

DIVISION 5 WATER COURT-DECEMBER 2020 RESUME

SUBSTITUTE WATER SUPPLY PLAN NOTIFICATION LIST

Section 37-92-308(6), C.R.S. directs the State Engineer to establish a notification list for each water division for the purpose of notifying interested parties of requests for the State Engineer's approval of substitute water supply plans ("SWSP") filed in that water division pursuant to section 37-92-308, C.R.S. The SWSP notification list is also used to provide notice of proposed water right loans to the Colorado Water Conservation Board for use as instream flows under section 37-83-105(2)(b)(II), C.R.S., notice of applications for the State Engineer's approval of interruptible water supply agreements under section 37-92-309(3)(a), C.R.S., notice of applications for fallowing-leasing pilot projects under section 37-60-115(8)(e)(II), C.R.S., and notice of storm water detention and infiltration facilities under section 37-92-602(8)(d), C.R.S.

This notice is an invitation to be included on the SWSP notification list. To receive this information by e-mail, provide your name, e-mail address, daytime telephone number, and the water divisions of interest. If you prefer to be noticed by first-class mail, specify that preference and provide your mailing address. Submit the information to: Substitute Water Supply Plan Notification List (c/o Laura Kalafus, Program Assistant), Colorado Division of Water Resources, 1313 Sherman Street, Room 818, Denver, Colorado 80203, Phone: (303) 866-3581, or e-mail to: Laura.kalafus@state.co.us, or sign up at: <https://dwr.colorado.gov/public-information/notification-lists>. Additional information regarding Substitute Water Supply Plans is available on the Division of Water Resources' website at: <https://dwr.colorado.gov/>.

PRODUCED NONTRIBUTARY GROUND WATER NOTIFICATION LIST

Pursuant to Rule 17.5(B)(2) of the Rules and Regulations for the Determination of the Nontributary Nature of Ground Water Produced Through Wells in Conjunction with the Mining of Minerals, at 2 CCR 402-17 ("Rules"), the State Engineer is publishing this invitation to persons to be included on the Produced Nontributary Ground Water Notification List. According to Rule 17.5(B)(2) of the Rules, the State Engineer must establish a Produced Nontributary Ground Water Notification List for each water division within the State of Colorado for the purposes of ensuring that water users within each water division receive adequate notice of proceedings held pursuant to the Rules. In order to establish such notification list, the State Engineer is directed, in January of each year, to cause to have published in the water court resume for each water division this invitation to be included on the Produced Nontributary Ground Water Notification List for the applicable water division.

To receive this information, provide your name, daytime telephone number, the water division(s) of interest, and mailing address for first-class mail service. You may elect to receive this information by e-mail. If you would like to elect electronic service, please provide your name, daytime telephone number, water division(s) of interest, and e-mail address. Submit the information to: Produced Nontributary Ground Water Notification List (c/o Laura Kalafus, Program Assistant), Colorado Division of Water Resources, 1313 Sherman Street, Room 818, Denver, Colorado 80203, Phone: (303) 866-3581, or e-mail to: Laura.kalafus@state.co.us, or sign up at: <https://dwr.colorado.gov/public-information/notification-lists>.

Any additional information regarding the Produced Nontributary Ground Water Rules can be found on the Division of Water Resources website at: <https://dwr.colorado.gov/>.

1. PURSUANT TO C.R.S., §37-92-302, AS AMENDED, YOU ARE NOTIFIED THAT THE FOLLOWING PAGES COMPRISE A RESUME OF THE APPLICATIONS AND AMENDED APPLICATIONS FILED WITH THE WATER CLERK FOR WATER DIVISION 5 DURING THE MONTH OF DECEMBER 2020. *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.*

20CW3151 GRAND COUNTY. GLBEAR LLC c/o Lynn Peterson, 1500 Wynkoop Street, Suite 600, Denver, CO 80202. Applicant is represented by Kent Whitmer and Katie Randall, The Whitmer Law Firm, LLC, PO Box 38, Hot Sulphur Springs, CO 80451, (970) 725-3460. APPLICATION FOR FINDING OF REASONABLE DILIGENCE. Name of Structure: Unicum House Diversion II. Type: Pump and pipeline. Source: Grand Lake, tributary to the Colorado River. Legal Description: at a point in the SW1/4 SW1/4, Section 4, Township 3 North, Range 75 West of the 6th P.M., approximately 275 feet from the West line and 625 feet from the South line of said Section 4. Use: In-house domestic and up to 100 square feet outside irrigation. Amount: 0.033 c.f.s., conditional, up to 0.5 acre-feet annually. Conditional Appropriative Right of Exchange: Unicum House Exchange II. Rate of Exchange: 0.033 c.f.s., conditional, up to 0.5 acre-feet annually. Exchange Reach: Upstream Terminus: The upstream terminus of the exchange is the outlet of Grand Lake, described as the SE1/4 SE1/4 of Section 6, Township 3 North, Range 75 West of the 6th P.M., a distance of 250 feet from the East line and 950 feet from the South line of said Section 6. Downstream Terminus: The downstream terminus for the exchange is the outlet of Granby Reservoir Dam described as the NE1/4 SE1/4 of Section 11, Township 2 North, Range 76 West of the 6th P.M., a distance of 900 feet from the East line and 2,250 feet from the South line of said Section 11. Appropriation Date: March 1, 2007. Decrees: June 7, 2008, Case No. 07CW75; and December 28, 2014, Case No. 14CW3083, Water Court Division No. 5. Additional Information: The decrees at Case Nos. 07CW75 and 14CW3083 set forth additional terms and conditions, including a plan for augmentation, 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 (21 pages).

YOU ARE HEREBY NOTIFIED THAT YOU HAVE until the last day of FEBRUARY 2021 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 DECEMBER 2020. *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.*

