

DIVISION 5 WATER COURT- AUGUST 2019 RESUME

1. PURSUANT TO C.R.S., §37-92-302, AS AMENDED, YOU ARE NOTIFIED THAT THE FOLLOWING PAGES COMPRISE A RESUME OF THE APPLICATIONS AND AMENDED APPLICATIONS FILED WITH THE WATER CLERK FOR WATER DIVISION 5 DURING THE MONTH OF AUGUST 2019. *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.*

19CW10 GRAND COUNTY-UNNAMED TRIBUTARY TO THE BLUE RIVER TRIBUTARY TO THE COLORADO RIVER. F & L Hester Holdings, LLC; P.O. Box 433; Kremmling, CO 80459. (970)724-3868. Hester's Spring-Application for Conditional and Absolute Water Rights (Surface). Location: UTM: N4431522.98 E383102.92 Z13. NW¼NW¼ of Sec. 28, T.1N, R.80W. of the 6th P.M. 938 ft. from the north sec. line and 821 ft. from the west sec. line. Appropriation: Aug. 20, 2013. Amounts and Use: 0.037 g.p.m. conditional and 0.033 g.p.m., absolute, for domestic uses. Names and address of landowners on which structure is located: Bureau of Land Management; P.O. Box 68; Kremmling, CO 80459 and Colorado Parks and Wildlife; P.O. Box 216; Hot Sulphur Springs, CO 80451. An outline of work completed towards developing these water rights is included in the application.

YOU ARE HEREBY NOTIFIED THAT YOU HAVE until the last day of OCTOBER 2019 to file with the Water Clerk a verified Statement of Opposition setting forth facts as to why this application should not be granted or why it should be granted in part or on certain conditions. A copy of such statement of opposition must also be served upon the applicant or the applicant's attorney and an affidavit or certificate of such service shall be filed with the Water Clerk, as prescribed by Rule 5, CRCP. (Filing Fee: \$192.00) KATHY POWERS, Water Clerk, Water Division 5; 109 8th Street, Suite 104 Glenwood Springs, CO 81601.

2. PURSUANT TO C.R.S., §37-92-302, AS AMENDED, YOU ARE NOTIFIED THAT THE FOLLOWING PAGES COMPRISE A RESUME OF THE APPLICATIONS AND AMENDED APPLICATIONS FILED WITH THE WATER CLERK FOR WATER DIVISION 5 DURING THE MONTH OF AUGUST 2019. *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.*

19CW11 (93CW46, 99CW181, 06CW3, 12CW145) PITKIN COUNTY- WARREN CREEK TRIBUTARY TO THE ROARING FORK RIVER TRIBUTARY TO THE COLORADO RIVER. James F. Hunting; 44125 Hwy. 82; Aspen, CO 81611. (970)925-6260. Kuhn Pond Ditch and Kuhne Pond-Application for Finding of Reasonable Diligence and to Make Absolute In Whole or in Part. Locations: Kuhne Pond Ditch- NW¼SE¼SE¼ of Sec. 20, T.10S., R.84W. of the 6th P.M. at point approximately 1,300 ft. north of the south sec. line and 720 ft. west of the east sec. line. Kuhne Pond - NW¼SE¼SE¼ of Sec. 20, T.10S., R.84W. of the 6th P.M. at point approximately 1,220 ft. north of the south sec. line and 850 ft. west of the east sec. line. Appropriation for both structures: Feb. 25, 1987. Amounts: Kuhn Pond Ditch- 0.25 c.f.s., conditional, for stockwatering and irrigation uses; Kuhne Pond – 0.405 a.f., conditional, for piscatorial, recreation and aesthetic uses and 0.43 a.f., conditional, for stockwatering and irrigation uses. An outline of work performed during the diligence period is included in the application.

YOU ARE HEREBY NOTIFIED THAT YOU HAVE until the last day of OCTOBER 2019 to file with the Water Clerk a verified Statement of Opposition setting forth facts as to why this application should not be granted or why it should be granted in part or on certain conditions. A copy of such statement of opposition must also be served upon the applicant or the applicant's attorney and an affidavit or certificate of such service shall be filed with the Water Clerk, as prescribed by Rule 5, CRCP. (Filing Fee: \$192.00) KATHY POWERS, Water Clerk, Water Division 5; 109 8th Street, Suite 104 Glenwood Springs, CO 81601.

3. PURSUANT TO C.R.S., §37-92-302, AS AMENDED, YOU ARE NOTIFIED THAT THE FOLLOWING PAGES COMPRISE A RESUME OF THE APPLICATIONS AND AMENDED APPLICATIONS FILED WITH THE WATER CLERK FOR WATER DIVISION 5 DURING THE MONTH OF AUGUST 2019. *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.*

19CW12 (02CW253, 12CW133) GARFIELD COUNTY-EAST CANYON CREEK TRIBUTARY TO CANYON CREEK TRIBUTARY TO THE COLORADO RIVER. Robert & Hillery Oddo; 2425 C.R. 137; Glenwood Springs, CO 81601. (970)945-1006. Oddo Pond and Warner Ditch, Oddo Enlargement – Application to Make Absolute in Whole or in Part. Locations: Oddo Pond- SE¼NW¼ of Sec. 24, T.5S, R.90W. of the 6th p.m. 1,810 ft. from the north sec. line and 2,470 ft. from the west sec. line. Warner Ditch, Oddo Enlargement- NE¼NE¼ of Sec. 24, T.5S, R.90W. of the 6th p.m. 540 ft. from the east sec. line and 575 ft. from the north sec. line. Appropriation for both structures: Feb. 25, 1999. Amounts and Uses: Oddo Pond- 1.5 a.f., absolute, for augmentation, irrigation and stock watering purposes, with right to fill, continuously fill and refill in-priority. Warner Ditch, Oddo Enlargement – 0.125 c.f.s., absolute, for irrigation and livestock watering. An outline of work performed during the diligence period is included in the application.

YOU ARE HEREBY NOTIFIED THAT YOU HAVE until the last day of OCTOBER 2019 to file with the Water Clerk a verified Statement of Opposition setting forth facts as to why this application should not be granted or why it should be granted in part or on certain conditions. A copy of such statement of opposition must also be served upon the applicant or the applicant's attorney and an affidavit or certificate of such service shall be filed with the Water Clerk, as prescribed by Rule 5, CRCP. (Filing Fee: \$192.00) KATHY POWERS, Water Clerk, Water Division 5; 109 8th Street, Suite 104 Glenwood Springs, CO 81601.

4. PURSUANT TO C.R.S., §37-92-302, AS AMENDED, YOU ARE NOTIFIED THAT THE FOLLOWING PAGES COMPRISE A RESUME OF THE APPLICATIONS AND AMENDED APPLICATIONS FILED WITH THE WATER CLERK FOR WATER DIVISION 5 DURING THE MONTH OF AUGUST 2019. *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.

19CW3091 (2013CW25; 2005CW209) GRAND COUNTY, COLORADO. Application for Finding of Reasonable Diligence and to Make Conditional Water Rights Absolute in Part. 1. Name, mailing address, and telephone number of Applicant: Colorado Mountain Resorts Investors LLC, Robert Fanch, Devil's Thumb Ranch, 1500 Wynkoop St., Suite 200, Denver, CO 80202, with a copy to: Manager, Devil's Thumb Ranch, P.O. Box 750, Tabernash, CO 80478. Attorneys for Colorado Mountain Resorts Investors LLC: Peter J. Ampe, Hill & Robbins, P.C., 1660 Lincoln St., Suite 2720, Denver, CO 80264, Phone: (303) 296-8100. 2. Name of Structures: CMRI Well No. 1. 3. Describe conditional water right, as to each structure, giving the following from the Findings and Decree of the Water Court: A. Date of Original Decree: March 14, 2007. Case No.: 2005CW209. Court: District Court, Water Division 5. B. Legal Description: CMRI Well No. 1 is located in the NE1/4SW1/4 of Section 5, T1S, R75W of the 6th P.M., approximately 1,460 feet from the south section line and 2,333 feet from the West section line. See Exhibit A. C. Source: Groundwater tributary to Ranch Creek, tributary to Fraser River, tributary to Colorado River. D. Appropriation Date: October 31, 2005. E. Amount: 25 gpm and 5.311 acre-feet per year. F. Use: In-building domestic and commercial uses, and irrigation of up to 3,000 square feet of lawn and landscaping around buildings. 4. Previous Diligence. In Case No. 2013CW25, District Court in and for Water District No. 5, the Court entered a decree making 15 gpm and 1.41 acre-feet per year absolute and continued diligence for the remaining 10 gpm and 3.901 acre-feet per year. 5. Provide a detailed outline of what has been done toward completion or for completion of the appropriation and application of water to a beneficial use as conditional decreed, including expenditures: During the diligence period, Applicant diverted and put to beneficial use 2.12 acre-feet in water year 2015 and diverted a maximum rate of 15 gpm for all decreed uses. 6. Names(s) and address(es) of owner(s) or reputed owners of the land upon which any new diversion or storage structure, or modification to any existing diversion or storage structure is or will be constructed or upon which water is or will be stored, including any modification to the existing storage pool: All structures are located on land owned by Applicant. 7. Request to make conditional water right absolute in part: Applicant requests and additional 0.71 acre-feet per year be made absolute, for a total of 2.12 acre-feet absolute. The remaining 10 gpm and 3.191 acre-feet will remain conditional.

YOU ARE HEREBY NOTIFIED THAT YOU HAVE until the last day of OCTOBER 2019 to file with the Water Clerk a verified Statement of Opposition setting forth facts as to why this application should not be granted or why it should be granted in part or on certain conditions. A copy of such statement of opposition must also be served upon the applicant or the applicant's attorney and an affidavit or certificate of such service shall be filed with the Water Clerk, as prescribed by Rule 5, CRCP. (Filing Fee: \$192.00) KATHY POWERS, Water Clerk, Water Division 5; 109 8th Street, Suite 104 Glenwood Springs, CO 81601.

5. PURSUANT TO C.R.S., §37-92-302, AS AMENDED, YOU ARE NOTIFIED THAT THE FOLLOWING PAGES COMPRISE A RESUME OF THE APPLICATIONS AND AMENDED APPLICATIONS FILED WITH THE WATER CLERK FOR WATER DIVISION 5 DURING THE MONTH OF AUGUST 2019. *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.*

19CW3092 (12CW61, 01CW266). DISTRICT COURT, WATER DIVISION NO. 5, STATE OF COLORADO, Garfield County Courthouse, 109 8th Street, Glenwood Springs, CO 81601. CONCERNING THE APPLICATION FOR FINDING OF REASONABLE DILIGENCE FOR AND TO MAKE ABSOLUTE WATER RIGHTS OF RONALD W. CROTZER In the Eagle River and its tributaries, IN **EAGLE COUNTY, COLORADO.** APPLICATION FOR FINDING OF REASONABLE DILIGENCE. 1. Name, address and telephone number of applicant: Ronald W. Crotzer, 1267 Beard Creek Road, PO Box 1429, Edwards, Colorado 81632, (970) 926-8500. Direct all pleadings to: Glenn E. Porzak, Kevin J. Kinneer, Porzak Browning & Bushong LLP, 929 Pearl Street, Suite 300, Boulder, CO 80302, (303) 443-6800. 2. Name of structures: Crotzer Well No. 2 and Crotzer Pond, including the Crotzer Pond Refill Right and Flow Through Diversion. 3. Description of water rights: The water rights that are the subject of this Application were decreed in Case No. 01CW266 as conditional water rights. In Case No. 12CW61, Applicant made absolute the Crotzer Spring, and he also made absolute 2.55 acre-feet of the Crotzer Pond and 2.55 acre-feet of the Crotzer Pond Refill Right and Flow Through Diversion water rights. A. Structure Name, Adjudication and Appropriation Dates, and Amounts: (1) Crotzer Well No. 2, with an appropriation date of June 1, 1992 and an adjudication date of April 3, 2006 in Case No. 01CW266, in the amount of 20 gpm, conditional. (2) Crotzer Pond, with an appropriation date of June 1, 1992 and an adjudication date of April 3, 2006 in Case No. 01CW266, in the amount of 7 acre-feet, conditional, of which 2.55 acre-feet was made absolute in Case No. 12CW61 and 4.45 acre-feet was maintained as conditional. (3) Crotzer Pond Refill Right and Flow Through Diversion. Same as the Crotzer Pond, described in paragraph 3(A)(2) above. B. Legal Description: The decreed points and alternate points of diversion are: (1) Crotzer Well No. 2, is located on Applicant's property is located 260 feet north and 320 feet west of the center of Section 32, T. 4 S., R. 82 W. of the 6th P.M. (2) Crotzer Pond, is located on Applicant's property in the W½ of Section 32, T. 4 S., R. 82 W. of the 6th P.M., and will have a surface area no larger than 1.0 acre. (3) Crotzer Pond Refill Right and Flow Through Diversion. Same as the Crotzer Pond at paragraph 3(B)(2) above. C. Source: Beard Creek, tributary to the Eagle River, tributary to the Colorado River. D. Uses: (1) Crotzer Well No. 2: in-house domestic use, irrigation, stock watering, fish and wildlife, recreation, and augmentation uses. (2) Crotzer Pond: irrigation, stock watering, fish and wildlife, recreation, and augmentation uses. (3) Crotzer Pond Refill Right and Flow Through Diversion: irrigation, stock watering, fish and wildlife, recreation, and augmentation uses. 4. Detailed outline of work done to complete the project and apply water to beneficial use: During the subject diligence period, Applicant has installed electricity to a cistern that will collect water from the Crotzer Well No. 2; completed roadwork to said cistern; purchased submersible pumps; acquired sprinklers for the irrigation use; had the land cleared of vegetation and debris to prepare for well and pumps; install new pipelines to connect the water rights structures and facilities; and continued leasing

augmentation water from the Colorado River Water Conservation District. The foregoing activities, excluding engineering and legal fees, were completed at a total cost in excess of \$38,000.00. All of the above activities are necessary prerequisites to applying the subject conditional water rights to the beneficial uses for which they are decreed. A map depicting the Applicant's property, which is the location of use of the subject water rights, is attached as Exhibit A hereto, and a map indicating the locations of the subject structures is attached as Exhibit B hereto. 5. Ownership: The Applicant is the owner of the land upon which Crotzer Well No. 2 and the Crotzer Pond are located. WHEREFORE, the Applicant seeks a finding that he has exercised reasonable diligence with respect to the subject water rights described above, and that the subject water rights remain in full force and effect as conditional water rights. (6 pages total with exhibits)

YOU ARE HEREBY NOTIFIED THAT YOU HAVE until the last day of OCTOBER 2019 to file with the Water Clerk a verified Statement of Opposition setting forth facts as to why this application should not be granted or why it should be granted in part or on certain conditions. A copy of such statement of opposition must also be served upon the applicant or the applicant's attorney and an affidavit or certificate of such service shall be filed with the Water Clerk, as prescribed by Rule 5, CRCP. (Filing Fee: \$192.00) KATHY POWERS, Water Clerk, Water Division 5; 109 8th Street, Suite 104 Glenwood Springs, CO 81601.

6. PURSUANT TO C.R.S., §37-92-302, AS AMENDED, YOU ARE NOTIFIED THAT THE FOLLOWING PAGES COMPRISE A RESUME OF THE APPLICATIONS AND AMENDED APPLICATIONS FILED WITH THE WATER CLERK FOR WATER DIVISION 5 DURING THE MONTH OF AUGUST 2019. *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.*

19CW3093 GRAND COUNTY. Mountain Park Concrete, Inc., Cody and Suzanne Docheff, P.O. Box 856, Granby, CO 80446, (970) 887-3444; c/o Kent Whitmer, The Whitmer Law Firm, LLC, P.O. Box 38, Hot Sulphur Springs, CO 80451, (970) 725-3460. APPLICATION FOR FINDING OF REASONABLE DILIGENCE. Name of Structure for Underground Water Rights: Mountain Park Concrete Well. Source: Ground water tributary to the Fraser River, tributary to the Colorado River. Well Location: Grand County, Colorado, in a tract of land commonly known as Block 4, Granby West Business Park, located in the NW ¼ of the SW ¼ of Section 31, Township 2 North, Range 76 West of the 6th P.M. at a point approximately 2,906 feet south of the north section line and 1,100 feet east of the west section line. Depth: 18 feet. Use: Batching of concrete and incidental uses, such as washing chutes, mixer trucks, and equipment; and irrigation of 0.05 acres of landscaping. Type of Structure: Well. Quantity: Amount claimed for the well: 10 gallons per minute ("g.p.m."), annual diversion limited to 10 acre-feet. Appropriation Date: January 26, 2000 (4 af/yr, absolute); June 29, 2007 (6 af/yr, conditional). Decree: August 4, 2003, Case No. 02CW130 and May 25, 2009, Case No. 07CW124, Water Court Division No. 5. Augmentation Including Exchange: Applicant has been granted an augmentation plan including exchange to replace the out-of-priority depletions in the amount of 10af/yr. Exchange Reach: Upstream Terminus: the point where depletions from the Mountain Park Concrete Well reach the Fraser River, estimated to be located in the SW ¼ of the SW ¼ of Section 31, Township 2 North, Range 76 West of the 6th P.M., at a point approximately 370 feet north of the south section line and 540 feet east of the west section line. Downstream Terminus: the confluence of Muddy Creek and the Colorado River, located in the NW ¼ of the NE ¼ of Section 19, Township 1 North, Range 80 West of the 6th P.M., at a point approximately 180 feet south of the north section line and 1,990 feet west of the east section line. Additional Information: The original decree at Case No. 02CW130 and the decree at 07CW124 set forth additional terms and conditions that continue to be in effect for the water rights of this application. The application and attached exhibits contain a detailed outline of the work performed during the diligence period (17 pages).

YOU ARE HEREBY NOTIFIED THAT YOU HAVE until the last day of OCTOBER 2019 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 AUGUST 2019. *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.*

19CW3094 (13CW010) EAGLE COUNTY, TRIBUTARY TO COTTONWOOD CREEK, TRIB. TO COLORADO RIVER. Application for Finding of Reasonable Diligence. Applicant: NJ Partners 23, LLC, 602 Heuschkel Ranch Road, Carbondale, CO 81623, c/o Garfield & Hecht, P.C., 901 Grand Ave., Suite 201, Glenwood Springs, CO 81601, (970)947-1936. Name of structure: Polaris Reservoir. Original Decree: Entered on July 23, 1971 in Case No. W-222, District Court, Water Div. No. 5. Subsequent decrees awarding findings of reasonable diligence: Case No. W-1696 entered on August 2, 1973; Case No. 97CW097 entered on July 24, 2000 (and making the water right partially absolute); Case No. 06CW170 entered on January 15, 2007; and Case No. 13CW10 entered on August 4, 2013. Legal Description: The reservoir is located in Section 36, Township 6 South, Range 87 West of the 6th P.M. beginning at a point from whence the South Quarter Corner of said Section 36 bears S. 43°16' E. 1218 feet; thence N. 52°30' E. 169.0 feet; thence N. 65°04' E. 113.2 feet; thence S. 45°30' E. 296.0 feet; thence S. 55°02' E. 78.9 feet; thence S. 28°15' E. 214.7 feet; thence S. 26°07' E. 36.0 feet; thence N. 59°54' E. 117.5 feet; thence N. 20°17' E. 158.9 feet; thence N. 26°29' E. 104.3 feet; thence N. 27°51' E. 202.4 feet; thence N. 20°17' E. 113.6 feet; thence N. 32°28' E. 169.4 feet; thence N. 39°00' E. 99.0 feet; thence N. 09°56' W. 334.1 feet; thence N.

02°52' E. 305.0 feet; thence N. 17°27' E. 254.9 feet; thence N. 25°19' E. 505.0 feet; thence N. 80°51' W. 148.9 feet; thence S. 82°36' W. 189.0 feet; thence N. 63°33' W. 118.4 feet; thence S. 63°49' W. 388.9 feet; thence S. 69°10' W. 301.0 feet; thence S. 70°12' W. 145.0 feet; thence S. 44°58' W. 299.4 feet; thence S. 68°50' W. 242.0 feet; thence S. 60°36' W. 194.0 feet; thence S. 25°07' W. 176.1 feet; thence S. 14°57' W. 173.0 feet; thence S. 09°35' W. 211.0 feet; thence S. 05°26' W. 250.3 feet; thence S. 09°43' W. 179.1 feet; thence S. 35°01' E. 104.9 feet; thence S. 57°37' E. 485.9 feet; and thence N. 48°30' E. 242.0 feet, all in Eagle County, Colorado. See map filed with the Application as Exhibit A. Source: The first, second, and third branches of Cottonwood Creek and drainage from lands in the South half of Sections 26, 27, and 28 of Township 6 South, Range 86 West of the 6th P.M. Date of appropriation: Nov. 12, 1944. Amount: 437 acre-feet total; 337 acre-feet of which remains conditional. Use: Irrigation. Remarks: The Polaris Reservoir is filled via the Best Ditch. 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 has no intent to abandon the Polaris Reservoir water right. Polaris Reservoir is located on land owned by the Applicant. Applicant requests the Court to enter a decree finding and concluding that the Applicant has shown reasonable diligence in the development of the remaining conditional portion of the Polaris Reservoir water right and continuing such conditional water right in full force and effect.

YOU ARE HEREBY NOTIFIED THAT YOU HAVE until the last day of OCTOBER 2019 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 AUGUST 2019. *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.*

19CW3095 (2013CW15) (1999CW113) **Eagle County**, Colorado, Application to Make Absolute in Whole or in Part. Applicant: Rocky Mountain Conservation Partners, LLC, d/b/a Castle Peak Ranch, Attn: Joel Schreiber, Ranch Manager, 5200 Eby Creek Rd., P.O. Box 421, Eagle, CO 81631, outdoors4energy@gmail.com, (970) 328-3870 Name of Structure: Olesen Ditch First Enlargement. Location: Point of Diversion No. 1: PLSS Description: Located in the northwest quarter of the southeast quarter (NW¹/₄SE¹/₄) of Section 5, Township 4 South, Range 84 West of the 6th P.M. at a point 1705 feet from the east section line and 2265 feet from the south section line, in Eagle County, Colorado. UTM Coordinates: Easting: 343096.0, Northing: 4399565.0 Zone 13. Point of Diversion No. 2: PLSS Description: Located in the southeast quarter of the northwest quarter (SE¹/₄NW¹/₄) of Section 5, Township 4 South, Range 84 West of the 6th P.M. at a point 1925 feet from the west section line and 2905 feet from the north section line, in Eagle County, Colorado. UTM Coordinates: Easting: 342613.9, Northing: 4399803.0, Zone 13. Amount: For Point of Diversion No. 1: 15 gallons per minute, absolute. For Point of Diversion No. 2: 15 gallons per minute, absolute. Uses: Irrigation, stock watering, and wildlife watering (for both Points of Diversion). Source: Unnamed tributaries to Eby Creek, tributary to the Eagle River, tributary to the Colorado River. Appropriation date: June 30, 1999. Description: Applicant diverted the conditional water rights decreed to each point of diversion at their full decreed rates, in priority, and placed the water to the decreed uses on June 5, 2019, and at other times, and now seeks to make absolute the water rights previously decreed as conditional. Landowners: Landowner is Applicant.

YOU ARE HEREBY NOTIFIED THAT YOU HAVE until the last day of OCTOBER 2019 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 AUGUST 2019. *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.*

19CW3096 GARFIELD COUNTY, COLORADO RIVER, APPLICATION TO MAKE CONDITIONAL WATER RIGHT ABSOLUTE, IN PART, AND FOR FINDING OF REASONABLE DILIGENCE. Name and Addresses of Applicants: Roc Gabossi and Mary Anne Gabossi, 44523 Hwy 6, Glenwood Springs, CO 81601; Conrad and Marsha Wagner, 24 County Road 138, Glenwood Springs, CO 81601; Old Orchard Homeowners Association, 44523 Highway 6, Glenwood Springs, CO 81601, c/o Michael J. Sawyer, Karp Neu Hanlon, P.C., 201 14th St. Suite 200, P. O. Drawer 2030, Glenwood Springs, CO 81602, First Claim: Make Conditional Water Right Absolute, in Part, and for Finding of Reasonable Diligence - Bowles Pond, First Enlargement. Date of Original decree: December 2, 1998 in Case No. 97CW162. Subsequent decrees: Case No. 04CW225, and Case No. 11CW116. Location: the center of the pond is in Section 35 Township 5 South, Range 90 West of the Sixth Principal Meridian, at a point 1000 feet from the west section line and 1750 feet from the north section line of said Section 35. This is in the SWNW of Section 35. Source: Bowles Diversion, which collects the spring run-off and seepage of water in Bowles Gulch, tributary to the Colorado River. Appropriation Date: July 8, 1997. Remaining Conditional Amount: 0.1 acre feet. Uses: fish culture, livestock and wildlife watering, fire protection and augmentation of Bowles Wells

No. 1-6. Names of landowners upon which structures are located: Roc Gabossi and Mary Anne Second Claim: Make Conditional Water Right Absolute, in Part, and for Finding of Reasonable Diligence - Bowles Well No. 4. Original decree: August 4, 2013, in Case No. 11CW116. Location: Bowles Well No. 4 (Permit No. 56103-F): NENW Section 35 Township 5 South, Range 90 West of the Sixth Principal Meridian, a distance of 650 feet from the north section line and 2200 feet from the west section line of said Section 35. Source: alluvium of sand, gravel and other material hydraulically connected to the Colorado River. Appropriation Date: November 14, 2015. Amount: (permit No. 56103-F) 25 g.p.m., conditional. The maximum total diversions from all Bowles Well Nos. 1-6 combined is limited to 8.65 acre feet per year. Uses: in-house domestic use only. Depth: 345 feet. Names of landowners upon which structures are located: Conrad and Marsha Wagner. Claim to make absolute: 13 g.p.m. in Bowles Well No. 4 (permit No. 56103-F). Date water was first applied to beneficial use: November 14, 2015. Place of Use: Lot 2, Gabossi Subdivision Exemption. Claim for reasonable diligence: if 13 g.p.m. is determined to be absolute, then Applicant requests a finding of diligence for 12 g.p.m. conditional for the Bowles Well No. 4 for in-house domestic purposes. If 13 g.p.m. is not determined to be absolute, then Applicant requests a finding of diligence for 25 g.p.m., conditional, for the Bowles Well No. 4 for in-house domestic purposes. Third Claim: Application for Finding of Reasonable Diligence - Bowles Wells Nos. 1-3 and 5-6. Date of Original decree: August 4, 2013 in Case No. 11CW116, District Court, Water Division 5. Locations: Bowles Well No. 1: A well within a well field located in the NW 1/4 of Section 35, Township 5 South, Range 90 West of the Sixth Principal Meridian, on the 60 acres owned by Applicant Gabossi. Bowles Well No. 2 (Permit No. 68856-F): NWNW of Section 35, Township 5 South, Range 90 West of the Sixth Principal Meridian, a distance of 1250 feet from the north section line and 960 feet from the west section line of said Section 35. Bowles Well No. 3 (Permit No. 56102-F): SENW of Section 35 Township 5 South, Range 90 West of the Sixth Principal Meridian, a distance of 1500 feet from the north section line and 2200 feet from the west section line of said Section 35. Bowles Well No. 5: A well within a well field located in the NW1/4 of Section 35, Township 5 South, Range 90 West of the Sixth Principal Meridian, on the 60 acres owned by Applicant Gabossi or Wagner. Bowles Well No. 6: A well within a well field located in the NW1/4 of Section 35, Township 5 South, Range 90 West of the Sixth Principal Meridian, on the 60 acres owned by Applicant Gabossi or Wagner. Source: alluvium of sand, gravel and other material hydraulically connected to the Colorado River. Appropriation Date: August 26, 2011. Remaining conditional amounts: Bowles Well No. 1: 25 g.p.m., conditional; Bowles Well No. 2: 10 g.p.m., conditional (for use in an additional 6 single family dwellings beyond the 15 g.p.m. previously made absolute in Case No. 11CW116), limited to 2.41 acre feet per year); Bowles Well No. 3 (permit No. 56102-F): 25 g.p.m., conditional; Bowles Well No. 5: 25 g.p.m., conditional; Bowles Well No. 6: 25 g.p.m., conditional; the maximum total diversions from all Bowles Well Nos. 1-6 combined is limited to 8.65 acre feet per year. Uses: in-house domestic use only. No irrigation or outdoor use is allowed. Water from Bowles Well Nos. 1 through 6 may serve a combined maximum of 22 single family dwellings located on the Gabossi Subdivision Exemption and Old Orchard Subdivision. Name of owner of land on which structure is located: Bowles Well No. 1: Roc Gabossi and Mary Anne Gabossi, and Conrad and Marsha Wagner; Bowles Well No. 2: Roc Gabossi and Mary Anne Gabossi, Bowles Well No. 3: Conrad and Marsha Wagner; Bowles Well No. 5: Roc Gabossi and Mary Anne Gabossi, and Conrad and Marsha Wagner; Bowles Well No. 6: Roc Gabossi and Mary Anne Gabossi, and Conrad and Marsha Wagner. Claim Reasonable Diligence: The amounts requested for reasonable diligence: Bowles Well No. 1: 25 g.p.m., conditional; Bowles Well No. 2: 10 g.p.m., conditional; Bowles Well No. 3: 25 g.p.m., conditional; Bowles Well No. 5: 25 g.p.m., conditional; Bowles Well No. 6: 25 g.p.m., conditional. The maximum total diversions from all Bowles Well Nos. 1-6 combined is limited to 8.65 acre feet per year. Remarks: Bowles Well Nos. 1-6 are administered under a plan for augmentation decreed in Case No. 97CW162; because Bowles Wells No. 1, 5, and 6 are to be located within a well field, the conditional water rights for Bowles Wells No. 1, 5, and 6 are subject to SEO Policy 99-1. The Application contains a detailed outline of what has been done by Applicants during the diligence period toward or for completion of the appropriation and application of the conditional water rights to beneficial use as decreed, including expenditures. (11 pp. including exhibits).

