

DIVISION 5 WATER COURT- AUGUST 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 AUGUST 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.*

**24CW3097 PITKIN COUNTY, COLORADO, ROARING FORK RIVER OR ITS TRIBUTARIES.** Guiding Star Property, LLC, c/o Paul L. Noto, Esq. and John M. Sittler, Esq., Patrick, Miller & Noto, P.C., 229 Midland Ave, Basalt, CO 81621, (970) 920-1030. APPLICATION FOR FINDING 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: Bradford Well D, Permit No. 134511. Original decree: August 12, 2018, Case No. 17CW3215, Division 5 Water Court. Legal description: UTM NAD83 Z13: Northing – 4346938, Easting – 339441. Street address: 1523 Star Mesa Dr., Aspen, CO 81611. A map is on file with the court as Exhibit A. Source: Groundwater from the Mancos Formation, tributary to the Roaring Fork River, tributary to the Colorado River. Depth: 645 feet. Appropriation date: May 11, 1981. Priority date: March 7, 1984. Amount: 10 g.p.m., absolute, for irrigation of one acre of home gardens and lawns, ordinary household purposes for three single-family dwellings, fire protection, and watering of domestic animals; 5 g.p.m., conditional, for irrigation of one acre off home gardens and lawns, ordinary household purposes for three single-family dwellings, fire protection, and watering of domestic animals; 15 g.p.m., conditional for livestock watering. Uses: Irrigation of one acre of home gardens and lawns, ordinary household purposes inside three single-family dwellings, fire protection, watering of domestic animals, and livestock watering. Claim for finding of reasonable diligence: Applicant has exercised reasonable diligence toward completion of the Bradford Well D water right. A detailed outline of the work performed toward completion of the appropriation, including expenditures, is on file with the court. Claim to make water right absolute: Applicant's predecessor upgraded the well pump for the Bradford Well D, allowing the well to pump the full 15 g.p.m. for all decreed uses. A copy of the pump report is on file with the court. Amounts claimed absolute in this application: 5 g.p.m. (15 g.p.m. total). Date water applied to beneficial use: February 13, 2024. Uses: Irrigation of one acre of home gardens and lawns, ordinary household purposes inside three single-family dwellings, fire protection, and watering of domestic animals. Applicant owns the land upon which the water right is located and where water is put to beneficial use.

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

**24CW3098 (17CW3141) (10CW266) (03CW185) (96CW175) – GRAND COUNTY – APPLICATION FOR FINDING OF REASONABLE DILIGENCE.** 1. Name, Mailing Address, Phone Number, and E-mail Address of Applicants. Fraser Valley Metropolitan Recreation District ("FVMRD"), c/o Scott Ledin, Executive Director, P.O. Box 3348, Winter Park, Colorado 80482, Phone: (970) 726-8968, E-mail: scott@fraservalleyrec.org and The Fairways at Pole Creek Homeowners Association, Inc. ("FPCHOA"), c/o Alicia Sherer, Community Manager, P.O. Box 3608, Winter Park, Colorado 80482, Phone: (720) 974-4247, E-mail: asherer@msiho.com. Direct all pleadings to David F. Bower and Cameron C. Frazier, Johnson & Repucci LLP, 850 W. South Boulder Road #100, Louisville, Colorado 80027. 2. Overview. Applicants request a finding of reasonable diligence for the remaining conditional water rights decreed in Case No. 96CW175. The subject water rights are part of the plan for augmentation for The Fairways at Pole Creek residential development and FVMRD's Ridge 9 course of the Pole Creek Golf Course, all located in Sections 4 and 5, Township 1 South, Range 76 West of the 6th P.M., Grand County. A map showing the location of the development and subject water rights is attached hereto as Exhibit A. 3. Original and Subsequent Decrees. The original decree for the subject water rights was entered in Case No. 96CW175, dated August 27, 1997. Subsequent decrees making portions of the rights absolute and continuing the remainder as conditional were entered in Case No. 03CW185, dated October 29, 2004, in Case No. 10CW266, dated June 23, 2011, and in Case No. 17CW3141, dated August 5, 2018. 4. Description of Conditional Water Storage Rights. (a) Names and Locations of Structures. (i) Pole Creek Golf Course Pond No. 1 [WDID 5103516]. SE1/4 of the NE1/4 of Section 5, Township 1 South, Range 76 West of the 6th P.M., at a point 2170 feet from the North section line and 830 feet from the East section line of said Section 5. (ii) Pole Creek Golf Course Pond No. 2 [WDID 5103517]. SW1/4 of the NE1/4 of Section 5, Township 1 South, Range 76 West of the 6th P.M., at a point 1980 feet from the North section line and 1350 feet from the East section line of said Section 5. (iii) Pole Creek Golf Course Pond No. 3 [WDID 5103518]. NW1/4 of the NE1/4 of Section 5, Township 1 South, Range 76 West of the 6th P.M. at a point 1340 feet from the North section line and 1850 feet from the East section line of said Section 5. (b) Sources. Natural surface drainage tributary to Fisher Creek, tributary to Ten Mile Creek, tributary to the Fraser River, tributary to the Colorado River; and Pole Creek (via Pole Creek Diversion Nos. 1-4), tributary to Crooked Creek, tributary to the Fraser River, tributary to the Colorado River. (c) Appropriation Date. January 15, 1996. (d) Amounts and Uses. (i) Pole Creek Golf Course Pond No. 1. 2.55 acre-feet absolute and 2.45 acre-feet conditional, with the right to fill and refill, for irrigation, piscatorial, fish and wildlife propagation, domestic, street cleaning, replacement of reservoir evaporation, fire protection, and augmentation and exchange uses. (ii) Pole Creek Golf Course Pond No. 2. 3.10 acre-feet absolute and

1.90 acre-feet conditional, with the right to fill and refill, for irrigation, recreational, piscatorial, fish and wildlife propagation, domestic, street cleaning, replacement of reservoir evaporation, fire protection, and augmentation and exchange uses. (iii) Pole Creek Golf Course Pond No. 3. 0.92 acre-feet absolute and 4.08 acre-feet conditional, with the right to fill and refill, for irrigation, recreational, piscatorial, fish and wildlife propagation, street cleaning, replacement of reservoir evaporation, fire protection, and augmentation and exchange uses. 5. Description of Conditional Surface Water Rights. (a) Names and Locations of Structures. (i) Pole Creek Diversion No. 1 [WDID 5101351]. SE1/4 of the SE1/4 of Section 5, Township 1 South, Range 76 West of the 6th P.M., from which the SE corner of said Section 5 bears South 38°01'55" East a distance of 1647.32 feet. (ii) Pole Creek Diversion No. 2 [WDID 5101352]. SW1/4 of the SW1/4 of Section 4, Township 1 South, Range 76 West of the 6th P.M., from which the SW corner of said Section 4 bears South 38°56'15" West a distance of 1201.47 feet. (iii) Pole Creek Diversion No. 3 [WDID 5101353]. SE1/4 of the SW1/4 of Section 4, Township 1 South, Range 76 West of the 6th P.M., from which the SW corner of said Section 4 bears South 71°57'19" West a distance of 2435.90 feet. (iv) Pole Creek Diversion No. 4 [WDID 5101354]. SE1/4 of the SE1/4 of Section 4, Township 1 South, Range 76 West of the 6th P.M., from which the SE corner of said Section 4 bears South 35°41'00" East a distance of 1408.65 feet. (b) Source. Pole Creek, tributary to Crooked Creek, tributary to the Fraser River, tributary to the Colorado River. (c) Appropriation Date. January 15, 1996. (d) Amounts and Uses. 5.0 cfs, each, absolute for irrigation, recreational, piscatorial, and fish and wildlife propagation, and conditional for domestic, street cleaning, replacement of reservoir evaporation, fire protection, and augmentation and exchange. 6. Description of Conditional Groundwater Rights. (a) Names and Locations of Structures. (i) Nonresidential Well No. 1 [WDID 5105633]. SW1/4 of the NE1/4 of Section 4, Township 1 South, Range 76 West of the 6th P.M., from the East 1/4 Corner of said section bearing North 44° West 2130 feet. (ii) Nonresidential Well No. 2 [WDID 5105634]. SW1/4 of the NW1/4 of Section 4, Township 1 South, Range 76 West of the 6th P.M., from the East 1/4 Corner of said section bearing North 70° West 4800 feet. (iii) Nonresidential Well No. 3 [WDID 5105635]. SE1/4 of the NE1/4 of Section 5, Township 1 South, Range 76 West of the 6th P.M., from the East 1/4 Corner of Section 4 bearing North 71° West 6330 feet. (iv) Nonresidential Well No. 4 [WDID 5105636]. NE1/4 of the SE1/4 of Section 5, Township 1 South, Range 76 West of the 6th P.M., from the East 1/4 Corner of Section 4 bearing North 85° West 6490 feet. (v) Nonresidential Well No. 5 [WDID 5105637]. SW1/4 of the SE1/4 of Section 4, Township 1 South, Range 76 West of the 6th P.M., from the East 1/4 Corner of said section bearing South 67° West 2730 feet. (vi) Nonresidential Well No. 6 [WDID 5105638]. SW1/4 of the SW1/4 of Section 4, Township 1 South, Range 76 West of the 6th P.M., from the East 1/4 Corner of said section bearing South 81° West 4420 feet. (vii) Nonresidential Well No. 7 [WDID 5105639]. SE1/4 of the SE1/4 of Section 5, Township 1 South, Range 76 West of the 6th P.M., from the East 1/4 Corner of Section 4 bearing South 83° West 6300 feet. (b) Source. (i) Nonresidential Well Nos. 1, 2, and 4-7. Ground water tributary to Pole Creek, tributary to Crooked Creek, tributary to the Fraser River, tributary to the Colorado River. (ii) Nonresidential Well No. 3. Ground water tributary to Fisher Creek, tributary to Ten Mile Creek, tributary to the Fraser River, tributary to the Colorado River. (c) Appropriation Date. January 15, 1996. (d) Amounts and Uses. (i) Nonresidential Well No. 1. 14 gpm absolute and 36 gpm conditional for irrigation, and 50 gpm conditional for domestic, street cleaning, recreational, piscatorial, fish and wildlife propagation, replacement of reservoir evaporation, fire protection, and augmentation and exchange. (ii) Nonresidential Well Nos. 2-7. 50 gpm, each, conditional for irrigation, domestic, street cleaning, recreational, piscatorial, fish and wildlife propagation, replacement of reservoir evaporation, fire protection, and augmentation and exchange. 7. Description of Conditional Appropriative Right of Exchange. (a) Name of Exchange. Just No. 2 Ditch/Gaylord Reservoir Exchange. (b) Exchange Reach. The exchange reach is from the Just No. 2 Ditch headgate upstream on Pole Creek to (i) an unnamed tributary of Pole Creek, up to Gaylord Reservoir, and/or (ii) the Gaylord Reservoir Feeder Ditch, up to Gaylord Reservoir. (i) Lower Terminus (Exchange-from Point). Just No. 2 Ditch [WDID 5100752], located on the North bank of Pole Creek approximately 200 feet east of the West line and 850 feet north of the South line of Section 5, Township 1 South, Range 76 West of the 6th P.M. (ii) Upper Termini (Exchange-to Points). (A) Gaylord Reservoir [WDID 5103732], located in the NW1/4 and in Lots 1 and 2 of Section 7, Township 1 South, Range 76 West of the 6th P.M. (B) Gaylord Reservoir Feeder Ditch [WDID 5101057], located in the NE1/4 of the NE1/4 of Section 12, Township 1 South, Range 76 West of the 6th P.M., at a point 1150 feet west of the East line and 700 feet south of the North line of Section 12. (c) Exchanged Water Rights. Applicants' entitlement of Pole Creek depletion credits associated with the Just No. 2 Ditch water right, as quantified in Case No. 96CW175. (d) Appropriation Date. January 15, 1996. (e) Amount and Use. Up to 1.2 cfs, conditional, to fill Gaylord Reservoir. 8. Claim for Finding of Reasonable Diligence. Applicants seek to continue as conditional the water rights decreed in Case No. 96CW175 which have not yet been made absolute. Besides continuing to use the subject water rights and account for that use with the Division Engineer's Office ("DEO"), the following activities have been performed to put the subject water rights to beneficial use during the subject diligence period, and also show that FVMRD and FPCHOA continue to have a need for the conditional water rights: (a) Build Out of Development. The Fairways at Pole Creek residential development is still being built out. At present, there is a total of 107 homes completed and there are 5 more that are currently under construction. As the development continues towards completion, the subject water rights will continue to be developed for their full conditionally decreed amounts and uses. (b) Accounting Protocols. Over the last few years, in an effort to respond to the DEO monthly augmentation plan accounting protocol, FPCHOA has undertaken major efforts to improve the accounting for the residential wells that are included in the augmentation plan in Case No. 96CW175. Those efforts include implementing a new process that requires homeowners to submit monthly well pumping records to the FPCHOA's management company through the FPCHOA website. The management company takes this information, compiles it into a single spreadsheet, and provides this information to the FPCHOA's water resource consultant, BBA Water Consultants ("BBA"). BBA then uses this raw data to prepare and submit the monthly accounting for FPCHOA. This has allowed FPCHOA to provide monthly accounting as requested by the Division Engineer's Office. FVMRD also prepares and submits monthly water use accounting for water use associated with the golf course operations. (c) Gaylord Reservoir Storage and Water Rights Analysis. In May 2022, BBA completed an analysis of Gaylord Reservoir's storage capacity compared to the FPCHOA's current and future anticipated replacement requirements to evaluate the potential impact that contemplated repairs on the

reservoir's emergency spillway could have had on the 96CW175 augmentation plan should water levels in the reservoir needed to be reduced. (d) Gaylord Reservoir Dam and Spillway Investigation and Improvements. In 2021 and 2022, FPCHOA and FVMRD contributed to the funding of investigations, engineering, design, and completion of repairs and improvements related to the Gaylord Reservoir emergency spillway. FVMRD paid a total of \$240,536 and FPCHOA paid a total of \$122,532 for this work. (e) Golf Course O&M. FVMRD continues to incur costs making improvements to the Ridge 9, and in maintaining and repairing the golf course generally. In 2018, FVMRD paid for a pump station upgrade at the cost of \$76,990. In each year during the diligence period, FVMRD has also incurred costs for pump skids (over \$12,000) and irrigation supplies (nearly \$60,000). Repairs were also made to a lake screen and a wet well. In total, FVMRD spent over \$184,000 on improvements and other operations and maintenance on the golf course irrigation system during the diligence period. All of these costs are specific to the water rights that are the subject of this application. (f) Open Space Maintenance. Each year, FPCHOA spends between \$23,000 and \$32,000 for maintenance of open space areas, including the entry to the development where Nonresidential Well No. 1 has been used. In addition, FPCHOA purchases flowers and hires a garden person to maintain the flower beds at a cost of \$1,500 to \$2,000 per year. (g) Water Rights Presentation. In May 2019, BBA attended a special meeting of the FPCHOA to provide information regarding the development's augmentation plan, accounting for water rights, and other legal and engineering issues that could impact the development. (h) Other Diligence Proceedings. FPCHOA and FVMRD, along with the YMCA of the Rockies (the "YMCA"), applied for and obtained a decree in Case No. 18CW3066 that made the 170 acre-foot storage right decreed to the Gaylord Reservoir absolute. In addition, the YMCA and the developer of The Fairways at Pole Creek prosecuted a diligence application in Case No. 23CW3140 to continue the conditional water right decreed to the Gaylord Reservoir Feeder Ditch. Information regarding the continued efforts with respect to the Gaylord Reservoir and Gaylord Reservoir Feeder Ditch, which are components of the original 96CW175 plan for augmentation, are set forth in the applications in those cases. (i) General Engineering and Legal Expenses. FVMRD and FPCHOA have also incurred legal and engineering fees associated with water resource and water rights planning, and maintaining and developing the subject conditional water rights, as well as monitoring other applications in Division 5 that could potentially injure its interests. 9. Integrated System. The water rights that are the subject of this diligence application are all component parts of an integrated water supply system pursuant to paragraph 12.B of the decree entered in Case No. 03CW185, and therefore, 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, pursuant to C.R.S. § 37-92-301(4)(b). 10. Name and Address of Landowner upon which any New or Modified Diversion or Storage Structure is Located, Including any Modification to the Storage Pool. All of the structures are on land owned by FVMRD, except for the Nonresidential Well No. 1, which is on land owned by FPCHOA. WHEREFORE, Applicant respectfully requests that the Court enter a decree finding that they have been reasonably diligent in their efforts to develop the water rights and portions thereof originally decreed in Case No. 96CW175 which have not yet been made absolute based upon the activities set forth in this application, and continue those rights for their full decreed conditional amounts for an additional six-year diligence period or until such time as a determination is made that the rights have been made absolute in their entirety. (8 pages plus exhibit)

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**24CW3099 PITKIN COUNTY, CASTLE CREEK, ROARING FORK RIVER.** Application to Make Absolute and for Findings of Reasonable Diligence in the Alternative. Applicants: Red Mountain Willoughby Associates, LLC, RMWW Holdings, LLC, RMWW Holdings 25 Year QPRT, RMWW Holdings 30 Year QPRT, RMWW Dolma QPRT I; and RMWW Dolma QPRT II, 330 Railroad Ave., Suite 101, Greenwich, CT 06830, c/o Mark E. Hamilton, Esq. and Susan M. Ryan, Esq., Holland & Hart LLP, 600 E. Main St., Suite 104, Aspen, CO 81611, (970) 925-3476, [mehamilton@hollandhart.com](mailto:mehamilton@hollandhart.com), [smryan@hollandhart.com](mailto:smryan@hollandhart.com). Name of Structures: Willoughby Pond No. 1 and Willoughby Pond No. 1 First Enlargement, Willoughby Pond No. 2 and Willoughby Pond No. 2 First Enlargement, Willoughby Exchange NO. 1 (Roaring Fork), and Willoughby Exchange No. 2 (Roaring Fork/Colorado) (Collectively the "Subject Water Rights"). (A) Willoughby Pond No. 1 and Willoughby Pond No. 1 First Enlargement. (i) Date of Original Decree: Case No. 15CW3110, Water Division 5, August 12, 2018. (ii) Legal Desc.: the centerline of the dam at the outlet is located in the NW 1/4 NW 1/4 of Sec. 7, T. 10 S., R. 84 W., 6th P.M., at a point 1020 ft. from the N. sec. line and 700 ft. from the W. sec. line of said Sec. 7, Pitkin County, Colorado. (iii) Source: local runoff, springs, and irrigation return flows tributary to the Roaring Fork River that is collected in the Duroux Ditch and/or the Willoughby Pond No. 1 and the Willoughby Pond No. 1 First Enlargement, which sources are tributary to the Roaring Fork River at the upper terminus of the exchange described in Applicants' plan for augmentation and exchange decreed in Case No. 15CW3110. This structure may also be filled with water diverted from Hunter Creek through the Duroux Ditch pursuant to the change of water rights and related plan for augmentation decreed in Case No. 15CW3110. (iv) Approp. dates: 07/08/1951 (Willoughby Pond No. 1); 08/26/2015 (Willoughby Pond No. 1 First Enlargement); (v) Amounts and uses: (1) Willoughby Pond No. 1: 0.95 a.f., abs., with right to fill and refill, for piscatorial, fire protection, and recreation (including incidental aesthetic uses); (2) Willoughby Pond No. 1

First Enlargement: 2.05 a.f., abs., with right to fill and refill, for piscatorial, fire protection, and recreation (including incidental aesthetic uses); (3) Willoughby Pond No. 1 First Enlargement: 3.0 a.f., cond, for augmentation by Exchange. (vi) *If filled from a ditch, rate of diversion*: up to 1.21 c.f.s. (for all uses) from the Duroux Ditch (Applicant' diversion through the Duroux Ditch will not exceed 1.21 c.f.s. for all uses and water sources pursuant to the water rights decreed or changed in Case No. 15CW2110). (vii) *Surface area of high water line*: 0.50 acres (includes 0.41 acres for original Willoughby Pond No. 1 and 0.09 acres created by Willoughby Pond No. 1 First Enlargement). (1) *Max. height of dam*: 7.0 ft.; (2) *Length of dam*: 100 ft. (viii) *Total capacity of Pond*: 3.0 a.f. (0.95 a.f. original Willoughby Pond No. 1 capacity plus 2.05 a.f. additional capacity created by Willoughby Pond No. 1 First Enlargement). (B) Willoughby Pond No. 2 & Willoughby Pond No. 2 First Enlargement. (i) *Legal desc.*: the centerline of the dam is located in the NW 1/4 of the NW 1/4, Sec. 7, T. 10 S., R. 84 W., 6 P.M., at a point 1025 ft from the N. sec. line and 520 ft from the W. sec. line of said Sec. 7, Pitkin County, Colorado. (ii) *Source*: local runoff, springs, seepage and irrigation return flows tributary to the Roaring Fork River collected in the Duroux Ditch and/or Willoughby Pond No. 2 and the Willoughby Pond No. 2 First Enlargement, which sources are tributary to the Roaring Fork River at the upper terminus of the exchange described in Applicants' plan for augmentation and exchange as decreed in Case No. 15CW3110. Remark: This structure may also be filled with water diverted from Hunter Creek through the Duroux Ditch pursuant to the change of water rights and related plan for augmentation decreed in Case No. 15CW3110. (iii) *Approp. dates*: 07/08/1951 (Willoughby Pond No. 2); 08/26/2015 (Willoughby Pond No. 2 First Enlargement). (iv) *Amounts and uses*: (1) Willoughby Pond No. 2: 1.25 a.f., abs., with right to fill and refill, for piscatorial, fire protection, and recreation (including incidental aesthetic uses); (2) Willoughby Pond No. 2 First Enlargement: 0.25 a.f., abs., with right to fill and refill, for piscatorial, fire protection, and recreation (including incidental aesthetic uses); (3) Willoughby Pond No. 2 First Enlargement: 1.5 a.f., cond., for augmentation by Exchange. (v) *If filled from a ditch, rate of diversion*. up to 1.21 c.f.s. (for all uses) from the Duroux Ditch (Applicants' diversion through the Duroux Ditch will not exceed 1.21 c.f.s. for all uses and water sources pursuant to the water rights decreed or changed as decreed Case No. 15CW3110). (vi) *Surface area of high water line*: 0.42 acre total (including 0.17 acre original Willoughby Pond No. 2, 0.04 acre recirculating water feature, and 0.21 acres created by Willoughby Pond No. 2 First Enlargement); (1) *Max. height of dam*: 9.0 ft.; (2) *Length of dam*. 70 ft.; (vii) *Total capacity*; 1.5 a.f.; (C) *Name of exchange*: Willoughby Exchange No. 1 (Roaring Fork). (i) *Upstream Terminus*: a point on the Roaring Fork River located in the SE 1/4 of the NE 1/4 of Sec. 12, T. 10 S., R. 85 W. of the 6<sup>th</sup> P.M., approx. 1800 ft from the N. Sec. line and 170 ft from the E. Sec. line. (ii) *Downstream Terminus*: the confluence of the Roaring Fork and Fryingspan Rivers, generally located in the SW 1/4 SE 1/4 of Sec. 7, T. 8 S., R. 86 W. of the 6<sup>th</sup> P.M., at a point approximately 750 ft. from the S. sec. line and 1440 ft. from the E. sec. line. (iii) *Approp. date*: 11/30/2015. (iv) *Max. rate of exchange*: 0.01 c.f.s., up to 4.13 acre-feet, cond. (v) *Uses*: piscatorial, fire protection, recreation and augmentation (as well as incidental aesthetic uses). (vi) *Remarks*: releases from the BWCD's Roaring Fork River replacement sources pursuant to the augmentation plan described above will enter the Roaring Fork River at the confluence of the Fryingspan and Roaring Fork Rivers. This exchange will therefore operate from this confluence up the Roaring Fork River to the locations of the Willoughby Ponds, as described above. (D) *Name of exchange*: Willoughby Exchange No. 2 (Roaring Fork/Colorado). (i) *Upstream Terminus*: a point on the Roaring Fork River located in the SE 1/4 of the NE 1/4 of Sec. 12, T. 10 S., R. 85 W. of the 6<sup>th</sup> P.M., approx. 1800 ft. from the N. section line and 170 ft. from the E. Sec. line. (ii) *Downstream Terminus*: the confluence of the Roaring Fork and Colorado Rivers, generally located in the SE 1/4 NW 1/4 of Sec. 9, T. 6 S., R. 89 W. of the 6<sup>th</sup> P.M., at a pt. approx. 2200 ft. from the N. sec. line and 2350 ft. from the W. sec. line. (iii) *Approp. date*: 11/30/2015. (iv) *Max. rate of exchange*: 0.01 c.f.s., up to 4.13 acre-feet, cond. (v) *Uses*: piscatorial, fire protection, recreation and augmentation (as well as incidental aesthetic uses). (vi) *Remarks*: releases from the BWCD's Colorado River replacement sources pursuant to the augmentation plan described above in Applicants' Fourth Claim will be delivered to at the confluence of the Colorado and Roaring Fork Rivers. This exchange will therefore operate from this confluence up the Roaring Fork River to the locations of the Willoughby Ponds, as described above. Claims to make absolute: (A) Willoughby Pond No. 1 First Enlargement. (i) *Date applied to beneficial use*: August 12, 2018. (ii) *Amounts and uses claimed as absolute*: 3.0 a.f. for augmentation. (B) Willoughby Pond No. 2 First Enlargement. (i). *Date applied to beneficial use*: August 12, 2018. (ii) *Amounts and uses claimed as absolute*: 1.5 a.f. for augmentation. (C) Willoughby Exchange No. 1 (Roaring Fork) (i) *Date applied to beneficial use*: July 31, 202. (ii) *Amounts and uses claimed as absolute*: 0.01 c.f.s. for piscatorial, fire protection, recreation and augmentation (as well as incidental aesthetic uses). (D) Willoughby Exchange No. 2 (Roaring Fork/Colorado). (i) *Date applied to beneficial use*: July 31, 2020. (ii) *Amounts and uses claimed as absolute*: 0.01 c.f.s. for piscatorial, fire protection, recreation and augmentation (as well as incidental aesthetic uses). A map showing the locations of the Subject Water Rights is attached to the Application as Figures 1 and 2. A detailed outline of activities and expenditures during the diligence period is included in the application. Name and address of owner of the land upon which any new diversion or storage structure, or modification to any existing diversion of storage structure is or will be constructed or upon which water is or will be stored, including any modifications to the existing storage pool: Applicants. (8 pages)

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

**24CW3100 EAGLE COUNTY. Application for Findings of Reasonable Diligence.** Applicant: Griffith Family Trust, c/o Sara M. Dunn & Blake C. Peterson, Balcomb & Green, P.C., P.O. Drawer 790, Glenwood Springs, CO 81602; (970) 945-6546. Applicant requests the Ct. find it has exercised reasonable diligence in the development of the conditional water rights for Siloam Springs Well No. 4 and Siloam Springs Pump and Pipeline No. 4 (collectively referred to herein as the "SWRs"). The SWRs are located on Lot 4 of the Siloam Springs Subdivision as depicted on the attached maps, as Ex. A on file with the Water Ct. All SWRs were originally decreed in Dist. Ct., Water Div. 5 in 03CW218 entered on 3/03/2005 and subsequent diligence decreed in 11CW46 on 10/30/2011 and 17CW3187 on 8/12/2018. The date of approp. for all SWRs is 9/30/2003. Structure: Siloam Springs Well No. 4. Legal Description: located on Lot 4 of the Siloam Springs Subdivision in the SW1/4 SW1/4 Sec. 6, T. 5 S., R. 86 W. of the 6th P.M., a distance of 60 ft. from the S. Sec. line and 625 ft. from the W. Sec. line. **Source: Colorado River alluvium.** Amt: 15.0 g.p.m., conditional. Uses: Dom. for a single-family residence and irr. of approx. 500 sq. ft. Legal Description of Irrigated Acreage: Lawns and gardens within the Siloam Springs Subdivision located in Tract 37, Sec. 6 and 7, T. 5 S., R. 86 W. of the 6th P.M. and in Sec. 12, T. 5 S., R. 87 W. of the 6th P.M. and in Tract 44, Sec. 6, T. 5 S., R. 86 W., 6th P.M., Eagle Cty., CO. Well Permit No. 258737. Depth: 40 ft. Remarks: The well is located in the Siloam Springs Well Field, which consists of five groundwater rights located within the Subdivision and described in Case No. 03CW28 as a parcel of land located in Tract 37 in Sec. 6 and 7, T. 5 S., R. 86 W., 6th P.M. and in Sec. 12, T. 5 S., R. 87 W. of the 6th P.M. and in Tract 44 in Sec. 6, T. 5 S., R. 86 W., 6th P.M., Eagle Cty., CO, more particularly described as follows: Beginning at a brass cap found at Angle Point 1 of said Tract 37; S. 300 ft. along the easterly line of said Tract 37 to the centerline of the Colorado River; S. 49° E. 37'09" W. 667.08 ft. along said centerline; N. 83°38'22" W. 1,095.72 ft. to the southerly right-of-way line of Interstate 70; N. 66°12'30" E. 902.90 ft. along said right-of-way line; N. 59°25'30" E. 516.30 ft. along said right-of-way line; N. 50°57'30" E. 722.10 ft. along said right-of-way line; N. 43°36'00" E. 77.00 ft. along said right-of-way line; departing said right-of-way line, S. 45°30'00" E. 300.00 ft. to the centerline of the Colorado River; S. 57°45'02" W. 592.96 ft. to the True Point of Beginning, containing 17.493 acres, more or less. Structure: Siloam Springs Pump and Pipeline No. 4. Legal Description: As corrected in 17CW3187, the structure diverts from the right, or N. bank, of the Colorado River in T. 5 S., R. 86 W. of the 6th P.M., at a point whence the SW corner of Sec. 6 bears S. 82°13'37" W., a distance of 753 ft. As decreed in 11CW46, the POD can also be described as a point located in the SW1/4 of the SW1/4 of Sec. 6, T. 5 S., R. 86 W. of the 6th P.M., 150 ft. from the S. Sec. Line and 694 ft. from the W. Sec. Line of said Sec. 6. Source: Colorado River. Amt: 15.0 g.p.m. (0.033 c.f.s.), conditional. Use: Irr. of approx. 5,000 sq. ft. of lawn and garden. Legal Description of Irrigated Acreage: Lawns and gardens within the Siloam Springs Subdivision located in Tract 37, Sec. 6 and 7, T. 5 S., R. 86 W. of the 6th P.M. and in Sec. 12, T. 5 S., R. 87 W. of the 6th P.M. and in Tract 44, Sec. 6, T. 5 S., R. 86 W., 6th P.M., Eagle Cty., CO. Integrated System: The SWRs are an integrated system of water rights for the Griffith Family Trust. C.R.S. § 37-92-301(4)(b). Consequently, all work and expenditures by Applicant in connection with their respective projects during their period of ownership of the conditional water right directly and indirectly constitute part of the Applicant's reasonable diligence in developing the conditional water rights to be used in their water system. A list of diligence activities performed in the six years preceding the filing of this Application is on file with this Ct. 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. (7 pages of original application, Exh. A)

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

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

**24CW3101 (17CW3155, 10CW197). APPLICATION FOR FINDING OF REASONABLE DILIGENCE IN GRAND COUNTY.**

**1. Name and address of Applicant:** Stanley E. Kellogg, P.O. Box 1935, Grand Lake, Colorado 80447. Copies of pleadings to: David S. Hayes, John D. Buchanan, Hayes Poznanovic Korver, LLC, 700 17<sup>th</sup> Street, Suite 1800, Denver, Colorado 80202, (303) 825-1980, [dhayes@hpkwaterlaw.com](mailto:dhayes@hpkwaterlaw.com). **2. Names of Conditional Water Rights:** A. Kellogg Well No. 1 (Permit No. 81084-F). B. Conditional Exchange involving Wolford Mountain Reservoir and Windy Gap Reservoir. **3. Description of Conditional Ground Water Right:** A. **Prior decrees:** The original decree for the Kellogg Well No. 1 (the "Conditional Water Right") was entered on July 3, 2011, in Case No. 10CW197, District Court, Water Division 5. A subsequent decree continuing the Conditional Water Right was entered in Case No. 17CW3155, District Court, Water Division 5. B. **Legal description:** The Kellogg Well No. 1 is located in the NW1/4 SE1/4 of Section 25, Township 3 North, Range 76 West, 6th P.M., 1,490 feet from the south section line and 1,390 feet from the east section line, as depicted on the attached Exhibit A (available for inspection at the office of the Division 5 Water Clerk or via CCE). Street Address: 1133 Mackinaw Drive, Grand Lake, Colorado, Lot M-38, Mountain Shadow Estates. C. **Source:** Groundwater tributary to unnamed tributary to Granby Reservoir, tributary to Colorado River. D. **Depth of Well:** 723 feet. E. **Appropriation date:** March 2, 2010. F. **Amount:** 15 gallons per minute ("gpm") conditional, annual diversions limited to 0.6 acre-foot. G. **Uses:** Household use only limited to a single-family dwelling and auxiliary dwelling unit, and outside irrigation not to exceed 850 square feet, 5 trees and 10 shrubs. H.

