, Range 87 West of the 6th P.M., at a point 2,630 feet south of the north section line and 2,050 feet east of the west section line. This point is depicted on the location map attached hereto as **Exhibit A**. e. Source: Groundwater tributary to Sweetwater Creek, tributary to the Colorado River. f. Appropriation date: December 21, 2004. g. Amount: 2.5 c.f.s., conditional. The maximum combined rate of flow for Sweetwater Well Nos. 1 through 6 shall not exceed 2.5 c.f.s. h. Depth: 150 feet. i. Uses: Domestic, commercial, municipal, irrigation, stockwatering, and fire protection. j. Remarks: By decree entered by this Court in Case No. 10CW308, Sweetwater Lake Spring was approved as an alternate point of diversion for this water right. This water right will be operated in conjunction with the plan for augmentation decreed in Case No. 4CW246. **9. Applicant requests a finding of reasonable diligence for the conditional water rights described as follows:** a. Name of Structure: Sweetwater Well No. 5. b. Original decree: Case No. 04CW246, entered on March 14, 2010, by the District Court in and for Water Division No. 5. c. Subsequent decrees: Case No. 16CW3025, entered on September 17, 2017, by the District Court in and for Water Division No. 5. In Case No. 10CW308, the point of diversion of this water right was changed to the point described in Paragraph 9.d. below. d. Location: The well is located in the SE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 9, Township 3 South, Range 87 West of the 6th P.M., at a point 3,450 feet south of the north section line and 1,270 feet east of the west section line of said Section 9. This point is depicted on the location map attached hereto as **Exhibit A**. e. Legal description of the point of diversion originally decreed in Case No. 04CW246: Sweetwater Well No. 5 was located within the NW $\frac{1}{4}$ of the SW $\frac{1}{4}$ Section 9, Township 3 South, Range 87 West of the 6th P.M., at a point 900 ft east of the west section line and 3600 ft south of the north section line of said Section 9. f. Source: Groundwater tributary to Sweetwater Creek, tributary to the Colorado River. g. Appropriation date: December 21, 2004. h. Amount: 2.5 c.f.s., conditional. The maximum combined rate of flow for Sweetwater Well Nos. 1 through 6 shall not exceed 2.5 c.f.s. i. Depth: 150 feet. j. Uses: Domestic, commercial, municipal, irrigation, stockwatering, and fire protection. k. Remarks: By decree entered by this Court in Case No. 10CW308, Sweetwater Lake Spring was approved as an alternate point of diversion for this water right. This water right will be operated in conjunction with the plan for augmentation decreed in Case No. 04CW246. **10. Applicant requests a finding of reasonable diligence for the conditional water rights described as follows:** a. Name of Structure: Sweetwater Well No. 6. b. Original decree: Case No. 04CW246, entered on March 14, 2010, by the District Court in and for Water Division No. 5. c. Subsequent decree: Case No. 16CW3025, entered on September 17, 2017, by the District Court in and for Water Division No. 5. In Case No. 10CW308, the point of diversion of this water right was changed to the point described in paragraph 10.d. below. d. Location: The well is located in the SE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 9, Township 3 South, Range 87 West of the 6th P.M., at a point 1,010 feet north of the south section line and 2,236 feet east of the west section line of said Section 9. This point is depicted on the location map attached hereto as **Exhibit A**. e. Legal description of the point of diversion originally decreed in Case No. 04CW246: The Sweetwater Pump and Pipeline was located within the SW $\frac{1}{4}$ of the SW $\frac{1}{4}$, Section 9, Township 3 South, Range 87 West of the 6th P.M., at a point 339 ft. east of the west section line and 4626 ft. south of the north section line. f. Source: Groundwater tributary to Sweetwater Creek, tributary to the Colorado River. g. Appropriation date: December 21, 2004. h. Amount: 2.5 c.f.s., conditional. The maximum combined rate of flow for Sweetwater Well Nos. 1 through 6 shall not exceed 2.5 c.f.s. i. Depth: 150 feet. j. Uses: Domestic, commercial, municipal, irrigation, stockwatering, and fire protection. k. Remarks: By decree entered by this Court in Case No. 10CW308, Sweetwater Lake Spring was approved as an alternate point of diversion for this water right. The subject water right will be operated in conjunction with the plan for augmentation decreed in Case No. 04CW246. **11. Applicant requests a finding of reasonable diligence for the conditional water rights described as follows:** a. Name of Structure: Keep Ditch Sweetwater Enlargement. b. Original decree: Case No. 04CW246, entered on March 14, 2010, by the District Court in and for Water Division No. 5. c. Subsequent decree: Case No. 16CW3025, entered on September 17, 2017, by the District Court in and for