YOU ARE HEREBY NOTIFIED THAT YOU HAVE until the last day of OCTOBER 2019 to file with the Water Clerk a verified Statement of Opposition setting forth facts as to why this application should not be granted or why it should be granted in part or on certain conditions. A copy of such statement of opposition must also be served upon the applicant or the applicant's attorney and an affidavit or certificate of such service shall be filed with the Water Clerk, as prescribed by Rule 5, CRCP. (Filing Fee: \$192.00) KATHY POWERS, Water Clerk, Water Division 5; 109 8th Street, Suite 104 Glenwood Springs, CO 81601.

10. PURSUANT TO C.R.S., §37-92-302, AS AMENDED, YOU ARE NOTIFIED THAT THE FOLLOWING PAGES COMPRISE A RESUME OF THE APPLICATIONS AND AMENDED APPLICATIONS FILED WITH THE WATER CLERK FOR WATER DIVISION 5 DURING THE MONTH OF AUGUST 2019. 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.

19CW3097 EAGLE COUNTY, Application to Make Water Rights Partially Absolute and for Findings of Reasonable Diligence. Applicant: Mary Teresa McNulty Homeowners' Association, Inc.; *please direct all correspondence to Applicant's attorneys*: Mary Elizabeth Geiger, Garfield & Hecht, P.C., 901 Grand Avenue, Suite 201, Glenwood Springs, CO 81601, (970)947-1936, megeiger@garfieldhecht.com. Name of structure: **Mary McNulty Subdivision Well.** Original decree: Entered on April 9, 1985 in Case No. 83CW140, District Court, Water Division No. 5. Subsequent decrees: Case No. 92CW060 entered on October 12, 1993; Case No. 99CW225 entered on July 6, 2000; Case No. 06CW142 entered on March 5, 2007; and Case No. 13CW28 entered on August 25, 2013. Location: The SE ¼ of the NE ¼ of Section 33, Township 6 South, Range 87 West of the 6th P.M., at a point whence the Southeast Corner of said Section 33 bears South 17° East a distance of 3,090 feet, in Eagle County, Colorado, also being described as 2410 feet south of the North section line and 910 feet west of the East section line of said Section 33. Source: Groundwater tributary to East Coulter Creek, tributary to Cattle Creek, tributary to the Roaring Fork River, tributary to the Colorado River. Date of appropriation:

October 30, 1981. *Date applied to beneficial use (for remaining 15 gpm, conditional):* November 30, 2018 by connection to the house on Lot 1 and pumping at 30 g.p.m. *Amount:* 30 g.p.m. total; 15 g.p.m. absolute and 15 g.p.m. conditional. In Case No. 99CW225, the water right was made absolute in the amount of 15 g.p.m. for ordinary household uses inside one single-family dwelling and the irrigation of up to 1,500 square feet of lawns and gardens. An additional 15 g.p.m. should be made absolute for the domestic in house use and irrigation of 1,500 square feet of lawn and garden on Lot 1. The remaining uses are conditional. *Uses:* Irrigation, domestic, stock watering, and fire protection purposes. *Remarks:* The well is permitted as Well Permit No. 37437-F. *Owner of land upon which well is located:* The well is located within an easement owned by Applicant on property owned by Dale "Tony" Gross, P.O. Box 574, Carbondale, CO 81623. The Application includes a detailed description of the work performed during the diligence period and the application of the water rights to beneficial use. (4 pages).

YOU ARE HEREBY NOTIFIED THAT YOU HAVE until the last day of OCTOBER 2019 to file with the Water Clerk a verified Statement of Opposition setting forth facts as to why this application should not be granted or why it should be granted in part or on certain conditions. A copy of such statement of opposition must also be served upon the applicant or the applicant's attorney and an affidavit or certificate of such service shall be filed with the Water Clerk, as prescribed by Rule 5, CRCP. (Filing Fee: \$192.00) KATHY POWERS, Water Clerk, Water Division 5; 109 8th Street, Suite 104 Glenwood Springs, CO 81601

11. PURSUANT TO C.R.S., §37-92-302, AS AMENDED, YOU ARE NOTIFIED THAT THE FOLLOWING PAGES COMPRISE A RESUME OF THE APPLICATIONS AND AMENDED APPLICATIONS FILED WITH THE WATER CLERK FOR WATER DIVISION 5 DURING THE MONTH OF AUGUST 2019. *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.*

19CW3098 (09CW188) FREMONT PASS DITCH COMPANY, a Colorado Mutual Ditch Company ("FPDC" or "Applicant"), 15151 East Alameda Parkway, Suite 3600 Aurora, Colorado 80012-1555 E-Mail: tsimpson@auroragov.org, Telephone: (719) 254-7984. Attorneys John M. Dingess, Austin Hamre and Teri L. Pettit, Hamre, Rodriguez, Ostrander & Dingess, P.C., 3600 S. Yosemite Street, Suite 500, Denver, Colorado 80237-1829, phone (303) 779-0200, fax (303) 779-3662, mail@hrodlaw.com, jdingess@hrodlaw.com, ahamre@hrodlaw.com; poolteri@hrodlaw.com. **APPLICATION FOR FINDING OF REASONABLE DILIGENCE IN ADAMS, ARAPAHOE, CHAFFEE, DOUGLAS, EAGLE, JEFFERSON, LAKE, PARK, SUMMIT AND WELD COUNTIES, COLORADO.** This Application seeks a finding of reasonable diligence on direct flow and storage water rights originally decreed in Water Division 5, Case No. 09CW188 (hereinafter referred to as the "Original Decree"). The Fremont Pass Ditch Company ("FPDC" or "Applicant") was formed pursuant to C.R.S. § 7-42-101, et seq. and § 7-121-101, et seq. The shareholders of the FPDC are the City of Aurora, Colorado, a municipal corporation of the Counties of Adams, Arapahoe and Douglas, acting by and through its Utility Enterprise ("Aurora"), and the Climax Molybdenum Company, a Delaware Corporation ("Climax").

2. NAME OF STRUCTURE: Columbine Ditch. **3. DESCRIPTION OF CONDITIONAL WATER RIGHT** (hereinafter, "Junior Columbine Water Right"):

3.1. Original Decree: Case No. 09CW188, Water Division No. 5, District Court, Colorado, dated August 4, 2013.

3.2. Source: Three unnamed branches of the East Fork of the Eagle River, as well as snowmelt, sheet flow and surface runoff tributary to the East Fork above the line of said ditch and from other water along the course of the ditch.

3.3. Amount: 60 cfs (average over a 24 hour period), conditional.

3.4. Appropriation Date: December 17, 2009.

3.5. Names and Legal Descriptions of Structures:

3.5.1. Columbine Ditch. The Columbine Ditch is located in portions of Sections 4, 5, 6 and 9, Township 8 South, Range 79 West, 6th P.M. in Eagle and Lake Counties, Colorado. As depicted in **Exhibit A** hereto, the Columbine Ditch starts at Headgate No. 1, which is the furthest northwest, and runs generally southeast to Headgate No. 2, then to Headgate No. 3, then across the Continental Divide at Columbine Pass and discharges the collected waters into the West Branch of Chalk Creek, a tributary of the Arkansas River. Surface runoff is diverted by the ditch along its entire course in Eagle County. Three unnamed branches of the East Fork of the Eagle River are intercepted by the ditch at the following points:

3.5.1.1. Headgate No. 1 is situated at a point from whence the southeast corner of Section 5, Township 8 South, Range 79 West of the 6th P.M. bears South 55°39' East a distance of 7127.6 feet. The UTM coordinates of this headgate are in Zone 13 North and are as follows: Northing 4360235m, Easting 392178m.

3.5.1.2. Headgate No. 2 is situated at a point from whence the said southeast corner of Section 5, Township 8 South, Range 79 West of the 6th P.M. bears South 57°29' East a distance of 4957.3 feet. The UTM coordinates of this headgate are in Zone 13 North and are as follows: Northing 4359871.841m, Easting 392690.277m.

3.5.1.3. Headgate No. 3 is situated at a point from whence the said southeast corner of Section 5, Township 8 South, Range 79 West of the 6th P.M. bears South 65°38' East a distance of 1091 feet. The UTM coordinates of this headgate are in Zone 13 North and are as follows: Northing 4359186.678m, Easting 393634.282m.

3.5.2. Following diversion, some of the water may be stored for subsequent use by Climax in various storage structures in Water Division 5, as more fully identified in the Decree entered in 09CW188. See map attached hereto as Exhibit B-1.

3.5.2.1. Robinson Reservoir. Robinson Reservoir is a 3,136 acre feet reservoir located in the Southeast ¼ of Section 33 and the Southwest ¼ of Section 34, both in Township 7 South, Range 79 West, 6th P.M. in Eagle County, Colorado. The UTM coordinates of this headgate are in Zone 13 South and are as follows: Northing 4361354m, Easting 395273m.

3.5.2.2. Chalk Mountain Reservoir. Chalk Mountain Reservoir is a 204.1 acre feet reservoir located in the Southwest ¼ of Section 34, Township 7 South, Range 79 West, 6th P.M. in Eagle County, Colorado. The UTM coordinates of this headgate are in Zone 13 South and are as follows: Northing 4361136m, Easting 395660m.

3.5.2.3. Buffehr's Lake. Buffehr's Lake is a 102.8 acre feet reservoir located in the Southwest ¼ of Section 2, Township 8 South, Range 79 West, 6th P.M. in Summit County, Colorado. The UTM coordinates of this headgate are in Zone 13 South and are as follows: Northing 4359679m, Easting 397255m.

3.5.2.4. Climax Mine Underground Levels. The Climax Mine Underground Levels have a storage capacity of approximately 1,223 acre feet and are located beneath the South ½ of Section 1, and the North ½, the Southeast ¼, and the North ½ of the Southwest ¼ of Section 12, all in Township

8 South, Range 79 West, 6th P.M., in Lake County, Colorado. The UTM coordinates of this headgate are in Zone 13 South and are as follows: Northing 4358458m, Easting 399164m. 3.5.2.5. Mayflower Pond. The Mayflower Pond presently is an approximately 7,960 acre feet tailings pond in the Southwest ¼ of Section 13, the Southeast ¼ of Section 14, the Northwest ¼ of Section 24, and most of Section 23, all in Range 79 West, Township 7 South, 6th P.M. in Summit County, Colorado. The size of the Mayflower Pond may be expanded or reduced in the future as a result of mining and milling operations. The UTM coordinates of this headgate are in Zone 13 South and are as follows: Northing 4365381m, Easting 398355m. 3.5.2.6. Tenmile Pond. Tenmile Pond presently is an approximately 4,730 acre feet tailings pond in most of Section 26, the East ½ of Section 27, the Northeast ¼ of Section 34, and the Northwest ¼ of Section 35, all in Township 7 South, Range 79 West, 6th P.M. in Summit County, Colorado. The size of Tenmile Pond may be expanded or reduced in the future as a result of mining and milling operations. The UTM coordinates of this headgate are in Zone 13 South and are as follows: Northing 4362782m, Easting 397101m. 3.5.2.7. Robinson Pond. Robinson Pond presently is an approximately 500 acre feet tailings pond in the Southwest ¼ of Section 27, the Northwest ¼ and the East ½ of Section 34, and the West ½ of Section 35, all in Township 7 South, Range 79 West, 6th P.M.; also in the East ½ of Section 3 and the West ½ of Section 2, both in Township 8 South, Range 79 West, 6th P.M. in Summit County, Colorado. The size of Robinson Pond may be expanded or reduced in the future as a result of mining and milling operations. The UTM coordinates of this headgate are in Zone 13 South and are as follows: Northing 4361422m, Easting 397036m. 3.5.3. Following diversion and export from Water Division 5, some of the water may be stored for subsequent use in various storage structures in Water Division 2. As more fully identified and described in the Decree entered in 09CW188, the structures identified below are included herein for advisory purposes only and shall not preclude storage at other locations in Division 2. These structures are identified on the map attached hereto as **Exhibit B-2**. 3.5.3.1. Jones Gravel Pit. The UTM coordinates of this headgate are in Zone 13 South and are as follows: Northing 4347225m, Easting 384726m. 3.5.3.2. Turquoise Reservoir. WDID 1103500, UTM X 381548, UTM Y 4345718. 3.5.3.3. Box Creek Reservoir. WDID 1103545, UTM X 384353, UTM Y 4331827. 3.5.3.4. Twin Lakes Reservoir. WDID 1103503, UTM X 387247, UTM Y 4326098. 3.5.3.5. Clear Creek Reservoir. WDID 1103504, UTM X 392180, UTM Y 4319897. 3.5.4. Following diversion and export from Water Division 5, some of the water may be stored for subsequent use in various storage structures in Water Division 1. As more fully identified and described in the Decree entered in 09CW188, the structures identified below are included herein for advisory purposes only and shall not preclude storage at other locations in Division 1. These structures are identified on the maps attached hereto as **Exhibits B-3, B-4 and B-5**. 3.5.4.1. Spinney Mountain Reservoir. WDID 2304013, UTM X 444400, UTM Y 4315300. 3.5.4.2. Strontia Springs Dam and Reservoir Complex. WDID 0803983, UTM X 488500, UTM Y 4364150. 3.5.4.3. Aurora Rampart Reservoir. WDID 0803504, UTM X 494400, UTM Y 4366800. 3.5.4.4. Quincy Reservoir. WDID 0203375, UTM X 519000, UTM Y 4387300. 3.5.4.5. Aurora Reservoir. WDID 0203379, UTM X 529000, UTM Y 4385000. 3.5.4.6. East Reservoir Complex. WDID 0203380. 3.5.4.7. Aquifer Recharge and Recovery Facility B (“ARR-B”) and Aurora Tucson South-South Platte Storage Facility Subunits (“Tucson South”). WDID 0200511 and WDID 0200512, UTM X 513894.1, UTM Y 4427060.5. 3.5.4.8. Challenger Gravel Pit Reservoir. WDID 0203930, UTM X 513700, UTM Y 4427500. 3.5.4.9. Kirby-Dersham Gravel Pit Reservoir. WDID 0203386, UTM X 513900, UTM Y 4428200. 3.5.4.10. Robert W. Walker Reservoir (“Walker South”). WDID 0203358, UTM X 514300, UTM Y 4428000. 3.5.4.11. Stillwater Ranch Reservoir (“Walker North”). WDID 0203358, UTM X 514300, UTM Y 4428000. 3.5.4.12. Aquifer Recharge and Recovery Facility A (“ARR-A”). WDID 0203042, UTM X 513750, UTM Y 4433000. 3.5.4.13. Fort Lupton Reservoir Complex No. 1. WDID 0203504, UTM X 515339.2, UTM Y 4433435. 3.6. **Uses:** 3.6.1. Types of Use: Municipal, domestic and industrial purposes including, but not limited to: fire protection; irrigation of lawns, gardens, parks, private and municipal facilities; sanitary; commercial; manufacturing; mining purposes; milling purposes, including but not limited to flotation, drying, and in scrubbers, and to transport tailing slurry to Climax’s Robinson, Tenmile and Mayflower tailings impoundments, and in processing waste rock and to settle out tailing in the decant water pool; concrete batching; mechanical use; recreational purposes; creation and maintenance of wetlands; stock watering; fish and wildlife propagation; snowmaking; reclamation; revegetation; dust suppression; reservoir evaporation replacement; augmentation; exchange; and replacement purposes, for use, reuse for successive uses, disposition following initial use, and reuse until extinction. 3.6.1.1. To the extent the water diverted pursuant to this appropriation is used in Water Division 5, FPDC’s shareholders have the intent and ability to use, reuse, successively use and use to extinction all such water, and have the ability to adequately distinguish return flows resulting from such use from other waters of the stream. 3.6.2. Places of Use: 3.6.2.1. The water diverted by the Columbine Ditch will be used by Climax Molybdenum Company at its Climax Mine and ancillary facilities, including the Jones Gravel Pit. The Climax Mine presently consists of approximately 22 square miles located at the headwaters of Tenmile Creek, the East Fork Arkansas River, and the East Fork of the Eagle River, in parts of sections 7, 18, 19, and 31, Township 7 South, Range 78 West, 6th P.M.; sections 12, 13, 14, 15, 21, 22, 23, 24, 25, 26, 27, 28, 29, 32, 33, 34, 35, and 36, Township 7 South, Range 79 West, 6th P.M.; sections 6, 7, and 18, Township 8 South, Range 78 West, 6th P.M.; and sections 1, 2, 3, 4, 5, 10, 11, 12, 13, and 14, Township 8 South, Range 79 West, 6th P.M. in Lake, Summit and Eagle counties. The Jones Gravel Pit is located in the East half of Township 9 South, Range 80 West, of the 6th P.M., approximately two miles northwest of the town of Leadville, in Lake County, Colorado, as located in **Exhibit B-2**. After first use in Climax’s system, the unconsumed portion of the water can be reused through its existing facilities, directly or by exchange within its system, or such water may be released to meet Climax’s replacement obligations, if any. 3.6.2.2. The water diverted by the Columbine Ditch will also be used by the City of Aurora throughout its current and future service areas served by its municipal water supply and water reuse systems and any areas within the South Platte River Basin capable of being served by the existing and future infrastructure of Aurora’s municipal water supply system, including areas served by its connections with other systems, and to meet any water replacement obligations pursuant to Aurora’s water court decrees existing now or hereafter, as well as those water supply contracts of Aurora existing as of the date this decree is entered. Currently, Aurora is located in Township 3 South, Ranges 64, 65, 66 and 67 West, 6th P.M. in Adams County; Township 4 South, Ranges 64, 65, 66 and 67 West and Township 5 South, Ranges 65, 66 and 67 West, 6th P.M. in

Arapahoe County; and Township 6 South, Ranges 65 and 66 West, 6th P.M. in Douglas County. Aurora's service area has changed from time to time and will continue to do so. Aurora may also use the water to meet replacement obligations pursuant to Aurora's water court decrees in Water Division 2 existing now or hereafter, as well as those water supply contracts of Aurora existing as of the date of the Original Decree. For purposes of this decree, existing contracts shall include new contracts extending or replacing contracts for existing obligations. 3.7. **Remarks:** A 60 cfs appropriation for the Columbine Ditch was decreed in Civil Case No. 963, District Court for Eagle County, on October 3, 1936. That senior Columbine Ditch water right was subsequently changed in WD-5, Case No. 90CW340, wherein volumetric limits were imposed to confine diversions pursuant to the original appropriation to historical levels prior to the change. Those volumetric limits remained intact when the senior Columbine Ditch water right was further changed in WD-5, Case No. 09CW187, adjudicated concurrently with the adjudication of the Junior Columbine Water Right. The purpose of the Junior Columbine Water Right is to divert and store water in excess of the single year, 20-year, and 60-year volumetric limits to which the original Columbine Ditch appropriation, as changed, is subject. 4. **DETAILED OUTLINE OF WHAT HAS BEEN DONE TOWARD COMPLETION OR FOR COMPLETION OF THE APPROPRIATIONS AND APPLICATION OF WATER TO A BENEFICIAL USE AS CONDITIONALLY DECREED:** During the diligence period of August 4, 2013 through August 31, 2019, FPDC and its shareholders performed the following work and made the following expenditures toward completion of the appropriations and application of the water rights decreed in the Original Decree to beneficial use (expenditure numbers are rounded to the nearest \$1,000): 4.1. **Project Specific Efforts:** FPDC and its shareholders have done at least the following project specific work toward completion of the appropriations and application of the conditional water right decreed in Case No. 09CW188 to beneficial use: 4.1.1. Columbine Ditch Assessments. During the diligence period, the members of the FPDC paid \$219,000 in ditch assessments for the Columbine Ditch. 4.1.2. Legal Constraints on Diversions. FPDC and its shareholders have taken all reasonable actions to be prepared to divert water under the Junior Columbine Water Right when water is legally available to it. The ditch is in existence, but cannot be enlarged. As indicated in Paragraph 3.7, above, water is not legally available to the Junior Columbine Water Right except at times diversions by the senior Columbine Ditch water right are precluded due to its volumetric limitations. Diversions occurring between the entry of the 90CW340 decree and the 09CW187 decree demonstrated that the existing ditch is capable of diverting water in greater long-term average annual volumes than the volumetric limits imposed in 90CW340. FPDC is taking all water legally and physically available under the senior Columbine Ditch Water Right, and must wait until the conditions allowing lawful diversions under the Junior Columbine Water Right naturally occur in order to make the latter water right absolute. 4.1.3. Legal Activities: During the subject diligence period, the members of the FPDC spent in excess of \$10,000 on legal activities directly related to the water right at issue herein. Additionally, the members of the FPDC spent in excess of \$18,000 on legal activities directly related to the subject mutual ditch company. 4.2. **System-wide Efforts:** Pursuant to the Original Decree, this water right is part of unified extensive systems operated by its shareholders for the collection, treatment and distribution of water. For the purposes of showing diligence as to completion of the appropriative rights originally decreed in Case No. 09CW188, diligence as to any part of the FPDC, or its shareholders' water rights systems used to operate or benefiting from this water right shall be diligence as to the completion of this water right. During this diligence period, FPDC and its shareholders have done at least the following system-wide work that will be used to operate or benefit the remaining conditional water right: 4.2.1. Assessments Paid for Use of Twin Lakes Reservoir: During this diligence period \$391,000 in annual assessments was paid by Aurora to the Twin Lakes Company, which allows for the storage of water diverted pursuant to the FPDC water rights. 4.2.2. Intergovernmental Agreement with SECWCD: On October 3, 2003, Aurora entered into an Intergovernmental Agreement with the Southeastern Colorado Water Conservancy District ("SECWCD"), replacing an agreement between the parties dated December 7, 2001. Under this new IGA, Aurora and SECWCD agreed to support proposed federal legislation relating to the Fryingpan-Arkansas Project to include, among other things, re-operations of the existing water storage facilities, studies for enlargements to Pueblo and Turquoise Reservoirs, and confirming the authority of the Bureau of Reclamation to enter into contracts with Aurora for use of the facilities including long-term contracts. Aurora's ability to use Fryingpan-Arkansas facilities is expanded under this IGA and Aurora is obligated to make certain payments to SECWCD in consideration for the expanded use. Under this IGA, SECWCD also agrees not to oppose Aurora's attempts to contract with the Bureau of Reclamation for use of the Fryingpan-Arkansas Project facilities, to facilitate delivery of Aurora's water, and to settle opposition to each other's water court applications, including this case. During this diligence period, Aurora made payments of more than \$950,000 to SECWCD under this IGA. 4.2.3. Rampart Reservoir and Delivery System: More than \$17,709,000 was spent by Aurora during this diligence period for improvements to the Rampart Reservoir delivery system. This reservoir is used to store the water pumped from the Arkansas River Basin and transported to the South Platte River before it is transported through parallel 54" and 40" pipelines to Aurora. Rampart Reservoir is important for regulation of the flow through these parallel pipelines. 4.2.4. Metro Wastewater Reclamation District Charges: Aurora expended at least \$152,277,000 during this diligence period for fees for wastewater treatment of its water at the Metro Wastewater Reclamation facility. Such treatment is necessary for release of this water into the South Platte River Basin. This work is necessary for reuse within the South Platte River Basin of the water from the Columbine Ditch and also to comply with water reuse requirements. 4.2.5. Sand Creek Water Reuse Plant Improvements: Aurora operates this 5-million-gallon per day facility that provides treated water used for irrigation throughout the City and for discharge into Sand Creek. Improvements to this facility completed during this diligence period cost at least \$2,801,000. Aurora also expended an additional \$7,047,000 in operating costs for the Sand Creek plant. This work is necessary for reuse within the South Platte River Basin of the water from the Columbine Ditch and also to comply with water reuse requirements. 4.2.6. Griswold Water Treatment Plant Renovations: This facility treats a portion of the raw water from the Columbine Ditch and then transported to the South Platte Basin and to Aurora, before it is delivered to Aurora's customers. More than \$7,193,000 was spent by Aurora during this diligence period for improvements to this facility necessary to accommodate in part the water from the Columbine Ditch. This includes expenditures directly by Aurora for renovation of the facility. 4.2.7. Wemlinger Water Treatment Plant Expansion:

During this diligence period, Aurora spent \$38,990,000 for improvements to the Wemlinger Water Treatment Plant. This facility treats a portion of the raw water from the Columbine Ditch and then transported to the South Platte Basin and to Aurora, before it is delivered to Aurora's customers.

4.2.8. Prairie Waters Project: The Prairie Waters Project is a large comprehensive water supply, storage and treatment project in which return flows to the South Platte River from Aurora's water sources, including the water from the Columbine Ditch, may be rediverted for subsequent reuse. To facilitate this project Aurora obtained various decrees in Case Nos. 06CW104, 03CW414, and 03CW415, Water Division 1. This project allows further reuse of much of the water decreed to Aurora. During the diligence period, Aurora obtained a decree in Case No. 13CW3088, WD-1, finding reasonable diligence for the water rights decreed conditionally in 03CW414 (decreed April 22, 2014); Aurora obtained a decree in Case No. 14CW3065, WD-1, finding reasonable diligence for the water rights decreed conditionally in 03CW415 (decreed March 2, 2015), and Aurora obtained a decree in Case No. 15CW3064, WD-1, finding reasonable diligence and making absolute a portion of the rights decreed conditionally in Case No. 06CW104, WD-1. Aurora has expended at least \$41,534,000 on several elements of the Prairie Waters Project during this diligence period.

4.2.9. Lawn Irrigation Return Flows (LIRFs) Credits: Aurora obtained a decree in WD-1, Case No. 02CW341, Water Division 1, on September 25, 2008, quantifying LIRFs from its municipal system (and subsequent requantifications as required by the Decree in 02CW341), generated as a result of use of transmountain water rights, fully consumable in-basin water rights, decreed and permitted non-tributary sources and any other fully consumable water available to Aurora. Aurora also installed seventeen new monitoring wells and expends manpower to monitor these wells every three months. Water from the Columbine Ditch and used in Aurora's service area can be reused under the decree in Case No. 02CW341. During this diligence period, Aurora has expended significant sums for engineering and legal costs required to requantify the LIRFs adjudicated in Case No. 02CW341 available for reuse.

4.2.10. Improvements to Extend and Improve Water Service in and to Aurora: More than \$26,565,000 was spent by Aurora during this diligence period for extension and upgrade of its water transmission system necessary to deliver the water from the Columbine Ditch herein to Aurora's customers.

4.2.11. Improvements to Sanitary Sewer System: More than \$48,360,000 was spent by Aurora during this diligence period for extension and upgrade of its sanitary sewer system necessary for wastewater treatment and reuse within the South Platte River Basin of the water from the Columbine Ditch.

4.2.12. Automated Meter Reading System: Aurora spent more than \$1,408,000 during this diligence period for updates to its automated utility reading system. This is needed for efficient operation of Aurora's water supply and delivery system, including use of the water from the Columbine Ditch.

4.2.13. Binney Water Purification Facility: This state-of-the-art water purification and recycling plant owned and operated by Aurora treats water for use throughout the City. Over \$16,224,000 was spent by Aurora during the diligence period for improvements to this facility. An additional \$666,000 was spent on the Binney Water Purification Facility filters addition.