20CW3152 (14CW3037, 05CW296) CONCERNING THE APPLICATION FOR WATER RIGHTS OF WEST DIVIDE WATER CONSERVANCY DISTRICT, TRIBUTARY TO THE COLORADO RIVER IN GARFIELD COUNTY, COLORADO. APPLICATION FOR FINDINGS OF REASONABLE DILIGENCE AND TO MAKE ABSOLUTE Name, mailing address, email address and telephone number of Applicant:, West Divide Water Conservancy District, P.O. Box 1478, 818 Taughenbaugh Blvd., Suite 101, Rifle, CO 81650, (970) 625-5461, c/o Edward B. Olszewski, Esq., Olszewski, Massih & Maurer, P.C., 1204 Grand Avenue, P.O. Box 916, Glenwood Springs, CO 81602 (970) 928-9100 Please direct all pleadings and correspondence to Applicant's counsel at the address above. CLAIM FOR FINDING OF REASONABLE DILIGENCE Name of Conditional Water Rights: Silt Mesa Service Area Exchange. Date of Original Decree: April 28, 2008, Case No.: 05CW296, Court: Garfield County District Court, Water Division No. 5., Date of Appropriation: October 1, 2004. Description of Exchange: The general reach of the exchange is between the Colorado River and the upper boundary of the Silt Mesa Service Area as depicted on the map attached to the Application as Exhibit A. The specific stream reaches within the exchange are described as follows: Exchange Reach: Unnamed Tributary #1; Lower Terminus: 3890 ft from the north section line, 1170 ft from the east section line, NE1/4 of SE1/4, Section 11, Township 6S, Range 93W of the 6th P.M. in Garfield County, Colorado; Upper Terminus: 2905 ft from the north section line, 3070 ft from the east section line, NE1/4 of SW1/4, Section 16, Township 5S, Range 92W of the 6th P.M. in Garfield County, Colorado; Amount: 1.0 cfs. Exchange Reach: Unnamed Tributary #2; Lower Terminus: 3460 ft from the north section line, 4770 ft from the east section line, NW1/4 of SW1/4, Section 12, Township 6S, Range 93W of the 6th P.M. in Garfield County, Colorado; Upper Terminus: 3170 ft from the north section line, 1790 ft from the east section line, NW1/4 of SE1/4, Section 1, Township 6S, Range 93W of the 6th P.M. in Garfield County, Colorado; Amount: 1.0 cfs. Exchange Reach: Unnamed Tributary #3; Lower Terminus: 2300 ft from the north section line, 260 ft from the east section line, SE1/4 of NE1/4, Section 12, Township 6S, Range 93W of the 6th P.M. in Garfield County, Colorado; Upper Terminus: 2365 ft from the north section line, 430 ft from the east section line, SE1/4 of NE1/4, Section 15, Township 5S, Range 92W of the 6th P.M. in Garfield County, Colorado; Amount: 1.0 cfs. Exchange Reach: Unnamed Tributary #4; Lower Terminus: 360 ft from the north section line, 4380 ft from the east section line, NW1/4 of NW1/4, Section 8, Township 6S, Range 92W of the 6th P.M. in Garfield County, Colorado; Upper Terminus: 4200 ft from the north section line, 5150 ft from the east section line, SW1/4 of SW1/4, Section 26, Township 5S, Range 92W of the 6th P.M. in Garfield County, Colorado; Amount: 1.0 cfs. Exchange Reach: Unnamed Tributary #5; Lower Terminus: 475 ft from the north section line, 3640 ft from the east section line, NE1/4 of NW1/4, Section 8, Township 6S, Range 92W of the 6th P.M. in Garfield County, Colorado; Upper Terminus: 2500 ft from the north section line, 2560 ft from the east section line, SW1/4 of NE1/4, Section 35, Township 5S, Range 92W of the 6th P.M. in Garfield County, Colorado; Amount: 1.0 cfs. Exchange Reach: Unnamed Tributary #6; Lower Terminus: 910 ft from the north section line, 2250 ft from the east section line, NW1/4 of NE1/4, Section 8, Township 6S, Range 92W of the 6th P.M. in Garfield County, Colorado; Upper Terminus: 3055 ft from the north section line, 4020 ft from the east section line, NW1/4 of SW1/4, Section 4, Township 6S, Range 92W of the 6th P.M. in Garfield County, Colorado; Amount: 1.0 cfs. Exchange Reach: Unnamed Tributary #7; Lower Terminus: 840 ft from the north section line, 2670 ft from the east section line, NE1/4 of NW1/4, Section 9, Township 6S, Range 92W of the 6th P.M. in Garfield County, Colorado; Upper Terminus: 150 ft from the north section line, 1260 ft from the east section line, NE1/4 of NE1/4, Section 24, Township 5S, Range 92W of the 6th P.M. in Garfield County, Colorado; Amount: 1.0 cfs. Exchange Reach: Unnamed Tributary #8; Lower Terminus: 840 ft from the north section line, 2670 ft from the east section line, NE1/4 of NW1/4, Section 9, Township 6S, Range 92W of the 6th P.M. in Garfield County, Colorado; Upper Terminus: 5075 ft from the north section line, 1850 ft from the east section line, SW1/4 of SE1/4, Section 26, Township 5S, Range 92W of the 6th P.M. in Garfield County, Colorado; Amount: 1.0 cfs. Exchange Reach: Unnamed Tributary #9; Lower Terminus: 390 ft from the north section line, 160 ft from the east section line, NE1/4 of NE1/4, Section 9, Township 6S, Range 92W of the 6th P.M. in Garfield County, Colorado; Upper Terminus: 685 ft from the north section line, 550 ft from the east section line, NE1/4 of NE1/4, Section 36, Township 5S, Range 92W of the 6th P.M. in Garfield County, Colorado; Amount: 1.0 cfs. Exchange Reach: Unnamed Tributary #10; Lower Terminus: 390 ft from the north section line, 160 ft from the east section line, NE1/4 of NE1/4, Section 9, Township 6S, Range 92W of the 6th P.M. in Garfield County, Colorado; Upper Terminus: 5020 ft from the north section line, 1620 ft from the east section line, SW1/4 of SE1/4, Section 30, Township 5S, Range 91W of the 6th P.M. in Garfield County, Colorado; Amount: 1.0 cfs. Exchange Reach: Unnamed Tributary #11; Lower Terminus: 1770 ft from the north section line, 160 ft from the east section line, SE1/4 of NE1/4, Section 9, Township 6S, Range 92W of the 6th P.M. in Garfield County, Colorado; Upper Terminus: 2320 ft from the north section line, 1540 ft from the east section line, SW1/4 of NE1/4, Section 31, Township 5S, Range 91W of the 6th P.M. in Garfield County, Colorado; Amount: 1.0 cfs. Exchange Reach: Unnamed Tributary #12; Lower Terminus: 2050 ft from the north section line, 3870 ft from the east section line, SE1/4 of NW1/4, Section 10, Township 6S, Range 92W of the 6th P.M. in Garfield County, Colorado; Upper Terminus: 550 ft from the north section line, 1230 ft from the east section line, NE1/4 of NE1/4, Section 3, Township 6S, Range 92W

of the 6th P.M. in Garfield County, Colorado; Amount: 1.0 cfs. Exchange Reach: Unnamed Tributary #13; Lower Terminus: 5530 ft from the north section line, 615 ft from the east section line, SE1/4 of SE1/4, Section 3, Township 6S, Range 92W of the 6th P.M. in Garfield County, Colorado; Upper Terminus: 2300 ft from the north section line, 2680 ft from the east section line, SE1/4 of NW1/4, Section 20, Township 5S, Range 91W of the 6th P.M. in Garfield County, Colorado; Amount: 1.0 cfs. Exchange Reach: Unnamed Tributary #14; Lower Terminus: 620 ft from the north section line, 2300 ft from the east section line, NW1/4 of NE1/4, Section 10, Township 6S, Range 92W of the 6th P.M. in Garfield County, Colorado; Upper Terminus: 1640 ft from the north section line, 4460 ft from the east section line, SW1/4 of NW1/4, Section 32, Township 5S, Range 91W of the 6th P.M. in Garfield County, Colorado; Amount: 1.0 cfs. Exchange Reach: Unnamed Tributary #15; Lower Terminus: 350 ft from the north section line, 4865 ft from the east section line, NW1/4 of NW1/4, Section 11, Township 6S, Range 92W of the 6th P.M. in Garfield County, Colorado; Upper Terminus: 2960 ft from the north section line, 3040 ft from the east section line, NE1/4 of SW1/4, Section 2, Township 6S, Range 92W of the 6th P.M. in Garfield County, Colorado; Amount: 1.0 cfs. Exchange Reach: Unnamed Tributary #16; Lower Terminus: 1740 ft from the north section line, 2394 ft from the east section line, SW1/4 of NE1/4, Section 11, Township 6S, Range 92W of the 6th P.M. in Garfield County, Colorado; Upper Terminus: 160 ft from the north section line, 160 ft from the east section line, NE1/4 of NE1/4, Section 32, Township 5S, Range 92W of the 6th P.M. in Garfield County, Colorado; Amount: 1.0 cfs. Exchange Reach: Unnamed Tributary #17; Lower Terminus: 5380 ft from the north section line, 2575 ft from the east section line, SW1/4 of SE1/4, Section 2, Township 6S, Range 92W of the 6th P.M. in Garfield County, Colorado; Upper Terminus: 3240 ft from the north section line, 305 ft from the east section line, NE1/4 of SE1/4, Section 20, Township 5S, Range 91W of the 6th P.M. in Garfield County, Colorado; Amount: 1.0 cfs. Outline of what has been done toward placing water to beneficial use, including expenditures: Applicant has expended significant staff and consultant time managing and protecting the exchanges described above. Applicant maintains its' contractual relationships with the Silt Water Conservancy District and Farmers' Irrigation Company and makes annual payments to those entities for the use of facilities necessary to operate the exchange herein. Applicant has also expended \$2,332.50 for legal fees and \$2,040.00 for engineering and hydrology during the diligence period. During the diligence period, Applicant has monitored cases which could potentially affect the conditional rights herein. During the diligence period, Applicant has been actively engaged in the operation of its Silt Mesa Service Area water marketing and augmentation program. This marketing and augmentation program makes augmentation water available to contractees within the Silt Mesa Service Area within which the exchange reaches are located. Applicant has issued several water supply contracts within its Silt Mesa Service Area. Applicant also seeks to make a portion of the conditional exchange rights herein absolute. Applicant's activities and expenditures establish that Applicant has been reasonably diligent in the development of the appropriate right of exchange within its Silt Mesa Service Area. Applicant reaffirmed its intent to develop the subject conditional water rights as claimed in the Application at its Board meeting in November, 2020. CLAIM TO MAKE CONDITIONAL WATER RIGHTS ABSOLUTE Applicant claims 0.0019 cfs (0.2745 acre foot) of the conditional exchange rights referenced above should be made absolute by virtue of that water being diverted and placed to beneficial use. Table 1, incorporated in the Application includes the structures at which a portion of the conditional exchange rights were diverted and placed to beneficial use. Name and address of owner of land on which structure is or will be located, upon which water is or will be stored, or upon which water is or will be placed to beneficial use: Water will be placed to beneficial use within the boundaries of the Silt Mesa Service Area as defined in Exhibit A. The specific owners of land upon which the water rights will be placed to beneficial use will be determined at future dates as augmentation contracts are issued. The water rights may be put to beneficial use on lands owned by many individuals and entities who are currently unknown to Applicant. Therefore, it is not feasible to list at this time the names and addresses of all the owners of land upon which water may be placed to beneficial use. Applicant continues to develop its conditional water right and requests the Court find the Applicant has been reasonably diligent in the development of its conditional water right. Applicant further requests the Court find that 0.0019 cfs of its conditional exchange right has been made absolute by the diversion and application of that water to beneficial use. (7 pages, 1 map, 1 table)

