

DIVISION 5 WATER COURT- OCTOBER 2024 RESUME

(This publication can be viewed in its entirety on the Colorado State Judicial website at: coloradojudicial.gov).

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 OCTOBER 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.*

24CW3133 MESA COUNTY - COLORADO RIVER; HT 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 RIGHT ABSOLUTE; Name, address, and telephone number of applicant: HT, LLC; c/o Sara P. Ransford, 109 Indica Way, Carbondale, CO 81623; (970) 948-6378; Request to make conditional water right absolute and for finding of diligence: Name of structure: Deerwalker Pump; Describe conditional water right: Original Decree: October 26, 2011; Case No. 2009CW195, Division 5; Subsequent decrees awarding findings of diligence: 2017CW3203, Division 5; Legal description: SW/4 NW/4 of Section 10, T1N, R3W, Ute Meridian, at a point that is 2,125 feet from the north section line and 840 feet from the west section line; Source of water: Colorado River; Appropriation Date: November 6, 2009; Amount: 0.5 c.f.s., conditional; Use: Livestock watering of up to 37 head of cattle and 6 horses; Outline of work toward completion or for completion of the appropriation and application of water to a beneficial use: Applicant installed a PTO pump on or before June 1, 2020, then later installed a Berkeley diesel pump with a maximum pumping rate in excess of the decreed 0.5 c.f.s. Applicant has diverted 0.5 c.f.s. at the decreed point of diversion and has constructed a pipeline to supply stock water containers on the property; If claim to make absolute in whole or in part: Date water applied to beneficial use: June 1, 2020; Amount: 0.5 c.f.s.; Use: Livestock watering; WHEREFORE, Applicant respectfully requests the Court make absolute the amount requested above. With regard to any conditionally decreed amounts not made absolute in this case, Applicant requests a finding of reasonable diligence. (3 pages)

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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 OCTOBER 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.*

24CW3134 MESA COUNTY, Application for Findings of Reasonable Diligence. Applicant: The 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. It: Town of Palisade Wastewater Treatment Plant Outfall. Original Decree: Case No. 88CW285, District Court in and for Water Division No. 5. Subsequent decrees: Case Nos. 98CW051, 04CW263, 10CW234 and 17CW3157. Source: Palisade wastewater treatment system, tributary to the Colorado River. Appropriation Date: June 14, 1988. Date applied to beneficial use in part: May 15, 2014. Amount: 1.9 c.f.s., conditional; 2.5 g.p.m. of which was applied to beneficial use for irrigation of the tree farm. Use: All municipal purposes, including without limitation industrial, domestic, residential, commercial, recreation, fire protection, watering of animals, and irrigation of lawns, shrubs and gardens, both by direct use and by augmentation, replacement, and exchange, and to thereby totally consume the full amount of such water for such purposes. Number of acres proposed to be irrigated: Acreage within the existing and future service area of the Town of Palisade, by direct use, augmentation, replacement and exchange. Owner of land upon which point of diversion is located: Applicant. Applicant requests entry of findings of reasonable diligence with regard to the following water right: Town of Palisade Seepage Diversion. Originally Decreed Legal Description: A point of diversion located in Section 4, Township 1 South, Range 2 East of the Ute Meridian, Mesa County, Colorado, more particularly described as follows: Beginning at the North ¼ corner of Section 3, Township 1 South, Range 2 East of the Ute Meridian, Mesa County, Colorado, whence the West 1/16 corner of the North boundary line of Section 3 bears North 90°00'00" West; thence south 62°19'53" West 4,614.17 feet to a point located on the centerline of a wastewater drainage ditch, which is the collection point, also described as being 2806 feet from the east section line and 2297 feet from the north section line of said Section 4, Township 1 South, Range 2 East of the Ute Meridian. Actual Location (as confirmed in Case No. 18CW3022): Applicant filed an application to change the originally decreed location of this water right to its as built location in Case No. 18CW3022. As decreed therein, the actual location of the point of diversion is: A point located in Section 4, Township 1 South, Range 2 East of the Ute Meridian being 1,273 West of the East Section line and 2,018 feet South of the North Section line of said Section 4. UTM coordinates: 12S 727313 4331230 UTM. Original Decree: Case No. 88CW285, District Court in and for Water Division No. 5. Subsequent decrees: Case Nos. 98CW051, 04CW263, 10CW234 and 17CW3157. **Source: Collected groundwater seepage from the Grand Valley Canal, tributary to the Colorado River.** Appropriation date: June 14, 1988. Date applied to beneficial use in part: April 2012. Amount: 1.9 c.f.s., conditional; 2.5 g.p.m. applied to irrigation within Riverbend Park. Use: All municipal purposes, including without limitation industrial, domestic, residential, commercial, recreation, fire protection, watering of animals, and irrigation of lawns, shrubs and gardens, both by direct use and by augmentation, replacement, and exchange, and to thereby totally consume the full amount of such water for such purposes. Number of acres proposed to be irrigated: Acreage within the existing and future service area of the Town of Palisade both by direct use, augmentation, and exchange. The place of use is within the present and future service area of the Town of Palisade. Owner of land upon which point of diversion is located: Applicant. The Application includes a detailed description of work performed by Applicant toward applying these water rights to beneficial use. (5 pages).

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24CW3137 MESA COUNTY. BIG BEAVER CREEK TRIBUTARY TO MESA CREEK TRIBUTARY TO PLATEAU CREEK TRIBUTARY TO THE COLORADO RIVER. Name, address and telephone number of Applicant: DBMJ, LLC, 166 29 Road, Grand Junction, CO 81503, (970) 250-5751. Name of attorney, address and telephone number: Frederick G. Aldrich, Esq., Aldrich Law Firm, LLC, 601A 28¼ Road, Grand Junction, Colorado 81506, (970) 245-7950. Name of Structure: Powder Ridge Spring and Pipeline (spring and pipeline). Type of Application: Application for conditional direct flow surface water right. Location: NE¼NW¼ Section 29, Township 11 South, Range 96 West of the 6th P.M. at a point whence the South One Quarter Corner of Section 20, Township 11 South, Range 96 West of the 6th P.M. bears North 47°35'30" West 1,237.70 feet, Mesa County, Colorado, being 660 feet East of the West section line and 660 feet North of the South section line., Mesa County, Colorado. Type of Use: Domestic water supply for lots in Powder Ridge Subdivisions Phases I and II and future development property situated east of Highway 65 consisting of: Lots 1-18, inclusive, Block 1, Lots 1 through 4, inclusive, Block 2, Lots 1 through 5, inclusive, Block 3, Outlots A and B, inclusive, Powder Ridge Subdivision, Phase I; Lots 19 through 28, inclusive, Block 1, Lots 5 through 19 Block 2, inclusive, Block 2, Lots 5 and 6, Block 3, inclusive, and Outlot B, Powder Ridge Subdivision II; and the East ½ of Section 20, Township 11 South, Range 96 West of the 6th P.M. lying East of Highway 65, Mesa County, Colorado. Type of Structure: Spring and pipeline. Quantity: 0.75 c.f.s. conditional. Additional information: The water right that is the subject of this Application is a new application based on the prior water right that was originally decreed on June 21, 1977 in Water Court Division 5, Case No. W-2916, as the Bieser Pipeline. Applicant's one-half interest in the Bieser Pipeline was cancelled on January 12, 2024 in Water Division 5 20216CW20 for failure to file an application for a finding of reasonable diligence. The Applicant seeks to establish a new water right at the same location of the Bieser Pipeline. A map is attached to the Application.

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24CW3138 PITKIN COUNTY, COLORADO – ROARING FORK RIVER OR ITS TRIBUTARIES, ShadowWood LLC c/o Paul L. Noto and Lauren N. Hoover, Patrick, Miller & Noto, P.C., 229 Midland Ave., Basalt, CO 81621 (970) 920-1030. APPLICATION FOR FINDING OF REASONABLE DILIGENCE. First Claim: For Finding of Reasonable Diligence. Name of structure: Shimer Well. Type: Well. Description of conditional water right: Date of original Decree: November 29, 1973, Case No. W-1894, District Court, Water Division 5. Subsequent diligence decrees: Case No. 11CW40, December 28, 2011; Case No. 17CW3251, October 21, 2018; all Division 5 Water Court. Legal Description: The well is located in the SW ¼ of the SW ¼ of Section 17, Township 10 South, Range 84 West of the 6th P.M. at a point whence the Witness Corner, to the West Quarter Corner of Section 17 bears N. 05°35' W., 1,122 feet. PLSS location: The well is located in the NW ¼ of the SW ¼ of Section 17, Township 10 South, Range 85 West of the 6th P.M. at a point approximately 1,380 feet from the south section line and 350 feet from the west section line of Section 17. Replacement well location: The replacement well is located in the NW ¼ of the SW ¼ of Section 17, Township 10 South, range 85 West of the 6th P.M. at a point approximately 1,305 feet from the south section line and 460 feet from the west section line. UTM Zone 13 NAD83 Easting 344416 and Northing 4338082. The replacement well is within 200 feet of the decreed well location. A map is on file with the Court as Exhibit A. **Source: Alluvium of the Roaring Fork River, tributary to the Colorado River.** Appropriation date: May 21, 1973. Amounts and uses: 0.064 c.f.s. (29 g.p.m.), conditional for domestic use, and 0.11 c.f.s. (50 g.p.m.), conditional for commercial use. Note that the Court made the Shimer Well absolute for 0.011 c.f.s. (5 g.p.m.) in Case No. 11CW40 and for 0.035 c.f.s. (16 g.p.m.) in Case No. 17CW3251 for domestic uses. Well depth: 144 feet. A detailed description of the work done to complete the appropriation, including expenditures, is on file with the Court as Exhibit B. Applicant owns the land on which the water right is and will be placed to beneficial use. Applicant requests a finding of reasonable diligence for the remaining conditional amounts and uses decreed to the Shimer Well described above. Second Claim: For Finding of Reasonable Diligence. Name of structure: Shimer Well. Date of original decree: December 28, 2011, Case No. 11CW40, Division 5 Water Court. Subsequent diligence decree: Case No. 17CW3251, October