**Remarks:** The Kellogg Well No. 1 is part of the plan for augmentation approved in Case No. 10CW197, District Court, Water Division No. 5, and amended in Case No. 17CW3155, District Court, Water Division No. 5. 4. **Description of Augmentation Source and Conditional Exchange:** A. The Kellogg Well No. 1 is augmented by the following sources: i. The Middle Park Water Conservancy District is contracted to provide Applicant the right to an annual entitlement of 0.6 acre-feet of water. This water is a portion of the 3,000 acre-feet which the Municipal Subdistrict, Northern Colorado Water Conservancy District has agreed to annually place in storage in Granby Reservoir, which is located on the Colorado River upstream from the confluence of the Fraser and Colorado Rivers in Grand County, Colorado. Additional provisions of this agreement are outline in the Agreement concerning the Windy Gap Project and the Azure Reservoir and Power Project, dated and signed April 30, 1980, and approved by the Water Court, Water Division No. 5, Civil Action 1768, by Interlocutory Decree dated October 27, 1980, and Supplement to Agreement of April 30, 1980, dated March 29, 1985, and duly decreed in Case No. 85CW135. Granby Reservoir is located in parts of Township 3 North, Township 2 North, Range 76 West, and Township 2 North, Range 75 West, 6<sup>th</sup> P.M. ii. Wolford Mountain Reservoir: As an alternate source of supply, Applicant may use a portion of the storage right adjudicated in Case No. 87CW283, decree entered November 20, 1989, District Court, Water Division No. 5. Middle Park Water Conservancy District has an interest in 3,000 acre-feet of this Wolford Mountain water by virtue of an agreement between the Colorado River Water Conservation District, the Board of County Commissioners of Grand County, and the Middle Park Water Conservancy District, dated December 17, 1992. The legal description of the place of storage is: Wolford Mountain Reservoir, the dam of which is located in the SW1/4NE1/4 of Section 25, Township 2 North, Range 81 West of the 6<sup>th</sup> P.M. iii. Pursuant to said agreements, water will be provided from Granby Reservoir or Wolford Mountain Reservoir to replace depletions to the Colorado River caused by Applicant's diversions at the locations described in Paragraph 6 above, in amounts as determined by the Division Engineer, Water Division No. 5, and at such times as diversions by the Applicant would ordinarily be curtailed due to the call of senior water rights downstream from the Applicant's points of diversion. B. Description of the conditional appropriative right of exchange: i. **Affected Stream Reach:** a. Upstream Terminus: Granby Reservoir outlet: A point in the NE1/4 SE1/4, Section 11, Township 2 North, Range 77 West, 6<sup>th</sup> P.M., located 2,588 feet from the South Section line and 391 feet from the East Section line. b. Downstream Terminus: The confluence of the Colorado River and Muddy Creek located at a point in the NW1/4 NE1/4, Section 19, Township 1 North, Range 80 West, 6<sup>th</sup> P.M., located 77 feet from the North Section line and 1,947 feet from the East Section line. ii. **Amount/rate:** The total exchange amount per year shall be limited to the annual calculated depletions of 0.106 acre-feet, conditional, which represents a continuous flow rate of about 0.000267 cfs with a maximum rate of exchange of 0.016 acre-foot per month. iii. **Uses:** Household use only limited to a single-family dwelling and auxiliary dwelling unit, and outside irrigation not to exceed 850 square feet, 5 trees and 10 shrubs. iv. **Appropriation Date:** March 2, 2010. 5. **Detailed outline of work done to complete project and apply water to beneficial use:** During the diligence period (August 2018 to present), Applicant has taken steps to develop the Conditional Water Rights, including, without limitation, the activities outlined in the application, available for inspection at the office of the Division 5 Water Clerk or via CCE. The list is not intended to be all inclusive and may be supplemented by additional evidence at any hearing in this matter. **WHEREFORE**, Applicant respectfully requests that the Court enter a decree finding reasonable diligence for and continuing in full force and effect the conditional water rights for the Kellogg Well No. 1 and the conditional exchange, and granting such further relief as the Court deems just and proper.

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

**24CW3102 MESA COUNTY, Application for Findings of Reasonable Diligence. Applicant:** Town of Palisade; *please direct all correspondence to Applicant's attorneys: Mary Elizabeth Geiger, Garfield & Hecht, P.C., 910 Grand Avenue, Suite 201, Glenwood Springs, CO 81601, (970)947-1936, megeiger@garfieldhecht.com.* The Applicant requests findings of reasonable diligence with regard to the following conditional water right: **Palisade Reservoir No. 4. Prior Decrees:** Case No. 89CW89, originally entered by this Court on October 21, 1991. *Subsequent findings of reasonable diligence:* Case Nos. 97CW235, 04CW88, 11CW74, and 18CW3012, District Court in and for Water Division No. 5. *Legal description:* Located at a point whence the SW corner of Section 28, Township 11 South, Range 97 West of the 6<sup>th</sup> P.M. bears South 59° West a distance of 1,313 feet, also described as being 1180 feet from the West section line and 711 feet from the South section line of said Section 28, Mesa County, Colorado. *See Exhibit A to the Application. Source:* **Cottonwood Creek, tributary to Rapid Creek, tributary to the Colorado River.** *Appropriation Date:* March 28, 1989. *Amount:* 45 acre-feet. *Use:* municipal, irrigation, domestic, industrial, agricultural and fire protection purposes. *Maximum height of dam:* 17 feet. *Length of dam:* 750 feet. *Active capacity:* 45 acre-feet (0 acre-feet dead storage). *Legal description of area to be irrigated:* Land within the present and future service area of the Town of Palisade in or near Sections 3 through 10, Township 10 South, Range 97 West of the 6<sup>th</sup> P.M. and Sections 1 through 4 and 9 through 12, Township 11 South, Range 97 West of the 6<sup>th</sup> P.M. *See Exhibit A to the Application. Name and address of owner of land upon which place of storage will be located:* City of Grand Junction, 250 N. 5<sup>th</sup> Street, Grand Junction, CO 81501. The Applicant requests findings of reasonable diligence with regard to the following conditional water right:

**Palisade Reservoir No. 5.** *Legal description:* Located at a point whence the South ¼ corner of Section 28, Township 11 South, Range 97 West of the 6<sup>th</sup> P.M. bears South 51°35' West a distance of 583 feet, also described as being 2180 feet from the East section line and 376 feet from the South section line of said Section 28, Mesa County, Colorado. *See Exhibit A to the Application. Source:* Cottonwood Creek, tributary to Rapid Creek, tributary to the Colorado River. *Appropriation Date:* March 28, 1989. *Amount:* 165 acre-feet. *Use:* municipal, irrigation, domestic, industrial, agricultural and fire protection purposes. *Maximum height of dam:* 16 feet. *Length of dam:* 750 feet. *Active capacity:* 165 acre-feet (0 acre-feet dead storage). *Legal description of area to be irrigated:* Land within the present and future service area of the Town of Palisade in or near Sections 3 through 10, Township 10 South, Range 97 West of the 6<sup>th</sup> P.M. and Sections 1 through 4 and 9 through 12, Township 11 South, Range 97 West of the 6<sup>th</sup> P.M. *See Exhibit A to the Application. Name and address of owner of land upon which place of storage will be located:* City of Grand Junction, 250 N. 5<sup>th</sup> Street, Grand Junction, CO 81501. The Application includes a detailed description of activities undertaken during the diligence period toward the application of the remaining subject conditional water rights to beneficial use. (5 pages).

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

**24CW3103 PITKIN COUNTY. ROARING FORK RIVER.** Star Sky Holdings, LLC, c/o Corona Water Law, 218 E. Valley Rd., Ste. 104 PMB 166, Carbondale, CO 81623 (970) 948-6523, [cc@craigcoronalaw.com](mailto:cc@craigcoronalaw.com). **APPLICATION FOR FINDING OF REASONABLE DILIGENCE.** Structure: Lotawana Well F, Permit #: 171439-A. Total area of parcel on which well is located: 41.1 acres. Original decree: 8/5/2018, Case: 17CW3214, Division 5 Water Court, Legal description: UTM: Northing: 4346731, Easting: 339622, Zone: 13S. Address: 1200 Star Mesa Road, Aspen, CO, Map on file. Source: Groundwater from the Mancos Formation tributary to Roaring Fork and Colorado Rivers. Appropriation date: 5/11/1981 Amount: 15 g.p.m., conditional. Existing uses: N/A. Proposed uses (C.R.S. § 37-92-602(1)(b), (3)(b)(II): Ordinary household purposes for 3 single family dwellings, irrigation of 1.0 acre of home gardens and lawns, watering of poultry, domestic animals and livestock, fire protection. List of work toward completion of the appropriation is on file. Amount remaining conditional: 15 gpm. Information available by contacting Craig Corona [cc@craigcoronalaw.com](mailto:cc@craigcoronalaw.com)

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**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 AUGUST 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.***

**24CW3104 EAGLE COUNTY, DOTSERO RANCH PROPERTY OWNERS ASSOCIATION, IN THE COLORADO RIVER OR ITS TRIBUTARIES.** Application for Findings of Reasonable Diligence. *Applicant:* Dotsero Ranch Property Owners Association c/o Susan M. Ryan and Mark Hamilton, HOLLAND & HART LLP, 600 East Main Street, Ste. 104, Aspen, Colorado 81611, [smryan@hollandhart.com](mailto:smryan@hollandhart.com), [mehamilton@hollandhart.com](mailto:mehamilton@hollandhart.com). *Name of structures:* Vogelman Well No. 1, Vogelman Well No. 2, Vogelman Well No. 3/Infiltration Gallery, Vogelman Pump and Pipeline, and Vogelman Pond ("subject water rights"). *Previous decrees:* Original Decree: Case No. 97CW282, Water Division 5, decree entered October 19, 1998. Diligence Decrees: Case No. 18CW3006, Water Division 5, decree entered August 12, 2018, Case No. 11CW69, Water Division 5, decree entered January 28, 2012; Case No. 04CW178, Water Division 5, May 2, 2005. *Vogelman Well No. 1:* (A) Location: As decreed in Case No. 99CW35, Water Division No. 5, the location is the NE¼ SE¼, Section 4, Township 5 South, Range 86 West 6<sup>th</sup> P.M., at a point 1550 feet from the South line and 1000 feet from the East line of said Section 4. In Case No. 00CW40, Vogelman Well No. 1 was decreed an alternate point of diversion at the Vogelman Well No. 3/Infiltration Gallery. (B) **Source: Alluvial aquifer tributary to the Eagle River, tributary to the Colorado River.** (C) Appropriation Date: September 17, 1997. (D) Amount: 25 gpm, conditional, up to 14.5 acre feet annually under any combination of the Vogelman Well Nos. 1, 2 and/or 3. (E) Decreed Use: irrigation; domestic use in up to ten dwelling units; domestic and commercial for 60,000 square feet of commercial space; fill and refill Vogelman Pond continuously when in priority for the decreed uses and to replace pond evaporation. (i) Nover of acres proposed to be irrigated: 2.0 acres. (ii) Legal description of acreage: 2.0 acres of lawn and landscape within the Dotsero Ranch PUD Located in Section 4, Township 5 South, Range 86 West, 6<sup>th</sup> P.M. along Highway 6 & 24 and the Eagle River. (F) Well Depth: N/A. *Vogelman Well No. 2:* (A) Location: In the NE¼ SE¼, Section 4, Township 5 South, Range 86 West 6<sup>th</sup> P.M., at a point 2300 feet from the South line and 1200 feet from the East line of said Section 4. In Case No.

00CW40, Vogelman Well No. 2 was decreed an alternate point of diversion at the Vogelman Well No. 3/Infiltration Gallery. (B) Source: Alluvial aquifer tributary to the Eagle River, tributary to the Colorado River. (C) Appropriation Date: September 17, 1997. (D) Amount: 25 gpm, conditional, up to 14.5 acre feet annually under any combination of the Vogelman Well Nos. 1, 2 and/or 3. (E) Decreed Use: irrigation; domestic use in up to ten dwelling units; domestic and commercial for 60,000 square feet of commercial space; fill and refill Vogelman Pond continuously when in priority for the decreed uses and to replace pond evaporation. (i) Number of acres proposed to be irrigated: 2.0 acres. (ii) Legal description of acreage: 2.0 acres of lawn and landscape within the Dotsero Ranch PUD located in Section 4, Township 5 South, Range 86 West, 6th P.M. along Highway 6 & 24 and the Eagle River, as shown on Figure 1. (F) Well Depth: N/A.

Vogelman Well No. 3/Infiltration Gallery: (A) Location: In the NE¼ SE¼, Section 4, Township 5 South, Range 86 West 6<sup>th</sup> P.M., at a point 1350 feet from the South line and 1200 feet from the East line of said Section 4. In Case No. 00CW40, Vogelman Well No. 3 was decreed as an alternate point of diversion for the Vogelman Well Nos. 1 and 2. (B) Source: Alluvial aquifer tributary to the Eagle River, tributary to the Colorado River. (C) Appropriation Date: September 17, 1997. (D) Amount: 25 gpm, conditional, up to 14.5 acre feet annually under any combination of the Vogelman Well Nos. 1, 2 and/or 3. (E) Decreed Use: irrigation; domestic use in up to ten dwelling units; domestic and commercial for 60,000 square feet of commercial space; fill and refill Vogelman Pond continuously when in priority for the decreed uses and to replace pond evaporation. (i) Number of acres proposed to be irrigated: 2.0 acres. (ii) Legal description of acreage: 2.0 acres of lawn and landscape within the Dotsero Ranch PUD Located in Section 4, Township 5 South, Range 86 West 6th P.M. along Highway 6 & 24 and the Eagle River. (F) Well Depth: 10 feet.

Vogelman Pump and Pipeline: (A) Location: In the NE¼ SE¼, Section 4, Township 5 South, Range 86 West 6<sup>th</sup> P.M., at a point 1350 feet from the South line and 1200 feet from the East line of said Section 4. (B) Source: Eagle River, tributary to the Colorado River. (C) Appropriation Date: September 17, 1997. (D) Amount: 0.25 cfs, conditional. (E) Decreed Use: to fill Vogelman Pond for application to domestic, commercial, irrigation, fire protection, aesthetic, and augmentation uses associated with the Dotsero Ranch PUD; and to refill the pond continuously when in priority for said uses and to replace pond evaporation.

Vogelman Pond: (A) Location of dam: In the NE¼ SE¼, Section 4, Township 5 South, Range 86 West 6<sup>th</sup> P.M., at a point 1900 feet from the South line and 950 feet from the East line of said Section 4. (B) Source: Eagle River or alluvium, tributary to the Colorado River. (C) Appropriation Date: September 17, 1997. (D) Amount: 6.8 acre feet, conditional. (E) Decreed Use: irrigation; domestic, commercial, fire protection, aesthetic, and augmentation. The pond may be filled and refilled continuously when in priority for application to these beneficial uses, and to replace pond evaporation. (i) Number of acres proposed to be irrigated: 2/0 acres. (ii) Legal description of acreage: 2.0 acres of lawn and landscape within the Dotsero Ranch PUD located in Section 4, Township 5 South, Ranch 86 West 6th P.M. along Highway 6 & 24 and the Eagle River.

Integrated system: The subject water rights are part of an integrated water project and system for the Dotsero Ranch PUD. C.R.S. § 37-92-301(4)(b). A detailed outline of activity during the diligence period is included in the Application. A map showing the location of the subject water rights is attached to the application as Exhibit A. A detailed outline of activities and expenditures during the diligence period is included in the application. Name and address of owner 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. (7 pages)

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**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 AUGUST 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.***

**24CW3105 (17CW3223, 09CW183), GARFIELD COUNTY, COLORADO.** Application for Finding of Reasonable Diligence & to Make Absolute. Applicants: Couey Family LLLP and Couey Bookcliff LLC, c/o Edward B. Olszewski, Esq., Olszewski & Massih, P.C., P.O. Box 916, Glenwood Springs, CO 81602, (970) 928-9100. Names of Structures: Circle Dot Lower Spring, Circle Dot Upper Spring, Smearcheck Spring, Corral Gulch East Spring, Dick's Cabin East Spring, McKay Gulch Spring. Original Decree: 09CW183, 11/05/2011. Locations: **Circle Dot Lower Spring:** Point of diversion is located in the NW¼ SW¼ of Section 2, Township 6 South, Range 97 West, 6<sup>th</sup> P.M. in Garfield County, Colorado at a point 1721 feet distant from the South line of said Section and 4010 feet distant from the East line of said Section. **Circle Dot Upper Spring:** Point of diversion is located in the NW¼ SW¼ of Section 2, Township 6 South, Range 97 West, 6<sup>th</sup> P.M. in Garfield County, Colorado at a point 1548 feet distant from the South line of said Section and 4466 feet distant from the East line of said Section. **Smearcheck Spring:** Point of diversion is located in the SW¼ SE¼ of Section 2, Township 6 South, Range 97 West, 6<sup>th</sup> P.M. in Garfield County, Colorado at a point 524 feet distant from the South line of said Section and 1858 feet distant from the East line of said Section. **Corral Gulch East Spring:** Point of diversion is located in the SW¼ NW¼ of Section 11, Township 6 South, Range 97 West, 6<sup>th</sup> P.M. in Garfield County, Colorado at a point 3843 feet distant from the South line of said Section and 5107 feet distant from the East line of said Section. **Dick's Cabin East Spring:** Point of diversion is located in the SE¼ NE¼ of Section 14, Township 6 South, Range 97 West, 6<sup>th</sup> P.M. in Garfield County, Colorado at a point 3334 feet distant from the South line of said Section and 1177 feet distant from the East line of said Section. **McKay Gulch Spring:** Point of diversion is located in the SW¼ NW¼ of Section 14, Township 6 South, Range 97 West, 6<sup>th</sup> P.M. in Garfield County, Colorado at a



point 2739 feet distant from the South line of said Section and 2563 feet distant from the East line of said Section. **Sources:** **Circle Dot Lower Spring:** Tributary to Circle Dot Gulch, tributary to Red Gulch, tributary to West Fork of Parachute Creek, tributary to Parachute Creek. **Circle Dot Upper Spring:** Tributary to Circle Dot Gulch, tributary to Red Gulch, tributary to West Fork of Parachute Creek, tributary to Parachute Creek. **Smearcheck Spring:** Tributary to Circle Dot Gulch, tributary to Red Gulch, tributary to West Fork of Parachute Creek, tributary to Parachute Creek. **Corral Gulch East Spring:** Tributary to Corral Gulch, tributary to Garden Gulch, tributary to Parachute Creek. **Dick's Cabin East Spring:** Tributary to McKay Gulch, tributary to Garden Gulch, tributary to Parachute Creek. **McKay Gulch Spring:** Tributary to McKay Gulch, tributary to Garden Gulch, tributary to Parachute Creek. **Appropriation Date (for all structures):** 04/01/1958 for stock watering, 12/29/2009 for domestic. **Amounts and Uses:** **Circle Dot Lower Spring:** 2.0 g.p.m.; 1.43 gpm absolute for stock watering, 0.57 gpm conditional for stock watering and 2.0 conditional for domestic. **Circle Dot Upper Spring:** 2.0 g.p.m., *conditional for stock watering and domestic*. **Smearcheck Spring:** 1.5 g.p.m.; 1.5 gpm absolute for stock watering, 1.5 gpm conditional for domestic; **Corral Gulch East Spring:** 2.0 g.p.m., *conditional for stock watering and domestic*; **Dick's Cabin East Spring:** 2.0 g.p.m., *conditional for stock watering and domestic*; **McKay Gulch Spring:** 5.0 g.p.m., *conditional for stock watering and domestic*. **Uses (for all structures):** Domestic and livestock watering for up to 500 head of stock. **Landowner Notification:** All structures are located on lands owned by Applicants. The Application contains a detailed description of diligence activities; **CLAIM TO MAKE ABSOLUTE:** Applicants claim each and every spring has been diverted and placed to beneficial use for stock watering purposes to the extent of their decreed amounts. Applicants run an average of 400 head of cattle on the property from approximately June 1<sup>st</sup> to mid-October each year and the cattle drink from the springs regularly. Applicants have also placed the McKay Spring to beneficial use inside a cabin and the domestic portion thereof should also be made absolute. Applicants request a decree of this Court, finding the Applicants' have exercised reasonable diligence toward the development of the aforementioned water rights, making a portion thereof absolute and any such other and further relief as the Court may deem appropriate. (6 pages, incl. 1 map).

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

**24CW3106 GRAND COUNTY, Application for Findings of Reasonable Diligence and to Make Water Rights Partially Absolute.**

**Applicant:** Emerald Village WP Owners Association, Inc.; please direct all correspondence to Applicants' attorneys: Mary Elizabeth Geiger, Garfield & Hecht, P.C., 910 Grand Avenue, Suite 201, Glenwood Springs, CO 81601, (970)947-1936, [megeiger@garfieldhecht.com](mailto:megeiger@garfieldhecht.com). The Applicant requests that certain water rights be made absolute in part and for findings of reasonable diligence with regard to the following water rights: **The Emerald City Wells Nos. 1 through 12, inclusive (all shown on the map attached as Exhibit A to the Application).** **Prior Decrees:** Case No. 01CW55, originally entered by this Court on February 18, 2004. Subsequent findings of reasonable diligence: Case No. 10CW29 and 17CW3218, District Court in and for Water Division No. 5. **Location of wells:** The wells are located on the property located in the NW ¼ NW ¼ of Section 11, Township 1 South, Range 76 West of the 6<sup>th</sup> P.M. in Grand County, Colorado as more fully described on the attached Exhibit A and shown on the map attached as Exhibit B to the Application. **Appropriation date for all wells:** March 27, 2001. **Source:** All wells will develop groundwater tributary to Skunk Creek, tributary to Pole Creek, tributary to the Fraser River, tributary to the Colorado River. **Depth:** Approximately 100 to 300 feet. **Amount:** 50 g.p.m. per well, conditional, with 100 g.p.m. total from all wells and the total annual acre feet for all withdrawals from all wells is limited to 6.6 acre feet. **Uses:** Domestic and irrigation of approximately 8,000 square feet located on land within the Emerald Village Winter Park Subdivision, located in the NW ¼ NW ¼ of Section 11, Township 1 South, Range 76 West of the 6<sup>th</sup> P.M. in Grand County, Colorado as shown on Exhibit B to the Application. **The following water rights have been put to beneficial use, in part:** **The Emerald City Well No. 2** pursuant to Well Permit No. 85342-F-R, with a date of beneficial use of May 18, 2023. **Location:** UTM Zone 13, Easting: 425883 Northing: 4425859, Lot 2 of Emerald Village Subdivision. **Amount:** 2 gpm for all purposes. **Owner of land upon which well is located:** Joshua Dulberger and Salas Sanchez, 3457 Bryant Street, Denver, CO 80211-3347. **The Emerald City Well No. 6** pursuant to Well Permit No. 85425-F, with a date of beneficial use on April 26, 2023. **Location:** UTM Zone 13, Easting: 426040 Northing: 442564, Lot 6, Emerald Village Subdivision. **Amount:** 14 gpm for all purposes. **Owner of land upon which well is located:** Austin and Bayleigh Gray, PO Box 704, Winter Park, CO 80482. **The Emerald City Well No. 7** pursuant to Well Permit No. 85289-F, with a date of beneficial use of December 12, 2021. **Location:** UTM Zone 13, Easting: 426119 Northing: 4425641, Lot 7, Emerald Village Subdivision. **Amount:** 14 gpm for all purposes. **Owner of land upon which well is located:** Kristyna Nedele and Trenton Huber, PO Box 282, Tabernash, CO 80478. **The Emerald City Well No. 8** pursuant to Well Permit No. 88934-F, with a date of beneficial use of July 10, 2023. **Location:** UTM Zone 13, Easting: 425935 Northing: 4425632, Lot 8, Emerald Village Subdivision. **Amount:** 8 gpm for all purposes. **Owner of land upon which well is located:** Brian Solomon Muwanga and Danielle Muwanga, PO Box 1401, Fraser, CO 80442. **Applicant requests findings of reasonable diligence with regard to the following conditional water rights:** **The Emerald City Well No. 1:** To be located on Lot 1, Emerald Village Subdivision. **Owner of land upon which well will be located:** The Royal D Heins Revocable Trust, PO Box 1239, Fraser, CO 80442. **The Emerald City Well No. 3:** Pursuant to Well Permit No. 87280-F on June 12,

2024, the owner of Lot 3 of Emerald Village Subdivision constructed the well and installed a pump; it is not yet connected to a home but pumps at rate of 23 gpm for all purposes *Location*: UTM Zone 13, Easting: 425936 Northing: 4425804, *Owner of land upon which well is located*: Linda Van Doren and Dean Phannestiel, 2567 Depew Street, Edgewater, CO 80214. *The Emerald City Well No. 4*: pursuant to Well Permit No. 88212-F, the owner of Lot 4 of the Emerald Village Subdivision constructed the well on October 24, 2022; it is not yet connected to a home *Location*: UTM Zone 13, Easting: 426015, Northing: 4425763. *Owner of land upon which well is located*: Country Acre Development Company LLC, 278 Old Ledgewood Rd, Flanders, NJ 07836-9775. *The Emerald City Well No. 5*: pursuant to Well Permit No. 88213-F, the owner of Lot 5 of the Emerald Village Subdivision constructed the well on October 26, 2022; it is not yet connected to a home. *Location*: UTM Zone 13, Easting: 426018, Northing 4425708. *Owner of land upon which well will be located*: Black Pearl Enterprises LLC, 278 Old Ledgewood Rd, Flanders, NJ 07836-9775. *The Emerald City Well No. 9*: The Emerald City Well No. 9: pursuant to Well Permit No. 88529-F, the owner of Lot 9 of the Emerald Village Subdivision constructed well on June 27, 2024; it is not yet connected to a home. *Location*: UTM Zone 13, Easting: 425829, Northing: 4425656. *Owner of land upon well is located*: Todd and Jannette Ammerman, PO Box 8905, Columbus, GA 31908-8905. *The Emerald City Well No. 10*: to be located on Lot 10 of the Emerald Village Subdivision. *Owner of land upon which well will be located*: Royal D Heins Revocable Trust, PO Box 1239, Fraser, CO 80442-1239. *The Emerald City Well No. 11*: to be located within Emerald Village Subdivision common area. *Owner of land upon which well will be located*: Applicant. *The Emerald City Well No. 12*: to be located within Emerald Village Subdivision common area. *Owner of land upon which well will be located*: Applicant. The Applicant requests that the following water right be made absolute: **Crooked Creek No. 1 Ditch, LGB Enlargement (shown on the map attached Exhibit A to the Application)**. *Location*: the point of diversion is at a point 1350 feet from the North Section line and 2400 feet from the West Section line of Section 22, in Section 22 Township 1 South, Range 76 West of the 6<sup>th</sup> P.M. *Source*: Crooked Creek, tributary to the Fraser River, tributary to the Colorado River. *Appropriation date*: December 17, 2001. *Date applied to beneficial use*: April 15, 2003, by construction and filling of pond. A stage capacity table for the LGB Pond is attached as Exhibit C to the Application. *Amount*: 0.25 c.f.s. *Uses*: To fill the LGB Pond for augmentation, fire protection, aesthetic, piscatorial and recreational uses. *Name and address of owner of land upon which point of diversion is located*: Applicant. *The Applicant requests that the following water right be made absolute in part and for findings of reasonable diligence with the remainder*: **LGB Pond (shown on the map attached as Exhibit A to the Application)**. *Location*: NW ¼ NW ¼, Section 11, Township 1 South, Range 76 West, 6<sup>th</sup> P.M., approximately 400 feet east of the west section line and 950 feet south of the north section line of said Section 11. *Source*: the pond will be filled, refilled and continuously flowed through with the Crooked Creek No. 1 Ditch, LGB Enlargement, as described above. *Appropriation date*: December 17, 2001. *Date applied to beneficial use*: the pond was constructed in April 2003 and was filled on April 15, 2003, and can thus be made absolute for all decreed purposes. See Exhibit B to the Application for a stage capacity table. *Amount*: 2 acre-feet, conditional, with the right to fill and refill in priority. *Amount applied to beneficial use*: 1.31 acre-feet. *Uses*: recreation, piscatorial, augmentation, fire protection and aesthetic. *Pond/Dam information*: Surface area at high water line: ½ acre (absolute size: 0.27 acres). Maximum height of dam: 10 feet. Maximum length of dam: 400 feet. Total capacity of pond: 2 acre feet (absolute amount: 1.31 acre feet). Active capacity: 2 acre feet (absolute amount: 1.31 acre feet). Dead storage: 0 acre feet. *Name and address of owner of land upon which pond is located*: Applicant. *Remarks*: As shown on Exhibit B to the Application, the LGB Pond has been constructed to a capacity of 1.31 acre-feet with a surface area of 0.27 acres. By this Application, Applicant requests findings of reasonable diligence with regard to the remaining amount. The Application includes a detailed description of activities undertaken during the diligence period toward the application of the remaining subject conditional water rights to beneficial use. (7 pages).

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

**24CW3107 SWAMP BIRCH LLC** c/o Peter J. Liegl, P.O. Box 3030, 900 CR 1, Elkhart, IN 46515-3030. Please direct all correspondence concerning this Application to: David L. Kueter, Esq., Holsinger Law, LLC, 1800 Glenarm Place, Suite 500, Denver, Colorado 80202, Telephone: (303) 722-2828; Email: dkueter@holsingerlaw.com; **APPLICATION FOR FINDING OF REASONABLE DILIGENCE IN GRAND COUNTY**. 2. Names of Structures. Aspen Meadow Spring No. 1 and Aspen Meadow Spring No. 2. 3. Information From Previous Decree. a. Original Decree: Case No. 04CW89, entered May 9, 2005, District Court, Water Division No. 5. b. Findings of Reasonable Diligence: Case No. 2011CW89, entered January 28, 2012; Case No. 18CW3007, entered August 5, 2018. c. Aspen Meadow Spring No. 1. i. Point of Diversion: A spring located in the SE¼ of the NE¼ of Section 5, Township 1 North, Range 81 West of the 6<sup>th</sup> P.M., at a point that is 1,934 feet from the North section line and 1,014 feet from the East Section line. A map depicting the location of Aspen Meadow Spring No. 1 is attached hereto as **Figure 1**. ii. Source: Spring flow tributary to Sheep Creek, tributary to the Colorado River. iii. Appropriation Date: May 15, 2003. iv. Rate of Diversion: 80 g.p.m. combined total for Aspen Meadow Spring No. 1 and Aspen Meadow Spring No. 2; 40 g.p.m. conditional, 40 g.p.m. absolute. v. Use: Storage in P.J. Martin Ponds Nos. 1 and 2, for stock water, piscatorial, wildlife,

recreation, and firefighting uses. d. Aspen Meadow Spring No. 2. i. Point of Diversion: A spring located in the SE¼ of the NE¼ of Section 5, Township 1 North, Range 81 West of the 6th P.M., at a point that is 2,070 feet from the North section line and 912 feet from the East Section line. A map depicting the location of Aspen Meadow Spring No. 2 is attached hereto as **Figure 1**. ii. Source: Spring flow tributary to Sheep Creek, tributary to the Colorado River. iii. Appropriation Date: May 15, 2003. iv. Rate of Diversion: 80 g.p.m. combined total for Aspen Meadow Spring No. 1 and Aspen Meadow Spring No. 2; 40 g.p.m. conditional, 40 g.p.m. absolute. v. Use: Storage in P.J. Martin Ponds Nos. 1 and 2, for stock water, piscatorial, wildlife, recreation, and firefighting uses. e. The Aspen Meadow Springs are a source of supply for the P.J. Martin Ponds Nos. 1 and 2 as decreed in Case No. 01CW40, Water Division No. 5. The claimed beneficial uses for the Aspen Meadow Spring Nos. 1 and 2 are the same uses claimed for the P.J. Martin Ponds in Case No. 01CW40, Water Division No. 5. 4. Integrated System. The Aspen Meadow Springs Nos. 1 and 2, in conjunction with water rights decreed in Case No. 01CW40, are components of an integrated water supply project and system that serves the development on the Grand River Ranch. See the decree entered on June 20, 2005, in Case No. 01CW40 and the decree entered on May 9, 2005, in Case No. 04CW89. “When a project or integrated system is comprised of several features, work on one feature of the project or system shall be considered in finding that reasonable diligence has been shown in the development of water rights for all features of the entire project or system.” C.R.S. § 37-92-301(4)(b). 5. Outline of Diligence Activity During the Diligence Period. During the most recent diligence period, Applicant and Applicant’s predecessor-in-interest, in conjunction with the Grand River Ranch Applicants in Case No. 01CW40, which includes Applicant and the Grand River Ranch Owners Association (“Owners Association”), of which Applicant is a member (together “GRR”), continued to take steps to diligently develop the conditional water rights including, without limitation, the activities described in the list below. This list is not intended to be all-inclusive and may be supplemented by additional evidence in the future as deemed necessary by Applicant. a. The Owners Association provides for operation and maintenance of the Grand River Ranch water supply systems including the subject structures in this case. Such activities include operating headgates, diversion boxes, and outlet valves; cleaning and maintaining headgates, ditches, control boxes, debris screens, pipelines, and spillway structures; and record keeping and accounting required for submittal to the Division of Water Resources. b. The Owners Association 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 integrated water supply system. c. The Owners Association 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 integrated system and originally decreed in Case No. 01CW40. d. The Owners Association 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. e. The Owners Association applied for a finding of reasonable diligence in Case No. 22CW3104, and a decree was entered on September 15, 2023. That case involved portions of the integrated water supply system included as part of the integrated water supply system decree in Case No. 14CW3099. f. 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 the Owners Association has 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 the Owners Association. g. The Owners Association continued to implement and operate the plan for augmentation decreed in Case No. 01CW41 and modified in Case No. 06CW32. h. Pursuant to the decree entered in Case No. 01CW41, several GRR members, including Applicant, negotiated a Water Supply Contract with the Colorado River Water Conservation District for deliveries of water from Wolford Mountain Reservoir and entered into that contract on February 10, 2006. Pursuant to that contract, those parties paid \$92,500.00 for 100 acre-feet of water annually for 40 years, including the first year’s operation and maintenance charges, and contracted to pay annually a share of project operations and maintenance. The Owners Association 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, the Owners Association is entitled to 100 acre-feet of water annually for 40 years and contracted to annually pay a share of project operations and maintenance. i. Applicant acquired Knot Interested LLC’s interest in the Aspen Meadow Springs No. 1 and 2 by Bargain and Sale Deed dated July 14, 2020, and recorded on July 16, 2020, at Reception No. 2020005669, Grand County Clerk and Recorder’s Office. A Notice of Transfer of Conditional Water Rights was filed in Case No. 18CW3007 on August 1, 2024. 6. Name and Address of Owner of Land on Which Structure is Located and Upon Which Water is Placed to Beneficial Use. Applicant. WHEREFORE, Applicant respectfully requests that the Court enter a decree finding and adjudging that the activities outlined herein are sufficient to support a finding of reasonable diligence on the remaining 40 g.p.m. decreed conditional for the Aspen Meadow Springs Nos. 1 and 2 water rights and that Applicant has been reasonably diligent in developing such conditional water rights, and continuing such conditional water rights in full force and effect in accordance with the original decree, and such other relief as the Court deems just and proper. (6 Pages, 1 Exhibit).