4.2.14. Aurora Know Your Flow Program: During the diligence period, Aurora Water Conservation developed its voluntary *Know Your Flow Program* designed to help customers understand how efficiently they are using water. Through the program, Aurora Water Conservation estimates what a customer's water use could be for a given billing cycle if the customer were using water efficiently. The *Know Your Flow Program* was designed by Aurora to encourage more efficient use of the water that is the subject of this application.

4.2.15. Property Discharge Water Treatment Plant: During this diligence period, at least \$184,000,000 was spent by Climax for improvements to its Property Discharge Water Treatment Plant. This work was necessary in order to treat the water from the Columbine Ditch.

4.2.16. Mayflower Tunnel and Sidehill Riser: During this diligence period, at least \$40,000,000 was spent by Climax for improvements to its Mayflower Tunnel and Sidehill Riser. This work was necessary to accommodate in part the water received from the Columbine Ditch.

4.2.17. Fremont Pass Ditch Company Operating Expenses: During this diligence period, at least \$200,000 was spent by Climax and Aurora to operate the Fremont Pass Ditch Company.

4.3. **Additional Efforts**: 4.3.1. Study of Aurora's Water Needs: During this diligence period, Aurora spent more than \$4,315,000 toward engineering and planning studies to assist in determining the City's future water needs and a plan to meet those need, including treatment and distribution studies, various conservation studies, and on developing its Non-Potable System Master Plan.

4.3.2. Aurora Raw Water System Model: During this diligence period, Aurora spent more than \$567,000 for consultant fees to develop and support a computer model of Aurora's raw water system. These costs are in addition to the modeling efforts included in the engineering and planning studies identified in paragraph 4.3.1., above.

4.3.3. Protection Efforts: During this diligence period, Aurora spent in excess of \$1,400,000 participating in water cases in Water Divisions 1, 2 and 5 to protect the rights and interests of Aurora with regard to its water supply system, including the subject water rights.

4.3.4. FPDC reserves the right to identify additional relevant efforts that may be later discovered or to make upward adjustments to amounts expended on certain projects. The FPDC shareholders have an extensive water rights portfolio, extensive and complex water supply, collection, treatment and reuse systems, and extensive numbers of agreements, contracts, leases, etc. related to their facilities and the use, reuse and storage of their water rights. They are involved in many legal actions related to the collection, treatment, reuse and protection of their water rights. FPDC made diligent efforts with regard to this application to determine and quantify all efforts made by it and its shareholders toward completion of the appropriations and application of the water rights decreed in the Original Decree to beneficial use. However, it is reasonably possible that relevant efforts or expenditures may have been overlooked or need further upward adjustment.

5. NAMES AND ADDRESSES OF OWNERS OF THE LAND UPON WHICH ANY NEW DIVERSION OR STORAGE STRUCTURE OR MODIFICATION TO ANY EXISTING DIVERSION OR STORAGE STRUCTURE OR EXISTING STORAGE POOL IS OR WILL BE CONSTRUCTED OR UPON WHICH WATER IS OR WILL BE STORED. To the best of Applicant's knowledge, the owners of the underlying land on which the structures listed above are currently as follows:

5.1. The Columbine Ditch is located on land owned by the United States Forest Service, White River National Forest, 900 Grand Ave. P.O. Box 948, Glenwood Springs, Colorado 81602, and Climax Molybdenum Company, 1742 County Road 202, P.O. Box 68, Empire, Colorado 80438.

5.2. Robinson Reservoir, Chalk Mountain Reservoir, Buffehr's Lake, Climax Mine Underground Levels, Mayflower Pond, Tenmile Pond, Robinson Pond, and Jones Pit are located on land owned by Climax Molybdenum Company, 1742 County Road 202, P.O. Box 68 Empire, Colorado 80438.

5.3. Turquoise and Twin

Lakes Reservoirs are located on land owned by the United States Department of Interior, Bureau of Reclamation, Eastern Colorado Area Office, 11056 West County Road 18-E, Loveland, Colorado 80537-9711. 5.4. The Box Creek Reservoir is proposed to be built on Hallenbeck Ranch lands, owned by the City of Aurora, c/o Director of Utilities, 15151 East Alameda Parkway, Suite 3600, Aurora, Colorado 80012. Depending on the final reservoir configuration and location, it may also inundate lands owned by: Bureau of Land Management, U.S. Dept. of Interior, 3028 East Main St., Canon City, CO 81212; U.S. Forest Service, P.O. Box 970, Leadville, CO 80461; State of Colorado, 1313 Sherman St, Rm 618, Denver, CO 80203; Dennis Smith, 4961 South Boston Street, Greenwood Village, CO 80111; Bobby and Jolene Wood, P.O. Box 1351, Leadville, CO 80461; Mt Elbert Mining Co. LLC, 32460 Inverness Drive, Evergreen, CO 80439. 5.5. Clear Creek Reservoir is located on land owned by the Board of Water Works of Pueblo, Colorado, Attn: Executive Director, 319 West Fourth Street, Pueblo, Colorado 81003, and the U.S. Forest Service, San Isabel National Forest, 2840 Kachina Drive, Pueblo, Colorado 81008. 5.6. The Strontia Springs Dam and Reservoir Complex are located on owned by the City and County of Denver, acting by and through its Board of Water Commissioners 1600 West 12th Avenue, Denver, Colorado 80204-3412. 5.7. Spinney Mountain Reservoir, Aurora Rampart Reservoir, Quincy Reservoir, Aurora Reservoir, ARR-A, Challenger Gravel Pit Reservoir, Kirby-Dersham Gravel Pit Reservoir, and Fort Lupton Reservoir Complex No. 1 are located on land owned by the City of Aurora, c/o Director of Utilities, 15151 East Alameda Parkway, Suite 3600, Aurora, Colorado 80012. 5.8. The East Reservoir sites are located on land owned by the parties listed on the attached **Exhibit C**. 5.9. The ARR-B and Tucson South sites are located on land owned by Aggregate Industries - WCR, Inc., 1707 Cole Boulevard, Suite 100, Golden, Colorado 80401 and the City of Aurora, c/o Director of Utilities, 15151 East Alameda Parkway, Suite 3600, Aurora, Colorado 80012. 5.10. Robert W. Walker Reservoir is located on land owned by HIBE, LLC, 301 Centennial Drive, Milliken, Colorado 80543. 5.11. Stillwater Ranch Reservoir is located on land owned by Carl F. Eiberger, 303 South Broadway B-200, Denver, Colorado 80209 and Aggregate Industries - WCR, Inc., 1687 Cole Boulevard, Suite 300, Lakewood, Colorado 80401-3318. **Prayer for Relief:** Wherefore, Applicant respectfully requests that the Court find diligence in the development of these appropriate rights and continue the conditional decree for said structures and conditional amounts for the statutory period and provide any other relief it finds just and appropriate in these circumstances. (Application and Attachments total 22 pages).

YOU ARE HEREBY NOTIFIED THAT YOU HAVE until the last day of OCTOBER 2019 to file with the Water Clerk a verified Statement of Opposition setting forth facts as to why this application should not be granted or why it should be granted in part or on certain conditions. A copy of such statement of opposition must also be served upon the applicant or the applicant's attorney and an affidavit or certificate of such service shall be filed with the Water Clerk, as prescribed by Rule 5, CRCP. (Filing Fee: \$192.00) KATHY POWERS, Water Clerk, Water Division 5; 109 8th Street, Suite 104 Glenwood Springs, CO 81601

12. PURSUANT TO C.R.S., §37-92-302, AS AMENDED, YOU ARE NOTIFIED THAT THE FOLLOWING PAGES COMPRISE A RESUME OF THE APPLICATIONS AND AMENDED APPLICATIONS FILED WITH THE WATER CLERK FOR WATER DIVISION 5 DURING THE MONTH OF AUGUST 2019. *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.*

19CW3099 (17CW3090), (12CW153). DISTRICT COURT, WATER DIVISION NO. 5, STATE OF COLORADO, 109 8th Street, Suite 104, Glenwood Springs, Colorado 81601. IN THE MATTER OF THE APPLICATION FOR WATER RIGHTS OF ELK WALLOW RANCH, LLC, IN **PITKIN COUNTY, COLORADO**. APPLICATION FOR FINDING OF REASONABLE DILIGENCE AND TO MAKE WATER RIGHTS ABSOLUTE. 1. Name, Address, and Telephone Number of Applicant: Elk Wallow Ranch, LLC ("Elk Wallow"), P.O. Box 7877, Aspen, Colorado 81612, Direct all pleadings to: Kristin H. Moseley, Gunnar J. Paulsen, Porzak Browning & Bushong LLP, 2120 13th Street, Boulder, CO 80302. 2. Names of Structures: A. Lower Meadow Spring, B. Serena Spring, C. Trevor Spring, D. Hines Owl Creek Ditch, E. Hines Owl Creek Ditch First Enlargement, F. Marolt Reservoir, G. Marolt Reservoir First Enlargement, H. Marolt Pond, I. Marolt Pond First Enlargement, J. Duck Pond, K. Elk Wallow Pond. A map denoting the decreed locations for the above referenced structures is attached hereto as Exhibit A. 3. Description of Conditional Water Rights: A. Decrees: In Case No. 86CW277 on March 24, 1987, the District Court in and for Water Division No. 5, State of Colorado (the "Water Court") awarded conditional water rights for Lower Meadow Spring, Serena Spring, Trevor Spring, and Hines Owl Creek Ditch. Portions of these water rights have subsequently been made absolute and findings of diligence for the remaining conditional amounts and uses occurred in Case Nos. 12CW153, 05CW236, 99CW106, and 93CW47. Case No. 13CW3093 changed the decreed location of Hines Owl Creek Ditch and Hines Owl Creek Ditch First Enlargement. In Case No. 86CW278 on June 3, 1987, the Water Court awarded conditional water rights for Marolt Reservoir, Marolt Pond, Duck Pond, and Elk Wallow Pond. Portions of these water rights have subsequently been made absolute and findings of diligence for the remaining conditional amounts and uses occurred in Case Nos. 12CW153, 06CW09, 99CW187, and 93CW102. In Case No. 93CW79 on October 17, 1995, the Water Court awarded conditional water rights for Marolt Reservoir First Enlargement, Marolt Pond First Enlargement, and Hines Owl Creek Ditch First Enlargement. Portions of these water rights have subsequently been made absolute and findings of diligence for the remaining conditional amounts and uses occurred in Case Nos. 17CW3090, 12CW153, 09CW08, and 01CW261. B. Decreed Locations: 1. Lower Meadow Spring: The point of diversion is in Lot 2 of Section 9, Township 10 South, Range 85 West of the 6th P.M. at a point whence the North Quarter Corner of said Section bears North 0 degrees East 620 feet (Pitkin County), which is alternately described as the NE1/4 NW1/4 of Section 9, Township 10 South, Range 85 West of the 6th P.M. at a point 620 feet from the North section line and 2675 feet from the West section line, 2. Serena Spring: The point of diversion is in the SW1/4 NW1/4 of Section 9, Township 10 South, Range 85 West of the 6th P.M. at a point whence the North Quarter Corner of said Section 9 bears North 17 degrees West 1,730 feet (Pitkin County), which is alternately described as the SW1/4 NE1/4 of Section 9, Township 10 South, Range 85 West of the 6th P.M. at a point 1650 feet from the North

section line and 2115 feet from the East section line, 3. Trevor Spring: The point of diversion is in the NW1/4 SW1/4 of Section 9, Township 10 South, Range 85 West of the 6th P.M. at a point whence the North Quarter Corner of said Section 9 bears North 28 degrees East 4,300 feet (Pitkin County), which is alternately described as the NW1/4 SW1/4 of Section 9, Township 10 South, Range 85 West of the 6th P.M. at a point 1635 feet from the South section line and 710 feet from the West section line, 4. Hines Owl Creek Ditch: The point of diversion is in the SE1/4 SW1/4 of Section 9, Township 10 South, Range 85 West of the 6th P.M. at a point 1,178 feet from the South section line and 2,654 feet from the East section line of said section 9. UTM(x) = Zone 13, 337031.5 meters; UTM(y) = 4339774.0 meters, 5. Hines Owl Creek Ditch First Enlargement: The point of diversion is in the SE1/4 SW1/4 of Section 9, Township 10 South, Range 85 West of the 6th P.M. at a point 1,178 feet from the South section line and 2,654 feet from the East section line of said section 9. UTM(x) = Zone 13, 337031.5 meters; UTM(y) = 4339774.0 meters, 6. Marolt Reservoir: The dam axis is located at a point on the crest of the dam whence the North Quarter Corner of Section 9, Township 10 South, Range 85 West of the 6th P.M. bears N. 3 degrees E. 1480 feet; thence S. 39 degrees E. 150 feet along the crest of the dam, which is alternately described as the NE1/4 NW1/4 of Section 9, Township 10 South, Range 85 West of the 6th P.M. at a point 1480 feet from the North section line and 2610 feet from the West section line, 7. Marolt Reservoir First Enlargement: The dam axis is located at a point on the crest of the dam whence the North Quarter Corner of Section 9, Township 10 South, Range 85 W. of the 6th P.M. bears N. 3 degrees E. 1480 feet; thence S. 39 degrees E. 150 feet along the crest of the dam, which is alternately described as the NE1/4 NW1/4 of Section 9, Township 10 South, Range 85 West of the 6th P.M. at a point 1480 feet from the North section line and 2610 feet from the West section line, 8. Marolt Pond: The dam axis is located at a point on the crest of the dam whence the North Quarter Corner of Section 9, Township 10 South, Range 85 West of the 6th P.M. bears N. 11 degrees 30' E. 3070 feet; thence S. 46 degrees W. 100 feet along the crest of the dam, which is alternately described as the NE1/4 SW1/4 of Section 9, Township 10 South, Range 85 West of the 6th P.M. at a point 2450 feet from the South section line and 2105 feet from the West section line, 9. Marolt Pond First Enlargement: The dam axis is located at a point on the crest of the dam whence the North Quarter Corner of Section 9, Township 10 South, Range 85 West of the 6th P.M. bears N. 11 degrees 30' E. 3070 feet; thence S. 46 degrees W. 100 feet along the crest of the dam, which is alternately described as the NE1/4 SW1/4 of Section 9, Township 10 South, Range 85 West of the 6th P.M. at a point 2450 feet from the South section line and 2105 feet from the West section line, 10. Duck Pond: The dam axis is located in Section 9, Township 10 South, Range 85 West of the 6th P.M. whence the North Quarter Corner of said Section 9 bears N. 22 degrees E. 3990 feet, which is alternately described as the NW1/4 SW1/4 of Section 9, Township 10 South, Range 85 West of the 6th P.M. at a point 1745 feet from the South section line and 1235 feet from the West section line, 11. Elk Wallow Pond: The dam axis is located at a point on the crest of the dam whence the North Quarter Corner of Section 9, Township 10 South, Range 85 West of the 6th P.M. bears N. 19 degrees E. 4570 feet, which is alternately described as the SW1/4 SW1/4 of Section 9, Township 10 South, Range 85 West of the 6th P.M. at a point 1120 feet from the South section line and 1255 feet from the West section line. C. Source: 1. Lower Meadow Spring: the source is a spring tributary to an unnamed tributary of Owl Creek, a tributary of the Roaring Fork River, a tributary of the Colorado River, 2. Serena Spring: the source is a spring tributary to an unnamed tributary of Owl Creek, a tributary of the Roaring Fork River, a tributary of the Colorado River, 3. Trevor Spring: the source is a spring tributary to an unnamed tributary of Owl Creek, a tributary of the Roaring Fork River, a tributary of the Colorado River, 4. Hines Owl Creek Ditch: the source is Owl Creek, a tributary of the Roaring Fork River, a tributary of the Colorado River, 5. Hines Owl Creek Ditch First Enlargement: the source is Owl Creek, a tributary of the Roaring Fork River, a tributary of the Colorado River, 6. Marolt Reservoir: the source is an unnamed tributary of Owl Creek, tributary to the Roaring Fork River, a tributary of the Colorado River, 7. Marolt Reservoir First Enlargement: the source is an unnamed tributary of Owl Creek, tributary to the Roaring Fork River, a tributary of the Colorado River, 8. Marolt Pond: the source is an unnamed tributary of Owl Creek, tributary to the Roaring Fork River, a tributary of the Colorado River, 9. Marolt Pond First Enlargement: the source is an unnamed tributary of Owl Creek, tributary to the Roaring Fork River, a tributary of the Colorado River, 10. Duck Pond: the source is an unnamed tributary of Owl Creek, tributary to the Roaring Fork River, a tributary of the Colorado River, 11. Elk Wallow Pond: the source is an unnamed tributary of Owl Creek, tributary to the Roaring Fork River, a tributary of the Colorado River. D. Appropriation Date: 1. Lower Meadow Spring: July 8, 1986, 2. Serena Spring: July 8, 1986, 3. Trevor Spring: July 8, 1986, 4. Hines Owl Creek Ditch: July 8, 1986, 5. Hines Owl Creek Ditch First Enlargement: May 28, 1992, 6. Marolt Reservoir: July 8, 1986, 7. Marolt Reservoir First Enlargement: May 28, 1992, 8. Marolt Pond: July 8, 1986, 9. Marolt Pond First Enlargement: May 28, 1992, 10. Duck Pond: July 8, 1986, 11. Elk Wallow Pond: July 8, 1986. E. Remaining Conditional Amount: 1. Lower Meadow Spring: 0.008 c.f.s., 2. Serena Spring: 0.104 c.f.s., 3. Trevor Spring: 0.169 c.f.s., 4. Hines Owl Creek Ditch: 1.0 c.f.s., 5. Hines Owl Creek Ditch First Enlargement: 2.0 c.f.s., 6. Marolt Reservoir: 14.0 a.f., 7. Marolt Reservoir First Enlargement: 10.0 a.f. for domestic, irrigation, augmentation and exchange; 2.9 a.f. for livestock, fish propagation and piscatorial, 8. Marolt Pond: 4.0 a.f., 9. Marolt Pond First Enlargement, 8.0 a.f. for domestic, irrigation, augmentation and exchange; 2.07 a.f. for livestock, fish propagation and piscatorial, 10. Duck Pond: 0.10 a.f. 11. Elk Wallow Pond: 0.20 a.f. F. Remaining Conditional Uses: 1. Lower Meadow Spring: Conditional use for piscatorial, 2. Serena Spring: Conditional use for livestock and piscatorial purposes, 3. Trevor Spring: Conditional use for domestic, livestock, irrigation, and piscatorial purposes, 4. Hines Owl Creek Ditch: Conditional use for domestic, livestock, irrigation, piscatorial, and the delivery of water with storage in the Marolt Pond and Marolt Reservoir, decreed in Case No. 86CW278, 5. Hines Owl Creek Ditch First Enlargement: Conditional use for domestic, irrigation, livestock watering, piscatorial, fish propagation, and delivery of water into storage in Marolt Reservoir and Marolt Pond structures, 6. Marolt Reservoir: Conditional use for domestic, 7. Marolt Reservoir First Enlargement: Conditional use for domestic, irrigation, augmentation and exchange purposes in the amount of 10 a.f., and conditional uses for livestock, fish propagation and piscatorial purposes in the amount of 2.9 a.f., 8. Marolt Pond: Conditional use for domestic, 9. Marolt Pond First Enlargement: Conditional use for domestic, irrigation, augmentation and exchange purposes in the amount of 8.0 a.f., and conditional uses for livestock, fish propagation and piscatorial purposes in the amount of 2.07 a.f., 10. Duck Pond: Conditional use for domestic and

irrigation, 11. Elk Wallow Pond: Conditional use for domestic and irrigation. G. Remarks: The subject rights are part of an integrated water supply project which encompasses and includes water rights decreed in Case Nos. 86CW277, 87CW368, 93CW074, 93CW079, 93CW080, and 93CW102. Prior diligence cases concerning the subject water rights include Case Nos. 17CW3090, 12CW153, 06CW09, 05CW236, 99CW187, 99CW106, 93CW102, and 93CW47. A plan for augmentation and exchange was decreed to Marolt Reservoir, Marolt Reservoir First Enlargement, Marolt Pond, and Marolt Pond First Enlargement in Case No. 14CW3168. A Ruling of the Referee was entered in Case No. 18CW3204 on August 12, 2019, finding that the conditional exchanges decreed to those structures has been made absolute and a final decree is pending. 4. Detailed Outline of Work Done to Complete Project and Apply Water to Beneficial Use: During the diligence period, Elk Wallow incurred expenses in excess of \$500,000 in the process of developing and improving the associated water rights and real property and applying the subject conditional water rights to their decreed beneficial uses. Elk Wallow has undertaken efforts with reasonable diligence to construct, maintain, improve and beneficially use the subject conditional springs and ponds and seeks to make portions and specific uses of the Lower Meadow Spring, Serena Spring and Trevor Spring absolute. Elk Wallow entered into a perpetual contact with the United States Bureau of Reclamation on September 3, 2013 for use of 30 acre feet of Ruedi Reservoir water. Elk Wallow has utilized this 30 acre feet of Ruedi Reservoir water to offset evaporative depletions from Marolt Reservoir, Marolt Reservoir First Enlargement, Marolt Pond, and Marolt Pond First Enlargement pursuant to an augmentation and exchange plan decreed in Case No. 14CW3168. Stream conditions and downstream calls in 2018 allowed Elk Wallow to fully exercise the Ruedi Reservoir exchanges to Marolt Reservoir, Marolt Reservoir First Enlargement, Marolt Pond, and Marolt Pond First Enlargement as decreed in Case No. 14CW3168. Elk Wallow filed an application in Case No. 18CW3204 to make the Ruedi Reservoir exchanges absolute. A Ruling of the Referee was entered on August 12, 2019, finding that the conditional exchanges decreed in Case No. 14CW3168 had been made absolute. Elk Wallow retained High Country Engineering, Inc. to survey, design, and conduct irrigation planning in furtherance of developing and maintaining its conditional water rights. Resource Engineering, Inc. was also retained to assist Elk Wallow with water resource engineering aspects of developing and maintaining its conditional water rights, including the engineering required in Case Nos. 14CW3068 and 18CW3204. Elk Wallow also retained the law firm of Porzak Browning & Bushong LLP in furtherance of developing and maintaining its conditional water rights. This included prosecution of Case Nos. 14CW3068 and 18CW3204, which involve an augmentation and exchange plan for Marolt Reservoir, Marolt Reservoir First Enlargement, Marolt Pond, and Marolt Pond First Enlargement and making the exchanges absolute. Finally, Elk Wallow also retained Colorado Excavating, LLC for excavation services related to Marolt Reservoir, Marolt Reservoir First Enlargement, Marolt Pond, and Marolt Pond First Enlargement. Such services included silt removal and maintenance of the pond structures. 5. Request to Make Water Rights Absolute: Elk Wallow seeks a finding that portions of the water rights awarded to the structures described above in Paragraph 3 should be made absolute as follows: A. Lower Meadow Spring. Lower Meadow Spring was used for piscatorial purposes in the amount of 0.008 c.f.s. as observed on June 10, 2019. Accordingly, Elk Wallow seeks to make Lower Meadow Spring absolute for piscatorial purposes, B. Serena Spring. Serena Spring was used for livestock and piscatorial purposes in the amount of 0.06 c.f.s. as observed on June 10, 2019. Accordingly, Elk Wallow seeks to make Serena Spring absolute for livestock and piscatorial purposes, C Trevor Spring. Trevor Spring was used for livestock and piscatorial purposes in the amount of 0.169 c.f.s. as observed on June 10, 2019. Accordingly, Elk Wallow seeks to make Trevor Spring absolute for livestock and piscatorial purposes. 6. Name and address of owner upon which the subject rights are located: Elk Wallow. WHEREFORE, Elk Wallow respectfully requests that the Court enter the following findings: A. 0.008 c.f.s. out of 0.008 c.f.s. of Lower Meadow Spring is made absolute for piscatorial purposes, B. 0.06 c.f.s. out of 0.104 c.f.s. of Serena Spring is made absolute for livestock and piscatorial purposes, C. 0.169 c.f.s. out of 0.169 c.f.s of Trevor Spring is made absolute for livestock and piscatorial purposes, D. Elk Wallow exercised reasonable diligence during the preceding diligence period in the development of all water rights that are the subject of this case, and all portions thereof not made absolute are continued as conditional in full force and effect for all remaining amounts and uses. (10 pages + exhibit)

YOU ARE HEREBY NOTIFIED THAT YOU HAVE until the last day of OCTOBER 2019 to file with the Water Clerk a verified Statement of Opposition setting forth facts as to why this application should not be granted or why it should be granted in part or on certain conditions. A copy of such statement of opposition must also be served upon the applicant or the applicant's attorney and an affidavit or certificate of such service shall be filed with the Water Clerk, as prescribed by Rule 5, CRCP. (Filing Fee: \$192.00) KATHY POWERS, Water Clerk, Water Division 5; 109 8th Street, Suite 104 Glenwood Springs, CO 81601

13. PURSUANT TO C.R.S., §37-92-302, AS AMENDED, YOU ARE NOTIFIED THAT THE FOLLOWING PAGES COMPRISE A RESUME OF THE APPLICATIONS AND AMENDED APPLICATIONS FILED WITH THE WATER CLERK FOR WATER DIVISION 5 DURING THE MONTH OF AUGUST 2019. *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.*

19CW3100 GRAND COUNTY. Grand River Ranch Owners Association, Inc., for itself and as agent for all co-applicants, Carol Culbreath, Manager, Grand River Ranch, P.O. Box 1568, Kremmling, CO 80459, (970) 724-8912; Patricia L. McDonnell Revocable Trust, c/o Jack and Pat McDonnell, 6701 Kent Place, Castle Pines, CO 80108, (303) 526-9083; Knot Interested, LLC, c/o Nicky English, 570 El Camino Real Ste. 150-502, Redwood City, CA 94063, (650) 704-9364; High Plains Ranch, LLC, c/o Bob Reich, 200 Fillmore St. Ste. 310, Denver, CO 80206, (303) 623-0655; Clement M. Lange Revocable Trust, c/o Steven Wahl, One Best Drive, P.O. Box 158, Ferdinand, IN 47532, (812) 367-0129; Colorado River Cattle Ranch, LLC, c/o John T. Pfannenstien, 700 Broadway, Suite 800, Denver, CO 80203, (303) 839-8500. Direct all pleadings to: Karl D. Ohlsen and Katrina B. Fiscella, Carlson, Hammond & Paddock, L.L.C., 1900 Grant Street, Suite 1200, Denver, Colorado 80203- 4539; (303) 861-9000. APPLICATION FOR FINDING OF REASONABLE DILIGENCE. 2. Names of structures: The Muddy Pond; Jones Reservoir No. 2; Jones Reservoir No. 3; Jones Reservoir Supply Ditch

Headgate No. 2; the Strawberry Ditch; the P.J. Martin Ditch No. 2 Middle Fork Headgate; the Low Aspen Feeder Ditch; and the North Fork Pump Station. The location of each structure is as follows: A. The Muddy Pond is located on an intermittent tributary of Muddy Creek at a point in the SW ¼ SE ¼ of Section 25, T2N, R81W of the 6th P.M. from whence the South quarter-corner of said Section 25 bears South 40° 05'56" West a distance of 757.4 feet. State Plane Coordinates: NAD83 N-Zone: N 1,282,799; E 2,743,810. B. Jones Reservoir No. 2 is located on the South Fork of Sheep Creek, and as decreed in Case No. 82CW452 – the South end of the reservoir axis is located at a point whence the Northeast corner of Section 15, T1N, R81W of the 6th P.M. bears South 15°54' East for 816.18 feet. C. Jones Reservoir No. 3 is located on the Middle Branch of Sheep Creek, and the North end of the axis of the reservoir is located at a point whence the corner common to Sections 2, 3, 10, and 11, T1N, R81W of the 6th P.M., Grand County, Colorado, bears North 88°2' East a distance of 2,188 feet. D. The Jones Reservoir Supply Ditch Headgate No. 2 diversion is located on the South Fork of Sheep Creek at a point in the SW ¼ NE ¼ of Section 10, T1N, R81W of the 6th P.M., approximately 2,450 feet from the East section line and 1,950 feet from the North section line (this ditch delivers water to the Jones Reservoirs No. 1 and No. 2). E. The Strawberry Ditch diversion is located on the Middle Fork of Sheep Creek, at a point whence the SE corner of Section 5, T1N, R81W of the 6th P.M. bears South 30° 35' East a distance of 2,490 feet. F. The P.J. Martin Ditch No. 2 Middle Fork Headgate is located on the Middle Fork of Sheep Creek in the SW¼ NE¼ of Section 5, T1N, R81W of the 6th P.M. at a point 2,524 feet from the North section line and 2,532 feet from the East section line. State Plane Coordinates: NAD83 N-Zone: N 1,273,796; E 2,721,846. G. The Low Aspen Feeder Ditch diversion is located on the South Fork of Sheep Creek at a point whence the SW corner of Section 4, T1N, R81W of the 6th P.M. bears North 69° 34'39" West a distance of 5,737.5 feet. H. The North Fork Pump Station is located in the SE¼ NW¼ of Section 4, T1N, R81W of the 6th P.M. at a point whence the SE¼ of Section 32, T2N, R81W bears North 26°26'59" West a distance of 2,921.02 feet, in Grand County, Colorado. State Plane Coordinates: NAD83 N-Zone: N 1,274,748; E 2,726,198.