21, 2018, Division 5 Water Court. Legal description: Same as above. Source: Alluvium of the Roaring Fork Rier, tributary to the Colorado River. Appropriation date: June 30, 1974. Amount: 0.064 c.f.s. (29 g.p.m.) conditional. Note the Court made 0.011 c.f.s. absolute in Case No. 11CW40 and 0.035 c.f.s. (16 g.p.m.) absolute in Case No. 17CW3251. Use: Irrigation. Applicant owns the land on which the water right is and will be placed to beneficial use. Applicant requests a finding of reasonable diligence for the remaining conditional amounts and uses decreed to the Shimer Well described above.

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24CW3139 GRAND COUNTY. Town of Kremmling, P.O. Box 538, 200 Eagle Avenue, Kremmling, CO 80459. Applicant is represented by Katie Randall and Kent Whitmer, The Whitmer Law Firm, LLC, P.O. Box 38, Hot Sulphur Springs, CO 80451, (970) 725-3460. APPLICATION FOR A FINDING OF REASONABLE DILIGENCE. Name of Structure: Town of Kremmling, Colorado River Ditch No. 1 Exchange. Decrees: 03CW117 (February 14, 2005); 11CW10 (March 8, 2012); 18CW3029 (October 21, 2018); all in Water Court Division No. 5. Colorado River Ditch No. 1 Legal Description: NE1/4NE1/4 of Section 23, Township 1 North, Range 81 West of the 6th P.M., 569 feet from the South section line and 234 feet from the West Witness Corner for the Southeast Corner of Section 14, Township 1 North, Range 81 West of the 6th P.M. Source of Exchange Water: Granby Reservoir or Wolford Mountain Reservoir pursuant to Applicant's contracts with Middle Park Water Conservancy District and the Colorado River Water Conservation District, as described in more detail in the Application. Pursuant to said Agreements, water will be released from Granby Reservoir and Wolford Mountain Reservoir to replace depletions to the Colorado River caused by Applicant's diversions at the location described 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. Source: **Colorado River.** Appropriation Date: June 3, 2003. Amount: 142 acre-feet conditional. Uses: All municipal uses, including commercial, firefighting and industrial uses, as well as exchange. Affected Stream Reach: Applicant's point of diversion at the Colorado River Ditch No. 1 to the point that the treated wastewater will be returned to the Colorado River in the vicinity of the Town of Kremmling at a future date. Water released from Granby Reservoir or Wolford Mountain Reservoir will increase flows in the Colorado River and Muddy Creek until diverted at Colorado River Ditch No. 1. Description of Exchange: Water derived from the Water Allotment Contracts will be released from Granby Reservoir to the Colorado River or Wolford Mountain Reservoir on request of the Applicant, when Applicant's diversions would be curtailed due to the senior call upon the Town's decreed junior water rights by water users located below the confluence of the Blue and Colorado Rivers and said call cannot be met by Town's other water rights or agreements. The amount of water released shall be based upon the depletions to the stream caused by Applicant's diversions as determined by the Division Engineer, Water Division No. 5. Additional Information: The application and attached exhibits contain a detailed outline of the work performed during the diligence period (9 pages).

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24CW3140 (18CW3009) GARFIELD COUNTY – COLORADO RIVER OR ITS TRIBUTARIES. Ranch at Coulter Creek Homeowners' Association, c/o Scott C. Miller, Esq. and John M. Sittler, Esq., Patrick, Miller & Noto, P.C., 229 Midland Ave, Basalt, CO 81621, (970) 920-1030. APPLICATION TO MAKE ABSOLUTE IN PART AND FOR FINDINGS OF REASONABLE DILIGENCE. First Claim: For Finding of Reasonable Diligence: Name of structure: Laurence Ranch Well No. 2 (Well Permit No. 60620-F). Date of original decree: August 4, 2003, Case No. 02CW108, District Court, Water Division 5. The Court entered a revised decree on February 23, 2004. Subsequent diligence decrees: January 24, 2012, Case No. 10CW37; October 21, 2018, Case No. 18CW3009, all District Court, Water Division 5. Legal description: SW ¼, SE ¼ Section 6, Township 7 South, Range 87 West of the 6th P.M., at a point 765 feet from the south section line and 1835 feet from the east section line of Section 6. A map is on file with the Court as Exhibit A. Source: **Groundwater tributary to Coulter Creek, tributary to Cattle Creek, tributary to the Roaring Fork River, tributary to the Colorado River.** Appropriation date: January 15, 2002. Amount: 0.40 c.f.s. (180 g.p.m.). The cumulative annual

