

DIVISION 5 WATER COURT- FEBRUARY 2025 RESUME

(This publication can be viewed in its entirety on the Colorado State Judicial website at: www.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 FEBRUARY 2025. *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.*

25CW3024 EAGLE COUNTY. Application for Conditional Groundwater Right and Plan for Augmentation. Applicant: Ruedi Water and Power Authority, c/o Christopher L. Geiger & Blake C. Peterson, Balcomb & Green, P.C., P.O. Drawer 790, Glenwood Springs, CO 81602; (970) 945-6546; balcombgreen.com. Applicant is an authority created by intergovernmental agreement between seven counties or municipal governments with interests in the Roaring Fork River watershed. The purpose for the Applicant includes the support and preservation of water resources, systems, and facilities in the Roaring Fork River watershed, including other agencies in invasive species management. Applicant is a party to agreements with the U.S. Forest Service and CPW in the operation of CPW's Aquatic Nuisance Species Program at Ruedi Reservoir on the Fryingpan River ("Ruedi ANS Program"). The Ruedi ANS Program inspects and decontaminates boats entering the reservoir to prevent invasive species, including Quagga and Zebra mussels, from establishing in the reservoir and downstream river basins. The Ruedi ANS Program uses pressurized, heated water to remove and kill invasive species when decontaminating boats. Applicant herein requests a conditional groundwater right for the Ruedi ANS Well to provide water the supplies necessary for Ruedi ANS Program boat decontamination operations and incidental needs. Applicant further requests approval of a plan for aug. to replace the out of priority depletions resulting from operation of this new groundwater right to prevent injury to other vested water rights. First Claim for Conditional Groundwater Right. Name of Water Right: Ruedi ANS Well (Permit No. 85651-F). Legal Description: SW1/4 NE1/4, Sec. 7, T. 8 S., R. 84 W., of the 6th P.M., in Eagle Cty, CO. The physical location is near Ruedi Marina Boat Ramp with the address of 300 John Marina, Basalt, CO 81621. Also described as UTM Zone 13, NAD83, Easting 343768.0 m and Northing 4359291.0 m. Source: **Groundwater hydraulically connected with Ruedi Reservoir on the Fryingpan River, tributary to the Roaring Fork and Colorado Rivers.** Depth: 73 ft. Date of Approp.: 4/19/2021. How Approp.: Filing of substitute water supply plan to operate SWR. Amt.: 15 g.p.m. conditional; 1.0 AF annually. Uses: Industrial use for boat washing and other purposes incidental to operation of the Ruedi ANS Program. Remarks: Applicant will augment all out-of-priority depletions from the Ruedi ANS Well pursuant to the plan for aug. requested in the second claim below. Second Claim for Approval of Plan for Aug. Name of Water Right to be Augmented: Ruedi ANS Well. Water Rights to be Used for Aug.: Applicant will utilize replacement water supplies in Ruedi Reservoir described below. Applicant holds Contract No. 009D6C0130 with the U.S. Bureau of Reclamation, dated 9/21/2000, for up to 185 AF of water stored in Ruedi Reservoir ("USBR Contract"). Legal Description of Place of Storage: Ruedi Reservoir is located in Secs. 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 Sec. 7, T. 8 S., R. 84 W. of the 6th P.M. bears N. 82°10' W. a distance of 1,285 ft. Source: Fryingpan River. Previous storage decrees: Civil Action No. 4613, on 6/20/1958, in Garfield Cty. Dist. Ct., in the amt. of 140,697.3 AF, reduced to 102,369 AF pursuant to order of the Water Ct. in W-789- 76. The full amt. was made absolute in 88CW85 for dom., muni., irr., industrial, generation of electrical energy, stock watering and piscatorial uses, approp. date of 7/29/1957. 81CW34, on 4/8/1985, in Dist. Ct., Water Div. No. 5, in the amt. 101,280 AF (refill); of this amt., 44,509 AF were made absolute in 95CW95 and 25,257 AF were made absolute in 01CW269, for a total of 69,766 AF absolute for irr., dom., muni., 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, approp. date of 1/22/1981. PLSS: Ruedi Reservoir is located in Secs. 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 ft S. of the N. Sec. line and 1,280 ft E. of the W. Sec. line of Sec. 7, T. 8 S., R. 84 W. of the 6th P.M. Statement of Plan for Aug.: Applicant requests a plan for aug. that will replace out-of-priority depletions to groundwater hydraulically connected with Ruedi Reservoir on the Fryingpan River, tributary to the Roaring Fork and Colorado Rivers, from operation of the ANS Well. Description of Plan for Aug.: Applicant will divert water from the Ruedi ANS Well for boat washing and other purposes incidental to operation of the Ruedi ANS Program. Operation of the Ruedi ANS Program is the only use of water diverted from the Ruedi ANS Well. The Ruedi ANS Program is typically operated from May 1 through October 31 each year. Diversions from the Ruedi ANS Well will be treated as one-hundred percent consumptive for purposes of this plan for aug. The cumulative diversion volume from the Ruedi ANS Well for operation of the Ruedi ANS Program is estimated at 1.0 AF per year, and the resulting depletion for this diversion volume will be calculated as 1.0 AF per year. Diversions from the Ruedi ANS Well directly deplete water stored within Ruedi Reservoir. Under this plan for aug., Applicant may account for depletions resulting from use of the Ruedi ANS Well as deductions against the Ruedi Reservoir storage supplies available to it under USBR Contract rather than release water stored behind the reservoir. When the Ruedi ANS Well is out-of-priority due to a call originating at Ruedi Reservoir to satisfy the reservoir's decreed storage rights, replacement of out-of-priority depletions arising from use of the Ruedi ANS Well will be made by booking over the volume of the out-of-priority depletions from USBR Contract to the credit of the calling Ruedi Reservoir priority. When the Ruedi ANS Well is out-of-priority due to a call originating downstream of Ruedi Reservoir on the Fryingpan River, on the Roaring Fork River below the Fryingpan River, or on the Colorado River below the Roaring Fork River, replacement of out-of-priority depletions arising from use of the Ruedi ANS Well will be made by deducting the volume of the out-of-priority depletions from the storage volume available to Applicant under USBR Contract. Applicant's Ruedi Reservoir USBR Contract water will be used and accounted for to replace depletions resulting from operation of the Ruedi ANS Well directly to Ruedi Reservoir, and thus out-of-priority depletions will be replaced in the month they impact Ruedi Reservoir, and no transit losses will be assessed. Replacement of out-of-priority depletions under this plan for aug. will occur through delivery or credit at or above the calling water right in every instance, and this plan for aug. does not involve an exchange project. Applicant's USBR Contract supply is adequate in volume to replace all out-of-priority depletions resulting from use of the Ruedi ANS

Well under this plan for aug. Replacements: Applicant's proposed plan for aug. is sufficient to permit the continuation of diversions when curtailment would otherwise be required to meet a valid senior call to the extent that the Applicant provides replacement water necessary to meet the lawful requirements of a senior water right at the time and location and to the extent the senior would be deprived of his or her lawful entitlement by the Applicant's diversion. 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: CPW & U.S. Forest Service. WHEREFORE, the Applicant requests the Ct. enter a decree: 1) confirming a conditional groundwater right for the Ruedi ANS Well as described herein; 2) approving the plan for aug. as described herein; and 3) for such further relief that the Ct. may deem appropriate. (6 pages of original application, Exh. A - C)

YOU ARE HEREBY NOTIFIED THAT YOU HAVE until the last day of APRIL 2025 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 FEBRUARY 2025. *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.*

25CW3025 PITKIN COUNTY, Application for Conditional Water Right and Alternate Point of Diversion. Applicant: Bismarck Bluffs LLC; 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. The Applicant requests confirmation of a conditional water right: **DRC Castle Creek Pump and Pipeline**: Legal description: The SE ¼, SW ¼ of Section 18, Township 11 South, Range 84 West of the 6th P.M. A map of the point of division is attached as Exhibit A to the Application. A vicinity map is attached as Exhibit B to the Application. UTM (NAD83, Zone 13): Northing 4328188, Easting 343028.27. Subdivision: Lot 1, Navratilova Lot Split. **Source: Castle Creek, a tributary of the Roaring Fork River, a tributary of the Colorado River.** Date of Appropriation: February 22, 2017. How appropriation was initiated: Initially, a water right was published and originally decreed in this location in Case No. 93CW246 as the Castle Creek Pump and Pipeline (still in effect) as an alternate source for filling the Blattberg Pond First Enlargement water right, confirmed in subsequent diligence proceedings filed in Case Nos. 02CW127, 09CW141, 17CW3013. It was then re-decreed for these same uses in Case No. 18CW3080, in addition to being decreed as an alternate point of diversion for the Blattberg Spring Area Feeder Ditch described below and included in the diligence case filed in 23CW3073 as a source for filling the Blattberg Pond First Enlargement. An agreement allowing the construction of the pump station was entered into with Applicant's predecessor. These acts together with the intent to apply the water claimed to beneficial use co-existed as of the claimed appropriation date. Date water applied to beneficial use: N/A. Amount: 0.06 c.f.s. (25 gpm), conditional. Use or proposed use: Irrigation of four acres on Applicant's property, back-up domestic uses (with filtration and treatment) and the filling of the Blattberg Pond First Enlargement water right for its subsequent beneficial uses decreed in Case No. 93CW246. A map of the proposed irrigated area is attached as Exhibit C to the Application. The name(s) and address(es) of owner(s) or reputed owners of the land upon which new diversion structure is located: The point of diversion is on land owned by Asp Properties, LLC, Charles Somers, ASP Manager, 5241 Arnold Ave, McClellan CA 95652. The water will be put to beneficial use on Applicant's property. Remarks: A water right at this location was originally decreed as the Castle Creek Pump and Pipeline in Case No. 93CW246 by Applicant's predecessor in interest for filling the Blattberg Pond First Enlargement, which water right is still in full force and effect. The DRC Pump and Pipeline water right was also decreed by Applicant's predecessor in interest in Case No. 18CW3080, exactly as described herein. An application for filings of reasonable diligence was due November 30, 2024, but such application was not filed. By this Application, Applicant re-applies for the exact same water right without any changes thereto. The cumulative limit of diversions by this appropriation and the Blattberg Spring Area Feeder Ditch alternate point of diversion described in the paragraph 3, below, will not exceed 25.0 gallons per minute or a volumetric limit of 3.5 acre-feet. The Applicant requests that the DRC Pump and Pipeline be an alternate point of diversion for **Blattberg Spring Area Feeder Ditch**. Original Decree for Blattberg Spring Area Feeder Ditch: Case No. 92CW313, entered on December 26, 1997, Division No. 5 Water Court. Subsequent diligence case numbers: 03CW288, 15CW3072 and 22CW3011. Legal description: The point of diversion for the Blattberg Spring Area and the Blattberg Spring Area Feeder Ditch is situated in the NE ¼ of the SW ¼ Section 18 (protracted), Township 11 South, Range 84 West of the 6th P.M., 2,310 feet East of the West Section Line and 1,540 feet North of the South Section Line. See maps attached as Exhibits A and B. Source: springs tributary to Castle Creek, tributary to the Roaring Fork River, tributary to the Colorado River. Appropriation date: January 20, 1992. Total amount decreed: 0.1 c.f.s., conditional. Uses: Diversion into storage for irrigation, domestic, aesthetic, augmentation piscatorial, recreation, fire protection, and recreation purposes in the Blattberg Pond First Enlargement. Detailed description of proposed change: Applicant requests that the DRC Castle Creek Pump and Pipeline described in paragraph 2 be an alternate point of diversion for the Blattberg Spring Area Feeder Ditch right exactly as originally decreed in Case No. 18CW3080. The place of use, type of use and decreed uses will remain the same. Accordingly, there will be no change in the contemplated draft of the conditional water right. The proposed alternate point of diversion location, described in paragraph 3.B, above, is also shown on the map attached as Exhibit A. The original decreed point of diversion for the Blattberg Spring Area Feeder Ditch is located just inside the White River National Forest. United States Forest Service, P.O. Box 948, Glenwood Springs, CO 81602. Applicant owns the land upon which the water will be beneficially used. Remarks: Applicant seeks an alternate point of diversion for the Blattberg Spring Area Feeder

Ditch to permit its use without entry upon the federal domain. Applicant's predecessor executed an agreement with Asp Properties, LLC authorizing the filing of the application in Case No. 18CW3080, which information and terms and conditions are repeated herein, and construction of the improvements required. The cumulative limit of diversions by the Blattberg Spring Area Feeder Ditch and the DRC Castle Creek Pump and Pipeline water right described in paragraph 2 will not exceed 25.0 gallons per minute or a volumetric limit of 3.5 acre-feet. Terms and conditions (as set forth in decree entered in Case No. 18CW3080): Applicant shall limit diversions at the alternate point of diversion to the amount of water physically available at the original point of diversion, not to exceed 25 gallons per minute and a volumetric of 3.5 acre-feet. The irrigation from the Blattberg Spring Feeder Ditch shall be limited to 1 acre and the other uses augmented in Case No. 93CW246. The 1 acre of irrigation under the original Blattberg Spring Feeder Ditch and the four acres to be irrigated under the water rights claimed in paragraph 2 hereof, shall occur within the area designated in Exhibit C. (5 pages).