Water Division No. 5. d. Location: The headgate and point of diversion is located at a point on the East bank of Turret Creek whence the North quarter corner of Section 5, Township 3 South, Range 87 West of the 6th P.M. bears North 2°28' East 466.8 feet. This point is depicted on the location map attached hereto as **Exhibit A**. e. Source: Turret Creek, tributary to Sweetwater Creek, tributary to the Colorado River. f. Appropriation date: December 21, 2004. g. Amount: 5.0 c.f.s., conditional. The combined instantaneous pumping rates of this water right and the water right decreed to the Sweetwater Pump & Pipeline, described in paragraph 3 above, shall not exceed 8.0 c.f.s. h. Uses: Irrigation, recreation, piscatorial, stockwatering, commercial, municipal, and fire protection. i. Remarks: The subject water right will be operated in conjunction with the plan for augmentation decreed in Case No. 04CW246. **12. Applicant requests a finding of reasonable diligence for the conditional water rights described as follows:** a. Name of Structure: King Spring and Ditch Sweetwater Enlargement. b. Original decree: Case No. 04CW246, entered on March 14, 2010, by the District Court in and for Water Division No. 5. c. Subsequent decree: Case No. 16CW3025, entered on September 17, 2017, by the District Court in and for Water Division No. 5. d. Location: The headgate and point of diversion is located at a point at a spring tributary to Sweetwater Creek whence the Southeast corner of Section 9, Township 3 South, Range 87 West of the 6th P.M. bears South 53° East 415.2 feet. This point is depicted on the location map attached hereto as **Exhibit A**. e. Source: Spring tributary to Sweetwater Creek, tributary to the Colorado River. f. Appropriation date: December 21, 2004. g. Amount: 0.5 c.f.s., conditional. h. Uses: Irrigation, stockwatering, commercial, municipal, fire protection, recreation, and piscatorial. i. Remarks: The subject water right will be operated in conjunction with the plan for augmentation decreed in Case No. 04CW246. **13. Applicant requests a finding of reasonable diligence for the conditional water rights described as follows:** a. Name of Structure: Sweetwater Exchange. b. Original decree: Case No. 04CW246, entered on March 14, 2010, by the District Court in and for Water Division No. 5. c. Subsequent decree: Case No. 16CW3025, entered on September 17, 2017, by the District Court in and for Water Division No. 5. d. Downstream terminus: Confluence of Sweetwater Creek and the Colorado River, which is located in Section 9, Township 4 South, Range 86 West of the 6th P.M., at a point approximately 775 feet west of the east section line and 1,525 feet south of the north section line of said Section 9. This point is depicted on the location map attached hereto as **Exhibit B**. e. Upstream termini: Points of diversion of Sweetwater Pump & Pipeline, Sweetwater Lake, Sweetwater Well Nos. 1-6, Keep Ditch Sweetwater Enlargement, and King Spring and Ditch Sweetwater Enlargement, all as described above. This point is depicted on the location map attached hereto as **Exhibit B**. f. Appropriation date: December 21, 2004. g. Maximum rate of exchange: 5.0 c.f.s., conditional (limited to 200 acre feet annually). h. Remarks: The subject right of exchange will be operated in conjunction with the plan for augmentation decreed in Case No. 04CW246. **14. Applicant requests a finding of reasonable diligence for the conditional water rights described as follows:** a. Name of Structure: Sweetwater Ruedi Exchange. b. Original decree: Case No. 04CW246, entered on March 14, 2010, by the District Court in and for Water Division No. 5. c. Subsequent decree: Case No. 16CW3025, entered on September 17, 2017, by the District Court in and for Water Division No. 5. d. Downstream terminus: Confluence of Roaring Fork River and the Colorado River, which is located in Section 9, Township 6 South, Range 89 West of the 6th P.M., at a point approximately 2,350 feet east of the west section line and 2,150 feet south of the north section line of said Section 9. This point is depicted on the location map attached hereto as **Exhibit B**. e. Upstream termini: Points of diversion of Sweetwater Pump & Pipeline, Sweetwater Lake, Sweetwater Well Nos. 1-6, Keep Ditch Sweetwater Enlargement, and King Spring and Ditch Sweetwater Enlargement, all as described above. This point is depicted on the location map attached hereto as **Exhibit B**. f. Appropriation date: December 21, 2004. g. Maximum rate of exchange: 5.0 c.f.s., conditional (limited to 200 acre feet annually). h. Remarks: The subject right of exchange will be operated in conjunction with the plan for augmentation decreed in Case No. 04CW246. **15. Remarks**: The Conservation Fund (TCF), CPW's predecessor-in-interest, acquired the Sweetwater Lake property and subject water rights in 2020. In conjunction with that acquisition, TCF diligently investigated and pursued development potential of the property for the purpose of conservation-based recreation. The White River National Forest, United States Forest Service (USFS) purchased the property in August 2021 from TCF for inclusion into its federal public lands program. CPW then entered into an agreement with the USFS in a cooperative effort to develop a long-term management and development plan for the Sweetwater Lake property. Subsequent to that agreement, CPW acquired the subject water rights from TCF to support development of state parks amenities and services on the property. Among other uses, including irrigation of forage for grazing, CPW intends that the state park will offer recreational opportunities to the public including campgrounds and visitor services, and will include maintenance and enhancement of the natural resources and wildlife habitat. As previously decreed in Case Nos. 04CW246, 10CW308, and 16CW3025, the subject conditional water rights are components of an integrated water supply system that provides water for irrigation, recreation, piscatorial, stockwatering, domestic, commercial, municipal, fire protection, and augmentation for the proposed development of CPW's property. CPW's development and use of the subject water rights will be in conjunction with the existing and planned facilities and other water rights associated with the Sweetwater Lake property. Work associated with one part of the overall system constitutes diligence on other components of the system. *Metro. Suburban Water Users Ass'n v. Colo. River Water Conservation Dist.*, 365 P.2d 273, 289 (Colo. 1961). **16. Outline of what has been done toward completion of this appropriation and application of water to beneficial use as conditionally decreed:** Diligence activities prior to CPW's efforts: a. TCF began investigating the potential purchase of the Sweetwater Lake property and associated water rights from Sweetwater Ranch Holdings, LLC for conservation-related purposes beginning in March, 2019, which included: i. At least two dozen phone calls and three in-person meetings between March and June 2019 leading to a purchase agreement in June 2019; ii. Due diligence review of reports, appraisals, legal filings and other documents related to the property and the previous owner's efforts to develop the property to a golf course, residential development, marina, hotel and spring water bottling facility; iii. Engaging two outside counsel to assist in the due diligence review; iv. Securing two appraisal reports for the property; and v. Acquiring the property, including the subject water rights, on June 30, 2020. b. After its acquisition, TCF continued to evaluate and market the property and water rights for conservation-based development, which included: i. Engaging an engineering firm to evaluate the water quality of the existing domestic water supply to the cabins on the property, which incorporated a design for the future water collection, treatment and