YOU ARE HEREBY NOTIFIED THAT YOU HAVE until the last day of FEBRUARY 2021 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 DECEMBER 2020. *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.*

20CW3153 GRAND COUNTY. Applicant: The City and County of Denver, acting by and through its Board of Water Commissioners ("Denver Water"), 1600 West 12th Avenue, Denver, CO 80204, (303) 682-6460. Attorneys for Denver Water: Jessica R. Brody, General Counsel, Daniel J. Arnold, No. 35458, James M. Wittler, No. 44050, Andrew J. Hill, No. 47896. CONCERNING THE APPLICATION FOR WATER RIGHTS OF THE CITY AND COUNTY OF DENVER ACTING BY AND THROUGH ITS BOARD OF WATER COMMISSIONERS. APPLICATION FOR FINDING OF REASONABLE DILIGENCE Application twenty-six (27) pages. 2. Name of Water Right: The water rights involved in this proceeding are those conditionally decreed to the Fraser River Diversion Project and the Williams Fork Diversion Project, by Decree of the District Court of Grand County, Colorado in Civil Action No. 657, entered November 5, 1937 as modified and supplemented March 4, 1940, and April 15, 1946 (collectively referred to herein as the "Subject

Water Rights"). 3. Description of conditional water right and information from previous decree: A. Date of Original Decree: Civil Action No. 657 on November 5, 1937 Court: Grand County District Court. B. Subsequent Decrees Awarding Findings of Diligence: (1) Decision, Judgment and Decree, Date of Decree: May 11, 1972, Case No. W-155 and W-156, Court: Water Division No. 5. (2) Decision, Judgment and Decree, Date of Decree: March 5, 1974, Case No. W-736, W-737, W-741, W-751, Court: Water Division No. 5. (3) Decision, Judgment and Decree, Date of Decree: March 5, 1976, Case No. W-736, W-737, W-741, W-751, Court: Water Division No. 5. (4) Ruling of Referee, Date of Decree: April 29, 1982, Case No. W-736-78, Court: Water Division No. 5. (5) Ruling of Referee, Date of Decree: November 22, 1983, Case No. 1982CW125, Court: Water Division No. 5. (6) Findings of Fact, Conclusions of Law and Decree, Date of Decree: May 11, 1988, Case No. 1986CW128, Court: Water Division No. 5. (7) Findings of Fact, Conclusions of Law and Decree, Date of Decree: October 7, 1992, Case No. 1990CW113, Court: Water Division No. 5. (8) Findings of Fact, Conclusions of Law and Decree, Date of Decree: January 5, 2001, Case No. 1998CW190, Court: Water Division No. 5. (9) Decree of the Court, Date of Decree: December 28, 2014, Case No. 2007CW031, Court: Water Division No. 5. C. Locations of Points of Diversion and Places of Storage: (1) Fraser River Diversion Project: a. The location of the several points of diversion of the canals of the Fraser River Diversion Project are as follows: i. West Canal Line intake from the Fraser River at a point on the East bank of said river whence the southeast corner of Section 33, Township 1 South, Range 75 West, 6th P.M., bears North 22°22' West 18,656 feet; ii. Jim Creek feeder at a point on the North bank of said creek whence the southeast corner of Section 33, Township 1 South, Range 75 West, 6th P.M., bears North 41°50' West 13,863 feet; iii. Little Vasquez Creek feeder at a point on the East bank of said creek whence angle point No. 2 of Tract 37, Township 2 South, Range 75 West, 6th P.M., bears South 63°48'03" West 526.84 feet; iv. West Canal Line intake from Vasquez Creek at a point on the East bank of said creek whence angle point No. 2 of Tract 37, Township 2 South, Range 75 West, 6th P.M., bears North 37°58' East 11,416.58 feet; v. West Canal Line intake from Cooper Creek at a point where said canal crosses said creek whence angle point No.1 of Tract 37, Township 2 South, Range 75 West, 6th P.M., bears South 80°56' West 729.10 feet; vi. West Canal Line intake from St. Louis Creek at a point on the East bank of said creek whence the southeast corner of Section 33, Township 1 South, Range 75 West, 6th P.M., bears North 69°47' East 36,547 feet; vii. West Canal Line intake from West St. Louis Creek at a point on the East bank of said creek whence the southeast corner of Section 33, Township 1 South, Range 75 West, 6th P.M., bears North 79°01' East 36,009 feet; viii. East Canal Line intake from Buck Creek at a point on the South bank of said creek where said canal crosses the creek 957 feet approximately due North of the mouth of the intake shaft of the Moffat Water Tunnel; ix. East Canal Line intake from Faun Creek at a point on the West bank of said creek whence the southeast corner of Section 33, Township 1 South, Range 75 West, 6th P.M., bears South 61°35' West 7,801 feet; x. East Canal Line intake from South Ranch Creek at a point on the West bank of said creek whence the southeast corner of Section 33, Township 1 South, Range 75 West, 6th P.M., bears South 45°37' West 13,221 feet; xi. East Canal Line intake from Ranch Creek at a point on the West bank of said creek whence the southeast corner of Section 33, Township 1 South, Range 75 West, 6th P.M., bears South 40°22' West 16,151 feet; xii. East Canal Line intake from North Ranch Creek at a point on the South bank of said creek whence the southeast corner of Section 33, Township 1 South, Range 75 West, 6th P.M., bears South 33°0' West 19,000 feet. b. The locations of the several western slope reservoirs of the Fraser River Diversion Project are as follows: i. Vasquez Reservoir in Sections 18 and 19, Township 2 South, Range 75 West, 6th P.M., with the east end of the dam at a point whence the southeast corner of Section 33, Township 1 South, Range 75 West, 6th P.M., bears North 45°3' East 15,551 feet; ii. St. Louis Reservoir in Sections 16 and 21, Township 2 South, Range 76 West, 6th P.M., with the East end of the dam at a point whence the southeast corner of Section 33, Township 1 South, Range 75 West, 6th P.M., bears North 69°47' East 36,547 feet. c. The locations of the several eastern slope reservoirs in which the waters of the Fraser River Diversion Project are and will be stored are as follows: i. Ralston Creek Reservoir in Sections 32 and 33, Township 2 South, and Sections 5 and 6, Township 3 South, all in Range 70 West, 6th P.M.; ii. Cheesman Reservoir in Township 10 South, Ranges 70 and 71 West, 6th P.M.; iii. Eleven Mile Canon Reservoir in Township 13 South, Ranges 72 and 73 West, 6th P.M.; iv. Marston Reservoir in Township 5 South, Range 69 West, 6th P.M.; v. Antero Reservoir in Township 12 South, Ranges 76 and 77 West, 6th P.M.; vi. Gross Reservoir in Township 1 South, Range 71 West, 6th P.M. in Boulder County, Colorado. (2) Williams Fork Diversion Project: a. The locations of the several points of diversion of the canals of the Williams Fork Diversion Project are as follows: i. North Canal Line, Section 1, from McQueary Creek at a point on the South bank of said creek whence the United States Location Monument Wilson near Minnehaha Gulch, LaPlata Mining District Grand County, Colorado, (hereinafter referred to as the Wilson Monument) bears South 31°56'15" East 8,333.32 feet; ii. North Canal Line, Section 2, from Jones Creek at a point on the South bank of said creek whence the Wilson Monument bears South 66°29' 40" East 1,983.49 feet; iii. North Canal Line, Section 3, receives its water through Sections 1 and 2 and from tributary drainage and has no independent point of diversion on any stream; iv. South Canal Line, Section 1, from Bobtail Creek at a point on the East bank of said creek whence the Wilson Monument bears North 65°34'50" East 2,007.47 feet; v. South Canal Line, Section 2, from Steelman Creek at a point on the East bank of said creek whence Wilson Monument bears North 78°46' 45" East 9,525.25 feet; vi. South Canal Line, Section 3, receives its water through Sections 1 and 2 and has no independent point of diversion on any stream; vii. South Canal Line, Section 4, from Bobtail Creek at a point on the East bank of said creek whence the Wilson Monument bears North 62°23' East 1,967.2 feet; viii. South Canal Line, Section 5, from Steelman Creek at a point on the East bank of said creek whence the Wilson Monument bears North 75°07' East 9,715.3 feet; ix. South Canal Line, Section 6, receives its water through Section 7 and from tributary drainage and has no independent point of diversion on any stream; x. South Canal Line, Section 7, from the Middle Fork of the Williams Fork River at a point on the East bank of said Middle Fork whence Ptarmigan Peak Monument bears South 73°33' East 23,868 feet; xi. South Canal Line, Section 8, from Allen Creek at a point on the North bank of said creek whence the Ptarmigan Monument bears North 86°07' East 20,897 feet; xii. South Canal Line, Section 9, receives its water through Section 8 and has no independent point of diversion on any stream; xiii. South Canal Line, Section 10, from the South Fork of the Williams Fork River at a point on the North bank of said South Fork whence the Ptarmigan Peak Monument bears North 50°47' East 11,999 feet; xiv. Middle Fork Feeder Ditch of the South Canal Line receives its water from tributary