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25CW3026 (18CW3112, 06CW95) SUMMIT, GRAND & EAGLE COUNTIES, COLORADO. In the Colorado River or its Tributaries. Application for Findings of Reasonable Diligence and to Make Water Rights Absolute. Applicants: Cattleman's Club Homeowners' Association, Inc., c/o Edward B. Olszewski, Esq., Olszewski & Massih, P.C., P.O. Box 916, Glenwood Springs, CO 81602, (970) 928-9100. Structure: **Cattleman's Pond No. 1 (Reservoir).** Original Decree (all structures): 07/28/2012, 06CW95. Location: The center of the pond is located in the SE ¼ of the NE ¼ of Section 13, T.5S., R.83W. of the 6th P.M. at a point 180 feet from the east section line and 2,020 feet from the north section line. Source: To fill reservoir: Moses Ditch, Cattleman's Enlargement. West Lake Creek, tributary to the Eagle River, tributary to the Colorado River. Approp. Date: 01/13/2006 by development of siting plan for pond. Applied to beneficial use: 05/25/007. Amount: 7.4 acre-feet, absolute for recreation and piscatorial and conditional for irrigation and augmentation. Uses: Recreation, piscatorial, irrigation and augmentation. Rate of Diversion for Filling the Reservoir: 1.0 c.f.s. from the Moses Ditch, Cattleman's Enlargement. Total no. of acres to be irrigated: 0.92 acre. Legal Description of acres to be irrigated: 5,000 s.f. of lawns and gardens on 8 residential lots, for a total of 40,000 s.f. The exact location of the irrigation is not known at this time but lies within the Cattleman's Ranch development located within the SE ¼ of the NE ¼ of Section 13, T/5S., R83W., and the NW ¼ of NW ¼, the SW ¼ of the NW ¼, the NW ¼ of SW ¼, and the SW ¼ of the SW ¼ of Section 18, T.5S., R82W. of the 6th P.M. Surface Area: 0.93 acre. Max. Dam Height: 10 feet. Dam Length: 200 feet. Total capacity of reservoir: 7.4 a.f.. Active capacity: 7.4 a.f. Dead storage: 0 a.f. Structure: **Moses Ditch, Cattleman's Enlargement (Ditch).** Location: The headgate of the Moses Ditch is located on the west bank of West Lake Creek within the NE ¼ of the NW ¼ of Section 19, T.5S., R.82W. of the 6th P.M. at a point 1,750 feet from the west section line and 440 feet from the north section line. Source: West Lake Creek, tributary to the Eagle River, tributary to the Colorado River. Approp. Date: 01/13/2006 by development of siting plan for pond and irrigation system. Applied to beneficial use: 05/25/2007. Amount: 1.0 c.f.s., absolute for pond filling for Cattleman's Pond No. 1, conditional for irrigation. Uses: Pond filling, irrigation. Total no. of acres to be irrigated: 0.92 acre. Legal Description of acres to be irrigated: The irrigation will be 5,000 s.f. of lawns and gardens on 8 residential lots, for a total of 40,000 s.f. The exact location of the irrigation is not known at this time but lies within the Cattleman's Ranch development located within the SE ¼ of the NE ¼ of Section 13, T/5S., R83W., and the NW ¼ of NW ¼, the SW ¼ of the NW ¼, the NW ¼ of SW ¼, and the SW ¼ of the SW ¼ of Section 18, T.5S., R82W. of the 6th P.M. Structure: **Cattleman's Exchanges.** Location: Legal Description of the exchange is from the confluence of the Colorado and Eagle Rivers to the points of diversion for the Cattleman's Pond No. 1 and Moses Ditch, Cattleman's Enlargement (to be exercised with Wolford Mountain Reservoir releases): Upper termini: a) Cattleman's Pond No. 1, described above, b) Moses Ditch, Cattleman's Enlargement, described above. Lower terminus: located at the confluence of the Eagle and Colorado Rivers located in the SW 1/4 of the NE 1/4 of Section 5, T. 5 S., R 86 W., of the 6th P.M. at a point 2,100 feet from the east section line, and 2,880 feet from the south section line. Location: Legal Description of the exchange is from the confluence of the Colorado and Roaring Fork Rivers to the points of diversion for the Cattleman's Pond No. 1 and Moses Ditch, Cattleman's Enlargement (to be exercised with Ruedi Reservoir releases): Upper termini: a) Cattleman's Pond No. 1, described above, b) Moses Ditch, Cattleman's Enlargement, described above. Lower terminus: located at the confluence of the Roaring Fork and Colorado Rivers located in the SE 1/4 of the NW 1/4 of Section 9, T. 6 S., R 89 W., of the 6th P.M. at a point 2,940 feet from the east section line, and 3,150 feet from the south section line. Rate of Exchange: 1.0 c.f.s., conditional, limited to 0.4 acre feet per year. Approp. Date: 05/30/2006 by formation of intent to adjudicate the exchange as claimed herein. Date water applied to beneficial use: N/A. Landowner Notification: All structures are located on lands owned by Applicant. A detailed outline of what has been done toward completion of the appropriation and application of water to a beneficial use as conditionally decree, including expenditures, during the previous diligence period is outlined in the Application. Applicant prays for a decree of this Court, finding the Applicant has exercised reasonable diligence toward the development of the aforementioned water rights and any such other and further relief as the Court may deem appropriate. (7 pages and exhibit)

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25CW3027 PITKIN COUNTY. ROARING FORK RIVER TRIBUTARY TO COLORADO RIVER. Red Butte Ranch Homeowners Association, c/o Corona Water Law, 218 E. Valley Road #104 PMB 166, Carbondale, CO 81623, (970) 948-6523, cc@craigcoronalaw.com. **APPLICATION FOR FINDING OF REASONABLE DILIGENCE AND TO MAKE ABSOLUTE.** Structures: Red Butte Ranch Wells Nos. 2, 3, 4 and 5. Original decree: 2/25/98, Case No. 95CW366, Division 5 Water Court. Diligence decrees: 04CW91, 11/24/04; 10CW287, 3/27/12; 18CW3042, 2/3/19. Change decree 18CW3024, 8/16/22. Legal description: Red Butte Ranch Well No. 2 (Well Permit No. 62739-F): NE NW Section 2, T10S R85W 6th P.M. within a 200-foot radius of a point from whence the northeast corner of Section 2 bears N 76°13'E. 2,864 feet. Red Butte Ranch Well No. 3 (irrigation use): NE NW Section 2, T10S, R85W, 6th P.M. within a 200-foot radius of a point from whence the northeast corner of Section 2 bears N. 77°43'E. 3,342 feet. Red Butte Ranch Well No. 4 (irrigation use): NE NW Section 2, T10S R85W 6th P.M. within a 200-foot radius of a point from which the northeast corner of Section 2 bears N. 83°41' E. 3,523 feet. Red Butte Ranch Well No. 5 (irrigation use): NE NW Section 2, T10S R85W 6th P.M. within a 200-foot radius of a point from whence the northeast corner of Section 2 bears N. 89°54'E. 3,703 feet. Red Butte Ranch Lot 3 4 5 Well (Well Permit 86969-F) location for domestic, fire protection, and livestock watering use under Red Butte Ranch Well Nos. 3, 4, and 5 water rights: SE SW Section 35, T9S R85W 6th P.M. UTM coordinates. Easting: 340046.0, Northing: 4342836.0. Source: Groundwater tributary to Roaring Fork River, tributary to Colorado River. Appropriation date: August 8, 1995, for all water rights. Amount for each well: 30 g.p.m. Uses: The Red Butte Ranch Well Nos. 2, 3, 4, and 5 water rights are each decreed to provide water supply to one single family residence and associated affordable housing unit for domestic, irrigation, fire protection, and livestock watering purposes. Outline of work completed towards the completion of the appropriation of water to beneficial use is included with the Application. Claim to make absolute: Red Butte Ranch Wells 3, 4, and 5 water rights diverted at the Lot 3 4 5 Well. Date water applied to beneficial use: Water was first applied to beneficial use just after the houses were built on Lots 3, 4, and 5 and certificates of occupancy (CO's) were issued. Lot 3: 8/31/22, Lot 4: 12/13/23, Lot 5: 11/16/23. Amount: 30 g.p.m. Uses: Domestic and fire protection. Description of place of use where water is applied to beneficial use: Lots 3-5, Red Butte Ranch Subdivision. Amount remaining conditional: 30 g.p.m. for irrigation and livestock watering. The structures are located on land owned by the Applicant and Applicant's members.

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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 FEBRUARY 2025. *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.*

25CW3028 in GARFIELD COUNTY, COLORADO, THE COLORADO RIVER. APPLICATION FOR FINDING OF REASONABLE DILIGENCE. Applicant's contact information: Town of New Castle, c/o Town Administrator, P.O. Box 90, New Castle, CO 81647. Please direct all pleadings and correspondence 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: FOR FINDING OF REASONABLE DILIGENCE.** Name of structure: New Castle Augmentation Station. Date of original decree: August 22, 1991, in Case No. 87CW373, District Court in and for Water Division No. 5, Colorado. Subsequent decrees awarding findings of diligence or otherwise relating to the water right: April 20, 1998, in Case No. 97CW201; November 9, 2004, in Case No. 04CW62; October 8, 2009, in Case 02CW395; May 28, 2012, in Case No. 10CW279, and February 3, 2019, in Case No. 18CW3083, each in the District Court in and for Water Division No. 5, Colorado. Legal description: Decreed location: The New Castle Augmentation Station is located at a point on the north bank of the Colorado River from whence the Southwest corner of Section 31, Township 5 South, Range 90 West of the 6th P.M. bears South 44°30' West a distance of 2,500 feet. Remark: As reflected in the Decree in Case No. 10CW279, the New Castle Augmentation Station is located in the NE1/4 of the SW1/4 of Section 31, Township 5 South, Range 90 West of the 6th P.M., 1,813 feet north of the South section line of Section 31 and 1,724 feet east of the West section line of Section 31. Source: Colorado River. Appropriation Date: May 22, 1984. Amount: 0.47 c.f.s., conditional. In Case No. 10CW0279, the New Castle Augmentation Station water right was confirmed absolute in the amount of 1.0 c.f.s. for irrigation use. In Case No. 18CW3083, the New Castle Augmentation

Station water right was confirmed absolute in the amounts of 3.53 c.f.s. for irrigation use and 4.53 c.f.s. for municipal, commercial, domestic, and industrial uses. The New Castle Augmentation Station water right is absolute for 4.53 c.f.s. for all decreed uses. Use: Municipal, commercial, domestic, industrial, and irrigation uses. Claim for Diligence: Applicant requests a finding of diligence for the New Castle Augmentation Station water right in the amount of 0.47 c.f.s., conditional, for municipal, commercial, domestic, industrial, and irrigation uses. A detailed outline of what has been done by Applicant during the diligence period toward or for completion of the appropriation and application of the conditional New Castle Augmentation Station water right to beneficial use as decreed, including expenditures, is presented in Exhibit B to the Application. Integrated Water Supply System: The New Castle Augmentation Station water right was found in previous cases to be a component part of Applicant's integrated municipal water supply system, within the meaning of C.R.S. §37-92-301. As such, work performed with respect to any component part of Applicant's water supply system constitutes diligence toward development of the New Castle Augmentation Station water right. **SECOND CLAIM: FOR FINDING FOR REASONABLE DILIGENCE.** Name of water right: Elk Creek / East Elk Creek Exchange. Date of original decree: August 22, 1991, in Case No. 87CW373, District Court in and for Water Division No. 5, Colorado. Subsequent decrees awarding findings of diligence: April 20, 1998, in Case No. 97CW201; November 9, 2004, in Case No. 04CW62; October 8, 2009, in Case 02CW395; May 28, 2012, in Case No. 10CW279, and February 3, 2019, in Case No. 18CW3083, each in the District Court in and for Water Division No. 5, Colorado. Exchange Reach Location: East Elk Creek between Ware and Hinds Ditch and the New Castle Pump and Pipeline. Source of Exchange Deliveries: Exchange water will be diverted at and delivered via the New Castle Augmentation Station. Appropriation date: November 7, 2002. Description and Operation of Exchange: Historically, water rights decreed to the Red Rock Ditch have been subject to call by the Ware and Hinds Ditch located on Elk Creek. Therefore, historic consumptive use credits associated with the Red Rock Ditch are not available for augmentation purposes throughout the entire historic irrigation season. In order to provide a secure water service to Castle Valley Ranch P.U.D., and in order to compensate for the lack of seniority of water rights in the Red Rock Ditch to be used for augmentation, at such times as the water rights in the Red Rock Ditch are used or claimed for augmentation, and when such water rights are out of priority, water will be pumped from the Colorado River at the New Castle Augmentation Station to a point on Elk Creek above the headgate of the Ware and Hinds Ditch (or to a point in the Ware and Hinds Ditch). Water will be diverted at the New Castle Augmentation Station under its own water right and under the Buster Pump and Pipeline and Adam's Lake Reservoir water rights. The Town of New Castle will thereby provide a substitute supply to the Ware and Hinds Ditch in an amount equal to the lesser of the amount validly called by said ditch or the upstream diversions not augmented by in-priority water rights under the approved plan for augmentation. Claim for Diligence: Applicant requests a finding of diligence for the Elk Creek / East Elk Creek Exchange. A detailed outline of what has been done by Applicant during the diligence period toward or for completion of the appropriation and application of the conditional Elk Creek / East Elk Creek Exchange water right to beneficial use as decreed, including expenditures, is presented in Exhibit B to the Application. Integrated Water Supply System: The Elk Creek / East Elk Creek Exchange water right was found in previous cases to be a component part of Applicant's integrated municipal water supply system, within the meaning of C.R.S. §37-92-301. As such, work performed with respect to any component part of Applicant's water supply system constitutes diligence toward development of the Elk Creek / East Elk Creek Exchange water right. Names and addresses of owners of land upon which structures are located: Applicant. The following exhibits are on file with the Water Court: Map depicting the location of structures (Exhibit A) and List of diligence activities (Exhibit B) (pp. 7 with exhibits).

