

DIVISION 5 WATER COURT- MARCH 2024 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 MARCH 2024. *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.*

24CW3032 EAGLE COUNTY, ROARING FORK RIVER OR ITS TRIBUTARIES. Aspen Mountain View Homeowners' Association c/o Jason Groves and Lauren Hoover, Patrick, Miller & Noto, P.C., 229 Midland Avenue, Basalt, CO 81621 (970) 920-1030. APPLICATION FOR FINDINGS OF REASONABLE DILIGENCE. **First Claim: For Finding of Reasonable Diligence:** Name of Structure: AMV Well No. 1. Original decree: Consolidated Case Nos. 1979CW150 and 151, Water Division 5, entered on May 23, 1980. Prior diligence decree: Case No. 2017CW3179, Water Division 5, entered on March 4, 2018. Legal description: SW ¼, NW ¼ of Section 22, Township 7 South, Range 87 West of the 6th P.M., at a point approximately 3,090 feet from the south section line and 4,090 feet from the east section line. Source: groundwater produced from the Pleistocene basalt formation, tributary to the Roaring Fork River, tributary to the Colorado River. Appropriation date: April 26, 1979. Amount: 0.065 c.f.s. (approx. 29 g.p.m.), conditional. Uses: Domestic (including lawn irrigation), commercial, and fire protection. Well depth: Approximately 360 feet. Landowner information: Applicant owns the land where the structure is located. **Second Claim: For Finding of Reasonable Diligence:** Name of structure: AMV Well No. 2. Original decree: Consolidated Case Nos. 1979CW150 and 151, Water Division 5, entered on May 23, 1980. Prior diligence decree: Case No. 2017CW3179, Water Division 5, entered on March 4, 2018. Legal description: SW ¼, NW ¼ of Section 22, Township 7 South, Range 87 West of the 6th P.M., at a point approximately 2,487 feet from the north section line and 531 feet from the west section line. Source: groundwater produced from the Pleistocene basalt formation, tributary to the Roaring Fork River, tributary to the Colorado River. Appropriation date: April 26, 1979. Amount: 0.0535 c.f.s. (approx. 24 g.p.m.), conditional. Uses: Domestic (including lawn irrigation), commercial, and fire protection. Well depth: Approximately 300 feet. Landowner information: Applicant owns the land where the structure is located. **Third Claim: For Finding of Reasonable Diligence:** Name of structure: AMV Well No. 4. Original decree: Consolidated Case Nos. 1979CW150 and 151, Water Division 5, entered on May 23, 1980. Prior diligence decree: Case No. 2017CW3179, Water Division 5, entered on March 4, 2018. Legal description: SE ¼, NW ¼ of Section 22, Township 7 South, Range 87 West of the 6th P.M., at a point approximately 2,820 feet from the south section line and 3,460 feet from the east section line. Source: groundwater produced from the Pleistocene basalt formation, tributary to the Roaring Fork River, tributary to the Colorado River. Appropriation date: April 26, 1979. Amount: 0.0335 c.f.s. (approx. 15 g.p.m.), conditional. Uses: Domestic (including lawn irrigation), commercial, and fire protection. Well depth: Approximately 200 feet. Landowner information: Applicant owns the land where the structure is located. Remarks applicable to all claims: The subject water rights are components of an integrated water supply system that serves the Aspen Mountain View Homeowner's Association community. C.R.S. § 37-92-301(4)(b). A map and detailed outline of the activities and expenditures toward completing the conditional appropriations are on file with the court.

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

2. PURSUANT TO C.R.S., §37-92-302, AS AMENDED, YOU ARE NOTIFIED THAT THE FOLLOWING PAGES COMPRISE A RESUME OF THE APPLICATIONS AND AMENDED APPLICATIONS FILED WITH THE WATER CLERK FOR WATER DIVISION 5 DURING THE MONTH OF MARCH 2024. *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.*

24CW3033 EAGLE COUNTY – EAGLE RIVER OR ITS TRIBUTARIES. The Town of Gypsum, c/o Kevin L. Patrick and Jason M. Groves, 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.** Structure: Ulin Ditch, Town Enlargement. Original decree: Case No. 14CW3167, Water Division 5. March 21, 2018. Legal description: SW ¼, NW ¼ of Section 8, Township 5 South, Range 85 West of the 6th P.M., at a point approximately 720 feet from the west section line and 2,050 feet from the north section line. Source: Gypsum Creek, tributary to the Eagle River, tributary to the Colorado River. Appropriation date: December 30, 2014. Amount: 1.5 c.f.s., conditional. Uses: Municipal use, including domestic, irrigation, commercial, industrial, fire protection. Water diverted under the Ulin Ditch, Town Enlargement will be used within the Town of Gypsum water service area, as the same may be modified from time to time within the Eagle River Basin. Landowner information: Applicant owns the land where the structure is located. Remarks: The subject water right is also known as the "Ulin and Company Ditch, Town Enlargement." **Second Claim: For Finding of Reasonable Diligence.** Structure: Stratton and Company Return Flow 2014 Exchange. Original decree: Case No. 14CW3167, Water Division 5. March 21, 2018. Legal Description: The exchange is made up of three reaches. Downstream terminus: For all three reaches, the downstream terminus is the outfall of Applicant's wastewater treatment plant which is located 1,370 feet south of the north section line and 2,443 feet west of the east section line in Section 6 of Township 5 South, Range 85 West of the 6th P.M. (Eagle County). Upstream termini: Red Table Acres Spring Collection System located at a point whence the northwest corner of Section 5, Township 5 South, Range 85 West of the 6th P.M. bears north 59°10'02" west a distance of 5,076.43 feet, in the SE ¼ NE ¼ of Said Section 5. EVCE Pump and Pipeline located in the diversion reach along the southerly bank of the Eagle River from a point located in the NW ¼ of the NE ¼ of Section 5, Township 5 South, Range 85 West of the 6th P.M., approximately 905 feet from the north section line and 1,720 feet from the east section line, upstream to a point in the NE ¼ of the NE ¼ of said Section 5, approximately 430 feet from the north