distribution; ii. Through a lease with a local outfitter, maintaining existing irrigation of the hay meadows and pasture horses on the property, and performing maintenance and repairs to existing structures; iii. Assisting the Eagle Valley Land Trust to cover its costs for associated project outreach; iv. Working with the USFS, culminating in the sale of the property and certain water rights to the USFS on August 31, 2021. TCF retained the subject water rights separate from the sale of land and other water rights; and v. Sale of the subject water rights to CPW on May 1, 2023. CPW's diligence activities: c. Beginning in 2021, CPW has been collaborating with USFS and other partners to develop a long-term plan for the Sweetwater Lake property, which will include development of water resources needed to support a state park. d. Since October of 2021, the Sweetwater Recreation Planning Team (SRPT), made up of partnership representatives from the USFS, CPW, and Eagle Valley Land Trust (EVLTL) has held regular meetings to facilitate development activities such as permitting discussions, public outreach efforts, cultural and natural resource inventories, operational plans, and conceptual site designs. e. In January and February of 2022, the partnership hosted a series of three open houses in the area local to the Sweetwater Lake property in order to gather input from surrounding communities regarding recreational opportunities desired, concerns, and ideas for the future of the Sweetwater property. f. CPW contracted with an engineering firm to assess the current condition of the King Springs Complex, one of the water sources for the property. This analysis will include design plans for improvement or replacement of the existing catchment basin and holding tank systems to provide short-term utility that will be incorporated into the long-term water system design and development. g. Over the course of 2022 and continuing in 2023, CPW staff and contractors engaged in various natural resource inventories of the site that will be considered during the site design process. h. In August of 2022, CPW contracted with a design firm to aide in the execution of geotechnical investigation, market analysis, utility evaluation, topographical surveying, traffic analysis, recreational trend studies, monthly water sampling, water systems design and documentation of existing site conditions. The design firm will ultimately provide design plans for the long-term development at the Sweetwater property. i. On a bi-weekly basis from October 2022–May 2023, the partnership engaged with the Sweetwater Lake Working Group, a contingent of representatives from the local community, to provide an opportunity for recommendations on various site development aspects. These meetings were facilitated by CDR Associates, a facilitation firm based in Boulder, and contracted by CPW. j. In March of 2023, CDR Associates hosted a virtual meeting with partnership representation, to provide updates on actions undertaken and input received to a broader stakeholder group. k. In March/April 2023, CDR Associates provided an additional opportunity via online survey to a broad group of stakeholders to gather input on what recreational opportunities are desired by the greater public. l. CPW began its acquisition process for the subject water rights in February 2023, and acquired the subject water rights from TCF on May 1, 2023. m. In association with its acquisition and collaborative planning efforts, the USFS conducted preliminary water development needs for the property. CPW staff have engaged in review of the USFS assessment and are planning for additional assessments and water development needs for the state park as part of the long-term development plan. n. CPW has been coordinating with the USFS to engage a contractor to prepare an Environmental Impact Statement pursuant to the National Environmental Policy Act. CPW staff have conducted review of proposals and meetings with USFS staff and contractors to select a contractor, and are pursuing contract discussions to finalize the selection process. o. On May 1, 2023, in Case No. 23CW3071, CPW filed an application seeking a finding of reasonable diligence for Sweetwater Lake Spring, a/k/a Vaspen Spring, and Sweetwater Lake Spring First Enlargement, a/k/a Vaspen Spring First Enlargement. **17. Owner of land upon which the structures are or may be located:** United States of America, United States Forest Service, 1617 Cole Boulevard, Building 17, Lakewood, CO 80401. WHEREFORE, Applicant respectfully requests entry of a decree finding that Applicant and its predecessors have been reasonably diligent in the development of the conditional water rights, continuing the conditional water rights, and awarding such other relief as the Court may deem appropriate. (16 pages)