YOU ARE HEREBY NOTIFIED THAT YOU HAVE until the last day of APRIL 2025 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 FEBRUARY 2025. *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.*

25CW3029 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. Communications, including pleadings regarding this application should be directed to counsel for the applicant, Andrea L. Benson and Gilbert Y. Marchand, Jr., Alperstein & Covell, P.C., 2299 Pearl Street, Suite 400-C, Boulder, CO 80304. 1. Names of structures. a. Lyeth Jones Pipeline, First Enlargement. b. AH Wells Nos. 1 – 4. c. Maroon Creek Pipeline, Highlands Enlargement. d. AH Pipeline - First Alternate. e. AH Pipeline - Second Alternate. 2. Describe conditional water right (as to each structure) giving the following from the previous decree: Date of original decree: May 9, 1995, Case No.: 93CW322, Court: Water Court, Water Division 5. Subsequent decrees awarding diligence: All subsequent decrees were entered by the Water Court, Water Division No. 5, as follows: Case No. 01CW145 on September 24, 2003, Case No. 09CW144 on September 17, 2010, and Case No. 16CW3110 on February 17, 2019. 3. Decreed locations. a. Lyeth-Jones Pipeline, First Enlargement. A point located in the SW1/4NW1/4, Section 14, Township 10 South, Range 85 West of the 6th P.M. in Pitkin County, at a point whence the North Quarter Corner of Section 14 bears North 44° 07' East a distance of 2, 272.41 feet. b. AH Wells Nos. 1 - 4. The four wells will be located southeast of Maroon Creek within fifty (50) feet of the high water line of said creek, in the SW1/4NW1/4, Section 14, Township 10 South, Range 85 West of the 6th P.M. in Pitkin County. The wells will be located within a radius of 700 feet of a point located whence the Northwest Corner of said Section 14 bears North 10°0' West a distance of 2, 575 feet.

The following locations were decreed as tentative locations for the four wells: i. AH Well No. 1: A point whence the Northwest Corner of Section 14 bears North 4°15' West a distance of 3,025 feet. ii. AH Well No. 2: A point whence the Northwest Corner of Section 14 bears North 9°30' West a distance of 2,700 feet. iii. AH Well No. 3: A point whence the Northwest Corner of Section 14 bears North 17°15' West a distance of 2,600 feet. iv. AH Well No. 4: A point whence the Northwest Corner of Section 14 bears North 26°0' West a distance of 2,400 feet. b. Maroon Creek Pipeline, Highlands Enlargement: The headgate is located at a point on the Southerly bank of Maroon Creek, whence the North Quarter Corner of Section 22, Township 10 South, Range 85 West of the 6th P.M. in Pitkin County bears North 38°55' East a distance of 5,361.8 feet. c. AH Pipeline, First Alternate. The east bank of Maroon Creek, in the NE1/4SE1/4, Section 15, Township 10 South, Range 85 West of the 6th P.M. in Pitkin County, at a point whence the West Quarter Corner of Section 14, Township 10 South, Range 85 West of the 6th P.M. bears South 75°25' East 148' then North 4°33'50" East 840.62 feet. d. AH Pipeline, Second Alternate. A point located on the east bank of Maroon Creek, in the NE1/4SE1/4, Section 15, Township 10 South, Range 85 West of the 6th P.M. in Pitkin County, at a point whence the Southeast Corner of said Section 15 bears South 24°08'03" East 1460.93 feet. A USGS map showing the location of the above-named structures is attached as Exhibit A. Some areas in Pitkin County, specifically near the Aspen Highlands Base Area and the Aspen Highlands Ski Area, have never been officially surveyed by the USGS, and thus any legal description based on section lines may not be accurate. Accordingly, Aspen disclaims any responsibility for any inaccuracy in such description that may be determined based on section lines. 4. **Source for all structures: Maroon Creek, a tributary of the Roaring Fork and Colorado Rivers.** 5. Appropriation date as to all structures: August 10, 1993. Applicant acknowledges that the water rights for the above-named structures are junior in priority to the Colorado Water Conservation Board's Maroon Creek instream flow water right decreed for 14 cfs by the Division 5 Water Court in Case No. W-2945 and, as such, Applicant must curtail diversions at these points whenever the Colorado Water Conservation Board's Maroon Creek instream flow is not being satisfied, unless out of priority depletions are augmented pursuant to a decreed augmentation plan or approved substitute water supply plan or other approved administrative or lawful procedure. 6. Amounts: a. Lyeth-Jones Pipeline, First Enlargement: 4.5 cfs, conditional. b. AH Wells Nos. 1 - 4: 1.0 cfs conditional as to each well. c. Maroon Creek Pipeline Highlands Enlargement: 4.5 cfs, conditional. d. AH Pipeline, First Alternate: 4.5 cfs conditional. e. AH Pipeline, Second Alternate: 4.5 cfs conditional. The cumulative instantaneous diversions under the foregoing water rights shall not exceed 4.5 cfs at any given time. 5. Uses: Domestic, irrigation, municipal, commercial, industrial, recreation, snowmaking, or piscatorial, fire protection, augmentation and exchange purposes. 6. Provide a detailed outline of what has been done toward completion or for completion of the appropriation and application of water to a beneficial use as conditionally decreed, including expenditures: The water rights decreed in Case No. 93CW322 were developed to provide a legal water supply for the development of the Aspen Highlands Base Area and the Aspen Highlands Ski Area in Pitkin County. The project consists of a year-round recreational resort development with a ski area, single-family and multi-family residences, commercial development, restaurants, maintenance facilities, greenbelts and lawns, snowmaking, and attendant facilities and amenities. The water rights were adjudicated and owned by Applicants Hines Highlands Limited Partnership and Aspen Highlands Mountain Limited Liability Company (collectively, "Hines") from the date of their decree until they were conveyed to the City. The City and Hines are parties to a Water Service Agreement dated August 10, 1998, and two Raw Water Agreements of the same date. Pursuant to these agreements, the City contracted to provide municipal water service for domestic, irrigation, recreation, snowmaking and other water uses to the Hines development projects using its existing water rights and supplies and the water rights decreed in Case No. 93CW322, when and to the extent needed. Hines contracted, among other things, to construct and convey to the City the water system infrastructure necessary to enable the City to deliver raw and treated water supplies pursuant to the agreements, to transfer ownership of that infrastructure to the City upon completion and acceptance by the City, and to convey to the City the conditional water rights that are the subject of this application. The City operates an integrated water supply system, currently consisting of diversion structures, wells, water mains, lines and distribution systems for both raw and treated water, pump systems, an operational reservoir, treatment plants and related infrastructure. The water system infrastructure constructed by Hines is a component of this integrated water supply system and is used to supply water to the Hines projects as well as provide additional reliability to other City customers. Pursuant to C.R.S. § 37-92-301(4)(b), when an integrated water supply 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, City has continued to improve, operate and maintain its integrated water supply system, of which these conditional water rights are a part. In particular, the City has spent approximately \$1.9 million in the construction, repair and improvement of its water system infrastructure and related infrastructure and projects that are part of the efficiency, operation and maintenance of its integrated water supply system, to enable the City to more effectively provide water service to its existing and future customers. These efforts have allowed the City to continue to provide water service to the Hines project that is as efficient and reliable as the service provided to the City's other customers. The City has defended its water rights, including these conditional water rights, against applications filed by others in cases where the City has determined that injury to its water rights could occur in the absence of appropriate terms and conditions. During this diligence period, the City has expended approximately \$300,000 in attorney fees, of which a portion was expended specifically in opposition to water court applications in order to protect and defend the City's water rights, and applications to maintain Aspen's conditional water rights, including, without limitation, in the following cases from the Water Court, Water Division No. 5.: Case Nos. 2019CW3169, 2020CW3023, 2020CW3139, 2020CW3188, 2021CW3049, 2021CW3050, 2021CW3082, 2021CW3129, 2022CW3017, 2022CW3035, 2022CW3044, 2022CW3053, 2022CW3082, 2022CW3091, 2022CW3125, 2023CW3088, 2023CW3105, 2023CW3115, 2023CW3216, 2023CW3223, 2024CW3064, 2024CW3096, 2024CW3099, 2024CW3128, 2024CW3163, 2024CW3164, and 2024CW3178. 7. 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. Applicant is not seeking a new water right for new structures and does not believe that notice is required of this application

to landowners pursuant to C.R.S. 37-92-302(2)(a). However, to the extent the Court deems identification of landowners and notice is required, the lands on which the decreed locations of the structures are located, is as follows: The Lyeth Jones Pipeline, First Enlargement is located on lands owned by: Pitkin County, 530 E. Main Street, #302, Aspen, CO 81611. Tentative Locations for AH Well Nos. 1-4 may be located on lands owned by: Aspen Skiing Company, LLC, PO Box 1248, Aspen, CO 81612. Aspen Highlands Commercial Metro District, P.O. Box 4100, Basalt, CO 81621-4100; Pitkin County, 530 E. Main Street #302, Aspen, CO 81611. Maroon Creek Pipeline, Highlands Enlargement is located on lands owned by: T Lazy Seven Ranch Corporation, c/o Rick Deane, 3129 Maroon Creek Road, Aspen, CO 81611. AH Pipeline - First Alternate is located on lands owned by: HSI Snowmass, LLC, One Patriot Pl., Foxboro, MA 02035. AH Pipeline - Second Alternate is located on lands owned by: United States Forest Service, 620 Main Street, Carbondale, CO 81623. WHEREFORE, Applicant City of Aspen, having demonstrated that it has steadily applied effort to complete the appropriation of these water rights in a reasonably expedient and efficient manner under all the facts and circumstances, respectfully requests this Court to find that it has exercised reasonable diligence in putting to beneficial use the conditional water rights originally decreed in Case No. 93CW322 and to continue the conditional decrees for another six years, or such period as may otherwise be permitted by law.

YOU ARE HEREBY NOTIFIED THAT YOU HAVE until the last day of APRIL 2025 to file with the Water Clerk a verified Statement of Opposition setting forth facts as to why this application should not be granted or why it should be granted in part or on certain conditions. A copy of such statement of opposition must also be served upon the applicant or the applicant's attorney and an affidavit or certificate of such service shall be filed with the Water Clerk, as prescribed by Rule 5, CRCP. (Filing Fee: \$192.00) KATHY POWERS, Water Clerk, Water Division 5; 109 8th Street, Suite 104 Glenwood Springs, CO 81601.