diversion from Laurence Ranch Nos. 1-5, for all uses, is 34.75 acre-feet. 0.056 c.f.s. (25 g.p.m.) was made absolute in Case No. 18CW3009 for all uses. Uses: Domestic, fire protection, stockwatering, and irrigation for up to 6.2 acres (approximately 10,000 square feet per low) of lawns and gardens contained within the Ranch at Coulter Creek property (f/k/a Laurence Ranch property). A detailed outline of the work performed towards completion of the appropriation, including expenditures, is on file with the Court as Exhibit B. Applicant owns the land on which the water right is located and where water is put to beneficial use. Second Claim: For Finding of Reasonable Diligence. Name of structures: Laurence Ranch Well Nos. 4 and 5. Date of original decree: August 4, 2003, Case No. 02CW108, District Court, Water Division 5. The Court entered a revised decree on February 23, 2004. Subsequent diligence decrees: January 24, 2012, Case No. 10CW37; October 21, 2018, Case No. 18CW3009, all District Court, Water Division 5. Legal description: Laurence Ranch Well No. 4: NW $\frac{1}{4}$, SW $\frac{1}{4}$, Section 6, Township 7 South, Range 87 West of the 6th P.M. Laurence Ranch Well No. 5: NE $\frac{1}{4}$, NE $\frac{1}{4}$, Section 7, Township 7 South, Range 87 West of the 6th P.M. A map is on file with the Court as Exhibit A. Source: Groundwater tributary to Coulter Creek, tributary to Cattle Creek, tributary to the Roaring Fork River, tributary to the Colorado River. Appropriation date: January 15, 2002. Amount: 0.40 c.f.s. (180 g.p.m.) for each well. The cumulative annual diversion from Laurence Ranch Nos. 1-5, for all uses, is 34.75 acre-feet. Uses: Domestic, fire protection, stockwatering, and irrigation for up to 6.2 acres (approximately 10,000 square feet per low) of lawns and gardens contained within the Ranch at Coulter Creek property (f/k/a Laurence Ranch property). A detailed outline of the work performed towards completion of the appropriation, including expenditures, is on file with the Court as Exhibit B. Applicant owns the land on which the water right is located and where the water will be put to beneficial use. Third Claim: To Make Absolute in Part and for Finding of Reasonable Diligence. Name of structures: Laurence Ranch Well Nos. 1 and 3. Date of original decree: August 4, 2003, Case No. 02CW108, District Court, Water Division 5. The Court entered a revised decree on February 23, 2004. Subsequent diligence decrees: January 24, 2012, Case No. 10CW37; October 21, 2018, Case No. 18CW3009, all District Court, Water Division 5. Legal description: Laurence Ranch Well No. 1 (Well Permit No. 60619-F): NE $\frac{1}{4}$, NE $\frac{1}{4}$, Section 7, Township 7 South, Range 87 West of the 6th P.M., at a point 75 feet from the north section line and 1040 feet from the east section line of Section 6. Laurence Ranch Well No. 3 (Well Permit No. 60621-F): NW $\frac{1}{4}$, NE $\frac{1}{4}$, Section 7, Township 7 South, Range 87 West of the 6th P.M., at a point 150 feet from the north line and 1870 feet from the east section line of Section 7. A map is on file with the Court as Exhibit A. Source: Groundwater tributary to Coulter Creek, tributary to Cattle Creek, tributary to the Roaring Fork River, tributary to the Colorado River. Appropriation date: January 15, 2002. Amount: 0.40 c.f.s. (180 g.p.m.) for each well. The cumulative annual diversion from Laurence Ranch Nos. 1-5, for all uses, is 34.75 acre-feet. 0.056 c.f.s. (25 g.p.m.) in each well was made absolute for domestic and fire protection uses in Case No. 10CW37, District Court, Water Division 5. Uses: Domestic, fire protection, stockwater, and irrigation of up to 6.2 acres (approximately 10,000 square feet per lot) of lawns and gardens contained within the Ranch at Coulter Creek property (f/k/a Laurence Ranch property). Claim to make absolute: Date water applied to beneficial use: June 15, 2022. Amount: 0.056 c.f.s. (25 g.p.m.) for each well. Uses: Stockwater and irrigation of up to 6.2 acres of lawns and gardens contained within the Ranch at Coulter Creek property. A detailed outline of work performed towards completion of the appropriation, including expenditures, is on file with the Court as Exhibit B. Applicant owns the land on which the water rights are located and where water is put to beneficial use. Fourth Claim: To Make Absolute in Part and For Finding of Reasonable Diligence: Date of original decree: August 4, 2003, Case No. 02CW108, District Court, Water Division 5. The Court entered a revised decree on February 23, 2004. Subsequent diligence decrees: January 24, 2012, Case No. 10CW37; October 21, 2018, Case No. 18CW3009, all District Court, Water Division 5. Legal description: Laurence Pond No. 1: The center of Laurence Pond No. 1 is located in the NW $\frac{1}{4}$, SE $\frac{1}{4}$ of Section 6, Township 7 South, Range 87 West of the 6th P.M., at a point 1800 feet from the south section line and 2050 feet from the east section line of Section 6. Laurence Pond No. 2: The center of Laurence Pond No. 2 is located in the SW $\frac{1}{4}$, SE $\frac{1}{4}$ of Section 6, Township 7 South, Range 87 West of the 6th P.M., at a point 1200 feet from the south section line and 1750 feet from the east section line of Section 6. Laurence Pond No. 3: The center of Laurence Pond No. 3 is located in the NE $\frac{1}{4}$, SW $\frac{1}{4}$ of Section 6, Township 7 South, Range 87 West of the 6th P.M., at a point 1800 feet from the south section line and 1600 feet from the west section line of Section 6. Laurence Pond No. 4: The center of Laurence Pond No. 4 is located in the SE $\frac{1}{4}$, SE $\frac{1}{4}$ of Section 6, Township 7 South, Range 87 West of the 6th P.M., at a point 1150 feet from the south section line and 1450 feet from the west section line of Section 6. A map is on file with the Court as Exhibit A. Fill ditch: Laurence Ditch, with a point of diversion located on the west bank of Mesa Creek, in the SE $\frac{1}{4}$, NE $\frac{1}{4}$, Section 36, Township 6 South, Range 88 West of the 6th P.M., at a point whence the East Quarter Corner of Section 36 bears South 52°30' East 438 feet. The capacity of the Laurence Ditch is 4.0 c.f.s. Source: Mesa Creek, tributary to Cattle Creek, tributary to the Roaring Fork River, tributary to the Colorado River. Appropriation date: January 15, 2002. Amounts: Laurence Pond No. 1: 20 acre-feet, conditional, with the right to fill and refill continuously year round when in priority. Laurence Pond No. 2: 30 acre-feet, conditional, with the right to fill and refill continuously year round when in priority. Note, Case No. 02CW114 decreed a change in the amount of the conditional water right, with the uses remaining the same, from 20 acre-feet to 30 acre-feet. Laurence Pond No. 3: 20 acre-feet, conditional, with the right to fill and refill continuously year round when in priority. Note, Case No. 02CW114 decreed a change in the amount of the conditional water right, with the uses remaining the same, from 30 acre-feet to 20 acre-feet. Laurence Pond No. 4: 30 acre-feet, conditional, with the right to fill and refill continuously year round when in priority. Uses: Augmentation for use within the plan for augmentation decreed in Case No. 02CW108, including the right to store consumptive use credits associated with the dry-up of historically irrigated acreage. Laurence Pond Nos. 1-4 and release of such stored water will be for augmentation and replacement purposes, as described in the plan for augmentation. Claim to make absolute: Date water applied to beneficial use: June 15, 2022. Amount: Laurence Pond No. 1: 20 acre-feet. Laurence Pond No. 2: 30 acre-feet. Use: Augmentation. A detailed outline of the work performed towards completion of the appropriation, including expenditures, is on file with the Court as Exhibit B. Applicant owns the land on which the water rights are located and where water will be put to beneficial use.

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24CW3141 (2018CW3039) ROUTT COUNTY, ROCK CREEK, TRIB. TO COLORADO RIVER. Application for Finding of Reasonable Diligence. Applicant: Sanctuary Ranch @ Rock Creek LLC, P.O. Box 1478, Edwards, CO 81632, c/o Garfield & Hecht, P.C., 910 Grand Avenue, Suite 201, Glenwood Springs, CO 81601, (970) 947-1936. Name and Description of Water Right: RCCM Ditch No. 1. Original Decree entered on September 7, 1976 in Case No. W-2904, District Court in and for Water Div. No. 5. Subsequent Decrees finding reasonable diligence were entered in Case Nos. 88CW239, 94CW140, 01CW201, 10CW246, and 18CW3039. Legal description: located in the SW1/4 NE1/4 of Section 17, Township 1 South, Range 83 West of the 6th P.M. at a point whence the North Quarter Corner of said Section 17 bears N. 14° 04' 21" W. 1638 feet. The foregoing location may also be described as 1,590 feet from the north section line and 2,390 feet from the east section line of said Section 17. A location map is filed with the application. Source: Rock Creek, tributary to the Colorado River. Date of appropriation: January 30, 1976. Amount: 2.0 c.f.s., conditional. Uses: Domestic, livestock water, piscatorial, and irrigation of 80 acres of land. Integrated System: The RCCM Ditch No. 1 is a component part of an integrated water supply system serving Applicant's property. Other water rights serving the property and forming part of the integrated system include the Ebert Ditch and Ebert Ditch First Enlargement. Applicant requests a finding, pursuant to C.R.S. § 37-92-301(4)(b), that work on any one feature of the water supply system shall be considered in finding that reasonable diligence has been shown in the development of water rights for all features of the system as a whole. Claim for Finding of Reasonable Diligence: The application includes a detailed outline of what has been done toward or for completion of the appropriation and application of water to be beneficial use as conditionally decreed, including expenditures. Name and address of the owner or reputed owner 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: Applicant. Applicant requests the Court to enter a decree finding and concluding that the Applicant has shown reasonable diligence in the development of the conditional water right for the RCCM Ditch No. 1 and continuing such conditional water right in full force and effect throughout the next diligence period.

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24CW3142 PITKIN COUNTY, SNOWMASS AND CAPITOL CREEKS, ROARING FORK RIVER. Application to Make Absolute and for Findings of Reasonable Diligence in the Alternative. Applicant: Lazy O-Ranch Homeowners Association, Inc. c/o Adeline Zellner, Ranch Manager, PO Box 654, Snowmass, CO 81654 with copies to Mark E. Hamilton, Esq. and Susan M. Ryan, Esq., Holland & Hart LLP, 600 E. Main St., Suite 104, Aspen, CO 81611-1991, (970) 925-3476, mehamilton@hollandhart.com, smryan@hollandhart.com. Names of Structures: Lazy-O Well No. 1, Lazy-O Well No. 2, Lazy-O Well No. 3, Lazy-O Well No. 4, Lazy-O Well No. 6. Decree information: Original decree (all structures): 85CW047, Water Division No. 5, May 5, 1986. Subsequent decrees: 89CW066, 95CW067, 96CW102, 01CW369, 09CW142, and 18CW3018. Legal Descriptions: (1) Lazy-O Well No. 1: NW ¼ NE ¼ of Section 3, Township 9 South, Range 86 West of the 6th P.M., at a point 71.74 feet S. of the N. section line, and 3,392.58 feet E. of the W. section line, in Pitkin County, Colorado. (2) Lazy-O Well No. 2: a proposed well situated in SE ¼ SW ¼ of Section 3, Township 9 South, Range 86 West of the 6th P.M., whence the N¼ corner of said Section 3 bears N 03°11'48" E. 4275.05 feet, in Pitkin County, Colorado (also described as 1022 feet N. of the S. section line, and 2602 feet E. of the W. section line of said Section 3). (3) Lazy-O Well No. 3: SE ¼ NE ¼ of Section 4, Township 9 South, Range 86 West of the 6th P.M., at a point 2,450 feet S. of the N. section line, and 50 feet W. of the E. section line, in Pitkin County, Colorado. (4) Lazy-O Well No. 4: originally decreed in Section 3, Township 9 South, Range 86 West of the 6th P.M. situated whence the N¼ corner of said Section 3 bears N 38°54'43" E. 4200.43 feet (NW/SW), in Pitkin County, Colorado. The decree entered in Case No. 22CW3025 changed the location to NW ¼ of the NE ¼ of Section 3, Township 9 South, Range 86 West of the 6th P.M., at a point with UTM coordinates in Zone 13 NAD83: Northing 4352435 m, Easting 329169 m. (5) Lazy-O Well No. 6: NW ¼ NE ¼ of Section 3, Township 9 South, Range 86 West of the 6th P.M., whence the N¼ corner of said Section 3 bears N 27°32'22" W. 652.31 feet (NW/NE), in Pitkin County, Colorado (also described as at a point 569 feet S. of