drainage and has no point of diversion on any stream. b. The locations of the several eastern slope reservoirs in which waters of the Williams Fork Diversion Project will be stored are as follows: i. Empire Reservoir in Section 29, Township 3 South, Range 74 West, 6th P.M.; ii. Cheesman Reservoir in Township 10 South, Ranges 70 and 71 West, 6th P.M.; iii. Eleven Mile Canon Reservoir in Township 13 South, Ranges 72 and 73 West, 6th P.M.; iv. Marston Reservoir in Township 5 South, Range 69 West, 6th P.M.; v. Antero Reservoir in Township 12 South, Ranges 76 and 77 West, 6th P.M.; vi. Gross Reservoir in Township 1 South, Range 71 West, 6th P.M.; vii. Ralston Creek Reservoir in Sections 32 and 33, Township 2 South, and Sections 5 and 6, Township 3 South, all in Range 70 West, 6th P.M. D. Appropriation Dates: (1) Fraser River Diversion Project: July 4, 1921 except as to the enlargement of Vasquez Reservoir, which date is July 7, 1936. (2) Williams Fork Diversion Project: July 4, 1921. E. Amount: (1) Fraser River Diversion Project: 352 cfs, conditional, 928 cfs, absolute, 1280 cfs, total. (2) Williams Fork Diversion Project: 366 cfs, conditional, 254 cfs, absolute, 620cfs, total. See attached Tables I, II, III and IV for amounts remaining conditionally decreed for direct flow and storage rights for each of the within described features of the Fraser River and Williams Fork Diversion Projects. F. The Sources of Water and Amounts for Intake Rights: (1) Fraser River Diversion Project: The Fraser River, a tributary of the Colorado River, and those of its several tributaries from which intakes have been or will be constructed and also tributary drainage. a. From Fraser River, Jim Creek, Little Vasquez Creek, Vasquez Creek, Buck Creek and Cooper Creek, and tributary drainage above the canal which is the additive total of 785 cfs from the individual points of diversion described in paragraph 1(a) – (f) of the decree in Civil Action No. 657. b. From St. Louis Creek, East St. Louis Creek, Fool Creek, King Creek, East King Creek, West Elk Creek, Elk Creek, and tributary drainage above the canal, the maximum amount of 700 cfs, through the West Canal Line intake from said St. Louis Creek; c. From West St. Louis Creek, Byers Creek, and tributary drainage above the canal, the maximum amount of 112 cfs, through the West Canal Line intake from said West St. Louis Creek; d. From Faun Creek, and tributary drainage above the canal, the maximum amount of 280 cfs, through the East Canal Line intake from said Faun Creek; e. From South Ranch Creek, and tributary drainage above the canal, the maximum amount of 180 cfs, through the East Canal Line intake from said South Ranch Creek; f. From Ranch Creek, and tributary drainage above the canal, the maximum amount of 112 cfs, through the East Canal Line intake from said Ranch Creek; and g. From North Ranch Creek, and tributary drainage above the canal, the maximum amount of 112 cfs, through the East Canal Line intake from said North Ranch Creek; Provided that the total diversions by means of the twelve sources described above shall be limited at any one time to the maximum of 1280 cfs. (2) Williams Fork Diversion Project: The Williams Fork River, a tributary of the Colorado River and its several tributaries from which intakes have been or will be constructed and also tributary drainage. a. From McQueary Creek, the maximum amount of 70 cfs, through the North Canal Line, Section 1; b. From Jones Creek, the maximum amount of 25 cfs, through the North Canal Line, Section 2; c. From McQueary and Jones Creeks, and tributary drainage above the canal, the maximum amount of 115 cfs, through the North Canal Line, Section 3; d. From Bobtail Creek, the maximum amount of 115 cfs, through the South Canal Line, Section 1; e. From Steelman Creek, the maximum amount of 90 cfs, through the South Canal Line, Section 2; f. From Bobtail Creek, the maximum amount of 195 cfs, through the South Canal Line, Section 4, but this amount shall be inclusive of the amount from said creek through Section 1 of the South Canal Line as mentioned in subsection (d) herein; g. From Steelman Creek, the maximum amount of 150 cfs, through the South Canal Line, Section 5, but this amount shall be inclusive of the amount from said creek through Section 2 of the South Canal Line as mentioned in subsection (e) herein; h. From the Middle Fork of the Williams Fork River and from tributary drainage above the canal, the maximum amount of 400 cfs, through the South Canal Line, Section 6, but this amount shall be inclusive of the amount from said Middle Fork through Section 7 of the South Canal Line as mentioned in subsection (i) herein; i. From the Middle Fork of Williams Fork River, the maximum amount of 350 cfs, through the South Canal Line, Section 7; j. From Allen Creek, the maximum amount of 250 cfs, through the South Canal Line, Section 8; k. From the South Fork of the Williams Fork River, the maximum amount of 200 cfs, through the South Canal Line, Section 10; l. From tributary drainage above the feeder, the maximum amount of 50 cfs, through the Middle Fork Feeder Ditch; Provided, however, that the total diversions by means of the twelve priorities awarded in subsections (a) to (l), shall be limited at any one time to the maximum of 620 cfs, which is the total capacity of the Williams Fork Tunnel. G. Storage Amounts and Sources: (1) The following West Slope reservoirs of the Fraser River Diversion Project are entitled to store water from the following sources and in the following amounts, under the Reservoir Appropriation 11A and their respective priorities: a. In St. Louis Reservoir, from the waters of St. Louis Creek, Byers Creek and West St. Louis Creek, under and by virtue of original construction, the maximum amount of 50,000,000 cubic feet, 1,150 acre-feet, under priority date July 4, 1921; b. In Vasquez Reservoir, from the waters of Vasquez, Elk, West Elk, East King, King, Fool, East St. Louis, St. Louis, Byers and West St. Louis Creeks, under and by virtue of original construction the maximum amount of 12,000,000 cubic feet, 275 acre-feet, under priority date of July 4, 1921; c. In Vasquez Reservoir, from the waters of Vasquez, Elk, West Elk, East King, King, Fool, East St. Louis, St. Louis, Byers and West St. Louis Creeks, under and by virtue of enlargement, the maximum amount of 276,201,400 cubic feet, 6,341 acre-feet, under priority date July 7, 1936. (2) The following Eastern Slope Reservoirs of the Denver Municipal Water System are entitled to store the following amounts of water under Reservoir Appropriations No. 11 and 11(A), as part of the Fraser River Diversion Project, for the benefit of the persons lawfully entitled thereto: a. In Ralston Creek Reservoir, 12,758 acre-feet; b. In Cheesman Reservoir, 79,000 acre-feet; c. In Eleven Mile Canon Reservoir, 81,917 acre-feet; d. In Marston Reservoir, 19,800 acre-feet; e. In Gross Reservoir, 113,077.7 acre-feet; and f. In Antero Reservoir, 33,000 acre-feet (Priority 11A). (3) The following Eastern Slope Reservoirs of the Denver Municipal Water System are entitled to store the following amounts of water under Reservoir Appropriation No. 25, as part of the Williams Fork Diversion Project, for the benefit of the persons lawfully entitled thereto: a. In Empire Reservoir, 6,494.39 acre-feet; b. In Cheesman Reservoir, 79,000 acre-feet; c. In Eleven Mile Canon Reservoir, 81,917 acre-feet; d. In Marston Reservoir, 19,800 acre-feet; e. In Antero Reservoir, 33,000 acre-feet; f. In Ralston Creek Reservoir, 12,758 acre-feet; and g. In Gross Reservoir, 113,077.7 acre-feet. H. Use: Municipal uses, including domestic use, fire protection, sewage treatment, sanitation, street sprinkling, watering of parks, lawns and grounds, mechanical uses and every other type of municipal uses, generation of electrical energy, and for maintaining adequate storage reserves, and regulation of direct flow of water