section line and 950 feet from the east section line (Eagle County), as described in Case No. 2011CW201, Division 5. EVCE East Ditch located in the SE ¼ of the NE ¼ of Section 5, Township 5 South, Range 85 West of the 6th P.M., 2,040 feet from the north section line and 610 feet from the east section line (Eagle County), as described in Case No. 2011CW201, Division 5. EVCE West Ditch located in the SW ¼ of the NE ¼ of Section 5, Township 5, South, Range 85 West of the 6th P.M., 1,750 feet from the north section line and 1,350 feet from the east section line (Eagle County). Source: Unconsumed HCU credits associated with water diverted to Applicant's municipal supply system from Gypsum Creek under Applicant's Stratton and Company Ditch Priority 1 water right. Appropriation date: March 13, 2012. Amount: 1.5 c.f.s. up to 126.0 acre-feet, conditional. Uses: Storage, augmentation, and municipal use including domestic, commercial, industrial, manufacturing, recreation, fire protection, street washing, dust suppression, irrigation, and the right to use, reuse, and successively use to extinction by direct use or storage for later use. Landowner information: (Red Table Acres Spring Collection System) Gypsum Capital Partners LLC, P.O. Box 5259 Eagle, CO 81631. (EVCE Pump and Pipeline, EVCE East Ditch, and EVCE West Ditch) Eagle Valley Clean Energy LLC, P.O. Box 426 Gypsum, CO 81637. **Third Claim: For Findings of Reasonable Diligence.** Name of Exchanges: Schliff Ditch 2014 Exchange and C.M. Stremme Gates Ditch 2014 Exchange. Location: The exchange reach for both exchanges is the same. Upper terminus: Norgaard Ditch, Town Enlargement point of diversion located in the NW ¼, NW ¼, Section 8, Township 5 South, Range 85 West of the 6th P.M. on the east bank of Gypsum Creek at a point whence the northwest corner of Section 8, Township 5 South, Range 85 West of the 6th P.M. bears north 79°30' west, a distance of 1,510 feet, 1,550 feet from the west section line and 250 feet from the north section line of said Section 8, Eagle County. Lower terminus: The confluence of Gypsum Creek and the Eagle River. Source: Schliff Ditch and C.M. Stremme Gates Ditch HCU credits. Appropriation date: November 6, 2013. Amount: 2.0 c.f.s. up to 100.16 acre-feet, conditional using Schliff Ditch HCU credits and 83.6 acre-feet, conditional using C.M. Stremme Gates Ditch HCU credits. Uses: Augmentation of municipal uses. Landowner information: (Norgaard Ditch) Vicki L. Nycum, P.O. Box 1057 Gypsum, CO 81637. **Fourth Claim: For Findings of Reasonable Diligence.** Name of Exchanges: Wolford Mountain Reservoir 2014 Exchange and Green Mountain Reservoir 2014 Exchange. Location: Upper Termini: EVCE East Ditch located in the SE ¼ of the NE ¼ of Section 5, Township 5 South, Range 85 West of the 6th P.M., 2,040 feet from the north section line and 610 feet from the east section line (Eagle County), as described in Case No. 2011CW201, Water Division 5. EVCE West Ditch located in the SW ¼ of the NE ¼ of Section 5, Township 5, South, Range 85 West of the 6th P.M., 1,750 feet from the north section line and 1,350 feet from the east section line (Eagle County). EVCE Pump and Pipeline located in the diversion reach along the southerly bank of the Eagle River from a point located in the NW ¼ of the NE ¼ of Section 5, Township 5 South, Range 85 West of the 6th P.M., approximately 905 feet from the north section line and 1,720 feet from the east section line, upstream to a point in the NE ¼ of the NE ¼ of said Section 5, approximately 430 feet from the north section line and 950 feet from the east section line (Eagle County), as described in Case No. 2011CW201, Water Division 5. Red Table Acres Spring Collection System located at a point whence the northwest corner of Section 5, Township 5 South, Range 85 West of the 6th P.M. bears north 59°10'02" west a distance of 5,076.43 feet, in the SE ¼ NE ¼ of Said Section 5. Gypsum Eagle River Pumping Pipeline located on the south bank of the Eagle River in the NW ¼ of the NW ¼ of Section 5, Township 5 South, Range 85 West of the 6th P.M. at a point whence the northwest corner of said Section 5 bears north 37°30' west a distance of 1,730 feet (Eagle County), as decreed in Case No. 91CW256, Water Division 5. Lower Terminus: The confluence of the Colorado and Eagle Rivers. Source: Water Supply Contracts with the Colorado River Water Conservation District and the United States Bureau of Reclamation. Appropriation date: December 30, 2014. Amount: 2.0 c.f.s. up to 182 acre-feet, conditional for each exchange. Uses: Augmentation of municipal uses. Landowner information: (Red Table Acres Spring Collection System) Gypsum Capital Partners LLC, P.O. Box 5259 Eagle, CO 81631. (EVCE Pump and Pipeline and EVCE East Ditch) Eagle Valley Clean Energy LLC, P.O. Box 426 Gypsum, CO 81637. (Gypsum Eagle River Pumping Pipeline) Pilas-Rodriguez LLC, P.O. Box 187 Eagle, CO 81631. **Fifth Claim: For Finding of Reasonable Diligence.** Name of Exchange: L.E.D.E. Reservoir 2014 Exchange. Location: Upper Termini: EVCE East Ditch located in the SE ¼ of the NE ¼ of Section 5, Township 5 South, Range 85 West of the 6th P.M., 2,040 feet from the north section line and 610 feet from the east section line (Eagle County), as described in Case No. 2011CW201, Division 5. EVCE West Ditch located in the SW ¼ of the NE ¼ of Section 5, Township 5, South, Range 85 West of the 6th P.M., 1,750 feet from the north section line and 1,350 feet from the east section line (Eagle County). EVCE Pump and Pipeline located in the diversion reach along the southerly bank of the Eagle River from a point located in the NW ¼ of the NE ¼ of Section 5, Township 5 South, Range 85 West of the 6th P.M., approximately 905 feet from the north section line and 1,720 feet from the east section line, upstream to a point in the NE ¼ of the NE ¼ of said Section 5, approximately 430 feet from the north section line and 950 feet from the east section line (Eagle County), as described in Case No. 2011CW201, Water Division 5. Red Table Acres Spring Collection System located at a point whence the northwest corner of Section 5, Township 5 South, Range 85 West of the 6th P.M. bears north 59°10'02" west a distance of 5,076.43 feet, in the SE ¼ NE ¼ of Said Section 5. Lower Terminus: The confluence of the Eagle River and Gypsum Creek. Sources: L.E.D.E. Reservoir: Gypsum Creek, tributary to the Eagle River. L.E.D.E. Reservoir, Town Enlargement: Deliveries from the LEDE Ditch, Town Enlargement water right, which diverts from Antones Cabin Creek, a tributary of Brush Creek, tributary to the Eagle River. Appropriation date: December 30, 2014. Amount: 2.0 c.f.s. up to 182 acre-feet, conditional. Uses: Augmentation of municipal uses. Request for findings of diligence: Landowner information: (Red Table Acres Spring Collection System) Gypsum Capital Partners LLC, P.O. Box 5259 Eagle, CO 81631. (EVCE Pump and Pipeline, EVCE East Ditch, and EVCE West Ditch) Eagle Valley Clean Energy LLC, P.O. Box 426 Gypsum, CO 81637. Remarks applicable to all claims: Under C.R.S. § 37-92-301(4)(b), the Applicant's subject water rights are components of its integrated water supply system. Decree ¶ 51, Case No. 2014CW3167. Maps and a detailed outline of work performed toward completion of the conditional appropriations are on file with the court.

YOU ARE HEREBY NOTIFIED THAT YOU HAVE until the last day of MAY 2024 to file with the Water Clerk a verified Statement of Opposition setting forth facts as to why this application should not be granted or why it should be granted in part

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

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 MARCH 2024. 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.

24CW3034 DISTRICT COURT, WATER DIVISION NO. 5, COLORADO, STATE OF COLORADO, Garfield County Courthouse, 109 8th Street, Suite 104, Glenwood Springs, CO 81601. IN THE MATTER OF THE APPLICATION FOR WATER RIGHTS OF AMERICAN GYPSUM COMPANY LLC, IN EAGLE COUNTY, COLORADO. APPLICATION FOR FINDINGS OF REASONABLE DILIGENCE. 1. Name, address, and telephone number of Applicant: American Gypsum Company, LLC ("Applicant"), P.O. Box 980, 740 Highway 6, Gypsum, Colorado 81637, (970) 524-9700, Direct all pleadings and/or correspondence to: Steven J. Bushong, Gunnar J. Paulsen, Bushong & Holleman PC, 1525 Spruce Street, Suite 200, Boulder, Colorado 80302, E-mail: sbushong@bh-lawyers.com; gpaulsen@bh-lawyers.com 2. Name of structures: American Gypsum Enlargement and American Gypsum Exchange Enlargement. 3. Description of conditional water rights: 3.1. Decrees: Originally decreed by the District Court in and for Water Division No. 5 ("Water Court") in Case No. 07CW125. A decree granting findings of reasonable diligence was entered in Case No. 17CW3181, Water Court, 3.2. Decreed locations: The American Gypsum Enlargement allows an additional 56 acre-feet to be diverted at Eagle Gypsum Well Nos. 1, 2, and 3, Well F, and the American Gypsum Well Field as alternate and supplement points of diversion for the American Gypsum Enlargement. The decreed location of those structures is as follows: 3.2.1. Eagle Gypsum Well No 1 – In the NW1/4 NE1/4 of Section 5, T. 5 S., R. 85 W. of the 6th P.M. at a point whence the witness corner to the NW Corner of said Section 5 bears N. 70E05' W. a distance of 3034 feet. Said location is also 935 feet from the North line of said Section 5 and 2450 feet from the East line of said Section 5, 3.2.2. Eagle Gypsum Well No. 2 – In the NW1/4 NE1/4 of Section 5, T. 5 S., R. 85 W. of the 6th P.M. at a point whence the witness corner to the NW Corner of said Section 5 bears N. 67E54' W. a distance of 2869 feet. Said location is also 980 feet from the North line of said Section 5 and 2644 feet from the East line of said Section 5, 3.2.3. Eagle Gypsum Well No. 3 – In the NW1/4 NE1/4 of Section 5, T. 5 S., R. 85 W. of the 6th P.M. at a point whence the witness corner to the NW Corner of said Section 5 bears N. 72E02' W. a distance of 3204 feet. Said location is also 890 feet from the North line of said Section 5 and 2255 feet from the East line of said Section 5, 3.2.4. Well F – In the NW1/4NE1/4 of Section 5, Township 5 South, Range 85 West of the 6th P.M. at a point 1175 feet from the North section line and 1990 feet from the East section line of said Section 5, 3.2.5. American Gypsum Well Field -- In the NW1/4NE1/4 of Section 5, Township 5 South, Range 85 West of the 6th P.M. beginning at a point 1,315 feet from the North section line and 1,730 feet from the East section line of said Section 5, thence North 02 degrees 11 minutes West a distance of 1,062.04 feet, thence due West a distance of 641.56 feet, thence due South a distance of 887.21 feet, thence South 75 degrees 41 minutes East a distance of 703.94 feet to the point of beginning. The American Gypsum Exchange Enlargement allows 66 acre-feet of water to be exchanged over and above the 270 acre feet allowed to be exchanged under the Eagle Gypsum Exchange decreed in Case Nos. 89CW132, 91CW109 and 02CW391. The exchange reach is from the confluence of the Eagle River and Colorado River, up the Eagle River to the Eagle Gypsum Well Nos. 1, 2, and 3, Well F, and the American Gypsum Well Field described above and to the Eagle River Intakes. Eagle River Intake No. 1 will be located on the south bank of the Eagle River in the NE1/4NW1/4 of Section 5, Township 5 South, Range 85 West of the 6th P.M., at a point 765 feet from the North section line and 2,165 feet from the West section line of said Section 5. Eagle River Intake No. 2 will be located on the south bank of the Eagle River in the NW1/4NE1/4 of said Section 5, at a point 710 feet from the North section line and 1,785 feet from the East section line of said Section 5, 3.3. Source: Eagle River, a tributary of the Colorado River, 3.4. Appropriation date: June 29, 2007, as to both, 3.5. Amount: American Gypsum Enlargement – 56 acre feet a year. American Gypsum Exchange Enlargement – 66 acre feet per year, 3.6. Use: Industrial and landscape irrigation. 4. Detailed outline of work done to complete project and apply water to beneficial use: Applicant has undertaken the following specific activities within the last six years that demonstrate its diligence regarding the remaining conditional portions of the American Gypsum Enlargement and American Gypsum Exchange Enlargement: 4.1. The "exchange to" points for the Eagle Gypsum Exchange include Eagle Gypsum Well Nos. 1, 2, and 3, per the decree entered in Case No. 02CW391. Each such well was decreed for 1 cfs, with a combined instantaneous diversion rate of 1 cfs. In Case No. 19CW3029, Applicant sought and obtained findings of reasonable diligence with respect to the pumping rates for these wells that remain conditional, 4.2. The "exchange to" points for the Eagle Gypsum Exchange include Well F, American Gypsum Well Field, and Eagle River Intake Nos. 1 and 2 per the decree entered in Case No. 02CW391. In Case No. 19CW3030, Applicant obtained a decree finding reasonable diligence with respect to their remaining conditional amounts of those structures, 4.3. Applicant continues to operate and improve the water supply system of which the American Gypsum Enlargement and American Gypsum Exchange Enlargement are integral features. Such work included upgrades to the well system, which involved installing individual flow meters on all the wells, upgrading the well casing water level indicators, and upgrading programmable logic controllers and input/output module upgrades, drive upgrades, and human machine interface at a cost of approximately \$369,000., 4.4. Applicant has maintained in full force and effect contracts for 270 acre-feet of water from Green Mountain Reservoir and Wolford Mountain Reservoir. Applicant also continued its contract for 20-acre feet annually of water from Eagle Park Reservoir. This contract water is an essential element of the American Gypsum Enlargement and American Gypsum Exchange Enlargement, 4.5. Applicant acquired additional land and water rights in Eagle County to facilitate its further development plans and allow expansion of the facilities at the existing plant, for which the American Gypsum Enlargement and American Gypsum Exchange Enlargement are vital components,