3. Describe conditional water right including the following information from previous decree: A. Appropriative Right of Substitution and Exchange – Red Dirt Creek to unnamed tributary of Muddy Creek. i. Date of original decree: June 20, 2005, Case No. 01CW41, District Court, Water Division No. 5. The decree entered on March 18, 2009, in Case No. 06CW32, District Court, Water Division No. 5, added Wolford Mountain Contract Water supply as a source of water for the appropriative rights of substitution and exchange originally decreed in Case No. 01CW41. ii. Subsequent decree awarding finding of reasonable diligence: August 25, 2013, Case No. 11CW98, District Court, Water Division No. 5. iii. Description of Appropriative Rights of Substitution and Exchange: The water lawfully available in priority to the 2.867 c.f.s. in the Red Dirt Valley Ditch (and changed to the Herde Ditch), less ditch losses, will be left in Red Dirt Creek and allowed to flow down to its confluence with Muddy Creek, and then will be permitted to flow down Muddy Creek to its confluence with the unnamed tributary on which the Muddy Pond is located, and then the water will be diverted upstream by exchange on the unnamed tributary and stored in the Muddy Pond. iv. Substitution and Exchange Reaches: Water available to the Red Dirt Valley Ditch water right at or near the headgate of the Herde Ditch, located at a point on the south bank of Red Dirt Creek whence the SE corner of Section 4, T2N, R81W of the 6th P.M. bears South 87°50' East 730 feet, will be allowed to flow downstream to Muddy Creek. The water in Muddy Creek will then be exchanged from Muddy Creek upstream on an unnamed tributary of Muddy Creek into the Muddy Pond (as described in paragraph 2, above). v. Source of Water: Muddy Creek and its tributaries above its confluence with the Colorado River. vi. Appropriation Date: December 12, 2000, for the Red Dirt Valley Ditch water right. The decree in 06CW32 established March 23, 2006, as the date of appropriation for the exchanges using Wolford Mountain Contract Water Supply. vii. Rate of Substitution and Exchange: The maximum rate of flow is 2.867 c.f.s., conditional. viii. Water Rights Used in Substitution and Exchange: 1. Red Dirt Valley Ditch Water, as changed in Case No. 01CW41; and 2. Wolford Mountain Contract Water supply, as approved in Case No. 06CW32. ix. Use: The uses decreed in Cases No. 01CW41 and 06CW23 for the Applicants' Red Dirt Valley Ditch water right and Wolford Mountain Reservoir contract water supply, which include irrigation, livestock water, fish and wildlife use, fire protection on the Ranch, augmentation and exchange.

B. Appropriative Rights of Substitution and Exchange – Red Dirt Creek to Sheep Creek. i. Date of Original Decree: June 20, 2005, Case No. 01CW41, District Court, Water Division No. 5. The decree entered on March 18, 2009, in Case No. 06CW32, District Court, Water Division No. 5, added Wolford Mountain Contract Water supply as a source of water for the appropriative rights of substitution and exchange originally decreed in Case No. 01CW41. ii. Subsequent decree awarding finding of reasonable diligence: August 25, 2013, Case No. 11CW98, District Court, Water Division No. 5. iii. Description of Appropriative Rights of Substitution and Exchange: The water lawfully available to the 2.867 c.f.s. in the Red Dirt Valley Ditch (and changed to the Herde Ditch), less ditch loss, will be left in Red Dirt Creek and allowed to flow into Muddy Creek and then down Muddy Creek to its confluence with the Colorado River, and then allowed to flow down the Colorado River to its confluence with Sheep Creek located in the SW¼ of Section 13, T1N, R81W of the 6th P.M., and then diverted upstream by exchange on Sheep Creek and its branches at the points of diversion listed below. In lieu of use of the Red Dirt Valley Ditch water right, the Applicants may use water released from Wolford Mountain Reservoir in this exchange. 1. Downstream Terminus: the confluence of Sheep Creek and the Colorado River described in the preceding paragraph. 2. Upstream Termini: Jones Reservoir Supply Ditch Headgate No. 2, Jones Reservoir No. 2, Jones Reservoir No. 3, Strawberry Ditch, P.J. Martin Ditch No. 2 Middle Fork Headgate, P.J. Martin Ditch No. 2 Headgate No. 1, Low Aspen Feeder Ditch, and the North Fork Pump Station, each as described in paragraph 2 above. iv. Source of Water: Muddy Creek and its tributaries above its confluence with the Colorado River. v. Appropriation Date: December 12, 2000, for the Red Dirt Valley Ditch water right. The decree in 06CW32 established March 23, 2006, as the date of appropriation for the exchanges using Wolford Mountain Contract Water Supply. vi. Water Rights Used in Substitution and Exchange: 1. Red Dirt Valley Ditch Water, as changed in Case No. 01CW41; and 2. Wolford Mountain Contract Water supply, as approved in Case No. 06CW32. vii. Rate of Substitution and Exchange: The maximum rate of flow is 2.867 c.f.s., conditional. viii. Use: The uses decreed in Cases No. 01CW41 and 06CW23 for the Applicants' Red Dirt Valley water right and Wolford Mountain Reservoir contract water supply, which include irrigation, livestock water, fish and wildlife use, fire protection on the Ranch, augmentation and exchange.

C. Appropriative Rights of Substitution and Exchange – Sheep Creek Basin Exchanges. i. Date of Original

Decree: June 20, 2005, Case No. 01CW41, District Court, Water Division No. 5. The decree entered on March 18, 2009, in Case No. 06CW32, District Court, Water Division No. 5, added Wolford Mountain Contract Water supply as a source of water for the appropriative rights of substitution and exchange originally decreed in Case No. 01CW41. ii. Description of Appropriative Rights of Substitution and Exchange: 1. Downstream terminus: the confluence of Sheep Creek and the North Fork of Sheep Creek in Section 11, T1N, R81W of the 6th P.M. 2. Upstream termini: Jones Reservoir Supply Ditch Headgate No. 2, Jones Reservoir No. 2, Jones Reservoir No. 3, Strawberry Ditch, P.J. Martin Ditch No. 2 Middle Fork Headgate, P.J. Martin Ditch No. 2 Headgate No. 1, Low Aspen Feeder Ditch, and the North Fork Pump Station, each as described in paragraph 2 above. iii. Rate of Substitution and Exchange: The maximum combined rate of flow is 29.3 c.f.s., conditional. iv. Appropriation Date: December 12, 2000, for the Red Dirt Valley Ditch water right. The decree in 06CW32 established March 23, 2006, as the date of appropriation for the exchanges using Wolford Mountain Contract Water Supply. v. Water Rights Used in Substitution and Exchange: 1. 2.867 c.f.s. of Red Dirt Valley Ditch Water, as changed in Case No. 01CW41, that is stored in Jones Reservoir No. 2 or No. 3; and 2. Wolford Mountain Contract Water supply, as approved in Case No. 06CW32. vi. Use: The uses decreed in Cases No. 01CW41 and 06CW23 for the Applicants' Red Dirt Valley water right and Wolford Mountain Reservoir contract water supply, which include irrigation, livestock water, fish and wildlife use, fire protection on the Ranch, augmentation and exchange. 4. Provide a detailed outline of what has been done toward completion or for completion of the appropriation and application of water to a beneficial use as conditionally decreed, including expenditures. A. In Case No. 11CW98, the Court reaffirmed its earlier rulings that the appropriative rights of substitution and exchange that are the subject of this application are part of the integrated water supply system for the Grand River Ranch (the "Ranch"). During the diligence period, August 2013 through August 2019, Applicant Owners Association has continued to prosecute with reasonable diligence the development of the integrated water supply system for the Grand River Ranch. The activities constituting diligence in the development of the Grand River Ranch integrated water supply system include, but are not limited to, the following: i. Applicant Owners Association has continued to perform general water administration and accounting on behalf of its members/owners and ordinary maintenance and repair of diversion and conveyance infrastructure during the diligence period. ii. Applicant Owners Association has continued to engage ranch managers for the members/owners, contractors, and Owners Association employees to monitor flows and all flumes, gages, and streams to ensure the continuous and accurate operation of the augmentation plan decreed in Case No. 01CW41 that benefits all the water rights and infrastructure that make up the integrated water supply project and system that serves the Ranch. Included in this work is the accurate measurement and recording of water available at flumes and measuring devices, including, but not limited to, those in Lower Sheep Creek, the Cipoletti Weir-Shale Ditch, Sheep Creek Ditch, Middle Fork Sheep Creek, the Jones Reservoir No. 2 Inlet Flume, the Jones Reservoir No. 1 Feeder Ditch, the Kremmling South Feeder Ditch, the Jones Reservoir No. 2 Outlet, the Jones Reservoir No. 2 level gage, the Jones Reservoir No. 1 level gage, the Jones Reservoir No. 1 outlet flume, the Siphon Ditch flume, the Middle Fork above the P.J. Martin diversion flume, and the Middle Fork below the P.J. Martin diversion flume, the P.J. Martin diversion above the Island Pond flume, the Strawberry Ditch diversion flume, the Jones diversion ditch to the North Fork flume, the DeBerard overflow, the Muddy Creek Pump Station meter, the Town Pumping Plant exchange, Wolford Reservoir releases for the benefit of the integrated water supply project and system, the Low Aspen Pond flow and gages, the Martin Dairy Well meter for deliveries to the Tailwater Cabins, the Jones domestic water meter, the Jones irrigation water meter, and the Lodge domestic and irrigation water meter for Lodge Well No. 1. These measurements are made and reported periodically during months when water is available. Member/Owner Applicants pay annual association fees to the Owners Association to ensure continued compliance with the requirements of the augmentation plan and related water rights decrees. Diversion records for the integrated water supply system that serves the Ranch are available upon request and filed with the Division Engineer for Water Division No. 5. iii. On February 13, 2014, Applicant Owners Association filed an application in Case No. 14CW3019 with the Water Court for Water Division No. 5, with an amended application filed on October 13, 2014, seeking to change the location for the Muddy Creek Pump Station decreed in Case No. 01CW41 as an alternate point of diversion for the Red Dirt Valley Ditch. Both the Muddy Creek Pump Station and the Red Dirt Valley Ditch and the respective water rights associated therewith are part of the integrated water supply project and system that serves the Ranch. The Applicant successfully prosecuted the application and a decree was entered March 22, 2015. iv. On September 15, 2014, Applicant Owners Association filed an application in Case No. 14CW3099 with the Water Court in Water Division No. 5, with an amended application on November 25, 2015, seeking a new conditional water right for the Martin Dairy Well enlargement and an amendment to the plan for augmentation decreed in Case No. 01CW41 (as amended in Case No. 06CW32), all of which are a part of the integrated water supply project and system that serves the Ranch. Applicant successfully prosecuted the application and a decree was entered on September 25, 2016. v. On February 28, 2017, Applicant Owners Association filed an application in Case No. 17CW3044 with the Water Court in Water Division No. 5 seeking a finding of reasonable diligence in the development of the remaining conditional water rights in Jones Reservoir No. 1 (second filling) and Jones Reservoir No. 2 (second filling). These water rights are part of the integrated water supply project and system that serves the Ranch. Applicant successfully prosecuted the application and a decree was entered on September 17, 2017. vi. On December 31, 2018, Applicant Owners Association filed an application in Case No. 18CW3227 with the Water Court in Water Division No. 5 seeking a finding of reasonable diligence and to make absolute in part the conditional water rights decreed to the Beavers Pond, Collett Pond, Low Aspen Pond, P.J. Martin Ponds, Middle Fork Ponds, North Fork Pump Station, and Lodge Well No. 1. These water rights are part of the integrated water supply project and system that serves the Ranch. Applicant successfully prosecuted the application and the Referee's Ruling was entered on August 28, 2019. vii. On December 31, 2018, Applicant Owners Association filed an application in Case No. 18CW3228 with the Water Court in Water Division No. 5 seeking a finding of reasonable diligence in the development of the remaining conditional water rights for the Gould Pond No. 1, Gould Pond No. 2, and Kid's Pond Enlargement, and the appropriative rights of substitution decreed in Case No. 01CW40. These water rights are part of the integrated water supply project and system that serves the Ranch. Applicant successfully prosecuted the application and a decree was entered on July 14, 2019. viii. Applicant Owners Association

continued to exercise the appropriate rights of substitution decreed in Case No. 01CW40 (11CW85, 18CW3228) and to work with the Town of Kremmling to determine when and if appropriate to operate such appropriate rights of substitution to maximize the utility of available water supplies. In 2018, Applicant Owners Association and the Town of Kremmling participated in discussions regarding use of the appropriate rights of substitution and exchange during the then-pending shortage. In addition, Applicant Owners Association operated the plan for augmentation decreed in Case No. 01CW41, as amended by Cases No. 06CW32 and 14CW3099, in order to allow the maximum utilization of the integrated water supply project and system and infrastructure that serves the Ranch. ix. Applicant Owners Association continued to operate pursuant to a Water Supply Contract with the Colorado River Water Conservation District for deliveries of water from Wolford Mountain Reservoir. Pursuant to that contract, Applicant Owners Association is entitled to 100 acre feet of water annually for 40 years and contracted to annually pay a share of project operations and maintenance. The total amount of operation and maintenance fees paid by Applicant Owners Association and its members/owners for the period 2013-2019 is approximately \$18,600. x. In connection with the adjudication of water rights and plan for augmentation for the Grand River Ranch, Applicant Owners Association continued to operate under a Water Supply Agreement with the Town of Kremmling. That agreement addresses, among other things, the Town's construction of a new pumping plant on the Grand River Ranch to pump water from the Colorado River to the Town's water treatment plant on the Ranch. Pursuant to that agreement the Applicants have the right to use the pumping plant to deliver water to the Ranch in connection with its integrated water supply system. The Water Supply Agreement with the Town of Kremmling also includes a Reservoir Operation and Maintenance Agreement between the Town of Kremmling and the Applicants. That agreement addresses the procedures for operation, maintenance and repair of Jones Reservoirs No. 1 and 2. The Water Supply Agreement with the Town of Kremmling also provides for the delivery of water to Jones Reservoir No. 2 by means of contract exchanges and use of the Town of Kremmling's pumping plant on the Colorado River. B. With respect to the structures used to exercise the appropriate rights of substitution and exchange at issue in this Application, Applicants completed the following diligence activities during the diligence period: i. Applicants have continued to operate and maintain the structures used to exercise the appropriate rights of substitution and exchange at issue in this Application. During the diligence period Applicant Owners Association spent in excess of \$11,500 on general repairs related to the Grand River Ranch's integrated water supply project and system described above. ii. On December 18, 2008, the State Engineer issued a hold order on Jones Reservoir No. 2 due to excessive seepage and required Applicant Owners Association to lower the total water storage in Jones Reservoir No. 2 to a level 10 feet below the emergency spillway crest. Applicant Owners Association engaged consultants to advise them on the actions necessary to repair Jones Reservoir No. 2 and restore its full operational capacity. The consultants inspected the reservoir, conducted test borings in the dam embankments, and carried out other investigations to determine the most appropriate means to repair the Jones Reservoir No. 2 dam. Applicant Owners Association performed the repair of Jones Reservoir No. 2 during the diligence period. Jones Reservoir No. 2 may now be operated at full capacity. iii. In 2018, Applicant Colorado River Cattle Ranch replaced the headgate, inlet, and outlet for Jones Reservoir No. 3. Applicant Colorado River Cattle Ranch also slip-lined the pipe for Jones Reservoir No. 3 and added rip-rap to the face of the dam. Expenses associated with these activities were incurred during the diligence period. iv. In addition to routine maintenance, various repairs and improvements were performed during the diligence period, including, but not limited to straightening and repairing the Jones Reservoir Supply Ditch Headgate No. 2 gate stem in 2017 and adding a silt pond to the Low Aspen Feeder Ditch in 2018. Expenses associated with these activities were incurred during the diligence period. C. During the diligence period the Owners Association spent in excess of \$36,800 on legal services related to the Grand River Ranch's integrated water supply project and system described above. Applicant Owners Association also spent not less than \$38,000 on engineering and administrative services in connection with the activities described above and other activities in furtherance of the development of the integrated water supply project and system. D. Attached to this application as Exhibit A is a map showing the location of the conditional water rights that are the subject of this application. E. The Applicants request a finding that they have exercised reasonable diligence in the development of each of the conditional water rights described herein and that these water rights remain a part of the Grand River Ranch integrated water supply system for purposes of finding of reasonable diligence. The Applicants further seek a decree continuing the remaining conditional water rights for an additional six years from the date of any decree herein, to the extent not made absolute water rights. The Applicants request that any diligence activities undertaken after the date of filing of this application and prior to entry of a decree herein be considered as diligence in the development of the conditional water rights for purposes of the next diligence period, and that any decree entered herein not preclude the Applicants from relying upon such activities to assist in demonstration of reasonable diligence in the next diligence period. 5. If claim to make absolute in whole or in part: N/A. 6. Names(s) and address(es) of owner(s) or reputed owners of the land upon which any new diversion or storage structure, or modification to any existing diversion or storage structure is or will be constructed or upon which water is or will be stored, including any modification to the existing storage pool.

Name of Land Owner	Structure	Mailing Address
Grand River Ranch Owners Association	North Fork Pump Station, Jones Reservoir No. 2	Stated above
High Plains Ranch, LLC	Muddy Pond	Stated above
Colorado River Cattle Ranch	Jones Reservoir No. 3	Stated above
Knot Interested LLC	P.J. Martin Ditch No. 2 Headgate No. 1	Stated above
Clement M. Lange Revocable Trust	Low Aspen Feeder Ditch, Jones Reservoir Supply Ditch Headgate No. 2	Stated above

Patricia L. McDonnell Revocable Trust	Strawberry Ditch; P.J. Martin Ditch No. 2 Middle Fork Headgate.	Stated above
--	---	--------------

7. Remarks or any other pertinent information: Since the applicants are the owners of the land on which all of the structures and storage pools are located, no notice is required to be served pursuant to section 37-92-302(2) (b) (II), C.R.S. (2010).

YOU ARE HEREBY NOTIFIED THAT YOU HAVE until the last day of OCTOBER 2019 to file with the Water Clerk a verified Statement of Opposition setting forth facts as to why this application should not be granted or why it should be granted in part or on certain conditions. A copy of such statement of opposition must also be served upon the applicant or the applicant's attorney and an affidavit or certificate of such service shall be filed with the Water Clerk, as prescribed by Rule 5, CRCP. (Filing Fee: \$192.00) KATHY POWERS, Water Clerk, Water Division 5; 109 8th Street, Suite 104 Glenwood Springs, CO 81601

14. PURSUANT TO C.R.S., §37-92-302, AS AMENDED, YOU ARE NOTIFIED THAT THE FOLLOWING PAGES COMPRISE A RESUME OF THE APPLICATIONS AND AMENDED APPLICATIONS FILED WITH THE WATER CLERK FOR WATER DIVISION 5 DURING THE MONTH OF AUGUST 2019. *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.*

19CW3101 EAGLE COUNTY, COLORADO RIVER. Application for Findings of Reasonable Diligence and to Make Partially Absolute. Two Rivers Metropolitan District, c/o Jeff Houpt & Ryan Jarvis of Beattie, Houpt & Jarvis, 932 Cooper Ave, Glenwood Springs, 970-945-8659. All structures: Original decree entered on 07/28/98 in 97CW153; subsequent decrees entered in 04CW112 and 11CW156. Appropriation date: 06/30/97. Depth: 120 ft. Two Rivers Village Well Nos. 1 through 5: By decree entered in 04CW148, the originally-decreed individual points of diversion of the subject wells were changed to any point within the District's Wellfield, the boundaries of which are co-terminus with the boundaries of the District, which is generally located in Tracts 42, 43, and 49, Sections 5 and 6, T 5 S, R 86 W 6th PM. Source: Groundwater trib to Colo River. Uses: Domestic, municipal, commercial, and irrigation. Out-of-priority depletions resulting from the exercise of these groundwater water rights are replaced according to the plan for augmentation previously approved in 97CW153 and 02CW374. Two Rivers Bass Lake Diversion Point: Location: In the NW¼ of the SW¼, Sec 5, T 5 S, R 86 W 6th PM, 3,392 ft S of N Sec line and 919 ft E of W Sec line of said Sec 5. Source: Existing gravel ponds immediately adjacent and hydraulically connected to the Colo River. Amount: 0.45 cfs, conditional. Use: Irrigation. Out-of-priority evaporative losses and depletions from Two Rivers Bass Lake Diversion Point are augmented pursuant to the plan for augmentation previously approved in 95CW66 and 02CW374. Two Rivers Trout Lake Diversion Point: Location: In the NE¼ of the SW¼, Sec 5, T 5 S, R 86 W 6th PM, 3,475 ft S of N Sec line and 1,542 ft E of W Sec line of said Sec 5. Source: Existing gravel ponds immediately adjacent and hydraulically connected to the Colo River. Amount: 0.45 cfs, conditional. Use: Irrigation. Date water applied to beneficial use: 08/08/19. Amount of water applied to beneficial use: 0.19 cfs. Use of water applied to beneficial use: Irrigation. Description of place of use where water is applied to beneficial use: Within the boundaries of the District. Out-of-priority evaporative losses and depletions from Two Rivers Trout Lake Diversion Point are augmented pursuant to the plan for augmentation previously approved in 95CW66 and 02CW374. The Application on file with the court includes a list of activities demonstrating diligence. Owners of land: Applicant and Two Rivers Properties, LLLP, 0010 Colorado River Road, Gypsum, Colo., 81637. (11 pages)

YOU ARE HEREBY NOTIFIED THAT YOU HAVE until the last day of OCTOBER 2019 to file with the Water Clerk a verified Statement of Opposition setting forth facts as to why this application should not be granted or why it should be granted in part or on certain conditions. A copy of such statement of opposition must also be served upon the applicant or the applicant's attorney and an affidavit or certificate of such service shall be filed with the Water Clerk, as prescribed by Rule 5, CRCP. (Filing Fee: \$192.00) KATHY POWERS, Water Clerk, Water Division 5; 109 8th Street, Suite 104 Glenwood Springs, CO 81601

15. PURSUANT TO C.R.S., §37-92-302, AS AMENDED, YOU ARE NOTIFIED THAT THE FOLLOWING PAGES COMPRISE A RESUME OF THE APPLICATIONS AND AMENDED APPLICATIONS FILED WITH THE WATER CLERK FOR WATER DIVISION 5 DURING THE MONTH OF AUGUST 2019. *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.*

19CW3102 (12CW124, 05CW05, 98CW105, 85CW385) GARFIELD COUNTY – OASIS CREEK, TRIBUTARY TO THE COLORADO RIVER. Thomas A. Zancanella, c/o Kevin L. Patrick, Esq. and Danielle L. Van Arsdale, Esq., Patrick, Miller & Noto, P.C., 229 Midland Ave., Basalt, CO 81621, (970) 920-1030. APPLICATION FOR FINDINGS OF REASONABLE DILIGENCE. Structure: Oasis Creek Lower Spring. Original decree: May 31, 1985, Case No. 83CW385 Division 5 Water Court. Legal Description: The water will be diverted either at the headgate of the Gilmore Ditch which is located on the left bank of Oasis Creek 6/10th of a mile above the mouth of said creek where it empties into the Colorado River, at a point which bears N 62°28' W 371 feet from the southeast corner of Section 35, T5S, R89W of the 6th P.M. or at an alternate point of diversion on the west bank of Oasis Creek at a point whence the southwest corner of Section 36, T5S, R89W of the 6th P.M. bears S 06°30' W 1,225 feet. Source: Oasis Creek, tributary to the Colorado River. Appropriation Date: December 30, 1983. Amounts and Uses: 0.20 c.f.s.; amount absolute: 0.1 c.f.s. for domestic and irrigation; amount conditional: 0.1 c.f.s. for domestic and irrigation, 0.2 c.f.s. for commercial. A map of water rights and place of use is on file with the court as Figure 1. A list of work done toward completion of appropriation and application of water to beneficial use is on file with the court as Exhibit A. Applicant owns the land where the water right is located and where water is or will be put to beneficial

use. Glenwood Highlands Estates HOA, 609 Highlands Drive, Glenwood Springs, CO 81601 owns the land upon which the Gilmore Ditch and the alternate point of diversion are located.