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

**24CW3108 (17CW3171) EAGLE COUNTY; EAGLE RIVER AND ITS TRIBUTARIES.** G. Jouflas Ranches, LLC, 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 Street Suite 3200, PO Box 8749, Denver, CO, 80201; Telephone: (303) 295-8000; Email: [whcaile@hollandhart.com](mailto:whcaile@hollandhart.com). APPLICATION FOR FINDING OF REASONABLE DILIGENCE. 2. Name of Structures. a. Jouflas Spring No. 43, First Enlargement. b. Holland Ditch No. 2 c. Golden Pond (a/k/a Flaming George) 3. From Previous Decrees. a. Date of original decree: May 30, 1995, Case No. 94CW288 (Water Division 5). b. Subsequent decrees finding reasonable diligence: i. In Case No. 01CW143, by decree dated June 7, 2004, the Division 5 Water Court ruled that the Applicant had been reasonably diligent in developing the conditional water rights described herein. Additionally, in Case No. 01CW143 the Water Court decreed absolute water rights for the Jouflas Spring No. 43, First Enlargement in the amount of 0.1 cfs and for the Holland Ditch No. 2 in the amount of 0.2 cfs for fire protection, recreation, piscatorial and storage purposes, and decreed an absolute water right for the Golden Pond in the amount of 19.6 acre feet for the in-place uses of fire protection, recreation, commercial and piscatorial purposes. ii. In Case No. 10CW180, by decree dated August 29, 2011, the Division 5 Water Court granted a finding of reasonable diligence with respect to the remaining conditional portions of the subject water rights. iii. In Case No. 17CW3171, by decree dated August 5, 2018, the Division 5 Water Court granted a further finding of reasonable diligence with respect to the subject conditional water rights. 4. Description of Conditional Water Rights. a. Jouflas Spring No. 43, First Enlargement i. Legal description of point of diversion: located in the SW1/4 SE1/4, Sec. 28, Township 4 South, Range 83 West, 6th P.M. at a point 300 feet from the South line and 1,750 feet from the East Line of said Sec. 28. A map depicting the location of the subject water rights is on file with the Water Court as Exhibit A. ii. Source: Spring tributary to Holland Creek, tributary to Eagle River, tributary to Colorado River. iii. Date of Appropriation: October 15, 1994. iv. Amount: 1.50 cfs, conditional. In Case No. 01CW143, the Water Court decreed an absolute water right for the Jouflas Spring No. 43, First Enlargement in the amount of 0.1 cfs for fire protection, recreation, piscatorial and storage purposes. v. Decreed Use: Fill Golden Pond for irrigation, fire protection, commercial, recreation, piscatorial and storage purposes. Proposed irrigation is for 100 acres in Sec. 28, Township 4 South, range 83 West, 6th P.M. b. Holland Ditch No. 2 i. Legal description of point of diversion: located on the East Bank of Holland Creek in the NW1/4 SE1/4, Sec. 28, Township 4 South, Range 83 West, 6th P.M. at a point 2,050 feet from the South line and 1,900 feet from the East line of said Sec. 28. See Exhibit A. ii. Source: Holland Creek, tributary to Eagle River, tributary to Colorado River. iii. Date of Appropriation: October 15, 1994. iv. Amount: 5.0 cfs, conditional. In Case No. 01CW143, the Water Court decreed an absolute water right for the Holland Ditch No. 2 in the amount of 0.2 cfs for fire protection, recreation, piscatorial and storage purposes. v. Decreed Use: Fill Golden Pond for domestic, irrigation, fire protection, commercial, recreation, piscatorial and storage purposes. Proposed irrigation is for 200 acres in Sections 28 and 21, Township 4 South, Range 83 West, 6th P.M. c. Golden Pond (a/k/a Flaming George). i. Legal Description: located in the NE1/4 SE1/4, Sec. 28, Township 4 South, Range 83 West, 6th P.M. The dam is located 2,600 feet from the South line and 1,300 feet from the East line of said Sec. 28. See Exhibit A. ii. Source: The Golden Pond is an off-channel reservoir which is filled by the Jouflas Spring No. 43 Enlargement (see above), the Holland Ditch No. 2 (see above), and the Jouflas Spring No. 44. The Jouflas Spring No. 44 is more fully described as follows: (1) Legal description: located in Sec. 28, Township 4 South, Range 83 West, 6th P.M. at point 1,700 feet from the South Section line and 540 feet from the East Section line. (2) Date of adjudication: December 31, 1991, Case No. 91CW155, District Court in and for Water Division 5. (3) Amount: 0.033 cfs, absolute, for livestock watering; 0.5 cfs, conditional, for domestic, fire protection, commercial, recreational, piscatorial, and storage uses. (4) **Source: tributary to Holland Creek, tributary to Eagle River, tributary to Colorado River.** iii. Date of Appropriation: October 15, 1994. iv. Amount: 100 acre-feet, conditional. In Case No. 01CW143, the Court decreed an absolute water right for the Golden Pond in the amount of 19.6 acre feet for the in-place uses of fire protection, recreation, commercial and piscatorial uses. The rates of diversion of the water rights which will fill the reservoir include: (1) Jouflas Spring No. 43 First Enlargement: 1.50 cfs. (2) Jouflas Spring No. 44: 0.50 cfs (see Decrees in Case Nos. 91CW155 and 94CW288). (3) Holland Ditch No. 2: 5.0 cfs. v. Decreed Use: domestic, irrigation, fire protection, commercial, recreation, and piscatorial purposes. The areas to be irrigated include 100 acres located in Section 22, Township 4 South, Range 83 West, 6th P.M.; and 200 acres in Sections 28 and 21, Township 4 South, Range 83 West, 6th P.M. The said irrigated acres may also be served by the Jouflas Spring No. 39 First Enlargement, Jan Jouflas Pond, and the Holland Ditch No. 2. vi. Surface area of high water line: 15 acres. (1) Maximum height of dam: 9 feet. (2) Length of Dam: 800 feet. vii. Total decreed reservoir capacity: 100 acre-feet. (1) Active capacity: 75 acre-feet. (2) Dead storage: 25 acre-feet. viii. As found by the Water Court in Case No. 01CW143, the current constructed surface area of Golden Pond is 4.8 acres, and the current constructed capacity is 19.6 acre-feet. 5. Integrated System. In Case No. 01CW143, the Water Court found that the subject water rights are part of an integrated water supply system (including a number of ditches, ponds, springs, wells and water supply plans) for Applicant's property. *See also, e.g.* Decree in Case No. 98CW278 (augmentation plan involving various water rights owned by Applicant, including George Jouflas Spring No. 43, First Enlargement, and Golden Pond). Where a project or integrated system is comprised of several features, work on one feature of the project or system shall be considered in finding that reasonable diligence has been shown in the development of water rights for all features of the entire project or system. C.R.S. § 37-92-301(4)(b). 6. Detailed outline of work performed to complete the appropriation of water to beneficial use. The Application on file with the Water Court contains a detailed description of activities and expenditures conducted by Applicant during the relevant diligence period. The list of activities is not meant to be exhaustive, and Applicant reserves

the right to present additional evidence of diligence as appropriate. 7. 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. Wherefore, Applicant respectfully requests that the Court enter a ruling, judgment and decree which: Finds and concludes that Applicant has demonstrated reasonable diligence in the development of the subject conditional water rights last decreed in Case No. 17CW3171; Continues the conditional water rights in full force and effect; and For such other relief as the Court deems just.

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

**24CW3108 (17CW3171) EAGLE COUNTY; EAGLE RIVER AND ITS TRIBUTARIES.** G. Jouflas Ranches, LLC, 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 Street Suite 3200, PO Box 8749, Denver, CO, 80201; Telephone: (303) 295-8000; Email: [whcaile@hollandhart.com](mailto:whcaile@hollandhart.com). APPLICATION FOR FINDING OF REASONABLE DILIGENCE. 2. Name of Structures. a. Jouflas Spring No. 43, First Enlargement. b. Holland Ditch No. 2 c. Golden Pond (a/k/a Flaming George) 3. From Previous Decrees. a. Date of original decree: May 30, 1995, Case No. 94CW288 (Water Division 5). b. Subsequent decrees finding reasonable diligence: i. In Case No. 01CW143, by decree dated June 7, 2004, the Division 5 Water Court ruled that the Applicant had been reasonably diligent in developing the conditional water rights described herein. Additionally, in Case No. 01CW143 the Water Court decreed absolute water rights for the Jouflas Spring No. 43, First Enlargement in the amount of 0.1 cfs and for the Holland Ditch No. 2 in the amount of 0.2 cfs for fire protection, recreation, piscatorial and storage purposes, and decreed an absolute water right for the Golden Pond in the amount of 19.6 acre feet for the in-place uses of fire protection, recreation, commercial and piscatorial purposes. ii. In Case No. 10CW180, by decree dated August 29, 2011, the Division 5 Water Court granted a finding of reasonable diligence with respect to the remaining conditional portions of the subject water rights. iii. In Case No. 17CW3171, by decree dated August 5, 2018, the Division 5 Water Court granted a further finding of reasonable diligence with respect to the subject conditional water rights. 4. Description of Conditional Water Rights. a. Jouflas Spring No. 43, First Enlargement i. Legal description of point of diversion: located in the SW1/4 SE1/4, Sec. 28, Township 4 South, Range 83 West, 6th P.M. at a point 300 feet from the South line and 1,750 feet from the East Line of said Sec. 28. A map depicting the location of the subject water rights is on file with the Water Court as Exhibit A. ii. **Source: Spring tributary to Holland Creek, tributary to Eagle River, tributary to Colorado River.** iii. Date of Appropriation: October 15, 1994. iv. Amount: 1.50 cfs, conditional. In Case No. 01CW143, the Water Court decreed an absolute water right for the Jouflas Spring No. 43, First Enlargement in the amount of 0.1 cfs for fire protection, recreation, piscatorial and storage purposes. v. Decreed Use: Fill Golden Pond for irrigation, fire protection, commercial, recreation, piscatorial and storage purposes. Proposed irrigation is for 100 acres in Sec. 28, Township 4 South, range 83 West, 6th P.M. b. Holland Ditch No. 2 i. Legal description of point of diversion: located on the East Bank of Holland Creek in the NW1/4 SE1/4, Sec. 28, Township 4 South, Range 83 West, 6th P.M. at a point 2,050 feet from the South line and 1,900 feet from the East line of said Sec. 28. See Exhibit A. ii. Source: Holland Creek, tributary to Eagle River, tributary to Colorado River. iii. Date of Appropriation: October 15, 1994. iv. Amount: 5.0 cfs, conditional. In Case No. 01CW143, the Water Court decreed an absolute water right for the Holland Ditch No. 2 in the amount of 0.2 cfs for fire protection, recreation, piscatorial and storage purposes. v. Decreed Use: Fill Golden Pond for domestic, irrigation, fire protection, commercial, recreation, piscatorial and storage purposes. Proposed irrigation is for 200 acres in Sections 28 and 21, Township 4 South, Range 83 West, 6th P.M. c. Golden Pond (a/k/a Flaming George). i. Legal Description: located in the NE1/4 SE1/4, Sec. 28, Township 4 South, Range 83 West, 6th P.M. The dam is located 2,600 feet from the South line and 1,300 feet from the East line of said Sec. 28. See Exhibit A. ii. Source: The Golden Pond is an off-channel reservoir which is filled by the Jouflas Spring No. 43 Enlargement (see above), the Holland Ditch No. 2 (see above), and the Jouflas Spring No. 44. The Jouflas Spring No. 44 is more fully described as follows: (1) Legal description: located in Sec. 28, Township 4 South, Range 83 West, 6th P.M. at point 1,700 feet from the South Section line and 540 feet from the East Section line. (2) Date of adjudication: December 31, 1991, Case No. 91CW155, District Court in and for Water Division 5. (3) Amount: 0.033 cfs, absolute, for livestock watering; 0.5 cfs, conditional, for domestic, fire protection, commercial, recreational, piscatorial, and storage uses. (4) Source: tributary to Holland Creek, tributary to Eagle River, tributary to Colorado River. iii. Date of Appropriation: October 15, 1994. iv. Amount: 100 acre-feet, conditional. In Case No. 01CW143, the Court decreed an absolute water right for the Golden Pond in the amount of 19.6 acre feet for the in-place uses of fire protection, recreation, commercial and piscatorial uses. The rates of diversion of the water rights which will fill the reservoir include: (1) Jouflas Spring No. 43 First Enlargement: 1.50 cfs. (2) Jouflas Spring No. 44: 0.50 cfs (see Decrees in Case Nos. 91CW155 and 94CW288). (3) Holland Ditch No. 2: 5.0 cfs. v. Decreed Use: domestic, irrigation, fire protection, commercial, recreation, and piscatorial purposes. The areas to be irrigated include 100 acres located in Section 22, Township 4 South, Range 83 West, 6th P.M.; and 200 acres in Sections 28 and 21, Township 4 South, Range 83 West, 6th P.M. The said irrigated acres may also be served by the Jouflas Spring No. 39 First Enlargement, Jan Jouflas Pond, and the Holland Ditch No. 2. vi. Surface

area of high water line: 15 acres. (1) Maximum height of dam: 9 feet. (2) Length of Dam: 800 feet. vii. Total decreed reservoir capacity: 100 acre-feet. (1) Active capacity: 75 acre-feet. (2) Dead storage: 25 acre-feet. viii. As found by the Water Court in Case No. 01CW143, the current constructed surface area of Golden Pond is 4.8 acres, and the current constructed capacity is 19.6 acre-feet. 5. Integrated System. In Case No. 01CW143, the Water Court found that the subject water rights are part of an integrated water supply system (including a number of ditches, ponds, springs, wells and water supply plans) for Applicant's property. See also, e.g. Decree in Case No. 98CW278 (augmentation plan involving various water rights owned by Applicant, including George Joufflas Spring No. 43, First Enlargement, and Golden Pond). Where a project or integrated system is comprised of several features, work on one feature of the project or system shall be considered in finding that reasonable diligence has been shown in the development of water rights for all features of the entire project or system. C.R.S. § 37-92-301(4)(b). 6. Detailed outline of work performed to complete the appropriation of water to beneficial use. The Application on file with the Water Court contains a detailed description of activities and expenditures conducted by Applicant during the relevant diligence period. The list of activities is not meant to be exhaustive, and Applicant reserves the right to present additional evidence of diligence as appropriate. 7. 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. Wherefore, Applicant respectfully requests that the Court enter a ruling, judgment and decree which: Finds and concludes that Applicant has demonstrated reasonable diligence in the development of the subject conditional water rights last decreed in Case No. 17CW3171; Continues the conditional water rights in full force and effect; and For such other relief as the Court deems just.

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

**24CW3109 (17CW3188, 10CW259, 02CW62, 94CW247, 87CW384) ROUTT COUNTY – COLORADO RIVER OR ITS TRIBUTARIES.** King Creek Ranch, L.L.C. and ERCHAR Revocable Living Trust dated March 8, 2017 c/o Scott Miller, Esq. and Lauren 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 structure: Grimes-Brooks Reservoir Second Enlargement Refill Right. Original decree: Case No. 87CW384, October 12, 1988, Division 5 Water Court. Previous diligence decrees: Case No. 94CW247; January 6, 1996; Case No. 02CW62, October 6, 2004; Case No. 10CW259, October 27, 2011; Case No. 17CW3188, August 12, 2018, all Division 5 Water Court. Legal description: Grimes-Brooks Reservoir Second Enlargement Refill Right is located in portions of the S ½ SW ¼ of Section 4, SE ¼ SE ¼ of Section 5, and the N ½ NW ¼ of Section 9, all in Township 1 South, Range 84 West of the 6<sup>th</sup> P.M., and the initial point of survey of said Reservoir which is a point on the Northeasterly end of the dam at a high water line is located at a point whence the North Quarter Corner of Section 10, Township 1 South, Range 84 West of the 6<sup>th</sup> P.M. bears North 86° 42' East, 6,335 feet. A map is on file with the Court as Exhibit A. Source: Elk Creek through Grimes-Brooks Feeder Ditch No. 2; Red Dirt Creek through the Grimes-Brooks Feeder Ditch No. 2; and Egeria Creek through the Grimes Brooks Intake Ditch, all tributary to the Colorado River. Appropriation date: August 31, 1985. Amounts and uses: 26 acre-feet for domestic and hydroelectric power generation, and 298 acre-feet for irrigation of 140 additional acres, wildlife, piscatorial, and recreation. A detailed description of the work to complete the appropriation, including expenditures, is on file with the Court as Exhibit B. Applicants own the land on which the water right is used and where the water will be placed to beneficial use. Applicant requests a finding of reasonable diligence for the amounts and uses decreed to the Grimes-Brooks Reservoir Second Enlargement Refill Right.

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

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

**24CW3111 PITKIN, EAGLE, AND GARFIELD COUNTY. COLORADO RIVER.** Home Supply Ditch Company, Inc. c/o Corona Water Law, 218 E. Valley Road #104 PMB 166, Carbondale, CO 81623, (970) 948-6523, [cc@craigcoronalaw.com](mailto:cc@craigcoronalaw.com). APPLICATION FOR FINDING OF REASONABLE DILIGENCE. Structure: White Horse Springs 2014 Appropriative Exchange. Original decree date: 8/5/ 18. Case No.: 14CW3080. Water Division No. 5. Upstream Termini of the exchange: The collection point for the White Horse

Springs Collection System and Storage Tanks is located at a point from which the SW corner of Sec. 26, T. 9 S., R. 85 W., bears S. 22°15' W. 1,335.37 feet. Alternate points of diversion decreed January 25, 2000, in Case No. 94CW196, District Court, Water Division 5 are located as follows: White Horse Springs Well No. 1 (Well Permit No. 056934-F): At a point whence the Southwest Quarter Corner of Section 26, Township 9 South, Range 85 West, of the 6<sup>th</sup> Principal Meridian bears S 27°29'15" W 1,430.69 feet. White Horse Springs Well No. 2 (Well Permit No. 056935-F): At a point whence the Southwest Quarter Corner of Section 26, Township 9 South, Range 85 West, of the 6<sup>th</sup> Principal Meridian bears S 30°31'16" W 1,377.33 feet. White Horse Springs Well No. 3 (Well Permit No. 056933-F): At a point whence the Southwest Quarter Corner of Section 26, Township 9 South, Range 85 West, of the 6<sup>th</sup> Principal Meridian bears S 29°27'18" W 1,344.16 feet. White Horse Springs Well No. 4 (Well Permit No. 056936-F): At a point whence the Southwest Quarter Corner of Section 26, Township 9 South, Range 85 West, of the 6<sup>th</sup> Principal Meridian bears S 29°32'02" W 1,366.21 feet. White Horse Springs Well No. 5 (Well Permit No. 056938-F): At a point whence the Southwest Quarter Corner of Section 26, Township 9 South, Range 85 West, of the 6<sup>th</sup> Principal Meridian bears S 31°09'03" W 1,386.43 feet. White Horse Springs Well No. 6 (Well Permit No. 056937-F): At a point whence the Southwest Quarter Corner of Section 26, Township 9 South, Range 85 West, of the 6<sup>th</sup> Principal Meridian bears S 30°39'13" W 1,342.69 feet. White Horse Springs Well No. 7 (Well Permit No. 056939-F): At a point whence the Southwest Quarter Corner of Section 26, Township 9 South, Range 85 West, of the 6<sup>th</sup> Principal Meridian bears S 30°33'52" W 1,509.84 feet. White Horse Springs Well No. 8 (Well Permit No. 056940-F): At a point whence the Southwest Quarter Corner of Section 26, Township 9 South, Range 85 West, of the 6<sup>th</sup> Principal Meridian bears S 31°10'24" W 1,416.57 feet. The Downstream Termini varies depending upon the source of the augmentation supply; For releases from Wolford Mountain Reservoir, the downstream terminus is the confluence of the Colorado River and the Roaring Fork River located in the SE ¼ of the NW ¼ of Section 9, Township 6 South, Range 89 West of the 6<sup>th</sup> P.M., at a point approximately 3,150 feet from the South Section line and 2,940 feet from the East Section line (Garfield County). For releases from Ruedi Reservoir, the downstream terminus is the confluence of the Roaring Fork River and the Fryingpan River located in the SW ¼ of the SE ¼ of Section 7, Township 8 South, Range 86 West of the 6<sup>th</sup> P.M., at a point 750 feet from the South Section line and 1,440 feet from the East Section line (Eagle and Pitkin Counties). Amount: the rate of flow consistent with the depletion amount for Applicant's domestic irrigation use; a maximum of 954 gallons per minute (0.85 x 1,122 gallons per minute), or 2.14 cubic feet per second (0.85 x 2.52 cubic feet per second), whichever is less, conditional; total maximum annual exchange volume of 20.00 acre-feet. Appropriation date: August 8, 2013. Use: Exchange for replacement of out of priority diversions for domestic irrigation pursuant to the plan for augmentation decreed in Case No. 14CW3080. Work completed towards the completion of the appropriation of water to beneficial use is on file with the Court. Amounts remaining conditional: the rate of flow consistent with the depletion amount for Applicant's domestic irrigation use; a maximum of 954 gallons per minute (0.85 x 1,122 gallons per minute), or 2.14 cubic feet per second (0.85 x 2.52 cubic feet per second), whichever is less, conditional; total maximum annual exchange volume of 20.00 acre-feet. For additional information, email Craig Corona at [cc@craigcoronalaw.com](mailto:cc@craigcoronalaw.com).

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

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

**24CW3112 PITKIN, EAGLE, AND GARFIELD COUNTY. COLORADO RIVER.** Home Supply Ditch Company, Inc. c/o Corona Water Law, 218 E. Valley Road #104 PMB 166, Carbondale, CO 81623, (970) 948-6523, [cc@craigcoronalaw.com](mailto:cc@craigcoronalaw.com). **APPLICATION FOR FINDING OF REASONABLE DILIGENCE AND TO MAKE ABSOLUTE.** Structure: Home Supply Ditch, Third Enlargement: Original decree date: 8/5/18, District Court, Water Division No. 5. Legal description: UTM: Northing: 4358375. Easting: 325400. PLSS: NW ¼, SW ¼, Section 17, T8S, R86W, 6<sup>th</sup> P.M., 2,609 feet from south section line and 735 feet from west section line. Street address: 132 Emma Road, Basalt, CO. Source: Roaring Fork River, tributary to Colorado River. Appropriation date: 4/15/86. Amount: 7.0 c.f.s., conditional. Use: Irrigation. Work completed towards the completion during the diligence period is on file with the Court. Claim to make absolute: Date water applied to beneficial use: Multiple dates since 8/5/2018. Amount: 7.0 c.f.s. Uses: Irrigation. Structure: Home Supply Ditch, Sopris Creek Enlargement. Original decree: 8/5/18. District Court, Water division No. 5. Legal description: UTM: Northing: 4358882. Easting: 322123. PLSS: NW ¼, NW ¼, Section 13, T8S, R87W, 6<sup>th</sup> P.M., approximately 1,267 feet from the north section line and 791 feet from the west section line. Street address: 363 Sopris Creek Road, Basalt, CO. Alternate point no. 1: UTM: Northing: 4358784. Easting: 322188. PLSS: SW ¼, NW ¼, Section 13, T8S, R87W, 6<sup>th</sup> P.M., approximately 1,583 feet from the north section line and 1,011 feet from the west section line. Street address: 363 Sopris Creek Road, Basalt, CO.. Alternate point no. 2: UTM: Northing: 4359301. Easting: 322072. PLSS: SW ¼, SW ¼, Section 12, T8S, R87W, 6<sup>th</sup> P.M., approximately 103 feet from the south section line and 593 feet from the west section line. Street address: 1796 Emma Road, Basalt, CO. Alternate point no. 3: UTM: Northing: 4358248. Easting: 322499. PLSS: NE ¼, NW¼, Section 13, T8S, R87W, 6<sup>th</sup> P.M., approximately 1,969 feet from the south section line and 2,070 feet from the west section line. Street address: 513 Sopris Creek Road, Basalt, CO. Source: Sopris Creek, tributary to the Roaring Fork River and Colorado River. Appropriation date: December 31, 2015. Amount: 7.0 c.f.s., conditional. Use:

Irrigation. Work completed during diligence period is on file with the Court. Amount remaining conditional: 7.0 cfs. For additional information, email Craig Corona at [cc@craigcoronalaw.com](mailto:cc@craigcoronalaw.com).

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

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

**24CW3113 (18CW3004) (09CW60) (02CW252) APPLICATION FOR FINDINGS OF REASONABLE DILIGENCE AND TO MAKE CONDITIONAL WATER RIGHTS ABSOLUTE IN GARFIELD COUNTY, COLORADO.** 1. Name and address of applicants: Gene and Cindy Trexler, 2121 County Road 137, Glenwood Springs, CO 81601, c/o Thomas W. Korver, Esq., Hayes Poznanovic Korver LLC, 700 17th Street, Suite 1800, Denver, CO 80202, (303) 825-1980. 2. Name of structures: Waterstone Wells 1 and 2; Waterstone Pond; Warner Ditch, Waterstone Enlargement; Waterstone Well Exchange. 3. Description of conditional water rights: A. Waterstone Wells 1 and 2. Type: Well. (i) Original Decree: June 16, 2003, entered by the District Court in and for Water Division No. 5 ("Water Court"), State of Colorado, in Case No. 02CW252. (ii) Subsequent Diligence Decrees: January 22, 2012, entered by the Water Court in Case No. 2009CW60, and August 12, 2018, entered by the Water Court in Case No. 2018CW3004. (iii) Decreed Locations: The decreed location of Waterstone Well 1 is in the SE1/4 NW1/4 of Section 24, Township 5 South, Range 90 West of the 6th P.M. more specifically 1673 feet from the North Section line and 1826 feet from the West Section line of said Section. The decreed location of Waterstone Well 2 is in the SE1/4 NW1/4 of Section 24, Township 5 South, Range 90 West of the 6th P.M. more specifically 1870 feet from the North Section line and 1635 feet from the West Section line of said Section. Actual Locations: The actual location of Waterstone Well 1 is in the SE1/4 NW1/4 of Section 24, Township 5 South, Range 90 West of the 6th P.M. more specifically 1573 feet from the North Section line and 1826 feet from the West Section line of said Section, and is within 200 feet of the decreed location. Waterstone Well 2 is located where decreed. A map depicting the actual locations of Waterstone Wells 1 and 2 is attached to the application as Exhibit A, and is available for inspection at the office of the Division 5 Water Clerk or via CCE. (iv) **SOURCE: GROUNDWATER TRIBUTARY TO CANYON CREEK.** (v) Appropriation Date: February 25, 1999. (vi) Amount per well: 50 gpm total for both wells. Annual Appropriation: 0.6 acre-feet each for wells 1 and 2 or 1.2 acre-feet for either Well No. 1 or 2. (vii) Decreed uses: Domestic, irrigation, and stockwater. a. Irrigation limitation: 5,000 square feet located in the NW1/4 and the NE1/4 of Section 24, Township 5 South, Range 90 West of the 6th P.M. (viii) Remarks: In Case No. 2009CW60, Waterstone Well 1 was made absolute for domestic and irrigation use in the amount of 6.9 gpm. Waterstone Well 1 remains conditional for 43.1 gpm for domestic and irrigation use and for 50 gpm for stockwater use. Waterstone Well 2 is conditional for domestic, irrigation, and stockwater use in the amount of 50 gpm. B. Waterstone Pond. Type: Reservoir. (i) Original Decree: June 16, 2003, entered by the Water Court in Case No. 02CW252. (ii) Subsequent Diligence Decree: January 22, 2012, entered by the Water Court in Case No. 09CW60. (iii) Decreed Location: The decreed location of the Waterstone pond is located in the SE1/4 NW1/4 of Section 24, Township 5 South, Range 90 West of the 6th P.M. more specifically 2170 feet from the North Section line and 2120 feet from the West section line of said section. The actual location of the Waterstone pond is located in the SE1/4 NW1/4 of Section 24, Township 5 South, Range 90 West of the 6th P.M. more specifically at UTM coordinates, NAD83, Easting 289998.0, Northing 4386536.0. The decreed and actual location of the Waterstone Pond is shown on Exhibit A. (iv) Source: East Canyon Creek, tributary to Canyon Creek, tributary to the Colorado River. (v) Appropriation Date: February, 1999. (vi) Amount: 2.0 acre-feet, conditional, with the right to fill, continuously flow through and refill in priority. (vii) Decreed uses: Livestock watering, irrigation, piscatorial, aesthetic, recreational, and fire protection. (viii) Reservoir Characteristics: a. Surface area of high water line: 0.20 acres. b. Maximum height of dam: 10 feet. c. Length of dam: 100 feet. d. Total capacity of pond, all active: 2 acre-feet. C. Warner Ditch, Waterstone Enlargement. Type: Ditch. (i) Original Decree: June 16, 2003, entered by the Water Court in Case No. 02CW252. (ii) Subsequent Diligence Decree: January 22, 2012, entered by the Water Court in Case No. 09CW60. (iii) Decreed Location: NW1/4 NW1/4 of Section 24, Township 5 South, Range 90 West of the 6th P.M. approximately 540 feet from the East Section line and 570 feet from the North section line. The decreed location of the Warner Ditch, Waterstone Enlargement is shown on Exhibit A. (iv) Source: East Canyon Creek, tributary to Canyon Creek, tributary to the Colorado River. (v) Appropriation Date: February 25, 1999. (vi) Amount: 0.67 cfs, conditional. (vii) Decreed uses: Irrigation, livestock watering, recreational, aesthetic, and to fill Waterstone Pond. a. Irrigation limitation: 1 acre located in the E1/2 NW1/4 of Section 24, Township 5 South, Range 90 West of the 6th P.M. 4. Description of Conditional Exchange. Type: Exchange. A. Original Decree: June 16, 2003, entered by the Water Court in Case No. 02CW252. B. Subsequent Diligence Decree: January 22, 2012, entered by the Water Court in Case No. 09CW60. C. Location: The upstream terminus of the exchange is the location of Waterstone Wells 1 and 2, described in paragraph 3.A. above. The downstream terminus of the exchange is the confluence of Canon Creek and the Colorado River, located in the NW1/4 of Section 36, Township 5 South, Range 90 West of the 6th P.M. D. Appropriation Date: September 30, 2002. E. Description of Water Rights to be Used by Exchange: The following described water rights are to be used by exchange: (i) Green Mountain Reservoir. (a) Source: Blue River, tributary of Colorado River. (b) Legal description: located approximately 16 miles Southeast of the Town of Kremmling in Summit County, Colorado, and more particularly in all or parts of Sections 11, 12, 13, 14, 15, and 24 of Township



2 South, Range 80 West, and in Sections 17, 18, 19, 20, 21, 28, 29, and 34, Township 2 South, Range 79 West of the 6th P.M. (c) Adjudication Date: October 12, 1955. (d) Appropriation Date: August 1, 1935. (e) Case No.: 2782, 5016, and 5017 Court: United States District Court, District of Colorado. (f) Decreed Amount: 154,645 acre feet. (g) Decreed Uses: in accordance with paragraph 5(a), (b), and (c) of the section entitled "Manner of Operation of Project Facilities and Auxiliary Facilities" in Senate Document 80. (ii) Ruedi Reservoir. (a) Source: Frying Pan River, tributary of Colorado River. (b) Legal description: an on-channel reservoir located in Sections 7, 8, 9, 11, and 14 through 18, Township 8 South, Range 84 West of the 6th P.M. The reservoir is located in portions of Eagle and Pitkin Counties. (c) Adjudication Date: June 20, 1958. (d) Appropriation Date: July 29, 1957. (e) Case No. C.A. 4613. (f) Court: Garfield County District Court. (g) Decreed Amount: 102,369 acre feet (Originally decreed for 140,697.3 acre feet; reduced to 102,369 acre feet in Case No. W-789-76). (h) Decreed Uses: generation of electric energy, domestic, municipal, industrial, irrigation and stock watering. (i) By decree of the Water Court in Case No. 81CW34, Ruedi Reservoir was decreed a refill right in the amount of 101,280 acre feet, conditional. In Water Court Case No. 95CW95, 44,509 acre feet was made absolute. F. Description of Exchange: Applicants have an appropriative right of exchange of water in the amount of the monthly/annual depletions occurring from the use of the Waterstone Wells 1 and 2 in the amount of 50 gpm from the confluence of Canyon Creek with the Colorado River up to the Waterstone Wells 1 and 2. 5. Detailed outline of work done to apply water to beneficial use. During the diligence period, the Applicants have engaged in specific activities described in the application that demonstrate diligence toward the application of water to the decreed beneficial use. The list is available for inspection at the office of the Division 5 Water Clerk or via CCE. 6. Claim to Make Conditional Rights Partially Absolute A. Waterstone Wells 1 and 2. Waterstone Well Nos. 1 and 2 are decreed in the amount of 50 gpm total for both wells. In Case No. 2009CW60, Waterstone Well 1 was made absolute for domestic and irrigation use in the amount of 6.9 gpm. On August 18, 2024, Waterstone Well No. 1 was diverted in the amount of 30 gpm and applied to beneficial use for domestic and irrigation purposes. On August 18, 2024, Waterstone Well No. 2 was diverted in the amount of 15 gpm and applied to beneficial use for domestic and irrigation purposes. Applicants request that Waterstone Well Nos. 1 and 2 be made absolute in the total amount of 30 gpm for domestic use and 45 gpm for irrigation use, and that the remaining amounts of 20 gpm for domestic use, 5 gpm for irrigation use, and 50 gpm for stockwatering use be continued as conditional. See Exhibit B for records of diversion for beneficial use. B. Waterstone Pond. 1.09 acre-feet of the 2.0 acre-feet Waterstone Pond conditional water right is currently being stored in the Pond. Applicants request that Waterstone Pond water right be made absolute in the amount of 1.09 acre-feet for all decreed purposes, and that the remaining 0.91 acre-feet be continued as conditional. See Exhibit C for calculations of storage for beneficial use in Waterstone Pond, available for inspection at the office of the Division 5 Water Clerk or via CCE.. C. Warner Ditch, Waterstone Enlargement. On August 18, 2024, the 0.67 cfs conditional Warner Ditch, Waterstone Enlargement water right was diverted and placed to the decreed beneficial uses of irrigation, recreational, aesthetic, and to fill Waterstone Pond. Applicants request that Warner Ditch, Waterstone Enlargement water right be made absolute in the amount of 0.67 cfs for irrigation, recreational, aesthetic, and to fill Waterstone Pond, and that 0.67 cfs for livestock watering be continued as conditional. See Exhibit B for measurement of diversion for beneficial use, available for inspection at the office of the Division 5 Water Clerk or via CCE. 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: The Waterstone Wells 1 and 2 and the Waterstone Pond are located on land owned by the Applicants. The Warner Ditch, Waterstone Enlargement headgate is located on land owned by Okanela Barn LLC, whose address is 141 E Meadow Drive, Suite 211, Vail, CO 81657. WHEREFORE, Applicants request that a decree be entered finding that Applicants have exercised reasonable diligence in the development of the conditional water rights described in paragraph 3 above and the conditional exchange described in paragraph 4 above, making the subject water rights absolute in the amounts specified in paragraph 6 above, continuing the remaining conditional portions of the subject water rights in full force and effect, and for such other and further relief as this Court deems just and proper.