the N. section line and 2300 feet W. of the E. section line of said Section 3). A map showing the locations of the wells is attached as Exhibit A to the Application. Source: groundwater tributary to Capitol Creek and/or Snowmass Creek, tributary to the Roaring Fork River, tributary to the Colorado River. As provided in Case No. 85CW47, Lazy -O Well No. 1 will withdraw water from Dakota Sandstone formation, and a water right is claimed to the extent such structure is found to be legally tributary to a natural watercourse. Uses: domestic, commercial, livestock, municipal (including fire station), irrigation, and dust suppression. As decreed in Case No. 18CW3018, The municipal uses approved for the Subject Water Rights shall only be made absolute for use by a municipal or quasi-municipal entity through annexation of the property or through a contractual agreement with a municipal or quasi-municipal water provider. Depth: Well No. 1 - 50 feet; Well No. 2 - 150 feet; Well No. 3 - 50 feet; Well No. 4 - 56 feet; Well No. 6 - 44 feet. Amounts: 0.15 c.f.s., conditional, for each of Well Nos. 1, 2, 3, and 4; 0.0891 c.f.s., absolute, 0.0609 c.f.s., conditional, for Well No. 6. Appropriation date: April 3, 1984. Integrated System: The decree entered in Case No. 18CW3018 at paragraph 15 determined that the Subject Water Rights are part of an integrated water system for the Lazy-O Ranch development, which includes a domestic water system for residences, a barn, livestock, and a fire station located within the development and non-potable irrigation systems. In subsequent diligence proceedings, work on any one feature of Applicant's water supply system shall be considered in determining whether reasonable diligence has been shown in the development of water rights for all features of Applicant's water supply system. See C.R.S. §37-92-301(4)(b). Claim to make absolute: A. Lazy O Well No. 1: i) Date applied to beneficial use: August 1, 2005. ii) Amount: 0.0799 c.f.s. with 0.0701 c.f.s. remaining conditional. iii) Uses: all decreed uses, except for municipal. B. Lazy O Well No. 2: i) Date applied to beneficial use: August 1, 2005. ii) Amount: 0.0114 c.f.s. with 0.1386 c.f.s. remaining conditional. iii) Uses: all decreed uses, except for municipal. A table prepared by Wright Water Engineers summarizing the diversion data for the Subject Water Rights is attached as Exhibit B to Application. A detailed outline of activity during the diligence period is included in the Application. All structures are on Applicant's property. (7 pages)

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24CW3143 APPLICATION FOR UNDERGROUND WATER RIGHTS AND PLAN FOR AUGMENTATION INCLUDING EXCHANGE IN GRAND COUNTY 1. Name, Address and Telephone Number of Applicants: Douglas and Tina Decker, P.O. Box 1889, Grand Lake, Colorado 80447, c/o Thomas W. Korver, Esq., Hayes Poznanovic Korver LLC, 700 17th Street, Suite 1800, Denver, CO 80202, (303) 825-1980. **APPLICATION FOR UNDERGROUND WATER RIGHTS.** 2. Name of Structure: Lot R-11 Well. Type: Well. 3. Well Permit No.: 326608 (exempt well permit). Applicants seek to enlarge the existing in-house use of their residential well to an alternate use which would include both in-house use and limited outdoor uses. Applicants will replace the depletions from the alternate use as described herein. 4. Location: SE1/4 SW1/4 of Section 24, T3N, R76W of the 6th P.M., Grand County, Colorado, at UTM coordinates, NAD83, Easting 426888.0, Northing 4450414.0. The Lot R-11 Well is located within the boundaries of Applicants' 2.65-acre property, described as Lot R-11 of the Mountain Shadows Estates Subdivision (the "Property"). The Lot R-11 Well and the Property are depicted on Figure 1 attached to the application and is available for inspection at the office of the Division 5 Water Clerk or via CCE. 5. Source: Ground water tributary to Shadow Mountain Lake, tributary to Colorado River. 6. Depth of Well: 500 feet. 7. Request for Absolute Water Right. a. Use: Ordinary household purposes inside a single family dwelling. b. Rate of Diversion: 7 gallons per minute ("g.p.m."). c. Appropriation Date: March 25, 2022, by submission of Water Well Permit Application. d. Adjudication Date: March 25, 2022. Lot R-11 Well is an existing exempt well issued pursuant to C.R.S. § 37-92-602(3)(b)(II)(A), and an absolute water right is sought pursuant to C.R.S. § 37-92-602(4). 8. Request for Conditional Water Right. a. Alternate Use: Ordinary household purposes inside a single family dwelling (of which 8.0 g.p.m. is conditional), irrigation, and hot tub. b. Rate of Diversion: 15 g.p.m. c. Annual Amount of Diversion: 0.449 acre-feet ("af"). d. Appropriation Date: i. March 25, 2022 for ordinary household purposes inside a single family dwelling by submission of Water Well Permit Application. ii. October 31, 2024 for irrigation and hot tub by filing this Application. **APPLICATION FOR APPROVAL OF PLAN FOR AUGMENTATION.** 9. Name of Structure to be Augmented: Lot R-11 Well, as described above. 10. Diversions and Depletions: Total maximum water requirements for the Lot R-11 Well are 0.449 af per year ("af/yr"), and the maximum consumptive use depletions from pumping of the Lot R-11 Well are estimated to be 0.181 af/yr, based on the following uses, and assuming a year-round downstream senior call. Applicants seek the right to alter the relative proportion of uses permitted from the projections included herein so long as the total out-of-priority depletions do not exceed 0.181 af/yr. a. Indoor requirements are estimated to be 0.269 af/yr based on four full-time occupants, resulting in 0.027 af/yr of consumption using an existing onsite septic leach field with return flows calculated at 90% of indoor diversions. b. Sprinkler irrigation requirements for 4,000 square feet of irrigated grass at 80% consumption, and drip irrigation requirements for irrigating up to six aspen trees at 95% consumption, are estimated to be 0.175 af/yr, resulting in 0.148 af/yr of consumption for irrigation use. c. Requirements for a 500-gallon hot tub filled three times annually and assumed to be 100% consumptive estimated to be 0.005 af/yr. 11. Water Rights to be Used for Augmentation: Middle Park Water Conservancy District Water Allotment Contract. On October 9, 2024, Applicants were approved for a Water

Allotment Contract with the Middle Park Water Conservancy District ("MPWCD") for a total of 0.2 af (the "MPWCD Contract"). Augmentation water will be provided by Middle Park Water Conservancy District from Granby Reservoir or Wolford Mountain Reservoir as described below. a. Granby Reservoir: 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 outlined 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, 6th P.M. b. Wolford Mountain Reservoir: This water is 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 SW1/4 NE1/4 of Section 25, Township 2 North, Range 81 West of the 6th P.M. c. Pursuant to said agreements, water will be provided from Granby Reservoir or Wolford Mountain Reservoir to replace depletions to the Colorado River caused by Applicants' diversion at the location described in Paragraph 4 above, in amounts as determined by the Division Engineer, Water Division No. 5, and at such times as diversions by the Applicants would ordinarily be curtailed due to the call of senior water rights downstream from the Applicants' point of diversion. d. Additional Existing or Future Sources of Augmentation and Replacement Supply; Supplies of Augmentation Water of Limited Duration; Additional or Alternative Sources: Applicants seek the ability to use additional and alternative future water supplies for augmentation under this plan should any such supplies become available on a permanent or limited basis, including water leased on a yearly or less frequent basis, to be used in the subject plan for augmentation if the use of said additional or alternative sources is part of a substitute supply plan approved pursuant to C.R.S. § 37-92-308 or if such sources are decreed for such use. Applicants also seeks the ability to use additional and alternative sources of water approved under an interruptible supply plan approved pursuant to C.R.S. § 37-92-309. 12. Statement of Plan for Augmentation: Augmentation water will be credited to or released from Granby Reservoir and/or Wolford Mountain Reservoir to replace up to 0.2 af of out-of-priority depletions caused by Applicants' diversions at the location described in paragraph 4, in accordance with Applicants' MPWCD Contract, or as otherwise allowed based on additional or alternative augmentation supplies Applicants may acquire pursuant to subparagraph 11.d. **APPLICATION FOR APPROPRIATIVE RIGHTS OF EXCHANGE.** 13. Exchange Project: Pursuant to C.R.S. §§ 37-92-302(1)(a) & 37-92-305(3)(a), Applicants seek to adjudicate exchange projects as described herein. 14. Exchange Rate: 0.00025 c.f.s., conditional, limited to 0.181 af/yr. 15. Appropriation Date: October 31, 2024, the date of filing this Application. 16. Lot R-11 Well Exchange No. 1: a. Upstream Exchange Termini: The location of depletions from the Lot R-11 Well is at Shadow Mountain Reservoir which is located on the Colorado River, the outlet of which is located in the SW1/4 NW1/4 of Section 19, T3N, R75W of the 6th P.M., Grand County, Colorado. b. Downstream Exchange Termini: The outlet of Granby Reservoir as described in subparagraph 11.a. c. Exchange Reach: Water credited to or released from the outlet of Granby Reservoir will be exchanged in Granby Reservoir to the Colorado River, upstream on the Colorado River to the termini described in subparagraph 16.a at the location of depletions for the Lot R-11 Well. d. Water and Water Rights used for Substitution/Replacement: Water stored in Granby Reservoir, as described in subparagraph 11.a, to which the Applicants are entitled pursuant to the MPWCD Contract. 17. Lot R-11 Well Exchange No. 2: a. Upstream Exchange Termini: The location of depletions from the Lot R-11 Well is at Shadow Mountain Reservoir which is located on the Colorado River, the outlet of which is located in the SW1/4 NW1/4 of Section 19, T3N, R75W of the 6th P.M., Grand County, Colorado. b. Downstream Exchange Termini: Confluence of Muddy Creek and the Colorado River, located in the NW1/4 NE1/4 of Section 19, T1N, R80W, 6th P.M. Grand County, Colorado. c. Exchange Reach: Water released from the outlet of the Wolford Mountain Reservoir will flow down Muddy Creek to its confluence with the Colorado River, then be exchanged upstream on the Colorado River to the outlet of Granby Reservoir, then exchanged in Granby Reservoir to the Colorado River, upstream to the termini described in subparagraph 17.a at the location of depletions for the Lot R-11 Well. d. Water and Water Rights used for Substitution/Replacement: Water stored in Wolford Mountain Reservoir, as described in subparagraph 11.b, to which the Applicants are entitled pursuant to the MPWCD Contract. 18. Ownership: The land upon which the Lot R-11 Well is located is owned by Applicants. Granby Reservoir is owned by the Bureau of Reclamation, whose address is: United States Bureau of Reclamation, Eastern Colorado Area Office, 11056 West County Road 18E, Loveland, Colorado 80537-9711. Wolford Mountain Reservoir is owned by the Colorado River Water Conservation District, whose address is: 27219 US Highway 40, Kremmling, CO 80459. WHEREFORE, Applicants respectfully request that the Court enter a decree adjudicating the underground water rights described in paragraphs 2 through 8, approving the augmentation plan described in paragraphs 9 through 12, granting the appropriative right of exchange described in paragraphs 13 through 17, and granting other such relief as the Court deems just and proper.