7. PURSUANT TO C.R.S., §37-92-302, AS AMENDED, YOU ARE NOTIFIED THAT THE FOLLOWING PAGES COMPRISE A RESUME OF THE APPLICATIONS AND AMENDED APPLICATIONS FILED WITH THE WATER CLERK FOR WATER DIVISION 5 DURING THE MONTH OF FEBRUARY 2025. *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.*

25CW3030 MESA COUNTY - COLORADO RIVER; Randy Whetzell; c/o Rachel M. Awalt and John R. Pierce, DUFFORD WALDECK, 744 Horizon Court, Suite 300, Grand Junction, CO 81506, (970) 241-5500; **APPLICATION FOR SURFACE WASTEWATER RIGHT AND STORAGE WATER RIGHT;** Name and contact information of Applicant: Randy Whetzell, 1947 Broadway, Grand Junction, CO 81507; Randy.Whetzell@bldr.com; (970) 250-4097; Request for Surface Wastewater Right: Name of water right: Whetzell Wastewater Diversion Point A; Location of point of diversion: NW/4 of the SE/4 of Section 16, T11S R101W, 6th P.M. (UTM Zone 13N, 180961m E; 4334173m N). Source of PLSS information: Colorado's Decision Support Systems' MapView; Source: Wastewater from upgradient fields, tributary to the Colorado River; Appropriation Date: On or around May 1, 2020; How appropriation was initiated: By diversion of water and application to beneficial use on Applicant's property by Applicant; Date water applied to beneficial use: On or around May 1, 2020; Amount: 0.5 c.f.s. absolute, 0.5 c.f.s. conditional; Use: Irrigation of 1.5 acres and filling and refilling the Whetzell Pond; Description of irrigation use: Number of acres historically irrigated, 0.5. proposed to be irrigated, 1.5 acres. Water will be used to supplement irrigation on a portion of land already irrigated under another water right. The location of the irrigated acreage is in the NW/4 of the SE/4 of Section 16, T11S R101W, 6th P.M.; Description of use: Filling and refilling the Whetzell Pond, including the right to fill and refill when in priority. A claim for the Whetzell Pond is requested below; Name and address of owner of land on which structure is located: Applicant; Request For Surface Wastewater Right: Name of water right: Whetzell Wastewater Diversion Point B; Location of point of diversion: NW/4 of the SE/4 of Section 16, T11S R101W, 6th P.M. (UTM Zone 13N, 180960m E, 4334281m N); Source: Wastewater from upgradient fields, tributary to the Colorado River; Appropriate Date: On or around the summer of 2021; How appropriation was initiated: By diversion of water via the building of a dirt dam on Applicant's property and application to beneficial use on Applicant's property by Applicant; Date water applied to beneficial use: On or before June 1, 2021; Amount: 0.5 c.f.s. absolute; Use: Filling and refilling the Whetzell Pond; Description of use: Filling the Whetzell Pond, including the right to fill and refill when in priority. A claim for the Whetzell Pond is requested below; Name and address of owner of land on which structure is located: Applicant; Request For Water Storage Right: Name of Structure: Whetzell Pond; Point of Diversion: Whetzell Wastewater Diversion Point A and Point B, mentioned above. Location of Point A: the NW/4 of the SE/4 of Section 16, T11S R101W, 6th P.M. (UTM Zone 13N, 180961m E; 4334173m N); Location of Point B: the NW/4 of the SE/4 of Section 16, T11S R101W, 6th P.M. (UTM Zone 13N, 180960m E, 4334281m N); Source: Surface flows from Whetzell Wastewater Diversion Point A and Whetzell Wastewater Diversion Point B, as well as natural surface runoff tributary to the Colorado River; Location of Structure: NW/4 of the SE/4 of Section 16, T11S R101W, 6th P.M. (UTM Zone 13N, 180981m E; 4334289m N); Appropriation Date: On or before June 1, 2021; How appropriation was initiated: By construction of the embankment for the pond; Amount Claimed: 0.25 a.f. absolute; Use: Recreation, wildlife watering directly from the pond, and fire protection; Surface area of high-water line: 0.03 acres; Vertical height of dam: No more than 10 feet; Length of Dam: 40 feet; Total Capacity: 0.25 a.f.; Active capacity: 0.0; Dead Storage: 0.25 a.f.; Name and address of owner of land on which structure is located: Applicant; Relation back to priority date under C.R.S. § 37-92-306.1: Applicant requests that the filing date of this Application relate back to December 2024 under C.R.S. § 37-92-306.1. (5 pages)

YOU ARE HEREBY NOTIFIED THAT YOU HAVE until the last day of APRIL 2025 to file with the Water Clerk a verified Statement of Opposition setting forth facts as to why this application should not be granted or why it should be granted in part or on certain conditions. A copy of such statement of opposition must also be served upon the applicant or the applicant's attorney and an affidavit or certificate of such service shall be filed with the Water Clerk, as prescribed by Rule 5, CRCP. (Filing Fee: \$192.00) KATHY POWERS, Water Clerk, Water Division 5; 109 8th Street, Suite 104 Glenwood Springs, CO 81601.

8. PURSUANT TO C.R.S., §37-92-302, AS AMENDED, YOU ARE NOTIFIED THAT THE FOLLOWING PAGES COMPRISE A RESUME OF THE APPLICATIONS AND AMENDED APPLICATIONS FILED WITH THE WATER CLERK FOR WATER DIVISION 5 DURING THE MONTH OF FEBRUARY 2025. *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.*

25CW3031 (18CW3085; 11CW78; 02CW232) PITKIN COUNTY – IN THE ROARING FORK RIVER OR ITS TRIBUTARIES. Morningstar Owners' Association c/o Kevin Patrick and Lauren Hoover, Patrick, Miller & Noto, P.C., 229 Midland Ave., Basalt, CO 81621 (970) 920-1030. **First Claim: For Finding of Reasonable Diligence and To Make Absolute in Part.** Name of water right: McFarland Ditch. Description of conditional water right: Date of original decree: May 23, 2005, Case No. 02CW232; Previous findings of diligence: May 28, 2012, Case No. 11CW78; and February 3, 2019, Case No. 18CW3085. Legal description: a point in the SW ¼ of Section 28, Township 10 South, Range 84 West, 6th P.M., whence the Southwest Corner of said Section 28 bears south 39°51'23" west for a distance of 1,229.80 feet and whence the West 1/16 Corner of said Section 28 and Section 33 bears south 29°20'48" east for a distance of 1,084.83 feet (Pitkin County). Maps of the structures and general topographical area are on file with the Court as Exhibits A and B. Source: Roaring Fork River, tributary to the Colorado River. Appropriation date: July 24, 2002. Amounts and uses: 0.15 c.f.s., conditional, for irrigation of up to 5.94 acres within the Morningstar Preserve development, cumulative with the Black Diamond Ditch; 2.0 c.f.s., conditional, cumulative with the irrigation diversion for fire protection, stock watering, and the filling of the Vulcan Pond System and for subsequent uses decreed to the Vulcan Pond System, with the right to fill and refill in priority. Claim to make absolute: Date of beneficial use: June 24, 2023; Amount: 0.078 c.f.s. (35 g.p.m.); Use: Irrigation and the filling of the Vulcan Pond System. Owner of the land upon which the structure is decreed: Deborah Gorlin, PO Box 1579, Aspen, CO 81612. A Pump station has been constructed that diverts the water right within two-hundred feet of the decreed point of diversion on property belonging to: Difficult, LLC, c/o Al Deaton, 408 Little John Ln., Houston, TX 77024. A detailed outline of work performed toward completion of the appropriation and application of water during the relevant diligence period, including expenditures, is on file with the Court as Exhibit C. Applicant requests a finding that it has made the McFarland Ditch absolute for 0.078 c.f.s. for irrigation use and for the filling of the Vulcan Pond System and requests a finding of reasonable diligence for the remaining conditional amounts and uses. **Second Claim: For Finding of Reasonable Diligence and To Make Absolute in Part.** Name of water right: Black Diamond Ditch. Description of conditional water right: Date of original decree: May 23, 2005, Case No. 02CW232; Previous findings of diligence: May 28, 2012, Case No. 11CW78; and February 3, 2019, Case No. 18CW3085. Decreed legal description: a point in the SW ¼ of Section 28, Township 10 South, Range 84 West, 6th P.M., whence the Southwest Corner of said Section 28 bears south 34°42'43" west for a distance of 1,337.73 feet and whence the West 1/16 Corner of said Section 28 and Section 33 bears south 26°52'25" east for a distance of 1,234.52 feet (Pitkin County). Maps of the structures and general topographical area are on file with the Court as Exhibits A and B. Source: Roaring Fork River, tributary to the Roaring Fork River. Appropriation date: July 24, 2002. Amounts and Uses: 0.15 c.f.s., conditional, for irrigation of up to 5.94 acres, within the Morningstar Preserve development, cumulative with the McFarland Ditch; and 2.0 c.f.s., conditional, cumulative with the irrigation diversions for fire protection, stock watering, and the filling of the Vulcan Pond System for subsequent uses decreed to the Vulcan Pond System, with the right to fill and refill in priority. Claim to make absolute: Date of beneficial use: June 24, 2023. Amount: 0.078 c.f.s. (35 g.p.m.). Use: Irrigation and the filling of the Vulcan Pond System. Owner of the land upon which the structure is decreed: Difficult, LLC, c/o Al Deaton, 408 Little John Ln., Houston, TX 77024. A detailed outline of work performed toward completion of the appropriation and application of water during the relevant diligence period, including expenditures, is on file with the Court as Exhibit C. Applicant requests a finding that it has made the Black Diamond Ditch absolute for 0.078 c.f.s. for irrigation use and the filling of the Vulcan Pond System, and requests a finding of reasonable diligence for the remaining conditional amounts and uses. **Third Claim: For Finding of Reasonable Diligence.** Name of water right: Vulcan Pond System. Description of conditional water right: Date of original decree: May 23, 2005, Case No. 02CW232; Previous findings of diligence: May 28, 2012, Case No. 11CW78; and February 3, 2019, Case No. 18CW3085. Description of pond system: The Court initially decreed the Vulcan Pond System in 02CW232. The Court further defined the Vulcan Pond System to be made up of the McFarlane Pond and the Wildwood Pond as described in the plan for augmentation decreed in Case Nos. 02CW398 and 03CW324 (consolidated). Decreed legal description: The Vulcan Pond System was described as the entire Morningstar Development property in Case No. 02CW232. *See* Exhibit A to the 02CW232 Decree. The following are specific legal descriptions as described in Case No. 11CW78: McFarlane Pond: the center point of the dam is located in the NE ¼ of the SE ¼ of Section 29, Township 10 South, Range 84 West of the 6th P.M. at a point 1,501 feet from the South Section Line and 101 feet from the East Section Line of said Section 29 (UTM Coordinates X: 345729.69 and Y: 4334828.19). Wildwood Pond: the center point of the dam will be located in the NE ¼ of the SE ¼ of Section 29, Township 10 South, Range 84 West of the 6th P.M. at a point 1,354 feet from the South Section Line and 173 feet from the East Section Line of said Section 29 (UTM Coordinates X: 345705.13 and Y: 4334783.64). Maps of the structures and general topographical area are on file with the Court as Exhibits A and B. Sources: McFarlane Creek, Popcorn Creek, and the Roaring Fork River, all tributaries to the Colorado River, filled by the following diversions: McFarland Ditch and the Black Diamond Ditch, as decreed in Case No. 02CW232 and the McFarland Pipeline and the Cabin Ditch as decreed in consolidated Case Nos. 02CW398 and 03CW324. Appropriation date: July 24, 2002. Pond Characteristics: As decreed in Case No. 02CW232, the Vulcan Pond System would have a capacity of 1.38 acre-feet, where the maximum height of the dams would be less than 10 feet, the maximum length of any dam would be 100 feet, the capacity would all be active, and the maximum surface area is 0.275 acres. The McFarlane Pond a/k/a Vulcan Pond System has been constructed with a surface area of 0.111 acres and its capacity is 0.4946 acre-feet, all active. The dam is less than 10 feet high and extends approximately 130 lineal feet. In Case No. 11CW78, the Vulcan Pond System was made absolute in the amount of 0.4946 acre-feet with a surface area

of 0.111 acres. Use: Irrigation of 1.77 acres of lawn and garden areas and 1.95 acres of temporary irrigation on areas disturbed by construction activities, fire protections, stock watering, augmentation, recreation, and piscatorial which includes wildlife usage of pond areas. Augmentation is limited to that described in Case Nos. 02CW398 and 03CW324. A detailed outline of work performed toward completion of the appropriation and application of water during the relevant diligence period, including expenditures, is on file with the Court as Exhibit C. Owner of the land upon which the points of diversion are located and upon which the water has and will be placed to beneficial use: 131 Popcorn, LLC, 9893 Georgetown Pike, #124, Great Falls, VA 22066. Remarks: The balance of the Vulcan Pond System water right of 0.8854 acre feet remains conditional and a finding of reasonable diligence with respect to the balance of the conditional portion of the water right is requested herein. Applicant requests a finding that the Applicant has exercised reasonable diligence with respect to the remaining conditional portion of the Vulcan Pond System. Remark: As decreed in Case No. 02CW232, the subject water rights of this application are part of an integrated water supply for Applicant's property. C.R.S. § 37-92-301(4)(b).

YOU ARE HEREBY NOTIFIED THAT YOU HAVE until the last day of APRIL 2025 to file with the Water Clerk a verified Statement of Opposition setting forth facts as to why this application should not be granted or why it should be granted in part or on certain conditions. A copy of such statement of opposition must also be served upon the applicant or the applicant's attorney and an affidavit or certificate of such service shall be filed with the Water Clerk, as prescribed by Rule 5, CRCP. (Filing Fee: \$192.00) KATHY POWERS, Water Clerk, Water Division 5; 109 8th Street, Suite 104 Glenwood Springs, CO 81601.