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

**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 AUGUST 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.***

**24CW3114** (17CW3158; 09CW101; 02CW122; 95CW276; 88CW127; 84CW123; 80CW138) **GARFIELD COUNTY, IN THE COLORADO RIVER AND ITS TRIBUTARIES, INCLUDING ROAN CREEK. APPLICATION FOR FINDINGS OF REASONABLE DILIGENCE 1. NAME, ADDRESS AND TELEPHONE NUMBER OF APPLICANT.** The Oil Shale Corporation (TOSCO), c/o Kenneth Moursund, Senior Counsel, ConocoPhillips Company, 925 North Eldridge Parkway, Houston, Texas 77079. Telephone: (281) 293-1298. Please forward all pleadings, correspondence, and inquiries regarding this matter to the attorneys for The Oil Shale Corporation: Alan E. Curtis, Nicoli R. Bowley, CURTIS, JUSTUS, & ZAHEDI, LLC, 1333 W. 120th Ave., Suite 302, Westminster, Colorado 80234. Tele: (303) 595-9441. Email: alanc@cjzwaterlaw.com; nicolib@cjzwaterlaw.com. 2. SUMMARY OF APPLICATION. TOSCO seeks a finding of reasonable diligence for Trail Gulch Reservoir and Trail Gulch Reservoir, First Enlargement (collectively, the Trail Gulch Reservoir Water Rights). 3. DESCRIPTION OF CONDITIONAL TRAIL GULCH RESERVOIR WATER

RIGHTS. a. Name of Structure. Trail Gulch Reservoir. i. Original Decree. November 10, 1970, in C.A. 6404 by the District Court in and for Garfield County (Original Decree). ii. Prior Diligence Decrees. Case No. 17CW3158 (August 5, 2018) (17CW3158 Decree); 09CW101 (August 29, 2011); 02CW122 (December 4, 2003); 95CW276 (March 28, 1996); 88CW127 (February 9, 1990); 84CW123 (May 31, 1985); 80CW138 (May 6, 1981). iii. Alternate Place of Storage and First Enlargement. On December 7, 1982, in Case No. 79CW353, the Division 5 Water Court granted TOSCO's request for an alternate point of storage for the Trail Gulch Reservoir on Carr Creek, a tributary of Roan Creek and an additional storage capacity for the Trail Gulch Reservoir at the alternate point of storage in the amount of 950.79 acre feet of water with an appropriation date of December 27, 1979, (total 6,620 acre feet of storage) (79CW353 Decree). iv. Location. (1) Original Decree. The initial point of survey of the high-water line of Trail Gulch Reservoir as originally decreed is located on the left abutment of the dam at a point whence the Northeast corner of Section 28, T. 6 S., R. 100 W. of the 6th P.M., bears North 35°33' East at a distance of 1,550 feet. UTM coordinates Northing 4379219.198, Easting 194566.0855 (NAD 83, UTM Zone 13N). (2) 79CW353 Decree. The point of intersection of the dam axis with the centerline of Carr Creek lies at a point whence the Northeast corner of Section 24, T. 5 S., R. 100 W., 6th P.M. bears North 27°00' East at a distance of 3,700 feet. UTM coordinates Northing 4389106.5187, Easting 194268.2183 (NAD 83, UTM Zone 13N). See Trail Gulch Reservoir General Location Map attached as EXHIBIT A. v. Sources. (1) Roan Creek. Roan Creek, and its tributaries, tributary to the Colorado River upstream from the dam forming the Trail Gulch Reservoir and the Colorado River via The Oil Shale Corporation Pipeline. (2) Carr Creek. Carr Creek and its tributaries, tributary to the Colorado River. vi. Appropriation Date. September 23, 1967. vii. Amount. 5,669.21 acre-feet. viii. Uses. Industrial, mining, domestic, municipal, recreational and other beneficial uses that are related to oil shale development and its related activities. ix. Name and Address of Owner of Land on Which Structure Will be Located. (1) Original Point of Diversion: United States Department of Interior, Bureau of Land Management, 2300 River Frontage Road, Silt, Colorado 81652; Roan Creek Germantown Investments LLC, 13701 W. Jewell Avenue, Suite 200-28, Denver, Colorado 80228; High Lonesome Ranch LLC, P.O. Box 88, De Beque, Colorado 81630. (2) Alternate Point of Diversion: United States Department of Interior, Bureau of Land Management, 2300 River Frontage Road, Silt, Colorado 81652; Altenbern & Sons, 13098 County Road 204, De Beque, Colorado 81630; Nona Powell, Post Office Box 23, Rangely, Colorado 81648. 4. BACKGROUND INFORMATION REGARDING TOSCO. a. TOSCO/ConocoPhillips Company. TOSCO is a Delaware Corporation qualified to do business in the State of Colorado. TOSCO is and has been a wholly owned subsidiary of the ConocoPhillips Company (Conoco) since January 1, 2003. b. TOSCO's/Conoco's Oil Shale Lands. TOSCO and Conoco hold interest in fee in over 37,700 acres of oil shale lands in Garfield and Rio Blanco counties in Colorado (TOSCO's/Conoco's Oil Shale Properties). c. Need for TOSCO's Trail Gulch Reservoir Water Rights. The Trail Gulch Reservoir Water Rights were appropriated and are needed for the commercial development of TOSCO's/Conoco's Oil Shale Properties including industrial, domestic, municipal, environmental, recreational, irrigation, power, mining, retorting, refining, dust control and reclamation uses associated with such development. d. TOSCO's Integrated Water Development System. The Trail Gulch Reservoir Water Rights are part of the integrated water supply system needed for the commercial development of TOSCO/Conoco's Oil Shale Properties (TOSCO's Integrated Water Development System) which includes water rights associated with the following: i. Conditional Surface Water Rights. The Oil Shale Company Pipeline and Pumping Plant (C.A. 4914, Garfield County, alternate point of diversion W-2785, Water Division 5); Trail Gulch Reservoir (C.A. 6404, Garfield County, enlargement and alternate place of storage on Carr Creek, 79CW353, Water Division 5); the Ertl Pipeline (C.A. 1269, alternate point of diversion 80CW503, 81CW16 and 81CW17); the Miller Creek Reservoir and Enlargement (W-278 and 79CW352); the Story Gulch/Parachute Creek Pipeline (W-279, alternate point of diversion 80CW503, 81CW16 and 81CW17); the Ohio/Ertl Pipeline (W-280, alternate point of diversion 80CW503, 81CW16 and 81CW17); the Hunter Creek Reservoir (W-276); the Story Gulch Reservoir and Enlargement (W-277 and 79CW354); and the Miller Creek Pumping Pipeline (79CW355). ii. Conditional and Absolute Underground Water Rights. Bute No. 25 Well (W-3499, Water Division 5); Camp Bird No. 12 Well (W-3575, Water Division 5); Camp Bird No. 12A Well (W-3577, Water Division 5); Liberty Bell No. 12 Well (W-3578, Water Division 5); Ohio No. 41 Well (W-3576, Water Division 5); SG-20 Well (W-3543, Water Division 5); The Oil Shale Corporation Well, a.k.a. Oldland Well No. 3 (W-307, Water Division 5); Oldland Brothers No. I-4 Well (W-3500, Water Division 5); TG 71-3 Well (W-3561, Water Division 5); TG 71-4 Well (W-3562, Water Division 5); and TG 71-5 (W-3563, Water Division 5). iii. Absolute Surface Water Rights. MHM German Consolidated Ditch; Robert McKee Ditch, Last Chance Ditch; Gardenheir Ditch (C.A. 624); Piceance Creek Ditch; Oldland and Magor Ditch; Oldland No. 1 Ditch; Oldland No. 2 Ditch (C.A. 624); Oldland Ditch No. 3 (C.A. 624); Emily Ditch, Blue Grass Ditch (C.A. 133); Jessup Ditch No. 1; Jessup Ditch No. 2; Rye Grass Ditch (C.A. 133); Watson Thompson Ditch; East Stewart Gulch Ditches; BM&H Ditch; Belot Moffat Ditch; Florence Ditch; Forney Corcoran Ditch; McWilliams and George Ditch; Rullison-Miller Ditch; West Stewart Gulch Reservoir Ditches; West Stewart Gulch Reservoir; Sylvan Spring; Moo Pond Spring; Anvil Points Spring; Upper Anvil Points Reservoir; and Lower Anvil Points Reservoir. iv. Purpose of TOSCO's Integrated Water Development System. The water rights and structures that comprise TOSCO's Integrated Water Development System have been acquired and developed to provide a flexible system of interdependent water diversions, reservoirs, pipelines, wells, and other rights to optimize the efficient beneficial use of water for oil shale development and other purposes and to minimize economic and environmental costs. v. Use of TOSCO's Integrated Water Development System. When TOSCO's Integrated Water Development System is completed and the water appropriated is put to beneficial use, the water from these and other rights will be commingled in the various water structures owned by TOSCO. For this reason, work, and expenditures on any individual part of TOSCO's Integrated Water Development System is for purposes of putting both TOSCO's Integrated Water Development System water rights and the individual water rights that comprise it to beneficial use within a reasonable time. 5. DILIGENCE CLAIM. a. Diligence Period. The most recent diligence period for the Trail Gulch Reservoir Water Rights is from August 5, 2018, when the 17CW3158 Decree entered, through August 30, 2024 (Diligence Period). b. Activities and Expenditures. During the Diligence Period, TOSCO engaged in studies, engineering work, legal proceedings and other activities related to development of the Trail Gulch Reservoir Water

Rights and TOSCO's Integrated Water Development System totaling approximately FOUR HUNDRED FIFTY FOUR THOUSAND DOLLARS (\$454,000.00) and completed the following activities in connection with the Trail Gulch Reservoir Water Rights and TOSCO's Integrated Water Development System: i. Updates to Water Availability, Infrastructure Costs, and Water Development Plan Analyses. BBA Water Consultants, Inc. (BBA) performed analyses necessary to: (1) confirm water remains available in priority for diversion by the Trail Gulch Reservoir Water Rights; (2) update cost estimates for the infrastructure, to confirm TOSCO will be able to complete the appropriations of the Trail Gulch Reservoir Water Rights; and (3) lay out the conceptual order in which TOSCO's Integrated Water Development System could be developed to meet varying levels of oil shale production demand. ii. Work On Diligence Application In This Matter. TOSCO, BBA, and TOSCO's legal counsel prepared this diligence application. iii. Ertl Gages Site Visits. BBA visited the Ertl Pipeline Gages annually to download stream stage data, perform maintenance on or replace the measuring equipment, and gage the streamflows. After each site visit, BBA calculated the streamflow in each creek using the stream stage and gaged streamflow data. iv. Ground Water Well Investigations. BBA performed multiple on-site investigations for TOSCO's Piceance Creek ground water wells that are part of TOSCO's Integrated Water Development System to: (1) observe and document the condition of the wells; (2) estimate flow rates of flowing artesian wells; (3) confirm water quality conditions; and (4) consider current and potential uses at each well. v. TOSCO Diligence Decree. TOSCO obtained findings of reasonable diligence for the following water rights that are part of TOSCO's Integrated Water Development System in consolidated Water Division 6 Case Nos. 21CW3011 and 21CW3019 to 21CW3025: (a) Camp Bird No. 12A Well; (b) S.G. No. 20 Well; (c) Camp Bird No. 12 Well; (d) TG 71-5 Well; (e) TG 71-3 Well; (f) Ohio No. 41 Well; (g) TG 71-4 Well; and (h) Liberty Bell No. 12 Well. vi. Pending TOSCO Water Divisions 5 and 6 Applications. TOSCO is pursuing diligence findings and other approvals regarding the water rights included in TOSCO's Integrated Water Development System in the following Water Divisions 5 and 6 cases: (1) Case No. 22CW3094. This Water Division 6 case seeks correction of the established, but erroneously described points of diversion for the Camp Bird No. 12 Well, the Camp Bird No. 12A Well and the TG 71-4 Well pursuant to C.R.S. § 37-92-305(3.6). (2) Case No. 23CW3038. This Water Division 6 case seeks findings of reasonable diligence for the conditional water rights for the Oldland Brothers No. 1-4 Well and Bute No. 25 Well. (3) Case No. 23CW3206. In this Water Division 5 case, TOSCO, its legal counsel, and consultants worked with Puckett Land Company to prepare a diligence application for The Oil Shale Company Pipeline and Pumping Plant water rights. (4) Case No. 24CW3012. This Water Division 6 case involves diligence proceedings for the following TOSCO conditional water rights: (a) Ertl Pipeline; (b) Miller Creek Pumping Pipeline; (c) Miller Creek Reservoir and Miller Creek Reservoir First Enlargement; (d) Hunter Creek Reservoir; (e) Story Gulch Reservoir and Story Gulch Reservoir First Enlargement; (f) Ohio/Ertl Pipeline; and (g) Story Gulch/Parachute Creek Pipeline. vii. Protection of Water Rights. TOSCO: (1) reviewed Water Divisions 5 and 6 resumes and substitute water supply plan notices to identify applications requiring opposition; (2) filed statements of opposition and actively participated in numerous matters in Water Divisions 5 and 6 as necessary to protect the water rights that are part of TOSCO's Integrated Water Development System, including the Trail Gulch Reservoir Water Rights; (3) without filing a statement of opposition, entered into a stipulation with the Yellow Jacket Water Conservancy District in Water Division 6 Case No. 20CW3031 to protect the water rights that are part of TOSCO's Integrated Water Development System, including the Trail Gulch Reservoir Water Rights; (4) reviewed and prepared objections to the 2020 Water Divisions 5 and 6 water rights abandonment lists; and (5) reviewed proposed Water Division 6 water measurement rules. 6. REQUESTED RULING. Based on the foregoing, TOSCO respectfully requests the Water Court enter a decree finding the conditional appropriations for the Trail Gulch Reservoir Water Rights are continued in their full decreed amounts and for all decreed purposes. (7 pages, 1 exhibit)

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

**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 AUGUST 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.***

**24CW3115 EAGLE COUNTY and PITKIN COUNTY, Application for Findings of Reasonable Diligence. Applicants:** Crown Mountain Park and Recreation District and the Eagle County Board of County Commissioners; *please direct all correspondence to Applicants' attorneys:* Mary Elizabeth Geiger, Garfield & Hecht, P.C., 910 Grand Avenue, Suite 201, Glenwood Springs, CO 81601, (970)947-1936, megeiger@garfieldhecht.com and Sara M. Dunn, Balcomb & Green, P.C., P.O. Box 790, Glenwood Springs, CO 81602, (970)945-6546, sarad@balcombgreen.com. *The Applicants request findings of reasonable diligence with regard to the following water right: Mt. Sopris Tree Nursery Well No. 1, First Enlargement. Prior Decrees:* Original decree entered on March 9, 2012, in Case No. 05CW161, and subsequent decree entered on August 12, 2018, in Case No. 18CW3031, District Court in and for Water Division No. 5. *Legal description:* The well is located in the NE1/4 of the NW1/4 of Section 3, Township 8 South, Range 87 West of the 6th Principal Meridian, 930 feet South of the North Section Line, 1600 feet East of the West Section Line of said Section 3. See Exhibit A to the Application. *Source: Groundwater tributary to the Roaring Fork River, tributary to the Colorado River. Depth:* 117 feet. *Appropriation Date:* August 31, 2005. *Amount:* 300 g.p.m. (0.67 cubic feet c.f.s.). 300 g.p.m. (0.67 c.f.s.), absolute, for irrigation. 300 g.p.m. (0.67 c.f.s.), conditional, for diversion to storage in the Crown Mountain Pond, described below, for recreational, piscatorial,

aesthetic and augmentation uses, and the right to fill and re-fill the Crown Mountain Pond. The Mt. Sopris Tree Nursery Well No. 1, First Enlargement, currently holds Well Permit No. 76759-F. The 300 g.p.m. rate is a cumulative rate for Mt. Sopris Tree Nursery Well No. 1, First Enlargement; Mt. Sopris Tree Nursery Well No. 3, First Enlargement; Mt. Sopris Tree Nursery Well No. 4, First Enlargement; and Mt. Sopris Tree Nursery Well No. 5 combined. *Uses:* Water is diverted for direct application to irrigation, and will be diverted to storage in the Crown Mountain Pond, described below, for irrigation, recreational, piscatorial, aesthetic and augmentation uses, and the right to fill and re-fill the Crown Mountain Pond for freshening flows to occasionally top off Crown Mountain Pond and to replace evaporation losses whenever water is available in priority or at such times as any out-of-priority depletions are offset by implementation of the plan for augmentation approved in Case No. 05CW161. *Legal description of the land irrigated:* 34.0 acres located in a portion of Tracts, 43, 45 and 46 of Section 3, Township 8 South, Range 87 West, 6th Principal Meridian, Eagle County, Colorado as depicted on Exhibit B to the Application. *Name and address of the owner of land upon which any new diversion or storage structure or modification to any existing diversion or storage structure is or will be constructed or upon which water is or will be stored, including modification to the existing storage pool:* Applicant Eagle County. *The Applicants request findings of reasonable diligence with regard to the following water right:* **Mt. Sopris Tree Nursery Well No. 3, First Enlargement.** *Prior Decrees:* Original decree entered on March 9, 2012, in Case No. 05CW161, and subsequent decree entered on August 12, 2018, in Case No. 18CW3031, District Court in and for Water Division No. 5. *Legal description:* The well is located in the NW1/4 of the NE1/4 of Section 3, Township 8 South, Range 87 West of the 6th Principal Meridian, 850 feet South of the North Section Line, 1340 feet West of the East Section Line of said Section 3. See Exhibit A to the Application. *Source:* Groundwater tributary to the Roaring Fork River, tributary to the Colorado River. *Depth of Well:* 110 feet. *Date of Appropriation:* August 31, 2005. *Amount:* 300 g.p.m. (0.67 c.f.s.). 300 g.p.m. (0.67 c.f.s.), absolute, for irrigation. 300 g.p.m. (0.67 c.f.s.), conditional, for diversion to storage in the Crown Mountain Pond, described below, for recreational, piscatorial, aesthetic and augmentation uses, and the right to fill and re-fill the Crown Mountain Pond. The 300 g.p.m. rate is a cumulative rate for Mt. Sopris Tree Nursery Well No. 1, First Enlargement; Mt. Sopris Tree Nursery Well No. 3, First Enlargement; Mt. Sopris Tree Nursery Well No. 4, First Enlargement; and Mt. Sopris Tree Nursery Well No. 5 combined. *Uses:* Water is diverted for direct application to irrigation, and will be diverted to storage in the Crown Mountain Pond, described below, for irrigation, recreational, piscatorial, aesthetic and augmentation uses, and the right to fill and re-fill the Crown Mountain Pond for freshening flows to occasionally top off Crown Mountain Pond and to replace evaporation losses whenever water is available in priority or at such times as any out-of-priority depletions are offset by implementation of the plan for augmentation approved in Case No. 05CW161. *Legal description of the land irrigated:* 34.0 acres located in a portion of Tracts, 43, 45 and 46 of Section 3, Township 8 South, Range 87 West, 6th Principal Meridian, Eagle County, Colorado, as depicted on Exhibit B to the Application. *Name and address of the owner of land upon which any new diversion or storage structure or modification to any existing diversion or storage structure is or will be constructed or upon which water is or will be stored, including modification to the existing storage pool:* Applicant Eagle County. *The Applicants request findings of reasonable diligence with regard to the following water right:* **Mt. Sopris Tree Nursery Well No. 4, First Enlargement.** *Prior Decrees:* Original decree entered on March 9, 2012, in Case No. 05CW161, and subsequent decree entered on August 12, 2018, in Case No. 18CW3031, District Court in and for Water Division No. 5. *Legal description:* The well is located in the NW1/4 of the NW1/4 of Section 3, Township 8 South, Range 87 West of the 6th Principal Meridian, 990 feet South of the North Section Line, 800 feet East of the West Section Line of said Section 3. See Exhibit A to the Application. *Source:* Groundwater tributary to the Roaring Fork River, tributary to the Colorado River. *Depth of Well:* 110 feet. *Date of Appropriation:* August 31, 2005. *Amount:* 300 g.p.m. (0.67 c.f.s.). 300 g.p.m. (0.67 c.f.s.), absolute, for irrigation. 300 g.p.m. (0.67 c.f.s.), conditional, for diversion to storage in the Crown Mountain Pond, described below, for recreational, piscatorial, aesthetic and augmentation uses, and the right to fill and re-fill the Crown Mountain Pond. Mt. Sopris Tree Nursery Well No. 4, First Enlargement, currently holds Well Permit No. 76970-F. The 300 g.p.m. rate is a cumulative rate for Mt. Sopris Tree Nursery Well No. 1, First Enlargement; Mt. Sopris Tree Nursery Well No. 3, First Enlargement; Mt. Sopris Tree Nursery Well No. 4, First Enlargement; and Mt. Sopris Tree Nursery Well No. 5 combined. *Uses:* Water is diverted for direct application to irrigation, and will be diverted to storage in the Crown Mountain Pond, described below, for irrigation, recreational, piscatorial, aesthetic and augmentation uses, and the right to fill and re-fill the Crown Mountain Pond for freshening flows to occasionally top off Crown Mountain Pond and to replace evaporation losses whenever water is available in priority or at such times as any out-of-priority depletions are offset by implementation of the plan for augmentation approved in Case No. 05CW161. *Legal description of the land irrigated:* 34.0 acres located in a portion of Tracts, 43, 45 and 46 of Section 3, Township 8 South, Range 87 West, 6th Principal Meridian, Eagle County, Colorado, as depicted on Exhibit B to the Application. *Name and address of the owner of land upon which any new diversion or storage structure or modification to any existing diversion or storage structure is or will be constructed or upon which water is or will be stored, including modification to the existing storage pool:* Applicant Eagle County. *The Applicants request findings of reasonable diligence with regard to the following water right:* **Mt. Sopris Tree Nursery Well No. 5.** *Prior Decrees:* Original decree entered on March 9, 2012, in Case No. 05CW161, and subsequent decree entered on August 12, 2018, in Case No. 18CW3031, District Court in and for Water Division No. 5. *Legal description:* The well is located in the NE1/4 of the NW1/4, Section 3, Township 8 South, Range 87 West, of the 6th Principal Meridian, 1760 feet South of the North line and 1820 feet East of the West Line of Section 3. See Exhibit A to the Application. *Source:* Groundwater tributary to the Roaring Fork River, tributary to the Colorado River. *Depth of Well:* 105 feet. *Date of Appropriation:* August 31, 2005. *Amount:* 300 g.p.m. (0.67 c.f.s.). 300 g.p.m. (0.67 c.f.s.), absolute, for irrigation. 300 g.p.m. (0.67 c.f.s.), conditional, for diversion to storage in the Crown Mountain Pond, described below, for recreational, piscatorial, aesthetic and augmentation uses, and the right to fill and re-fill the Crown Mountain Pond. Mt. Sopris Tree Nursery Well No. 5 currently holds Well Permit No. 76760-F. The 300 g.p.m. rate is a cumulative rate for Mt. Sopris Tree Nursery Well No. 1, First Enlargement; Mt. Sopris Tree Nursery Well No. 3, First Enlargement; Mt. Sopris Tree Nursery Well No. 4, First Enlargement; and Mt. Sopris Tree Nursery Well No. 5 combined. *Uses:* Water is diverted for direct application to irrigation, and will be diverted to storage in the Crown Mountain Pond,

described below, for irrigation, recreational, piscatorial, aesthetic and augmentation uses, and the right to fill and re-fill the Crown Mountain Pond for freshening flows to occasionally top off Crown Mountain Pond and to replace evaporation losses whenever water is available in priority or at such times as any out-of-priority depletions are offset by implementation of the plan for augmentation approved in Case No. 05CW161. *Legal description of the land irrigated:* 34.0 acres located in a portion of Tracts, 43, 45 and 46 of Section 3, Township 8 South, Range 87 West, 6th Principal Meridian, Eagle County, Colorado, as depicted on Exhibit B to the Application. *Name and address of the owner of land upon which any new diversion or storage structure or modification to any existing diversion or storage structure is or will be constructed or upon which water is or will be stored, including modification to the existing storage pool:* Applicant Eagle County. *The Applicants request findings of reasonable diligence with regard to the following water right:* **Crown Mountain Pond.** Prior Decrees: Original decree entered on March 9, 2012, in Case No. 05CW161, and subsequent decree entered on August 12, 2018, in Case No. 18CW3031, District Court in and for Water Division No. 5. *Legal description of location of dam:* The Crown Mountain Pond is located in the SE 1/4 of the NW 1/4 of Section 3, Township 8 South, Range 87 West of the 6<sup>th</sup> P.M., 1980 feet East of the West section line and 1761 feet South of the North section line of said Section 3. See Exhibit A to the Application. *Source:* The Mt. Sopris Tree Nursery Well Nos. 1, 3, 4 and 5, which withdraw groundwater tributary to the Roaring Fork River, tributary to the Colorado River. *Date of Appropriation:* October 31, 2009. *Amount:* 35 acre-feet (AF), conditional. *Uses:* Irrigation, recreational, piscatorial, aesthetic and augmentation uses, with the right to fill and re-fill. *Legal description of the land irrigated:* 34.0 acres located in a portion of Tracts, 43, 45 and 46 of Section 3, Township 8 South, Range 87 West, 6th Principal Meridian, Eagle County, Colorado, as depicted on Exhibit B. Surface area of high water line: 4.0 acres. Maximum height of dam: 15 feet. Length of dam in feet: 200 feet. Total capacity of reservoir: 35 AF. Active capacity - 35 AF. Dead storage - 0 AF *Name and address of the owner of land upon which any new diversion or storage structure or modification to any existing diversion or storage structure is or will be constructed or upon which water is or will be stored, including modification to the existing storage pool:* Applicant Eagle County. The Application includes a detailed description of activities undertaken during the diligence period toward the application of the remaining subject conditional water rights to beneficial use. (10 pages).

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

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

**24CW3116 APPLICATION FOR CHANGE OF CONDITIONAL WATER RIGHT. SUMMIT COUNTY.** 1. Name, address and telephone number(s) of Applicant: City of Colorado Springs Colorado Springs Utilities c/o Kim Gortz, Manager, Water Resources 1521 Hancock Expressway, Mail Code 1825 Colorado Springs, Colorado 80903 Phone: (719) 668-8748 Pleadings and all other filings with the court should be served on the undersigned counsel for the Applicant. 2. Applicant has entered into Settlement Agreement Concerning Water Rights ("Settlement Agreement") among Colorado River Water Conservation District, the County of Summit ("Summit County"), the Town of Breckenridge ("Breckenridge"), the Grand Valley Water Users Association, the Orchard Mesa Irrigation District, and the Ute Water Conservancy District, acting by and through the Ute Water Activity Enterprise. This change of water right claim is filed in furtherance of the Settlement Agreement. The terms of that Settlement Agreement govern the rights as between the parties to the Settlement Agreement. This Application does not seek an adjudication of the Settlement Agreement nor administration by the State of Division Engineer pursuant to the terms of the Settlement Agreement. The decree entered herein will govern the exercise and administration of the Lower Blue Lake Reservoir water right. 3. Decreed Water Right for which change is sought: A. Lower Blue Lake Reservoir ("Lower Blue Reservoir"). B. Date of original and all subsequent relevant decrees 1). Original Decrees: May 10, 1952, CA Nos. 1805 and 1806, Summit County District Court, and October 12, 1955, Consolidated Cases No. 2782, 5016, and 5017, United States District Court, Colorado. 2) Subsequent decree awarding diligence: The conditional water right for Lower Blue Reservoir has been continued as required by law, with the last diligence decree entered on March 24, 2009, Case No. 06CW132, Water Division No. 5. An application for a further finding of reasonable diligence is pending in this Court's Case No. 2015CW3019. C. Legal Description of Structure: Lower Blue Reservoir (also known as Lower Quandary Lake): the initial point of survey is located at a point whence the Northeast Corner of Section 3, Township 8 South, Range 78 West of the 6<sup>th</sup> P.M., bears North 54° East 503 feet. D. Decree **Source of water: Blue River, tributary to the Colorado River.** E. Date of Appropriation: May 13, 1948. F. Total Amount Decreed to Structure: 1006 acre-feet, conditional. G. Decreed Use: 1) From the May 10, 1952 Decree in Cases No. CA 1805 and 1806: to be used by and for the benefit of the inhabitants of the City of Colorado Springs and adjacent areas for domestic uses, fire protection, sewage disposal, manufacturing and industrial uses, street sprinkling and flushing, irrigation of lawns, trees, gardens, flowers and parks, and other municipal purposes. 2) From the October 10, 1955 Final Decree, Consolidated Cases No. 2782, 5016, and 5017 (hereafter the "Consolidated Blue River Cases"): for municipal purposes as defined in the Stipulation dated October 5, 1955, filed in the United States District Court for the District of Colorado, and set forth in full in the Findings of Fact and Conclusions of Law and incorporated into the Final Decree by reference. H. Amount of Water Applicant Intends to Change: 1006 acre-feet. 4. Detailed description of proposed change:

A. Applicant seeks the following alternate places of storage: 1). Change of up to 600 acre-feet to an alternate place of storage in a relocated smaller Lower Blue Reservoir. The location of the approximate center of the axis of the dam at the proposed new location is:

<b>UTM coordinates:</b> Easting 406079.52 Northing 4360297.49 <b>Zone 13</b>
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Source of UTM's : GIS Desktop Analysis;
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2. Change up to 600 acre-feet to an alternate place of storage in Montgomery Reservoir located in Water Division No. 1. The location of Montgomery Reservoir, as decreed on March 24, 1953, in Case No. CA 3286, by the Park County District Court, is in sections 13 and 14, T8S, R789W of the 6<sup>th</sup> P.M. The location of the approximate center of the axis of the dam is:

<b>UTM coordinates:</b> Easting 407,643.284 Northing 4,356,589.024 <b>Zone 13</b>
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Source of UTM's: GIS Desktop Analysis
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3). To effect the change in place of storage to an enlarged Montgomery Reservoir, the water legally and physically available at the original point of diversion of Lower Blue Reservoir will be conveyed down Monte Cristo Creek, diverted into Colorado Springs's Monte Cristo Creek Diversion structure (a.k.a. Blue River Ditch), and then delivered to Montgomery Reservoir. The location of Monte Cristo Creek diversion as decreed in Cases No. 1805 and 1806 is located at a point from whence the East quarter corner of Section 2, T8S, R78W of the 6<sup>th</sup> PM is South 80° 44'1" East a distance of 2096 feet.