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

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

24CW3144 (2018CW3044, 2011CW035, 2001CW334) IN THE ROARING FORK RIVER OR ITS TRIBUTARIES IN PITKIN COUNTY - APPLICATION FOR FINDING OF REASONABLE DILIGENCE Board of County Commissioners of Pitkin County, Colorado, c/o Jennifer M. DiLalla, Molly K. Haug-Rengers, Moses, Wittemyer, Harrison and Woodruff, P.C., 2595 Canyon Blvd, Suite 240, Boulder, CO 80302 1. Name, mailing address, email address, and telephone number of applicant: Board of County Commissioners of Pitkin County, Colorado ("Pitkin County"), c/o Richard Y. Neiley, County Attorney, 530 E. Main St., Suite 301, Aspen, CO 81611 2. Names of structures: 2.1 Paepcke Well. 2.2 Aspen-Pitkin County Airport Well Field No. 1 ("Airport Well Field"). The Airport Well Field may contain up to 15 new wells. 3. Description of conditional water rights: 3.1 Original decree: Case No. 01CW334, District Court, Water Division 5, March 22, 2005. 3.2 Subsequent decrees awarding findings of diligence: Case No. 11CW035, March 8, 2012; Case No. 18CW3044, October 21, 2018; both in the District Court, Water Division 5. 3.3 Legal descriptions: The decreed locations of the Paepcke Well and the Airport Well Field are shown on the map attached as Exhibit A. 3.3.1 Paepcke Well: On the Aspen/Pitkin County Airport ("Airport Property") in the NE1/4 SE1/4 of Section 3, T10S, R85W of the 6th P.M., at a point approximately 900 feet from the East section line and 2800 feet from the North section line of said Section 3. 3.3.2 Airport Well Field: Not less than 600 feet from any well not owned by Pitkin County, within the boundaries of the Airport Property in Section 34, T9S, R85W; and Section 3, T10S, R85W of the 6th P.M., Pitkin County, Colorado. 3.4 Source of water: **Groundwater tributary to the Roaring Fork River, which is tributary to the Colorado River.** 3.5 Appropriation Date: December 29, 1999. 3.6 Amount: 3.52 c.f.s., cumulatively between the Paepcke Well and the Airport Well Field, **CONDITIONAL.** 3.7 Use: Irrigation, municipal, domestic, commercial, industrial, and fire protection purposes. 3.8 Place of Use: Within the boundaries of the Airport Property, the legal description of which is provided in attached Exhibit B. Water diverted at the Paepcke Well and the Airport Well Field will be used for landscape irrigation of approximately 19.8 acres of the Airport Property. 4. Integrated System: In prior diligence proceedings, the Court has found that the Paepcke Well and the Airport Well Field ("Subject Water Rights") are components of Pitkin County's "single project or integrated system" within the meaning of C.R.S. § 37-92-301(4)(b). 5. Detailed outline of work and expenditures toward completion of the appropriations and application of the water to beneficial use: 5.1 Diligence period: The diligence period for the Subject Water Rights is October 2018 to October 2024 ("Diligence Period"). During the Diligence Period, the County has worked diligently to develop the Subject Water Rights, complete the appropriations, and place the water to beneficial use, as demonstrated by the following representative but non-exhaustive list of activities and expenditures. 5.1.1 Community vision process: The County is in the process of redeveloping the Aspen/Pitkin County Airport ("Airport"), which is the decreed place of use for the Subject Water Rights. The County spent approximately \$2,000,000 to engage consultants to facilitate an engagement process for the community to provide feedback on the design of the redeveloped Airport. 5.1.2 Airport layout plan update: The County spent approximately \$2,500,000 to engage consultants to develop the proposed Airport layout and to pursue approval for the proposed layout from the Federal Aviation Administration. 5.1.3 Airfield maintenance: The County spent approximately \$17,000,000 to maintain the airfield pavement at the Airport. 5.1.4 Reconfiguration of commercial ramp: The County spent approximately \$600,000 to reconfigure the commercial ramp at the Airport. 5.1.5 Maintenance of drainage and water resources: The County spent approximately \$30,000 to maintain drainage and water resources at the Airport. 5.1.6 Compliance with federal and state stormwater laws: The County spent approximately \$300,000 to comply with federal and state stormwater laws at the Airport. 5.1.7 Long-term water planning: In pending Case No. 24CW3088, Pitkin County applied for findings of diligence for the Aspen-Pitkin County Airport Exchange, a component part of the integrated water system of which the Subject Water Rights also are a component part. Both in-house counsel for Pitkin County and outside water counsel advised the County on use of its water rights at the Airport. 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: Pitkin County. Based on the foregoing, Pitkin County respectfully requests that the Court enter a decree (i) granting this Application, (ii) finding that Pitkin County has exercised reasonable diligence in developing and completing the appropriations of the Paepcke Well and the Airport Well Field water rights during the Diligence Period, and (iii) continuing those conditional water rights in full force and effect for six years from the month in which a final decree is entered in this case.

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23CW3218 EAGLE, GARFIELD, GRAND, AND PITKIN COUNTIES. FIRST AMENDED APPLICATION 1. Applicants: Sun River Run Ranch RV, LLC ("Sun"), c/o Emerson Prosser, 27777 Franklin Road, Suite 200, Southfield, MI 48034, (248) 208-2500, and Town of Granby, Colorado ("Granby"), c/o Town Manager, P.O. Box 440, Granby, CO 80446, (970) 887-2501. Sun and Granby