YOU ARE HEREBY NOTIFIED THAT YOU HAVE until the last day of OCTOBER 2019 to file with the Water Clerk a verified Statement of Opposition setting forth facts as to why this application should not be granted or why it should be granted in part or on certain conditions. A copy of such statement of opposition must also be served upon the applicant or the applicant's attorney and an affidavit or certificate of such service shall be filed with the Water Clerk, as prescribed by Rule 5, CRCP. (Filing Fee: \$192.00) KATHY POWERS, Water Clerk, Water Division 5; 109 8th Street, Suite 104 Glenwood Springs, CO 81601

16. PURSUANT TO C.R.S., §37-92-302, AS AMENDED, YOU ARE NOTIFIED THAT THE FOLLOWING PAGES COMPRISE A RESUME OF THE APPLICATIONS AND AMENDED APPLICATIONS FILED WITH THE WATER CLERK FOR WATER DIVISION 5 DURING THE MONTH OF AUGUST 2019. *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.*

19CW3104 GRAND COUNTY. Grand River Ranch Owners Association, Inc., for itself and as agent for co-applicant Ballycarrick Ranch, LLC, Carol Culbreath, Manager, Grand River Ranch, P.O. Box 1568, Kremmling, CO 80459, (970) 724-8912; Ballycarrick Ranch, LLC, c/o Michael O'Shaughnessy, P.O. Box 29, Denver, CO 80201, (303) 748-0648. Please forward all pleadings to Karl D. Ohlsen and Katrina B. Fiscella, Carlson, Hammond & Paddock, L.L.C., 1900 Grant Street, Suite 1200, Denver, CO 80203-4539, (303) 861-9000. APPLICATION FOR FINDING OF REASONABLE DILIGENCE. 2. Name of structure: Continental Divide Pond. 3. Describe conditional water right including the following information from previous decree: A. Date of original decree: October 14, 2006, Case No. 05CW276, District Court, Water Division No. 5. B. Subsequent decree awarding finding of diligence: August 4, 2013, Case No. 13CW20, District Court, Water Division No. 5. The Decree in Case No. 06CW32, District Court, Water Division No. 5, added the Continental Divide Pond as a structure augmented by the augmentation plan originally decreed in Case No. 01CW41. C. Legal description: an off-stream pond located in the SW ¼ of the SE ¼ and SE ¼ of the SW ¼ of Section 15, T1N, R81W of the 6th P.M. The centerline of the Dam is 2,265 feet from the East Line and 320 feet from the South Line. (UTM NAD27 Zone 13 Coordinate N4,433,536: E375,895 Meters). D. Source of water: Spring flow, seepage, and natural runoff on Ranch No. 6 of the Grand River Ranch. E. Appropriation date: December 23, 2005. F. Amount: 13.9 acre feet, with the right to continuously fill and refill, and to conduct freshening flows through the pond when full. In Case No. 13CW20, 1.5 acre feet was made absolute for all decree beneficial uses and a finding of reasonable diligence entered as to the remaining conditional portion, or 12.4 acre feet. G. Use: Stock water, piscatorial, wildlife uses consistent with the surface of the pond, recreation, and firefighting. 4. Provide a detailed outline of what has been done toward completion or for completion of the appropriation and application of water to a beneficial use as conditionally decreed, including expenditures: The decrees in Case No. 05CW276 and Case No. 13CW20 determined that the Continental Divide Pond is part of the integrated water supply system that serves development on the Grand River Ranch (the "Ranch"), which includes the water rights decreed, changed, or continued (as applicable) in Case Nos. 99CW316, 01CW40, 01CW41, 04CW89, 06CW32, 11CW85, 11CW98, 14CW3019, 14CW3099, 17CW3044, 18CW3227, and 18CW3228. During the diligence period, August 2013 through August 2019, Applicant Owners Association and its members/owners have continued to prosecute with reasonable diligence the development of the integrated water supply system for the Grand River Ranch. The activities constituting diligence in the development of the Grand River Ranch integrated water supply system include, but are not limited to, the following actions: The Owners Association has continued to perform general water administration and accounting on behalf of its members/owners and ordinary maintenance and repair of diversion and conveyance infrastructure during the diligence period. The decree in Case No. 06CW32, District Court, Water Division No. 5, added the Continental Divide Pond as a structure lawfully augmented by the augmentation plan originally decreed in Case No. 01CW41. During the diligence period, Applicant Owners Association continued to operate the plan for augmentation decreed in Case No. 01CW41, as amended by Cases No. 06CW32 and 14CW3099, in order to allow the maximum utilization of the integrated water supply system that serves the Ranch, including the Continental Divide Pond. In support of the integrated water supply system, and in addition to administration of the augmentation plan decreed in Case No. 01CW41, general water administration and accounting on behalf of its members/owners, and ordinary maintenance and repair of diversion and conveyance infrastructure, during the diligence period Applicant Owners Association, together with various of its members/owners, completed the following: On February 13, 2014, Applicant Owners Association filed an application in Case No. 14CW3019 with the Water Court for Water Division No. 5, with an amended application filed on October 13, 2014, seeking to change the location for the Muddy Creek Pump Station decreed in Case No. 01CW41 as an alternate point of diversion for the Red Dirt Valley Ditch. Both the Muddy Creek Pump Station and the Red Dirt Valley Ditch and the respective water rights associated therewith are part of the integrated water supply project and system of the Applicants in the current Application. The Applicant successfully prosecuted the application and a decree was entered March 22, 2015. On September 15, 2014, Applicant Owners Association filed an application in Case No. 14CW3099 with the water court in Water Division No. 5, with an amended application on November 25, 2015, seeking a new conditional water right for the Martin Dairy Well enlargement and an amendment to the plan for augmentation decreed in Case No. 01CW41 (as amended in Case No. 06CW32), all of which are a part of the integrated water supply project and system for the Applicants in the current Application. Applicant successfully prosecuted the application and a decree was entered on September 25, 2016. On February 28, 2017, Applicant Owners Association filed an application in Case No. 17CW3044 with the water court in Water Division No. 5 seeking a finding of reasonable diligence in the development of the remaining conditional water rights in Jones Reservoir No. 1 (second filling) and Jones Reservoir No. 2 (second filling). These water rights are part of the integrated water supply project and system for the Applicants in this Application. Applicant successfully prosecuted the application and a decree was entered on September 17, 2017. On December 31, 2018, Applicant Owners Association filed an

application in Case No. 18CW3227 with the Water Court in Water Division No. 5 seeking a finding of reasonable diligence and to make absolute in part the conditional water rights in the Beavers Pond, Collett Pond, Low Aspen Pond, P.J. Martin Ponds, Middle Fork Ponds, North Fork Pump Station, Lodge Well No. 1. These water rights are part of the integrated water supply project and system that serves the Ranch. Applicant successfully prosecuted the application and the Referee's Ruling was entered on August 28, 2019. On December 31, 2018, Applicant Owners Association filed an application in Case No. 18CW3228 with the Water Court in Water Division No. 5 seeking a finding of reasonable diligence in the development of the remaining conditional water rights in Gould Pond No. 1, Gould Pond No. 2, Kid's Pond Enlargement, and the appropriate rights of substitution decreed in Case No. 01CW40. These water rights are part of the integrated water supply project and system that serves the Ranch. Applicant Owners Association successfully prosecuted the application and a decree was entered on July 14, 2019. Applicant Owners Association has continued to conduct routine maintenance and repair of the structures comprising the integrated water supply system that serves the Ranch. During the diligence period the Owners Association spent not less than \$11,500 on general repairs related to the Grand River Ranch's integrated water supply system. Applicant Owners Association has continued to engage ranch managers for the members/owners, contractors, and Owners Association employees to monitor flows and all flumes, gages and streams to ensure the continuous and accurate operation of the augmentation plan decreed in Case No. 01CW41 that benefits all the water rights and infrastructure that make up the integrated water supply project and system for the Applicants in this matter. Included in this work is the accurate measurement and recording of water available at flumes and measuring devices, including, but not limited to, those in Lower Sheep Creek, the Cipoletti Weir-Shale Ditch, Sheep Creek Ditch, Middle Fork Sheep Creek, the Jones Reservoir No. 2 Inlet Flume, the Jones Reservoir No. 1 Feeder Ditch, the Kremmling South Feeder Ditch, the Jones Reservoir No. 2 Outlet, the Jones Reservoir No. 2 level gage, the Jones Reservoir No. 1 level gage, the Jones Reservoir No. 1 outlet flume, the Siphon Ditch flume, the Middle Fork above the P.J. Martin diversion flume, and the Middle Fork below the P.J. Martin diversion flume, the P.J. Martin diversion above the Island Pond flume, the Strawberry Ditch diversion flume, the Jones diversion ditch to the North Fork flume, the DeBerard overflow, the Muddy Creek Pump Station meter, the Town Pumping Plant exchange, Wolford Reservoir releases for the benefit of the integrated water supply project and system, the Low Aspen Pond flow and gages, the Martin Dairy Well meter for deliveries to the Tailwater Cabins, the Jones domestic water meter, the Jones irrigation water meter, and the Lodge domestic and irrigation water meter for Lodge Well No. 1. These measurements are made and reported periodically during months when water is available. Member/Owner Applicants pay annual association fees to the Owners Association to ensure continued compliance with the requirements of the augmentation plan and related water rights decrees. Diversion records for the integrated water supply system that serves the Ranch are available upon request and filed with the Division Engineer for Water Division No. 5. In October 2013, James and Angela Gates conveyed the Continental Divide Pond to Applicant Ballycarrick Ranch, LLC, which has continued to diligently pursue the water right decreed to the Continental Divide Pond and intends to develop the right in its entirety. In 2018, Applicant Ballycarrick Ranch, LLC began work to re-line the Continental Divide Pond with a geo-membrane. Applicant Ballycarrick Ranch, LLC expects re-lining work to be completed in late summer of 2019. Expenses associated with this work were incurred during the diligence period. In various years during the diligence period the Continental Divide Pond was stocked with fish consistent with its decreed uses. Applicant Ballycarrick Ranch, LLC is currently working with Colorado Division of Parks and Wildlife toward use of the Continental Divide Pond as habitat for cutthroat trout. During the diligence period Applicant Owners Association spent in excess of \$36,800 on legal services related to the Grand River Ranch's integrated water supply project and system described above. Applicants also spent not less than \$38,000 on engineering and administrative services in furtherance of the development of the integrated water supply project and system during the diligence period. Applicant Owners Association continued to operate pursuant to a Water Supply Contract with the Colorado River Water Conservation District for deliveries of water from Wolford Mountain Reservoir. Pursuant to that contract, Applicant Owners Association is entitled to 100 acre-feet of water annually for 40 years and contracted to annually pay a share of project operations and maintenance. The total amount of operation and maintenance fees paid by Applicant Owners Association and its members/owners for the period 2013-2019 is approximately \$18,600. A map showing the location of the Continental Divide Pond is attached to this Application as Exhibit A. An area-capacity curve of the current size of the Continental Divide Pond is attached to this Application as Exhibit B. The Applicants request a finding that they have exercised reasonable diligence in the development of the remaining conditional portion of the conditional water right for the Continental Divide Pond, and that this water right remains a part of the Grand River Ranch integrated water supply system for purposes of findings of reasonable diligence. The Applicants further seek a decree continuing the remaining conditional water right for an additional six years from the date of any decree herein. The Applicants request that any diligence activities undertaken after the date of filing of this application and prior to entry of a decree herein be considered as diligence in the development of the conditional water rights for purposes of the next diligence period, and that any decree entered herein not preclude the Applicants from relying upon such activities to assist in demonstration of reasonable diligence in the next diligence period. 5. If claim to make absolute in whole or in part: N/A. 6. Name(s) and address(es) of owner(s) or reputed owners of the land upon which any new diversion or storage structure, or modification to any existing diversion or storage structure is or will be constructed or upon which water is or will be stored, including any modification to the existing storage pool: Applicant Ballycarrick Ranch, LLC is the owner of the land on which the Continental Divide Pond is located. Accordingly, no notice is required to be served pursuant to section 37-92-302(2) (b) (II), C.R.S. (2012). 7. Remarks or any other pertinent information: N/A.

YOU ARE HEREBY NOTIFIED THAT YOU HAVE until the last day of OCTOBER 2019 to file with the Water Clerk a verified Statement of Opposition setting forth facts as to why this application should not be granted or why it should be granted in part or on certain conditions. A copy of such statement of opposition must also be served upon the applicant or the applicant's attorney and an affidavit or certificate of such service shall be filed with the Water Clerk, as prescribed by Rule 5, CRCP. (Filing Fee: \$192.00) KATHY POWERS, Water Clerk, Water Division 5; 109 8th Street, Suite 104 Glenwood Springs, CO 81601

17. PURSUANT TO C.R.S., §37-92-302, AS AMENDED, YOU ARE NOTIFIED THAT THE FOLLOWING PAGES COMPRISE A RESUME OF THE APPLICATIONS AND AMENDED APPLICATIONS FILED WITH THE WATER CLERK FOR WATER DIVISION 5 DURING THE MONTH OF AUGUST 2019. *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.*

19CW3105 (REF. NO. 12CW162). Applicant: CITY OF GRAND JUNCTION, c/o Jamie B. Beard, 250 N. 5th Street, Grand Junction, CO 81501 and the CLIFTON WATER DISTRICT, Dale Tooker, 510 34 Rd., Clifton, CO 81520. Application for Finding of Reasonable Diligence: GRAND JUNCTION COLORADO RIVER PIPELINE - The initial point of diversion as decreed in Civil Action No. 8303, Mesa County District Ct. is located on the West bank of the Colorado River at a point whence the Southeast Corner of Section 2, Township 11 South, Range 98 West of the 6th P.M. bears South 56° 15' West 7,051.80 feet. In Case No. W-3532, Water Division No.5, the following alternate points of diversion were decreed for the subject right: Diversion Point No.2: Located on the right bank of the Colorado River at a point whence the Northeast Corner of Section 3, Township 1 South, Range 2 East, Ute Meridian, bears North 13° 18' East 1,800 feet; Diversion Point No.3: Located on the right bank of the Colorado River at a point whence the Northeast Corner of Section 3, Township 1 South, Range 2 East, Ute Meridian, bears North 43° 33' East 3,400 feet; and Diversion Point No.4: Located on the right bank of the Colorado River at a point whence the Southwest Corner of Section 7, Township 1 South, Range 2 East, Ute Meridian, bears West 1,439.46 feet. In Case No.95CW055, Water Division No. 5, the Court decreed the following location as an alternate point of diversion for up to 10 c.f.s. of the City of Grand Junction's share of the subject water right: Diversion Point No.5: Located on the north bank of the Colorado River in the NW ¼ NE ¼ SW ¼ of Section 23, Township 1 South, Range 100 West, 6th P.M., at a point which bears South 66° West approximately 700 feet from the Center of said Section 23. Date of Original Decree: 07/25/1959; Case No. 8303. Source: Colorado River. Appropriation Date: 02/17/1947. Amount Claimed: 100.00 c.f.s. of which 76.62 c.f.s. remains conditional, the other 23.38 c.f.s. having been made absolute by prior judgments and decrees. An outline of diligence activities are on file with this Ct. Applicants request a finding of reasonable diligence. Use: For municipal, irrigation and domestic uses. **MESA COUNTY.**

YOU ARE HEREBY NOTIFIED THAT YOU HAVE until the last day of OCTOBER 2019 to file with the Water Clerk a verified Statement of Opposition setting forth facts as to why this application should not be granted or why it should be granted in part or on certain conditions. A copy of such statement of opposition must also be served upon the applicant or the applicant's attorney and an affidavit or certificate of such service shall be filed with the Water Clerk, as prescribed by Rule 5, CRCP. (Filing Fee: \$192.00) KATHY POWERS, Water Clerk, Water Division 5; 109 8th Street, Suite 104 Glenwood Springs, CO 81601

18. PURSUANT TO C.R.S., §37-92-302, AS AMENDED, YOU ARE NOTIFIED THAT THE FOLLOWING PAGES COMPRISE A RESUME OF THE APPLICATIONS AND AMENDED APPLICATIONS FILED WITH THE WATER CLERK FOR WATER DIVISION 5 DURING THE MONTH OF AUGUST 2019. *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.*

19CW3106 GRAND COUNTY – MUDDY CREEK AND ITS TRIBUTARIES, TRIBUTARY TO COLORADO RIVER; AND FRYING PAN RIVER, TRIBUTARY TO ROARING FORK RIVER. Byers View Metropolitan District and Cornerstone Winter Park Holdings, LLC, c/o Kevin L. Patrick, Esq. and Danielle L. Van Arsdale, Esq., Patrick, Miller & Noto, P.C., 229 Midland Ave., Basalt, CO 81621, (970) 920-1030. AMENDED APPLICATION FOR FINDINGS OF REASONABLE DILIGENCE. Structure: Cornerstone Winter Park Project Exchange. Original decree: March 6, 2006, Case No. 01CW357, Division 5 Water Court. Legal Description: Upper termini: RC Pump and Pipeline HG1: The decreed location of the headgate is the NE ¼ NE ¼ of Section 18, Township 1 S., Range 75 W. of the 6th P.M., at a point whence the NE Corner of said Section 18 bears North 35°22'49" E. a distance of 1,260.2 feet (Grand County). The PLSS location of the headgate is a point approximately 1,005 feet from the North section line and 711 feet from the East section line of said Section 18. RC Pump and Pipeline HG2: The decreed location of the headgate is the NE ¼ NE ¼ of Section 18, Township 1 S., Range 75 W. of the 6th P.M., at a point whence the NE Corner of said Section 18 bears North 37°22'48" E. a distance of 1,355.2 feet (Grand County). The PLSS location of the headgate is a point approximately 1,055 feet from the north section line and 803 feet from the east section line of said Section 18. Maryvale Reservoir: The decreed location of the initial point of survey of the high water line is at a point whence the West Quarter Corner of Section 28, Township 1 S., Range 75 W. of the 6th P.M. bears South 51°10' W. a distance of 1,253.8 feet, with the reservoir being located in the S ½ NW ¼ of said Section 28 (Grand County). The PLSS location of the initial point of survey of the highwater line is the S ½, NW ¼ of Section 28, Township 1 S., Range 75 W. of the 6th P.M. at a point approximately 1,827 feet from the North section line and 965 feet from the West section line. Lower termini: Wolford Reservoir as decreed in Case Nos. 87CW283, 95CW281, and 98CW237, Division 5 Water Court. Case No. 87CW283: The dam is located in the SW ¼ NE ¼ of Section 25, Township 2 N., Range 81 W. of the 6th P.M. The intersection of the dam axis with the right abutment occurs at a point that bears West 54°54'20" E. a distance of 3,716.46 feet from the NW Corner of said Section 25. Case Nos. 95CW281 and 98CW237: The dam is located in the SE ¼ NE ¼ of Section 25, Township 2 N., Range 81 W. of the 6th P.M. The as-built intersection of the dam axis (Sta. D19+35.61) with the West Access Road (Sta. WR50+50.55) as shown on the Colorado River Water Conservation District Wolford Mountain Project Ritschard Dam construction drawing "Dimensional Dam Layout" sheet 8 of 94 occurs at a point that bears South 53°24'56" E. a distance of 3,395.51 feet from the NW Corner of said Section 25, the bearing of said dam axis from Sta. 19+35.61 to Sta. 0+00 being South 75°28'29" E. Ruedi Reservoir: Located in Sections 7, 8, 9, 11, and 14-18, Township 8 S., Range 84 W. of the 6th P.M. (Eagle and Pitkin Counties). Sources: Wolford Mountain Reservoir: Muddy Creek and its tributaries, tributary to the Colorado River. Ruedi Reservoir: Fryingpan River, tributary to the Roaring Fork River and Colorado River.

Appropriation Date: May 15, 2000. Amount: 5.0 c.f.s. conditional. Use: Exchange by diversion or storage of water for municipal, commercial, domestic, irrigation, recreation, and augmentation and exchange purposes. Specifically, water shall be stored for release in satisfaction of the requirements of the plan for augmentation decreed in Case No. 98CW41; for replacement of additional depletions at the Cornerstone Winter Park Project Grand Park Development, the Cornerstone Winter Park Project Byers Peak Ranch Development, and the Rendezvous Colorado Project; to fill and re-fill storage; for irrigation of lawns, open spaces, and golf courses; for all other uses decreed to the RC Pump and Pipeline HG1 and RC Pump and Pipeline HG2 in Case No. 01CW328; and for all other uses decreed to the Maryvale Reservoir decreed in Case No. W-462. Place of use: Within boundaries of the Cornerstone Winter Park Project Grand Park Development, the Cornerstone Winter Park Project Byers Peak Ranch Development, and the Rendezvous Colorado Project. Irrigation will be limited to 200 acres within the current boundaries of Grand Park Development. RC Pump and Pipeline HG1 and HG2 are located on land owned by Susan Pearl Jones Trust & Susan Jones, 7326 N. Blythe Ave., Fresno, CA 93722-9802; and the Town of Fraser, a Colorado statutory town whose legal address is 153 Fraser Avenue / P.O. Box 370, Fraser, CO 80442. Maryvale Reservoir is located on land owned by Rendezvous Colorado, LLC, 5291 E. Yale Ave., Denver, CO 80222. Applicant Cornerstone; Byers Peak Properties, LLC, PO Box 30, Winter Park, CO 80482; Byers Peak Downhill Properties, LLC, 1821 Blake Street, Ste. 20, Denver, CO 80202; and Rendezvous Colorado, LLC own the land where water will be stored and put to beneficial use. A map of the exchange reach and place of use is on file with the court as Exhibit A. A map of upper termini locations is on file with the court as Exhibit B. A detailed outline of work done toward completion of appropriation and application of water to beneficial use is on file with the court as Exhibit C. Remark: The Exchange is a component part of an integrated water supply project for the properties shown on Exhibit B. The Exchange is subject to terms and conditions of stipulations and agreements filed in Case Nos. 01CW357 and 12CW49. The Exchange shall operate in priority and only when there is a live stream in the exchange reach.

YOU ARE HEREBY NOTIFIED THAT YOU HAVE until the last day of OCTOBER 2019 to file with the Water Clerk a verified Statement of Opposition setting forth facts as to why this application should not be granted or why it should be granted in part or on certain conditions. A copy of such statement of opposition must also be served upon the applicant or the applicant's attorney and an affidavit or certificate of such service shall be filed with the Water Clerk, as prescribed by Rule 5, CRCP. (Filing Fee: \$192.00) KATHY POWERS, Water Clerk, Water Division 5; 109 8th Street, Suite 104 Glenwood Springs, CO 81601

19. PURSUANT TO C.R.S., §37-92-302, AS AMENDED, YOU ARE NOTIFIED THAT THE FOLLOWING PAGES COMPRISE A RESUME OF THE APPLICATIONS AND AMENDED APPLICATIONS FILED WITH THE WATER CLERK FOR WATER DIVISION 5 DURING THE MONTH OF AUGUST 2019. *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.*

19CW3107 GRAND COUNTY – FRASER RIVER, TRIBUTARY TO COLORADO RIVER. Byers View Metropolitan District and Cornerstone Winter Park Holdings, LLC, c/o Kevin L. Patrick, Esq. and Danielle L. Van Arsdale, Esq., Patrick, Miller & Noto, P.C., 229 Midland Ave., Basalt, CO 81621, (970) 920-1030. AMENDED APPLICATION FOR FINDINGS OF REASONABLE DILIGENCE. Structures: RC Pump and Pipeline HG1 and RC Pump and Pipeline HG2. Original decree: March 1, 2006, Case No. 01CW358, Division 5 Water Court. Legal Description: Upper termini: RC Pump and Pipeline HG1: The decreed location of the headgate is the NE ¼ NE ¼ of Section 18, Township 1 S., Range 75 W. of the 6th P.M., at a point whence the NE Corner of said Section 18 bears North 35°22'49" E. a distance of 1,260.2 feet (Grand County). The PLSS location of the headgate is a point approximately 1,005 feet from the North section line and 711 feet from the East section line of said Section 18. RC Pump and Pipeline HG2: The decreed location of the headgate is the NE ¼ NE ¼ of Section 18, Township 1 S., Range 75 W. of the 6th P.M., at a point whence the NE Corner of said Section 18 bears North 37°22'48" E. a distance of 1,355.2 feet (Grand County). The PLSS location of the headgate is a point approximately 1,055 feet from the north section line and 803 feet from the east section line of said Section 18. Source: Fraser River, tributary to Colorado River. Appropriation Date: May 15, 2000. Amount: 5.0 c.f.s. conditional, cumulative. Use: Domestic, municipal, irrigation, commercial, industrial, fire protection, augmentation and exchange, and delivery of water to storage. Municipal use limited to diversions pursuant to Cornerstone Winter Park Project Exchange, Case No. 01CW357. Augmentation and exchange use made pursuant to augmentation plan in Case No. 98CW41, Cornerstone Winter Park Project Exchange in Case No., 01CW357, Byers Peak Properties Upper Basin Exchange and augmentation plan in Case Nos. 14CW3097 and 14CW3098. Water delivered into storage shall be at the Maryvale Reservoir, Case No. W-462; the Maryvale K-1a Reservoir, Maryvale K-1b Reservoir, Maryvale K-2 Reservoir, Maryvale J-2 Reservoir, Maryvale J-3 Reservoir, Maryvale E-F Reservoir, MR-1 Reservoir, MR-2 Reservoir, MR-3 Reservoir, and MR-4 Reservoir, Case No. 99CW315; the CWP-FM Reservoir, Case No. 05CW287; the Byers Peak Properties Pond System, Case No. 10CW309. Place of use: Within boundaries of the Cornerstone Winter Park Project Grand Park Development, the Cornerstone Winter Park Project Byers Peak Ranch Development, and the Rendezvous Colorado Project. Irrigation will be limited to 200 acres within the current boundaries of Grand Park Development. RC Pump and Pipeline HG1 and HG2 are located on land owned by Susan Pearl Jones Trust & Susan Jones, 7326 N. Blythe Ave., Fresno, CA 93722-9802; and the Town of Fraser, a Colorado statutory town whose legal address is 153 Fraser Avenue / P.O. Box 370, Fraser, CO 80442.. Applicant Cornerstone; Byers Peak Properties, LLC, PO Box 30, Winter Park, CO 80482; Byers Peak Downhill Properties, LLC, 1821 Blake Street, Ste. 20, Denver, CO 80202; and Rendezvous Colorado, LLC own the land where water will be stored and put to beneficial use. A map of the water rights and place of use is on file with the court as Exhibit B. A detailed outline of work done toward completion of appropriation and application of water to beneficial use is on file with the court as Exhibit A. Remark: RC Pump and Pipeline HG1 and HG2 are component parts of an integrated water supply project for the properties shown on Exhibit B. RC Pump and Pipeline HG1 and HG2 are subject to terms and conditions of stipulations and agreements filed in Case Nos. 01CW358 and 12CW50.

YOU ARE HEREBY NOTIFIED THAT YOU HAVE until the last day of OCTOBER 2019 to file with the Water Clerk a verified Statement of Opposition setting forth facts as to why this application should not be granted or why it should be granted in part or on certain conditions. A copy of such statement of opposition must also be served upon the applicant or the applicant's attorney and an affidavit or certificate of such service shall be filed with the Water Clerk, as prescribed by Rule 5, CRCP. (Filing Fee: \$192.00) KATHY POWERS, Water Clerk, Water Division 5; 109 8th Street, Suite 104 Glenwood Springs, CO 81601

20. PURSUANT TO C.R.S., §37-92-302, AS AMENDED, YOU ARE NOTIFIED THAT THE FOLLOWING PAGES COMPRISE A RESUME OF THE APPLICATIONS AND AMENDED APPLICATIONS FILED WITH THE WATER CLERK FOR WATER DIVISION 5 DURING THE MONTH OF AUGUST 2019. *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.*

19CW3108 (10CW175), GARFIELD COUNTY - APPLICATION FOR FINDING OF REASONABLE DILIGENCE AND TO MAKE ABSOLUTE IN PART. Caerus Piceance LLC ("Caerus") c/o Jennifer M. DiLalla and William D. Davidson, Moses, Wittemyer, Harrison and Woodruff, P.C., 2595 Canyon Blvd., Suite 300, Boulder, Colorado 80302. 2. Parachute Diversion Structures Water Right: 2.1 Original decree: Case No. 10CW175, entered August 25, 2013, District Court, Water Division No. 5 ("10CW175 Decree"). By the Court's Order dated January 26, 2018, Caerus was substituted for Encana Oil & Gas (USA) Inc. ("Encana") as the Applicant in Case No. 10CW175. 2.2 Prior diligence decrees: None. 2.3 Points of diversion: The Parachute Diversion Structures Water Right is a single water right that may be diverted at any one or more of the four alternate points of diversion described below ("Parachute Diversion Structures"): 2.3.1 Encana Water Horse Point of Diversion: 2.3.1.1 Legal description: Located on East Fork Parachute Creek in the SW1/4 of the SW1/4 of Section 30, Township 5 South, Range 95 West of the 6th P.M., 597 feet from the West section line and 96 feet from the South section line of said Section 30, as shown on the map attached as **Exhibit A**. 2.3.1.2 Source: **East Fork Parachute Creek, tributary to Parachute Creek, tributary to the Colorado River**. 2.3.2 North Parachute Ranch Truck Pullout Point of Diversion: 2.3.2.1 Legal description: Located on Middle Fork Parachute Creek in the SE1/4 of the SE1/4 of Section 25, Township 5 South, Range 96 West of the 6th P.M., 732 feet from the East section line and 635 feet from the South section line of said Section 25, as shown on the map attached as **Exhibit A**. 2.3.2.2 Source: Middle Fork Parachute Creek, tributary to Parachute Creek, tributary to the Colorado River. 2.3.3 North Parachute Ranch Meadows Ditch Point of Diversion: 2.3.3.1 Legal description: Located on Middle Fork Parachute Creek in the NE1/4 of the SE1/4 of Section 25, Township 5 South, Range 96 West of the 6th P.M., 978 feet from the East section line and 1,841 feet from the South section line of said Section 25, as shown on the map attached as **Exhibit A**. 2.3.3.2 Source: Middle Fork Parachute Creek, tributary to Parachute Creek, tributary to the Colorado River. 2.3.4 North Parachute Ranch West Fork Creek Point of Diversion: 2.3.4.1 Legal description: Located on West Fork Parachute Creek in the NW1/4 of the NE1/4 of Section 8, Township 5 South, Range 96 West of the 6th P.M., 1,753 feet from the East section line and 1,204 feet from the North section line of said Section 8, as shown on the map attached as **Exhibit A**. 2.3.4.2 Source: West Fork Parachute Creek, tributary to Parachute Creek, tributary to the Colorado River. 2.4 Appropriation date: June 30, 2004. 2.5 Amount: 3.0 c.f.s. (1.08 c.f.s. absolute; 1.92 c.f.s. conditional). 2.6 Use: Fully-consumptive industrial purposes in connection with oil and gas drilling and production, including without limitation drilling, hydraulic fracturing, completion of oil and gas wells, pipeline pressure testing, tank hydrostatic testing, pond testing, dust suppression, chemical makeup, equipment washing, and pad reclamation, and including the right of use, reuse, successive use, and disposition to extinction. 2.7 Place of use: Lands located in Garfield, Rio Blanco, or Mesa Counties on which Caerus is conducting oil and gas drilling or other industrial uses or for which Caerus has contracted to provide water from the Parachute Diversion Structures Water Right for such purposes. 3. Encana Parachute Creek Exchanges: Except as noted, the information in paragraphs 3.1 through 3.9 below applies to all the Encana Parachute Creek Exchanges. 3.1 Original decree: The 10CW175 Decree. 3.2 Prior diligence decrees: None. 3.3 Exchange reaches: 3.3.1 Exchange-from point: The downstream terminus of each exchange is the confluence of Parachute Creek and the Colorado River, located in the SW1/4 of the NE1/4, Section 13, Township 7 South, Range 96 West of the 6th P.M., 1,846 feet from the North section line and 1,374 feet from the East section line of said Section 13, as shown on the map attached as **Exhibit A**. 3.3.2 Exchange-to points: The upstream termini of the exchanges is as follows: 3.3.2.1 Encana Water Horse Exchange: Encana Water Horse Point of Diversion, as described in paragraph 2.3.1 above. 3.3.2.2 North Parachute Ranch Truck Pullout Exchange: North Parachute Ranch Truck Pullout Point of Diversion, as described in paragraph 2.3.2 above. 3.3.2.3 North Parachute Ranch Meadows Ditch Exchange: North Parachute Ranch Meadows Ditch Point of Diversion, as described in paragraph 2.3.3 above. 3.3.2.4 North Parachute Ranch West Fork Creek Exchange: North Parachute Ranch West Fork Creek Point of Diversion, as described in paragraph 2.3.4 above. 3.4 Sources of substitute supply: 3.4.1 Colorado River Water Conservation District contracts: Water available to the Colorado River Water Conservation District ("River District") in Wolford Mountain Reservoir and Ruedi Reservoir ("Reservoirs"), and available to Caerus under Water Supply Contracts Nos. CW11002 (625 acre-feet per year) and CW06004 (170 acre-feet per year) between Caerus and the River District ("River District Contracts"). Caerus added Contract No. CW06004 to the 10CW175 Decree on February 5, 2018. 3.4.1.1 Wolford Mountain Reservoir: The River District owns and operates Wolford Mountain Reservoir (f/k/a Gunsight Pass Reservoir), the dam of which is located in the SW1/4 of the NE1/4 of Section 25, Township 2 North, Range 81 West of the 6th P.M. The intersection of the dam axis (Sta. D19+35.61) with the West Access Road (Sta. WR50+55.05) occurs at a point which bears South 53°24'56" East a distance of 3,395.51 feet from the NW corner of said Section 25; the bearing of said dam axis from Sta. 19+35.61 to Sta. 0+00 being South 75°28'29" East. The source of water is Muddy Creek and its tributaries. The water rights decreed to Wolford Mountain Reservoir are summarized in **Exhibit B**. 3.4.1.2 Ruedi Reservoir: The River District is entitled to deliveries of water from Ruedi Reservoir under a contract between the River District and the U.S. Bureau of Reclamation. Ruedi Reservoir is located in Sections 7, 8, 9, 11, and 14 through 18, Township 8 South, Range 84 West of the 6th P.M., in Eagle and Pitkin