<b>UTM coordinates :</b> Easting 407,213.403, Northing 4,359,812.486 <b>Zone 13</b>
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Source of UTM's: GIS Desktop Analysis
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A map depicting the original decreed location of Lower Blue Reservoir, the approximate location of the relocated Lower Blue Reservoir, the location of Montgomery Reservoir and the Monti Cristo Creek Diversion is attached as Exhibit A. 4) Total combined storage under the Lower Blue Reservoir water right at the alternate places of storage in the new Lower Blue Reservoir location and Montgomery Reservoir will not exceed 1006 acre-feet in any one year, April 1 to March 31, including any water carried over in storage from the prior April 1 to March 31. B. Pursuant to the Settlement Agreement, Applicant will provide a water supply for use by Breckenridge and Summit County principally in the smaller Lower Blue Reservoir. To implement that agreement, Applicant seeks to change the use of 1006 acre-feet of the Lower Blue Reservoir water right to include, in addition to the currently decreed uses, the following new uses to be made on the West Slope: 1) Breckenridge and Summit County will use water from Lower Blue Reservoir for municipal, domestic, commercial, industrial, irrigation, firefighting, snowmaking, augmentation and replacement of stream depletions to the Blue River or its tributaries upstream of Dillon Reservoir, exchange, recreation, piscatorial, and wildlife watering, with the right of reuse, successive use, and disposition to extinction, and use as water for repayment to Denver Water for Dillon Reservoir water provided under the Colorado River Cooperative Agreement. C. But for this change of water rights, water stored under the Lower Blue Reservoir water right would have been available under Colorado Springs' water rights for export from the Blue River Basin by Colorado Springs and would have represented a 100% depletion to the Blue River Basin. Accordingly, the application seeks the right for Breckenridge and Summit County to fully consume the water stored under the Lower Blue Reservoir water right by first use and by successive use pursuant to subsequent decrees entered by this court. D. Because the Lower Blue Reservoir water made available by Applicant to Breckenridge and Summit County will no longer be applied to beneficial use outside of the Colorado River Basin, the Applicant further requests a determination by the court that Breckenridge's and Summit County's use of that water will not be subject to the following requirements of the Blue River Decree that apply to Applicant's beneficial use of its 1948 Blue River Water Rights: 1) Submission to the Secretary of the Interior, on or before December 31 of each calendar year, beginning with the year water is first stored in Lower Blue Reservoir, a report showing by months for the water year ended September 30<sup>th</sup> last past, the quantities of water diverted from the Blue River System. 2) The quantities of return flow (unconsumed water) resulting from the use of such water. 3) What steps, by legal action or otherwise, have been taken to utilize such return flow by exchange or otherwise reduce or minimize the demand on Blue River water. 4) Exercise due diligence in taking, with respect to their return flow of water, all steps that, in view of legal limitations and economic feasibility, might reasonably be required of such entity in establishing, enforcing, utilizing, and operating a plan designed to minimize or reduce the demands on Blue River water. E. Redelivery of Water to Breckenridge and Summit County by substitution: Applicant also seeks the right to provide to Breckenridge and Summit County water stored under the Lower Blue Reservoir water right in an enlarged Montgomery Reservoir. This right will be implemented by Applicant releasing water diverted in priority under its 1948 Blue River direct flow water rights at the combination flume, or any one or more of the decreed points of diversion for its 1948 Blue River direct flow water rights (locations shown on the attached map). The water so released will be credited as a delivery of water under the changed Lower Blue Reservoir water right to Breckenridge and Summit County. An equal amount of water previously stored in an enlarged Montgomery Reservoir under the Lower Blue Reservoir water right will be booked over to Applicant as water diverted under its 1948 Blue River direct flow water rights. F. Applicant's 1948 Blue River direct flow water rights are the water rights with a May 13, 1948, appropriation date for the Crystal Ditch, Spruce Ditch, McCullough Ditch, East Hoosier Ditch, Hoosier Ditch, and Hoosier Tunnel

adjudicated in CA Nos. 1805 and 1806 by the Summit County District Court on March 10, 1952, and confirmed by the Blue River Decree. G. For all water from the Lower Blue Reservoir water right provided to Breckenridge and Summit County, Applicant will provide any "Substitution Water" required to satisfy Green Mountain Reservoir under the Blue River Decree, the Memorandum of Agreement Regarding Colorado Springs Substitution Operations dated May 15, 2003 and the Memorandum of Agreement dated as of October 15, 2003 among the Applicant and the County of Summit, Vail Summit Resorts, Inc., and the Town of Breckenridge (collectively the "2003 MOA"), the February 22, 2010 Memorandum of Agreement with the United States, and the Green Mountain Reservoir Administrative Protocol. H. 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: 1) United States Forest Service c/o District Ranger P. O. Box 620 Silverthorne, Colorado 80498-0620 (White River National Forest) 2) Summit County Box 68 Breckenridge, Colorado, 80424-0068 (U.S. Mineral Survey No. 2625 Antarctic Lode; U.S. Mineral Survey No. 4144A Mountain King Lode; U.S. Mineral Survey No. 4373A Silver Star Lode; U.S. Mineral Survey No. 5107 Robinson Millsite; U.S. Mineral Survey No. 6265 Dickson & Spot Cash Lodes; U.S. Mineral Survey No. 6632A Polaris, Western Star, Arctic & Arctic Extension Lodes; U.S. Mineral Survey No. 6632B Arctic Millsite) 3) City of Colorado Springs 30 So. Nevada Ave. Suite 601 Colorado Springs, Colorado 80903 (Mt. Gilead Placer, U.S. Mineral Survey No. 13160; Mayflower, U.S. Mineral Survey No. 11725; Bronson, U.S. Mineral Survey No. 11725; Garrison, U.S. Mineral Survey No. 11725; L.T. Frost, U.S. Mineral Survey No. 11389; Mt. Gilead, U.S. Mineral Survey No. 11389; E.J. Shaw, U.S. Mineral Survey No. 11389; Salt Lake, U.S. Mineral Survey No. 11389; Chicago Pl. LS, 1454 Blue Lakes Road) 4) Carolyn M. Holm c/o Janet C. McDermott P.O. Box 3716 Breckenridge, CO 80424-3716 (Star Mountain Lode, U.S. Mineral Survey No. 4145) 5) Eileen M. Sesson 6142 So. Marion Way Littleton, Colorado 80121 (A.W. Tabor, U.S. Mineral Survey No. 4393) 6) Jeffrey G. Pope P.O. Box 702 Pullman, Washington 99163 (A.W. Tabor, U.S. Mineral Survey No. 4393) 7. Pamela Begal 5240 S. Joilet Way Englewood, CO 80111 U.S. Mineral Survey No. 6632B Arctic Millsite)

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

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

**24CW3117 (18CW3001) (08CW202) APPLICATION FOR FINDINGS OF REASONABLE DILIGENCE IN SUMMIT AND GRAND COUNTIES, COLORADO**

**1. Name and address of Applicant:** Board of County Commissioners of Summit County ("Summit County"), c/o David Rossi, County Manager, Post Office Box 68, Breckenridge, Colorado 80424 c/o Thomas W. Korver, Esq., Hayes Poznanovic Korver LLC, 700 17<sup>th</sup> Street, Suite 1800, Denver, CO 80202, (303) 825-1980. **2. Name of water right:** Summit County Wolford Mountain Reservoir to Old Dillon Reservoir Exchange (the "Exchange"). **3. Description of exchange:** Water in storage in Wolford Mountain Reservoir that is available to Summit County pursuant to agreements with Middle Park Water Conservancy District is delivered to the Colorado River by way of Muddy Creek in order to supply downstream appropriators, and an equivalent amount of water is diverted at the headgate of the Dillon Ditch on Salt Lick Gulch, tributary to the Blue River, or in the alternative, diverted at a pump station on the Blue River at Dillon Reservoir for storage in Old Dillon Reservoir, as more fully described herein. The locations of the upstream and downstream termini of the exchange and Old Dillon Reservoir are depicted on the map attached to the application as Exhibit A and is available for inspection at the office of the Division 5 Water Clerk or via CCE. **A. Date of original decree:** The original decree for the Exchange was issued on January 22, 2012 in Case No. 08CW202, District Court, Water Division No. 5. **B. Subsequent diligence decree:** August 26, 2018, Case No. 18CW3001, District Court, Water Division No. 5. **C. Legal description:** i. Upstream termini. The upstream termini of the Exchange are: (1) the point of diversion for the Dillon Ditch, located on the south bank of Salt Lick Gulch at a point whence the SE corner of Section 14, T.5 S., R.78 W. of the 6th P.M. bears South 81 degrees 58' East 1832 feet; also described as a point located in the SW ¼ of the SE ¼ of Section 14, T.5 S., R.78 W. of the 6th P.M., approximately 260 feet from the South section line and 1910 feet from the East section line of said Section 14; and (2) a pump station to be located on the Blue River at Dillon Reservoir at a point located in the SW ¼ of the SE ¼ of Section 13, T.5 S., R.78 W. of the 6th P.M., approximately 210 feet from the South section line and 1355 feet from the East section line of said Section 13. The exchanged water diverted at the Dillon Ditch headgate will be stored in Old Dillon Reservoir, located in the SW¼ SE¼ and SE¼ SW¼ of Section 13, T.5 S., R.78 W. of the 6th P.M., in Summit County, Colorado. ii. Downstream terminus. The downstream terminus of the Exchange is the confluence of the Blue River and the Colorado River, in the NW¼ NE¼ of Section 19, T.1 N., R.80 W. of the 6th P.M., Grand County, Colorado, approximately 2,040 feet from the East section line, and 4,830 feet from the South section line of said Section 19. **D. Water and water rights used for substitution/replacement.** The substitute/replacement source for the Exchange is water stored in Wolford Mountain Reservoir, to which the Applicant is or may become entitled pursuant to an option agreement dated June 30, 2003 between Summit County and Middle Park Water Conservancy District ("Middle Park") and subsequent agreements between Summit County and Middle Park. Middle Park has an interest in 3,000 acre-feet of water stored in Wolford Mountain Reservoir by virtue of an agreement dated December 17, 1992 between the Colorado River Conservation District, the Board of County Commissioners of Grand County, and

Middle Park. The dam is located in the SW1/4 NE1/4 of Section 25, T.2N., R.81W. of the 6th P.M., Grand County, Colorado. The source of Wolford Mountain Reservoir is Muddy Creek and its tributaries, all tributary to the Colorado River. The Wolford Mountain Reservoir is owned and operated by the Colorado River Conservation District and has the following water rights: i. Case No. 87CW283: Decree Date: November 20, 1989. Court: District Court, Water Div. No. 5. Amount: 59,993 AF. Appropriation Date: December 14, 1987. Use: All beneficial uses, including but not limited to domestic, municipal, agricultural and recreational uses. ii. Case No. 95CW281: Decree Date: August 26, 1997. Court: District Court, Water Div. No. 5. Amount: 6,000 AF (enlargement). Appropriation Date: Jan. 16, 1995. Use: All beneficial uses by and for the benefit of the inhabitants of the River District, including but not limited to domestic, municipal, industrial, irrigation, agricultural, piscatorial, recreational and environmental mitigation. iii. Case No. 98CW237: Decree Date: July 6, 2000. Court: District Court, Water Div. No. 5. Amount: 30,000 AF (refill). Appropriation Date: Nov. 17, 1998. Use: Certain of the beneficial uses previously adjudicated for Wolford Mountain Reservoir in Cases No. 87CW283 and 95CW281. E. Appropriation Date: December 16, 2008. F. Amount: 8 c.f.s., conditional, with a total volumetric limit on the exchange of 300 acre-feet per year, conditional. G. Use: The water diverted by exchange will be used for municipal, domestic, commercial, irrigation, industrial, snowmaking, augmentation, replacement, exchange, recreation, piscatorial, and wildlife watering, with the right of reuse, successive use, and disposition to extinction. Use of the water right decreed herein for augmentation shall only occur pursuant to a substitute supply plan approved by the State Engineer, or a plan for augmentation approved by the Water Court. H. Terms, Conditions, and Limitations. The Exchange is subject to the terms, conditions, and limitations on the use of water set forth in the decree in Case No. 08CW202, which are incorporated herein by reference. 4. Evidence of Reasonable Diligence: The Exchange is part of an integrated system for supplying the water demands of Summit County. Other elements of the integrated system include the water sources described in paragraph 3.D above, associated water rights and contract rights, and the other water rights and conditional water rights associated with Old Dillon Reservoir, as decreed in Case Nos. 93CW288, 07CW223, 07CW226, 08CW201, and 12CW171. The application contains a summary of specific projects and work undertaken during the diligence period (from January, 2012 to January, 2018) in furtherance of the Exchange, and is available for inspection at the office of the Division 5 Water Clerk or via CCE. The list is not intended to be all inclusive and may be supplemented by additional evidence at any hearing in this matter. 5. Can and will. The conditional Exchange can and will be diverted, stored, or otherwise captured, possessed, and controlled, and will be beneficially used, with diligence in a reasonable time. C.R.S. § 37-92-305(9)(b). 6. 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: The Dillon Ditch, the pump station to be located on the Blue River at Dillon Reservoir, and Old Dillon Reservoir are located on land owned by the United States Forest Service, Dillon Ranger District, P.O. Box 620, Silverthorne, CO 80498. WHEREFORE, Summit County respectfully requests that this Court enter Findings of Fact, Conclusions of Law, and a Judgment and Decree: (1) finding that Summit County has been reasonably diligent in the development of the conditional right of exchange decreed in Case No. 08CW202, as described in the preceding paragraphs; (3) continuing said conditional right of exchange in full force and effect; and (4) granting such other relief as may be appropriate.

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

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

**24CW3118 (17CW3243) (07CW226) APPLICATION FOR FINDINGS OF REASONABLE DILIGENCE IN SUMMIT AND GRAND COUNTIES, COLORADO**

1. Name and address of Applicant: Board of County Commissioners of Summit County ("Summit County"), c/o David Rossi, County Manager, Post Office Box 68, Breckenridge, Colorado 80424 c/o Thomas W. Korver, Esq., Hayes Poznanovic Korver LLC, 700 17<sup>th</sup> Street, Suite 1800, Denver, CO 80202, (303) 825-1980. 2. Name of water right: Summit County Old Dillon Reservoir Exchanges. 3. Description of conditional rights of exchange: Pursuant to §§ 37-80-120, 37-83-104 & 37-92-302(1)(a), C.R.S., Summit County has adjudicated conditional appropriative rights of exchange whereby water in storage that is available to Summit County is delivered to the Blue River in order to supply downstream appropriators, and an equivalent amount of water is diverted at the headgate of the Dillon Ditch on Salt Lick Gulch, tributary to the Blue River, for storage in an enlarged Old Dillon Reservoir, as more fully described herein (the "Exchanges"). A. Date of original decree: The original decree for the Exchanges was issued on December 28, 2011 in Case No. 07CW226, District Court, Water Division No. 5 (the "Decree"). B. Subsequent diligence decree: August 12, 2018 in Case No. 17CW3243, District Court, Water Division No. 5. C. Appropriative rights of exchange: The upstream and downstream termini of the Exchanges are depicted on the map attached to the application as Exhibit A, available for inspection at the office of the Division 5 Water Clerk or via CCE. i. Location of structures and exchange reach: Upstream Terminus: The upstream terminus of the Exchanges is the point of diversion for the Dillon Ditch, located on the south bank of Salt Lick Gulch at a point whence the SE corner of Section 14, T.5 S., R.78 W. of the 6<sup>th</sup> P.M. bears South 81 degrees 58' East 1832 feet; also described as a point located in the SW ¼ of the SE ¼ of Section 14, Township 5 South, Range 78 West of the 6<sup>th</sup> P.M., approximately 260 feet from the South section line and 1,910 feet from the East section line of said Section 14. The exchanged water diverted at the Dillon



Ditch headgate will be stored in Old Dillon Reservoir, located in the SW1/4 SE1/4 and SE1/4 SW1/4 of Section 13, T.5 S., R.78W. of the 6<sup>th</sup> P.M. in Summit County, Colorado. Downstream terminus: The downstream terminus of the Exchanges is the confluence of Salt Lick Gulch and the Blue River, in the SW1/4 SE1/4 of Section 12, T.5.S., R.78 W. of the 6<sup>th</sup> P.M., Summit County, Colorado, at a point approximately 995 feet from the South line and 2305 feet from the East line of said Section 12. ii. Source of Water for Exchanges. The substitute/replacement source for the Exchanges is water from three sources: a. Water stored in Clinton Gulch Reservoir, pursuant to Applicant's shares in the Clinton Ditch & Reservoir Company. The water right for Clinton Gulch Reservoir was initially decreed by the District Court in and for Water Division No. 5 in Case No. W-2559 for 4,250 acre feet for industrial, domestic, irrigation, recreation, and fish and wildlife propagation uses. An additional right was subsequently decreed in Case No. 92CW65 for an enlarged use and second filling for domestic, municipal, irrigation, industrial, snowmaking, recreation, fish and wildlife propagation, and augmentation purposes. The Clinton Gulch Reservoir is operated pursuant to and entitled to the benefits of the Clinton Reservoir-Fraser River Water Agreement dated July 21, 1992 (the "Clinton Agreement") between Summit County, Denver Water, and other parties. The source of Clinton Gulch Reservoir is Clinton Creek, tributary to Ten Mile Creek, a tributary of the Blue River, and the dam is located at a point in the SW1/4 NW1/4 of Section 25, T.7.S., R.79W., 6<sup>th</sup> P.M. at a point whence the North quarter corner of said Section 25 bears N. 33°51'50" E. 2840.44 feet. As the owner of 1,550 shares of stock in the Clinton Ditch & Reservoir Company, Summit County is entitled to the annual release of 155 acre feet of water from Clinton Gulch Reservoir. Additional shares of stock in the Company that are now owned by Summit County are not a decreed source of the Exchanges and are not subject to this application. b. Water stored in Dillon Reservoir, to which the applicant is entitled pursuant to agreements between the Applicant and Denver Water. The storage right was decreed by the District Court of Summit County, Water District No. 36, in Civil Action Nos. 1805 and 1806, dated March 10, 1952, and confirmed by the United States District Court for the District of Colorado in Consolidated Case Nos. 2782, 5016 and 5017, dated October 12, 1955, in the amount of 252,678 acre feet for irrigation and municipal uses, including domestic use, mechanical use, manufacturing use, fire protection, street sprinkling, watering of parks, lawns and grounds. The sources of water stored in Dillon Reservoir are the Blue River, the Snake River, and Ten Mile Creek, all tributaries of the Colorado River. A refill right for the Dillon Reservoir was adjudicated in Case No. 87CW376, District Court in and for Water Division No. 5, dated February 13, 1997, in the amount of 175,000 acre feet for all municipal uses, including domestic use, mechanical use, manufacturing use, fire protection, street sprinkling, watering of parks, lawns and grounds, and flood control. Summit County is entitled to 35.31 acre feet of said Dillon Reservoir storage water pursuant to Paragraph 6(b) of the agreement dated September 18, 1985 between Summit County and Denver Water, as amended by letter agreement dated November 13, 1986 (the "Summit County Agreement"), recorded at Reception No. 357033 of the Summit County real property records. In addition, pursuant to the Clinton Agreement and to the Future Dillon/6(B) Agreement dated December 3, 2003 between Summit County and Denver Water, Summit County has converted 98.14 acre feet of the water available to it under the Summit County Agreement to Dillon Reservoir storage water. The release of the Applicant's Dillon Reservoir water for exchange use under this Ruling and Decree is subject to the Applicant's compliance with the relevant requirements of the Clinton Agreement, the Summit County Agreement, and the Future Dillon/6(b) Agreement. Denver Water will not release from Dillon Reservoir for use in the Exchanges any water described in this paragraph 3.C.ii.b that, during the same water year, has been specifically committed, and is necessary, to replace upstream out-of-priority depletions to Dillon Reservoir pursuant to the Applicant's augmentation plan decree in Case No. 95CW122, Water Division No. 5. Additional water stored in Dillon Reservoir to which Summit County is entitled pursuant to other agreements with Denver Water is not a decreed source of the Exchanges and is not subject to this application. c. Water stored in the "West Slope Account" of the Upper Blue Reservoir, to which Applicant may be entitled pursuant to the terms of the May 15, 2003 Memorandum of Agreement between Applicant, Colorado Springs Utilities, and other parties, subject to the terms of any decree that may be entered in Case No. 03CW320, Water Division No. 5; and one or more contracts between Applicant and the Colorado River Water Conservation District. Summit County is entitled to contract for the release of up to 100 acre feet of said Upper Blue storage water pursuant to the aforementioned Agreement. The dam of Upper Blue Reservoir is located across the channel of the Blue River, a natural stream, tributary to the Colorado River in Water District No. 36. The initial point of survey is located a point whence the Northeast corner of Section 3, Township 8 South, Range 78 West of the 6th Principal Meridian bears North 66° 30' East 3,728 feet. Water exchanged from this source may include reusable effluent and return flows from the use of this water by the County or its contractees. D. Appropriation date: December 11, 2007. E. Amount: 8 c.f.s., conditional, with a total volumetric limit on the exchange of 388 acre feet per year, conditional. In Case No. 2017CW3243, the Exchanges were made absolute in the amount of 7.35 c.f.s. of the decreed 8 c.f.s. and 153.4 acre-feet of the decreed 388 acre-feet, for all decreed purposes. F. Use: The water diverted by exchange will be used for municipal, domestic, commercial, irrigation, industrial, snowmaking, augmentation, replacement, exchange, recreation, piscatorial, and wildlife watering, with the right of reuse, successive use, and disposition to extinction. Use of the water right for augmentation shall only occur pursuant to a substitute supply plan approved by the State Engineer or a plan for augmentation approved by the Water Court. 4. Terms and conditions. Applicant's operation of the Exchanges shall be subject to the following additional terms and conditions: A. Live stream. The Exchanges may be operated only when there is a live surface stream within the entire applicable exchange reach; provided, however, that the Exchanges can call out any diversions junior to such exchanges to maintain a live stream. B. Amount of exchange/transmission losses. The amount of water diverted by exchange by Summit County shall be equal to the amount of water released for replacement, less a reasonable deduction for loss, if any there be, to be determined by the State Engineer pursuant to C.R.S. § 37-83-104. The Exchanges shall be limited to the amount of consumable water available from the sources listed in paragraphs 6.B.i-iii, not to exceed 8 c.f.s. at any time, and 388 acre feet annually. C. Water quality. The replacement water shall be of a quality and continuity to meet the requirements of use to which the senior appropriation involved in the exchange has normally been put. D. Accounting. Applicant, either individually or as a member of the Old Dillon Reservoir Water Authority ("Authority"), shall install and properly maintain at Summit County's or the Authority's expense such meters or other measuring devices as may be reasonably required

by the Division Engineer. The Authority, on behalf of Summit County, shall maintain accurate accounting on a daily basis of all water exchanged pursuant to the Decree and submit reports as reasonably requested by the Division Engineer, but no less frequently than annually. E. Accounting Year. The accounting year for administration of the water rights adjudicated in the Decree shall be April 1 through March 31 of the following year, unless modified by agreement of the Applicant and Division Engineer. F. Notification. Applicant shall notify the Water Commissioner and Denver Water prior to initiating and terminating the Exchanges. 5. Limitations on use of water. In accordance with a stipulation between Summit County and the Upper Blue Sanitation District (“the District”) in Case No. 07CW226, the appropriative rights of exchange adjudicated in the Decree are subject to the following limitations: A. The Decree does not adjudicate any right of exchange from Old Dillon Reservoir to points located in the Blue River basin upstream of Dillon Reservoir. B. Summit County will not use water stored in Old Dillon Reservoir pursuant to the appropriative rights of exchange that are the subject of the Decree as a source of the rights of exchange to any point of diversion or depletion in the Upper Blue River basin and Swan River basin that were adjudicated in paragraphs 6.a.(i)-(iv) and 6.b.(i)-(iv) of the Summit County plan for augmentation in Case No. 95CW122, Water Division No. 5, on May 10, 2004. Summit County will not use water stored in Old Dillon Reservoir pursuant to the appropriative rights of exchange that are the subject of the Decree as a source of replacement water for any diversion or depletion in the Swan River basin or the Upper Blue River basin above Dillon Reservoir unless a separate right of exchange of such water has been adjudicated in accordance with subparagraph C below. C. Any use of water stored in Old Dillon Reservoir pursuant to the appropriative rights of exchange that are the subject of the Decree as a source of exchange or replacement water for any diversion or depletion in the Swan River basin or the Upper Blue River basin above Dillon Reservoir will be: (a) the subject of a separate water court application, which the District would have an opportunity to oppose; and (b) junior in priority to (1) the minimum stream flow water rights held by the Colorado Water Conservation Board in the Blue River and (2) the District’s water rights decreed in Case Nos. 92CW300 and 96CW255. Any such exchange or replacement must provide the replacement water in the time, place and amount to prevent injury to any senior water right. 6. Evidence of Reasonable Diligence: The Exchanges are part of an integrated system for supplying the water demands of Summit County. Other elements of the integrated system include the replacement water sources described in paragraph 3.C above, associated water rights and contract rights, and the water rights and conditional water rights decreed to Old Dillon Reservoir in Case Nos. 93CW288, 07CW223, 08CW201, 08CW202, and 12CW171, Water Division No. 5. The application contains a summary of specific projects and work undertaken during the diligence period in furtherance of the Exchanges, and is available for inspection at the office of the Division 5 Water Clerk or via CCE. The list is not intended to be all inclusive and may be supplemented by additional evidence at any hearing in this matter. 7. Can and will. The remaining conditional amounts of the Exchanges can and will be diverted, stored, or otherwise captured, possessed, and controlled, and will be beneficially used, with diligence in a reasonable time. C.R.S. § 37-92-305(9)(b). 8. 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: Old Dillon Reservoir is located on land owned by the United States Forest Service, Dillon Ranger District, P.O. Box 620, Silverthorne, CO 80498. WHEREFORE, Summit County respectfully requests that this Court enter Findings of Fact, Conclusions of Law, and a Judgment and Decree: (1) finding that Summit County has been reasonably diligent in the development of the Exchanges as described in the preceding paragraphs; (2) continuing the remaining conditional rights of exchange in full force and effect; and (3) granting such other relief as may be appropriate.

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

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

**24CW3119 (Prior Case Nos. 17CW3205, 10CW204, 01CW34, 87CW58, 83CW84, and W-2554) IN GARFIELD COUNTY, COLORADO. APPLICATION FOR FINDINGS OF REASONABLE DILIGENCE** 1. Name, Address, and Telephone Number of Applicant. 1541 Mitchell Creek, LLC (Applicant) c/o Brooks Schaden (917-951-2160) Steve Kuznicki (720-774-3515) 1541 County Road 132 Glenwood Springs, Colorado 81601 Please direct all pleadings and correspondence to Applicant’s attorneys: Wayne F. Forman, Colo. Atty. Reg. No. 14082, Michael P. Smith, Colo. Atty. Reg. No. 48730, and Katherine J. Duncan, Colo. Atty. Reg. No. 47890 at Brownstein Hyatt Farber Schreck, LLP 675 Fifteenth Street, Suite 2900 Denver, CO 80202-4432 Phone Number: 303.223.1100 E-mail: wforman@bhfs.com; msmith@bhfs.com; kduncan@bhfs.com 2. Summary of Application. Applicant requests a finding of reasonable diligence for its conditional water rights in the Box Canyon Spring Water Supply System a/k/a Hermitage Ditch First Enlargement, Thompson Ditch First Enlargement, and Storm King Reservoir No. 1. The subject conditional water rights are intended to serve Applicant’s property known as the Storm King Ranch (the “Property” of the “Ranch”). See Figure 1 for a map depicting the location of the Ranch and the subject water rights. 3. Name of water right diversion structure. Box Canyon Spring Water Supply System a/k/a Hermitage Ditch First Enlargement 3.1 Decree: Case No. W-2554 entered on June 6, 1977 in District Court, Water Division 5. 3.2 Subsequent Decrees: Case Nos. 79CW61, 83CW84, 87CW58, 01CW34, 10CW204, and 17CW3205, all entered in District Court, Water Division 5. 3.3 Legal Description: The decreed point of diversion is located in the NW1/4 of the SE1/4 of