shall be referred to as “Applicants.” Direct all pleadings to: Madoline Wallace-Gross and Anthony J. Basile, Lyons Gaddis, P.O. Box 978, Longmont, CO 80502-0978, (303) 776-9900 and Scotty P. Krob and Nathan Krob, Krob Law Office, LLC, 8400 E. Prentice Avenue Penthouse, Greenwood Village, CO 80111, (303) 694-0099. 2. **Background:** In the original application filed on December 29, 2023 (“original application”), Applicants sought claims *inter alia* a plan for augmentation and conditional appropriative rights of exchange. In this amended application, Applicants seek the following additional claims. All other portions of the original application remain the same and are incorporated herein by reference. 2.1. Applicants seek to identify releases of water from Ruedi Reservoir, pursuant to a Colorado River Water Conservancy District contract, as an additional augmentation source to the claimed plan for augmentation as described in ¶¶ 10 to 12 of the original application. The source will operate by exchange, so Applicants seek to adjudicate a new conditional appropriative right of exchange with an October 31, 2024 appropriation date. 2.2. Applicants seek to increase the claimed exchange rates for the Sun-Granby RRR Fraser Ditches Irrigation Exchange and the Sun-Granby RRR Selak-Larabee Augmentation Exchange as described in ¶¶ 14 and 15 of the original application. To accomplish this, Applicants claim additional exchange rates for the two exchanges with October 31, 2024 appropriation dates. 2.3. Applicants seek to adjudicate a new conditional appropriative right of exchange of Griffith Ditch and Peterson No. 1 Ditch water rights into the intersection of the South Shorefox Pond A (f/k/a South Shorefox Pond) with an October 31, 2024 appropriation date. **AMENDED PLAN FOR AUGMENTATION** 3. **Paragraph 11 of the original application shall be amended to include the following augmentation source at ¶ 11.8. 11.8. Releases from Ruedi Reservoir via Colorado River Water Conservation District Contract (“River District”).** Applicants will be entitled to releases of water stored in Ruedi Reservoir, pursuant to a then-current contract with the Colorado River Water Conservation District (“River District”). The River District holds Contracts No. 009D6C0111 (500 AF), 009D6C0118 (700 AF), 039F6C0011 (530 AF), 079D6C0106 (5,000 AF), and 139D6C0101 (4,683.5 AF) from the United States Bureau of Reclamation for 11,413.5 acre-feet of annual supply from Ruedi Reservoir. 11.8.1. Legal description of place of storage: Ruedi Reservoir is located in Sections 7, 8, 9, 11 and 14 through 18, T. 8 S., R. 84 W., 6th P.M., in Eagle and Pitkin Counties. The dam axis intersects the right abutment at a point whence the SW corner of Section 7, T. 8 S., R. 84 W. of the 6th P.M. bears N. 82°10'W. a distance of 1,285 feet. 11.8.2. Source: Fryingpan River. 11.8.3. Previous storage decrees: 11.8.3.1. Civil Action No. 4613: 11.8.3.1.1. Decree Date: June 20, 1958. 11.8.3.1.2. Court: Garfield County District Court. 11.8.3.1.3. Amount: 140,697.3 acre-feet, reduced to 102,369 acre-feet pursuant to order of the Water Court in Case No. W-789-76. The full amount was made absolute in Case No. 88CW85. 11.8.3.1.4. Appropriation Date: July 29, 1957. 11.8.3.1.5. Use: Domestic, municipal, irrigation, industrial, generation of electrical energy, stock watering and piscatorial. 11.8.3.2. Case No. 81CW34: 11.8.3.2.1. Decree Date: April 8, 1985. 11.8.3.2.2. Court: District Court, Water Div. No. 5. 11.8.3.2.3. Amount: 101,280 acre-feet (refill); of this amount, 44,509 acre-feet were made absolute in Case No. 95CW95 and 25,257 acre-feet were made absolute in Case No. 01CW269, for a total of 69,766 acre-feet absolute. 11.8.3.2.4. Appropriation Date: January 22, 1981. 11.8.3.2.5. Use: Irrigation, domestic, municipal, generation of electrical energy, stock watering, industrial, piscatorial, recreation and maintenance of sufficient storage reserves to fulfill contractual obligations and provide stored water for recreation in times of drought. 11.8.3.3. PLSS: Ruedi Reservoir is located in Sections 7, 8, 9, 11 and 14 through 18, T. 8 S., R. 84 W., 6th P.M., in Eagle and Pitkin Counties. The dam axis intersects the right abutment at a point 130 feet South of the North section line and 1,280 feet East of the West section line of Section 7, T. 8 S., R. 84 W. of the 6th P.M. 4. **Paragraph 12.3 of the original application shall be amended to include the following additional operation at ¶ 12.3.6. 12.3.6. Cause releases to be made from Ruedi Reservoir controlled by the River District described in ¶ 11.8 to the Colorado River and tributaries and operate the exchange described in new ¶24. AMENDED CONDITIONAL RIGHTS OF APPROPRIATIVE EXCHANGE** 5. **Paragraph 14 of the original application shall be amended and restated as follows: 14. Name of Exchange: Sun-Granby RRR Fraser Ditches Irrigation Exchange.** A map depicting the location of the exchange is attached to the original application as **EXHIBIT E**. 14.1. **Downstream Terminus:** Confluence of the Fraser River and the Colorado River described as follows: SW ¼ SW ¼ of Section 25, Township 2 North, Range 77 West of the 6th P.M., in Grand County (UTM (ZONE 13 North): 416,985m E, 4,439,314m N. 14.2. **Upstream Terminus:** Shorefox Diversion No. 5: At a point on the Colorado River in the SW1/4 NW1/4 of Section 30, Township 2 North, Range 76 West of the 6th P.M., 110 feet East of the West Section line and 2430 feet South of the North Section line of said Section 30. This point of diversion was decreed in Case No. 05CW288. 14.3. **Source:** Unchanged irrigation water rights in the Griffith and Peterson No. 1 Ditches. 14.4. **Dates of appropriation and rates claimed:** 14.4.1. 0.1 c.f.s., conditional, with a December 12, 2023 appropriation date (claimed in the original application). 14.4.2. 2.675 c.f.s., conditional, with an October 31, 2024 appropriation date (claimed in the amended application). 14.5. **How appropriation was initiated:** By developing landscape and construction plans for the Property; hiring engineers and attorneys to file the application; approval of a resolution by co-applicant (Granby) board of trustees; filing the application with the Water Court; and filing the amended application with the Water Court. 14.6. **Uses:** Irrigation. 14.7. **Operation:** The unchanged (unquantified) portion of the Griffith and Peterson No. 1 Ditches will be: by-passed at the headgates of the Griffith and Peterson No. 1 Ditches; carried down the Fraser River to its confluence with the Colorado River; and exchanged up the Colorado River to Shorefox Diversion No. 5 for delivery to South Shorefox Pond A. The water will be released from South Shorefox Pond A within 72 hours for irrigation of the historically irrigated acreage of the Griffith and Peterson No. 1 Ditches. 6. **Paragraph 15 of the original application shall be amended and restated as follows: 15. Name of Exchange: Sun-Granby RRR Selak-Larabee Augmentation Exchange.** A map depicting the location of the exchange is attached to the original application as **EXHIBIT E**. 15.1. **Downstream Termini:** 15.1.1. Confluence of Smith Creek and the Colorado River described as follows: SW ¼ SW ¼ of Section 25, Township 2 North, Range 77 West of the 6th P.M., in Grand County (UTM (ZONE 13 North): 417,120m E, 4,439,353m N. 15.1.2. Headgate of Selak-Larabee Ditch. The Selak-Larabee Ditch extends approximately 2.7 miles from the headgate on the south bank of the Colorado River, formerly known as the Grand River, at a point whence the SE corner, Section 20, Township 2 North, Range 76 West of the 6th P.M. bears South 43° East, 2435 feet in Grand County (UTM (ZONE 13 North): 421,012m E, 4,441,212m N) to a point identified as the Selak-Larabee Pond A Intersection in the SE ¼ SE ¼ of Section 25,

Township 2 North, Range 77 West of the 6th P.M., in Grand County (UTM (ZONE 13 North): 418,333m E, 4,439,262m N). 15.2. **Upstream Termini:** 15.2.1. Granby Smith Creek Pump Station: located in the SW ¼ SE ¼ of Section 25, Township 2 North, Range 77 West of the 6th P.M., in Grand County (UTM (ZONE 13 North): 417,772m E, 4,439,279m N). 15.2.2. Bunte Highline Ditch: Located on the right bank of Willow Creek whence the Southeast Corner of Section 17, Township 2 North, Range 76 West of the 6th P.M. bears South 32° 10' East 4234 feet, also described as a point in the SW ¼ of the NE ¼ of Section 17, T 2N, Range 76 West of the 6th P.M., 1890 feet from the North Section Line and 2340 feet from the East section line. The capacity of the ditch is 50 c.f.s. 15.3. **Source:** Consumptive use credits attributable to Applicants' interest in water rights previously decreed to Selak-Larabee Ditch, and Selak-Larabee Ditch Enlargement, quantified and changed in Case No. 03CW336 and are described as follows:

Ditch Name	Appropriation Date	Source	Decreed Rate	Flow	Granby's Ownership
Selak-Larabee Ditch	May 15, 1888	Colorado River	7.75 cfs		3.875 cfs
Selak-Larabee Ditch, Enlargement	May 15, 1888	Colorado River	7.75 cfs		3.5 cfs

15.3.1. Decreed point of diversion for Selak-Larabee Ditch: The Selak-Larabee Ditch extends approximately 2.7 miles from the headgate on the south bank of the Colorado River, formerly known as the Grand River, at a point whence the SE corner, Section 20, Township 2 North, Range 76 West of the 6th P.M. bears South 43° East, 2435 feet in Grand County (UTM (ZONE 13 North): 421,012m E, 4,441,212m N) to a point identified as the Selak-Larabee Pond A Intersection in the SE ¼ SE ¼ of Section 25, Township 2 North, Range 77 West of the 6th P.M., in Grand County (UTM (ZONE 13 North): 418,333m E, 4,439,262m N). 15.3.2. Original Decree for Selak-Larabee Ditch Enlargement: C.A. 183, District Court, Grand County, State of Colorado, entered August 3, 1911. 15.3.3. Original decree for Selak-Larabee Ditch Enlargement: C.A. 795, District Court, Grand County, State of Colorado, entered October 1, 1943. 15.3.4. Originally Decreed Use for both Ditches: Irrigation. 15.3.5. Subsequent Decree: Case No. 03CW336, District Court, Water Division No. 5, entered June 2, 2014. The following table summarizes the quantified historical consumptive use for each ditch.