4.6. Applicant also actively participated as an objector in other water court cases that could adversely affect its water rights, 4.7. Applicant continues to rely upon the American Gypsum Enlargement and American Gypsum Exchange Enlargement and has no intention to abandon them. 5. Ownership. Applicant owns all of the structures involved and has current contracts/leases for the water to be exchanged. A map depicting the location of the structures involved in this application is attached as Exhibit A. WHEREFORE, Applicant requests that the Court enter a decree with findings of reasonable diligence with respect to the amounts decreed to the American Gypsum Enlargement and the American Gypsum Exchange Enlargement. (5 pages + Exhibit)

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4. PURSUANT TO C.R.S., §37-92-302, AS AMENDED, YOU ARE NOTIFIED THAT THE FOLLOWING PAGES COMPRISE A RESUME OF THE APPLICATIONS AND AMENDED APPLICATIONS FILED WITH THE WATER CLERK FOR WATER DIVISION 5 DURING THE MONTH OF MARCH 2024. *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.*

24CW3035 GRAND COUNTY -CONCERNING THE APPLICATION FOR WATER RIGHTS OF THE UNITED STATES OF AMERICA, IN THE COLORADO RIVER OR ITS TRIBUTARIES, IN GRAND COUNTY, APPLICATION FOR CORRECTION TO AN ESTABLISHED BUT ERRONEOUSLY DESCRIBED POINT OF DIVERSION PURSUANT TO § 37-92-305(3.6)(c), C.R.S.

1. Name, mailing address, email address and telephone number of applicant: United States of America; 1201 Oakridge Drive, Suite 250; Ft. Collins, CO 80525; peter_a_fahmy@nps.gov. 2. Decreed water right for which correction is sought: A. Name of structure: Harbison Ranch Well B. Date of original and all relevant subsequent decrees: October 9, 2000 Case No: Civil Action No. 1768 Court: District Court, Water Division No. 5. C. Legal description of structure as described in most recent decree that adjudicated the location: The Harbison Ranch Well is located in SW1/4 NW1/4 of Sec. 31, T4N, R75W, at a point where NW corner of Sec. 31 bears N 18° 30' W a distance of 1620 feet. A USGS topographic map displaying the decreed location of this structure is attached as Attachment A. (see page 16 of Attachment B – Final Decree). D. Decreed source of water: **Colorado River** E. Appropriation Date: December 31, 1901 F. Total amount decreed to structure in cubic feet per second (cfs): Absolute 0.022 cfs G. Decreed use or uses: Domestic and stock watering H. Amount of water decreed: Absolute 15.92727 acre-feet per year 3. Detailed description of proposed correction to an established but erroneously described point of diversion: A. The Harbison Ranch Well was first constructed in 1901 and groundwater withdrawn from the well was used for domestic and stock watering on the Harbison Ranch. The United States acquired the well in 1952. The well was registered with the Colorado State Engineer on December 28, 1961, and assigned Registration No. 921 (see attached copy of registration form – Attachment C). The water right for the well was decreed to the United States on October 9, 2000, in Civil Action No. 1768, Water Division No. 5. The decreed point of diversion is as described in 2.C above. At the time of the entry of the decree, the National Park Service was withdrawing groundwater at the established location described below in 3.B.1 and 3.B.2 pursuant to a well permit (#31207-F) issued by the Colorado State Engineer on February 18, 1987 (see Attachment D). The discrepancy between the decreed point of diversion and the actual point of diversion for the Harbison Ranch Well was not discovered until early 2024. (See Attachment E – Affidavit of Peter Fahmy). A diligent search of records did not produce any information about the source of the legal description for erroneously described point of diversion found in the decree. B. The legal description of the corrected point of diversion: 1. Public Land Survey System (PLSS): Grand County, NW 1/4 of the NW 1/4 of Section 31, T4N, R75W, 6th Principal Meridian. 2. Point of diversion: a. Location information in UTM format (preferred): UTM coordinates Northing 4457952.42 m and Easting 428674.29 m. Street address: Not applicable; Subdivision: Not applicable; Lot: Not applicable; Block: Not applicable; Source of UTMs: Topographic survey Accuracy of location displayed on GPS device: Not applicable. 4. Name and address of owner 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. The applicant must notify these persons that the applicant is applying for this water right and certify to the Court that the applicant has done so. Name of Owner: United States of America; Mailing Address: Rocky Mountain National Park; 1000 US Highway 36; Estes Park, CO 80517.

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24CW3036 GUNNISON COUNTY, APPLICATION FOR FINDING OF REASONABLE DILIGENCE AND TO MAKE ABSOLUTE IN PART. Applicant: Town of Marble, 322 W. Park St. Marble, CO, 81623; 970-963-1938; leach@townofmarble.com.

Please direct all correspondence to counsel for Applicant, LAW OF THE ROCKIES, Kendall K. Burgemeister, Atty. Reg. #41593; 525 North Main Street, Gunnison, CO, 81230, 970-641-1903; kburgemeister@lawoftherockies.com. Name of right: Marble Pipeline and Water System; Case Number and Date of Original Decree and Relevant Subsequent Decrees, all entered by the District Court, Water Division 5, State of Colorado: The conditional water right that is the subject of this application was originally decreed in W-1848 (May 29, 1974). Diligence was shown in W-1848-78 (July 18, 1979); 82CW64 (June 29, 1982); 86CW67 (November 4, 1986; 0.056 made absolute, 2.944 remaining conditional); 90CW70 (August 1, 1990); 96CW92 (September 17, 1996); 02CW250 (September 3, 2003); 09CW133 (March 5, 2011); and 17CW3056 (March 4, 2018; 0.056 made absolute, the balance remaining conditional.) In Case No. 79CW361, the Town of Marble obtained an alternate point of diversion for 0.056 cfs of the conditional portion of the Marble Pipeline and Water System water right, at a well now known as the Marble Water Company Well. This 0.056 cfs was made absolute in Case No. 86CW67. In Case No. 94CW117, another alternate point of diversion was decreed at a well, known as the Marble Water Company Well No. 2, in the amount of 0.1 cfs (45 gpm) from the remaining 2.944 cfs decreed conditionally to the Marble Pipeline and Water System. Location: The point of diversion of the Marble Pipeline and Water System is located on the westerly bank of Carbonate Creek at a point whence the Southeast Corner of Section 26, Township 11 South, Range 88 West of the 6th P.M. bears South 20° 21' East 4,832.1 feet, being a point in the NW1/4NE1/4 of said Section, 758 feet from the North section line and 1676 feet from the East section line. The Marble Water Company Well is located in the NW1/4SE1/4 of Section, 26, Township 11S, Range 88W, Sixth P.M., 2600 feet from the South section line and 1800 feet from the East section line. The Marble Water Company Well No. 2 is located NW1/4SE1/4 of Section, 26, Township 11S, Range 88W, Sixth P.M., 2565 feet from the South section line and 1835 feet from the East section line. The locations of these structures are illustrated on Exhibit A as filed with this Application. **Source: Carbonate Creek (and groundwater tributary thereto), tributary to the Crystal River, tributary to the Roaring Fork River.** Appropriation Date: December 31, 1907. Amount: 6.0 cfs, of which 2.888 cfs remain conditional. Uses: Municipal, industrial, fire protection, sewage removal and treatment, lawn and garden irrigation, and domestic purposes within the Town of Marble and its immediate vicinity. Detailed outline of what has been done toward completion of the appropriation and application of water to a beneficial use as conditionally decreed, including expenditures, during the previous diligence period: The Town continued to lease to the Marble Water Company (MWC) the portion of the subject water right that is diverted through the Marble Water Company Well and Marble Water Company Well No. 2. The Town participated in ongoing studies and negotiations in an effort to develop a regional plan for augmentation for the Crystal River drainage. The plan for augmentation would augment out of priority depletions from the Marble Water Company Well and Marble Water Company Well No. 2., which are used to divert portions of the subject water right. MWC continued to utilize the subject water right to provide municipal water to customers within its service area. On May 14, 2021, MWC obtained a new well permit for the MWC Well (Permit No. 25893-F-R). Pursuant to the new well permit, on May 25, 2021, MWC redrilled the MWC well in order to raise the casing. The Well Construction and Yield Estimate Report are available on CDSS. On December 1, 2021, MWC installed a new pump in the MWC Well. The Pump Installation and Production Equipment Test Report are available on CDSS. MWC participated in the feasibility study for a possible Crystal River augmentation supply. MWC engaged Wright Water Engineers to conduct a study on a possible Marble Water Company Waterline Extension. Request to Make Absolute In Part: Marble Water Company Well No. 2 was originally decreed in Case No. 94CW117 as an alternate point of diversion for 0.1 cfs (45 gpm) from the Marble Pipeline and Water System. After the last diligence filing, 0.044 cfs of the 0.1 cfs decreed for diversion at the Marble Water Company Well No. 2 remained conditional. MWC Operator Charlie Parker measured flows from MWC Well 2 on February 20, 2024, which indicated that the well was pumping at least 45 gpm. Relief Requested: Applicant requests to make the portion of the Marble Pipeline and Water System decreed for diversion at the Marble Water Company Well No. 2 to be made absolute in the full amount of 0.1 cfs, and a finding of reasonable diligence for the balance of the conditional portion of the Marble Pipeline and Water System. The owner of the land upon which any new diversion or storage structure or modification to any existing diversion or storage structure or existing storage pool is or will be constructed or upon which water is or will be stored: All of the structures are on property owned by Applicant. (5 pages)