Section 28, Township 5 South, Range 89 West of the 6<sup>th</sup> P.M. at a point whence the Southeast corner of said Section 28 bears South 17 degrees 00' East 2,400 feet. This location may also be described as being located in the NW1/4 SE1/4, of Section 28, Township 5 South, Range 89 West of the 6<sup>th</sup> P.M. at a point 761 feet from the East section line and 2,281 feet from the South section line of said Section 28 (see Case No. 10CW204). 3.4 Source: **Dolan Gulch, tributary to Mitchell Creek, tributary to the Colorado River.** 3.5 Appropriation Date: September 25, 1974. 3.6 Amount and Uses: 2.0 cubic feet per second (c.f.s.) decreed for domestic, municipal, irrigation, industrial, and piscatorial purposes, distributed as follows: 3.6.1. 2.0 c.f.s., absolute, for irrigation and piscatorial uses (see Case Nos. 79CW61 and 87CW58); 3.6.2. 0.033 c.f.s. (15 gallons per minute (g.p.m.)), absolute, for domestic use (see Case No. 17CW3205); 3.6.3. 1.967 c.f.s., conditional for domestic use (see Case No. 17CW3205); 3.6.4. 0.027 c.f.s. (12 g.p.m.), absolute, for industrial use in the on-site carwash (see Case No. 17CW3205); 3.6.5 1.973 c.f.s., remaining conditional for industrial use (see Case No. 17CW3205); 3.6.6 2.0 c.f.s., conditional, municipal use. 4. Name of water right diversion structure. Thompson Ditch First Enlargement 4.1 Decree: Case No. W-2554 entered on June 6, 1977 in District Court, Water Division 5. 4.2 Subsequent Decrees: Case Nos. 83CW84, 86CW12, 87CW58, 01CW34, 10CW204, and 17CW3205, all entered in District Court, Water Division 5. 4.3 Legal Description: The decreed point of diversion is located in Section 34, Township 5 South, Range 89 West of the 6<sup>th</sup> P.M. whence the Northwest corner of said Section 34 bears North 26 degrees 18' 15" West 1,602.84 feet. This changed point of diversion was decreed in Case No. 86CW12. The location may also be described as being located in the NW1/4 NW1/4, of Section 34 Township 5 South, Range 89 West of the 6<sup>th</sup> P.M. at a point 754 feet from the West section line and 1,421 feet from the North section line of said section 34 (see Case No. 10CW204). 4.4 Source: Mitchell Creek, tributary to the Colorado River. 4.5 Appropriation Date: September 25, 1974. 4.6 Amount and Uses: 2.3 c.f.s., conditional, decreed for domestic, municipal, irrigation, industrial, and piscatorial purposes. 5. Name of water right storage structure. Storm King Reservoir No. 1 5.1 Decree: Case No. W-2554 entered on June 6, 1977 in District Court, Water Division 5. 5.2 Subsequent Decrees: Case Nos. 83CW84, 87CW58, 01CW34, 10CW203, 10CW204, and 17CW3205, all entered in District Court, Water Division 5. 5.3 Source: Dolan Gulch, tributary to Mitchell Creek, tributary to the Colorado River; and Mitchell Creek, tributary to the Colorado River. 5.4 Appropriation Date: September 25, 1974. 5.5 Amount and Uses: 160 acre-feet (a.f.) decreed for domestic, municipal, irrigation, industrial, and piscatorial purposes, distributed as follows: 5.5.1. 9.54 a.f., absolute, for irrigation and piscatorial uses (see Case Nos. 87CW58, 10CW204 and 17CW3205); 5.5.2. 150.46 a.f., conditional, for irrigation and piscatorial uses (see Case Nos. 87CW58, 10CW204 and 17CW3205); 5.5.3. 0.19 a.f., absolute, for domestic use in residential swimming pool (see Case No. 17CW3205); 5.5.4. 159.81 a.f., conditional, for domestic use (see Case No. 17CW3205); 5.5.5. 160 a.f., conditional, for municipal and industrial uses. 5.6 Legal Description: The decreed location of the dam is in the NW1/4 of the NW1/4 of Section 34, Township 5 South, Range 89 West of the 6<sup>th</sup> P.M. The intersection of the dam and Dolan Creek is at a point whence the Northwest corner of said Section 34 bears North 06 degrees 00' West 1,100 feet. This may also be described as being located in the NW1/4 NW1/4 of Section 34, Township 5 South, Range 89 West, of the 6<sup>th</sup> P.M., at a point 521 feet from the North section line and 125 feet from the West Section line of said section 34 (see Case No. 10CW204). 5.7 Alternate Places of Storage: In Case No. 10CW203, the Court recognized the six locations as alternate places of storage for the Storm King Reservoir No. 1, which are listed below. In Case No. 17CW3202, the Court recognized the Storm King Reservoir Pool as another alternate place of storage for the Storm King Reservoir No. 1. All locations are supplied by Dolan Gulch, which is tributary to Mitchell Creek, tributary to the Colorado River. Storm King Ranch Pond No. 1 is also supplied by Mitchell Creek, which is tributary to the Colorado River. 5.7.1. Dolan Gulch Upper Reservoir: 5.7.1.1. Legal Description: NW1/4 NW1/4 of Section 28, Township 5 South, Range 89 West, of the 6<sup>th</sup> P.M. at a point 933 feet from the North section line and 726 feet from the West section line of said section 28. 5.7.1.2. Amounts and Uses: Up to 25 a.f., of which 2.98 a.f. is decreed absolute for irrigation and piscatorial uses. 5.7.2. Storm King Ranch Pond No. 1: 5.7.2.1. Legal Description: SE1/4 SE1/4 of Section 28, Township 5 South, Range 89 West, of the 6<sup>th</sup> P.M. at a point 570 feet from the South section line and 560 feet from the East section line of said section 28. 5.7.2.2. Amounts and Uses: Up to 2.5 a.f., of which 0.15 a.f. is decreed absolute for irrigation and piscatorial uses. 5.7.3. Storm King Ranch Pond No. 2: 5.7.3.1. Legal Description: SE1/4 SE1/4 of Section 28, Township 5 South, Range 89 West, of the 6<sup>th</sup> P.M. at a point 409 feet from the South section line and 696 feet from the East section line of said section 28. 5.7.3.2. Amounts and Uses: Up to 5 a.f., of which 0.38 a.f. is decreed absolute for irrigation and piscatorial uses. 5.7.4. Storm King Ranch Pond No. 3: 5.7.4.1. Legal Description: SE1/4 SE1/4 of Section 28, Township 5 South, Range 89 West, of the 6<sup>th</sup> P.M. at a point 769 feet from the South section line and 781 feet from the East section line of said section 28. 5.7.4.2. Amounts and Uses: Up to 3 a.f., of which 0.45 a.f. is decreed absolute for irrigation and piscatorial uses. 5.7.5. Storm King Ranch Pond No. 4: 5.7.5.1. Legal Description: SE1/4 SE1/4 of Section 28, Township 5 South, Range 89 West, of the 6<sup>th</sup> P.M. at a point 702 feet from the South section line and 750 feet from the East section line of said section 28. 5.7.5.2. Amounts and Uses: Up to 2 a.f., of which 0.02 a.f. is decreed absolute for irrigation and piscatorial uses. 5.7.6. Storm King Ranch Pond No. 5: 5.7.6.1. Legal Description: SE1/4 SE1/4 of Section 28, Township 5 South, Range 89 West, of the 6<sup>th</sup> P.M. at a point 661 feet from the South section line and 673 feet from the East section line of said section 28. 5.7.6.2. Amounts and Uses: Up to 5 a.f., of which 0.04 a.f. is decreed absolute for irrigation and piscatorial uses. 5.7.7. Storm King Reservoir Pool: 5.7.7.1. Legal Description: SE1/4 SE1/4 of Section 28, Township 5 South, Range 89 West, of the 6<sup>th</sup> P.M. at a point 725 feet from the South section line and 985 feet from the East section line. 5.7.7.2. Source: Dolan Gulch, which is tributary to Mitchell Creek and tributary to the Colorado River. 5.7.7.3. Amount of Storm King Reservoir No.1 that may be stored at this alternate place of storage: Up to 0.3 a.f. The present capacity is 0.19 a.f., absolute (see Case No. 17CW3205). 5.7.7.4. Use: Domestic. 6. The name and address of the owner of land upon which the point of diversion is located: Applicant. 7. Detailed outline of activity during the diligence period. In Case No. 87CW58, the Court confirmed the subject conditional water rights are part of an integrated water supply for the Applicant's property. "When a project or integrated system is comprised of several features, work on one feature of the project or system shall be considered in finding that reasonable diligence has been shown in the development of water rights for all features of the entire project or system." C.R.S. § 37-92-301-(4)(b). During the relevant diligence period,

Applicant has taken steps to diligently develop the subject water rights including, but not limited to, the activities described below. 7.1 Since July 2018, Applicant has spent at least \$150,000 maintaining, upgrading, and improving the water system. Applicant contracted with Moser Irrigation, MTN West, and Skyline Renovation to repair and upgrade the domestic water and irrigation system. Since 2018, Applicant has spent over \$150,000 to perform a water trace, maintain the irrigation system, repair a lateral in the lower pasture, expand the irrigation later line in the orchard, rebuild lateral lines, replace and install a pump in the lower pasture, upgrade the drip irrigation system, replace and upgrade vault valves, enlarge spring boxes, modify a culvert drain, replace domestic tank control valves in Box Canyon, add capability to irrigate the upper pasture from Mitchell Creek pump while simultaneously irrigating Elk Knoll from lower pond pump, and trench new wires for pump controller. 7.2 In addition Applicant's ranch manager, his spouse, and Ranch employees have spent over approximately 840 hours to maintain the irrigation ditches and ponds that are part of the integrated system. This work has included removing trees, roots, plants, and other debris that damaged ditch liners and impeded flow; reestablishing ditches and ditch lines from the Hermitage spring to Lower Orchard Road over several seasons; and restored access to a spring box and to a concrete irrigation ditch splitter above the lower pond. 7.3 Applicant has also spent time, money, and effort improving the alternate places of storage for the Storm King Reservoir No. 1 water right. The morning glory spillway inlets for Storm King Reservoir No. 1, Dolan Gulch Upper Reservoir, and Storm King Ranch Pond No. 1 were raised by approximately 12 inches, 18 inches, and 8 inches, respectively, within the last two years, thereby increasing Applicant's ability to store water. Applicant also spent time and effort planning, and will move forward with, expanding Storm King Ranch Pond No. 2, replacing the liner, and raising the morning glory spillway inlet. 7.4 Applicant hired LRE Water to assist with planning to perfect the conditional portion of the subject water rights. LRE Water has made recommendations to Applicant on each of the subject water rights, and Applicant has expended hours consulting with water counsel and LRE Water regarding development of the conditional portion of the subject water right and related water-rights planning matters. LRE Water also provided recommendations for the Owner to consider during the next diligence period. This included the identification of three future alternate points of storage for Storm King Reservoir No. 1 and examination of where existing ponds may be able to be expanded so that the storage volumes may be further perfected. 7.5 Applicant has also continued activities on the property designed to put the water to beneficial use. A new house is under construction and will require additional domestic supply. Applicant is also in the process of planning for a second new house on the property. Applicant has also been working toward planting more fruit trees on the property and further developing the irrigation system to provide for those trees. 7.6 Finally, Applicant's planned activities on the water supply system were impeded and delayed due to the COVID-19 pandemic, which limited the availability of workers during the 2020 irrigation season, and impacted the supply chain for pipe and other materials. It also interrupted the timeline for planning and construction of the two new houses and planting additional crops. WHEREFORE, Applicant respectfully requests: 1. A finding of reasonable diligence as to all of the subject conditional water rights; 2. Continuing the subject conditional water rights in full force and effect; and 3. Such other relief as the Court deems just and proper.

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

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

**24CW3120 MESA COUNTY.** *Application for Findings of Reasonable Diligence and to Confirm Absolute.* Buzzard Creek, Coon Creek, Jerry Creek, Leon Creek, Mesa Creek, Monument Creek, Owens Creek, Park Creek, Willow Creek, and tributaries to the foregoing, all tributary to Plateau Creek; Plateau Creek tributary to Colorado River; and the Colorado River. Ute Water Conservancy District, through Ute Water Activity Enterprise (collectively "Applicant"), c/o Balcomb & Green, P.C., P.O. Drawer 790, Glenwood Springs, CO 81602; (970) 945-6546. All exhibits mentioned herein are incorporated by reference. A map of Applicant's current boundaries is Exh. A. Applicant requests a finding of reasonable diligence in the development of conditional rights described below ("Subject Water Rights") which are components of Applicant's integrated "Ute Water Conservancy District Water System." Applicant also requests confirmation that portions of three Subject Water Rights are absolute. Reasonable Diligence Claims. Name: Owens Creek Reservoir. Decree: Case No. 13368 on 4/13/1972, Mesa Cty. Dist. Ct. Diligence: 05CW08 on 12/16/2005, 11CW172 on 11/19/2012, and 18CW3172 on 05/26/2019 as corrected 6/2/2019, Dist. Ct, Water Div. No. 5. The initial point of survey of said reservoir high water line at the left abutment of the dam is at a point whence the E1/4 Corner of Sec. 27, T. 9 S., R. 92 W., of the 6th P.M. bears N. 32°57' E. 4,385.5 ft. *See* Exh. B. **SOURCE: OWENS CREEK AND BUZZARD CREEK, TRIBUTARY TO PLATEAU CREEK, TRIBUTARY TO THE COLORADO RIVER.** Approp. Date: 7/1/1952. Amt.: 7,151.9 AF, conditional. Use: Irrigation, domestic, livestock water, municipal, and industrial. Name: Buzzard Creek Dam and Reservoir. Decree: Case No. 13368 on 4/13/1972, Mesa Cty., Dist. Ct. Diligence: 05CW08 on 12/16/2005, 11CW172 on 11/19/2012, and 18CW3172 on 05/26/2019 as corrected on 6/2/2019, Dist. Ct, Water Div. No. 5. The initial point of survey of the high-water line is located at a point whence the E. 1/4 Corner of Sec. 23, T. 9 S., R. 94 W., of the 6th P.M. bears S. 42°00' E. 4,750 ft. *See* Exh. C. Source: Buzzard Creek, tributary to Plateau Creek, tributary to the Colorado River, together with water discharged into Buzzard Creek from the proposed Owens Creek Reservoir. Approp. Date: 4/17/1964. Amt.: 4,500 AF, conditional. Use: Irrigation, domestic, livestock water, power, piscatorial, fish culture, and recreation.

Name: Atwell East Ditch, Supplemental POD, Component of the Ute Water Conservancy District Water System. Decree: W-3996 on 10/13/1979, Dist. Ct, Water Div. No. 5. Diligence: 79CW359 on 2/8/1982, 83CW116 on 4/2/1984, 87CW204 on 5/10/1988, 91CW152 on 2/6/1992, 98CW17 on 7/27/1998, 04CW106 on 4/7/2005, 11CW53 on 3/8/2012, 18CW3030 on 8/12/2018, Dist. Ct, Water Div. No. 5. Located in the SE1/4 NW1/4 of Sec. 20, T. 10 S., R. 96 W., of 6th P.M. at a point whence the Center 1/4 Corner of said Sec. 20 bears S. 05°34'46" E. 1,200.56 ft. *See* Exh. D. Source: Seepage and springs in an unnamed drain tributary to Coon Creek, tributary to Plateau Creek, tributary to Colorado River. Approp. Date: 9/12/1978. Amt.: 2.82 c.f.s., conditional. Use: Domestic, industrial, and municipal.

Name: Atwell Waste & Seep Ditch Component of the Ute Water Conservancy District Water System. Decree: CA-2635 on 6/1/1916, Mesa Cty. Dist. Ct. Diligence: 79CW359 on 2/8/1982, 83CW116 on 4/2/1984, 87CW204 on 5/10/1988, 91CW152 on 2/6/1992, 98CW17 on 7/27/1998, 04CW106 on 4/7/2005, 11CW53 on 3/8/2012, 18CW3030 on 8/12/2018, Dist. Ct, Water Div. No. 5. Located on the N. bank of Spring Draw, at a point whence the W. 1/4 Corner of Sec. 20, T. 10 S., R. 96 W., of the 6th P.M. bears N. 19°44' W. 650 ft. *See* Exh. E. Source: Spring Draw, tributary to Mesa Creek, tributary to Plateau Creek, tributary to Colorado River. Approp. Date: 5/1/1908. Amt.: 0.36 c.f.s. of which 0.06 c.f.s. is conditional, and 0.30 c.f.s. is absolute. Use: Irrigation.

Name: Big Park Reservoir Component of the Ute Water Conservancy District Water System. Decree: W-253 on 7/26/1971, Dist. Ct, Water Div. No. 5. Diligence: W-253-72 on 7/17/1973, W-253-76 on 9/14/1978, 79CW359 on 2/8/1982, 83CW116 on 4/2/1984, 87CW204 on 5/10/1988, 91CW152 on 2/6/1992, 98CW17 on 7/27/1998, 04CW106 on 4/7/2005, 11CW53 on 3/8/2012, 18CW3030 on 8/12/2018, Dist. Ct, Water Div. No. 5. The description of reservoir survey at high water line is beginning at a point on the right end of the axis of the proposed dam which bears S. 35°30' W. 685 ft. from the S. 1/4 Corner of Sec. 32, T. 10 S., R. 93 W., of 6th P.M., thence S. 26°30' E. 840 ft., thence S. 12°30' E. 470 ft., thence S. 29°30' E. 370 ft., thence N. 84°30' W. 330 ft., thence S. 13°35' E. 500 ft., thence S. 19°05' W. 270 ft., thence N. 83°30' W. 395 ft., thence S. 58°30' W. 460 ft., thence S. 25°15' E. 530 ft., thence S. 13°30' E. 595 ft., thence S. 06°10' W. 335 ft., thence S. 21°30' W. 750 ft., thence N. 03°10' W. 1,010 ft., thence N. 40°20' W. 1,020 ft., thence N. 19°30' W. 825 ft., thence N. 29°50' W. 390 ft., thence N. 06°20' W. 220 ft., thence N. 32°45' W. 710 ft., thence N. 02°30' W. 550 ft., thence N. 82°35' E. 2,006 ft. along the dam to the point of beginning. *See* Exh. F. Source: Leon Creek and Park Creek, tributary to Plateau Creek, tributary to Colorado River. Approp. Date: 9/17/1970. Amt.: 5,650 AF, conditional. Uses: The original decree entered in W-253 described the uses as domestic and all other beneficial. The decree entered in 11CW53 clarified the uses were as follows: The water will be used for all municipal purposes, including without limitation domestic, household, mechanical, commercial, manufacturing, industrial, generation of power, fire protection, sewage treatment, street sprinkling, watering of parks, lawns, trees, gardens, and other grounds, the maintaining of adequate municipal reserves, and the adjustment and regulation of water in and between the various units and features of the Ute Water Conservancy District Water System. The water will be used for these purposes within the boundaries of the District, as such boundaries may be expanded in the future, in Mesa Cty., CO and within the boundaries of other political Subdivisions within Mesa Cty., CO, with which the Applicant has or may have contracts to provide water or water service. The water will also be used for augmentation, replacement and exchange purposes in connection with the delivery of water to Applicant's users within the boundaries of the District, as such boundaries may be expanded in the future, in Mesa Cty., CO and within the boundaries of other political Subdivisions within Mesa Cty., CO, with which the Applicant has or may have contracts to provide water or water service.

Name: Bridges Switch Pumping Plant and Pipeline Component of the Ute Water Conservancy District Water System. Decree: 81CW222 on 1/25/1982, Dist. Ct, Water Div. No. 5. Change: Alternate point of diversion (POD) in 17CW3239 on 6/3/2018, Dist. Ct, Water Div. No. 5. Diligence: 83CW116 on 4/2/1984, 87CW204 on 5/10/1988, 91CW152 on 2/6/1992, 04CW106 on 4/7/2005, 11CW53 on 3/8/2012, 18CW3030 on 8/12/2018, Dist. Ct, Water Div. No. 5. The original POD decreed in 81CW222 is located on the N. bank of the Colorado River at a point whence the NW Corner of Sec. 8, T. 1 S., R. 2 E., Ute Meridian, bears N. 00°23'11" W. 2,699.5 ft. *See* Exh. G. The alternate POD decreed in 17CW3239 is located at a point on the Colorado River located approximately 1,519 ft. S. of the N. Sec. line and 319 ft. W. of the E. Sec. line of Sec. 3, T. 11 S., R. 98 W., 6th P.M. UTM coordinates for the Alternate POD are: Northing: 4334833.892 meters; Easting: 73131S.003 meters, UTM, Zone 12, NAD83. *See* Exh. G-1. The Alternate POD is located at Applicant's Colorado River pumping station, identified in the records of the DWR as the Rapid Creek Pumping Plant, WDID No. 7201329. Source: Colorado River. Approp. Date: 6/2/1981. Amt.: 30 c.f.s., conditional. Uses: Municipal, domestic, irrigation, mechanical, manufacturing, generation of power, fire protection, sewage treatment, street sprinkling, watering of parks, lawns, and grounds, and maintaining municipal reserves.

Name: Coon Creek Pipeline Component of the Ute Water Conservancy District Water System. Decree: W-3921 on 10/14/1979, Dist. Ct, Water Div. No. 5. Change: Change in POD in 83CW239 on 11/27/1984, Dist. Ct, Water Div. No. 5. Diligence: 79CW359 on 2/8/1982, 83CW116 on 4/2/1984, 87CW204 on 5/10/1988, 91CW152 on 2/6/1992, 98CW17 on 7/27/1998, 04CW106 on 4/7/2005, 11CW53 on 3/8/2012, 18CW3030 on 8/12/2018, Dist. Ct, Water Div. No. 5. The Case No. 83CW239 POD is located in the NW1/4 NE1/4 of Sec. 20, T. 10 S., R. 96 W., of 6th P.M. at a point whence the Center of Sec. 17, T. 10 S., R. 96 W., of 6th P.M. bears N. 05°12' W. 3,221.9 ft. *See* Exh. H. Six alternate PODs decreed in W-3921 are located as follows (*and see* Exh. H-1): Alternate No. 1: Located on the left or W. bank of Coon Creek at a point whence the center 1/4 corner of Sec. 17, T. 10 S., R. 96 W., of the 6th P.M. bears S. 37°46'27" E., a distance of 862.93 ft. Alternate No. 2: Located at the overflow of Heely's Pond #4. The POD is located at the E. end of a pond at a point whence the center 1/4 corner of Sec. 17, T. 10 S., R. 96 W., of the 6th P.M. bears S. 41°30'12" E., a distance of 893.28 ft. Alternate No. 3: Located at the outlet of Heely's Pond #4. The outlet works POD is located on the left or S. bank of Plateau Creek at a point whence the center 1/4 corner of Sec. 17, T. 10 S., R. 96 W., of the 6th P.M. bears S. 57°00'27" E., a distance of 1,099.76 ft. Alternate No. 4: Located at a point adjacent to Heely's Pond #3 overflow. The POD is located on the left or S. bank of Plateau Creek at a point whence the center 1/4 corner of Sec. 17, T. 10 S., R. 96 W., of the 6th P.M. bears S. 61°46'47" E., a distance of 1,196.08 ft. Alternate No. 5: Located near Heely's Pond #3 spillway and outlet works. The POD is located in a drain at the W. end of a pond at a point whence the center 1/4 corner of Sec. 17, T. 10 S., R. 96 W., of the 6th P.M. bears S. 74°35'22" E., a distance of 1,289.97 ft. Alternate No. 6: Located near Heely's Pond #2 outlet. The POD is located in a drain at the W. end of a pond at a point whence the center 1/4 corner of Sec. 17,

T. 10 S., R. 96 W., of the 6th P.M. bears S. 82°02'09" E., a distance of 1,222.61 ft. Source: Coon Creek and/or Plateau Creek, tributary to Colorado River. Approp. Date: 9/1/1978. Amt.: 4.50 c.f.s., of which 0.4 c.f.s. is conditional, and 4.1 c.f.s. was confirmed absolute in 91CW152. Uses: Municipal, domestic, irrigation, mechanical, manufacturing, generation of power, fire protection, sewage treatment, street sprinkling, watering of parks, lawns, and grounds, and maintenance of adequate municipal reserves. Name: Coon Creek Pipeline Enlargement. Decree: 83CW223 on 5/23/1987, Dist. Ct, Water Div. No. 5. Diligence: 88CW81 on 9/30/1988, 91CW152 on 2/6/1992, 04CW106 on 4/7/2005, 11CW53 on 3/8/2012, 18CW3030 on 8/12/2018, Dist. Ct, Water Div. No. 5. The POD is located at a headgate on the Northerly Bank of Coon Creek from whence the center of Sec. 17, T. 10 S., R. 96 W., of the 6th P.M. bears N. 05°12' W., a distance of 3,221.9 ft. *See* Exh. H. Source: Coon Creek, tributary to Plateau Creek, tributary to Colorado River. Approp. Date: 9/1/1978. Amt.: 1.5 c.f.s., conditional. Use: Municipal, domestic, Irrigation, mechanical, manufacturing, generation of power, fire protection, use for sewage treatment, street sprinkling, watering of parks, lawns, and grounds and the maintaining of adequate municipal reserves. Name: Jerry Creek Reservoir No. 2 Component of the Ute Water Conservancy District Water System (Jerry Creek Priority). Decree: W-3921 on 10/14/1979, Dist. Ct, Water Div. No. 5. Diligence: 79CW359 on 2/8/1982, 83CW116 on 4/2/1984, 87CW204 on 5/10/1988, 91CW152 on 2/6/1992, 98CW17 on 7/27/1998, 04CW106 on 4/7/2005, 11CW53 on 3/8/2012, 18CW3030 on 8/12/2018, Dist. Ct, Water Div. No. 5. The intersection of the centerline axis of the dam and the right abutment thereof is located at a point whence the NE corner of Sec. 16, T. 10 S., R. 96 W., of the 6th P.M. bears N. 61°14'17" E., a distance of 2,621.22 ft. *See* Exh. I. Source: Jerry Creek, tributary to Plateau Creek, tributary to Colorado River. Approp. Date: 10/7/1977. Amt.: 7,791 AF, conditional. Use: All beneficial uses, including municipal, domestic, irrigation, mechanical, manufacturing, generation of power, fire protection, sewage treatment, street sprinkling, watering of parks, lawns, and grounds, the maintaining of adequate municipal reserves, replacement and the adjustment and regulation of the units of the Applicant's Ute Water Conservancy District Water System within themselves and with other water users. Name: Ute Pumping Station and Pipeline Component of the Ute Water Conservancy District Water System. Decree: CA-13368 on 4/13/1972, Mesa Cty. Dist. Ct. Diligence: W-822 on 3/13/1973, W-822-76 on 9/29/1977, 79CW359 on 2/8/1982, 83CW116 on 4/2/1984, 87CW204 on 5/10/1988, 91CW152 on 2/6/1992, 98CW17 on 7/27/1998, 04CW106 on 4/7/2005, 11CW53 on 3/8/2012, 18CW3030 on 8/12/2018, Dist. Ct, Water Div. No. 5. The Ute Pumping Station will pump water from the Colorado River at a point on its Northerly bank at a point whence the NE corner of Sec. 3, T. 1 S., R. 2 E., Ute Meridian, Mesa Cty., CO, bears N. 15°04' E. a distance of 2,059.7 ft. *See* Exh. J. Source: Colorado River. Approp. Date: 10/22/1962. Amt.: 50 c.f.s., conditional. Use: Irrigation purposes of the Grand Valley Irrigation Company in exchange for all uses of the District. Name: Kirkendall Reservoir, also known as Hunter Reservoir. Decree: CA 8303 on 7/21/1959, Mesa Cty. Dist. Ct. Diligence: W-167 on 6/25/1971, W-663 on 11/24/1972, W-167-77 on 9/15/1978, 80CW167 on 12/29/1980, 84CW170 on 4/9/1985, 88CW155 on 9/22/1989, 94CW88 on 9/28/1994, 00CW181 on 3/10/2001, 04CW106 on 4/7/2005, 11CW53 on 3/8/2012, 18CW3030 on 8/12/2018, Dist. Ct, Water Div. No. 5. From the initial point of survey of said reservoir being Corner No. 1, the E. 1/4 Corner of Sec. 29, T. 11 S., R. 93 W., of the 6th P.M. bears N. 78°58' W. 8,432 ft. *See* map as Exh. K. Source: Watershed of Leon Creek, tributary to Plateau Creek, tributary to Colorado River. Approp. Dates: 7/24/1952. Amt.: 582.49 AF, conditional. Use: Irrigation. Name: Kirkendall Reservoir (also known as Hunter Reservoir), Ute Water Enlargement. Decree: 06CW246 on 11/3/2007, Dist. Ct, Water Div. No. 5. Diligence: 11CW53 on 3/8/2012, 18CW3030 on 8/12/2018, Dist. Ct, Water Div. No. 5. The original decree for the Kirkendall Reservoir states the reservoir is located from the initial point of survey of said reservoir being Corner No. 1, the E. 1/4 Corner of Sec. 29, T. 11 S., R. 93 W., of the 6th P.M. bears N. 78°58' W. 8,432 ft. The actual location of Kirkendall Reservoir is described as the right embankment control point of the dam for the Reservoir is located N. 17°36' 02" W. a distance of 6,885 ft. from the SE Corner of Sec. 34, T. 11 S., R. 93 W., 6th P.M. This point is also described as being approximately 2,080 ft. from the E. Sec. line and 1,285 ft. from the S. Sec. line of Sec. 27, T. 11 S., R. 93 W., 6th P.M., in the SW1/4 SE1/4 of said Sec. 27. *See* Exh. K-1. Source: Leon Creek, springs, and natural runoff occurring above the reservoir, all tributary to Plateau Creek, tributary to the Colorado River. Approp. Date: 12/12/2001. Amt.: 1,340 AF, conditional, together with the right to fill and refill when water is available in priority. Uses: The water will be used to irrigate approximately 1,424 acres of land owned by District in the Plateau Creek Valley. The water will be used for all municipal purposes, including without limitation domestic, household, mechanical, commercial, manufacturing, industrial, generation of power, fire protection, sewage treatment, street sprinkling, watering of parks, lawns, trees, gardens, and other grounds, the maintaining of adequate municipal reserves, and the adjustment and regulation of water in and between the various units and features of the Applicant's Ute Water Conservancy District Water System. The water will be used for these purposes within the boundaries of the District, as such boundaries may be expanded in the future, in Mesa Cty., CO and within the boundaries of other political subdivisions within Mesa Cty., CO, with which the Applicant has or may have contracts to provide water or water service. The water will also be used for augmentation, replacement and exchange purposes in connection with the delivery of water to Applicant's users within the boundaries of the District, as such boundaries may be expanded in the future, in Mesa Cty., CO and within the boundaries of other political subdivisions within Mesa Cty., CO, with which the Applicant has or may have contracts to provide water or water service. Name: Monument Reservoir No. 1, Ute Water Enlargement. Decree: 09CW30 on 5/14/2012, Dist. Ct, Water Div. No. 5. Diligence: 18CW3030 on 8/12/2018, Dist. Ct, Water Div. No. 5. The existing decrees for the Monument Reservoir No. 1 state that the initial point of survey for the reservoir is at a point whence the SE Corner of Sec. 34, T. 10 S., R. 93 W., of the 6th P.M., bears N. 25°43' E., 12,408 ft. The actual location of is as follows: The center of the proposed enlarged dam of the Monument Reservoir No. 1, Ute Water Enlargement, will be located approximately 1,854 ft. from the E. Sec. line and 1,690 ft. from the S. Sec. line of Sec. 11, T. 11 S., R. 93 W., of the 6th P.M., in the NW1/4 SE1/4 of said Sec. 11. This is a more precise description of the location of the conditional water right for Monument Reservoir No. 1, Ute Water Enlargement, and it is not meant to change the previously decreed WRs at this structure. *See* Exh. L. Monument Reservoir No. 1, Ute Water Enlargement, is on channel, located on Monument Creek, tributary to Leon Creek, tributary to Plateau Creek, tributary to the Colorado River. Source: Monument Creek and its tributaries at or above the Monument Reservoir No. 1, Ute Water Enlargement, and springs and natural runoff occurring at or above Monument

Reservoir No. 1, all tributary to Leon Creek, tributary to Plateau Creek, tributary to the Colorado River. Approp. Date: 7/1/2005. Amt.: 4,682 AF, conditional, together with the right to fill and refill the Monument Reservoir No. 1, Ute Water Enlargement, when water is available in priority. Uses: All municipal purposes, including without limitation domestic, household, mechanical, commercial, manufacturing, industrial, generation of power, fire protection, sewage treatment, street sprinkling, watering of parks, lawns, trees, gardens, and other grounds, the maintaining of adequate municipal reserves, and the adjustment and regulation of water in and between the various units and features of the Ute Water Conservancy District Water System. The water will also be used for augmentation, replacement and exchange purposes in connection with the delivery of water to Applicant's users within the boundaries of the District, as such boundaries may be expanded in the future, in Mesa Cty., CO and within the boundaries of other political subdivisions within Mesa Cty., CO, with which the Applicant has or may have contracts to provide water or water service; provided, however, that such water can only be used by or for augmentation, replacement or exchange in connection with a plan approved in accordance with applicable law by the water court, the state engineer, or other appropriate administrative official. No appropriative rights of exchange were adjudicated in 09CW30. Water used for augmentation and replacement purposes shall be fully consumable. The water will be used for these purposes within the boundaries of the District, as such boundaries may be expanded in the future, in Mesa Cty., CO and within the boundaries of other political subdivisions within Mesa Cty., CO, with which the Applicant has or may have contracts to provide water or water service. It cannot be known at this time precisely how the boundaries of the District may be expanded in the future, but C.R.S. § 37-45-136 provides that the boundaries may be changed and additional areas, either contiguous or noncontiguous to the District, may be included within the District for service. In addition, C.R.S. § 37-83-106 provides that the Applicant may enter into cooperative agreements with other political subdivisions for the lease or exchange of water for use outside of Applicant's service boundaries. Name: Willow Creek Reservoir. Decree: 09CW29 on 6/4/2012, Dist. Ct, Water Div. No. 5. Diligence: 18CW3030 on 8/12/2018, Dist. Ct, Water Div. No. 5. The center of the proposed dam will be located approximately 1,960 ft. from the E. Sec. line and 754 ft. from the S. Sec. line of Sec. 14, T. 10 S., R. 92 W., 6th P.M., in the SW1/4 SE1/4 of said Sec. 14. See Exh. M. Source: The source of the reservoir is water flowing in Willow Creek and its tributaries at or above the reservoir, and springs and natural runoff occurring at or above the reservoir. All sources are tributary to Buzzard Creek, tributary to Plateau Creek, tributary to the Colorado River. Approp. Date: 7/1/2007. Amt.: 19,448 AF, conditional, together with the right to fill and refill the reservoir when water is available in priority. Uses: The water will be used for all municipal purposes, including without limitation domestic, household, mechanical, commercial, manufacturing, industrial, generation of power, fire protection, sewage treatment, street sprinkling, watering of parks, lawns, trees, gardens, and other grounds, the maintaining of adequate municipal reserves, and the adjustment and regulation of water in and between the various units and features of the Ute Water Conservancy District Water System. The water will be used for these purposes within the boundaries of the District, as such boundaries may be expanded in the future, in Mesa Cty., CO and within the boundaries of other political subdivisions within Mesa Cty., CO, with which the Applicant has or may have contracts to provide water or water service. It cannot be known at this time precisely how the boundaries of the District may be expanded in the future, but C.R.S. § 37-45-136 provides that the boundaries may be changed and additional areas, either contiguous or noncontiguous to the District, may be included within the District for service. In addition, C.R.S. § 37-83-106 provides that the Applicant may enter into cooperative agreements with other political subdivisions for the lease or exchange of water for use outside of Applicant's service boundaries. The water will also be used for augmentation, replacement and exchange purposes in connection with the delivery of water to Applicant's users within the boundaries of the District, as such boundaries may be expanded in the future, in Mesa Cty., CO and within the boundaries of other political subdivisions within Mesa Cty., CO, with which the Applicant has or may have contracts to provide water or water service; provided, however, that such water can only be used by or for augmentation, replacement or exchange in connection with a plan approved in accordance with applicable law by the water court, the state engineer, or other appropriate administrative official. No appropriative rights of exchange were adjudicated in 09CW29. Water used for augmentation and replacement purposes shall be fully consumable. Integrated System: Applicant's interests in the conditional Subject Water Rights are components of Applicant's portfolio of water rights and related infrastructure that comprise the Ute Water Conservancy Water District System, an integrated system comprised of several features; work on any one of feature of the Ute Water Conservancy District Water System constitutes reasonable diligence in the development of all the features of the system, including the conditional Subject Water Rights, pursuant to C.R.S. § 37-92-301(4)(b). Water rights currently included in the Ute Water Conservancy District Water System are shown in Exh. N. A list of diligence activities is included in the Application. Claims to Make Absolute. Bridges Switch Pumping Plant and Pipeline Component of the Ute Water Conservancy District Water System. Amt. Absolute: 14.24 c.f.s. Applicant diverted water at the alternate POD for this water right on 10/23/2023. Records maintained by the CO DWR indicate this water right was in priority and legally available on this date. Records substantiating this diversion are Exh. O. Coon Creek Pipeline Component of the Ute Water Conservancy District Water System. Amt. Made Absolute: 0.4 c.f.s., in addition to 4.1 c.f.s. previously confirmed absolute. Applicant diverted 6.1 c.f.s. of water at this structure from 7/1/1987 through 7/6/1987. Records maintained by the CO DWR indicate this water right was in priority and legally available on this date. 4.5 c.f.s. of this 6.1 c.f.s. is attributable to this water right. Records substantiating this diversion are Exh. P. Coon Creek Pipeline Enlargement. Amt. Made Absolute: 1.5 c.f.s. Applicant diverted 6.1 c.f.s. of water at this structure from 7/1/1987, through 7/6/1987. Records maintained by the CO DWR indicate this water right was in priority and legally available on this date. After fulfillment of the 4.5 c.f.s. senior priority, 1.5 c.f.s. of the 6.1 c.f.s. diversion is attributable to this priority. Records substantiating this diversion are Exh. P. Name and address of owners of lands on which structures are or will be located, upon which water is or will be stored, or upon which water is or will be placed to beneficial use: List of owners are stated in the application filed with the Ct. (26 pages, Exhs. A-P)