Counties. The dam axis intersects the right abutment at a point whence the SW corner of Section 7, Township 8 South, Range 84 West of the 6th P.M. bears North 82°10' West a distance of 1,285 feet. The source of water is the Fryngpan River. The water rights decreed to Ruedi Reservoir are summarized in **Exhibit B**. 3.4.2. Sources added to 10CW175 Decree: Additional and alternative sources of augmentation and substitute supply water added to the 10CW175 Decree under its paragraph 8.C. 3.5 Appropriation date: September 30, 2010. 3.6 Maximum rate of exchange: 3.0 c.f.s., conditional (cumulative for all exchanges). 3.7 Volumetric limit: 900 acre-feet per year (cumulative for all exchanges). 3.8 Use: Augmentation of out-of-priority diversions at the Parachute Diversion Structures for the purposes described in paragraph 2.6 above, and including the right of use, reuse, successive use, and disposition to extinction. 3.9 Place of use: The place of use will be consistent with the decreed places of use of the sources of substitute supply. 4. Subject Water Rights: Together, the Encana Parachute Creek Exchanges and the conditional portion of the Parachute Diversion Structures Water Right are referred to in this Application as the "Subject Water Rights." 5. Detailed outline of work and expenditures toward completion of the appropriation and application of the water to beneficial use: 5.1 Diligence Period: The diligence period for the Subject Water Rights is August 2013 through August 2019 ("Diligence Period"). 5.2 Integrated system: In decrees entered on September 17, 2017, in Case Nos. 16CW3044 and 16CW3045, the Court found that the Subject Water Rights were part of Encana's "extensive integrated system to supply water in connection with its oil and gas drilling operations in the Piceance geologic basin, and its planned future oil shale operations in that basin." In July 2017, Caerus acquired all of Encana's assets in the Piceance geologic basin, including Encana's water rights and associated infrastructure and Encana's surface and subsurface interests ("Encana Acquisition"). "When a project or integrated system is comprised of several features, work on one feature of the project or system shall be considered in finding that reasonable diligence has been shown in the development of the water rights for all features of the entire project or system." C.R.S. § 37-92-301(4)(b). Consequently, all work and expenditures by Encana and Caerus in connection with their oil and gas drilling operations in the Piceance geologic basin directly and indirectly constitute part of Encana's and Caerus' reasonable diligence in developing the Subject Water Rights during the Diligence Period. 5.3 Encana's diligence work and expenditures: During the Diligence Period, until consummation of the Encana Acquisition, Encana worked diligently to develop the Subject Water Rights, complete the appropriations, and place the water to beneficial use. See ¶ 4.2, Application, Div. 5 Case No. 16CW3044; ¶ 8.3, Application, Div. 6 Case No. 18CW3015. Encana performed the diligence activities recited in the 16CW3044 application between June 2010 and May 2016; and performed the diligence activities recited in the 18CW3015 application between April 2012 and April 2018. Encana therefore performed significant portions of those activities during the Diligence Period. 5.4 Caerus' diligence work and expenditures: During the Diligence Period, Caerus worked diligently to develop the Subject Water Rights, complete the appropriations, and place the water to beneficial use, as demonstrated by the following activities and expenditures: 5.4.1 Caerus acquired all of Encana's assets in the Piceance geologic basin. Of Caerus' total expenditure of \$735,000,000 on the Encana Acquisition, \$122,000,000 was allocated to acquisition of Encana's water rights and associated infrastructure and facilities, including without limitation the Subject Water Rights and associated infrastructure and facilities. 5.4.2 As a result of the Encana Acquisition, Caerus engaged a project management team to lead Caerus in an internal company-wide evaluation of all of Caerus' assets, including water rights and associated infrastructure and facilities. One outcome of that project will be a determination of the highest and best use of Caerus' water rights, following the Encana Acquisition, in relation to Caerus' operations. Of Caerus' total expenditure of \$532,600 for the project management team's work, approximately \$65,000 was associated with evaluation and assessment of water rights and associated infrastructure and facilities. 5.4.3 Caerus incurred approximately \$23,158,937 in capital costs for infrastructure within the integrated water system, including without limitation costs for pipelines, river outtakes, and satellite facilities that are used to divert and transport both fresh water, including water diverted under the Subject Water Rights, and flowback/produced water for use in connection with Caerus' oil and gas drilling and completions operations in the Piceance geologic basin. 5.4.4 Caerus spent approximately \$1,859,977 in operation and maintenance costs for Caerus' integrated water system. 5.4.5 Caerus spent over \$324,611,933 to drill and complete at least 327 oil and gas wells in the Piceance geologic basin, including over \$3,626,782 directly related to delivering water to those wells. 5.4.6 Caerus spent approximately \$366,000 for water delivered under the River District Contracts during the 2018 and 2019 water years. 5.4.7 Caerus devoted and continues to devote significant personnel resources to its integrated water system. Caerus currently employs one full-time water systems engineer who manages the construction, development, monitoring, operation, and maintenance of Caerus' water rights and integrated water system, including water-related infrastructure, for use in connection with Caerus' oil and gas drilling operations. The water systems engineer is supported by one full-time operations engineer, who assists in the engineering design and construction of water facilities and related infrastructure; and one full-time surface landman who assists in the acquisition of land rights necessary for infrastructure construction and the management of the Caerus' water rights. An additional six Caerus employees manage water movement and facilities at the field level and are supported by more than twenty independent contractors. Caerus is in the process of hiring ten additional field employees who will be dedicated to the management and operation of Caerus' integrated water system. This team of Caerus employees and independent contractors are responsible for short- and long-range water balance planning, water treatment operations, fresh-water diversions, water recycling, water accounting and reporting, water capital infrastructure planning and construction, and all other operations related to Caerus' integrated water system. 5.4.8 Caerus spent approximately \$146,500 on legal and engineering fees for activities related to development and protection of its water rights, including the Subject Water Rights, and its water supply and water infrastructure in the Colorado River, Parachute Creek, Roan Creek, Piceance Creek, and White River basins. Those legal activities included, without limitation, filing and prosecuting applications in water court for other water rights within Caerus' integrated system; monitoring the water court filings of other water users to protect Caerus' water rights, and participating in water court cases as an objector; developing and maintaining its supply of fresh water; entering into and maintaining water supply agreements with other water users; and completing a detailed water rights inventory, the purpose of which is to determine the highest and best use of Caerus' water rights, including without limitation the Subject Water Rights, following the Encana Acquisition. 6. Claim to make absolute: 6.1

Parachute Diversion Structures Water Right: 6.1.1 Date water diverted in priority and placed to beneficial use: July 28, 2019. 6.1.2 Rate: 1.72 c.f.s. 6.1.3 Use: Fully consumptive industrial use in connection with oil and gas drilling and production. 6.1.4 Place of beneficial use: Caerus' A24 496 Pad, located in NW1/4 of the NW1/4, Section 24, Township 4 South, Range 96 West of the 6th P.M.; and at Caerus' E34 496 Pad, located in the SW1/4 of the NW1/4, Section 34, in the same township and range. Simultaneously, water was being used to supplement recycled produced water in the completion of wells on the L27 496 Pad, located in the NW1/4 of the SW1/4, Section 27, in the same township and range. 6.1.5 Evidence of in-priority diversion and beneficial use: The memo from Bishop-Brogden Associates, Inc., attached as **Exhibit C** ("BBA Memo"). 6.1.6 Additional rate claimed as absolute: Based on Caerus' in-priority diversion at the rate of 1.72 c.f.s. and subsequent application of the water to beneficial use, Caerus claims an additional 0.64 c.f.s. of the Parachute Diversion Structures Water Right as absolute, above the 1.08 c.f.s. previously decreed as absolute, such that a total of 1.72 c.f.s. of the Parachute Creek Diversion Structures Water Right will be absolute, and 1.28 c.f.s. will remain conditional. 6.2 Encana Parachute Creek Exchanges: 6.2.1 North Parachute Ranch Truck Pullout Exchange: 6.2.1.1 Date of operation: June 26, 2012. 6.2.1.2 Rate: 0.422 c.f.s. 6.2.1.3 Use: Augmentation. 6.2.1.4 Place of beneficial use: The point of diversion described in paragraph 2.3.2.1 above, which is the point at which the augmented structure depletes the stream. 6.2.1.5 Evidence of operation and beneficial use: The BBA Memo attached as **Exhibit C**. 6.2.1.6 Rate claimed as absolute: Based on Encana's augmentation by exchange at the rate of 0.422 c.f.s., a total of 0.422 c.f.s. will be absolute, and 2.578 c.f.s. will remain conditional. 6.2.2 North Parachute Ranch Meadows Ditch Exchange: 6.2.2.1 Date of operation: September 6, 2017. 6.2.2.2 Rate: 0.057 c.f.s. 6.2.2.3 Use: Augmentation. 6.2.2.4 Place of beneficial use: The point of diversion described in paragraph 2.3.3.1 above, which is the point at which the augmented structure depletes the stream. 6.2.2.5 Evidence of operation and beneficial use: The BBA Memo attached as **Exhibit C**. 6.2.2.6 Rate claimed as absolute: Based on Caerus' augmentation by exchange at the rate of 0.057 c.f.s., a total of 0.057 c.f.s. will be absolute and 2.943 c.f.s. will remain conditional. 6.2.3 North Parachute Ranch West Fork Creek Exchange: 6.2.3.1 Date of operation: August 5, 2012. 6.2.3.2 Rate: 0.355 c.f.s. 6.2.3.3 Use: Augmentation. 6.2.3.4 Place of beneficial use: The point of diversion described in paragraph 2.3.4.1 above, which is the point at which the augmented structure depletes the stream. 6.2.3.5 Evidence of operation and beneficial use: The BBA Memo attached as **Exhibit C**. 6.2.3.6 Rate claimed as absolute: Based on Encana's augmentation by exchange at the rate of 0.355 c.f.s., a total of 0.355 c.f.s. will be absolute, and 2.645 c.f.s. will remain conditional. 7. Names and addresses of owners or reputed owners of the land upon which any new diversion or storage structure, or modification to any existing diversion or storage structure, is or will be constructed or upon which water is or will be stored, including any modification to the existing storage pool: Not applicable. Wherefore, Caerus requests that the Court enter a decree (i) granting this Application; (ii) finding that Caerus and Encana exercised reasonable diligence in developing and completing the appropriation of the Subject Water Rights during the Diligence Period; (iii) making the Subject Water Rights partially absolute as described in paragraph 6 above; and (iv) continuing those portions of the Subject Water Rights that remain conditional in full force and effect for six years from the month in which a final decree is entered in this case.

YOU ARE HEREBY NOTIFIED THAT YOU HAVE until the last day of OCTOBER 2019 to file with the Water Clerk a verified Statement of Opposition setting forth facts as to why this application should not be granted or why it should be granted in part or on certain conditions. A copy of such statement of opposition must also be served upon the applicant or the applicant's attorney and an affidavit or certificate of such service shall be filed with the Water Clerk, as prescribed by Rule 5, CRCP. (Filing Fee: \$192.00) KATHY POWERS, Water Clerk, Water Division 5; 109 8th Street, Suite 104 Glenwood Springs, CO 81601

21. PURSUANT TO C.R.S., §37-92-302, AS AMENDED, YOU ARE NOTIFIED THAT THE FOLLOWING PAGES COMPRISE A RESUME OF THE APPLICATIONS AND AMENDED APPLICATIONS FILED WITH THE WATER CLERK FOR WATER DIVISION 5 DURING THE MONTH OF AUGUST 2019. 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.

19CW3109 EAGLE COUNTY – ROARING FORK RIVER Crawford Properties, LLC c/o Kevin L. Patrick, Esq. and Danielle L. Van Arsdale, Esq., Patrick, Miller & Noto, P.C., 229 Midland Ave., Basalt, CO 81621 (970) 920-1030. APPLICATION FOR CHANGE OF PLACE OF USE OF WATER RIGHTS. Change in Place of Use: Robinson Ditch. Original and subsequent decrees:

Priority	Case No.	Decreed Amount (cfs)	Applicant Amount (cfs)	Adjudication Date	Appropriation Date
38	CA132	5.0	0.246	05/11/1889	06/15/1882
140	CA132	2.5	0.123	05/11/1889	04/15/1886
167	CA132	2.0	0.098	05/11/1889	11/15/1886
212C	CA1061	10.7	0.526	12/29/1903	04/25/1889
326	CA3082	20.06	0.986	08/25/1936	04/25/1900
TOTAL		40.26	1.979		

Applicant owns 89.72 shares, or approximately 4.916%, of the total 1,825 shares of Class 1 stock in the Robinson Ditch Company. These shares are associated with 1.979 c.f.s. of the total 40.26 c.f.s. decreed to the Robinson Ditch. Only the portions of the above water rights owned by the Applicant are involved in this claim. Legal description: The decreed point of diversion of the Robinson Ditch is on the North bank of the Roaring Fork River one-half mile below the mouth of Sopris Creek in Section 11, Township 8 S., Range 87 W. of the 6th P.M. Source: Roaring Fork River. Use of Applicant's 1.979 c.f.s. interest: Irrigation. Description of change: In December 1992, Applicant's predecessor entered into an agreement with the Basalt Water Conservation District ("BWCD") that culminated in the

decree entered in Case No. 93CW319, Division 5 Water Court. Pursuant to the terms and conditions of the agreement and 93CW319 Decree, Applicant's predecessor assigned 441 of its shares in the Robinson Ditch Company to BWCD (the "BWCD Shares"), and removed 137.2 acres of lands historically irrigated under those shares from irrigation (the "93CW319 Dry-Up Acreage"). Applicant now seeks to re-irrigate 4.95 acres of the 93CW319 Dry-Up Acreage with water available under 23.85 of its 89.72 Robinson Ditch Company shares. The water available under these shares has historically irrigated land adjacent to, but not within two-hundred feet of, the 4.95 acres. Applicant will remove from irrigation 4.03 acres of land in Area 3 and 2.12 acres of land in Area 4, as identified on Exhibit C to supply more than the equivalent re-irrigation of acreage within the 93CW319 Dry-Up Acreage. Amount of change:

Priority No.	Decreed Amount (cfs)	Amount Changed (cfs)
38	5.0	0.0653
140	2.5	0.0327
167	2.0	0.0262
212C	10.7	0.1398
326	20.06	0.2621
TOTAL	40.26	0.5261

The amounts listed above that are changed in this case are collectively referred to as "Applicant's RDC(2) Water." Historically irrigated area: A legal description of the 4.03 acres dried in Area 3 and the 2.12 acres dried in Area 4 is shown on Exhibit D. 93CW319 Dry-Up Acreage to be re-irrigated: Applicant may re-irrigate up to a total of 4.95 acres of the 93CW319 Dry-Up Acreage within Area C, as shown on Exhibit C. A legal description of these areas, totaling 4.95 acres, is shown on Exhibit D. Statement of no injury: Although Applicant may re-irrigate up to 4.95 acres within the 93CW319 Dry-Up Acreage using its RDC(2) Water, Applicant's dry-up of 6.15 acres under Applicant's RDC(2) Water more than fully offsets and replaces the water demand from the proposed re-irrigation. In other words, after this change, there will still be 137.2 or more total acres of dry-up and no increased water consumption. A map showing the 137.2 acres of dry-up following execution of the change requested in this case is shown on Exhibit C. Proposed terms and conditions to prevent injury: Upon initiating the dry-up procedure described in this paragraph, Applicant shall no longer irrigate the corresponding 6.15 acres with Applicant's RDC(2) Water. Any irrigation of the 6.15 acres occurring after the dry-up described above shall be with potable water, under free river conditions, or with water rights owned or controlled by Applicant other than those changed within this proceeding decreed to the Robinson Ditch only if authorized through a further water court case or administrative proceeding. Applicant shall further cease any such irrigation of the 6.15 acres if notified by the Division Engineer in order to ensure the availability to BWCD of the 360.0 acre-feet of consumptive credits confirmed in Case No. 93CW319. Prior to commencing re-irrigation of any portion of the 4.95 acres within the 93CW319 Dry-Up Acreage, Applicant will provide to the Division Engineer and BWCD a map showing the location of the re-irrigated lands, and monument the re-irrigated acreage to their reasonable satisfaction. Applicant shall install any reasonable measuring devices required by the Division Engineer to implement the change of water rights. Applicant shall monument all of the 93CW319 Dry-Up Acreage, as modified by this Decree, including the 6.15 acres of dry-up acreage that is the subject of this Application, to the reasonable satisfaction of the Division Engineer and BWCD. Return flows: Applicant is not seeking to change the point of diversion or type of use of its RDC(2) Water. The 93CW319 Decree found that the surface component of the irrigation return flows on land immediately adjacent to the 6.15 acre dry-up area and 4.95 acres of re-irrigation areas historically accrued to Blue Creek, while the groundwater component of the irrigation return flows historically accrued to the Roaring Fork River. Surface return flows: Of the total 0.5261 c.f.s. associated with Applicant's RDC(2) Water, approximately 0.1611 c.f.s. (30.62%) historically accrued to Blue Creek. To replace historical surface water return flows, Applicant will leave 30.62% of its diversions at the Robinson Ditch headgate associated with Applicant's RDC Water in the Robinson Ditch for delivery to Blue Creek, and shall not divert said water at the Crawford laterals. Groundwater return flows: Of the total 0.5261 c.f.s. associated with Applicant's RDC(2) Water, approximately 0.1611 c.f.s. (30.62%) historically accrued to the Roaring Fork River as groundwater return flows. To replace historical groundwater return flows, Applicant shall measure and bypass 30.62% of diversions at the Robinson Ditch headgate associated with Applicant's RDC(2) Water in accordance with the requirements of the Division Engineer's Office. Statement of land ownership: Applicant owns the lands upon which the historically irrigated areas and the areas to be re-irrigated are located.

YOU ARE HEREBY NOTIFIED THAT YOU HAVE until the last day of OCTOBER 2019 to file with the Water Clerk a verified Statement of Opposition setting forth facts as to why this application should not be granted or why it should be granted in part or on certain conditions. A copy of such statement of opposition must also be served upon the applicant or the applicant's attorney and an affidavit or certificate of such service shall be filed with the Water Clerk, as prescribed by Rule 5, CRCP. (Filing Fee: \$192.00) KATHY POWERS, Water Clerk, Water Division 5; 109 8th Street, Suite 104 Glenwood Springs, CO 81601

22. PURSUANT TO C.R.S., §37-92-302, AS AMENDED, YOU ARE NOTIFIED THAT THE FOLLOWING PAGES COMPRISE A RESUME OF THE APPLICATIONS AND AMENDED APPLICATIONS FILED WITH THE WATER CLERK FOR WATER DIVISION 5 DURING THE MONTH OF AUGUST 2019. 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.

19CW3110 Applicant, M&M Industries, Inc., Oasis Ranches, c/o Mark Mathis, 33205 Highway 9, Silverthorne, Colorado 80498, Telephone: 970-724-9839. Application for Finding of Reasonable Diligence and to Make Water Rights Absolute, **in Summit County**. Please send all future correspondence and pleadings to P. Andrew Jones, Lawrence Jones Custer Grasmick LLP 5245 Ronald Reagan Blvd, Ste. 1, Johnstown, CO 80534. Oasis Ranches, the applicant in 96CW370 and subsequent diligence cases 04CW228 and 12CW159

quit claimed its interest in the rights decreed herein to M&M Industries, Inc. on August 30, 2019 pursuant to the deed attached hereto as Exhibit "A." Oasis Ranches and M&M Industries Inc. are both entities principally owned and controlled by Mark Mathis. 1. Original and Subsequent Conditional Water Rights Decrees: (a) Date of Original Decree: December 10, 1998, Case No. 96CW370, Water Court, Water Division No. 5. (b) Subsequent decrees awarding findings of diligence: November 6, 2006, Case No. 04CW228, Water Court, Water Division No. 5. (c) Subsequent decrees awarding findings of diligence: August 4, 2013, Case No. 12CW159, Water Court, Water Division No. 5. 2. Name of the structures: Mathis Wells 1 through 7 and Exchange from Green Mountain Reservoir. (a) Mathis Wells 1 through 7: (i) Legal Descriptions: (1) Mathis Well No. 1: SW $\frac{1}{4}$, SW $\frac{1}{4}$, Section 33, Township 3 South, Range 78 West, 6th P.M., 950 feet north of south section line and 1,300 feet east of west section line. (2) Mathis Well No. 2: SE $\frac{1}{4}$, SW $\frac{1}{4}$, Section 33, Township 3 South, Range 78 West, 6th P.M., 1,300 feet north of south section line and 1,350 feet east of west section line. (3) Mathis Well No. 3: NE $\frac{1}{4}$, SW $\frac{1}{4}$, Section 33, Township 3 South, Range 78 West, 6th P.M., 1,650 feet north of south section line and 1,400 feet east of west section line. (4) Mathis Well No. 4: NE $\frac{1}{4}$, SW $\frac{1}{4}$, Section 33, Township 3 South, Range 78 West, 6th P.M., 2,000 feet north of south section line and 1,450 feet east of west section line. (5) Mathis Well No. 5: SE $\frac{1}{4}$, NW $\frac{1}{4}$, Section 33, Township 3 South, Range 78 West, 6th P.M., 2,400 feet north of south section line and 1,500 feet east of west section line. (6) Mathis Well No. 6: SE $\frac{1}{4}$, NW $\frac{1}{4}$, Section 33, Township 3 South, Range 78 West, 6th P.M., 2,775 feet north of south section line and 1,550 feet east of west section line. (7) Mathis Well No. 7: SE $\frac{1}{4}$, NW $\frac{1}{4}$, Section 33, Township 3 South, Range 78 West, 6th P.M., 3,200 feet north of south section line and 1,600 feet east of west section line. (i) Source of Water: Alluvium tributary to the Blue River. (ii) Appropriation Date: October 29, 1996. (iii) Amount: 15 gallons per minute per well, (conditional). (iv) Use: domestic and stock watering. (v) Depth: N/A, wells have not been constructed, conditional right. (b) Green Mountain Reservoir Exchange: (i) Legal description: from Green Mountain Reservoir upstream to Applicant's property as described in the decree in Case No. 96CW370. (ii) Source: Blue River. (iii) Priority Date: December 31, 1996. (iv) Amount: 0.624 acre feet per year at a rate of 0.5 cfs (conditional). (v) Use: augmentation of Mathis Well Nos. 1 – 7. 4. Detailed outline of what has been done toward completion of the appropriation and application of water to a beneficial use as conditionally decreed, including expenditures: During the diligence period, Applicant employed a land use planner to assist in the preparation of plans and drawings for the development of the property and process of obtaining necessary county approvals. Applicant maintained the ditches and structures necessary for the operation of the plan each year, including the installation of lining materials to reduce seepage. Applicant hired water counsel to provide advice regarding the water rights, augmentation plan, exchange and the development of the property, and filed an application to change the point of diversion of the Roberts Irrigating Ditch. Applicant is currently actively engaged in the county approval process and plans to move forward with development as approvals and economic factors permit. Applicant paid \$15,000 in combined expenditures related to the activities performed during the diligence period to maintain, protect, enhance and effectuate the rights decreed herein. 5. Claim to make water right partially absolute: No claim of absolute is made. 6. Names and addresses of owners of land upon which water will be stored: Applicant owns all lands upon which structures are located. Wherefore, Applicant requests the court to enter a decree finding that Applicant has been diligent in the development of the water right, making a portion of the water right absolute as described herein, continuing remaining conditional portion of the water right, and such other and further relief as the court finds just. 5 pages, 1 exhibit.