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

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 MARCH 2024. *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.*

24CW3037 PITKIN, SUMMIT AND EAGLE COUNTIES; SNOWMASS CREEK, TRIBUTARY TO THE ROARING FORK RIVER. Applicant: Michael Silverman, c/o Mark E. Hamilton, Esq. and Lisa A. Claxton, Esq., Holland & Hart LLP, 600 East Main Street, Suite 104, Aspen CO 81611 (970) 925-3476, mehamilton@hollandhart.com; laclaxton@hollandhart.com. Application for Findings of Reasonable Diligence. From Previous Decrees: Original Decree: Case No. 07CW230, Water Division 5, decree entered on January 16, 2011. Subsequent Decrees awarding finding of diligence: Case No. 17CW3023, Water Division 5, decree entered on March 4, 2018. Names of Structures: (1) Silverman Augmentation Tank; Location: The center of the tank will be located in one of the following alternate locations: (i) NW1/4 SE1/4 of Sec. 14, T. 9 S., R. 86 W. of the 6th P.M., at a point approximately 1,560 ft from the E. section line and 1,810 ft from the S. section line; (ii) NW1/4 SE1/4 of Sec. 14, T. 9 S., R. 86 W. of the 6th P.M., at a point approximately 1,600

ft from the E. section line and 1,600 ft from the S. section line. *Source:* Snowmass Creek, trib. to the Roaring Fork River, trib. to the Colorado River. The Silverman Augmentation Tank will be filled by the Silverman Spring and/or the Silverman Pump and Pipeline, described below. *Approp. date:* 12/27/2007. *Amount:* 0.8 acre-feet active storage, of which 0.05 acre-feet is absolute (confirmed in 17CW3023) and 0.75 acre-feet remains conditional. *Uses:* augmentation, fire protection and the right to fill and refill in priority. (2) Silverman Pump and Pipeline: *Location:* NW1/4 of SE1/4 of Sec. 14, T. 9 S., R. 86 W. of the 6th P.M., at a point approximately 1,700 ft from the E. section line and 1,700 ft from the S. section line. *Source:* Snowmass Creek, trib. to the Roaring Fork River, trib. to the Colorado River. *Approp. date:* 04/30/1989 for irrigation and fire protection; 12/27/2007 for recreation, and to fill and refill the Silverman Augmentation Tank. *Amount:* 0.25 c.f.s., absolute for irrigation; 0.062 c.f.s. (28 g.p.m.), absolute (approved in 17CW3023) for recreation (to fill a hot tub), fire protection (via storage in Silverman Augmentation Tank), and to fill and refill the Silverman Augmentation Tank; 0.188 c.f.s., conditional for recreation, fire protection, and to fill and refill the Silverman Augmentation Tank. *Uses:* (i) fire protection, recreation, and to fill and refill the Silverman Augmentation Tank. (ii) irrigation of up to a total of approximately 1.25 acres located in SE1/4 NW1/4 SE1/4 of Sec. 14, T. 9 S., R. 86 W. of the 6th P.M. Integrated system: pursuant to the final decree in Case No. 07CW230, these water rights are components of an integrated water system for Applicant's property. Land ownership: all structures are located upon Applicant's property. A detailed outline of activities and expenditures during the last diligence period is included in the Application. (6 pages).

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

7. PURSUANT TO C.R.S., §37-92-302, AS AMENDED, YOU ARE NOTIFIED THAT THE FOLLOWING PAGES COMPRISE A RESUME OF THE APPLICATIONS AND AMENDED APPLICATIONS FILED WITH THE WATER CLERK FOR WATER DIVISION 5 DURING THE MONTH OF MARCH 2024. *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.*

24CW3038 (17CW3194/07CW164) GARFIELD COUNTY – ROARING FORK RIVER OR ITS TRIBUTARIES. Harvest Roaring Fork, LLC, c/o Scott C. Miller, Esq. and John M. Sittler, Esq., Patrick, Miller & Noto, P.C., 229 Midland Ave, Basalt, CO 81621, (970) 920-1030; Roaring Fork Water and Sanitation District, c/o Tonya Uren, District Manager, P.O. Box 1002, Glenwood Springs, CO 81601, (970) 945-2144. APPLICATION FOR FINDINGS OF REASONABLE DILIGENCE. Background: The water rights that are the subject of this Application are intended to serve the development of 280 acres of land located in Garfield County, Colorado (the "Property"). A map and legal description of such property are on file with the Court as Exhibits A and B. First Claim: For Finding of Reasonable Diligence. Name of structure: Coryell Ranch Roaring Fork Diversion River Edge Enlargement. Description: Date of original decree: October 26, 2011, Case No. 07CW164, District Court, Water Division 5. Subsequent decree: March 4, 2018, Case No. 17CW3194, District Court, Water Division 5. Location of point of diversion: The Coryell Ranch Roaring Fork Diversion River Edge Enlargement will be diverted at the point of diversion of the Coryell Ranch Roaring Fork Diversion, located on the West bank of the Roaring Fork River in the NE ¼ NE ¼, Section 29, Township 7 South, Range 88 West, 6th P.M., at a point whence the NE corner of said Section 29 bears North 53°18' East a distance of 1,357.4 feet. The point of diversion can also be described as being 846 feet from the North Section line and 1,068 feet from the East Section line of said Section 29. Amount: Up to 1.25 c.f.s. at the following alternate points of diversion owned and operated by the District as alternate points of diversion to the Coryell Ranch Roaring Fork Diversion River Edge Enlargement: Aspen Glen Well Nos. 1 through 7 ("Aspen Glen Wells"); Coryell Ranch Well Nos. 1 through 14 ("Coryell Ranch Wells"); Robertson Ditch; and Posy Pump and Pipeline. Diversions hereunder may be in addition to all or part of the 0.5 c.f.s. allotment of the Basalt Conduit water right under the decree in Case No. 01CW187. The maximum total rate of diversion through the alternate points of diversion under the Coryell Ranch Roaring Fork Diversion River Edge Enlargement water right and through the REC Well Field and REC Roaring Fork Diversion described below in Paragraphs 5 through 8, under the decree entered in Case No. 07CW164 shall be 1.25 c.f.s. The total diversions under the decree in Case No. 07CW164 and the decrees in Case Nos. 01CW187 and 08CW198 shall be 1.75 c.f.s. This water right may be diverted at any one or any combination of said alternate points of diversion; provided, however, that until such time as the Property is included into the District pursuant to an agreement between Carbondale and/or GCCI and the District, Carbondale/GCCI shall be entitled to exercise these rights only at the REC Roaring Fork Diversion and REC Well Field as alternate points of diversion, and in that case, the District shall not exercise the Coryell Ranch Roaring Fork Diversion River Edge Enlargement or its alternate points. The locations of the Aspen Glen Wells, Coryell Ranch Wells, Coryell Ranch Roaring Fork Diversion, Robertson Ditch, and Posy Pump and Pipeline are on file with the Court as Exhibit C. The Aspen Glen Wells are located in Township 7 South, Range 88 West, 6th P.M., in Garfield County, Colorado, and are described as follows: Aspen Glen Well No. 1 located in the SE¼SW¼, Section 20, 660 feet from the South section line and 1,555 feet from the West section line of said Section 20. Aspen Glen Well No. 2 located in the NW¼NE¼, Section 29, 768 feet from the North section line and 2,200 feet from the East section line of said Section 29. Aspen Glen Well No. 3 located in the NW¼NE¼, Section 29, 508 feet from the North section line and 1,794 feet from the East section line of said Section 29. Aspen Glen Well No. 4 located in the NW¼NE¼, Section 29, 788 feet from the North section line and 2,462 feet from the East section line of said Section 29. Aspen Glen Well No. 5 located in the NW¼NE¼, Section 29, 703 feet from the North section line and 2,038 feet from the East section line of said Section 29. Aspen Glen Well No. 6 located in the NW¼NE¼, Section 29, 393 feet from the North section line and 2,270 feet from the East section line of said Section 29. Aspen Glen

Well No. 7 located in the NE¼NW¼, Section 29, 447 feet from the North section line and 2,627 feet from the West section line of said Section 29. The Coryell Ranch Wells are also located in Township 7 South, Range 88 West of the 6th P.M. and are described as follows:

Well No.	Quarter Quarter Location in Section 29	Distance from North line of Section 29	Distance from East Line of Section 29
1	NE NE	1268.54	1021.95
2	SW NE	1849	2064.12
3	SE NE	2086.54	86.95
4	SE NE	1808.54	301.95
5	SE NE	1508.54	486.95
6	NE NE	1218.54	666.95
7	NE NE	928.54	966.95
8	NW NE	774	1284.12
9	SW NE	1469	1294.12
10	SW NE	1609	1604.12
11	SW NE	1739	1839.12
12	NW NE	879	1619.12
13	SE NE	1733.54	831.95
14	SE NE	1873.54	971.95