Month	Consumptive Use (af/acre)	Selak-Larabee - 126 acres
May	0.12	15.12
June	0.24	30.24
July	0.31	39.06
Annual	0.67	84.42

15.3.6. Decreed Uses: Domestic, commercial, municipal, stock watering, fish and wildlife enhancement and augmentation. 15.3.7. Dry-Up and Consumptive Use: Pursuant to the procedures set forth in ¶14.D. of Case No. 03CW336, Applicants have established the dry up of 216.8 acres of 348 acres (inclusive of the Selak-Larabee Ditch, Griffith Ditch, and Peterson No. 1 Ditch, which yields 145.3 acre-feet of average historic consumptive use credits annually). Applicants reserve the right to increase or decrease the dry up and consumptive use credits pursuant to ¶14.D. of Case No. 03CW336 that can be used as an augmentation source in this case. 15.4. **Dates of appropriation and rates claimed:** 15.4.1. 0.1 c.f.s., conditional, with a December 12, 2023 appropriation date (claimed in the original application). 15.4.2. 0.54 c.f.s., conditional, with an October 31, 2024 appropriation date (claimed in the amended application). 15.4.3. **How appropriation was initiated:** By developing landscape and construction plans for the Property; hiring engineers and attorneys to file the application; approval of a resolution by co-applicant (Granby) board of trustees; filing the application with the Water Court; and filing the amended application with the Water Court. 15.5. **Uses:** Augmentation. 15.6. **Operation:** Historical consumptive use credits will be by-passed at the headgate of the Selak-Larabee Ditch, and Selak-Larabee Ditch Enlargement, carried down the Colorado River and exchanged up either Smith Creek to the Smith Creek Pump Station or up Willow Creek to the headgate of the Bunte Highline Ditch. **NEW CONDITIONAL RIGHTS OF APPROPRIATIVE EXCHANGE** 7. A new ¶ 23 shall be added to the original application. 23. **Name of Exchange:** Sun-Granby RRR Shorefox Pond A Outlet Fraser Ditches Irrigation Exchange. A map depicting the location of the exchange is attached as **EXHIBIT I**. 23.1. **Downstream Terminus:** Outlet of South Shorefox Pond A: Located on Smith Creek at a point in said Section 25, Township 2 North, Range 77 West, 6th P.M., Grand County, Colorado (UTM Zone 13 North: 417,818m E, 4,439,231m N). 23.2. **Upstream Terminus:** Selak-Larabee-Pond A Intersection: Located at a point in the SE ¼ SE ¼ of Section 25, Township 2 North, Range 77 West of the 6th P.M., in Grand County (UTM (ZONE 13 North): 418,333m E, 4,439,262m N). 23.3. **Source:** Unchanged irrigation water rights in the Griffith and Peterson No. 1 Ditches. 23.4. **Date of appropriation and rate claimed:** 23.4.1. 2.775 c.f.s., conditional, with an October 31, 2024 appropriation date. 23.4.2. **How appropriation was initiated:** By developing landscape and construction plans for the Property; hiring engineers and attorneys to file the application; approval of a resolution by co-applicant (Granby) board of trustees; filing the application with the Water Court; and filing the amended application with the Water Court. 23.5. **Uses:** Irrigation. 23.6. **Operation:** The unchanged (unquantified) portion of irrigation water rights in the Griffith and Peterson No. 1 Ditches will be: diverted at the headgates of the Griffith Ditch and Peterson No. 1 Ditch; carried in the respective ditches; discharged into Smith Creek; carried in Smith Creek to the point of the South Shorefox Pond A outlet; and exchanged up the outlet to the Selak-Larabee-Pond A Intersection for storage in South Shorefox Pond A. The water will be released from South Shorefox Pond A within 72 hours for irrigation of the historically irrigated acreage of the Griffith and Peterson No. 1 Ditches. 8. A new ¶ 24 shall be added to the original application. 24. **Name of Exchange:** Sun-Granby RRR River District (Ruedi) Augmentation Exchange. A map depicting the location of the exchange is attached as **EXHIBIT J**. 24.1. **Downstream Terminus:** Confluence of the Roaring Fork River and the Colorado River described as follows: in the SE 1/4 of the NW 1/4 of Section 9, Township 6 South, Range 89 West of the 6th P.M. based on BLM PLSS, Garfield County, Colorado. NAD 83 Zone 13 easting: 299,744 northing: 4,380,373. 24.2. **Upstream Terminus:** 24.2.1. Shorefox Diversion No. 5: described in ¶ 4.2. herein. 24.2.2. Granby Smith Creek Pump

Station: described in ¶ 5.2.1. herein. 24.2.3. Bunte Highline Ditch: described in ¶5.2.2. herein. 24.3. **Source:** Contract water rights described in ¶3 herein. 24.4. **Date of appropriation and rate claimed:** 24.4.1. 5 c.f.s., conditional, with an October 31, 2024 appropriation date. 24.4.2. **How appropriation was initiated:** By developing landscape and construction plans for the Property; hiring engineers and attorneys to file the application; approval of a resolution by co-applicant (Granby) board of trustees; filing the application with the Water Court; and filing the amended application with the Water Court. 24.5. **Uses:** Augmentation. 24.6. **Operation:** Applicants will cause contract water to be released from Ruedi Reservoir, carried down the Frying Pan River, carried down the Roaring Fork River, and exchanged up the Colorado River either: to Shorefox Diversion No. 5; to its confluence with the Smith Creek and then up Smith Creek to the Granby Smith Creek Pump Station; or to its confluence with Willow Creek and then up Willow Creek to the headgate of the Bunte Highline Ditch. 9. **Owners of Land upon which the Structures are or will be Located.** 9.1. Co-Applicant Granby owns the land on which the following structures are located: South Shorefox Pond A, Shorefox Surface Diversion No. 5, Selak-Larabee-Pond A Intersection, the Granby Smith Creek Pump Station, and Peterson No. 1 Ditch headgate. 9.2. Northern Colorado Water Conservancy District, whose address is 220 Water Ave., Berthoud CO 80513-9245, owns the land on which the Bunte Highline Ditch headgate is located. 9.3. The Alice Marie Nordloh Family, whose address is P.O. Box 194, Granby, CO 80446-0194, owns the land on which the headgate of the Griffith Ditch is located. 9.4. Dines Family Holdings, LLC, whose address is c/o Katherine Dines, 2595 E. Cedar Ave., Denver, CO 80209, owns the land on which the headgate of the Selak-Larabee Ditch is located. 9.5. The Bureau of Land Management owns the land on which Ruedi Reservoir is located. WHEREFORE, Applicants respectfully request that this Court approve Applicants' claims set forth in the original application and this first amended application.

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

24CW3065 (Former Cases No. 17CW3147, 08CW61) GRAND COUNTY. AMENDED APPLICATION FOR FINDING OF REASONABLE DILIGENCE AND TO MAKE CONDITIONAL WATER RIGHTS ABSOLUTE. Attorneys for Peak Materials, LLC: Mason H. Brown and Matthew Navarrette, Carlson, Hammond & Paddock, L.L.C., 1900 N. Grant Street, Suite 1200, Denver, CO 80203; Phone Number: (303) 861-9000; mbrown@chp-law.com, mnavarrette@chp-law.com. 1. Name, address, telephone number, and email address of Applicant: Peak Materials, LLC, c/o Kilgore Companies, LLC, 7057 W. 2100 S., West Valley City, Utah 84128; Phone: 970-242-5370; jon.mueller@kilgorecompanies.com, Cc: stewart.lamb@kilgorecompanies.com. 2. Name of Structures and description of water rights: 2.1. Morrow Sump: 2.1.1. Date of Original Decree: June 7, 2011, Case No. 08CW61, District Court in and for Water Division No. 5, Colorado. 2.1.2. Subsequent decrees awarding findings of diligence: May 27, 2018, Case No. 17CW3147, District Court in and for Water Division No. 5, Colorado. 2.1.3. Legal Description: In the SW1/4 SW1/4 of Section 12, Township 1 South, Range 76 West of the 6th P.M., at a distance approximately 150 feet from the West section line and 675 feet from the South section line of said section 12. 2.1.4. Source: Crooked Creek, tributary to the Fraser River (the Sump pumps surface water from Crooked Creek and the structure is not considered to be a well). 2.1.5. Appropriation Date: March 11, 1998. 2.1.6. Amount: 175 gpm; 15 acre-feet of which 10.24 acre-feet is absolute and 4.76 acre-feet is conditional. 2.1.7. Use: Water is pumped to and stored in the Morrow Gravel Pond No. 1 for uses within a commercial gravel mining operation, including gravel washing, cement manufacturing, truck and machinery washing, and dust suppression. 2.2. Morrow Gravel Pond No. 1: 2.2.1. Date of Original Decree: June 7, 2011, Case No. 08CW61, District Court in and for Water Division No. 5, Colorado. 2.2.2. Subsequent decrees awarding findings of diligence: May 27, 2018, Case No. 17CW3147, District Court in and for Water Division No. 5, Colorado. 2.2.3. Legal Description: In the SW1/4 SW1/4 of Section 12, Township 1 South, Range 76 West of the 6th P.M., with a centerline distance of approximately 570 feet from the West section line and 700 feet from the South section line of said section 12. 2.2.4. Source: Crooked Creek, tributary to the Fraser River, through the Morrow Sump. 2.2.5. Appropriation Date: March 11, 1998, for commercial uses and May 30, 2008, for augmentation uses. 2.2.6. Amount and Use:

Use	Initial Fill		Refill	
	Absolute (AF)	Conditional (AF)	Absolute (AF)	Conditional (AF)
Commercial*	2.15	0.85	0.0	12.0
Augmentation	0.0	3.0	0.0	12.0

*Commercial use: Uses within a commercial gravel mining operation, including gravel washing, cement manufacturing, truck and machinery washing, and dust suppression.