**YOU ARE HEREBY NOTIFIED THAT YOU HAVE until the last day of OCTOBER 2024 to file with the Water Clerk a verified Statement of Opposition setting forth facts as to why this application should not be granted or why it should be granted in part or on certain conditions. A copy of such statement of opposition must also be served upon the applicant or the applicant's**

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

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

24CW3121 COLORADO DIVISION OF PARKS AND WILDLIFE AND THE PARKS AND WILDLIFE COMMISSION, 317 W. Prospect Rd., Fort Collins, Colorado 80526. Please send all correspondence and inquiries regarding this matter to: Christopher R. Stork 720-508-6311, and Elizabeth M. Joyce 720-508-6761, Office of the Attorney General, 1300 Broadway, 7th Floor, Denver, Colorado. APPLICATION FOR FINDINGS OF REASONABLE DILIGENCE in GARFIELD COUNTY. **1. Name, mailing address, email address, and telephone number of Applicant:** Colorado Division of Parks and Wildlife (“CPW”) Attn: Pete Conovitz Water Rights Program Administrator 317 W. Prospect Rd., Fort Collins, Colorado 80526 pete.conovitz@state.co.us | 970-666-1365 **2. Applicant requests a finding of reasonable diligence for the conditional water right described as follows:** a. Name of structure: Central Lake b. Original decree: Case No. 10CW308, entered on March 27, 2012, by the District Court in and for Water Division 5. c. Subsequent decrees: Case No. 18CW3028, entered on August 26, 2018, by the District Court in and for Water Division 5. d. Legal Description: The center of the dam embankment is located within the SW¼ of the SE¼ Section 9, Township 3 South, Range 87 West of the 6th P.M., at a point 912 feet north of the south section line and 1,994 feet west of the east section line of said Section 9. This point is depicted on location map attached as **Exhibit A**. e. Names, sources, and capacities of structures used to fill Central Lake:

Structure	Capacity	Source
Keep Ditch	25 c.f.s.	Turret Creek
Sweetwater Pump & Pipeline	5.0 c.f.s.	Sweetwater Lake
Sweetwater Lake Spring	5.0 c.f.s.	Sweetwater Creek
Sweetwater Well Nos. 1-6	2.5 c.f.s.	Groundwater tributary to Sweetwater Creek
Sweetwater WWTP Reuse Discharge Line	0.67 c.f.s.	All of the above

**Turret Creek and Sweetwater Lake are tributary to Sweetwater Creek, tributary to the Colorado River.** f. Legal description of points of diversion: i. Keep Ditch: The decreed location of the headgate and point of diversion of the Keep Ditch 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. ii. Sweetwater Pump & Pipeline: The Sweetwater Pump and Pipeline is located within the SE ¼ of the SW ¼ of 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. iii. Sweetwater Lake Spring: The decreed point of diversion of Sweetwater Lake Spring is at a point in the SW¼ of Section 9, Township 3 South, Range 87 West of the 6th P.M., at a spring at the head of a tributary to Sweetwater Creek, whence the West Quarter Corner of said Section 9 bears North 29°59’ West a distance of 1550.57 feet. This location may also be described as being within the SW¼SW¼ Section 9, Township 3 South, Range 87 West of the 6th P.M. at a point 762 feet east of the west section line and 1,168 feet north of the south section line. iv. Sweetwater Wells:

Name	Section	¼ ¼	Location: Feet	Location: Feet
Sweetwater Well No. 1	5	SE SE	5790 FNL	4200 FWL
Sweetwater Well No. 2	9	NW NW	530 FNL	450 FWL
Sweetwater Well No. 3	9	SE NW	1750 FNL	2400 FWL
Sweetwater Well No. 4	9	NE SW	2630 FNL	2050 FWL
Sweetwater Well No. 5	9	SE SW	3450 FNL	1270 FWL
Sweetwater Well No. 6	9	SE SW	1010 FSL	2236 FWL

Notes: (a) FNL denotes distance south of the north line of section. (b) FWL denotes distance east of the west line of section. (c) FSL denotes distance north of the south line of section. (d) All well locations above are located in T 3 S, R 87 W of the 6th P.M. v. Sweetwater WWTP Reuse Discharge Line: Located in the SW ¼ of the SE ¼ of Section 9, Township 3 South, Range 87 West of the 6th P.M., at a point 860 feet north of the south section line and 1,910 feet west of the east section line of said Section 9. g. Appropriation date: December 10, 2010. h. Amount: 31.7 acre feet, conditional, with right to fill and refill continuously when in priority or operating pursuant to an approved and amended plan for augmentation. i. Rate of diversion for filling the reservoir: The maximum combined rate of diversion into Central Lake from any combination of the sources identified above will be 5.0 c.f.s j. Uses: Irrigation, recreation, fire protection, piscatorial and aesthetic purposes. k. Surface area of high water line: Approximately 2.15 acres. l. Vertical height of dam in feet: Approximately 2.0 feet. m. Length of dam in feet: Approximately 150 feet. n. Total capacity of pond: 31.7 acre feet. o. Active capacity: 29.2 acre feet. p. Dead storage: 2.5 acre feet. **3. 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 right is a component 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 right 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). **4. 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: a. 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. b. 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. c. 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. d. 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. e. 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. f. 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. g. 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. h. 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. i. 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. j. 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. k. 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. l. CPW has been coordinating with the USFS and together have engaged and selected a contractor, SE Group, to prepare an Environmental Impact Statement ("EIS") under the National Environmental Policy Act ("NEPA"). The NEPA process is currently underway and the ninety-day comment period on the draft EIS ended on August 5, 2024. m. On May 1, 2023, 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 in Case No. 23CW3071. The Division 5 Water Court entered a decree granting the claims for reasonable diligence on April 6, 2024. n. On September 29, 2023, CPW filed an application seeking a finding of reasonable diligence for 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 in Case No. 23CW3147. This case is currently pending before the Division 5 Water Court. **5. Owner of land upon which the structures are or may be located:** Applicant, CPW. WHEREFORE, CPW respectfully requests this Court enter a decree finding that CPW has exercised reasonable diligence in the development of the conditional water right, so that such conditional water right may continue in full force and effect and for such other and further relief as this Court deems necessary. (8 pages)

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

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

**24CW3122 EAGLE COUNTY - EAGLE RIVER OR ITS TRIBUTARIES.** The Town of Gypsum, c/o Kevin Patrick and Jason Groves, Patrick, Miller & Noto, P.C., 229 Midland Ave., Basalt, CO 81621. (970) 920-1030. APPLICATION FOR FINDING OF REASONABLE DILIGENCE. Eye Lake Supply Ditch. Original decree: 91CW254, Water Division 5, May 6, 1992. Subsequent diligence decrees: Case No. 18CW3050, August 26, 2018; Case No. 11CW83, April 12, 2012; Case No. 04CW167, May 9, 2005; Case No. 98CW86, October 27, 1998. Legal description (as changed in Case No. 02CW235): A point on an unnamed tributary within the Gypsum Creek drainage which delivers water into the L.E.D.E. Reservoir described as 500 feet west and 1530 feet south of the southwest corner of Section 1, Range 84 West, Township 7 South of the 6<sup>th</sup> P.M. (Eagle County). **Source: Red Creek and an unnamed tributary, tributary to the Gypsum Creek, tributary to the Eagle River, tributary to the Colorado River,** as changed in Case No. 02CW235. Appropriation date: August 23, 1991. Amount: 20 c.f.s., conditional. Uses: Delivery of water into storage in Eye Lake, as decreed in Case Nos. 91CW253 and 02CW235. General description of the place of use: Within the Town of Gypsum's physical service area including areas served extraterritorially by contract as such service area may be enlarged from time to time. A map and detailed outline of the work done toward completion of the appropriation, are on file with the court. The land upon which the Eye Lake Supply Ditch, Eye Lake, and L.E.D.E. Reservoir are located is owned by the United States Forest Service, 900 Grand Ave., Glenwood Springs, CO 81601. Applicant holds a Special Use Permit issued by the U.S. Forest Service (Auth ID: EAG152) for the L.E.D.E. Facility and all water rights decreed for use at this Facility. Remarks: The subject water right is a component of Applicant's integrated water supply project. *See Decree, Case No. 02CW235, ¶ 17.*

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

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

**24CW3123 IN GARFIELD COUNTY, COLORADO. APPLICATION FOR FINDING OF REASONABLE DILIGENCE.** Name and address of Applicant: Rippy Exemption Water Association c/o Toucan Land Company, RLLLP, P.O. Box 2198, Glenwood Springs, CO 81602. Please direct all correspondence, motions, and pleadings to Michael J. Sawyer or Danielle T. Skinner, KARP NEU HANLON, P.C., 201 14th Street, Suite 200, P.O. Drawer 2030, Glenwood Springs, CO 81602, (970) 945-2261 **FIRST CLAIM - APPLICATION FOR FINDING OF REASONABLE DILIGENCE.** Name of structure: *Rippy Well No. 1.* Date of original decree: November 28, 1984, in Case No. 82CW145, District Court in and for Water Division No. 5. Subsequent decrees awarding findings of diligence: February 27, 1989, in Case No. 88CW371; March 9, 1995, in Case No. 94CW227; May 31, 2004, in Case No. 01CW050; October 27, 2011, in Case No. 10CW143; and August 12, 2018, in Case No. 2017CW3195, each in the District Court in and for Water Division No. 5. Legal description: A point in the NE1/4 of the SE1/4 of Section 5, Township 6 South, Range 91 West of the 6th P.M. at a point 1,773 feet north of the South Section line and 215 feet west of the East Section line of said Section 5. **Source: Alluvial groundwater tributary to the Colorado River.** Appropriation date: January 1, 1970. Amount and uses: 0.067 c.f.s., conditional, for commercial, domestic, and irrigation uses. The full, cumulative amounts of the Rippy Well No. 1, Rippy Well No. 2, and Rippy Well No. 3 water rights are approved to be diverted at any one or combination of the points of diversion described in paragraphs 2.C., 4.C., and 6.C of the application. Depth: N/A. Remarks: The Rippy Well No. 1 water right was originally approved for irrigation, municipal, and domestic uses. Municipal use of the water right, exclusive of commercial use, was abandoned through the Revised Decree entered in Case No. 01CW050. The Rippy Well No. 1 water right will operate out of priority under the plan for augmentation approved in Case No. 82CW145, as amended in Case No. 01CW50. Claim for diligence: Applicant requests a finding of diligence for the Rippy Well No. 1 in the amount of 0.067 c.f.s., conditional, for commercial, domestic, and irrigation uses. **SECOND CLAIM - APPLICATION FOR FINDING OF REASONABLE DILIGENCE.** Name of structure: *Rippy Well No. 2.* Date of original decree: November 28, 1984, in Case No. 82CW145, District Court in and for Water Division No. 5. Subsequent decrees awarding findings of diligence: February 27, 1989, in Case No. 88CW371; March 9, 1995, in Case No. 94CW227; May 31, 2004, in Case No. 01CW050; October 27, 2011, in Case No. 10CW143; and August 12, 2018, in Case No. 2017CW3195, each in the District Court in and for Water Division No. 5. Legal

description: A point in the NE1/4 of the SE1/4 of Section 5, Township 6 South, Range 91 West of the 6th P.M. at a point 1,913 feet north of the South Section line and 50 feet west of the East Section line of said Section 5. Source: Alluvial groundwater tributary to the Colorado River. Appropriation date: January 1, 1970. Amount and uses: 0.067 c.f.s., for conditional, commercial, domestic, and irrigation uses. The full, cumulative amounts of the Rippy Well No. 1, Rippy Well No. 2, and Rippy Well No. 3 water rights are approved to be diverted at any one or combination of the points of diversion described in paragraphs 2.C., 4.C., and 6.C of the application. Depth: N/A. Remarks: The Rippy Well No. 2 water right was originally approved for irrigation, municipal, and domestic uses. Municipal use of the water right, exclusive of commercial use, was abandoned through the Revised Decree entered in Case No. 01CW050. The Rippy Well No. 2 water right will operate out of priority under the plan for augmentation approved in Case No. 82CW145, as amended in Case No. 01CW50. Claim for diligence: Applicant requests a finding of diligence for the Rippy Well No. 2 in the amount of 0.067 c.f.s., conditional, for commercial, domestic, and irrigation uses. **THIRD CLAIM - APPLICATION FOR FINDING OF REASONABLE DILIGENCE.** Name of structure: *Rippy Well No. 3*. Date of original decree: November 28, 1984, in Case No. 82CW145, District Court in and for Water Division No. 5. Subsequent decrees awarding findings of diligence: February 27, 1989, in Case No. 88CW371; March 9, 1995, in Case No. 94CW227; May 31, 2004, in Case No. 01CW050; October 27, 2011, in Case No. 10CW143; and August 12, 2018, in Case No. 2017CW3195, each in the District Court in and for Water Division No. 5. Legal description: A point in the NE1/4 of the SE1/4 of Section 5, Township 6 South, Range 91 West of the 6th P.M., at a point 2,063 feet north of the South Section line and 50 feet west of the East Section line of said Section 5. Source: Alluvial groundwater tributary to the Colorado River. Appropriation date: January 1, 1970. Amount and uses: 0.067 c.f.s., conditional, for domestic use; and 0.01 c.f.s., conditional, for commercial and irrigation uses. The Decree in Case No. 01CW050 confirmed 0.057 c.f.s., absolute, for commercial and irrigation uses. The full, cumulative amounts of the Rippy Well No. 1, Rippy Well No. 2, and Rippy Well No. 3 water rights are approved to be diverted at any one or combination of the points of diversion described in paragraphs 2.C., 4.C., and 6.C. of the application. Depth: 50 feet. Remarks: The Rippy Well No. 3 water right was originally approved for irrigation, municipal, and domestic uses. Municipal use of the water right, exclusive of commercial use, was abandoned through the Revised Decree entered in Case No. 01CW050. The Rippy Well No. 3 water right is permitted under Division of Water Resources Well Permit No. 45233-F. The Rippy Well No. 3 water right operates out of priority under the plan for augmentation approved in Case No. 82CW145, as amended in Case No. 01CW50. Claim for diligence: Applicant requests a finding of diligence for the Rippy Well No. 3 in the amounts of 0.067 c.f.s., conditional, for domestic use, and 0.01 c.f.s., conditional, for commercial and irrigation uses. Names and addresses of owners of land upon which structures are located: Toucan Land Company, RLLLP; P.O. Box 2198, Glenwood Springs, CO 81602. Toucan Land Company, RLLLP is a member of the Rippy Exemption Water Association. The following exhibits are on file with the Water Court: map depicting the location of the structures (Exhibit A), and a detailed outline of what has been done toward completion of the appropriation and application of the water rights to beneficial use as decreed, including expenditures (Exhibit B), Division of Water Resources Well Permit No. 45233-F for Rippy Well No. 3 (Exhibit C) (pp. 16 with exhibits).

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

**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 AUGUST 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.***

**24CW3124 PITKIN COUNTY, SNOWMASS CREEK, ROARING FORK RIVER, COLORADO RIVER.** Lincoln Land Holding, LLC, c/o Anne Marie McPhee, Oates, Knezevich, Gardenswartz, Kelly & Ticsay, P.C., 533 E. Hopkins Avenue, 3<sup>rd</sup> Floor, Aspen, CO 81611, (970) 920-1700. **Claim for Finding of Reasonable Diligence.** Structure: Dancing Bear Spring No. 1. Date of Original Decree: 3/29/2004. Water Division 5. Case No. 02CW387. Legal description: The point of diversion is in the SW 1/4, NW 1/4, of Section 35, Township 9 South, Range 86 West, of the 6th PM, with UTM coordinates of 329821 easting and 4343945 northing, located in Zone 13. Source: A spring tributary to Snowmass Creek, tributary to the Roaring Fork River, tributary to the Colorado River. Approp. Date: 11/19/2002. Decreed Amount: 0.25 cfs, cond. Decreed Use: Irrigation of 10 acres located in the E 1/2 of the NW 1/4 and the W 1/2 of the NE 1/4 of Section 34, T. 9 S., R. 86 W of the 6<sup>th</sup> P.M. If claim to make absolute: N/A. A detailed description of the work performed towards developing the subject water right and map with the location of the subject water right are on file with the Court. Owner of land where the structure is located and will be used: Applicant. (5 pages of original application, including map).

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**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 AUGUST 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.*

**24CW3125 MESA COUNTY. Application for Findings of Reasonable Diligence.** Applicant: Laramie Energy, LLC, c/o Sara M. Dunn & Andrea J. Hall, Balcomb & Green, P.C., P.O. Drawer 790, Glenwood Springs, CO 81602; (970) 945-6546. Applicant requests the Ct. find it has exercised reasonable diligence in the development of the Micale Commercial Well conditional water right. A map of the Micale Commercial Well and the location of the places of use by the shareholders of the Ranch Domestic Water Company as shown in Exh. A is on file with the Water Ct. Name of Structure: Micale Commercial Well. Original Decree: 92CW271 on 3/12/1996, Dist. Ct., Water Div. 5. Subsequent Diligence Decrees: 02CW61 on 9/28/2004, 10CW232 on 10/20/2011, and 17CW3193 on 08/05/2018. Legal Description: NW1/4 NW1/4 of Sec. 18, T. 10 S., R. 94 W., 6th P.M., at a point S. 56°46'34" E., 1,413.44 ft. from the NW corner of Sec. 18, approx. 1,200 ft. from the W. Sec. line and 800 ft. from the N. Sec. line. Actual Location as described in 10CW232: 1,280 ft. E. of the W. Sec. line and 660 ft. S. of the N. Sec. line, NW1/4 NW1/4, Sec. 18, T. 10 S., R. 94 W., 6th P.M. (This location is less than 200 ft. from the location stated in the original decree.) **Source: A seep area in a small unnamed draw tributary to the confluence of Little Creek and Grove Creek, tributary to Plateau Creek, tributary to the Colorado River.** Depth: 15 ft., as built. Date of Approp.: 08/15/1995. Amt.: 100 g.p.m. (0.22 c.f.s) absolute; 77.39 AF/yr (10.54 AF/yr absolute and 66.85 AF/year conditional). Use: Dom. and Irr. of lawn and garden, up to 2,000 square ft. per residence, for 150 single family residences. As decreed in 92CW271, not more than 125 of the single-family residences were to be located on land belonging to the Applicant and the additional 25 to be located in the Grove Creek area. Integrated System: The Micale Commercial Well is part of an integrated water system with YT Reservoir, the YT Reservoir Ditch, and the Rockwell Ditch, which were decreed as augmentation sources for the Micale Commercial Well in 92CW271, Dist. Ct., Water Div. 5. All work performed, and efforts and costs expended on any water right or structure that is part of this integrated water system constitutes development of water rights for all features of the system. C.R.S. § 37-92-301(4)(b). 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 conditional water rights. A list of diligence activities performed in the six years preceding the filing of this Application is on file with this Ct. Names and address of owners of land on which structure is or will be located, upon which water is or will be stored, or upon which water is or will be placed to beneficial use: Applicant. (5 pages of original application, Exh. A)

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

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

**24CW3126 MESA COUNTY. Application for Findings of Reasonable Diligence.** Applicant: Laramie Energy, LLC, c/o Sara M. Dunn & Andrea J. Hall, Balcomb & Green, P.C., P.O. Drawer 790, Glenwood Springs, CO 81602; (970) 945-6546. Applicant requests the Court find it has exercised reasonable diligence in the development of the Red Mountain Spring conditional water right. Name of Structure: Red Mountain Spring. Original Decree: 17CW3198 on 8/12/2018 Dist. Ct, Water Div 5. The spring collection system is located in the NW1/4 SE1/4 of Sec. 1, T. 10 S., R. 95 W., 6th P.M. at a point 2,465 ft. from the S. Sec. line and 2,411 Ft. from the E. Sec. line. The Red Mountain Spring Outlet Pipe is located in the NW1/4 SE1/4 of Sec. 1, T. 10 S., R. 95 W., 6th P.M. at a point 2,514 ft. from the S. Sec. line and 2,331 ft. from the E. Sec. line. Source: A near surface structure less than 10 ft. deep and located within 50 ft. of the spring collection system's natural discharge point. **The near surface structure is tributary to Muddy Gulch, tributary to Plateau Creek, a tributary of the Colorado River.** Date of Approp.: 10/31/2017. Amt.: 15 g.p.m., conditional. Uses: Irr. of up to 2 acres, stock and wildlife watering within Tract A of My Way Ranch Phase I Subdivision. A list of diligence activities performed in the six years preceding the filing of this Application is on file with this Ct. Names and address of owners of land on which structure is or will be located, upon which water is or will be stored, or upon which water is or will be placed to beneficial use: Applicant. (4 pages of original application, Fig. 1)

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**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 AUGUST 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.*

**24CW3127 GARFIELD COUNTY. APPLICATION FOR CHANGED POINTS OF DIVERSION.** 1. Name and address of Applicant: Meadow Creek, LLC Mark Magidson, Managing Partner c/o Tim Casey 1411 Mocking Place Los Angeles, CA 90069 Please direct copies of all pleadings to: Kristin H. Moseley Ryan J. Mitchell Somach Simmons & Dunn, P.C. 1155 Canyon Blvd., Suite 110 Boulder CO 80302 1. Background: Applicant owns the Ryden No. 1 Ditch and Ryden No. 1 Ditch First Enlargement water rights (collectively "Ryden No. 1 & 1st Enlargement"), and the Benson, Pierson, and Nelson Ditch and Benson Pierson, and Nelson Ditch First Enlargement water rights (collectively "BPN Ditch & 1st Enlargement") (all collectively the "Subject Water Rights"). The Subject Water Rights divert from Main Elk Creek. Figure 1. Elk Creek and its tributaries, including Main Elk Creek, are perennial streams that historically provided excellent spawning and rearing habitat for fish. Applicant is a participant in Trout Unlimited's Middle Colorado Agricultural Collaborative ("MCAC") Project, which seeks to improve the health of the greater Colorado River system, including the Elk Creek system, and fish population therein. Applicant's participation in the MCAC Project consists of two sub-projects: Project No. 1 changes the Ryden No. 1 & 1st Enlargement point of diversion to the C.O. and C.P. Pierson Ditch; and Project No. 2 changes the BPN Ditch & 1st Enlargement point of diversion to the Ryden No. 2 Ditch. Project Nos. 1 & 2 have received support and funding from the Colorado Water Conservation Board, Colorado River Water Conservation District, and the United States Bureau of Reclamation. 2. Description of Water Rights to be Changed: 2.1. Ryden No. 1 Ditch (WDID 3900656). 2.1.1. Decrees: In the District Court for Garfield County in Case No. CA3431 (January 11, 1943). 2.1.2. Location for original point of diversion: Located from which the SW corner Sec. 2, T5S, R91W of the 6th P.M. bears S. 84° 57' W. 1,627 ft 278964m E 4390692m N, Zone 13N. Exhibit A. 2.1.3. SOURCE: MAIN ELK CREEK, TRIBUTARY TO ELK CREEK, TRIBUTARY TO THE COLORADO RIVER. 2.1.4 Appropriation date: April 7, 1915. 2.1.5. Amount: 2.19 cubic feet per second ("cfs"), absolute. 2.1.6. Uses: Irrigation. 2.2. Ryden No. 1 Ditch First Enlargement (WDID 3900656). 2.2.1. Decrees: In the District Court for Garfield County in Case No. CA3431 (January 11, 1943). 2.2.2. Location for original point of diversion: Located from which the SW corner Sec. 2, T5S, R91W of the 6th P.M. bears S. 84° 57' W. 1,627 ft 278964m E 4390692m N, Zone 13N. Exhibit A. 2.2.3. Source: Main Elk Creek, tributary to Elk Creek, tributary to the Colorado River. 2.2.4. Appropriation date: March 4, 1921. 2.2.5. Amount: 3.31 cfs, absolute. 2.2.6. Uses: Irrigation. 2.3. Benson, Pierson, and Nelson Ditch (WDID 3900510). 2.3.1. Decrees: In the District Court for Garfield County in Case No. CA103 (May 11, 1889); in the District Court for Garfield County in Case No. CA2788 (June 26, 1930); in the District Court for Garfield County, Division 5 Water Court in Case No. 95CW42 (December 7, 1995). 2.3.2. Locations for original and alternate points of diversion: 2.3.2.1. Original Point of Diversion: Located from which the SW corner Sec. 2, T5S, R91W of the 6th P.M. bears N. 30° 12' W. 2,209 ft 278734m E, 4390156m N, Zone 13N. Exhibit A. 2.3.2.2. Alternate Point of Diversion: 2.3.2.2.1. Lower Pasture Alternate Ditch (WDID: 3900826): SW1/4, NW1/4, Sec. 14, T5S, R91W of the 6th P.M. 2,400 ft from the N. line and 550 feet from the W. line 278689m E, 4389656m N, Zone 13N. Exhibit A. 2.3.3. Source: Main Elk Creek, tributary to Elk Creek, tributary to the Colorado River. 2.3.4 Appropriation date: February 5, 1888. 2.3.5. Amount: 2.0 cfs, absolute. 2.3.6. Uses: Irrigation. 2.4. Benson, Pierson, and Nelson Ditch First Enlargement (WDID 3900510). 2.4.1. Decrees: In the District Court for Garfield County in Case No. CA3431 January 11, 1943); in the District Court for Garfield County, Division 5 Water Court in Case No. 95CW42 (December 7, 1995). 2.4.2. Locations for original and alternate points of diversion: 2.4.2.1. Original Point of Diversion: Located from which the SW corner Sec. 2, T5S, R91W of the 6th P.M. bears N. 30° 12' W. 2,209 ft 278734m E, 4390156m N, Zone 13N. Exhibit A. 2.4.2.2. Alternate Point of Diversion: 2.4.2.2.1. Lower Pasture Alternate Ditch (WDID: 3900826): SW1/4, NW1/4, Sec. 14, T5S, R91W of the 6th P.M. 2,400 ft from the N. line and 550 feet from the W. line 278689m E, 4389656m N, Zone 13N. Exhibit A. 2.4.3. Source: Main Elk Creek, tributary to Elk Creek, tributary to the Colorado River. 2.4.4. Appropriation date: March 4, 1921. 2.4.5. Amount: 2.0 cfs, absolute. 2.4.6. Uses: Irrigation. **CLAIM NO. 1: CHANGED POINT OF DIVERSION (Project No. 1)** 3. Description of Change: A change in the point of diversion for the combined full 5.5 cfs decreed to Ryden No. 1 & First Enlargement, from its decreed point of diversion to the new point of diversion described below: 3.1. Legal Description of New Point of Diversion: The C.O. & C.P. Pierson Ditch headgate (WDID: 3900525) located from which the SW corner Sec. 2, T5S, R91W of the 6th P.M. bears S. 76° 07' W. 2,009 ft 279028m E, 4390767m N, Zone 13N. Exhibit A. 3.2. Amount to be Changed: 2.19 cfs (Ryden No. 1 Ditch) and 3.31 cfs (Ryden No. 1 Ditch First Enlargement), for a combined 5.5 cfs. 3.3. Plan of Operation: The 5.5 cfs of the Ryden No. 1 & First Enlargement shall be diverted at the C.O. & C.P. Pierson Ditch Headgate, then piped down to the Ryden No. 1 Ditch, and delivered to the same lands described in Case No. CA3431. Figure 2. **CLAIM NO. 2: CHANGED POINT OF DIVERSION (Project No. 2)** 4. Description of Change: A change in the point of diversion for the combined full 6.0 cfs decreed to the BPN Ditch & 1st Enlargement, from its decreed point of diversion to the new point of diversion described below: 4.1. Legal Description of New Point of Diversion: The Ryden No. 2 Ditch headgate (WDID: 3900655) located from which the SW corner Sec. 2, T5S, R91W of the 6th P.M. bears N. 86° 06' W. 1,265 ft 278792m E, 4390590m N, Zone 13N. Exhibit A. 4.2. Amount to be Changed: 2.0 cfs (Benson, Pierson, and Nelson Ditch) and 2.0 cfs (Benson, Pierson, and Nelson Ditch First Enlargement), for a combined 4.0 cfs. 4.3. Plan of Operation: The 4.0 cfs of the BPN Ditch & 1st Enlargement shall be diverted at the Ryden No. 2 Ditch, then piped down to the Benson, Pierson, and Nelson Ditch, and delivered to the same lands described in Case Nos. CA103 and CA3431. Figure 3.

5. Names and address of owners or reputed owners of land upon which any new diversion or storage structure, or modification to any existing diversion or storage structure: all structures herein are located on land owned by Applicant.  
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**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 AUGUST 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.***

**24CW3128 PITKIN COUNTY.** Application for Finding of Reasonable Diligence. Applicant: City of Aspen, c/o Justin Forman, Utilities Director, 130 South Galena Street, Aspen, Colorado 81611, (970) 920-5110, [justin.forman@aspen.gov](mailto:justin.forman@aspen.gov), c/o Andrea L. Benson and Gilbert Y. Marchand, Jr., Alperstein & Covell, P.C., 2299 Pearl Street, Suite 400-C, Boulder, CO 80304. Name of structure: Maroon Creek Pipeline Intake and Diversion Dam. Description of conditional water right, with required information from the prior decree: Date of original decree: June 1, 1981, Case No.: 80CW564, Court: Water Court, Water Division No. 5. Subsequent decrees awarding diligence for all structures: Diligence has been awarded in Case Nos. 85CW121 (August 9, 1985), 89CW90 (August 29, 1989), 95CW177 (January 4, 1996), 02CW18 (September 3, 2002), 09CW146 (March 29, 2012), and 18CW3047 (August 21, 2018). Decreed location: The dam is located in the SE 1/4 of Section 21, T10S, R85W of the 6<sup>th</sup> P.M. in Pitkin County, Colorado, and from which intake an angle from the axis of the dam measured clockwise is 49°37' to Highland Peak and 86°05' to Pyramid Peak. The bearing along the dam is N 55°39' W. GPS Location Information in UTM format. (Required settings for GPS are as follows: Format must be UTM; Zone must be 12 or 13; Units must be Meters; Datum must be NAD83, and Units must be set to true North: Northing 4336641.718; Easting 337522.663, Zone 13. A map created from the Colorado Decision Support System ("CDSS") Map Viewer program is attached as Exhibit A. **Source of water: Maroon Creek, tributary to the Roaring Fork River.** Appropriation date: December 29, 1965. Amount: 68.4 cfs, conditional. Use: Municipal (including hydropower, domestic, irrigation, commercial, recreational, fish, game and wildlife propagation, mechanical, fire protection, and maintenance of storage.) Detailed outline of what has been done toward completion of the appropriation and application of water to beneficial use as conditionally decreed, including expenditures: Aspen owns and operates an integrated water supply system, with infrastructure currently consisting of a ditch system, Maroon Creek hydroelectric facility, water rights, diversion structures, wells, water mains, lines and distribution systems for both raw and treated water, pump systems, an operational reservoir (Leonard Thomas Reservoir located at the Aspen Water Treatment Campus), treatment plants and related infrastructure, which provides treated and untreated water for municipal uses, including hydropower and snowmaking uses, within the City, and extraterritorially by agreement. The Maroon Creek Pipeline Intake and Diversion Dam is part of Aspen's integrated water supply system. Pursuant to C.R.S. § 37-92-301(4)(b), when an integrated system is composed of several features, as is the case here, work on one feature of the system is considered in finding that reasonable diligence has been shown in the development of water rights for all features of the entire system. During this diligence period, Aspen has undertaken the following work, all of which is integral and prerequisite to the orderly development of this conditional water right. Aspen contracted for and paid approximately \$330,000, and spent approximately 450 in-house staff hours on repairs, improvements, and general maintenance of facilities used in connection with the Maroon Creek Pipeline Intake and Diversion Dam. Such repairs, improvements and maintenance include but are not limited to: daily headgate/pipeline intake checks and cleanup/out; treatment reconfiguring operations; ARV inspection, repairs and maintenance; butterfly valve inspections and maintenance; replaced roof of Maroon Creek Hydro building; installed service saddle, slide gates and overflow piping/structure improvements at Leonard Thomas Reservoir. Aspen, with the assistance of outside consultants, expended approximately \$250,000 and 120 in-house staff hours to evaluate, engineer, and/or develop additional improvements to the Maroon Creek Pipeline Intake and Diversion Dam and related infrastructure, including but not limited to pipeline and rehabilitation design of Leonard Thomas Reservoir. During this diligence period, Aspen has continued to improve, operate and maintain its integrated water supply system, of which this conditional water right is a part. To enable Aspen to more effectively provide water service to its existing and future customers, Aspen has spent additional funds for the construction, repair and improvement of its overall water system infrastructure and related infrastructure and projects that are part of the efficiency, operation and maintenance of its integrated water supply system. These efforts have allowed Aspen to continue to provide reliable water service to its customers, while planning for the future. Aspen has defended its water rights, including this conditional water right, against applications filed by others in cases in which Aspen has determined that injury to its water rights could occur in the absence of appropriate terms and conditions. Aspen has also applied for an obtained diligence on certain conditional water rights owned by the City. During this diligence period, Aspen has expended approximately \$225,000 in attorney fees in opposition to or applicant in water court applications, in order to protect and defend its water rights, in addition to negotiation of agreements pertaining to water rights and infrastructure, and other matters related to Aspen's water rights portfolio. Names and addresses of owners or reputed owners of the land upon which any new diversion structure 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 Maroon Creek Pipeline Intake and Diversion Dam is located on an easement owned by the City. The owner of the land on which the easement is located is: T Lazy Seven Ranch Corporation, c/o Rick Deane, 3129 Maroon Creek Road, Aspen, CO 81611. WHEREFORE, Applicant, the City of Aspen, requests that this Court find it has exercised reasonable diligence in putting to beneficial use the conditional water right, and to continue the conditional decree for another six years, or such period as may otherwise be permitted by law.