The Robertson Ditch has a point of diversion located on the Westerly bank of the Roaring Fork River at a point whence the SE corner of Section 12, Township 7 South, Range 89 West, Sixth P.M. Bears North 27°56' West 2,788.14 feet. This structure can also be described as a point within the NW¼ of the SE¼, Section 18, Township 7 South, Range 88 West, 6th P.M. 1,509 feet from the South line and 1123 feet from the West line of said Section 18, with its source from the Roaring Fork River. The Posy Pump and Pipeline has a point of diversion located in Government Lot 17 of Section 1, Township 7 South, Range 89 West of the 6th P.M. at a point whence the Northwest Corner of said Section 1 bears North 57°02'42" West a distance of 3799.13 feet. This structure can also be described as a point within NW¼ of the SE¼, Section 1, Township 7 South, Range 89 West of the 6th P.M., 2300 feet from the South line and 2290 feet from the East line of said Section 1, with its source from the Roaring Fork River. Source: The source of water for the Coryell Ranch Roaring Fork Diversion River Edge Enlargement is the Roaring Fork River. The source of water for the Aspen Glen Wells and Coryell Ranch Wells is groundwater tributary to the Roaring Fork River. The source of water for the Robertson Ditch and Posy Pump and Pipeline is the Roaring Fork River. Appropriation date: September 27, 2007. Amount claimed: 1.25 c.f.s., conditional. Use: Domestic and municipal purposes, including but not limited to, fire protection uses and park and landscape irrigation on up to four acres of land within the Property. Claim for finding of reasonable diligence. Applicants have exercised reasonable diligence towards completion of the Coryell Ranch Roaring Fork Diversion River Edge Enlargement water right. A detailed outline of the work performed towards completion of the appropriation, including expenditures, is on file with the Court as Exhibit D. The District has contractual or easement rights to the Coryell Ranch Roaring Fork Diversion River Edge Enlargement and all alternate points of diversion. Second Claim: For Finding of Reasonable Diligence. Name of structure: REC Well Field. Description of Conditional Underground Water Right. Date of Original Decree: October 26, 2011; Case No. 07CW164; District Court, Water Division No. 5. Subsequent decrees awarding findings of diligence: March 4, 2018; Case No. 17CW3194, District Court, Water Division No. 5. Locations of Alternate Points of Diversion: The REC Well Field consists of that portion of the Property, excluding a Conservation Easement area granted to the Roaring Fork Conservancy, located in the W½ of Section 7, Township 7 South, Range 88 West of the 6th P.M., the E½ of Section 12, Township 7 South, Range 89 West of the 6th P.M., and the SE¼ of Section 1, Township 7 South, Range 89 West of the 6th P.M. Carbondale/GCCI may develop up to ten wells within the REC Well Field and each of these wells is claimed as an alternate point of diversion. Source: Groundwater tributary to the Roaring Fork River, tributary to the Colorado River. Appropriation date: December 31, 2008. Amount: 1.25 c.f.s., conditional. Uses: Domestic and municipal purposes, including but not limited to, fire protection uses and park and landscape irrigation on up to four acres of land within the Property. Claim for finding of reasonable diligence. Applicants have exercised reasonable diligence towards completion of the REC Well Field water right. A detailed outline of the work performed towards completion of the appropriation, including expenditures, is on file with the Court as Exhibit D. Harvest owns the land on which the water rights will be located and where the water rights will be put to beneficial use. Third Claim: For Finding of Reasonable Diligence. Name of structure: REC Roaring Fork Diversion. Description of Conditional Water Right. Date of Original Decree: October 26, 2011; Case No. 07CW164; District Court, Water Division No. 5. Subsequent decrees awarding findings of diligence: March 4, 2018; Case No. 17CW3194, District Court, Water Division No. 5. Location of Point of Diversion: The REC Roaring Fork Diversion is located on the East bank of the Roaring Fork River in the NW¼ of the NW¼, Section 18, Township 7 South, Range 88 West, 6th P.M., 1,206 feet from the North and 434 feet from the West lines of said Section 18. Source: Roaring Fork River, tributary to the Colorado River. Appropriation date: December 31, 2008. Amount: 1.25 c.f.s., conditional. Uses: Domestic and municipal purposes, including but not limited to, fire protection uses and park and landscape irrigation on up to four acres of land within the Property. Claim for finding of reasonable diligence. Applicants have exercised reasonable diligence towards completion of the Coryell Ranch Roaring Fork Diversion River Edge Enlargement water right. A detailed outline of the work performed towards completion of the appropriation, including expenditures, is on file with the Court as Exhibit D. Harvest owns the land on which the water right will be located and where water will be put to beneficial use. Fourth Claim: For Finding of Reasonable Diligence. Description of Conditional Appropriative Right of Exchange. Date of Original Decree: October 26, 2011; Case No. 07CW164; District Court, Water Division No. 5. Subsequent decrees awarding findings

of diligence: March 4, 2018; Case No. 17CW3194, District Court, Water Division No. 5. The appropriative right of exchange facilitates Carbondale's contract to use water stored in Green Mountain Reservoir for use in the Roaring Fork River to augment out-of-priority depletions caused by diversions under the River Edge Enlargement water right through the alternate points of diversion. Green Mountain Reservoir is an on-channel reservoir located on the Blue River, tributary to the Colorado River, approximately 16 miles Southeast of the Town of Kremmling, Summit County, Colorado, in all or parts of Sections 11, 12, 13, 14, 15, and 24 of Township 2 South, Range 80 West, and Sections 17, 18, 19, 20, 21, 28, 29 and 34, Township 2 South, Range 79 West, 6th P.M. Augmentation water may be released from Green Mountain Reservoir and delivered to the confluence of the Colorado and Roaring Fork Rivers. The reach of the exchange is between the confluence of the Colorado and the Roaring Fork Rivers and any of the points of diversion described in paragraph 4.D., above, including the REC Well Field and the REC Roaring Fork Diversion, up to the Coryell Ranch Well No. 3, which is the farthest upstream alternate point of diversion. The rate of the exchange is the rate of diversion under the River Edge Enlargement water right, up to 1.25 c.f.s., minus return flows to the particular reach. The appropriation date of the exchange shall be administered as September 27, 2007. Legal Description of Exchange Reach and Rate of Exchange. The exchange decreed herein is segmented into two reaches, a diversion amount reach and a depletion amount reach, as follows: If the District provides water and wastewater service to the Property, the upstream diversion amount reach is located from the furthest upstream point of diversion for the Aspen Glen Wells and Coryell Ranch Wells in the SE¹/₄ of the NE¹/₄ of Section 29, Township 7 South, Range 88 West of the 6th P.M., 2,086.54 feet from the North section line and 86.95 feet from the East section line, downstream to the location of the outfall of the District's wastewater treatment plant located on the left (West) bank of the Roaring Fork River in the SE¹/₄ of the SE¹/₄, Township 7 South, Range 89 West, 6th P.M., 337 feet from the South section line and 237 feet from the East section line. The rate of the exchange in this reach is 1.25 c.f.s. If Carbondale provides water and wastewater service to the Property, the upstream diversion amount reach is located from the REC Roaring Fork Diversion described above to the discharge from the Carbondale wastewater treatment plant to the Roaring Fork River, which will occur at one of the following two locations: (a) the confluence of Cattle Creek and the Roaring Fork River in the NW¹/₄ of the NW¹/₄, Section 1, Township 7 South, Range 88 West, 6th P.M., 1,197 feet from the North section line and 852 feet from the East section line; or (b) a point in the NW¹/₄ of the NW¹/₄, Section 18, Township 7 South, Range 89 West, 6th P.M., 1,160 feet from the North section line and 420 feet from the West section line. The rate of the exchange in this reach is 1.25 c.f.s. If the District provides water and wastewater service to the Property, the downstream depletion amount reach is located from the outfall of the District's wastewater treatment plant, which is located on the left (West) bank for the Roaring Fork River in the SE¹/₄ of the SE¹/₄, Section 12, Township 7 South, Range 89 West, 6th P.M., 337 feet from the South section line and 237 feet from the East section line, downstream to the confluence of the Colorado and the Roaring Fork Rivers in the SE¹/₄ of the NW¹/₄, Section 9, Township 6 South, Range 89 West of the 6th P.M., 2,150 feet from the North section line and 2,286 feet from the West section line. The rate of exchange in this reach is 0.80 c.f.s., the rate of diversion under the Coryell Ranch Roaring Fork Diversion River Edge Enlargement water right, up to 1.25 c.f.s., minus the discharge at the outfall of the applicable wastewater treatment plant minus the return flow from up to 4 acres of irrigation. If Carbondale provides water and wastewater service to the Property, the downstream depletion amount reach is located from the downstream-most point of discharge to the Roaring Fork River from the Carbondale wastewater treatment plant, which is at the confluence of Cattle Creek and the Roaring Fork River in the NW¹/₄ of the NW¹/₄, Section 1, Township 7 South, Range 88 West, 6th P.M., 1,197 feet from the North section line and 852 feet from the East section line, downstream to said confluence of the Colorado and Roaring Fork Rivers. The rate of the exchange in this reach is 0.80 c.f.s., the rate of diversion under the REC Roaring Fork Diversion water right, up to 1.25 c.f.s., minus the discharge at the outfall of the Carbondale wastewater treatment plant minus the return flows from up to 4 acres of irrigation. Claim for finding of reasonable diligence. Applicants have exercised reasonable diligence towards completion of the Appropriative Right of Exchange water right. A detailed outline of the work performed towards completion of the appropriation, including expenditures, is on file with the Court as Exhibit D.