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

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 SEPTEMBER 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.

23CW3148 (16CW3175, 10CW98, 02CW307); EAGLE COUNTY, EAGLE RIVER OR ITS TRIBUTARIES. Application for Finding of Reasonable Diligence. Applicant: G. Jouflas Ranches, LLC, c/o Greg Jouflas, 113 Mira Monte Rd. Grand Junction, CO 81507. Please direct all pleadings and correspondence to Applicant's counsel: William H. Caile, Holland & Hart LLP, 555 17th St. Ste. 3200, PO Box 8749 Denver, CO 80201-8749; Telephone: (303) 295-8000; Email: whcaile@hollandhart.com. **2. Names of Structures:** Henry Spring and William Pond. **3. From Previous Decrees:** a. Original decree: March 1, 2004 in Case No. 02CW307, Water Division 5. b. Subsequent decrees awarding diligence: December 30, 2010, in Case No. 10CW98, Water Division 5; September 17, 2017 in Case No. 16CW3175, Water Division 5. **3. Description of Conditional Water Rights:** a. Henry Spring: i. Legal description: A spring located in the SW¼ SE¼, Section 16, Township 4 South, Range 83 West, 6th P.M. at a point 300 feet from the South line and 2300 feet from the East line of said Section 16. See map on file with Court as Exhibit A. ii. Source: Spring tributary to the Eagle River, tributary to the Colorado River. iii. Date of appropriation: August 22, 2002. iv. Amount claimed: 50 gallons per minute (gpm), CONDITIONAL. v. Use: Domestic, irrigation, piscatorial, commercial, fire protection and storage for the same uses. The spring may be used to fill and refill the William Pond described herein for the said uses and to replace evaporation. (1) Lands to be irrigated: 5 acres of Applicant's