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**24CW3129 MESA COUNTY - COLORADO RIVER;** Desert Haven Homeowners Association, Inc., c/o Kirsten M. Kurath, McDonough Law Group LLC, 300 Main Street, Suite 1, Grand Junction, CO 81501, (970) 776-3311, and Travis M. Arnett and Joleen K. Arnett; c/o Nathan A. Keever, DUFFORD WALDECK, 744 Horizon Court, Suite 300, Grand Junction, CO 81506, (970) 248-5856; Application to Make Conditional Water Rights Absolute and for Finding of Reasonable Diligence; Names, addresses, and telephone numbers of Applicants: Desert Haven Homeowners Association, Inc. (“HOA”), c/o Dawn E. Mitchell, 726 Serenity Ct., Mack, CO 81525, (720) 810-4916; Travis M. and Joleen K. Arnett (the “Arnetts”); 1694 Arroyo Court, Mack, CO 81525, (970) 773-6745; Names of structures and description of conditional water rights: Currier Badger Wash Pump, Ditch and Regulating Storage Reservoir; Date of Original Decree: September 13, 1977; Case No: W-3287; Court: District Court, Water Division 5; Subsequent Decrees: Most recent: August 26, 2018, in Case No. 2018CW3048, Water Division 5. Past: Case Nos. 95CW215, 02CW65, 11CW90, Water Division 5; Location: The original decreed point of diversion is located in the NW1/4 N/E1/4, Sec. 19, T.9S., R.103W., 6th P.M., at a point whence the NE Corner of said Section 19 bears North 69° 02' East 2,288.08 feet. In Case No. 95CW215, Lorelee Pump Station was decreed to be an alternate point of diversion for this right. The Lorelee Pump Station is located 700 feet South of the North section line and 50 feet East of the West section line of Sec. 29, T.9S., R.103W., 6th P.M.; **SOURCE: THE SOURCE OF THE WATER IS BADGER WASH, TRIBUTARY TO WEST SALT CREEK, TRIBUTARY TO THE COLORADO RIVER;** Appropriation Date: December 17, 1976; Amount and uses: 5.0 c.f.s. for irrigation, fish propagation, recreation, livestock, and domestic purposes, conditional. The HOA has an interest in 1.1 c.f.s. of the conditional water rights. The Arnetts have an interest in 1.1 c.f.s. of the conditional water rights. Together the Applicants seek to make absolute 0.236 c.f.s. for irrigation and request a finding of diligence for all other uses on the remaining conditional water rights owned by the Applicants, henceforth referred to as the “Conditional Water Rights.” Upon information and belief, 1.745 c.f.s. of the water rights are owned by other interests and 1.055 c.f.s. of the water rights have been canceled; Detailed outline of work that has been done toward or for completion of the appropriation of the conditional water rights described above: During this diligence period, Gregory K. Dearth, a previous owner of the Conditional Water Rights, transferred his undivided interest in 1.1 c.f.s. of the Conditional Water Rights to Desert Haven Properties, LLC. Subsequently, Desert Haven Properties, LLC, transferred the full 1.1 c.f.s. interest in the Conditional water Rights to Applicant Desert Haven Homeowners Association, Inc. See the HOA’s Notice of Transfer of Conditional Water Rights on file with the Court. During this diligence period, on September 24, 2020, the previous owner of the Conditional Water Rights, William Hambright, transferred his interest in 1.1 c.f.s. of the Conditional Water Rights to the Arnetts by quitclaim deed recorded at Reception No. 2944591 in the records of Mesa County, Colorado. Since purchasing their property in 2020, the Arnetts have begun irrigating five acres of land. During this diligence period, the Arnetts retained legal counsel. A Notice of Transfer of Conditional Water Rights was filed with the Court on August 20, 2024. During this diligence period, all of the lots in the Desert Haven subdivision were sold and homes have been constructed on all of the lots. Each lot has irrigation facilities in order to use the Conditional Water Rights, but at the time of filing this Application, only Lot 3 and Lot 14 have been irrigating with the Conditional Water Rights. In June 2020, the HOA took over responsibility for the maintenance and operation of the irrigation facilities in place to put the Conditional Water Rights to beneficial use. In July 2020, the HOA assessed the system by inspection of the pump at the creek. At each lot, the assigned spigot was opened to clear out the air, and the pipes were filled with water so that any property owner could use the system.; During this diligence period, the owners of Lot 3 installed a Rainbird water system in order to irrigate their property from the surge tank. They have installed landscaping, raised garden beds, trees, shrubs and grass. The owners of Lot 14 have also installed the necessary facilities to irrigate trees and grass. Approximately 1 acre is currently being irrigated in the subdivision. Each year the HOA primes the system at the beginning of the irrigation season and winterizes the system. The HOA has paid approximately \$172 up to \$406 for the electrical costs to run the pump at the point of diversion. During this diligence period, the HOA has incurred expenses to maintain and repair the pump and portions of the irrigation facilities. The system is old and has required significant work to the pump and other portions of the system. The HOA has installed a timer on the pump for better efficiency and to fill the tank each day so it is ready for use. The HOA has spent approximately \$3718 on these activities to date. Such maintenance and repair are ongoing. During this diligence period, the HOA retained legal counsel. A Notice of Transfer of Conditional Water Rights was filed with the Court on July 10, 2024. During this diligence period the HOA and the Arnetts retained J.U.B. Engineers Inc. to measure the current diversion rate for the Conditional Water Rights. The Conditional Water Rights are currently being diverted at the rate of 0.236 c.f.s (105.8 gpm). The Conditional Water Rights have not been fully developed because most of the lots within the Desert Haven subdivision and the Arnetts’ property were only purchased within the last diligence period and they have not been completely developed. For some it is a matter of timing and for others it is a matter of expense after having purchased a lot and constructing a home. C.R.S. § 37-92-301(4)(c) provides that current economic conditions beyond the control of an applicant which adversely affect the feasibility of perfecting a conditional water right shall not be considered sufficient to deny a diligence application so long as other facts and circumstances which show diligence are present. The Applicants and their predecessors have taken significant steps to develop the Conditional Water Rights and have invested substantially in the infrastructure needed to put the Conditional Water Rights to beneficial use. The HOA has maintained the irrigation system that is in place for use once the lots are fully developed. The totality of the circumstances shows that diligence is present with respect to the Conditional Water Rights at this time. The foregoing outline is not intended to be all-inclusive but is illustrative of the continued diligence of the Applicants and their predecessors in interest with respect to the development of the Conditional Water Rights. If claim to make absolute in whole or in part: The HOA: Date water applied to beneficial use: April 1, 2021;

Amount: 0.039 c.f.s.; Use: Irrigation of one (1) acre. The Arnetts: Date water applied to beneficial use: April 1, 2021; Amount: 0.197 c.f.s.; Use: Irrigation of five (5) acres. Relief Requested: Applicants request that the Court determine, adjudge, and decree that: Applicants' request to make 0.236 c.f.s. absolute for irrigation as described above is granted. Applicants and their predecessors in interest have been reasonably diligent in this diligence period in the development of the Conditional Water Rights described above, and that such Conditional Water Rights should be continued. Applicants are entitled to such other and further relief as may be just and proper. (8 pages)

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**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 AUGUST 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.***

**24CW3130 MESA AND GARFIELD COUNTIES - COLORADO RIVER;** The High Lonesome Ranch, LLC; c/o John R. Pierce, DUFFORD WALDECK, 744 Horizon Court, Suite 300, Grand Junction, CO 81506, (970) 248-5865; **APPLICATION TO MAKE CONDITIONAL WATER RIGHTS ABSOLUTE AND FOR FINDING OF REASONABLE DILIGENCE;** Name, address, and telephone number of applicant: The High Lonesome Ranch, LLC; P.O. Box 88; DeBeque, CO 81630; (970) 283-9420; Request to make absolute and for finding of diligence: Name of structure: Paul Pond; Describe conditional water right: Date of Original Decree: January 31, 1995; Case No.: 94CW186; Subsequent decrees awarding diligence: 01CW29, 10CW169, 17CW3206; Legal description: The center of Paul Pond is located at a point 940 feet from the west section line and 954 feet from the south section line of Section 30, Township 5 South, Range 100 West of the 6th P.M.; Source of water: **Surface runoff from the Paul Spring, tributary to Lissa Creek, tributary to Roan Creek, tributary to the Colorado River;** Appropriation Date: August 12, 1994; Amount: 8.0 a.f., of which 0.5 a.f. has been made absolute and 7.5 a.f. remains conditional; Use: Livestock watering and wildlife watering, both directly from the pond, piscatorial, and fire protection; Outline of work toward completion or for completion of the appropriation and application of water to a beneficial use as conditionally decreed, including expenditures, during the previous diligence period: Applicant has enlarged the Paul Pond to 1.95 a.f. and has impounded water for beneficial use; If claim to make absolute in whole or in part: Date water applied to beneficial use: The enlarged Paul Pond was filled in priority under its decreed water right on or before August 31, 2024; Amount: Applicant requests to make absolute 1.45 a.f., in addition to the 0.5 a.f. already made absolute, for a total absolute amount of 1.95 a.f., leaving 6.05 a.f. conditional; Use: Livestock watering and wildlife watering, both directly from the pond, piscatorial, and fire protection; Request to make absolute and for finding of diligence: Name of structure: Cooper Pond No. 1; Describe conditional water right: Date of Original Decree: January 31, 1995; Case No.: 94CW186; Subsequent decrees awarding diligence: 01CW29, 10CW169, 17CW3206; Legal description: The center of Cooper Pond No. 1 is located at a point 611 feet from the east section line and 262 feet from the south section line of Section 31, Township 5 South, Range 100 West of the 6th P.M.; Source of water: Surface runoff from unnamed tributary to Roan Creek, tributary to the Colorado River; Appropriation Date: August 12, 1994; Amount: 7.5 a.f., of which 0.35 a.f. was made absolute and 7.15 a.f. remains conditional; Use: Livestock watering and wildlife watering, both directly from the pond, piscatorial, and fire protection; Outline of work toward completion or for completion of the appropriation and application of water to a beneficial use as conditionally decreed, including expenditures, during the previous diligence period: Applicant has enlarged the Cooper Pond No. 1 to 2.12 a.f. and has impounded water for beneficial use; If claim to make absolute in whole or in part: Date water applied to beneficial use: May 13, 2022; Amount: 1.77 a.f. in addition to the 0.35 a.f. already made absolute, for a total of 2.12 a.f. absolute, leaving 5.38 a.f. conditional; Use: Livestock watering and wildlife watering, both directly from the pond, piscatorial, and fire protection; Request for finding of diligence: Name of structure: Cooper Pond No. 2; Describe conditional water right: Date of Original Decree: January 31, 1995; Case No.: 94CW186; Subsequent decrees awarding diligence: 01CW29, 10CW169, 17CW3206; Legal description: The center of Cooper Pond No. 2 is located at a point 499 feet from the east line and 137 feet from the south line of Section 31, Township 5 South, Range 100 West of the 6th P.M.; Source of water: Surface runoff including water from the Cooper Spring, tributary to Roan Creek, tributary to the Colorado River; Appropriation Date: August 12, 1994; Amount: 8.0 a.f., of which 1.07 a.f. has been made absolute leaving 6.93 a.f. conditional; Use: Livestock watering and wildlife watering, both directly from the pond, piscatorial, and fire protection; Outline of work toward completion or for completion of the appropriation and application of water to a beneficial use as conditionally decreed, including expenditures, during the previous diligence period: During this diligence period Applicant has dedicated its resources to the enlargement of the neighboring ponds. Applicant intends to enlarge the Cooper Pond No. 2 in the future; Request to make absolute and for finding of diligence: Name of structure: Buck Pond No. 1; Describe conditional water right: Date of Original Decree: January 31, 1995; Case No.: 94CW186; Subsequent decrees awarding diligence: 01CW29, 10CW169, 17CW3206; Legal description: The center of Buck Pond No. 1 is located at a point 3,196 feet from the west section line and 415 feet from the south section line of Section 11, Township 6 South, Range 101 West of the 6th P.M.; Source of water: Runoff water from the Buck Spring No. 1, tributary to Buck Canyon Creek, tributary to Roan Creek, tributary to the Colorado River; Appropriation Date: August 12, 1994; Amount: 8.0 a.f., of which 0.78 a.f. has been made absolute leaving 7.22 a.f. conditional; Use: Livestock watering and wildlife watering, both directly from the pond, piscatorial, and fire protection; Outline of work toward completion or for completion of the appropriation and application of



water to a beneficial use as conditionally decreed, including expenditures, during the previous diligence period: Applicant has enlarged the Buck Pond No. 1 to 1.85 a.f. and has impounded water for beneficial use; If claim to make absolute in whole or in part: Date water applied to beneficial use: On or before August 31, 2024; Amount: 1.07 a.f., absolute, in addition to the 0.78 a.f. already made absolute for a total of 1.85 a.f. absolute, leaving 6.15 a.f. conditional; Use: Livestock watering and wildlife watering, both directly from the pond, piscatorial, and fire protection; Request to make absolute and for finding of diligence: Name of structure: Buck Pond No. 2; Describe conditional water right: Date of Original Decree: January 31, 1995; Case No.: 94CW186; Subsequent decrees awarding diligence: 01CW29, 10CW169, 17CW3206; Legal description: The center of Buck Pond No. 2 is located at a point 3,300 feet from the west section line and 700 feet from the south section line of Section 11, Township 6 South, Range 101 West of the 6th P.M.; Source of water: Runoff water from the Buck Spring No. 1, tributary to Buck Canyon Creek, tributary to Roan Creek, tributary to the Colorado River; Appropriation Date: August 12, 1994; Amount: 8.0 a.f., conditional; Use: Livestock watering and wildlife watering, both directly from the pond, piscatorial, and fire protection; Outline of work toward completion or for completion of the appropriation and application of water to a beneficial use as conditionally decreed, including expenditures, during the previous diligence period: Applicant has partially constructed the Buck Pond No. 2 to a capacity of 0.06 a.f. and has filled the pond for beneficial use; If claim to make absolute in whole or in part: Date water applied to beneficial use: On or before August 31, 2024; Amount: 0.06 a.f., absolute, leaving 7.94 a.f. conditional; Use: Livestock watering and wildlife watering, both directly from the pond, piscatorial, and fire protection; Request to make absolute and for finding of diligence: Name of structure: Elk Pond No. 1; Describe conditional water right: Date of Original Decree: January 31, 1995; Case No.: 94CW186; Subsequent decrees awarding diligence: 01CW29, 10CW169, 17CW3206; Legal description: The center of Elk Pond No. 1 is located at a point 1,467 feet from the east section line and 1,394 from the north section line of Section 24, Township 6 South, Range 101 West of the 6th P.M.; Source of water: Surface runoff from the Mud Spring, tributary to Roan Creek, tributary to the Colorado River; Appropriation Date: August 12, 1994; Amount: 8.0 a.f., of which 0.5 a.f. has been made absolute, leaving 7.5 a.f., conditional; Use: Livestock watering and wildlife watering, both directly from the pond, piscatorial, and fire protection; Outline of work toward completion or for completion of the appropriation and application of water to a beneficial use as conditionally decreed, including expenditures, during the previous diligence period: The Elk Pond No. 1 was enlarged to 0.6 a.f. If claim to make absolute in whole or in part: Date water applied to beneficial use: On or before August 31, 2024; Amount: 0.1 a.f., absolute, in addition to the 0.5 a.f. already made absolute, for a total of 0.6 a.f. absolute, leaving 7.4 a.f. remaining conditional; Use: Livestock watering and wildlife watering, both directly from the pond, piscatorial, and fire protection; Request to make absolute and for finding of diligence: Name of structure: Elk Pond No. 2; Describe conditional water right: Date of Original Decree: January 31, 1995; Case No.: 94CW186; Subsequent decrees awarding diligence: 01CW29, 10CW169, 17CW3206; Legal description: The center of Elk Pond No. 2 is located at a point 1,500 feet from the east section line and 1,311 feet from the north section line of Section 24, Township 6 South, Range 101 West of the 6th P.M.; Source of water: Surface runoff from the Mud Spring, tributary to Roan Creek, tributary to the Colorado River; Appropriation Date: August 12, 1994; Amount: 8.0 a.f., of which 0.5 a.f. has been made absolute, leaving 7.5 a.f., conditional; Use: Livestock watering and wildlife watering, both directly from the pond, piscatorial, and fire protection; Outline of work toward completion or for completion of the appropriation and application of water to a beneficial use as conditionally decreed, including expenditures, during the previous diligence period: The Elk Pond No. 2 was enlarged to 0.85 a.f.; If claim to make absolute in whole or in part: Date water applied to beneficial use: On or before August 31, 2024; Amount: 0.35, absolute in addition to the 0.5 a.f. already made absolute, for a total of 0.85 a.f. absolute and 7.15 a.f. remaining conditional; Use: Livestock watering and wildlife watering, both directly from the pond, piscatorial, and fire protection; Request for finding of diligence: Name of structure: Prospect Pond No. 1; Describe conditional water right: Date of Original Decree: January 31, 1995; Case No.: 94CW186; Subsequent decrees awarding diligence: 01CW29, 10CW169, 17CW3206; Legal description: The center of Prospect Pond No. 1 is located at a point 557 feet from the west section line and 1,085 feet from the north section line of Section 24, Township 6 South, Range 101 West of the 6th P.M.; Source of water: Surface runoff from Prospect Spring No. 1, tributary to Big Salt Wash, tributary to the Colorado River; Appropriation Date: August 12, 1994; Amount: 9.0 a.f., of which 0.5 a.f. has been made absolute, leaving 8.5 a.f., conditional; Use: Livestock watering and wildlife watering, both directly from the pond, piscatorial, and fire protection; Outline of work toward completion or for completion of the appropriation and application of water to a beneficial use as conditionally decreed, including expenditures, during the previous diligence period: Applicant has removed sediment and performed work to maintain and improve the dam and spillway for the Prospect Pond No. 1; Request for finding of diligence: Name of structure: Prospect Pond No. 2; Describe conditional water right: Date of Original Decree: January 31, 1995; Case No.: 94CW186; Subsequent decrees awarding diligence: 01CW29, 10CW169, 17CW3206; Legal description: The center of Prospect Pond No. 2 is located at a point 623 feet from the west section line and 1,073 feet from the north section line of Section 24, Township 6 South, Range 101 West of the 6th P.M.; Source of water: Surface runoff from Prospect Spring No. 1, tributary to Big Salt Wash, tributary to the Colorado River; Appropriation Date: August 12, 1994; Amount: 9.0 a.f., of which 0.5 a.f. has been made absolute, leaving 8.5 a.f., conditional; Use: Livestock watering and wildlife watering, both directly from the pond, piscatorial, and fire protection; Outline of work toward completion or for completion of the appropriation and application of water to a beneficial use as conditionally decreed, including expenditures, during the previous diligence period: Applicant has removed sediment and performed work to maintain and improve the dam and spillway for the Prospect Pond No. 2; Request to make absolute and for finding of diligence: Name of structure: Bear Pond; Describe conditional water right: Date of Original Decree: January 31, 1995; Case No.: 94CW186; Subsequent decrees awarding diligence: 01CW29, 10CW169, 17CW3206; Legal description: The center of the Bear Pond is 580 feet from the west section line and 940 feet from the north section line of Section 25, Township 6 South, Range 101 West of the 6th P.M.; Source of water: Surface runoff tributary to Big Salt Wash, tributary to the Colorado River; Appropriation Date: August 12, 1994; Amount: 7.75 a.f., of which 0.25 a.f. has been made absolute, leaving 7.5 a.f. conditional; Use: Livestock watering and wildlife watering, both directly from the pond, piscatorial, and fire protection; Outline of work toward completion or for completion of the appropriation and application of water

to a beneficial use as conditionally decreed, including expenditures, during the previous diligence period: Applicant has enlarged the Bear Pond to 0.65 a.f.; If claim to make absolute in whole or in part: Date water applied to beneficial use: On or before August 31, 2024; Amount: 0.4, absolute in addition to the 0.25 a.f. already made absolute, for a total of 0.65 a.f. absolute, leaving 7.1 a.f. conditional; Use: Livestock watering and wildlife watering, both directly from the pond, piscatorial, and fire protection. WHEREFORE, Applicant requests to make conditional rights absolute and a finding of reasonable diligence as set out above. Applicant further requests a finding of diligence with regard to any existing conditional water rights in the structures described in this application which may have been omitted from the descriptions above. (11 pages)

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

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

**23CW3067 (Prior Case No. 2015CW3080) IN EAGLE COUNTY, COLORADO AMENDED APPLICATION FOR FINDING OF REASONABLE DILIGENCE AND CHANGE OF WATER RIGHTS.** 1. Name, address, and telephone number of Applicant: BCP-ARR Water, LLC Attn: Chad Brue 1144 15<sup>th</sup> Street, Suite 2650 Denver, Colorado 80202. Please send all pleadings and correspondence to Applicant's attorneys: Steven O. Sims, Colo. Reg. No. 9961, Dulcinea Z. Hanuschak, Colo. Reg. No. 44342, Katherine Duncan, Colo. Reg. No. 47890, Aurora L. Marsh, Colo. Reg. No. 57864 at 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; amarsh@bhfs.com 2. Name of structures: Confluence Reservoir and East Brush Creek Confluence Ditch. (the "Subject Water Rights"). 3. Description of the Subject Water Rights. 3.1 Date of original decree: Adjudicated October 27, 1980, Water Division 5, Case No. W-3660. 3.2 Subsequent decrees: 84CW309, 88CW340; 95CW17; 01CW159 (filed by Adam's Rib Recreational Area, as Adam's Rib Ranch Corp. commonly does business under this name); 08CW48 (Adam's Rib Recreational Area), 15CW3080. 3.3 Legal description: The right abutment of the Confluence Reservoir is in the SW¼ of the NW¼ Section 18, T6S., R83W. of the 6th P.M. at a point whence the Northeast Corner of said Section 18 bears N. 72°30'E. a distance of 6,100 feet. The supplemental legal description provides that the point of the right abutment is in the SW1/4 of the NW1/4 of Section 18, T6S, R83W of the 6th P.M. 3290 feet from the South section line and 5790 feet from the East section line. The location of the Subject Water Right is shown on the map attached as Figure 1. 3.4 **Source:** 3.4.1 **Confluence Reservoir: West Brush Creek and East Brush Creek through the East Brush Creek Confluence Ditch, tributary to Brush Creek, tributary to the Eagle River.** 3.4.2 East Brush Creek Confluence Ditch: East Brush Creek, tributary to Brush Creek, tributary to the Eagle River. 3.5 Date of appropriation: December 1, 1977. 3.6 Amount: 3.6.1 Confluence Reservoir: 720 acre-feet ("AF") are decreed to Confluence Reservoir, including 360 AF (conditional) owned by the Applicant. 3.6.2 East Brush Creek Confluence Ditch: 10 c.f.s. (conditional). 3.7 Uses: 3.7.1 Confluence Reservoir: irrigation, recreation, fish and wildlife propagation, commercial, all municipal uses, including domestic, industrial, mechanical, fire protection, power generation, and recreational purposes. Municipal uses may only be decreed absolute by a municipal or other quasi-governmental entity. 3.7.2 East Brush Creek Confluence Ditch: the purpose of the Ditch is to deliver water to the Confluence Reservoir for all decreed purposes. The East Brush Creek Confluence Ditch is a feeder ditch to deliver water from East Brush Creek into Confluence Reservoir. 4. Detailed outline of activity during the diligence period: During the diligence period, Applicant has made substantial expenditures, including consultant, engineering, and legal costs, associated with developing the Subject Water Rights. This following summary of Applicant's diligence activities is not exclusive and may be supplemented with additional evidence of these or of other diligence activities. 4.1 Applicant spent more than approximately \$14,000 in engineering fees and costs and more than \$6,500 in legal fees and costs evaluating potential storage locations and designs for Confluence Reservoir, evaluating the impacts and benefits of an additional non-potable irrigation supply on Abrika Properties, LLC's ("Abrika") property, and drafting and negotiating the lease with Abrika for use of the Subject Water Rights. 5. Claim for Change of Subject Water Rights. Applicant seeks to change the point of diversion to four alternate points of diversion and to change the place of use and location of storage of the Subject Water Rights as follows. All other attributes of the Subject Water Rights will remain the same as have been decreed previously. 5.1.1 Proposed Change in Place of Use: Applicant has executed a lease with Abrika which provides for the development and use of the Subject Water Rights on Abrika's property, which is located at: LOTS 1 THROUGH 8, TRACTS A, B, C, D, H, X, RMF-3, RMF-4, ALLEY-1, HAYMEADOW, FILING 1, ACCORDING TO THE PLAT RECORDED MAY 24, 2019 UNDER RECEPTION NO. 201907561, COUNTY OF EAGLE, STATE OF COLORADO AND LOT Z1, HAYMEADOW CABIN PARCEL, ACCORDING TO THE PLAT RECORDED JULY 29, 2022 UNDER RECEPTION NO. 202212779, COUNTY OF EAGLE, STATE OF COLORADO AND LOTS 9 THROUGH 15 AND TRACT F, HAYMEADOW FILING 1, THIRD AMENDMENT, ACCORDING TO THE PLAT RECORDED OCTOBER 27, 2022 UNDER RECEPTION NO. 202217032, COUNTY OF EAGLE, STATE OF COLORADO. A map of the new location is attached as Figure 2. 5.1.2 Proposed Change in Place of Storage: Applicant will store the Subject Water Rights at the location described above in Paragraph 5.1.1. More specifically, Applicant seeks to change the place of storage for the Subject Water Rights to the following pond locations. The combined total volume of all four of the ponds listed below shall not exceed 360 acre-feet. 5.1.2.1 Pond A. The location of Pond

A is shown on Figure 2 and is described as follows: SENW, Section 10, Township 5 S, Range 84 W, 6<sup>th</sup> PM. UTM Coordinates: UTM Zone 13, NAD 1983, Northing: 4388752.0 Easting: 345600.7. Source of UTM's: ArcGIS. Accuracy of information displaced on GPS device: N/A 5.1.2.2 Pond B. The location of Pond B is shown on Figure 2 and is described as follows: SWNE, Section 10, Township 5 S, Range 84 W, 6<sup>th</sup> PM. UTM Coordinates: UTM Zone 13, NAD 1983, Northing: 4388706.9 Easting: 346079.7. Source of UTM's: ArcGIS. Accuracy of information displaced on GPS device: N/A 5.1.2.3 Pond C. The location of Pond C is shown on Figure 2 and is described as follows: NESE, Section 10, Township 5 S, Range 84 W, 6<sup>th</sup> PM. UTM Coordinates: UTM Zone 13, NAD 1983, Northing: 4388227.1 Easting: 346471.1. Source of UTM's: ArcGIS. Accuracy of information displaced on GPS device: N/A 5.1.2.4 Pond D. The location of Pond D is shown on Figure 2 and is described as follows: NWSW, Section 11, Township 5 S, Range 84 W, 6<sup>th</sup> PM. UTM Coordinates: UTM Zone 13, NAD 1983, Northing: 4388108.1 Easting: 346817.3. Source of UTM's: ArcGIS. Accuracy of information displaced on GPS device: N/A 5.1.3 Proposed Change in Points of Diversion to Four Alternate Points of Diversion. Applicant seeks a change in the point of diversion for the Subject Water Rights to the following alternate points of diversion.. The changed points of diversion are four alternate points of diversion, described as follows and shown on Figure 2. 5.1.3.1 Confluence Point of Diversion. This will be a new point of diversion on Brush Creek at the following location. The location information is in UTM format as follows: 5.1.3.1.1 UTM coordinates: 346787 Easting, 4387678 Northing 5.1.3.1.2 Zone 13; NAD 83 5.1.3.1.3 Source of UTM's: Esri Aerial Imagery via ArcGIS 5.1.3.1.4 Accuracy of information displaced on GPS device: N/A 5.1.3.2 Wilkinson Ditch Point of Diversion. This is an existing structure and the location information in UTM format is as follows: 5.1.3.2.1 UTM coordinates: 347755 Easting, 4387463 Northing 5.1.3.2.2 Zone 13; NAD 83 5.1.3.2.3 Source of UTM's: Esri Aerial Imagery via ArcGIS 5.1.3.2.4 Accuracy of information displaced on GPS device: N/A 5.1.3.3 Love & White Ditch Point of Diversion. This is an existing structure and the location information in UTM format is as follows: 5.1.3.3.1 UTM coordinates: 348496 Easting, 4386625 Northing 5.1.3.3.2 Zone 13; NAD 83 5.1.3.3.3 Source of UTM's: Esri Aerial Imagery via ArcGIS 5.1.3.3.4 Accuracy of information displaced on GPS device: N/A 5.1.3.4 Mathews Ditch Point of Diversion. This is an existing structure and the location information in UTM format is as follows: 5.1.3.4.1 UTM coordinates: 346567 Easting, 4387835 Northing 5.1.3.4.2 Zone 13; NAD 83 5.1.3.4.3 Source of UTM's: Esri Aerial Imagery via ArcGIS 5.1.3.4.4 Accuracy of information displaced on GPS device: N/A 5.1.4 Change amount: 5.1.4.1 Confluence Reservoir: 360 AF (conditional) owned by the Applicant. 5.1.4.2 East Brush Creek Confluence Ditch: 10 c.f.s. (conditional). 5.1.5 Source: 5.1.5.1 Confluence Reservoir: West Brush Creek and East Brush Creek through the East Brush Creek Confluence Ditch, tributary to Brush Creek, tributary to the Eagle River. 5.1.5.2 East Brush Creek Confluence Ditch: East Brush Creek, tributary to Brush Creek, tributary to the Eagle River. 5.1.6 Uses: 5.1.6.1 Confluence Reservoir: irrigation, recreation, fish and wildlife propagation, commercial, all municipal uses, including domestic, industrial, mechanical, fire protection, power generation, and recreational purposes. Municipal uses may only be decreed absolute by a municipal or other quasi-governmental entity. 5.1.6.2 East Brush Creek Confluence Ditch: the purpose of the Ditch is to deliver water to the Confluence Reservoir for all decreed purposes. The East Brush Creek Confluence Ditch is a feeder ditch to deliver water from East Brush Creek into Confluence Reservoir. 6. The land on which the subject structures are located, on which the water will be stored, or on which water will be placed to beneficial use is owned by: 6.1 Abrika Properties, LLC, 8250 SW 27th Ave., Ocala, FL 34476; 6.2 Eagle County Government, 500 Broadway, P.O. Box 850, Eagle, CO 81631; 6.3 Colorado Division of Parks and Wildlife, 1313 Sherman Street, 6th Floor, Denver, CO 80203; 6.4 United States Forest Service, 120 Midland Avenue, Suite 140 Glenwood Springs, CO 81601. WHEREFORE, Applicant respectfully requests: 1. A finding of reasonable diligence as to all of the Subject Water Rights; 2. A change of the location, place of use, and point of diversion of the Subject Water Rights; 3. Such other relief as the Court deems just and proper.

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