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

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24CW3039 GRAND COUNTY. Town of Kremmling, P.O. Box 538, 200 Eagle Avenue, Kremmling, CO 80459. Applicant is represented by Katie Randall and Kent Whitmer, The Whitmer Law Firm, LLC, P.O. Box 38, Hot Sulphur Springs, CO 80451, (970) 725-3460. APPLICATION TO MAKE CONDITIONAL WATER RIGHTS ABSOLUTE IN PART AND FOR A FINDING OF REASONABLE DILIGENCE. Name of Structure: Jones Reservoir No. 1, Enlargement. Decrees: Eagle County: Case No. 1416 (9/13/1967). Water Court Division No. 5: W-709 (1/4/1973); W-709-76 (3/7/1977); 80CW164 (11/26/1980); 84CW129 (3/20/1985); 88CW203 (11/1/1988); 94CW252 (4/4/1995); 01CW070 (12/3/2004); 10CW290 (10/20/2011); 17CW3178 (3/4/2018). Legal Description: NE1/4NE1/4 of Section 15, Township 1 North, Range 81 West of the 6th P.M., 492 feet from the North section line and 1200 feet from the East Section line. Source: Sheep Creek and Unnamed Creeks, tributary to the Colorado River. Appropriation Date: September 14, 1966. Amount: 311.19 acre-feet. Uses: All municipal uses, including domestic use, mechanical use, manufacturing

use, generation of electric power, power generally, fire protection, use for sewage treatment, street sprinkling, watering of parks, lawns and grounds, maintaining of adequate storage reserves, irrigation, replacement and the adjustment and regulation of the units of the Town of Kremmling water supply system within themselves and with other water users, with appropriation date of September 14, 1966. Amount Claimed Absolute: 172.9 acre-feet. Amount Requested to be Continued Conditionally: 138.29 acre-feet. Additional Information: Applicant requests that the Court make absolute in the amount of 172.9 acre-feet the water right for Jones Reservoir No. 1 Enlargement, with the remaining 138.29 acre-feet continued conditionally. 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 (11 pages).

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

9. PURSUANT TO C.R.S., §37-92-302, AS AMENDED, YOU ARE NOTIFIED THAT THE FOLLOWING PAGES COMPRISE A RESUME OF THE APPLICATIONS AND AMENDED APPLICATIONS FILED WITH THE WATER CLERK FOR WATER DIVISION 5 DURING THE MONTH OF MARCH 2024. *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.*

24CW3040 GARFIELD COUNTY. CONCERNING THE APPLICATION FOR FINDING OF REASONABLE DILIGENCE in GARFIELD COUNTY Applicant's name and address: Nutrient Farm LLC, c/o Andrew Bruno, P.O. Box 560, New Castle, CO 80027 Attorney's name and address: Alan G. Hill #11343 and Ashley Pollock Zahedi #39795, Curtis, Justus, & Zahedi, 1333 W. 120th Ave., Suite 302, Westminster, CO 80234, Telephone: (303) 595-9441, email: alanh@cjzwaterlaw.com, ashleyz@cjzwaterlaw.com Name of Structure: The structure involved in this case is Coal Ridge Pump and Pipeline. The original conditional water right was decreed in Case No. 83CW367, entered on July 9, 1984. Previous Diligence Decrees: The court previously entered decrees in Case No. 17CW3200, entered March 4, 2018; Case No. 02CW233, entered on April 6, 2004; Case No. 95CW003, entered April 15, 1996; and Case No. 88CW231, entered January 9, 1989. Legal Description: The point of diversion is located on the South bank of the Colorado River in Garfield County, NE 1/4 of the SE 1/4, Section 35, T. 5 S., R. 90 W. of the 6th P. M., at a point 1840 feet North of the South Line and 1,260 feet West of the East Line of said Section 35. UTM Zone 13M, 289119.5mE, 4382894.9mN. Source: Colorado River. Appropriation Date: September 14, 1983. Uses: Municipal, commercial, industrial, domestic, irrigation, and recreation. Depth: N/A. Amount: 2.0 c.f.s., conditional. 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: Nutrient Farm owns land and water rights in Garfield County, including the subject conditional water rights for the Coal Ridge Pump and Pipeline, that are decreed and intended for use for an agricultural mixed-use community project ("Project"). The water rights decreed for the Project include the conditional water rights that are the subject of this application, as well as the Coal Ridge Reservoir and a substantial portion of the absolute water rights decreed for the Vulcan Ditch. As determined in the 02CW233 Decree, the conditional water rights are components of an integrated water system, as such, any diligence associated with one component of the system constitutes diligence on all components of the system. C.R.S. § 37-92-301(4)(b). During the relevant diligence period, from March 4, 2018, when the 17CW3200 Decree was entered through March 2024, Nutrient Farm expended \$2,453,310 in activities and development of the conditional water rights. The activities and development confirm Nutrient Holding's diligent efforts to complete the appropriation of the Coal Ridge Pump and Pipeline water rights and include: (a) Property and Water Rights Acquisition. Nutrient Farm purchased the Coal Ridge Pump and Pipeline Water Rights and associated property and has submitted plans for the Nutrient Farm Planned Unit Development, through which the Coal Ridge Pump and Pipeline Water Rights will be used for indoor and outdoor uses in the development. (b) Construction of Water Infrastructure. Nutrient Farm constructed water infrastructure to ensure continued water deliveries under Nutrient Farm's portfolio of water rights, including: (1) construction of a pumphouse; (2) installation of two pipelines, including a 4-5 mile and 1 mile pipeline; (3) construction of a four retention ponds on the property; and (4) engineering a Horizontal Directional Drilling alignment under the Colorado River and roadways. (c) Maintenance of Structures. Nutrient Farm submitted a Reclamation Plan for the Vulcan Ditch as part of its Planned Unit Development Application, to make necessary repairs to the Vulcan Ditch and to replace the siphon across the Colorado River to Nutrient Farm's property. (d) Nutrient Farm has participated through its counsel, Curtis, Justus, & Zahedi, LLC, on: (1) reviewing water rights applications and potential statements of opposition that could adversely affect the availability of water to the Project; and (2) developing easements across neighboring properties to access water rights, including the Coal Ridge Pump and Pipeline. (e) Nutrient Farm, SGM, and Curtis, Justus, & Zahedi, LLC, prepared this diligence application and accompanying maps. Names and addresses of owners of land upon which structure is or will be located, upon which water is or will not be stored, or upon which water is or will be placed to beneficial use: N/A. (4 pages)

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

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 MARCH 2024. *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.*

24CW3041 GARFIELD COUNTY. CONCERNING THE APPLICATION FOR FINDING OF REASONABLE DILIGENCE in GARFIELD COUNTY Applicant's name and address: Nutrient Farm LLC, c/o Andrew Bruno, P.O. Box 560, New Castle, CO 80027 Attorney's name and address: Alan G. Hill #11343 and Ashley Pollock Zahedi #39795, Curtis, Justus, & Zahedi, 1333 W. 120th Ave., Suite 302, Westminster, CO 80234, Telephone: (303) 595-9441, email: alanh@cjzwaterlaw.com, ashleyz@cjzwaterlaw.com Name of Structure: The structure involved in this case is Coal Ridge Reservoir. The original conditional water right was decreed in Case No. 83CW368, entered on July 9, 1984. Previous Diligence Decrees: The court previously entered decrees in Case No. 17CW3201, entered March 4, 2018; Case No. 10CW117, entered on October 30, 2011; Case No. 02CW234, entered on April 6, 2004; Case No. 94CW282, entered on August 15, 1996; and Case No. 88CW221, entered on November 7, 1988. Legal Description: The center of the dam axis is located in Garfield County, SW1/4 of the SE1/4, Section 35, T.5S., R.90W. of the 6th P.M., at a point 210 feet North of the South Line and 1,900 feet West of the East Line of said Section 35. UTM Zone 13M, 288978.2mE, 4382400.2mN. Source: Colorado River. Appropriation Date: September 14, 1983. Uses: Municipal, commercial, industrial (including coal mining), domestic, irrigation, and recreation. Depth: N/A. Amount: Storage of 2,000 acre feet per year, conditional. 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: Nutrient Farm owns land and water rights in Garfield County, including the subject conditional water rights for the Coal Ridge Reservoir, that are decreed and intended for use for an agricultural mixed-use community project ("Project"). The water rights decreed for the Project include the conditional water rights that are the subject of this application, as well as the Coal Ridge Pump and Pipeline and a substantial portion of the absolute water rights decreed for the Vulcan Ditch. As determined in the 02CW234 Decree, the conditional water rights are components of an integrated water system, as such, any diligence associated with one component of the system constitutes diligence on all components of the system. C.R.S. § 37-92-301(4)(b). During the relevant diligence period, from March 4, 2018, when the 17CW3200 Decree was entered through March 2024, Nutrient Farm expended \$2,453,310 in activities and development of the conditional water rights. The activities and development confirm Nutrient Holding's diligent efforts to complete the appropriation of the Coal Ridge Reservoir water rights and include: (a) Property and Water Rights Acquisition. Nutrient Farm purchased the Coal Ridge Reservoir and associated property and has submitted plans for the Nutrient Farm Planned Unit Development, through which the Coal Ridge Reservoir will be used for indoor and outdoor uses for the Project. (b) Construction of Water Infrastructure. Nutrient Farm constructed water infrastructure to ensure continued water deliveries under Nutrient Farm's portfolio of water rights, including: (1) construction of a pumphouse; (2) installation of two pipelines, including a 4-5 mile and 1 mile pipeline; (3) construction of a four retention ponds on the property; and (4) engineering a Horizontal Directional Drilling alignment under the Colorado River and roadways. (c) Maintenance of Structures. Nutrient Farm submitted a Reclamation Plan for the Vulcan Ditch as part of its Planned Unit Development Application, to make necessary repairs to the Vulcan Ditch and to replace the siphon across the Colorado River to Nutrient Farm's property. (d) Nutrient Farm, SGM, and Curtis, Justus, & Zahedi, LLC, prepared this diligence application and accompanying maps. Names and addresses of owners of land upon which structure is or will be located, upon which water is or will not be stored, or upon which water is or will be placed to beneficial use: U.S. Bureau of Land Management, Colorado State Office, 2850 Youngsfield Street, Lakewood, CO 80215. (4 pages).