YOU ARE HEREBY NOTIFIED THAT YOU HAVE until the last day of OCTOBER 2019 to file with the Water Clerk a verified Statement of Opposition setting forth facts as to why this application should not be granted or why it should be granted in part or on certain conditions. A copy of such statement of opposition must also be served upon the applicant or the applicant's attorney and an affidavit or certificate of such service shall be filed with the Water Clerk, as prescribed by Rule 5, CRCP. (Filing Fee: \$192.00) KATHY POWERS, Water Clerk, Water Division 5; 109 8th Street, Suite 104 Glenwood Springs, CO 81601

23. PURSUANT TO C.R.S., §37-92-302, AS AMENDED, YOU ARE NOTIFIED THAT THE FOLLOWING PAGES COMPRISE A RESUME OF THE APPLICATIONS AND AMENDED APPLICATIONS FILED WITH THE WATER CLERK FOR WATER DIVISION 5 DURING THE MONTH OF AUGUST 2019. *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.*

19CW3111 (11CW187) GARFIELD COUNTY, CONCERNING THE APPLICATION FOR WATER RIGHTS OF THE COLORADO DIVISION OF PARKS AND WILDLIFE AND THE PARKS AND WILDLIFE COMMISSION (RIFLE GAP) - APPLICATION TO MAKE WATER RIGHTS ABSOLUTE AND FOR FINDING OF REASONABLE DILIGENCE. 1. Name, mailing address, e-mail address, and telephone number of Applicant: Colorado Division of Parks and Wildlife and Parks and Wildlife Commission ("CPW"), Attn: Ed Perkins, Water Rights Administrator, 6060 Broadway, Denver, Colorado 80216, 303-291-7466 ed.perkins@state.co.us. Please direct all future communications regarding this case to CPW's counsel, Heather A. Warren and Elizabeth M. Joyce, 1300 Broadway, 7th Floor, Denver, CO 80203. Telephone: 720-508-6266 (Warren), 720-508-6761 (Joyce). E-mail: heather.warren@coag.gov, elizabeth.joyce@coag.gov. **2. Description of conditional water rights to make absolute: A. Rifle Gap Well No. 1, Permit No. 76933-F, W DID 3905706:** 1) Date of Original Decree: August 4, 2013, Case No. 11CW187. 2) Subsequent Decrees Awarding Findings of Diligence: N/A. 3) Previous Permit No.: 236191. 4) Location: SE 1/4 NE 1/4 Section 8, Township 5 South, Range 92 West, 6th P.M., 1525 feet from the North Section Line, 1135 feet from the East Section Line, Garfield County. See USGS map attached as Exhibit A. 5) Source: Alluvial groundwater tributary to East Rifle Creek, tributary to Rifle Creek, tributary to the Colorado River. The well is in 100 feet of the highwater line of Rifle Gap Reservoir and within the East Rifle Creek alluvium. 6) Appropriation Date: June 24, 2002. 7) Amount: 40 gpm, conditional. 8) Use: Commercial; domestic (which includes but is not limited to sanitary and dust suppression); irrigation; recreation (which includes but is not limited to stock watering and fish and wildlife); and fire protection. All uses are within Rifle Gap State Park. 9) Well Depth: 91 feet. **B. Rifle Gap Well No. 2, Permit No.**

76932-F, WDID 3905707: 1) Date of Original Decree: August 4, 2013, Case No. 11CW187. 2) Subsequent Decrees Awarding Findings of Diligence: N/A. 3) Previous Permit No.: 236192. 4) Location: SW 1/4 NE 1/4 Section 8, Township 5 South, Range 92 West, 6th P.M., 1820 feet from the North Section Line, 2400 feet from the East Section Line, Garfield County. See USGS map attached as **Exhibit A**. 5) Source: Alluvial groundwater tributary to East Rifle Creek, tributary to Rifle Creek, tributary to the Colorado River. The well is in 100 feet of the highwater line of Rifle Gap Reservoir and within the East Rifle Creek alluvium. 6) Appropriation Date: June 24, 2002. 7) Amount: 40 gpm (12.4 gpm was confirmed absolute for domestic use by the decree in Case No. 11CW187; 27.6 was confirmed conditional for domestic and all other uses by the decree in Case No. 11CW187). 8) Use: Commercial; domestic (which includes but is not limited to sanitary and dust suppression); irrigation; recreation (which includes but is not limited to stock watering and fish and wildlife); and fire protection. All uses are within Rifle Gap State Park. 9) Well Depth: 110 feet. **C. Rifle Gap Well No. 3, Permit No.**

76934-F, WDID 3905708: 1) Date of Original Decree: August 4, 2013, Case No. 11CW187. 2) Subsequent Decrees Awarding Findings of Diligence: N/A. 3) Previous Permit No.: 236193. 4) Location: NE 1/4 NE 1/4 Section 8, Township 5 South, Range 92 West, 6th P.M., 1000 feet from the North Section Line, 800 feet from the East Section Line, Garfield County. See USGS map attached as **Exhibit A**. 5) Source: Alluvial groundwater tributary to East Rifle Creek, tributary to Rifle Creek, tributary to the Colorado River. The well is in 100 feet of the highwater line of Rifle Gap Reservoir and within the East Rifle Creek alluvium. 6) Appropriation Date: June 24, 2002. 7) Amount: 40 gpm, conditional. 8) Use: Commercial; domestic (which includes but is not limited to sanitary and dust suppression); irrigation; recreation (which includes but is not limited to stock watering and fish and wildlife); and fire protection. All uses are within Rifle Gap State Park. 9) Well Depth: 72 feet. **D. Remarks:** 1) These wells were originally drilled pursuant to test permits and then re-permitted for commercial use on August 19, 2002. In Case No. 02CW150, Rifle Gap Well No. 1 is identified as Permit No. 236191, Rifle Gap Well No. 2 is identified as Permit No. 236192, and Rifle Gap No. 3 is identified as Permit No. 236193. 2) Out-of-priority depletions from these wells are augmented under the plan for augmentation decreed in Case No. 02CW150. CPW obtained new permits for these wells for uses as decreed in Case No. 02CW150 and Case No. 11CW187. 3) The maximum rate of diversion for each well for out-of-priority depletions covered under the plan for augmentation in Case No. 02CW150 is 40 gpm, as long as the total annual pumping volumes and maximum monthly depletion limits described in Case No. 02CW150, including the 30.96 acre-feet limitation on diversions from the three wells combined are not exceeded. 4) The uses in this case will be subject to the same monthly and annual pumping limits as decreed in Case No. 02CW150. 5) Delayed return flows resulting from the initial use of water previously pumped by the wells in priority under this decree may be recognized as offsetting out-of-priority diversions by the wells under the plan for augmentation approved in Case No. 02CW150. 6) The decree in Case No. 02CW150 recognized that these wells are located within 100 feet of the highwater line of Rifle Gap Reservoir and within the Rifle Creek alluvium; therefore they can be administered as having instantaneous depletions to Rifle Creek. Diversions by the wells pursuant to the decree in Case No. 11CW187 will be administered as having instantaneous depletions to Rifle Creek. These wells may be re-drilled in the future and operate pursuant to the decree in Case No. 02CW150 and the decree in Case No. 11CW187 so long as they are within 200 feet of the decreed location and within 100 feet of the highwater line of Rifle Gap Reservoir or East Rifle Creek. **3. 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 Rifle Gap Wells water rights serve the needs of a visitor's center and camping facilities at Rifle Gap State Park, located approximately 15 minutes from the Town of Rifle, Colorado. Rifle Gap State Park has 5 campgrounds and 89 campsites which are open year-round. As of 2017, annual visitation to Rifle Gap State Park was 250,457 and visitation to the park continues to increase. In addition to the public visitors to this park, CPW has 6 permanent employees, 19 temporary employees and approximately 40 volunteers. During the applicable diligence period, CPW has taken the following steps to diligently develop the Rifle Gap Wells Nos. 1-3 conditional water rights. This list is not intended to be exclusive and may be supplemented by additional evidence. From 2013 to 2019, CPW has operated the Rifle Gap Well Nos. 1-3 in accordance with the augmentation plan decreed in Case No. 02CW150 and has provided monthly accounting records to the Division of Water Resources. During this last diligence period, CPW has diverted and put to beneficial use on average approximately 3-12 gpm from the Rifle Gap Well Nos. 1-3, and in 2019 increased the diversion and beneficial use amounts as stated below in ¶4. CPW has had annual expenditures for permanent and seasonal staff salaries and for general operation and routine maintenance of the wells for use at Rifle Gap State Park from 2013 to 2019. In 2013, CPW staff performed non-routine and significant maintenance work on Rifle Gap Well Nos. 1-3 and replaced the pumps on all three wells at significant expense. In 2017, CPW staff expended funds to perform additional maintenance work to disconnect Rifle Gap Well No. 3 from the same water line as Rifle Gap Well No. 2 and installed a new water line directly to Well No. 3. **4. Claim to make conditional water rights absolute and for a finding of reasonable diligence:** CPW requests that this court determine and decree that the following amounts have been made absolute for the Rifle Gap Wells Nos. 1-3, and that the remaining amounts shall continue as conditional: **A. Date Water Applied to Beneficial Use:** August 22, 2019. **B. Amounts:** 1) Rifle Gap Well No. 1: 27.7 gpm, absolute; 12.3 remaining conditional. 2) Rifle Gap Well No. 2: 25.0 gpm, absolute; 15.0 remaining conditional. 3) Rifle Gap Well No. 3: 8.6 gpm, absolute; 31.4 remaining conditional. **C. Uses:** Commercial, domestic, irrigation, recreation and fire protection. **D. Description of place of use where water is applied to beneficial use:** Water diverted from the Rifle Gap Well Nos. 1-3 is used for commercial, domestic, irrigation, recreation and fire protection purposes at Rifle Gap State Park. Rifle Gap State Park is located in portions of Sections 5, 6, 7, 8 and 15 in Township 5 South, Range 92 West, and portions of Sections 1 and 12 in Township 5 South, Range 93 West, 6th P.M., Garfield County, Colorado. See USGS map attached as **Exhibit A to the Application**. **E. Evidence of beneficial use:** Photographs taken on August 22, 2019, by the Rifle Gap State Park Resource Technician of the meters for the Rifle Gap Wells Nos. 1-3 are attached as **Exhibit B to the Application**. The Rifle Gap State Park Resource Technician's Affidavit confirming the dates and amounts of beneficial use is attached as **Exhibit C to the Application**. **5. Integrated water supply system:** The subject conditional water rights each constitute a feature of an integrated water supply system designed to provide a sufficient and reliable water supply for the Rifle Gap State Park. "When a project or integrated

system is comprised of several features, work on one feature of the project or system shall be considered in finding that reasonable diligence has been shown in the development of water rights for all features of the entire project or system.” C.R.S. § 37-92-301(4)(b).
6. Names of owners of land upon which structures are located: Bureau of Reclamation, Grand Junction Area Office, 2764 Compass Drive, PO Box 60340, Grand Junction, CO 81506. CPW has a management agreement with the United States Bureau of Reclamation who owns the property on which the wells are located. WHEREFORE, the Colorado Division of Parks and Wildlife respectfully requests that this Court find that the conditional water rights for the Rifle Gap Wells Nos. 1-3 have been put to beneficial use in the amounts listed in ¶4 above for all decreed beneficial uses and enter a decree determining that said amounts have been made absolute and determining that continuing diligence be maintained on the remaining conditional amounts.

YOU ARE HEREBY NOTIFIED THAT YOU HAVE until the last day of OCTOBER 2019 to file with the Water Clerk a verified Statement of Opposition setting forth facts as to why this application should not be granted or why it should be granted in part or on certain conditions. A copy of such statement of opposition must also be served upon the applicant or the applicant’s attorney and an affidavit or certificate of such service shall be filed with the Water Clerk, as prescribed by Rule 5, CRCP. (Filing Fee: \$192.00) KATHY POWERS, Water Clerk, Water Division 5; 109 8th Street, Suite 104 Glenwood Springs, CO 81601

24. PURSUANT TO C.R.S., §37-92-302, AS AMENDED, YOU ARE NOTIFIED THAT THE FOLLOWING PAGES COMPRISE A RESUME OF THE APPLICATIONS AND AMENDED APPLICATIONS FILED WITH THE WATER CLERK FOR WATER DIVISION 5 DURING THE MONTH OF AUGUST 2019. *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.*

19CW3112 District Court, Water Division No. 5, State of Colorado, 109 Eighth Street, Suite 104, Glenwood Springs, CO 81601. CONCERNING THE APPLICATION FOR WATER RIGHTS OF HIGHLAND INVESTMENT CO., LLC, IN GRAND COUNTY, COLORADO. CONCERNING THE APPLICATION FOR WATER RIGHTS OF HIGHLAND INVESTMENT CO., LLC, IN GRAND COUNTY, COLORADO. **APPLICATION FOR GROUNDWATER RIGHTS, STORAGE RIGHT AND ASSOCIATED DIVERSION RIGHT, PLAN FOR AUGMENTATION, AND APPROPRIATIVE RIGHTS OF EXCHANGE.**

1. Name and address of Applicant: Highland Investment Co., LLC (“Highland”), P.O. Box 3228, Winter Park, Colorado 84082, Direct all pleadings to: Steve Bushong, Gunnar Paulsen, Porzak Browning & Bushong LLP, 2120 13th Street, Boulder, CO 80302. 2. Introduction: Highland currently operates commercial facilities on property shown on **Exhibit A** hereto (“Subject Property”). Highland plans to expand its development on the Subject Property to include greenhouses and related support facilities, additional commercial space, manufacturing facilities, and residential dwelling units (collectively the “Development”). Highland’s existing facilities are currently supplied by an exempt commercial well. By this Application, Highland seeks to adjudicate an enlarged water supply, augmentation plan, and appropriative rights of exchange to allow for the Development of the Subject Property. **I. Claim for Tributary Groundwater Rights.** 3. Names of Structures: Highland Well Nos. 1-3, 4. Description of Groundwater Rights: a. Highland Well No. 1. i. Legal Description: located in the NE1/4 NE1/4 of Section 1, Township 1 South, Range 76 West of the 6th P.M. at a point 1,297 feet from the East section line and 2,695 feet from the North section line; or, Easting 428586, Northing 4427204, UTM, Zone 13N, NAD 83. The location of this structure in shown on the map attached as Exhibit A, ii. Source: Groundwater tributary to the Fraser River, tributary to the Colorado River, iii. Depth: 300 feet, iv. Well Permit No.: 186885-A, v. Appropriation Date: September 29, 2004, based on construction of well, vi. Amount: 0.1114 c.f.s. (50 g.p.m.), of which .022 c.f.s. (10 g.p.m.) is absolute for commercial uses, conditional for all other beneficial uses, vii. Use: Commercial, domestic, industrial, year-round irrigation including irrigation within greenhouse facilities and reuse of irrigation water, fill and refill of the Highland Augmentation Pond described below for any uses described in paragraph 6.a.iv, and any other uses incidental to the planned Development of the Subject Property, viii. Remarks: Highland Well No. 1 currently operates under an exempt commercial well permit and will continue to do so until the buildout of additional on-site facilities increases demand and exceeds the limits of the exempt permit, at which time Highland will obtain a new well permit and operate this well under the rights decreed in this case, b. Highland Well No. 2: i. Legal Description: The location of this structure shall be on the Subject Property attached as Exhibit A located in the NW1/4 NE1/4 of Section 1, Township 1 South, Range 76 West of the 6th P.M., with a more precise location provided at the time the Highland Well No. 2 is made absolute, ii. Source: Groundwater tributary to the Fraser River, tributary to the Colorado River, iii. Proposed Depth: Estimated 300 feet, iv. Well Permit No.: N/A, v. Appropriation Date: September 15, 2015, based on the intent to appropriate and actions consistent with that intent, including, but not limited to, engineering field work and planning in support of and in preparation of this Application, vi. Amount: 0.1114 c.f.s. (50 g.p.m.), conditional, vii. Use: Commercial, domestic, industrial, year-round irrigation including irrigation within greenhouse facilities and reuse of irrigation water, fill and refill of the Highland Augmentation Pond described below for any uses described in paragraph 6.a.iv, and any other uses incidental to the planned Development of the Subject Property, c. Highland Well No. 3: i. Legal Description: The location of this structure shall be on the Subject Property attached as Exhibit A located in the NW1/4 NE1/4 of Section 1, Township 1 South, Range 76 West of the 6th P.M., with a more precise location provided at the time the Highland Well No. 3 is made absolute, ii. Source: Groundwater tributary to the Fraser River, tributary to the Colorado River, iii. Proposed Depth: Estimated 300 feet, iv. Well Permit No.: N/A, v. Appropriation Date: September 15, 2015, based on the intent to appropriate and actions consistent with that intent, including, but not limited to, engineering field work and planning in support of and in preparation of this Application, vi. Amount: 0.1114 c.f.s. (50 g.p.m.), conditional, vii. Use: Commercial, domestic, industrial, year-round irrigation including irrigation within greenhouse facilities and reuse of irrigation water, fill and refill of the Highland Augmentation Pond described below for any uses described in paragraph 6.a.iv, and any other uses incidental to the planned Development of the Subject Property. **II. Claim for Water Storage Right and Associated Diversion Right.** 5. Name of Pond: Highland Augmentation Pond. 6. Description of Storage Right and Associated Diversion Right. a.

Highland Augmentation Pond Storage Right: i. Location: This structure is located on or adjacent to an unnamed tributary of the Fraser River on the Subject Property as depicted on Exhibit A. The centroid of the pond is located in the NE1/4 NE1/4 of Section 1, Township 1 South, Range 76 West of the 6th P.M. at a point 1,165 feet from the East section line and 2,689 feet from the North section line; or, Easting 428626.4, Northing 4427205.1, UTM, Zone 13N, NAD 83, ii. Sources: The following sources of water will be used to fill and refill the Highland Augmentation Pond: (1) Unnamed tributary to the Fraser River shown on Exhibit A using the Highland Augmentation Pond Diversion Structure described below in paragraph 6.b as may be necessary; (2) Surface runoff, drainage and/or irrigation wastewater from neighboring lands; (3) underground water tributary to the Fraser River diverted at Highland Well Nos. 1-3 described in paragraph 4 above; and (4) trucked water from a source that may lawfully be used for augmentation, iii. Appropriation Date: September 15, 2015, based on the intent to appropriate and actions consistent with that intent, including, but not limited to, engineering field work and planning in support of and in preparation of this Application, iv. Uses: Storage, augmentation and replacement, aesthetic, recreation, fire protection, piscatorial, wildlife, and irrigation use on Subject Property, v. Amount Claimed: 4.0 acre-feet (“AF”), conditional, with the right to fill and refill when in priority, vi. Rate of Diversions into Pond: The rate of diversions into storage depends upon the source. The claimed rates are: (a) 2.0 cfs of water in the unnamed tributary with use of the Highland Augmentation Pond Diversion Structure if necessary; (b) 2.0 c.f.s. of surface runoff, drainage and/or irrigation wastewater from neighboring lands; and/or (c) decreed rates of Highland Well Nos 1 – 3 set forth in paragraph 4 above. No rate limits apply to using trucked water, vii. Surface Area of High-Water Line: 1.0 acre, viii. Remarks. The current pond is located off-channel but located immediately adjacent to an unnamed tributary. If improvements to the Highland Augmentation Pond cause it to be located on the unnamed tributary, that fact will be identified in making the water right absolute. The storage right sought herein is for either an off-channel pond or an on-channel pond, b. Highland Augmentation Pond Diversion Structure. The Highland Augmentation Pond is currently located immediately adjacent to an unnamed tributary on which the following diversion structure will be constructed to fill the pond: i. Location. A diversion structure to be located on an unnamed tributary at a point in the NE1/4 NE1/4 of Section 1, Township 1 South, Range 76 West of the 6th P.M. at a point 1,172 feet from the East section line and 2,730 feet from the North section line; or, 428629 Easting, 4427192.6 Northing, UTM, Zone 13N, NAD 83, as shown in Exhibit A, ii. Source. Unnamed tributary to the Fraser River shown on Exhibit A, tributary to the Colorado River, iii. Uses. To fill and refill Highland Augmentation Pond for the uses described in paragraph 6.a.iv above, iv. Amount Claimed. 2.0 c.f.s., conditional, v. Appropriation Date. September 15, 2015, based on the intent to appropriate and actions consistent with that intent, including, but not limited to, engineering field work and planning in support of and in preparation of this Application.

III. Claim for Approval of Plan for Augmentation. 7. Structures to be Augmented: a. Highland Well Nos. 1-3, as described above in paragraph 4, b. Highland Augmentation Pond and Highland Augmentation Pond Diversion Structure, described above in paragraph 6. 8. Water Rights to be used for Augmentation: a. Rich Ditch: Up to 7.5 AF of previously quantified historical consumptive use (“HCU”) credits in the Rich Ditch either directly or by release from storage in Pole Creek Meadows Reservoir No. 1 or Highland Augmentation Pond. Highland currently owns 5.0 AF of the previously quantified Rich Ditch HCU credits acquired from the Valley at Winter Park Water District (“VWPWD”) and has the right to acquire an additional 2.5 acre-feet of Rich Ditch HCU credits from the VWPWD. A description of the Rich Ditch water right follows: i. Original Decree: The Rich Ditch was originally decreed in Grand County District Court in and for Water Division 5, State of Colorado (“Water Court”) in Civil Action No. 183 on August 3, 1911, ii. Prior Change Decrees: In Case No. 80CW67 (consolidated with Case Nos. 80CW456 and 84CW175), and as amended by 95CW354, the Water Court quantified the historic annual consumptive use associated with .891 cfs of the Rich Ditch to be 30.58 acre-feet annually or 0.9 acre-feet per acre per year. In Case No. 16CW3036, VWPWD amended and restated the augmentation plan originally decreed in Case No. 80CW67, removing all Rich Ditch HCU credits from its augmentation plan. In Case No. 16CW3036, VWPWD abandoned 2.9 acre-feet of its Rich Ditch credits, resulting in a total of 27.68 acre-feet of Rich Ditch HCU credits. The prior quantification of HCU credits in the Rich Ditch may not be reconsidered or requantified in these circumstances pursuant to C.R.S. § 37-92-305(3)(e), iii. Original Legal Description: The headgate is located on the west bank of Crooked Creek at a point whence the NE corner, Section 4, Township 1 S., Range 76 W., of the 6th P.M., bears N. 15° E. 2600 feet. The location of this structure is shown on the map attached as Exhibit A, iv. Decreed Source: Crooked Creek, tributary to Fraser River, tributary to Colorado River, v. Appropriation Date: May 5, 1892, vi. Amount: 3.75 cfs, vii. Uses: Irrigation, fire, domestic, and augmentation and replacement, b. Highland Augmentation Pond: Highland plans to store the following water rights in the Highland Augmentation Pond: (1) in-priority storage or hauled water pursuant to the sources described in paragraph 6.a.ii, above, and (2) storage of Rich Ditch HCU credit by exchange described in paragraph 11.b, below, c. Pole Creek Meadows Reservoir No. 1: Highland has acquired 2.5 acre-feet of storage space in Pole Creek Meadows Reservoir No. 1 from VWPWD and has the right to acquire an additional 2.5 acre-feet of storage in Pole Creek Meadows Reservoir No. 1 from VWPWD. Although Highland does not have any interest in the Pole Creek Meadows Reservoir No. 1 water right described below, Highland will store Rich Ditch HCU credit water in Pole Creek Meadows Reservoir No. 1 for subsequent release pursuant to the provisions of the Water Storage Capacity Sale and Operating Agreement between Highland and VWPWD dated March 16, 2016 (“Storage Agreement”), i. Original Decree: Pole Creek Meadows Reservoir No. 1 was originally decreed in Water Court Case No. 85CW148 on October 30, 1985, ii. Original Legal Description: The right abutment of the dam is located in the NE1/4 SE1/4 of Section 2, Township 1 S, Range 76 W, of the 6th P.M. at a point whence the Southeast Corner of said Section 2 bears S24°00’E 1,740 feet. The location of this structure is shown on the map attached as Exhibit A, iii. Source: Pole Creek (via Pearl Ditch), tributary to the Fraser River, tributary to the Colorado River. 9. Return Flow Location: Return flows from use of Highland Well Nos. 1-3 will return to the river at the outfall of the Tabernash Meadows Water and Sanitation District’s wastewater treatment facility (“Return Flows”) and will reduce Highland’s depletions at or below said outfall, which is located at a point in the NW1/4 NE1/4 of Section 1, Township 1 South, Range 76 West of the 6th P.M., at a location 2,499 feet from the East section line and 824 feet from the North section line; or, Easting 428224.7, Northing 4427779.4, UTM, Zone 13N, NAD 83. 10. Plan for Augmentation: The location and timing of depletions from

Highland Well Nos. 1-3 will be determined in these proceedings. In the event of a valid enforceable call senior to Highland Well Nos. 1-3, Highland Augmentation Pond and/or Highland Augmentation Pond Diversion Structure, and if Highland continues to divert water for use at one or more of these structures during that call or otherwise has lagged depletions during that time, then Highland will use the augmentation sources identified in paragraph 8, above, to replace the out of priority depletions in time, location, and amount to prevent injury to senior water rights. Return Flows will reduce the out-of-priority depletions that need to be augmented unless there is an intervening valid call between the location of depletions and location of Return Flows. Return Flows for indoor uses will either be based upon measurements and/or based upon commonly used engineering assumptions. The maximum average anticipated diversions associated with the Development is estimated at approximately 13 AF per year, including diversions into the Highland Augmentation Pond. Total out-of-priority depletions associated with said diversions will not exceed available replacement sources under this augmentation plan.

11. Addition of New Sources of Augmentation Water. Applicant seeks the ability to add future sources of augmentation water to this augmentation plan that are lawfully available for augmentation subject to future administrative approval as may be required.

IV. Claim for Appropriative Rights of Exchange.

12. Appropriative Rights of Exchange: Highland seeks appropriative rights of exchange to facilitate its use of water and augmentation plan as set forth below. The exchange reaches of the following appropriative rights of exchange are depicted on the attached **Exhibit B**, a. Pole Creek Meadows Reservoir No. 1 Exchange. Highland's Rich Ditch HCU Credits will be delivered for storage in Pole Creek Meadows Reservoir No. 1 pursuant to the Storage Agreement. Highland is entitled to share in VWPWD's rights to divert Rich Ditch water at the Pearl Ditch for storage in Pole Creek Meadows Reservoir No. 1 as decreed in Case No. 80CW67 and as described in the Storage Agreement. To the extent necessary, Highland seeks to decree an existing exchange for such storage, as follows: i. Downstream Terminus. The confluence of Crooked Creek and Pole Creek located at a point in the NE1/4 NE1/4 of Section 2, Township 1 South, Range 76 West of the 6th P.M. at a point 107 feet from the East section line and 2,015 feet from the North section line; or, 427352.5 Easting, 4427421 Northing, UTM, Zone 13N, NAD 83, ii. Upstream Terminus. Pearl Ditch, for diversion into storage at the Pole Creek Meadows Reservoir No. 1, 1. Pearl Ditch Decrees. Originally decreed in Civil Action No. 112 in the District Court of Grand County, entered August 11, 1906. Prior Pearl Ditch change decrees include Case No. 80CW67, consolidated with Case Nos. 80CW456 and 84CW175, Water Court, entered June 27, 1994. Case No. 16CW3036, Water Court, entered May 27, 2019, 2. Location of Pearl Ditch. Headgate located on the North bank of Pole Creek at a point whence the Southeast corner of Section 10, Township 1 South, Range 76 West of the 6th P.M. bears N35°15'W, 1311 feet; or, in the SE1/4 SE1/4 of Section 3, Township 1 South, Range 76 West of the 6th P.M., at a point 715.1 feet from the East section line and 1,076.2 feet from the South section line; or, 425559.5 Easting, 4426315 Northing, UTM, Zone 13N, NAD 83, 3. Pole Creek Meadows Reservoir No. 1. Described in paragraph 8.c, above, iii. Priority Date. March 31, 1980, based upon an existing exchange of water. See C.R.S. § 37-92-305(10). Said priority date was the date of the application in Case No. 80CW67, which was the original augmentation plan application submitted by VWPWD's predecessor in interest. The decree in Case No. 80CW67 changed a portion of Rich Ditch from direct flow to HCU credits for storage in Pole Creek Meadow Reservoir No. 1 which has historically occurred by exchange, iv. Rate. Maximum rate of exchange 0.5 cfs, subject to terms of the Storage Agreement, absolute, b. Highland Augmentation Pond Exchange. Rich Ditch HCU Credits, either directly or after being released from storage in Pole Creek Meadows Reservoir No. 1, will be delivered to the Fraser River, then exchanged up the Fraser River and an unnamed tributary to the Fraser River to the Highland Augmentation Pond as follows: i. Downstream Terminus. The Rich Ditch HCU Credits will be delivered to the confluence of Crooked Creek and the Fraser River located at a point in the NW1/4 SE1/4 of Section 36, Township 1 North, Range 76 West of the 6th P.M. at a point 2,397 feet from the East section line and 2,219 feet from the South section line; or, 427628 Easting, 4428708 Northing, UTM, Zone 13N, NAD 83, ii. Upstream Terminus. The Rich Ditch HCU Credits will be exchanged up the Fraser River and an unnamed tributary to the Fraser River to the Highland Augmentation Pond using the Highland Augmentation Pond Diversion Structure as may be needed, all as described in paragraph 6, above, iii. Appropriation Date: September 15, 2015, based on the intent to appropriate and actions consistent with that intent, including, but not limited to, engineering field work and planning in support of and in preparation of this Application, iv. Rate: 2.0 cfs, conditional, c. Highland Augmentation Plan Exchange. At times when the augmentation plan is not relying upon releases from the Highland Augmentation Pond, then Rich Ditch HCU Credits, either directly or after being released from storage in Pole Creek Meadows Reservoir No. 1, will be delivered to the Fraser River and then exchanged up the Fraser River to cover out-of-priority depletions as follows: i. Downstream Terminus. The confluence of Crooked Creek and the Fraser River located at a point in the NW1/4 SE1/4 of Section 36, Township 1 North, Range 76 West of the 6th P.M. at a point 2,397 feet from the East section line and 2,219 feet from the South section line; or, 427628 Easting, 4428708 Northing, UTM, Zone 13N, NAD 83, ii. Upstream Terminus: The uppermost point that may be depleted under the Highland Augmentation Plan and requires augmentation is the confluence of the Fraser River and unnamed tributary of the Fraser River, located at a point in the NE1/4 NE1/4, Section 1, Township 1 South, Range 76 West of the 6th P.M. at a point 500 feet from the East section line and 1,768 feet from the North section line; or, 428832.9 Easting, 4427482.2 Northing, UTM, Zone 13, NAD 83, iii. Appropriation Date: September 15, 2015, based on the intent to appropriate and actions consistent with that intent, including, but not limited to, engineering field work and planning in support of and in preparation of this Application, iv. Rate: 0.34 c.f.s.