9. PURSUANT TO C.R.S., §37-92-302, AS AMENDED, YOU ARE NOTIFIED THAT THE FOLLOWING PAGES COMPRISE A RESUME OF THE APPLICATIONS AND AMENDED APPLICATIONS FILED WITH THE WATER CLERK FOR WATER DIVISION 5 DURING THE MONTH OF FEBRUARY 2025. *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.*

25CW3032 (18CW3127) PITKIN COUNTY, DRY CREEK & WEST SOPRIS CREEK, TRIB. TO SOPRIS CREEK, ROARING FORK AND COLORADO RIVERS. Application for Finding of Reasonable Diligence and to Make Water Right Absolute. Applicant: Deadwood Ranch I LLC, c/o Garfield & Hecht, P.C., 910 Grand Avenue, Suite 201, Glenwood Springs, CO 81601, (970)947-1936. Name of structures: Middle Ranch Pond Nos. 1-9. Original Decree: Entered on August 23, 2012 in Case No. 06CW267, District Court, Water Division No. 5. A subsequent decree making findings of reasonable diligence was entered in Case No. 2018CW3127. A change of water right for Middle Ranch Pond No. 3 to Middle Ranch Pond 3A, 3B, and 3C System was decreed in Case No. 2020CW3133. Legal Descriptions: Middle Ranch Pond No. 1 is located in the NW ¼ NE ¼ of Section 34, Township 8 South, Range 87 West of the 6th P.M. at a point 767 feet from the north section line and 1748 feet from the east section line. Middle Ranch Pond No. 2 is located in the SE ¼ SE ¼ of Section 27, Township 8 South, Range 87 West of the 6th P.M. at a point 343 feet from the south section line and 1141 feet from the east section line. Middle Ranch Pond No. 3A, 3B, and 3C System is located in Section 27, Township 8 South, Range 87 West of the 6th P.M., as follows: (a) Middle Ranch Pond 3A dam location: UTM Zone 13N, NAD 83, Northing 4355012 meters and Easting 0319965 meters. (b) Middle Ranch Pond 3B dam location: UTM Zone 13N, NAD 83, Northing 4354986 meters and Easting 0319958 meters. (c) Middle Ranch Pond 3C storage tank location: UTM Zone 13N, NAD 83, Northing 4354985 meters and Easting 0319965 meters. Middle Ranch Pond No. 4 is located in the SW ¼ SE ¼ of Section 27, Township 8 South, Range 87 West of the 6th P.M. at a point 877 feet from the south section line and 1345 feet from the east section line. Middle Ranch Pond No. 5 is located in the SW ¼ SE ¼ of Section 27, Township 8 South, Range 87 West of the 6th P.M. at a point 958 feet from the south section line and 2615 feet from the east section line. Middle Ranch Pond No. 6 is located in the NW ¼ SE ¼ of Section 27, Township 8 South, Range 87 West of the 6th P.M. at a point 1458 feet from the south section line and 2199 feet from the east section line. Middle Ranch Pond No. 7 is located in the NW ¼ SE ¼ of Section 27, Township 8 South, Range 87 West of the 6th P.M. at a point 1852 feet from the south section line and 2174 feet from the east section line. Middle Ranch Pond No. 8 is located in the NW ¼ SE ¼ of Section 27, Township 8 South, Range 87 West of the 6th P.M. at a point 2413 feet from the south section line and 2534 feet from the east section line. Middle Ranch Pond No. 9 is located in the SE ¼ NW ¼ of Section 27, Township 8 South, Range 87 West of the 6th P.M. at a point 2634 feet from the north section line and 1778 feet from the west section line. Sources: Dry Creek, tributary to West Sopris Creek, Sopris Creek, the Roaring Fork River, and the Colorado River; via Swearingen Ditch, Cerise Brothers No. 1 Ditch, and Cerise Brothers No. 2 Ditch. West Sopris Creek, tributary to Sopris Creek, the Roaring Fork River, and the Colorado River; via Highland No. 2 Ditch. The sources and ditches to fill each pond are presented in the table included in the application. Name, capacity, and legal description of point of diversion for ditches used to fill the ponds: Swearingen Ditch: Capacity: 1.0 cfs. Source: Dry Creek, a/k/a Hell Roaring Creek, tributary to West Sopris Creek, Sopris Creek, the Roaring Fork River and the Colorado River. Headgate legal description: Located in the NE ¼ of the NE ¼ of Section 34, Township 8 South, Range 87 West of the 6th P.M. at a point approximately 20 feet from the north section line and 870 feet from the east section line. Cerise Brothers No. 1 Ditch. Capacity: 3.19 cfs. Source: Dry Creek, a/k/a Hell Roaring Creek, tributary to West Sopris Creek, Sopris Creek, the Roaring Fork River, and the Colorado River. Headgate legal description: At a point in Pitkin County whence the northeast corner of Section 34, Township 8 South, Range 87 West of the 6th P.M. bears North 9°27' East 2047 feet. Cerise Brothers No. 2 Ditch. Capacity: 3.75 cfs. Source: Dry Creek, a/k/a Hell Roaring Creek, tributary to West Sopris Creek, tributary to Sopris Creek, the Roaring Fork River and the Colorado River. Headgate legal description: At a point in Pitkin County whence the northeast corner of Section 34, Township 8 South, Range 87 West of the 6th P.M. bears North 12°03' East 2221.7 feet. Highland No. 2 Ditch. Capacity: 5.61 cfs. Source: West Sopris Creek, tributary to Sopris Creek, the Roaring Fork River and the Colorado River. Headgate legal description: At a point in Lot 3, Section 33, Township 8 South, Range 87 West, 6th P.M., whence the northeast corner of said Section 33, bears N 43°03' East 3197.8 feet. Date of appropriation for all ponds: November 30, 2005. Amount: Volume: 91.4 acre-feet, cumulative for all ponds, conditional. The volume of each pond is as follows: Middle Ranch Pond No.

1: surface area = 3.0 acres and volume = 27.6 af; Middle Ranch Pond No. 2: surface area = 0.55 acre and volume = 3.5 af; Middle Ranch Pond 3A, 3B and 3C System: surface area = 0.11 acre and volume = 0.341 af; Middle Ranch Pond No. 4: surface area = 1.0 acre and volume = 6.75 af; Middle Ranch Pond No. 5: surface area = 0.3 acre and volume = 1.8 af; Middle Ranch Pond No. 6: surface area = 1.1 acres and volume = 8.8 af; Middle Ranch Pond No. 7: surface area = 0.4 acre and volume = 2.6 af; Middle Ranch Pond No. 8: surface area = 2.0 acres and volume = 20 af; Middle Ranch Pond No. 9: surface area = 2.95 acres and volume = 20 af. Rate of diversion for filling ponds: Swearingen Ditch: 0.7 cfs. Cerise Brothers No. 1 Ditch: 3.19 cfs. Cerise Brothers No. 2 Ditch: 3.75 cfs. Highland No. 2 Ditch: 5.61 cfs. Uses for all ponds: Irrigation, augmentation, piscatorial, aesthetic, recreation, stock watering, and fire protection. Integrated System. As decreed in Case No. 2018CW3127, the Middle Ranch Pond Nos. 1-9 are part of an integrated water supply system to provide water to the Applicant's property in conjunction with the water rights decreed in Case Nos. 07CW87 and 07CW251. Therefore, 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. C.R.S. § 37-92-301(4)(b). Claim to make absolute. Applicant requests the Court to determine and decree that the Middle Ranch Pond 3A, 3B, and 3C System has been made absolute as set forth below. To the extent the Court determines that the Middle Ranch Pond 3A, 3B, and 3C System has not been made absolute, Applicant requests a decree finding reasonable diligence in the development of the subject conditional water right and continuing it in full force and effect. Date applied to beneficial use: May 4, 2024. The Pond System was completed and filled in May 2024, whereupon water was placed to beneficial use. There was no senior downstream water right call on West Sopris Creek, Sopris Creek, the Roaring Fork River or the Colorado River when the pond was filled or first applied to beneficial use. Amount: 0.341 acre-foot. Uses: Irrigation, augmentation, piscatorial, aesthetic, recreation, stock watering, and fire protection. Pursuant to C.R.S. § 37-92-301(4)(e), "[a] decreed conditional water storage right shall be made absolute for all decreed purposes to the extent of the volume of the appropriation that has been captured, possessed, and controlled at the decreed storage structure." Description of place of use: Applicant's property depicted in Exhibit A to the application. Claim for finding of reasonable diligence. The application includes a detailed outline of what has been done toward or for completion of the appropriations and application of water to 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: Middle Ranch Pond Nos. 1-9: Applicant. Applicant requests the Court to enter a decree finding and concluding that (i) the Middle Ranch Pond 3A, 3B and 3C System has been made absolute and unconditional in the amount of 0.341 acre-feet for all its decreed uses; and (ii) Applicant has shown reasonable diligence in the development of the Middle Ranch Pond Nos. 1, 2, and 4-9 and continuing such conditional water rights throughout the next diligence period.

YOU ARE HEREBY NOTIFIED THAT YOU HAVE until the last day of APRIL 2025 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 FEBRUARY 2025. *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.*

25CW3033 (18CW3128) PITKIN COUNTY. TRIBUTARY TO DRY CREEK, WEST SOPRIS CREEK, SOPRIS CREEK, ROARING FORK AND COLORADO RIVERS. Application for Finding of Reasonable Diligence. Applicant: Deadwood Ranch I LLC, c/o Garfield & Hecht, P.C., 910 Grand Avenue, Suite 201, Glenwood Springs, CO 81601, (970)947-1936. Name of structures: Middle Ranch Ditch No. 1 and Middle Ranch Ditch No. 2. Original Decree: Entered on August 23, 2012 in Case No. 07CW251, District Court in and for Water Division No. 5. A subsequent decree making findings of reasonable diligence was entered in Case No. 18CW3128. Legal descriptions: Middle Ranch Ditch No. 1: The headgate is located in Pitkin County in the SE ¼ SW ¼ of Section 27, Township 8 South, Range 87 West of the 6th P.M. a distance of 350 feet from the south section line and 2,510 feet from the west section line. Middle Ranch Ditch No. 2: The headgate is located in Pitkin County in the SW ¼ SE ¼ of Section 27, Township 8 South, Range 87 West of the 6th P.M. a distance of 945 feet from the south section line and 2,560 feet from the east section line. Source: An unnamed drainage tributary to Dry Creek (a/k/a Hell Roaring Creek) and all seeps, springs, drainages, tributaries, gullies, gulches, and drainage ditches tributary to said unnamed drainage which in any way contribute water to said unnamed drainage. Said unnamed drainage is sometimes referred to as "Monique's Gulch." Dry Creek is tributary to West Sopris Creek, Sopris Creek, the Roaring Fork River, and the Colorado River. Date of Appropriation: December 31, 2007. Amount: 4.0 c.f.s., conditional, each ditch. The cumulative rate of diversion for both Middle Ranch Ditch Nos. 1 and 2 is limited to 4.0 c.f.s. total. Uses: Aesthetic, irrigation by direct use, and filling of the Middle Ranch Pond Nos. 1-9 for subsequent irrigation, augmentation, piscatorial, aesthetic, recreation, stock watering, and fire protection uses. Integrated System. As decreed in Case No. 2018CW3128, the Middle Ranch Ditch Nos. 1-2 are part of an integrated water supply system to provide water to the Applicant's property in conjunction with the water rights decreed in Case Nos. 06CW267 and 07CW087. Therefore, 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. C.R.S. § 37-92-301(4)(b). Claim for finding of reasonable diligence. The application includes a detailed outline of what has been done toward or for completion of the appropriations and application of water to beneficial use as conditionally decreed, including expenditures. Names and addresses of the 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: Middle Ranch Ditch No. 1: Steve Leu, 227 Sage Rim Circle, Basalt, CO 81621. Middle Ranch Ditch No. 2: Applicant. Applicant requests the Court to enter a decree finding and concluding that Applicant has shown reasonable diligence in the development of the Middle Ranch Ditch Nos. 1 and 2 and continuing such conditional water rights throughout the next diligence period

YOU ARE HEREBY NOTIFIED THAT YOU HAVE until the last day of APRIL 2025 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 FEBRUARY 2025. *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.*

25CW3034 (18CW3129) PITKIN COUNTY, WEST SOPRIS CREEK, TRIB. TO ROARING FORK RIVER. Application for Finding of Reasonable Diligence. Applicant: Deadwood Ranch I LLC, c/o Garfield & Hecht, P.C., 910 Grand Avenue, Suite 201, Glenwood Springs, CO 81601, (970)947-1936. Name of exchange: Middle Ranch Exchange. Original Decree: Entered on August 23, 2012 in Case No. 07CW87, District Court, Water Division No. 5. A subsequent decree making a finding of reasonable diligence was entered in Case No. 18CW3129. Location: West Sopris Creek between the headgate of the Highland No. 2 Ditch (upstream terminus) and the confluence with Dry Creek (downstream terminus) as those points are described below. Upstream Terminus: Highland No. 2 Ditch: Located in the SW¼ NE¼ of Section 33, Township 8 South, Range 87 West of the 6th P.M. at a point approximately 2,130 feet from the east section line and 2,380 feet from the north section line. Downstream Terminus: Confluence of West Sopris Creek and Dry Creek: Located in the NE¼ NW¼ of Section 27, Township 8 South, Range 87 West of the 6th P.M., at a point approximately 2,230 feet from the west section line and 550 feet from the north section line. Source: Release of water stored in Middle Ranch Ponds and West Sopris Creek. Date of Appropriation: April 30, 2007. Amount: 54.6 acre-feet. Rate: 0.17 c.f.s., conditional. Use Enabled by Exchange: Irrigation of 6 new acres of land and pond filling and refilling to replace evaporation. Integrated System. As decreed in Case No. 2018CW3129, the Middle Ranch Exchange is part of an integrated water supply system to provide water to the Applicant's property in conjunction with the water rights decreed in Case Nos. 06CW267 and 07CW251. Therefore, 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. C.R.S. § 37-92-301(4)(b). 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 beneficial use as conditionally decreed, including expenditures. Applicant requests the Court to enter a decree finding and concluding that the Applicant has shown reasonable diligence in the development of the Middle Ranch Exchange and continuing such conditional right of exchange throughout the next diligence period.