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

11. PURSUANT TO C.R.S., §37-92-302, AS AMENDED, YOU ARE NOTIFIED THAT THE FOLLOWING PAGES COMPRISE A RESUME OF THE APPLICATIONS AND AMENDED APPLICATIONS FILED WITH THE WATER CLERK FOR WATER DIVISION 5 DURING THE MONTH OF MARCH 2024. *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.*

24CW3042 IN GARFIELD COUNTY, COLORADO. APPLICATION FOR FINDING OF REASONABLE DILIGENCE. Name and address of Applicant: Dixon Water Foundation, c/o Casey Wade, President, 1001 N. Austin Street, P.O. Box 177, Marfa, TX 79843. Please direct all correspondence, motions, and pleadings to Michael J. Sawyer or Danielle T. Skinner, KARP NEU HANLON, P.C., 201 14th Street, Suite 200, P.O. Drawer 2030, Glenwood Springs, CO 81602, (970) 945-2261. Name of structure: **Valley Farms Pump & Pipeline, Stillwater Enlargement.** Date of original decree: December 13, 1999, in Case No. 95CW327, in the District Court in and for Water Division No. 5. Subsequent decrees awarding findings of diligence: April 24, 2009, in Case No. 05CW250, and March 8, 2018, in Case No. 15CW3030, in the District Court in and for Water Division No. 5. Legal description: The point of diversion is an existing structure located on the southerly (left) bank of the Colorado River at a point whence the NW corner of Section 12, Township 6 South, Range 92 West of the 6th P.M. bears north 35°48'51" west 3,861.25 feet. The pump station is located at a point whence the NW corner of said Section 12 bears north 30°09'04" west 3,581.62 feet, in Garfield County. Source: Colorado River. Appropriation date: August 28, 1995. Amount: 2.71 c.f.s. (1218.0 g.p.m.), conditional. Uses: Domestic, irrigation, commercial, industrial, fire

protection purposes and placement of water into storage. Legal description and acreage of land to be irrigated: Land of Applicant totaling approximately 1,400 acres within Sections 9, 10, 11, 12, 13, 14, 15 and 16 of Township 6 South, Range 92 West of the 6th P.M., all in Garfield County. Remarks: Out of priority depletions by Valley Farms Pump & Pipeline, Stillwater Enlargement are replaced pursuant to the plan for augmentation approved in Case No. 98CW131. Claim for diligence: Applicant requests a finding of diligence for the Valley Farms Pump & Pipeline, Stillwater Enlargement in the amount of 2.71 c.f.s. (1218.0 g.p.m.), conditional, for domestic, irrigation, commercial, industrial, fire protection purposes and placement of water into storage. Names and addresses of owners of land upon which structures are located: Dean A. Karstensen Living Trust, 3775 W Minooka Road, Morris, Illinois 60450. Denise R. Karstensen Living Trust, 3775 W Minooka Road, Morris, Illinois 60450. Integrated Water System. As found in Case Nos. 95CW327, 05CW250, and 15CW3030, in the District Court in and for Water Division No. 5, the Valley Farms Pump & Pipeline, Stillwater Enlargement is a component part of an integrated water supply system. Pursuant to C.R.S. §37-92-301(4)(b), when an integrated water system is composed of several features, work on one feature of the system shall be considered in finding that reasonable diligence has been shown in the development of water rights for all features of the entire system. Remark: Applicant does not seek a finding of reasonable diligence with respect to the Mineota Ditch, Stillwater Enlargement. The following exhibits are on file with the Water Court: a map depicting the location of the structures (Exhibit A), and a detailed outline of what has been done toward completion of the appropriation and application of the water rights to beneficial use as decreed, including expenditures (Exhibit B) (pp. 6 with exhibits).

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

12. PURSUANT TO C.R.S., §37-92-302, AS AMENDED, YOU ARE NOTIFIED THAT THE FOLLOWING PAGES COMPRISE A RESUME OF THE APPLICATIONS AND AMENDED APPLICATIONS FILED WITH THE WATER CLERK FOR WATER DIVISION 5 DURING THE MONTH OF MARCH 2024. *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.*

24CW3043 GRAND COUNTY. Application to Change Point of Diversion. Applicant: Winter Park Recreational Association; c/o Ferd Belz, President; Fulenwider; 1125 17th Street, Denver, CO 80202; Telephone: (303) 295-3071; ferd@fulenwider.com; Copies of all pleadings to: Peggy E. Montano, Michael A. Kopp; Trout Raley; 1120 Lincoln Street, Suite 1600, Denver, CO 80203; Telephone: 303-861-1963; Email: pmontano@troutlaw.com; mkopp@troutlaw.com; 2. Name, Location, and Description of Water Right. A. Name of Structure: Lunch Rock Well No. 2 B. Original Decree: Lunch Rock Well No. 2 was originally decreed on September 15, 1992, in Case No. 91CW240, Water Division 5, along with a number of other conditional and absolute water rights and a plan for augmentation. C. Subsequent Findings of Reasonable Diligence: Pursuant to the decree entered on June 27, 1999, in Case No. 98CW169, Water Division 5, the conditional water right for Lunch Rock Well No. 2 was continued, the other conditional water rights decreed in Case No. 91CW240 were made absolute and all of Applicant's on-mountain wells were decreed to be part of an integrated water supply system. Subsequent findings of reasonable diligence for the Lunch Rock Well No. 2 were made in Case No. 05CW115, Water Division 5, entered on May 10, 2006; Case No. 12CW88, Water Division 5, entered on November 6, 2013; and Case No. 19CW3141, Water Division 5, entered on June 14, 2020. The decree in Case No. 19CW3141 also made 7.0 gpm of the water right for Lunch Rock Well No. 2 absolute. D. Legal Description of Structure: Lunch Rock Well No. 2 is located at a point S. 13° 15' W., 18,880 feet from the SE Corner of Section 34, T1S, R75W of the 6th P.M. A map showing the location of the Lunch Rock Well No. 2 is attached as Figure 1. E. Source: Groundwater tributary to the Little Vasquez Creek and the Fraser River, both tributary to the Colorado River F. Amount: 25 gpm (7 gpm absolute, 18 gpm conditional) G. Date of Appropriation: June 12, 1991 H. Uses: domestic, sanitary, and commercial purposes 3. Claim for New Point of Diversion. A. By this Application, the Applicant seeks to change the point of diversion for Lunch Rock Well No. 2 as follows: B. Legal Description of New Point of Diversion: The new point of diversion is located in the NW1/4, SW1/4 of Section 22, Township 2 South, Range 75 West of the 6th P.M. at UTM coordinates Easting: 433870, Northing: 4412203. Both the original and new points of diversion for Lunch Rock Well No. 2 are shown on the attached Figure 1. C. Source: Water pumped at the new point of diversion will consist of groundwater tributary to Little Vasquez Creek and the Fraser River, both tributary to the Colorado River. D. Withdrawals from Lunch Rock Well No. 2 at the new point of diversion will not exceed 25 gpm. E. Water pumped from the new point of diversion for the Lunch Rock Well No. 2 will be used for the same purposes and at the same place of use as water pumped from the original Lunch Rock No. 2 point of diversion. 4. Names and Addresses of Owners of Land on Which the Structure is Located and Upon Which Water is Placed to Beneficial Use. Both the original and new points of diversion for Lunch Rock Well No. 2 are located on land owned by the United States of America, United States Forest Service, Arapaho National Forest, 2150 Centre Avenue, Building E, Fort Collins, Colorado 80526. WHEREFORE, Applicant respectfully requests that the Court enter a decree changing point of diversion for the Lunch Rock Well No. 2 and grant such other relief as the Court deems just and proper. (4 pages).

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

13. PURSUANT TO C.R.S., §37-92-302, AS AMENDED, YOU ARE NOTIFIED THAT THE FOLLOWING PAGES COMPRISE A RESUME OF THE APPLICATIONS AND AMENDED APPLICATIONS FILED WITH THE WATER CLERK FOR WATER DIVISION 5 DURING THE MONTH OF MARCH 2024. *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.*