13. Name and address of the owner(s) of the land on which the subject water rights are located: Highland Well Nos. 1-3, Highland Augmentation Pond, and the Highland Augmentation Pond Diversion Structure are or will be located on land entirely owned by Highland. Pole Creek Meadows Reservoir No. 1 is located on land owned by Pole Creek Valley Owners Association whose address is P.O. Box 1758, Winter Park, CO 80482. WHEREFORE Highland respectfully requests that the Water Court issue a final decree granting the (1) claim for conditional tributary groundwater rights; (2) claim for conditional water storage right and associated diversion rights; (3) claim for approval of a plan for augmentation; (4) claim for conditional appropriative rights of exchange; and (5) granting such other and further relief as may be appropriate. (12 pages + exhibits)

YOU ARE HEREBY NOTIFIED THAT YOU HAVE until the last day of OCTOBER 2019 to file with the Water Clerk a verified Statement of Opposition setting forth facts as to why this application should not be granted or why it should be granted in part or on certain conditions. A copy of such statement of opposition must also be served upon the applicant or the applicant's attorney and an affidavit or certificate of such service shall be filed with the Water Clerk, as prescribed by Rule 5, CRCP. (Filing Fee: \$192.00) KATHY POWERS, Water Clerk, Water Division 5; 109 8th Street, Suite 104 Glenwood Springs, CO 81601

25. PURSUANT TO C.R.S., §37-92-302, AS AMENDED, YOU ARE NOTIFIED THAT THE FOLLOWING PAGES COMPRISE A RESUME OF THE APPLICATIONS AND AMENDED APPLICATIONS FILED WITH THE WATER CLERK FOR WATER DIVISION 5 DURING THE MONTH OF AUGUST 2019. *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.*

19CW3113 EAGLE COUNTY, IN THE ROARING FORK RIVER OR ITS TRIBUTARIES. Application for Findings of Reasonable Diligence and to Make Water Rights Absolute In Part. EFO Financial, LLC, c/o Meghan N. Winokur, #35973, Tarn Udall, #49638, Holland & Hart LLP, 600 East Main Street #104, Aspen, CO 81611. (970) 925-3476. mwinokur@hollandhart.com, ctudall@hollandhart.com. *Background.* Through the Application in this case, the Applicant seeks findings of reasonable diligence towards the development of conditional surface water rights, storage water rights and appropriative rights of exchange (may be referred to collectively herein as "Subject Water Rights") originally decreed in Case No. 02CW388 and seeks to make the Subject Water Rights absolute in part. The Subject Water Rights (along with certain absolute water rights and the plan for augmentation decreed in Case No. 02CW388) support a golf course and residential development, the Brightwater Club, south of Gypsum, Colorado ("Project"). A map generally depicting the locations of the Subject Water Rights is attached as Exhibit A to the Application. *Decree information:* The original decree for the Subject Water Rights was entered on August 4, 2013 in Case No. 02CW388, District Court, Water Division No. 5 (the "02CW388 Decree"). A detailed description of the Subject Water Rights, as confirmed and approved in the 02CW388 Decree, is set forth below. dust suppression, construction, street cleaning, environmental mitigation). Regarding irrigation use, up to 320 acres will be irrigated by the Stratton and Company Ditch 2002 Enlargement in Sections 29, 30, 31, and 32, T. 5 S., R. 85 W. of the 6th P.M. within the property boundary generally depicted on Exhibit B attached to the Application. In each future application to make absolute the Subject Water Rights, Applicant shall identify the lands irrigated by the Subject Water Rights. The Stratton and Company Ditch 2002 Enlargement water right was confirmed absolute for commercial, recreation, fish and wildlife propagation, and fire protection uses in the 02CW388 Decree; the absolute portion of the right is not at issue in this case. *Structure Name:* Stratton and Company Ditch 2002 Enlargement. *Point of diversion:* is in the SE¼NE¼ of Section 5, T. 6 S., R. 85 W. of the 6th P.M., at a distance 650 feet from the east section line and 2250 feet from the north section line. Applicant will exercise the water right within an existing right of way from the point of diversion to the point where the ditch enters this project. *Source:* Gypsum Creek, tributary to the Eagle River, tributary to the Colorado River. *Appropriation Date:* December 31, 1997. Amount: 5.0 cfs, conditional. *Uses:* irrigation, augmentation and exchange and other beneficial uses that are necessary and attendant to the water needs of a year-round recreational, golf and residential development project (such as dust suppression, construction, street cleaning, environmental mitigation). *Structure Name:* HOR Ditch 2002 Enlargement. *Point of diversion:* is in the SE¼NE¼ of Section 31, T. 5 S., R. 85 W. of the 6th P.M., at a distance 750 feet from the east section line and 2375 feet from the north section line. Applicant will transport the water right through the historic HOR Ditch within an existing right of way from the point of diversion to the point where the ditch enters the Project. *Source:* Gypsum Creek, tributary to the Eagle River, tributary to the Colorado River. *Appropriation Date:* June 26, 2002. *Amount:* 3.0 cfs, conditional. *Uses:* commercial, irrigation, recreation, fish and wildlife propagation, fire protection, augmentation and exchange purposes, and other beneficial uses that are necessary and attendant to the water needs of a year-round recreational, golf and residential development project (such as dust suppression, construction, street cleaning, environmental mitigation). Regarding irrigation use, up to 105 acres will be irrigated by the HOR 2002 Ditch Enlargement in Sections 29, 30, 31, and 32, T. 5 S., R. 85 W. of the 6th P.M. within the property boundary generally depicted on Exhibit B attached to the Application. In each future application to make absolute the Subject Water Rights, Applicant shall identify the lands irrigated by the Subject Water Rights. *Structure Names:* Brightwater Club Pond Nos. 1 through 19 (collectively, the "Brightwater Club Ponds"). *Location:* Brightwater Club Pond No. 1: the center of the pond is located in Section 30, Township 5 S. Range 85 W. 6th P.M., 2659 feet from the east Section line and 651 feet from the north Section Line of said Section 30. Brightwater Club Pond No. 2: the center of the pond is located in Section 30, Township 5 S. Range 85 W. 6th P.M., 1633 feet from the east Section line and 1568 feet from the north Section Line of said Section 30. Brightwater Club Pond No. 3: the center of the pond is located in Section 30, Township 5 S. Range 85 W. 6th P.M., 903 feet from the east Section line and 1669 feet from the north Section Line of said Section 30. Brightwater Club Pond No. 4: the center of the pond is located in Section 29, Township 5 S. Range 85 W. 6th P.M., 1628 feet from the west Section line and 2454 feet from the north Section Line of said Section 29. Brightwater Club Pond No. 5: the center of the pond is located in Section 29, Township 5 S. Range 85 W. 6th P.M., 912 feet from the west Section line and 2085 feet from the south Section Line of said Section 29. Brightwater Club Pond No. 6/7: the center of the pond is located in Section 29, Township 5 S. Range 85 W. 6th P.M., 1401 feet from the west Section line and 1525 feet from the south Section Line of said Section 29. Brightwater Club Pond No. 8/9: the center of the pond is located in Section 29, Township 5 S. Range 85 W. 6th P.M., 1380 feet from the west Section line and 1308 feet from the south Section Line of said Section 29. Brightwater Club Pond No. 10: the center of the pond is located in Section 29, Township 5 S. Range 85 W. 6th P.M., 1996 feet from the west Section line and 1087 feet from the south Section Line of said Section 29. Brightwater Club Pond No. 11: the center of the pond is located in Section 29, Township 5 S. Range 85 W. 6th P.M., 2457 feet from the west Section line and 351 feet from the south Section Line of said Section 29. Brightwater Club Pond No. 12: the center of the pond is located in Section 29, Township 5 S. Range 85 W. 6th P.M., 2275 feet from the west Section

line and 175 feet from the south Section Line of said Section 29. Brightwater Club Pond No. 13: the center of the pond is located in Section 29, Township 5 S. Range 85 W. 6th P.M., 700 feet from the west Section line and 600 feet from the south Section Line of said Section 29. Brightwater Club Pond No. 14: the center of the pond is located in Section 29, Township 5 S. Range 85 W. 6th P.M., 550 feet from the west Section line and 1250 feet from the south Section Line of said Section 29. Brightwater Club Pond No. 15: the center of the pond is located in Section 29, Township 5 S. Range 85 W. 6th P.M., 2800 feet from the west Section line and 1250 feet from the south Section Line of said Section 29. Brightwater Club Pond No. 16: the center of the pond is located in Section 29, Township 5 S. Range 85 W. 6th P.M., 3100 feet from the west Section line and 2150 feet from the south Section Line of said Section 29. Brightwater Club Pond No. 17: the center of the pond is located in Section 29, Township 5 S. Range 85 W. 6th P.M., 2351 feet from the west Section line and 3310 feet from the south Section Line of said Section 29. Brightwater Club Pond No. 18: the center of the pond is located in Section 29, Township 5 S. Range 85 W. 6th P.M., 2450 feet from the west Section line and 2600 feet from the south Section Line of said Section 29. Brightwater Club Pond No. 19: the center of the pond is located in Section 29, Township 5 S. Range 85 W. 6th P.M., 1900 feet from the west Section line and 1750 feet from the south Section Line of said Section 29. Source: Brightwater Club Ponds 1-4: Stratton and Company Ditch 2002 Enlargement (5.0 cfs) and/or HOR Ditch 2002 Enlargement (3.0 cfs) and local runoff, all tributary to Gypsum Creek, tributary to the Eagle River, tributary to the Colorado River. Brightwater Club Ponds 15-19: Stratton and Company Ditch 2002 Enlargement (5.0 cfs) and local runoff, all tributary to Gypsum Creek, tributary to the Eagle River, tributary to the Colorado River. Appropriation Dates: Brightwater Club Ponds 1-14: June 26, 2002. Brightwater Club Ponds 15-19: December 27, 2002. Uses: commercial, irrigation, recreation, fish and wildlife propagation, fire protection, augmentation and exchange purposes, and other beneficial uses as are necessary and attendant to the water needs for the operation and maintenance of the development and operation of a year-round recreational, golf and residential project (such as dust suppression, construction, street cleaning, environmental mitigation). Regarding irrigation, up to 320 acres will be irrigated by the Stratton and Company 2002 Enlargement and up to 105 acres will be irrigated by the HOR 2002 Enlargement in Sections 29, 30, 31, and 32, T. 5 S., R. 85 W. of the 6th P.M. within the property boundary generally depicted on Exhibit B to the Application. In each future application to make absolute the Subject Water Rights, Applicant will identify the lands irrigated by the Subject Water Rights. The commercial purposes of the Brightwater Club Ponds are those that may be associated with the operation of the Ponds in connection with the Project. Amounts: Brightwater Club Pond 1: 32.7 acre feet, conditional, for irrigation, augmentation and exchange purposes, and other beneficial uses as are necessary and attendant to the water needs for the operation and maintenance of the development and operation of a year-round recreational, golf and residential project (such as dust suppression, construction, street cleaning, environmental mitigation). Brightwater Club Pond 2: 12.0 acre feet, conditional, for irrigation, augmentation and exchange purposes, and other beneficial uses as are necessary and attendant to the water needs for the operation and maintenance of the development and operation of a year-round recreational, golf and residential project (such as dust suppression, construction, street cleaning, environmental mitigation). Brightwater Pond No. 3: 12.0 acre feet, conditional, for irrigation, augmentation and exchange purposes, and other beneficial uses as are necessary and attendant to the water needs for the operation and maintenance of the development and operation of a year-round recreational, golf and residential project (such as dust suppression, construction, street cleaning, environmental mitigation). Brightwater Pond No. 4: 34.9 acre feet, conditional, for irrigation, augmentation and exchange purposes, and other beneficial uses as are necessary and attendant to the water needs for the operation and maintenance of the development and operation of a year-round recreational, golf and residential project (such as dust suppression, construction, street cleaning, environmental mitigation). Brightwater Pond No. 5: 16.1 acre feet, conditional, for irrigation, augmentation and exchange purposes, and other beneficial uses as are necessary and attendant to the water needs for the operation and maintenance of the development and operation of a year-round recreational, golf and residential project (such as dust suppression, construction, street cleaning, environmental mitigation). Brightwater Club Pond 6/7: 2.3 acre feet, conditional. Brightwater Club Pond 8/9: 4.4 acre feet, conditional. Brightwater Club Pond 10: 19 acre feet, conditional. Brightwater Club Pond 11: 5.8 acre feet, conditional. Brightwater Club Pond 12: 3.5 acre feet, conditional. Brightwater Club Pond 13: 5.0 acre feet, conditional. Brightwater Club Pond 14: 4.0 acre feet, conditional. Brightwater Club Pond 15: 5.5 acre feet, conditional. Brightwater Club Pond 16: 9.1 acre feet, conditional. Brightwater Club Pond 17: 1.0 acre feet, conditional. Brightwater Club Pond 18: 20.7 acre feet, conditional. Brightwater Club Pond 19: 56.4 acre feet, conditional. Reservoir Characteristics: Brightwater Club Pond 1: dam length-0 feet; surface area-4.4 acres (including associated stream channel). Brightwater Club Pond 2: dam length-41 feet; surface area-2.5 acres (including associated stream channel). Brightwater Pond No. 3: dam length-40 feet; surface area-2.2 acres. Brightwater Pond No. 4: dam length-40 feet; surface area-4.7 acres. Brightwater Pond No. 5: dam length-32 feet; surface area-1.9 acres. Brightwater Club Pond 6/7: dam length-24 feet; surface area-0.8 acres. Brightwater Club Pond 8/9: dam length-0 feet; surface area-1.1 acres. Brightwater Club Pond 10: dam length-23 feet; surface area-2.376 acres. Brightwater Club Pond 11: dam length-23 feet; surface area-0.952 acres. Brightwater Club Pond 12: dam length-200 feet; surface area-0.6 acres. Brightwater Club Pond 13: dam length-700 feet; surface area-1.0 acres. Brightwater Club Pond 14: dam length-300 feet; surface area-1.0 acres. Brightwater Club Pond 15: dam length-350 feet; surface area-0.8 acres. Brightwater Club Pond 16: dam length-400 feet; surface area-1.1 acres. Brightwater Club Pond 17: dam length-30 feet; surface area-0.6 acres. Brightwater Club Pond 18: dam length-800 feet; surface area-2.8 acres. Brightwater Club Pond 19: dam length-900 feet; surface area-3.0 acres. Remarks: The Brightwater Club Pond Nos. 1 through 5 water rights were confirmed absolute for commercial, recreation, fish and wildlife propagation, and fire protection purposes in the 02CW388 Decree; such absolute portions decreed to the rights are not at issue in this case. As applied to all Ponds, the dam height will be less than 10 feet. All storage capacity will be active, meaning each Pond will be constructed to have a low-level outlet. The Ponds may operate as part of a flow-through system comprising any number of ponds and stream features. Out-of-priority depletions from the system will be augmented under the plan for augmentation approved in the 02CW388 Decree. Applicant may construct any combination of the Brightwater Club Ponds, each with surface areas and storage capacities less than or greater than the surface areas and capacities stated above, provided that: (i) the Pond is constructed within 200

feet of the location described above; (ii) the total combined surface area of all the constructed Ponds and associated new stream channels does not exceed the 27.25 total surface acres described above; and (iii) the total combined storage capacity of all the constructed Ponds does not exceed the total 213.1 acre feet. The Brightwater Club Ponds will not be excavated below the groundwater level or they will be lined and isolated from groundwater to the applicable standards of the State Engineer. **Conditional Exchange:** In order for the plan for augmentation approved in the 02CW388 Decree to operate, a conditional right of exchange was also decreed. **Appropriation date:** June 26, 2002. **Exchange reaches and amounts.** The first exchange is for Wolford Mountain Reservoir water releases, and the reach is from the confluence of the Eagle River and the Colorado River located in the SW1/4 NE1/4 of Section 5, T. 5 S., R. 86 W. of the 6th P.M., at a point approximately 2400 feet from the north section line and 1900 feet from the east section line, up to the Stratton and Company Ditch in the SE1/4 NE1/4 of Section 5, T. 6 S., R. 85 W. of the 6th P.M., at a distance 650 feet from the east section line and 2250 feet from the north section line. The rate of this exchange is up to 0.25 cfs, conditional. The second exchange is for Ruedi Reservoir water releases, and the reach is from the confluence of the Roaring Fork River and the Colorado River located in the SE1/4 NW1/4 of Section 9, T. 6 S., R. 89 W. of the 6th P.M., at a point approximately 2200 feet from the north section line and 2350 feet from the west section line, up to the Stratton and Company Ditch in the SE1/4 NE1/4 of Section 5, T. 6 S., R. 85 W. of the 6th P.M., at a distance 650 feet from the east section line and 2250 feet from the north section line. The rate of this exchange is up to 0.25 cfs, conditional. The third exchange is for Eagle Park Reservoir water releases, and the reach is from the confluence of Gypsum Creek and the Eagle River located in the SW1/4 NW1/4 of Section 5, T. 5 S., R. 85 W. of the 6th P.M., at a point approximately 1375 feet from the north line and 1100 feet from the west line, up to the Stratton and Company Ditch in the SE1/4 NE1/4 of Section 5, T. 6 S., R. 85 W. of the 6th P.M., at a distance 650 feet from the east section line and 2250 feet from the north section line. The rate of this exchange is up to 0.25 cfs, conditional. These exchanges will only be operated when the subject exchange reaches have exchange potential and capacity. The use for the exchanges is augmentation of evaporation. **Integrated Water Supply.** The Subject Water Rights are individual components of Applicant's integrated water supply system for the Project; therefore, the beneficial use of each of the Subject Water Rights is necessary and attendant to the water needs for the operation and maintenance of the residential, recreational and golf project. Consequently, in subsequent diligence proceedings, work on any one feature of Applicant's water supply system shall be considered in finding that reasonable diligence has been shown in the development of water rights for all features of Applicant's water supply system. See 02CW388 Decree at ¶¶ 7 & 41; C.R.S. § 37-92-301(4)(b). **Detailed outline of activity during the diligence period:** During the diligence period, Applicant has taken steps to diligently develop the Subject Water Rights including, without limitation, the activities described in the list below. This list is not intended to be inclusive and may be supplemented by additional evidence. Brightwater Club Pond Nos. 6/7, 8/9 and 10 were constructed prior to July 16, 2009 (based upon review of aerial photography conducted by Resource Engineering, Inc. ("RESOURCE") and confirmation of the same on a site visit). Water has been captured, possessed, and controlled in such ponds in the following amounts: (i) Brightwater Club Pond No. 6/7: 2.3 acre-feet; (ii) Brightwater Club Pond No. 8/9: 4.4 acre-feet; and (iii) Brightwater Club Pond No. 10: 19.0 acre-feet. Applicant has conducted routine inspections of, and completed maintenance on, the existing structures associated with the Stratton and Company Ditch 2002 Enlargement and Brightwater Club Pond Nos. 1 through 5. Applicant has conducted a site visit to all points of diversions of the Subject Water Rights and confirmed the legal descriptions for such points. Applicant has continued to beneficially use the absolute amounts and uses decreed to the Stratton and Company Ditch 2002 Enlargement and Brightwater Club Pond Nos. 1 through 5. Applicant has worked on plans to expand the uses of such water rights. Applicant retained RESOURCE to conduct a feasibility study of the Brightwater Club Ponds that have not been constructed including a field investigation at each site. Applicant retained RESOURCE to investigate the historical and future uses of the conditional direct flow water rights including a recommendation to make a portion of the rights absolute. Applicant has operated and maintained the Brightwater Club Golf Course. Applicant has investigated alternative land use plans for the undeveloped east side of the property including utilization of the conditional storage rights at both decreed and new points of storage. 100 lots within the Project were sold or otherwise transferred, and four new residential structures were constructed (or are currently under construction) during the diligence period. During the last six years, Applicant has expended substantial funds for legal and other professional and contractor expenses relating to the Subject Water Rights. The Subject Water Rights continue to be necessary for use in the Project and Applicant has no intention to abandon such right. **Claim to Make Certain of the Subject Water Rights Absolute.** Brightwater Club Pond Nos. 1-5. Applicant seeks to make Brightwater Club Pond Nos. 1 through 5, which were confirmed absolute in part in the 02CW388 Decree, fully absolute for all decreed amounts and uses pursuant to C.R.S. Section 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."). Brightwater Club Pond No. 6/7. Applicant seeks to make Brightwater Club Pond No. 6/7 fully absolute for all decreed amounts and uses based upon the verified facts described in in the Application and pursuant to C.R.S. Section 37-92-301(4)(e). Brightwater Club Pond No. 8/9. Applicant seeks to make Brightwater Club Pond No. 8/9 fully absolute for all decreed amounts and uses based upon the verified facts described in the Application and pursuant to C.R.S. Section 37-92-301(4)(e). Brightwater Club Pond No. 10. Applicant seeks to make Brightwater Club Pond No. 10 fully absolute for all decreed uses based upon the verified facts described in the Application and pursuant to C.R.S. Section 37-92-301(4)(e). **Name and address 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:** Applicant, EFO Financial, LLC, 9180 Galleria Court, Suite 600 Naples, FL 34109. (12 pages).

YOU ARE HEREBY NOTIFIED THAT YOU HAVE until the last day of OCTOBER 2019 to file with the Water Clerk a verified Statement of Opposition setting forth facts as to why this application should not be granted or why it should be granted in part or on certain conditions. A copy of such statement of opposition must also be served upon the applicant or the applicant's attorney and an affidavit or certificate of such service shall be filed with the Water Clerk, as prescribed by Rule 5, CRCP. (Filing Fee: \$192.00) KATHY POWERS, Water Clerk, Water Division 5; 109 8th Street, Suite 104 Glenwood Springs, CO 81601

26. PURSUANT TO C.R.S., §37-92-302, AS AMENDED, YOU ARE NOTIFIED THAT THE FOLLOWING PAGES COMPRISE A RESUME OF THE APPLICATIONS AND AMENDED APPLICATIONS FILED WITH THE WATER CLERK FOR WATER DIVISION 5 DURING THE MONTH OF AUGUST 2019. *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.*

19CW3114 PITKIN COUNTY – TRIBUTARY TO DRY WOODY CREEK, TRIBUTARY TO THE ROARING FORK RIVER. APPLICATION FOR FINDING OF REASONABLE DILIGENCE. Applicant: Aspen Valley Downs Homeowners Association, c/o Balcomb & Green, P.C., PO Drawer 790, Glenwood Springs CO, 81602, 970-945-6546. Prior Decrees: Case Nos. 89CW291, 97CW111, 03CW217, 12CW170, all in Div.5. The following info. is decreed for all the Subj. Water Rights. Source: trib. to Dry Woody Creek, trib. to the Roaring Fork River. Approp. Date: 12/27/89. Use: Irr. and dom. Structure: **Aspen Valley Downs Well No. 1**, a groundwater right. Legal: NW1/4 SW1/4 of Sec. 4, T. 9 S., R. 85 W., 6th P.M., 1,150 ft. from W. line, 1,890 ft. from S. line. Amount: 50 gpm, cond. Depth: 300 ft. Structure: **Aspen Valley Downs Well No. 2** (Permit No. 53123-F), a groundwater right. Legal: SW1/4 SW1/4, Sec. 4, T. 9 S., R. 85 W., 6th P.M., 940 ft. from W. Sec. line and 1,200 ft. from S. line. Amount: 50 gpm, of which 34 gpm abs., 16 gpm cond. Depth: 218 ft. Structure: **Aspen Valley Downs Well No. 3** (Permit No. 53124-F-R), a groundwater right. Legal: SW1/4 SE1/4, Sec. 4, T. 9 S., R. 85 W., of the 6th P.M., 2,860 ft., from W. Sec. line, 750 ft., from S. Sec. line. Amount: 50 gpm, of which 15 gpm abs., 35 gpm, cond. Depth: 400 ft. Structure: **Aspen Valley Downs Well No. 4** (Permit No. 46018-F), a groundwater right. Legal: NW1/4 NE1/4 of Sec. 9, T. 9 S., R. 85 W., 6th P.M., 3,170 ft. from W. line and 660 ft. from N. line. Amount: 50 gpm, of which 27 gpm abs., 23 gpm, cond. Depth: 220 ft. Remarks: The Court decreed the names for the Aspen Valley Ranch Well Nos. 1-4 as changed to Aspen Valley Downs Well Nos. 1-4, respectively, in 03CW217. The combined annual withdrawal from the Subj. Water Rights shall not exceed 15 a.f.; the combined use of the wells is limited to supplying water for 20 housing units and 1.56 acres of lawns and garden, as described in 89CW291. App. abandoned the orig. decreed mun. use of the wells in 03CW217. Appl. operates the Sub. Water Rights in accordance the plan for aug. decreed in 89CW291 and amended in 95CW264. The Subj. Water Rights are part of an integrated water supply for Applicant's property and water supply operation as decreed in 03CW217. Activities demonstrating diligence are listed in the App. on file with the Court. (5 pages, 1 exhibit).

YOU ARE HEREBY NOTIFIED THAT YOU HAVE until the last day of OCTOBER 2019 to file with the Water Clerk a verified Statement of Opposition setting forth facts as to why this application should not be granted or why it should be granted in part or on certain conditions. A copy of such statement of opposition must also be served upon the applicant or the applicant's attorney and an affidavit or certificate of such service shall be filed with the Water Clerk, as prescribed by Rule 5, CRCP. (Filing Fee: \$192.00) KATHY POWERS, Water Clerk, Water Division 5; 109 8th Street, Suite 104 Glenwood Springs, CO 81601

27. PURSUANT TO C.R.S., §37-92-302, AS AMENDED, YOU ARE NOTIFIED THAT THE FOLLOWING PAGES COMPRISE A RESUME OF THE APPLICATIONS AND AMENDED APPLICATIONS FILED WITH THE WATER CLERK FOR WATER DIVISION 5 DURING THE MONTH OF AUGUST 2019. *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.*

19CW3115 GARFIELD COUNTY - ROARING FORK RIVER, TRIBUTARY TO THE COLORADO RIVER. APPLICATION FOR FINDINGS OF REASONABLE DILIGENCE AND TO CONFIRM ABSOLUTE. Applicant: Blue Heron Properties, LLC, c/o Balcomb & Green, P.C., PO Drawer 790, Glenwood Springs, CO 81602, 970-945-6546. Prior Decrees: Case No. 97CW236, 05CW53, 12CW138, all in Div. 5. Structure: **Posy Pump and Pipeline**. Legal: surface water div. source located in Gov. Lot 17 of Sec. 1, T. 7 S., R. 89 W. of the 6th P.M. at a pt. whence the NW corner of Sec. 1 bears N 57°02'42" W. a dist. of 3,799.13 ft. This struct. can be approx. plotted as being 2,290 ft from the E. sec. line and 2,300 ft from the S. sec. line; UTM Zone 13: 304235.3905 Easting, 4371724.9711 Northing. Source: Roaring Fork River, trib. to Colorado River. Approp. Date: 5/2/97. Amt: 7.5 c.f.s., of which Appl. owns 5.5 c.f.s., cond. Uses: Irr. of up to 201.3 acres in conj. with the Robertson Ditch Rose Enlargement, dom., delivery of water into storage, comm. for a golf course and related facilities, fire prot., and to serve as a potable water supp. system for golf course/resid. dev. of up to 550 EQRs. Structure: **Robertson Ditch, Rose Enlargement**. Legal: located on the westerly bank of the Roaring Fork River at a pt. whence the SE corner of Sec. 12, T. 7 S., R. 89 W. of the 6th P.M. bears N 27°56' W, 2,788.14 ft. UTM Zone 13: 305242.9532 E., 4368618.8459 N. Source: Roaring Fork River, trib. to Colorado River. Approp. Date: 10/9/97. Amount: 7.5 c.f.s., of which App. owns 5.5 c.f.s. Of App's. 5.5 c.f.s. interest, 2.43 c.f.s. is abs. and 3.07 c.f.s. remains cond. Uses: Irr. of up to 201.3 acres total in conj. with the Posey Pump and Pipeline, dom., delivery of water into storage, comm. for a golf course and related facilities, fire prot., and to serve as a potable water supply system for a golf course/resd. dev. of up to 550 EQRs. Remarks: No more than a total of 7.5 c.f.s. will be diverted under the Posy Pump and Pipeline and the Robertson Ditch, Rose Enlargement at any given time. The Subj. Water Rights operate pursuant to the plan for aug. decreed in Case No. 97CW236. The Subj. Water Rights are part of an integrated water system. A list of diligence activities and expenditures are on file with the Court. Claim to Confirm Absolute: **Robertson Ditch, Rose Enlargement**. Dates Appl. to Ben. Use: 6/1-6/30/18. Amount: 3.07 c.f.s. abs. above the 2.43 c.f.s. previously conf. abs., for a total of 5.5 c.f.s. abs. with 0 c.f.s. remaining cond. Use: Irr. of up to 201.3 acres total in conj. with the Posy Pump and Pipeline, delivery of water into storage, comm. for a golf course and related facilities, and fire prot. Applicant also requests this Court cancel the Sub. Water Rights' cond. uses of dom. and service as potable water supply system for a golf course/res. dev. of up to 550 EQRs. (6 pages, 3 exhibits).

YOU ARE HEREBY NOTIFIED THAT YOU HAVE until the last day of OCTOBER 2019 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