to meet the exigencies of fluctuating demands for the above named uses; together with the right to fill, refill, regulate and replace losses by reason of evaporation for the listed purposes. **CLAIM FOR FINDING OF REASONABLE DILIGENCE 4. Diligence Activities:** The following activities describe Denver Water's steady application of effort to complete the appropriation in a reasonably expedient and efficient manner under all the facts and circumstances: A. Amounts Expended: The following work described in paragraphs 4.B through 4.I below describes Denver Water's effort to maintain and fully develop the Subject Water Rights, which will address a system imbalance between the north and south portions of Denver Water's collection system. Over the last diligence period, Denver Water has spent at least \$244,000,000 on work within the north portion of its collection system. These projects, which are further described below, allow for greater system-wide reliability and operational resilience. B. The following activities describe work in the Williams Fork Collection System ("WFCS") which is completed in furtherance of maintaining completed segments and fully developing the Williams Fork Diversion Project: (1) Since 2014, Denver Water has maintained a water use agreement to allow usage of the Big Lake Ditch water for ranching within the WFCS. During this time, Denver Water has entered into an Intergovernmental Agreement ("IGA") with Grand County and participated in a joint study to determine how to maintain the historic agricultural use of the Big Lake Ditch so as to maximize the environmental benefits, while also preserving yield to Denver Water. The total cost of this study was approximately \$255,000. (2) Denver Water engaged in a cooperative stream gaging program with the United States Geological Survey of which the WFCS is a part. The total cost during the diligence period was approximately \$244,000. (3) In 2015, Ecological Resources Consultants, Inc. provided preliminary cost and design for a fish barrier for the Williams Fork River in the upper WFCS. The total project cost was approximately \$6,000. (4) In 2018, Denver Water entered into a shared funding agreement with Northern Colorado Water Conservancy District, the Colorado River Water Conservation District, and the Colorado River Headwaters Chapter of Colorado Trout Unlimited for macroinvertebrate monitoring as part of the Grand County Stream Management Plan, which includes the Williams Fork River. Denver Water's contribution to this effort was approximately \$3,000. (5) In 2018, GEI Consultants, Inc. completed a study of alternatives for determining the number of Greenback Lineage Cutthroat Trout entrained in Denver Water diversions. The total project cost was approximately \$61,000. (6) In 2019, InStream Fisheries Research, Inc. completed a study to count the number of Greenback Lineage Cutthroat Trout entrained in the Williams Fork Diversion Project, with the overall goal to determine the number entrained in Denver Water's collection system. The total project cost was approximately \$9,000. (7) In 2019, Denver Water entered into an agreement with Learning By Doing, Inc. to design and implement an Aquatic Resource Monitoring Plan in the Colorado, Fraser, and Williams Fork River Basins. To date, the total project cost is approximately \$10,000. C. The following activities describe work completed in furtherance of maintaining and fully developing the Moffat Tunnel Collection System, which receives water from the Williams Fork Diversion Project and includes the Fraser River Diversion Project ("FRDP") and the Cabin-Meadow Creek System: (1) Denver Water completed annual operations and maintenance of Meadow Creek Dam and Reservoir including annual dam safety inspections with the State Engineer's Office ("SEO"), drill of the Emergency Action Plan, and survey of the dam for movement. (2) In 2015, Western Summit Constructors, Inc. provided construction management services for the design phase of the replacement of the Jim Creek Siphon and Siphon No. 1 of the FRDP. The total project cost was approximately \$179,000. (3) In 2015, Metcalf Archaeological Consultants, Inc. completed a Cultural Resource Inventory and report for proposed construction on the Forest Service Road 128 corridor as a part of the Jim Creek Siphon replacement. The total project cost was approximately \$19,000. (4) In 2015, Alden Research Laboratory, Inc. provided structural engineering design support for the Siphon No. 1 replacement project. The total project cost was approximately \$85,000. (5) In 2015, Kumar & Associates, Inc. provided geotechnical engineering support for the Siphon No. 1 replacement project. The total project cost was approximately \$31,000. (6) In 2016, Burns & McDonnell Engineering Co, Inc. provided construction inspection services for the Siphon No. 1 replacement, Vasquez Canal Piping, and the Jim Creek Diversion pipeline projects. The total project cost was approximately \$131,000. (7) In 2016, Garney Companies, Inc. completed demolition of approximately 255 feet of concrete-lined and covered Vasquez Canal and replaced it with 72-inch diameter steel pipe. The total project cost was approximately \$1,642,000. (8) In 2016, Ames Construction, Inc. completed demolition of a portion of concrete-lined and covered Vasquez Canal and replaced it with 114-inch diameter reinforced concrete pipe. The total project cost was approximately \$2,206,000. (9) In 2017, Simpson Gumpertz & Heger, Inc. conducted an engineering evaluation of the concrete liner near the west portal of the Moffat Water Tunnel. The total project cost was approximately \$100,000. (10) In 2018, Western Summit completed rehabilitation of the Jim Creek Siphon in the FRDP. The total project cost was approximately \$3,142,000. (11) In 2018, HDR Engineering, Inc. provided design services for the replacement of an existing 72-inch diameter aerial pipe over the Fraser River that connects to the Moffat Water Tunnel. The total project cost was approximately \$746,000. (12) In 2018, Jacobs Engineering Group, Inc. provided construction inspection services for the Jim Creek Siphon rehabilitation project. The total project cost was approximately \$75,000. (13) In 2019, Ames Construction, Inc. completed replacement of 380 feet of 72-inch diameter pipe across the Fraser River. The total project cost was approximately \$3,970,000. (14) In 2019, HDR Engineering, Inc. completed design of the Ranch Creek Canal improvements, which includes piping of 4,400 feet of unlined canal, transition structures, stream intakes and bypasses, and a new measuring flume. The total project cost was approximately \$683,000. (15) In 2019, Denver Water entered into an agreement with the Winter Park Recreational Association, Intrawest/Winter Park Operations Corporation, and Intrawest/Winter Park Building Six-Vintage Development Company, LLC regarding replacement of the Siphon No. 1 crossing at the Fraser River. (16) In 2019, Kiewit Engineering Group, Inc. provided construction cost estimating services for concrete improvements at the east portal of the Moffat Water Tunnel. The total project cost was approximately \$31,000. (17) In 2019, Metcalf Archaeological Consultants, Inc. provided cultural resources services for the Siphon No. 1 replacement project. The total project cost was approximately \$16,000. (18) In 2020, Garney Companies, Inc. began construction of the Ranch Creek Canal and Meadow Creek Pipeline Improvements project. Currently, the total project is approximately \$5,637,000. D. The following activities describe work completed in furtherance of maintaining and fully developing Gross Reservoir, which stores water delivered from the Fraser River and Williams Fork Diversion Projects through the Moffat Water Tunnel: (1) Denver Water completed annual operations and maintenance