YOU ARE HEREBY NOTIFIED THAT YOU HAVE until the last day of APRIL 2025 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 FEBRUARY 2025. *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.*

25CW3035 (16CW3178) GARFIELD COUNTY. Puckett Land Company ("Puckett") Attention: Eric R. Stearns, 5460 South Quebec Street, Suite 250, Greenwood Village, CO 80111, (303) 763-1000. Direct pleadings and correspondence to: Peter D. Nichols, Katherine Carter, Berg Hill Greenleaf Ruscitti LLP, 1712 Pearl Street, Boulder, Colorado 80302, (303) 402-1600. APPLICATION FOR FINDINGS OF REASONABLE DILIGENCE. 2. Name of structures: 2.1. West Haystack Reservoir. 2.2. East Haystack Reservoir. 3. Description of conditional water rights: 3.1. West Haystack Reservoir. 3.1.1. Date of Original Decree: February 17, 2019, Case No. 16CW3178, Water Division No. 5. 3.1.2. Legal description of location of dam centerline: Location of mid-point of centerline is SW 1/4 NE 1/4, Section 26, Township 6 South, Range 97 West, 6th P.M., Garfield County, Colorado, approximately 2,498 feet from the north line and 2,233 feet from the east line. See Exhibit 1. 3.1.3. **Source of water: East Fork Baker Gulch, tributary to Conn Creek, tributary to Roan Creek, tributary to the Colorado River;** sources listed in 3.1.4-3.1.7 below. 3.1.4. Description of water rights used to fill reservoir: The subject reservoir may be filled by diverting the Applicant's water rights, described below, through the Low Cost Ditch into the Puckett Pond No. 1, from which water stored under the described rights will be pumped and delivered to fill the reservoirs. Water delivered into Puckett Pond No. 1 under the water rights described in paragraphs 3.1.5-3.1.7 below remain subject to all applicable terms and conditions in Case No. 07CW245 (decreeing the Puckett Pond No. 1), Case No. 07CW239 (changing

Puckett's water rights described therein), Case No. 07CW246 (decreeing the Parachute Creek Puckett Exchange right), and Case No. 09CW16 (approving Puckett's plan for augmentation). 3.1.5. Historic depletion credits: The historic depletion credits from the following water rights may be used to fill Puckett Pond No. 1 through diversion at the Low Cost Ditch headgate, pursuant to Case No. 07CW239, including by exchange pursuant to Case No. 07CW246. Only the volumetric amount of the historic depletion credits as calculated and limited by month in Case No. 07CW239 may be stored in the subject reservoir. 3.1.5.1. Rulison & Miller Ditch. 3.1.5.1.1. Decrees: Original decree Civil Action No. 2748, District Court, Garfield County (Dec. 20, 1929); changed in Case No. 07CW239, Div. 5 (Sept. 25, 2016). 3.1.5.1.2. Puckett's Decreed Amount: 0.51 cfs; limited to 25.0 acre feet annually and 16.9 acre feet over a 20-year average pursuant to Case No. 07CW239. 3.1.5.1.3. Appropriation Date: December 8, 1891. 3.1.5.1.4. Priority Date: When diverted at the Low Cost Ditch by exchange to fill the Puckett Pond No. 1, diversions occur under the Parachute Creek Puckett Exchange and are administered with a priority date of December 21, 2007 and an adjudication date of December 28, 2007 pursuant to Case No. 07CW246. 3.1.5.1.5. Source: Colorado River. 3.1.5.1.6. Uses: Decreed for irrigation, industrial, including energy exploration and development, mining, evaporation, refining, power, domestic, stock watering, augmentation, and replacement of stream depletions, by direct use, storage, or exchange in Case No. 07CW239, 6.A. 3.1.5.1.7. Point of Diversion: Legal description of the point of diversion is located in Garfield County in the SW ¼ SW ¼ of Section 35, Township 6 South, Range 95 West, 6th P.M., at a point from whence the SW corner of said Section 35 bears South 64 degrees 27 minutes 44 seconds West 234.98 feet. In 07CW239, Co-Applicants' engineers estimated the point of diversion is 110 feet from the South Section Line and 210 feet from the West Section Line. This estimate, however, should not be considered as changing or supplementing the decreed legal description of the Rulison & Miller Ditch. 3.1.5.1.8. Alternate points of diversion (Case No. 07CW239, ¶ 6.B): Eaton Pipeline No. 1, Dow Pumping Plant and Pipeline, TOSCO Pumping Plant and Pipeline, Sinclair Oil and Gas Company Pumping Plant and Pipeline, Low Cost Ditch, Parachute Creek PDC Diversion, Forever Young PDC Diversion. 3.1.5.2. Diamond Ditch, First Enlargement. 3.1.5.2.1. Decrees: Original decree Civil Action No. 103, District Court, Garfield County (May 11, 1889); changed in Case No. 07CW239. 3.1.5.2.2. Decreed Amount: 3.2 cfs; limited to 55.0 acre feet annually and 41.9 acre feet over a 20-year average pursuant to Case No. 07CW239. 3.1.5.2.3. Appropriation Date: March 1, 1887. 3.1.5.2.4. Priority Date: When diverted at the Low Cost Ditch by exchange to fill the Puckett Pond No. 1, diversions occur under the Parachute Creek Puckett Exchange and are administered with a priority date of December 21, 2007 and an adjudication date of December 28, 2007 pursuant to Case No. 07CW246. 3.1.5.2.5. Source: Parachute Creek, tributary to the Colorado River. 3.1.5.2.6. Uses: Decreed for irrigation, industrial, including energy exploration and development, mining, evaporation, refining, power, domestic, stock watering, augmentation, and replacement of stream depletions, by direct use, storage, or exchange in Case No. 07CW239, ¶ 6.A. 3.1.5.2.7. Point of diversion: the point of diversion is located in Garfield County on the West bank of Parachute Creek, about one and three-fourths miles above the mouth in Section 12, Township 7 South, Range 96 West, 6th P.M. In 07CW239, the Co-Applicants' engineers estimated the point of diversion is 1,490 feet from the North Section Line and 1,100 feet from the West Section Line. This estimate, however, should not be considered as changing or supplementing the decreed legal description of the Diamond Ditch, First Enlargement. 3.1.5.2.8. Alternate points of diversion (Case No. 07CW239, ¶ 6.B): Eaton Pipeline No. 1, Dow Pumping Plant and Pipeline, TOSCO Pumping Plant and Pipeline, Sinclair Oil and Gas Company Pumping Plant and Pipeline, Low Cost Ditch, Parachute Creek PDC Diversion, Forever Young PDC Diversion. 3.1.5.3. Low Cost Ditch, the Low Cost Ditch First Enlargement, and the Low Cost Ditch Yeoman Enlargement. 3.1.5.3.1. Decrees: Original decrees Civil Action No. 103, District Court, Garfield County (May 11, 1889) and Civil Action No. 770, District Court, Garfield County (Feb. 20, 1900); changed in Case No. 07CW239. 3.1.5.3.2. Puckett's Decreed Amount: 0.5 cfs, 0.5 cfs, and 1.1 cfs respectively; limited to 233.4 acre feet annually and 179.3 acre feet over a 20-year average pursuant to Case No. 07CW239. 3.1.5.3.3. Appropriation Dates: January 4, 1887, April 1, 1888, and April 25, 1889, respectively. 3.1.5.3.4. Source: Parachute Creek, tributary to the Colorado River. 3.1.5.3.5. Uses: Decreed for irrigation, industrial, including energy exploration and development, mining, evaporation, refining, power, domestic, stock watering, augmentation, and replacement of stream depletions, by direct use, storage, or exchange in Case No. 07CW239, ¶ 6.A. 3.1.5.3.6. Point of Diversion: The decreed point of diversion is in Garfield County on the east bank of Parachute Creek, about eight miles above the mouth. In Case No. 07CW239, the Applicant's engineers estimated that the headgate and diversion point is located in Lot 13 of Section 17, Township 6 South, Range 96 West, 6th P.M. located at a point whence the South Quarter Corner of said Section 17 bears S. 18° 11' 00" West a distance of 798.61 feet, approximately 760 feet from the South Section Line and 2,320 feet from the East Section Line. This estimate, however, should not be considered as changing or supplementing the decreed legal description of the Low Cost Ditch, Low Cost Ditch First Enlargement, and/or the Low Cost Ditch Yeoman Enlargement. 3.1.5.3.7. As described in Case No. 99CW300: Former decreed point of diversion: about eight miles above the mouth of Parachute Creek and also described as being located at a point from which the N 1/4 corner of Section 20, Township 6 South, Range 96 West of the 6th P.M. bears S. 18°00'W. 800 feet. 3.1.5.3.8. As decreed in Case No. W-2910, correct surveyed headgate location and point of diversion: The headgate and diversion point is situated in Lot 13 of Section 17, Township 6 South, Range 96 West of the 6th P.M. located at a point whence the W 1/4 corner of said Section 17 bears S. 18°11'00" W. a distance of 789.61 feet. 3.1.5.3.9. Alternate points of diversion (Case No. 07CW239, ¶ 6.B): Eaton Pipeline No. 1, Dow Pumping Plant and Pipeline, TOSCO Pumping Plant and Pipeline, Sinclair Oil and Gas Company Pumping Plant and Pipeline, Low Cost Ditch, Parachute Creek PDC Diversion, Forever Young PDC Diversion. 3.1.6. Dow Pumping Plant and Pipeline: The Dow Pumping Plant and Pipeline ("Dow") may be used to fill Puckett Pond No. 1, as decreed in Case No. 07CW245, either by pipeline from the Colorado River or under the Parachute Creek Puckett Exchange decreed in Case No. 07CW246. Up to 20 cfs of the Dow may be used to fill Puckett Pond No. 1 to the extent that water is legally and physically available at the original point of diversion. When Applicant is diverting this priority at the alternate points of diversion decreed in Case No. 07CW239, Applicant is not permitted to place a call on Parachute Creek with priorities senior to December 28, 2007, pursuant to Case No. 07CW239. 3.1.6.1. Decrees: Original decree Civil Action No. 4914, District Court, Garfield County (Nov. 10, 1966); changed in Case No. 07CW239. 3.1.6.2.