property located in the SE¼ of said section 16. See Exhibit A. b. William Pond: i. Legal description: A pond located in the NW¼ SE¼ Section 16, Township 4 South, Range 83 West, 6th P.M. at a point 2400 feet from the South line and 1750 feet from the East line of Section 16. See Exhibit A. ii. Name and capacity of ditch or ditches used to fill reservoir, and legal description of each point of diversion: William Pond is an off channel reservoir to be filled from Henry Spring, described herein. iii. Source: Spring tributary to the Eagle River, tributary to the Colorado River. iv. Date of appropriation: August 22, 2002. v. Amount claimed: 20 acre-feet, CONDITIONAL (all active capacity). vi. Use: Domestic, irrigation, piscatorial, commercial, fire protection and storage for the same uses. The Henry Spring may be used to fill and refill the William Pond for the said uses and to replace evaporation. (1) Lands to be irrigated: 5 acres of Applicant's property located in the SE¼ of said section 16. See Exhibit A. vii. Size of reservoir: (1) Maximum height of dam in feet: 10; (2) Length of dam in feet: 300; (3) Total active capacity of reservoir in acre-feet: 20; (4) Dead storage in acre-feet: 0. 4. Integrated System: The subject water rights are part of Applicant's integrated water supply system, which includes a number of ditches, ponds, wells and water supply plans, for use on Applicant's property. See decree in Case No. 02CW307 (where this Court concluded that the subject water rights were individual components of Applicant's integrated water supply system). Consequently, diligence with respect to any one component of the Applicant's integrated water system should be considered in finding that reasonable diligence has been shown in the development of water rights for all features of the Applicant's integrated system. See C.R.S. § 37-92-301(4)(b). 5. Detailed outline of what has been done toward completion of the appropriation and application of water to beneficial use, including expenditures: The Application on file with the Court contains a detailed outline of Applicant's activities and expenditures during the relevant diligence period. The list of activities is not meant to be exhaustive, and Applicant reserves the right to present additional evidence as appropriate. Name and address of owners of land upon which any new diversion or storage structure, or modification to any existing diversion or storage structure is or will be constructed or upon which water is or will be stored, including any modification to the existing storage pool: Applicant. Applicant requests that the Court enter a judgment and decree finding that Applicant has exercised reasonable diligence in the development of the subject conditional water rights; continuing the conditional water rights in full force and effect; and for such other relief as the Court deems just and proper.

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

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 SEPTEMBER 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.*

23CW3108 GARFIELD COUNTY. COLORADO RIVER. 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. Application for Finding of Reasonable Diligence. Applicant: EMCM Corp. c/o LeMoine & Graves, P.C., Attn: Timothy Graves, PO Box 907, Rifle, Colorado 81650; 970-625-1887. Original Decree: Case No. 01CW51, District Court, Water Division No. 5, entered 08/26/2003. **CLAIM NO. 1 GROUND WATER RIGHT**: Applicant requests a finding of reasonable diligence the following ground water right decreed to the V. MEAD SPRING. Decreed location: The diversion location for V. Mead Spring is located in the SWSW of Section 30, Township 6 South, Range 93 West of the 6th P.M. in Garfield County, Colorado at a point 192 feet from the South Section line and 927 feet from the West section line. Date of Appropriation: March 15, 2001. Amount: 0.022 c.f.s., Conditional. Use: V. Mead Spring is used fire protection, and livestock and wildlife watering. Date Water First Applied to Beneficial Use: September 1, 2003. Amount: 0.022 c.f.s. Location of Beneficial Use: See Exhibit A to the application for a map of the diversion and applied beneficial use areas. Name and Address of Land Owner upon which the Subject Water will be Located and Used: Applicant. Request: A finding of reasonable diligence for the V. MEAD SPRING ground water as to fire protection. V. MEAD SPRING ground water right remain conditional and a finding of diligence be found as to fire protection.

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