including annual dam safety inspections with the SEO and Federal Energy Regulatory Commission, drill of the Emergency Action Plan, and survey of the dam for movement. (2) In 2015, Alliant Engineering designed roadway improvements and traffic control plans for the expansion of Gross Reservoir. The total project cost is approximately \$123,000. (3) In 2015, Shannon & Wilson, Inc. provided geotechnical services for Gross Reservoir field explorations. The total project cost was approximately \$96,000. (4) In 2016, MWH Americas, Inc. performed seismic hazard assessment for Gross Dam. The total project cost was approximately \$118,000. (5) In 2016, Steel-FAB, Inc. furnished fixed-cone valves used to discharge water from Gross Reservoir into South Boulder Creek for a total cost of approximately \$124,000. (6) In 2016, MWH Americas, Inc. provided engineering services for development of site-specific probable maximum precipitation and inflow design flood as part of the preliminary engineering for Gross Reservoir expansion. The total project cost was approximately \$371,000. (7) In 2017, Mott MacDonald Group LLC conducted a detailed inspection of the Gross Dam outlet works and produced a report of inspection findings. The total project cost was approximately \$21,000. (8) In 2017, Black & Veatch was selected as the Owner's Representative for the Gross Reservoir expansion project for a total contract cost of approximately \$7,097,000. (9) In 2017, Denver Water entered into a cooperative stream gaging agreement for Gross Reservoir with the Colorado Division of Water Resources. The total project cost was approximately \$10,000. (10) In 2017, Denver Water approved an IGA with the City of Boulder for a stream restoration project designed to improve aquatic habitat along a segment of South Boulder Creek below Gross Reservoir. The total cost was approximately \$549,000. (11) In 2018, Stantec Consulting Services, Inc. provided design engineering services for the preparation of construction documents and reports for the Gross Reservoir expansion project. The total project cost was approximately \$13,486,000. (12) In 2019, Kiewit-Barnard formed a Joint Venture as Construction Manager/General Contractor for planning and pre-construction services during the design phase of the Gross Reservoir expansion project. To date, the total project cost is approximately \$2,572,000. (13) In 2020, Kiewit-Barnard Joint Venture began construction of the Gross Reservoir outlet works modifications. Currently, the total project cost is approximately \$412,000. (14) In 2020, Denver Water was awarded the final federal permit required for the Gross Reservoir Expansion Project, which includes a 7.6 mW hydropower unit. The Federal Energy Regulatory Commission issued the hydropower license amendment necessary for completion of the dam raise to provide storage for an additional 77,000 acre-feet of water in Gross Reservoir. Additionally, in 2017, the Army Corps of Engineers issued its Record of Decision and the Section 404 Permit. E. The following activities describe work completed in furtherance of maintaining the South Boulder Diversion Canal ("SBDC") which conveys water from Gross Reservoir to Ralston Creek Reservoir for treatment: (1) Completed annual operations and maintenance including annual dam safety inspections with SEO. (2) In 2016 and 2017, Denver Water acquired property easements to access Siphon No. 2 of the SBDC. The total cost was approximately \$48,000. (3) In 2017, Emrgy, Inc. designed, manufactured, and provided installation guidance for 10, 10-kW in-channel hydrokinetic energy generators. The total project cost was approximately \$330,000. (4) In 2017, Gracon, LLC completed the SBDC gate rehabilitation project which included performing analysis on and refurbishing the critical components of the dam. The total project cost was approximately \$1,550,000. F. The following activities describe work completed in furtherance of maintaining and fully developing Ralston Creek Reservoir: (1) Denver Water completed annual operations and maintenance including annual dam safety inspections with the SEO, drill of the Emergency Action Plan, and survey of the dam for movement. (2) In 2016, Concrete Works of Colorado, Inc. repaired the Ralston Creek Dam primary and auxiliary spillways. Total project cost was approximately \$769,000. (3) In 2016, Brierley Associates Corporation prepared a geotechnical engineering report for the construction of a vault located at Ralston Creek Reservoir. The total project cost was approximately \$115,000. (4) In 2017, Gannett Fleming, Inc. provided engineering services consisting of facilitating a potential failure model analysis for Ralston Creek Dam. The total project cost was approximately \$25,000. (5) In 2017, GEI Consultants, Inc. provided professional services associated with dam breach development, hydraulic modeling and mapping to develop inundation maps downstream of Ralston Creek Dam for a total project cost of approximately \$44,000. (6) In 2017, Metcalf Archaeological Consultants, Inc. provided a Cultural Resources Study for the Ralston Creek Reservoir outlet works renovation project for a total cost of approximately \$23,000. (7) In 2018, AECOM Technical Services, Inc. provided civil engineering services for the service spillway risk assessment at the Ralston Creek Dam. The total project cost was approximately \$80,000. (8) In 2018, AECOM Technical Services, Inc. provided engineering services for the design of the primary spillway modifications at the Ralston Creek Dam. The total project cost was approximately \$561,000. (9) In 2019, SEMA Construction, Inc. began construction on the Ralston Creek Dam primary spillway modification project. Currently, the total project cost is approximately \$5,945,000. G. The following activities describe work completed in furtherance of fully developing the Northwater Treatment Plant ("Northwater WTP") which will treat and distribute water delivered from Denver Water's north system: (1) In 2016, Harris Corporation provided digital aerial photography, topographic mapping, and geo-orthophoto mosaic generation mapping services for the construction of the Northwater WTP at the Ralston Creek Reservoir complex. The total project cost was approximately \$51,000. (2) Starting in 2016, Jacobs Engineering Group, Inc. provided Owner's Representative Services including management, controls, and technical support for the Northwater WTP at a cost of approximately \$20,990,000. (3) Since 2016, Kiewit Infrastructure Co. provided design phase services as Construction Manager-at-Risk ("CMAR"). Additionally, Denver Water has exercised the option to extend the CMAR commitment through the project construction phase. To date, approximately \$7,718,000 has been spent on this phase of the project. (4) Beginning in 2016, Denver Water engaged a team of firms to jointly execute the design of the Northwater WTP. To date, the combined total spent towards these design packages is approximately \$33,336,000. (5) Since 2018, Kiewit Infrastructure, Co. has provided construction phase services through a CMAR format for the Northwater WTP. Currently, the total project cost is approximately \$95,663,000. H. The following activities describe work completed in furtherance of maintaining the Moffat Water Treatment Plant ("Moffat WTP") which treats and distributes water delivered from Denver Water's north system: (1) In 2015, Denver Water purchased 22 large-diameter butterfly valves from DeZurik, Inc., which were installed by Denver Water. The total cost of procurement was approximately \$152,000. (2) In 2017, Aslan Construction, Inc. completed construction of the Moffat WTP centrifuge dewatering system. The total project cost was approximately \$2,661,000. (3) In 2017, Garney Companies, Inc. replaced

chlorine scrubber equipment at both the Moffat WTP and the Marston WTP. The total project cost was approximately \$543,000. I. The following activities describe work completed in furtherance of maintaining and fully developing Conduit No. 16 which will convey treated water from Northwater WTP into Denver Water's distribution system: (1) In 2015, Garney Companies, Inc. installed approximately 230 linear feet of 72-inch steel pipeline for Conduit No. 16 across McIntyre Street in Golden, CO. The total project cost was approximately \$596,000. (2) In 2015, Denver Water obtained permanent easements at various locations required for the replacement of Conduit No. 16 at a total cost of approximately \$109,000. (3) In 2017, Denver Water acquired temporary easements which granted access to additional property required for the replacement of Conduit No. 16 at a total cost of approximately \$137,000. (4) In 2017, Denver Water entered into an IGA with the City of Wheat Ridge for the coordination of Conduit No. 16 replacement via tunneling underneath Interstate 70 with redevelopment of the highway interchange. To date, approximately \$22,000 has been spent on the design of the Conduit No. 16 tunneling project. (5) In 2018, Garney Companies, Inc. furnished and installed 9,330 linear feet of 84-inch diameter pipe as part of the west segment replacement of Conduit No. 16. The current total project cost is approximately \$7,306,000. (6) In 2018, S J Louis Construction of Texas, Ltd. furnished and installed 14,850 linear feet of 66-inch diameter pipe as part of the central segment replacement of Conduit No. 16. The current total project cost is approximately \$21,117,000. (7) In 2020, Garney Construction furnished and installed 140 linear feet of 84-inch diameter pipe as part of the phase 1 east segment replacement of Conduit No. 16. The current total project cost is approximately \$823,000. 5. Names and Addresses of Landowners Where Structures are Located:

The following list includes the 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. Denver Water is providing notice to the following entities because this application relates to certain structures and property in which the following entities may have a property interest. A. United States of America c/o USDA Forest Service – Arapaho 2150 Centre Avenue, Building E Fort Collins, CO 80526-8119 B. City of Golden 911 10th Street, Golden, CO 80401 C. US Forest Service PO Box 3307, Idaho Springs, CO 80452 D. Sally A Buckland, PO Box 56, Empire, CO 80438-0056. 6. Remarks: The Fraser River Diversion Project and Williams Fork Diversion Project are generally depicted in the General Location Map attached hereto as **Exhibit A**. The place of use of any water diverted or stored under this water right is subject to and will be in accordance with the terms of the Colorado River Cooperative Agreement effective September 26, 2013 or as amended. Denver Water is a home rule municipal corporation of the State of Colorado. Denver Water derives its authority and power to operate a water supply system under the state constitution, the Denver City Charter and provisions of state law. Pursuant to the Denver City Charter, Denver Water provides all treated and raw water necessary for the full development of land within the City and County of Denver. Pursuant to perpetual water service agreements, Denver Water serves as the water utility for other governmental entities outside the City and County of Denver, but within Denver Water's Service Area, providing all treated and raw water necessary to serve the full development of all land within the Service Area depicted in **Exhibit B**. Denver Water also has commitments to provide nearly 68,000 acre-feet of treated and raw water to customers outside its Service Area under perpetual fixed amount contracts listed on **Exhibit C**. The entities receiving water under fixed amount contracts are all located within the Counties of Adams, Arapahoe, Douglas and Jefferson and the City and County of Broomfield. From time to time, Denver Water provides treated and raw water to customers under temporary arrangements.

YOU ARE HEREBY NOTIFIED THAT YOU HAVE until the last day of FEBRUARY 2021 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 DECEMBER 2020. *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.*

20CW3154 GRAND COUNTY. Fox Ridge Estates Subdivision Exemption Owners Association, c/o Dave Yarwood, President, 3136 Captains Lane, Longmont, CO 80503. Applicant is represented by Kent Whitmer and Katie Randall, 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 Structures for Underground Water Rights: Ross/Marriott Well Nos. 1 and 2. Source: Groundwater from the unconsolidated sand and gravel, and from bedrock formations, hydraulically connected to Soda Creek, tributary to Shadow Mountain Reservoir, tributary to the Colorado River. Well Locations: Ross/Marriott Well No. 1: in the SE1/4 SE1/4 of Section 22, Township 3 North, Range 76 West of the 6th P.M., approximately 475 feet from the South line and 250 feet from the East Line of Section 22. Ross/Marriott Well No. 2: in the SE1/4 SE1/4 of Section 22, Township 3 North, Range 76 West of the 6th P.M., approximately 350 feet from the South line and 600 feet from the East Line of Section 22. Depth: Ross/Marriott Well No. 1: 300 feet. Ross/Marriott Well No. 2: 275 feet. Use: In-house, livestock watering up to 3 head, and up to two hundred square feet of irrigation for a total of one (1) single-family residence as described in Case No. 00CW39 for each Well. Type of Structure: Wells. Quantity: 15 gallons per minute ("g.p.m.") (0.033 c.f.s.) per well, conditional. Appropriation Date for Wells: January 19, 2000. Conditional Appropriative Right of Exchange: Ross/Marriott Well Nos. 1 and 2 Exchange. Exchange Reach: Upstream Termini: The points of diversion for Ross/Marriott Well Nos. 1 and 2 as set forth above. Downstream Terminus: Colorado River to a point where releases from Wolford Mountain Reservoir meet the Colorado River (confluence of Muddy Creek with the Colorado River). Releases from Wolford Mountain Reservoir meet the Colorado River in the NW1/4 NE1/4 of Section 19, Township 1 North, Range 80 West of the 6th P.M., at a point approximately 2,000 feet from the East line

of said Section 19 and 200 feet from the North line of said Section 19. Appropriation Date for Exchange: January 19, 2000. Exchange Amount: 0.0033 c.f.s., limited to 0.2 acre-feet per year. Source of Exchange Water: The subject water rights will operate pursuant to the plan for augmentation decreed in Case No 00CW39. Augmentation will be provided by Granby Reservoir or Wolford Mountain Reservoir. Decrees: September 27, 2000, Case No. 00CW39; June 13, 2008, Case No. 06CW202; December 28, 2014, Case No. 14CW3069; Water Court Division No. 5. Additional Information: The previous decrees set forth additional terms and conditions, including a plan for augmentation, 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 (29 pages).

YOU ARE HEREBY NOTIFIED THAT YOU HAVE until the last day of FEBRUARY 2021 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 DECEMBER 2020. *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.*

20CW3155 EAGLE COUNTY, Application for Findings of Reasonable Diligence. Applicants: Gerald J. and Georgianna C. Irvine; please direct all correspondence to Applicants' attorneys: Mary Elizabeth Geiger, Garfield & Hecht, P.C., 901 Grand Avenue, Suite 201, Glenwood Springs, CO 81601, (970)947-1936, megeiger@garfieldhecht.com. *Applicants request findings of reasonable diligence with regard to the following water right: B & B Pump and Pipeline.* Description of conditional water right: Date of original decree: June 9, 1997. Case number: 96CW252. Court: District Court, Water Division No. 5. Subsequent Diligence Findings: Case No. 13CW64, District Court in and for Water Division No. 5. *Location:* The point of diversion will be located on the East bank of the Colorado River at a point in the NW¼ of the SW¼, Section 34, Township 3 South, Range 86 West of the 6th P.M. at a point 2,600 feet North of the South Section line and 1,300 feet East of the West Section line. See **Exhibit A** attached hereto. *Source:* Colorado River. *Appropriation date:* December 29, 1995. *Amount:* 2.0 c.f.s, conditional; Applicants are the owners of 0.22 c.f.s. of the 2.0 c.f.s. originally decreed to the water right. *Uses:* Irrigation of 100 acres; pasture grass and stockwater. The area contemplated for irrigation is depicted on **Exhibit B**. Applicants' ownership interest in this water right equates to 11 acres of irrigated area. Owners of land upon which point of diversion will be located: Applicants. The Application includes a detailed description of activities undertaken during the diligence period toward the application of the subject water rights to beneficial use. (5 pages).

YOU ARE HEREBY NOTIFIED THAT YOU HAVE until the last day of FEBRUARY 2021 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 DECEMBER 2020. *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.*

20CW3156 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 WESTERN SLOPE MATERIALS, LLC IN EAGLE COUNTY, COLORADO. APPLICATION FOR APPROVAL OF PLAN FOR AUGMENTATION. Name, mailing address, email address and telephone number of applicant: Western Slope Materials, LLC, P. O. Box 1319, Carbondale, Colorado 81623, smello@ws-materials.com, (970) 963-3973. Please direct all correspondence and pleadings in this case to Applicant's attorney, Thomas L. Adkison Attorney and Counselor, 2020 Eastbank Point Road, Carbondale, Colorado 81623. Name(s) of structure(s) to be augmented: Dotsero Block Well No. 1 Is structure decreed? X Yes Case number: W-1904. Name of Court: District Court, Water Division No. 5. Legal description of structure as described in most recent decree that adjudicated the location: The well is located in Tract 40, Section 5, T. 5 S., R. 86 W. of the 6th P.M. at a point whence Angle Point No. 1 of Tract No. 55, said Township and Range bears N. 76°42'20" E. 1410.60 feet. Appropriation date: June 1, 1930. Amount: 0.055 cfs absolute. **Source of water: underground water tributary to Eagle River.** Decreed uses: Industrial. Are there other water rights diverted from this structure(s)? Yes, Dotsero Block Well No. 1 decreed in Case No. 91 CW 217, District Court, Water Division 5 as an alternate point of diversion for 0.28 cfs of water for irrigation uses from the Yost Ditch, which originally was decreed in Eagle County District Court Civil Action No. 466 on December 9, 1907, with an appropriation date of July 10, 1900. Location information in UTM format: Easting 323939, Northing 4390850, Zone 13, Street Address: 4155 US Hwy 6, Gypsum, Colorado 81637. Source of UTM's: hand-held GPS, accuracy within 3 feet. Legal Description Using the Public Land Survey System (PLSS): SE1/4NE1/4 Section 5, Township 5S, Range 86W of 6th Principal Meridian, 1,394 feet from North Section line and 433 feet from East Section line. Source of PLSS information: Applicant's engineer. Located within 200' of location in Well Permit No. 18142-FR. Street Address: 4155 US Highway 6, Gypsum,