2.2.6.1. Maximum Annual Storage: In any given year, this structure may be filled and re-filled up to five (5) times, allowing for a maximum amount of 15.0 acre-feet per year. 2.3. The water rights that are the subject of this application, as described in sections 2.1 and 2.2, above, are hereafter referred to as the "Subject Water Rights." 2.4. A map depicting the location of the Subject Water Rights is attached as Exhibit 1. 2.5. Integrated System: The Subject Water Rights comprise an integrated system of water rights and structures under § 37-92-301(4)(b), C.R.S. Accordingly, reasonable diligence in the development of one component of the system comprises

reasonable diligence in the development of all components. 3. Provide a detailed outline of what has been done toward completion or for completion of the appropriation and application of water to a beneficial use as conditionally decreed, including expenditures: 3.1. Background: Applicant owns and operates an existing gravel mining and concrete operation (the "Mine"), located south of the Town of Tabernash in Grand County, Colorado. The Subject Water Rights were appropriated to provide water for the operation of the Mine facility. 3.2. Diligence Activities since the last Finding of Reasonable Diligence: 3.2.1. As part of its Mine development, the Applicant's predecessor in interest adjudicated Case No. 08CW61, approving a plan for augmentation for certain Mine operations, including the augmentation of out-of-priority diversions of the Subject Water Rights. Applicant is required by the decree in that case to prepare monthly accounting reports and annual reports summarizing diversions and replacements made pursuant to the plan for augmentation. Applicant has prepared and provided such reports during the diligence period. Since the Subject Water Rights are part of a unified and integrated water supply system, of which the 08CW61 plan for augmentation forms a part, the Applicant's efforts in compliance with the plan for augmentation constitutes diligence with regard to the Subject Water Rights. 3.2.2. During the diligence period, Applicant annually purchased augmentation water pursuant to its contract with the Colorado River Water Conservation District for augmentation water released from Wolford Mountain Reservoir. This water is used as a replacement supply pursuant to the 08CW61 plan for augmentation to replace out-of-priority depletions caused by the diversion of the Subject Water Rights. Because the Wolford Mountain Reservoir water is necessary for the continued operation of the Subject Water Rights, the purchase of augmentation water pursuant to Applicant's contract with the Colorado River Water Conservation District constitutes diligence with regard to the Subject Water Rights. 3.2.3. During the diligence period Applicant completed engineering, design, permitting, and construction of Well T-1, which is used for mining operations including washing aggregates, production of concrete, truck and equipment washing, and dust control. Since continued mining operations are a necessary prerequisite to the development of the Subject Water Rights, these engineering, design, permitting, and construction efforts constitute diligence in the development of the Subject Water Rights. 3.2.4. During the diligence period Applicant developed multiple substitute water supply plans and adjudicated a plan for augmentation in Case No. 15CW3079 to replace out-of-priority depletions caused by the pumping of Well T-1. The substitute water supply plans and the plan for augmentation in Case No. 15CW3079 use the Morrow Gravel Pond No. 1 water right as a source of replacement supply to replace depletions caused by the pumping of Well T-1. The additional use of the Morrow Gravel Pond No. 1 water right as a source of replacement supply for Well T-1 demonstrates the Applicant's continued efforts to develop that water right and constitutes diligence with regard to the Subject Water Rights. 3.2.5. Applicant is required by the decree in Case No. 15CW3079 to prepare annual accounting reports summarizing withdrawals and replacements made pursuant to that plan for augmentation. Applicant has prepared and provided such reports as required by the 15CW3079 plan for augmentation during the diligence period. Since the Subject Water Rights are part of a unified and integrated water supply system, of which the 15CW3079 augmentation plan forms a part, the Applicant's efforts in compliance with the 15CW3079 augmentation plan constitutes diligence with regard to the Subject Water Rights. 3.2.6. During the diligence period, Applicant has continued with the orderly planning, designing, construction, and maintenance of the structures associated with the Subject Water Rights, including associated engineering and legal work, site planning, and structure maintenance. Applicant expended significant sums in the course of these and the other diligence activities described in this section 3. These activities, which ensure the continued ability to operate the Subject Water Rights, constitute diligence with regard to the Subject Water Rights. 3.2.7. Throughout the diligence period, Applicant diverted water at the Morrow Sump for delivery to the Morrow Pond No. 1 and subsequently applied the water to beneficial use in the course of Applicant's mining activities. The continued exercise of the Subject Water Rights during the diligence period constitutes diligence with regard to the Subject Water Rights. 4. If claim to make absolute in whole or in part: Throughout the diligence period, Applicant diverted water at the Morrow Sump for delivery to Morrow Gravel Pond No. 1. Water was subsequently applied to beneficial use in the course of Applicant's mining activities. These diversions were made in priority during times of free river or augmented pursuant to the 08CW61 Plan for Augmentation and allocated to the Subject Water Rights. During the 2019, 2020, 2021, and 2022 water years, Applicant diverted in excess of 15 acre-feet into Morrow Gravel Pond No. 1 for storage via the Morrow Sump. These diversions, in amounts up to 15 acre-feet, can be attributed to the Subject Water Rights and were diverted in priority or pursuant to the 08CW61 plan for augmentation. As a result, Applicant seeks to make an additional amount of 4.76 acre-feet absolute as to the Morrow Sump water right and an additional amount of 9.85 acre-feet and 15.0 acre-feet absolute as to the Morrow Gravel Pond No. 1 water rights for commercial and augmentation purposes respectively. A summary of the relevant diversions is attached as Exhibit 2. 5. Names(s) and address(es) of owner(s) or reputed owners of the land upon which any new diversion or storage structure, or modification to any existing diversion or storage structure is or will be constructed or upon which water is or will be stored, including any modification to the existing storage pool: 5.1. Murphy Mining & Minerals, LLC, c/o James Leigh Murphy, PO Box 72, Yeso, NM 88136-0072; 5.2. Kilgore Companies LLC, c/o DBA Peak Materials, PO Box 869, Magna, UT 84044-0869. WHEREFORE, Applicant respectfully requests the Court enter its decree and ruling as follows: A. To issue a finding that the entire amount of the Morrow Sump water right (15 acre-feet) has been made absolute by reason of diversion in priority or pursuant to the 08CW61 plan for augmentation and application of the resulting water to decreed beneficial uses; B. To issue a finding that the entire amount of the Morrow Gravel Pond No. 1 water right (15 acre-feet) has been made absolute for commercial uses by reason of diversion in priority or pursuant to the 08CW61 plan for augmentation and both (1) application of the resulting water to decreed commercial beneficial uses, and (2) storage of the same pursuant to 37-92-103(4)(a), C.R.S.; C. To issue a finding that the entire amount of the Morrow Gravel Pond No. 1 water right (15 acre-feet) has been made absolute for augmentation uses by reason of diversion in priority or pursuant to the 08CW61 plan for augmentation and storage pursuant to 37-92-103(4)(a), C.R.S.; D. In the alternative, to make a finding of reasonable diligence with respect to the remaining conditional Subject Water Rights originally decreed in Case No. 08CW61, and providing that a subsequent showing of diligence be made six years from the date of entry of a decree of diligence.

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

24CW3088 PITKIN COUNTY, ROARING FORK RIVER. Board of County Commissioners of Pitkin County, Colorado c/o Laura Makar, Deputy County Attorney, 530 E. Main St., Ste. 301, Aspen, Co 81611, (970) 920-5190. APPLICATION FOR FINDING OF REASONABLE DILIGENCE. Name of structure: Aspen-Pitkin County Exchange. Type: Exchange. Original Decree: Case No.: 99CW306, District Court, Water Division 5, Colorado, January 31, 2005. Subsequent decree: 11CW6, District Court, Water Division 5, Colorado, October 30, 2011; 17CW3204, District Court, Water Division 5, Colorado, June 3, 2018. Legal description: Three maps illustrating the location of the Airport Exchange are on file with the court. The appropriate right of exchange will operate on the Roaring Fork River between the Airport property and the downstream confluence of the Roaring Fork River with the Fryingpan River by releases from Ruedi Reservoir, the location of which is located in parts of Sections 7, 8, 9, 11, 14, 15, 16, 17 and 18, Township 8 South, Range 84 West of the 6th P.M. in Pitkin and Eagle Counties, Colorado. The dam is located in the NW1/4 of Section 18, Township 8 South, Range 84 West of the 6th P.M. The initial point of survey of the dam is on the right abutment thereof at a point whence the southwest corner of Section 7, Township 8 South, Range 84 West of the 6th P.M. bears North 68°58' West a distance of 1126 feet. Exchange-From Point: The confluence of the Fryingpan River and Roaring Fork River which is currently located in Section 7, Township 8 South, Range 86 West, of the 6th P.M. Exchange-To Point: Section 2, Township 10 South, Range 85 West, of the 6th P.M., at a point approximately 1,350 feet south of the north section line and 1,850 feet east of the west section line. Source: Ruedi Reservoir, pursuant to a water allotment contract with the Basalt Water Conservancy District. Appropriation Date: December 29, 1999. Amount: 25 acre-feet per year, conditional; 0.14 c.f.s., conditional maximum exchange rate. Use: Augmentation and replacement by exchange of depletions to the Roaring Fork River. A detailed outline of what has been done toward completion of the appropriation is on file with the Court. Name and address of owner of the land upon which structure is located and upon which water will be used: Applicant.

2YOU ARE HEREBY NOTIFIED THAT YOU HAVE until the last day of DECEMBER 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.