Amount: 20 cfs, conditional, of Applicant's 43 cfs as changed in Case No. 07CW239; limited to a 20-year rolling average of 1,800 acre feet per year pursuant to Case No. 07CW239. 3.1.6.3. Appropriation Date: January 24, 1955. 3.1.6.4. Priority Date: When diverted at the Low Cost Ditch by exchange to fill the Puckett Pond No. 1, diversions occur under the Parachute Creek Puckett Exchange and are administered with a priority date of December 21, 2007 and an adjudication date of December 28, 2007 pursuant to Case No. 07CW246. 3.1.6.5. Source: the Colorado River. 3.1.6.6. Uses: Decreed for industrial, mining, retorting, refining, power, domestic, and all other uses necessary and related to the production of oil shale and its byproducts in Case No. 07CW239. 3.1.6.7. Original Point of diversion: At a point on the northerly bank of the Colorado River, whence the East quarter corner of Section 6, Township 7 South, Range 95 West, 6th P.M. bears North 13 degrees 17 minutes East, 753 feet. 3.1.6.8. Alternate point of diversion (Case No. W-2786, January 27, 1977): Located on the Northerly bank of the Colorado River at a point whence the East Quarter Corner of Section 6, Township 7 South, Range 95 West of the 6th P.M. bears North 35° 00' East, 1880 feet. 3.1.6.9. Alternate points of diversion (Case No. 07CW239, ¶ 7.A.i): Low Cost Ditch, Parachute Creek PDC Diversion, Forever Young PDC Diversion, Eaton Pipeline No. 1, TOSCO Pumping Plant and Pipeline, Sinclair Oil and Gas Company Pumping Plant and Pipeline. 3.1.7. Eaton and Sinclair: The Eaton and Sinclair water rights may be used to fill the subject reservoir after delivery into Puckett Pond No. 1 through the Low Cost Ditch. Prior to using these water rights in this manner, however, Applicant must obtain a decree from this Court adding the Low Cost Ditch as an alternate point of diversion for these water rights or approving an exchange of these water rights to the Low Cost Ditch. Prior to using the Eaton Pipeline No. 1 water right in this manner, Puckett must obtain a decree from this Court changing the uses of this water right to include use through storage. These water rights may also be delivered via pipeline from the Colorado River to the reservoir. 3.1.7.1. Eaton Pipeline No. 1. 3.1.7.1.1. Decree: Civil Action No. 4954, District Court, Garfield County (July 9, 1965). 3.1.7.1.2. Decreed Amount: 10 cfs, conditional, 1 cfs absolute for irrigation. 3.1.7.1.3. Appropriation Date: December 17, 1956. 3.1.7.1.4. Source: the Colorado River. 3.1.7.1.5. Uses: Decreed for irrigation, manufacturing, industrial, and domestic uses. 3.1.7.1.6. Point of diversion: Located in the SW 1/4 SW 1/4 of Sec. 13, Township 7 South, Range 96 West, 6th P.M., at a point from whence the Southwest corner of said section bears South 82 degrees 27 minutes 52 seconds West 1033.31 feet, as changed in Case No. 95CW100, District Court, Water Div. No. 5. 3.1.7.2. Sinclair Oil and Gas Company Pumping Plant and Pipeline. 3.1.7.2.1. Decree: Case No. CA 4914, District Court, Garfield County (Nov. 10, 1966). 3.1.7.2.2. Decreed Amount: 33 cfs, conditional. 3.1.7.2.3. Appropriation date: November 29, 1956. 3.1.7.2.4. Source: the Colorado River. 3.1.7.2.5. Uses: Decreed for industrial, mining, retorting, refining, power, domestic and all other purposes necessary and related to the production of shale oil and its by-products, including all domestic purposes incident to the maintenance of a general camp and community and the inhabitants of such general camp and community. 3.1.7.2.6. Point of diversion: Located on the northerly bank of the Colorado River at a point whence the West quarter corner of Section 23, Township 7 South, Range 96 West of the 6th P.M., bears S 62°50' W, a distance of 4,605 feet. 3.1.8. West Haystack Junior Right: 3.1.8.1. Amount: 12 cfs; 370 acre feet. 3.1.8.2. Source: Local springs and seeps in East Fork Baker Gulch, tributary to Conn Creek, tributary to Roan Creek, tributary to the Colorado River. 3.1.8.3. Uses: Irrigation, industrial, including energy exploration and development, mining, evaporation, refining, power, domestic, stock watering, augmentation, and replacement of stream depletions, by direct use, storage, or exchange. 3.1.8.4. Point of diversion: The West Haystack Junior Right will be filled by the spring and seep water that it intercepts. 3.1.9. Decreed Uses for the Previously Changed Rights Used to Fill the West Haystack Reservoir: Puckett's water rights in the Rulison & Miller Ditch, Diamond Ditch, First Enlargement, Low Cost Ditch, Low Cost Ditch, First Enlargement, and Low Cost Ditch, Yeoman Enlargement were changed in Case No. 07CW239 at paragraph 6.A to add the following uses to the decreed irrigation use: "industrial, including energy exploration and development; mining; evaporation; refining; power; domestic; stock watering; augmentation; and replacement of stream depletions, by direct use, storage or exchange." The decree in Case No. 07CW239 at paragraph 6.B allows Puckett to divert the historical stream depletion credits attributed to Applicant's interest in the Rulison & Miller Ditch, Diamond Ditch, First Enlargement, Low Cost Ditch, Low Cost Ditch, First Enlargement, and Low Cost Ditch, Yeoman Enlargement water rights for the changed uses directly or by exchange at identified points of diversion for the following structures: the Eaton Pipeline No. 1, Dow Pumping Plant and Pipeline, The Oil Shale Corporation Pumping Plant and Pipeline, the Sinclair Oil and Gas Company Pumping Plant and Pipeline, the Low Cost Ditch, the Parachute Creek PDC Diversion, and the Forever Young PDC Diversion. The Dow Pumping Plant and Pipeline, Eaton Pipeline No. 1, and the Sinclair Oil and Gas Company Pumping Plant and Pipeline are decreed for industrial and other uses, which the Court found in Case No. 16CW3178 are consistent with use through storage in the Haystack Reservoirs, subject to the terms and conditions described above in paragraph 3.1.4. 3.1.10. Appropriation date: December 28, 2016. 3.1.11. Amount: 1,153 acre-feet. 3.1.12. Uses: All decreed uses for the water rights listed above. Irrigation: Up to 700 acres to be irrigated. Non-irrigation: See Exhibit 3 for places of non-irrigation use. 3.1.13. Surface area of high water line: 42.19 acres. Maximum height of dam: 90 feet. Length of dam: 1,727 feet. 3.1.14. This reservoir may be built in phases, with intermediate capacities as follows: 3.1.14.1. West Haystack Reservoir – Phase 1 Surface area: 11.37 acres Height of dam: 50 feet Length of dam: 460 feet Capacity: 165 acre-feet 3.1.14.2. West Haystack Reservoir – Phase 2 Surface area: 0.832 acres Height of dam: 10 feet Length of dam: 230 feet Capacity: 8.0 acre-feet 3.1.15. Capacity: 3.1.15.1. Total capacity of reservoir: 1,153 acre-feet. 3.1.15.2. Active capacity: 1,153 acre-feet. 3.1.15.3. Dead storage: 0 acre-feet. 3.2. East Haystack Reservoir: 3.2.1. Date of Original Decree: February 17, 2019, Case No. 16CW3178, Water Division No. 5. 3.2.2. Legal description of location of dam centerline: Location of mid-point of centerline is NW1/4 SE 1/4, Section 25, Township 6 South, Range 97 West, 6th P.M., Garfield County, Colorado, approximately 2,909 feet from the north line and 2,195 feet from the east line. See Exhibit 2. 3.2.3. Source of water: Starkey Gulch, tributary to Parachute Creek, tributary to the Colorado River; sources listed in 3.2.5-3.2.7 below. 3.2.4. Description of water rights used to fill reservoir: The subject reservoir may be filled by diverting the Applicant's water rights, described below, through the Low Cost Ditch into the Puckett Pond No. 1, from which water stored under the described rights will be pumped and delivered to fill the reservoirs. Water delivered into Puckett Pond No. 1 under the water rights described in paragraph 3.2.5-3.2.7. below remain subject to all applicable

terms and conditions in Case No. 07CW245 (decreeing the Puckett Pond No. 1), Case No. 07CW239 (changing Puckett's water rights described therein), Case No. 07CW246 (decreeing the Parachute Creek Puckett Exchange right), and Case No. 09CW16 (approving Puckett's plan for augmentation). 3.2.5. Historic depletion credits: The historic depletion credits from the following water rights may be used to fill Puckett Pond No. 1 through diversion at the Low Cost Ditch headgate, pursuant to Case No. 07CW239, including by exchange pursuant to Case No. 07CW246. Only the volumetric amount of the historic depletion credits as calculated and limited by month in Case No. 07CW239 may be stored in the subject reservoirs. 3.2.5.1. Rulison & Miller Ditch, as described at paragraph 3.1.5.1. 3.2.5.2. Diamond Ditch, as described at paragraph 3.1.5.2. 3.2.5.3. Low Cost Ditch, the Low Cost Ditch First Enlargement, and the Low Cost Ditch Yeoman Enlargement, as described at paragraph 3.1.5.3. 3.2.6. Dow Pumping Plant and Pipeline, as described at paragraph 3.1.6. 3.2.7. Eaton and Sinclair: The Eaton and Sinclair water rights may be used to fill the subject reservoir after delivery into Puckett Pond No. 1 through the Low Cost Ditch. Prior to using these water rights in this manner, however, Applicant must obtain a decree from this Court adding the Low Cost Ditch as an alternate point of diversion for these water rights or approving an exchange of these water rights to the Low Cost Ditch. Prior to using the Eaton Pipeline No. 1 water right in this manner, Puckett must obtain a decree from this Court changing the uses of this water right to include use through storage. These water rights may also be delivered via pipeline from the Colorado River to the reservoir. 3.2.7.1. Eaton Pipeline No. 1, as described at paragraph 3.1.7.1. 3.2.7.2. Sinclair Oil and Gas Company Pumping Plant and Pipeline, as described at paragraph 3.1.7.2. 3.2.8. East Haystack Junior Right: 3.2.8.1. Amount: 10 cfs; 300 acre-feet. 3.2.8.2. Source: Local springs and seeps in Starkey Gulch, tributary to Parachute Creek, tributary to the Colorado River. 3.2.8.3. Uses: Irrigation, industrial, including energy exploration and development, mining, evaporation, refining, power, domestic, stock watering, augmentation, and replacement of stream depletions, by direct use, storage, or exchange. 3.2.8.4. Point of diversion: The East Haystack Junior Right will be filled by the spring and seep water that it intercepts. 3.2.9. Decreed Uses for the Previously Changed Rights Used to Fill the East Haystack Reservoir: See paragraph 3.1.9 above. 3.2.10. Appropriation Date: December 28, 2016. 3.2.11. Amount: 1,046 acre-feet. 3.2.12. Uses: All decreed uses for the water rights listed above. Irrigation: Up to 700 acres to be irrigated. Non-irrigation: See Exhibit 3 for places of non-irrigation use. 3.2.13. Surface area of high water line: 38.3 acres. Maximum height of dam: 70 feet. Length of dam: 1,070 feet. 3.2.14. This reservoir may be built in phases, with intermediate capacities as follows: 3.2.14.1. East Haystack Reservoir – Phase 1 Surface area: 26.57 acres Height of dam: 50 feet Length of dam: 889 feet Capacity: 575 acre-feet 3.2.14.2. East Haystack Reservoir – Phase 2 Surface area: 3.39 acres Height of dam: 10 feet Length of dam: 330 feet Capacity: 20.65 acre-feet 3.2.15. Capacity: 3.2.15.1. Total capacity of reservoir: 1.046 acre-feet. 3.2.15.2. Active capacity: 1,046 acre-feet. 3.2.15.3. Dead storage: 0 acre-feet. 4. Application for Finding of Reasonable Diligence. 4.1. Background: Puckett is a Colorado corporation that currently holds interests in approximately 17,500 acres of land in Garfield and Rio Blanco Counties, Colorado. The conditional water rights that are the subject of this Application were appropriated and are needed as storage structures for development of Puckett's oil, gas, coalbed methane, and/or oil shale minerals associated with these lands. 4.2. Puckett's Integrated System: As this court has previously found in Case Nos. 95CW298, 02CW16, 02CW161, 02CW162, 07CW239, 07CW244, 07CW245, 07CW246, 09CW16, 10CW39, 10CW40, and 16CW3178, the subject water rights are integral components of Puckett's integrated water supply to provide a year-round water supply for oil and gas development, drilling and production operations, oil shale development and productions, temporary and permanent employee and support personnel housing, commercial office space, a hunting lodge, livestock grazing, and other uses associated with oil, gas, and oil shale development and production. Puckett's integrated system includes, among other things, the Sinclair Oil and Gas Company Pumping Plant and Pipeline, the Oil Shale Corporation Pipeline and Pumping Plant, the Dow Pumping Plant and Pipeline, and the Eaton Pipeline No. 1. The structures and water rights described constitute an integrated water supply system as defined by *Denver v. Northern Colorado Water Conservancy Dist.*, 276 P.2d 992 (Colo. 1955) because each structure and water right of the system has a direct bearing on, and is necessary for the functioning of, the entire system. Therefore, work accomplished on one portion of this integrated system shall be considered when determining whether reasonable diligence has been shown in the development of water rights for all features of the entire system. C.R.S. § 37-92-301(4)(b). 4.3. Diligence Activity: During this diligence period, in continuing the development of the conditional water rights, Puckett has been engaged in the legal defense and protection of the subject water rights and has been diligent in the continued development of the water rights involved, including expenditures for legal, consulting, and engineering work. The foregoing activities are described in more detail as follows. 4.3.1. The Division 5 Water Court approved a Puckett application to add an alternate point of diversion for the Eaton Pipeline No. 1 water right in Case No. 20CW3110. Applicant filed the Application in Case No. 20CW3110 to increase the flexibility of its integrated system. 4.3.2. Applicant has expended \$1,419 to attend the Colorado Water Congress and engaged in correspondence to understand state and local water programs and the Colorado Water Plan developed by the Colorado Water Conservation Board, Interbasin Compact Committee, and Yampa River Basin Roundtable. 4.3.3. At this time, Applicant's properties are primarily used for cattle grazing, hay production, and operation of existing oil and gas wells. Applicant has also worked on plugging one well and reclaiming the surface, including stormwater controls, seeding, and revegetation. At the same time, infrastructure is being installed in furtherance of new mineral development activities on Applicant's property that is anticipated to require additional water use in the coming years. 4.3.4. Applicant has expended significant resources of approximately \$358,830 on maintaining, repairing, and upgrading its irrigation infrastructure and overall water system on its properties in the Colorado River Basin, in order to make beneficial use of the subject water rights and develop its integrated water system. Applicant dedicated significant resources and employee time to hauling material for a minor diversion dam for Puckett Pond No. 2 and is working with an engineering consultant regarding construction of the dam. 4.3.5. Applicant has further expended \$155,178 on professional services related to operating and maintaining its properties in the Colorado River Basin, including but not limited to surveying, title work, and conducting engineering studies concerning the development of its properties. 4.3.6. Applicant reviewed the water resumes of applications as published by the Water Court for Water Division 5 for protection of the subject conditional rights. As a result, Puckett has filed Statements of Opposition to applications in the Colorado

River basin and participated in these cases to prevent injury to the subject conditional water rights. Puckett expended approximately \$109,370 on legal services during the diligence period to protect and develop its water rights. 5. Land Ownership Information: The owner of the land upon which these structures are and will be located is Applicant. WHEREFORE, Applicant seeks entry of a decree confirming that the Applicant has exercised reasonable diligence toward completion of the appropriations for the decreed uses, and continuing the subject conditional water rights in full force and effect for another six-year diligence period. (19 pages incl. 3 exhibits) **YOU ARE HEREBY NOTIFIED THAT YOU HAVE until the last day of APRIL 2025 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 FEBRUARY 2025. *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.*