24CW3044 (11CW201) IN EAGLE COUNTY, COLORADO. APPLICATION FOR FINDINGS OF REASONABLE DILIGENCE AND CLAIM TO MAKE WATER RIGHTS PARTIALLY ABSOLUTE. Eagle Valley Clean Energy, LLC (“Applicant” or EVCE”) seeks a finding of reasonable diligence on the conditional water rights included within its integrated water project. Applicant also seeks a finding that it made 1.722 cfs of the 3.0 cfs combined East and West Ditch conditional water rights absolute during the diligence period. **1. Name, Address, and Telephone Number of Applicant.** Eagle Valley Clean Energy, LLC c/o Greenbacker Renewable Energy Company LLC Richard Butt, CFO 369 Lexington Ave Ste 312, New York, NY 10017 (646) 237-7884. *Please direct all pleadings and correspondence to Applicant’s counsel:* Steven O. Sims, Colo. Atty. Reg No. 9961, Dulcinea Z. Hanuschak, Colo. Atty. Reg. No. 44342, and Katherine J. Duncan, Colo. Atty. Reg. No. 47890 of Brownstein Hyatt Farber Schreck, LLP 675 Fifteenth Street, Suite 2900 Denver, CO 80202-4432 Phone Number: 303.223.1100 E-mail: ssims@bhfs.com; dhanuschak@bhfs.com; kduncan@bhfs.com **2. Description of conditional water rights and integrated project.** EVCE has developed an integrated system for diversion and use of three direct flow surface water rights, the EVCE East Ditch, the EVCE West Ditch and the EVCE Pump and Pipeline (“Subject Water Rights”), for use within and around its Biomass power plant and to maintain historical flows and hydrologic connections between the natural streams and the alluvial aquifer on the power plant site and the adjacent American Gypsum Company (“AGC”) property that were disrupted by the construction of the Biomass power plant and the EVCE East and EVCE West Ditch. The Subject Water Rights are partially augmented by the Town of Gypsum Plan for Augmentation approved in Case No. 14CW3167. The diligence filings for the exchanges in 14CW3167 have been made by the Town of Gypsum in 24CW3167. **2.1 Name of Structure (from the 11CW201 Decree):** EVCE East Ditch. **2.1.1 Date of original decree.** March 21, 2018, Case No. 11CW201; District Court Water Division No. 5. **2.1.2 Legal description.** The EVCE East Ditch headgate is located in the SE¼ of the NE¼ Section 5, Township 5 South, Range 85 West 6th P.M., 2040 feet from the north section line and 610 feet from the east section line, Eagle County, Colorado. The headgate is shown on the map attached hereto as **Exhibit A**. **2.1.3 Source. Unnamed creek in Section 5, Township 5 South, Range 85 West 6th P.M. tributary to the Eagle River, tributary to the Colorado River.** **2.1.4 Date of appropriation.** December 30, 2011. **2.1.5 Amount decreed.** 1.0 cubic feet per second (“c.f.s.”) conditional. **2.1.6 Uses.** Industrial, domestic, and irrigation. **2.1.6.1 Industrial and domestic:** Applicant operates a power plant facility on the property depicted in **Exhibit A** and appropriates this water right for all associated industrial and domestic uses. Applicant is currently using domestic water provided by the Town of Gypsum which is not diverted under the water rights decreed in this case. Applicant will use the water decreed in this case for domestic use only if the Town no longer provides domestic water to the power plant facility and the Town consents or Applicant complies with any existing Town ordinances concerning use of domestic water not provided by the Town municipal water system. The industrial uses also may include the non-consumptive use of maintaining historical flows and connections between the natural streams and the alluvial aquifer on the power plant site and the adjacent AGC property that may have been disrupted by the construction of the power plant and the EVCE East Ditch and EVCE West Ditch. **2.1.6.2 Irrigation:** 10 acres of land within the area shown on **Exhibit A** and described as follows: Lands located in the N1/2 of the SE ¼ of the NE ¼ of Section 5 and the NW ¼ of the SW ¼ of the NW ¼ of Section 4, all in Township 5 South, Range 85 West of the 6th P.M., Eagle County, Colorado. **2.2 Name of Structure: (from the 11CW201 Decree)** EVCE West Ditch. **2.2.1 Date of original decree.** March 21, 2018, Case No. 11CW201; District Court Water Division No. 5. **2.2.2 Legal description.** The EVCE West Ditch is located at the SW¼ of the NE¼, Section 5, Township 5 South, Range 85 West of the 6th P.M., 1750 feet from the north section line and 1350 feet from the east section line, Eagle County, Colorado. The headgate is shown on **Exhibit A**. **2.2.3 Source.** An unnamed creek located in Section 5, Township 5 South, Range 85 West 6th P.M. tributary to the Eagle River, tributary to the Colorado River. **2.2.4 Date of appropriation.** December 30, 2011. **2.2.5 Amount decreed.** 2.0 c.f.s., conditional **2.2.6 Uses.** Industrial, domestic, and irrigation. **2.2.6.1 Industrial and domestic:** Applicant operates a power plant facility on the property depicted in **Exhibit A** and appropriates this water right for all associated industrial and domestic uses. Applicant is currently using domestic water provided by the Town of Gypsum which is not diverted under the water rights decreed in this case. Applicant will use the water decreed in this case for domestic use only if the Town no longer provides domestic water to the power plant facility and the Town consents or Applicant complies with any existing Town ordinances concerning use of domestic water not provided by the Town municipal water system. The industrial uses also may include the non-consumptive use of maintaining historical flows and connections between the natural streams and the alluvial aquifer on the power plant site and the adjacent AGC property that may have been disrupted by the construction of the power plant and the EVCE East Ditch and EVCE West Ditch. **2.2.6.2 Irrigation:** 10 acres of land within the area shown on **Exhibit A** and described as follows: Lands located in the N1/2 of the SE ¼ of the NE ¼ of Section 5 and the NW ¼ of the SW ¼ of the NW ¼ of Section 4, all in Township 5 South, Range 85 West of the 6th P.M., Eagle County, Colorado. **2.3 Name of Structure: (from the 11CW201 Decree)** EVCE Pump and Pipeline. **2.3.1 Date of original decree.** March 21, 2018, Case No. 11CW201; District Court Water Division No. 5. **2.3.2 Legal description.** The diversion reach for the pump and pipeline is located along the southerly bank of the Eagle River from a point located in the NW1/4 of the NE1/4 of Section 5, Township 5 South, Range 85 East of the 6th P.M., approximately 905 feet from the north section line and 1720 feet from the east section line, upstream to a point in the NE1/4 of the NE1/4 of said Section 5, approximately 770 feet from the north section line and 1300 feet from the east section line, as shown on the U.S.G.S. topographic map incorporated herein and attached as **Exhibit A**. **2.3.3 Source.** Eagle River, tributary to the Colorado River. **2.3.4 Date of appropriation.** December 31, 2013. **2.3.5 Amount decreed.** 1.0 c.f.s., conditional. **2.3.6 Uses.** Industrial, domestic, and irrigation. **2.3.6.1 Industrial and domestic:** Applicant operates a power plant facility on the property depicted in **Exhibit A** and appropriates this water right for all

associated industrial and domestic uses. Applicant will use the water decreed in this case for domestic use only if the Town no longer provides domestic water to the power plant facility and the Town consents or Applicant complies with any existing Town ordinances concerning use of domestic water not provided by the Town municipal water system. The industrial uses also may include the non-consumptive use of maintaining historical flows and connections between the natural streams and the alluvial aquifer on the power plant site and the adjacent AGC property that may have been disrupted by the construction of the power plant and the EVCE East Ditch and EVCE West Ditch. 2.3.6.2 Irrigation: 10 acres of land within the area shown on Exhibit A and described as follows: Lands located in the N1/2 of the SE ¼ of the NE ¼ of Section 5 and the NW ¼ of the SW ¼ of the NW ¼ of Section 4, all in Township 5 South, Range 85 West of the 6th P.M., Eagle County, Colorado. 3. Detailed outline of activity during the diligence period. During the relevant diligence period, Applicant has taken steps to diligently develop the Subject Water Rights within its integrated project including, but not limited to, the activities described below. 3.1 Diversion of Subject Water Rights. The East Ditch and the West Ditch are decreed to divert a total of 3.0 cfs. The diversions for the East Ditch and the West Ditch are combined for measurement by flow measurement meters in the power plant. Applicant diverted 1.722 cfs for the combined ditches on December 22, 2019. For the purpose of this application, Applicant attributes the diversions pro-rata between the two ditches with 1.148 cfs attributed to the 2.0 cfs West Ditch and .574 cfs attributed to the 1.0 cfs East Ditch. Applicant has not diverted the EVCE Pump and Pipeline during this diligence period due to the adequacy of the water supply for the West and East Ditches, however Applicant intends to continue the conditional rights for the entire 1 cfs EVCE Pump and Pipeline and the portions of the East Ditch and the West Ditch not made absolute in this application. 3.2 Measurement and Reporting Infrastructure. Applicant has installed valves, lockable diversion facilities and accurate metering and measuring devices capable of recording diversions on a daily basis, including remote readout capability to all meters and measuring devices located inside of the power plant. 3.3 Domestic Uses. Applicant uses domestic water for in plant sanitation and cooking. Currently Applicants use potable water provided by the Town of Gypsum for these domestic purposes and these uses are not provided by the Subject Water Rights. The 11CW201 Decree provides that Applicant will use the water decreed in this case for domestic use only if the Town no longer provides domestic water to the power plant facility and the Town consents or Applicant complies with any existing Town ordinances concerning use of domestic water not provided by the Town municipal water system. Applicant intends to continue the domestic uses recognized in the 11CW203 Decree. 3.4 Irrigation. Applicant has irrigated landscaping within the 10 acre indicated on Exhibit A including but not limited to trees and bushes on the south side of the power plant property. 3.5 Supplemental Plan for Augmentation and Conditional Exchange. The Subject Water Rights are partially augmented by the Town of Gypsum Plan for Augmentation approved in Case No. 14CW3167. The diligence filings for the exchanges in 14CW3167 have been made by the Town of Gypsum in 24CW3167. In 19CW3087, Applicant filed its application for a Supplemental Plan for Augmentation for the Subject Water Rights including exchanges, the diligence for the conditional exchanges used in this integrated project are due in February 2027. The Water Court for Water Division 5 approved 19CW3087 application for Supplemental Plan for Augmentation on February 14, 2021. On November 27, 2018, Applicant acquired additional augmentation supply water to provide augmentation for the Subject Water Rights from the Colorado River Water Conservation District (Contract CW18004). 4. Claim to Make Conditional Water Right Partially Absolute. The East Ditch and the West Ditch are decreed to divert a total of 3.0 cfs. The diversions for the East Ditch and the West Ditch are combined for measurement by flow measurement meters in the power plant. Applicant claims that a portion of the East and West Ditches have been made absolute in the amounts of 1.722 cfs for the combined ditches on December 22, 2019. For the purpose of this application, Applicant attributes the diversions pro-rata between the two ditches with 1.148 cfs attributed to the 2.0 cfs West Ditch and 0.574 cfs attributed to the 1.0 cfs East Ditch. Applicant therefore claims that 1.148 of the West Ditch conditional water right was made absolute (leaving 0.852 cfs conditional). Applicant claims 0.574 of the East Ditch conditional water right was made absolute (leaving 0.426 cfs conditional). 5. The real property on which the structures for the Subject Water Rights are located are all owned by Applicant. WHEREFORE, Applicant, requests: 1. A finding of reasonable diligence as to all the Subject Water Rights; 2. Continuing the Subject Water Rights in full force and effect; 3. A finding that 1.148 cfs of the West Ditch has been made absolute leaving 0.852 cfs conditional and that 0.574 of the East Ditch was made absolute leaving 0.426 cfs conditional. 4. Such other relief as the Court deems just and proper. (7 pages)

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