25CW3036 GARFIELD COUNTY. Application for Finding of Reasonable Diligence. Applicant: Four Mile Ranch Homeowners Association c/o Christopher L. Geiger & Andrea J. Hall, Balcomb & Green, P.C.; P.O. Drawer 790, Glenwood Springs, CO 81602; (970) 945-6546; balcombgreen.com. Applicant requests a finding of reasonable diligence in the development of the conditional water rights decreed to the Four Mile Ranch Company Well No. 1, Four Mile Ranch Company Well No. 2, Four Mile Ranch Company Well No. 3, and Four Mile Ranch Reservoir ("SWRs"). The Location Map, as Exh. A on file with the Water Ct, depicts the decreed location of the SWRs. All SWRs were originally decreed in Dist. Ct, Water Div. 5 in 79CW207 on 10/29/1982 and subsequent diligence decreed in 85CW605 on 4/23/1986, 90CW30 on 1/3/1991, 95CW358 on 6/25/1996, 02CW167 on 6/2/2003, 09CW70, on 3/8/2012, 18CW3033 on 2/17/2019. Other Decrees: 04CW67 on 9/17/2006 a plan for aug. by exchange was approved for the SWRs. In 04CW67 on 9/17/2006, a plan for aug. by exchange was approved for all SWRs. Structure: Four Mile Ranch Company Well No. 1. Legal Description: As changed by the decree in 04CW67 and corrected by the decree in 09CW70, the POD is located in the NE1/4 NW1/4 of Sec. 34, T. 6 S., R. 89 W. of the 6th P.M., 433 ft. S. of the N. Sec. line and 2,029 ft. E. of the W. Sec. line of Sec. 34. **Source: Groundwater tributary to an unnamed tributary to the Roaring Fork River.** Date of Approp.: 11/26/1979. Well Permit No. 58698-F. Depth: 140 ft. Amts and Uses: 0.215 c.f.s. (98 g.p.m.), conditional, for irr., dom., and fire protection; 0.275 c.f.s. (125 g.p.m.), conditional, for filling of the Four Mile Ranch Reservoir, including as changed to be stored in the Four Mile Ranch Ponds Nos. 1-6. In 04CW67, filling of the Four Mile Ranch Ponds Nos. 1-6 was added as a use, and muni. and rec. uses (decreed in 79CW207) were abandoned. 27 g.p.m. (0.06 c.f.s.) was confirmed absolute for irrigation, domestic, and fire protection in 09CW70. Name of Structure: Four Mile Ranch Company Well No. 2. Legal Description: As changed by the decree entered in 04CW67, the POD is located in the NE1/4 NW1/4 of Sec. 34, T. 6 S., R. 89 W. of the 6th P.M., 380 ft. S. of the N. Sec. line and 2,100 ft. E. of the W. Sec. line of Sec. 34. **Source: Groundwater tributary to an unnamed tributary to the Roaring Fork River.** Date of Approp.: 11/26/1979. Well Permit No. 58699-F. Depth: 140 ft. Amts and Uses: 0.164 c.f.s. (75 g.p.m.), conditional, irr., dom., and fire protection; 0.275 c.f.s. (125 g.p.m.), conditional, for filling of the Four Mile Ranch Reservoir, including as changed to be stored in the Four Mile Ranch Ponds Nos. 1-6. In 04CW67, filling of the Four Mile Ranch Ponds Nos. 1-6 was added as a use, and muni. and rec. uses (decreed in 79CW207) were abandoned. 50 g.p.m. (0.111 c.f.s.) was confirmed absolute for irr., dom., and fire protection in 09CW70. Name of Structure: Four Mile Ranch Company Well No. 3. Legal Description: As changed by the decree in 04CW67, the POD is located in the SE1/4 SW1/4 of Sec. 27, T. 6 S., R. 89 W. of the 6th P.M., 925 ft. N. of the S. Sec. line and 2,380 ft. E. of the W. Sec. line of Sec. 27. **Source: Groundwater tributary to an unnamed tributary to the Roaring Fork River.** Date of Approp.: 11/26/1979. Well Permit: The Four Mile Ranch Company Well No. 3 has not been constructed and therefore does not yet have a well permit. Amounts and Uses: 0.275 c.f.s. (125 g.p.m.), conditional, for irr., dom., and fire protection, and filling of the Four Mile Ranch Reservoir, including as changed to be stored in the Four Mile Ranch Ponds Nos. 1-6. In 04CW67, filling of the Four Mile Ranch Ponds Nos. 1-6 was added as a use, and muni. and rec. uses (decreed in 79CW207) were abandoned. Remarks: Depletions attributable to use of Four Mile Ranch Company Wells No. 1-3 are replaced pursuant to a plan for aug. by exchange approved in 04CW67. Name and address of reputed owner of land upon which point of diversion is decreed and upon which structure will be located: Four Mile Ranch Wells No. 1 & 2: Christopher & Lindsey Lyle, 424 Red Cliff Circle, Glenwood Springs, CO. Four Mile Ranch Well No. 3: Turner Family Trust, 50 Red Cliff Circle, Glenwood Springs, CO. Name of Structure: Four Mile Ranch Reservoir. Legal Description: The E. abutment of the Four Mile Ranch Reservoir dam will be located at a point whence the SE Corner of Sec. 27, T. 6 S., R. 89 W., of the 6th P.M. bears S. 67°53' E. 3,320 ft. This location can also be described as being 3,127 ft. W. of the E. Sec. line and 1,151 ft. N. of the S. Sec. line of Sec. 27. **Source: Either groundwater tributary to an unnamed tributary to the Roaring Fork River via diversions from the Four Mile Ranch Company Wells No. 1-3, or Four Mile Creek tributary to the Roaring Fork River (through the Four Mile Ditch).** Date of Approp.: 12/24/1979. Amts and Uses: 4.01 AF, conditional, for irr., dom., and fire protection, and rec. In 04CW67, muni. use, as decreed in 79CW207, was cancelled. Remarks: In 04CW67, 5.99 AF of the 10.0 AF originally decreed amount to the Four Mile Ranch Reservoir was changed to the Four Mile Ranch Ponds No. 1-6. In 09CW70, this 5.99 AF changed for storage in the Four Mile Ranch Ponds No. 1-6 was confirmed absolute. Name and address of reputed owner of land upon which point of diversion is decreed or upon which the Four Mile Ranch Reservoir might be constructed: David Allen and Andrea Allen, 80 Maroon Drive, Glenwood Springs, CO. Thomas Butler and Linda Lincoln Swayze, 10121 SW 141 Street, Miami, FL. Clay & Cynthia Reichardt, 152 Spur Drive, Glenwood Springs, CO. Integrated System: Applicant hereby requests a finding

that the Four Mile Ranch Company Wells No. 1-3 and Four Mile Ranch Reservoir, including the Four Mile Ranch Ponds Nos. 1-6 decreed absolute in 09CW70, are component parts of an integrated water supply system. C.R.S. § 37-92-301(4)(b). Each of the SWRs was first decreed in 79CW207 to benefit the residential community known as Four Mile Ranch. Collectively, the SWRs provide the legal water supply for the current and planned development of Four Mile Ranch. The Four Mile Ranch Reservoir water right, including as is stored in Four Mile Ranch Ponds Nos. 1-6, provides irrigation water, fire protection, and rec. benefits to the homeowners. The Four Mile Ranch Wells 1-3 provide potable water to the residences and may be used to fill the Four Mile Ranch Reservoir, including as changed to be stored in the Four Mile Ranch Ponds No. 1-6. Accordingly, these structures are functionally and legally integrated. A list of diligence activities performed in the six years preceding the filing of this Application is on file with this Ct. (9 pages of original application, Exh. A)

YOU ARE HEREBY NOTIFIED THAT YOU HAVE until the last day of APRIL 2025 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 FEBRUARY 2025. *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.*

25CW1 (20CW4) GRAND COUNTY- GROUNDWATER TRIBUTARY TO ST. LOUIS CREEK, TRIBUTARY TO THE FRASER RIVER, TRIBUTARY TO THE COLORADO RIVER. Guy & Linda Shingleton; P.O. Box 704; Grand Lake, CO 80447. (303)898-1267. Tibbetts Well No. 1 and Warner Exchange- Application to Make Absolute Whole or In Part. Location: Tibbetts Well No. 1 - SE¼, Sec. 23, T.3N, R.76W. of the 6th P.M. as follows: beginning at the E¼ corner of Sec. 23, T.3N, R.76W. of the 6th P.M.: thence N89°27'00" West a distance of 1,130 ft. to the True Point of the beginning; thence South 400 ft. Warner Exchange- Upstream Terminus- from the location of Tibbetts Well No. 1 SE¼, Sec. 23, T.3N, R.76W. of the 6th P.M. in the NE¼ SE¼ at a point 2,240 ft. from South sec. line and 1,130 ft. from east sec. line. Downstream Terminus – Colorado River to Granby Reservoir spillway in the SE¼NE¼, Sec. 11, T.2N, R.76W, of the 6th P.M., at a point 2,500 ft. from the north sec. line and 400 ft. from the east sec. line. Granby Reservoir occupies parts of T.2 and 3N., R.75/76 of the 6th p.m. Appropriation: 4.13.94 Amount: 15.0 g.p.m., absolute, 0.5 a.f./yr. for exchange, absolute. Use: In-house domestic use for one single family residence. Application contains an outline of work completed during the diligence period.

YOU ARE HEREBY NOTIFIED THAT YOU HAVE until the last day of APRIL 2025 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 FEBRUARY 2025. *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.*

25CW3012 (2017CW3220)(2010CW112)(95CW162)(88CW319);Concerning the Application for Water Rights of A & L Land Company, LLC in **GRAND COUNTY**, Colorado. Applicant, A & L Land Company, LLC, by and through its undersigned counsel, respectfully requests that the Court enter a finding of reasonable diligence and as grounds therefore states as follows: 1. Name, address and telephone number of Applicant: A & L Land Company, LLC c/o Thomas A. Hanchin, 1431 South Cherryvale Road, Boulder, CO 80303, (303) 941-4431. Direct all pleadings to: 2. Name of Structure: Elk Trout Pond. 3. Description of Conditional Water Right: A. Previous Decrees: Elk Trout Pond was decreed for the amount and for the uses set forth below by Decree of the Water Court in and for Water Division No. 5, State of Colorado ("Water Court") in Case No. 88CW319 on August 7, 1989. A Ruling of the Referee and Decree of the Water Court finding reasonable diligence was entered on May 21, 1997 in Case No. 95CW162. A Ruling of the Referee and Decree of the Water Court finding reasonable diligence was entered on November 5, 2011 in Case No. 2010CW112. A Ruling of the Referee and Decree of the Water Court finding reasonable diligence was entered on January 27, 2019 in Case No. 2017CW3220. B. Location: Elk Trout Pond is located in the NE1/4SW1/4 of Section 15, Township 1 North, Range 80 West of the 6th P.M., approximately 1500 feet north of the south Section line and 3100 feet west of the east Section line of said Section 15. The pond approximate location is depicted on the map attached hereto as Exhibit A. C. Source: **The source for Elk Trout Pond is surface runoff and ground water tributary to the Colorado River.** D. Amount and Uses: 4.0 acre feet for recreational, aesthetic, and fish and wildlife habitat. E. Date of Appropriation: August 20, 1988. 4. Claim of Diligence: Applicant seeks a judicial finding of reasonable diligence for Elk Trout Pond in the amount and for the uses specified above in Paragraph, 3.D. 5. Diligence Activities: In support of its claim of diligence, Applicant has performed the following activities toward the completion of this appropriation. A. The last diligence finding for Elk Trout Pond was entered in Case No. 2017CW3220 on January 27, 2019. The decree in Case No. 2017CW3220 provided that the next deadline for filing

an application for finding of reasonable diligence was January 2025. Applicant received a Pre-cancellation Notice on or about November 21, 2024. B. The Elk Trout Pond is an important component of the augmentation plan decreed to the Elk Trout Lodge in Case No. 88CW319. C. Elk Trout Well No. 2 was drilled under Permit No. 36606-F for the express purpose of filling and circulating water in the Elk Trout Pond for fish habitat. D. Diversions of water to the Elk Trout Pond occurred and were recorded by the water commissioner in 1996 and again through 1998 through 2005. The recorded diversions ranged from 2-4 acre feet per year. Applicant has continued to consult with water experts as it pertains to Applicants development of the Elk Trout Pond. E. Applicant intends to continue its efforts to improve the pond and enhance the efficiencies in diverting, storing and circulating the water for its decreed uses. Applicant has recently expended in excess of \$ 11,000.00 towards this effort. F. The name and address of the owner or reputed owner of the land upon which Elk Trout Pond is located: A & L Land Company, LLC, c/o Thomas A. Hanchin, 1431 South Cherryvale Road, Boulder, CO 80303, (303) 941-4431, WHEREFORE, Applicant respectfully requests that the Court enter a decreed finding that it has exercised reasonable diligence in the development of the Elk Trout Pond for the uses at the location set forth above, and continuing said water right in full force and effect, and for all such further relief as the Court may deem appropriate.

YOU ARE HEREBY NOTIFIED THAT YOU HAVE until the last day of APRIL 2025 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.