Colorado 81637. 1. Water right(s) to be used for augmentation: Applicant proposes to replace out-of-priority depletions caused by pumping from the Dotsero Block Well No. 1 with water from a Water Supply Contract with the Colorado River Water Projects Enterprise of the Colorado River Water Conservation District (CRWCD). Pursuant to CRS §37-92-305(8)(c), Applicant requests approval to replace out-of-priority depletions with CRWCD's Colorado River supply sources decreed for that use, such as Wolford Reservoir and Ruedi Reservoir; or in the alternative with CRWCD's Eagle River supply sources decreed for that use, such as Eagle Park Reservoir. The following is CRWCD's summary of its sources of supply for use by CRWCD contractors in their Water Court Applications: I. Colorado River Supply Sources. A. Wolford Mountain Reservoir. The River District owns and operates Wolford Mountain Reservoir (f/k/a Gunsight Pass Reservoir) which has the following water rights. (1) Case No. 87CW283: Decree Date: November 20, 1989. Name of Structure: Gunsight Pass Reservoir. Legal description of place of storage: The dam is located in the SW1/4 of the NE1/4 of Section 25, T. 2 N., R. 81 W., 6th P.M. The intersection of the dam axis with the right abutment will occur at a point which bears S. 54°54'20" E. a distance of 3,716.46 feet from the NW Corner of said Section 25. Source: Muddy Creek and its tributaries, all tributary to the Colorado River. Amount: 59,993 acre feet conditional; of this amount, 32,986 acre feet were made absolute for piscatorial and recreational uses by decree entered in Water Court Case No. 95CW251, and the full amount was made absolute for all purposes by decree entered in Water Court Case No. 02CW107. Appropriation Date: December 14, 1987. Use: All beneficial uses, including but not limited to domestic, municipal, agricultural and recreational uses, which uses satisfy the requirements of the Windy Gap Settlement made with the Municipal Subdistrict of the Northern Colorado Water Conservancy District; use to meet the water requirements of the inhabitants of the River District for all uses, including uses in the Middle Park area; and use to meet the terms of a lease agreement executed March 3, 1987 between the River District and the City and County of Denver. (2) Case No. 95CW281: Decree Date: August 26, 1997. Name of Structure: Wolford Mountain Reservoir Enlargement. Legal description of place of storage: The dam is located in the SW1/4 of the NE1/4 of Section 25, T. 2 N., R. 81 W., 6th P.M. The as-built intersection of the dam axis (Sta. D19+35.61) with the West Access Road (Sta. WR50+55.05), 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 which bears S. 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 S. 75° 28' 29" E. Source: Muddy Creek and its tributaries, all tributary to the Colorado River. Amount: 6,000 acre feet, conditional. Appropriation Date: January 16, 1995. Use: All beneficial uses by and for the benefit of the inhabitants of the Colorado River Water Conservation District, including but not limited to domestic, municipal, industrial, irrigation, agricultural, piscatorial and recreational; such uses will include environmental mitigation, including environmental mitigation requirements associated with the Wolford Mountain Project; such uses will be made directly or by substitution, augmentation, or exchange. None of the water stored in the exercise of the right will be delivered directly or by exchange, substitution, or otherwise for use outside of Colorado Water Division No. 5. (3) Case No. 98CW237: Decree Date: July 6, 2000. Name of Structure: Wolford Mountain Reservoir. Legal Description of place of storage: Same as for 95CW281. Source: Muddy Creek and its tributaries, all tributary to the Colorado River. Amount: 30,000 acre feet conditional, with 15,895 acre feet being absolute for recreational and piscatorial and flood control. Appropriation Date: November 17, 1998. Use: Certain of the beneficial uses previously adjudicated for Wolford Mountain Reservoir in Case No. 87CW283, District Court for Colorado Water Division No. 5 (November 20, 1989 Judgment and Decree), and Case No. 95CW281, District Court for Colorado Water Division No. 5 (August 26, 1997 Judgment and Decree). 87CW283: The reservoir will be used to satisfy the requirements of the Windy Gap Settlement made with the Municipal Subdistrict of the Northern Colorado Water Conservancy District. This will involve all uses, including but not limited to domestic, municipal, agricultural, and recreational uses. The reservoir will also be used to meet the water requirements of the inhabitants of the River District for all uses, including uses in the Middle Park area. 95CW281: All beneficial uses by and for the benefit of the inhabitants of the Colorado River Water Conservation District, including but not limited to domestic, municipal, industrial, irrigation, agricultural, piscatorial and recreational; such uses will include environmental mitigation, including environmental mitigation requirements associated with the Wolford Mountain Reservoir Project; such uses will be made directly or by substitution, augmentation, or exchange. Remarks: The Refill Right described herein will be exercised to provide supply for the Western Slope uses of water from Wolford Mountain Reservoir described above, including flood control, other operational purposes, and environmental mitigation and enhancement for the benefit of uses within the District. The Refill Right will not be used in conjunction with the Reservoir capacity (24,000 a.f.) which is allocated for the supply of water to the Denver Board of Water Commissioners under Applicant's contractual relationship with Denver, or the Reservoir capacity (6,000 AF) which is allocated for Colorado River endangered fish releases. (4) Case No. 03CW302: Decree Date: October 19, 2014 Name of Structure: Wolford Mountain Reservoir Second Enlargement. Legal description of place of storage: The dam is located in the SW1/4 of the NE1/4 of Section 25, T. 2 N., R. 81 W., 6th P.M. The as-built intersection of the dam axis (Sta. D19+35.61) with the West Access Road (Sta. WR50+55.05), 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 which bears S. 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 S. 75 28' 29" E. Source: Muddy Creek and its tributaries, all tributary to the Colorado River. Amount: The amount is 9,775 acre feet, for the initial fill, with the right to refill when in priority subject to a maximum amount of 9,775 acre feet, conditional. Appropriation Date: November 17, 2003. Uses: a. The WMR Second Enlargement storage right may be used for the purposes previously decreed to the Wolford Mountain Reservoir, including uses consistent with the Windy Gap Settlement made with the Municipal Subdistrict of the Northern Colorado Water Conservancy District; meeting the water requirements of the inhabitants of the River District for all uses; and uses consistent with the terms of a lease agreement executed March 3, 1987, between the River District and the City and County of Denver, as amended. b. The WMR Second Enlargement storage right also may be used for all beneficial uses, including but not limited to municipal, commercial, industrial, domestic, irrigation, agricultural, livestock, hydro-power production, evaporation, piscatorial and recreational (including in-

reservoir and in-river fish habitat and river flow maintenance and enhancement uses, and uses in furtherance of the Upper Colorado River Basin Fishes Recovery Program) with the right to reuse and successively use the water to extinction; such uses will include environmental mitigation, including environmental mitigation requirements associated with the Wolford Mountain Reservoir Project; such uses will be made directly or by substitution, augmentation, replacement or exchange in Water Divisions 1, 2, and/or 5. c. Agreed Constraints on Use. Pursuant to the February 12, 2014, stipulation entered in this case between the River District and the GVVUA, the UWCD, and the OMID, the River District agrees that it will make water stored pursuant to the WMR Second Enlargement storage right available for uses within or to facilitate the diversion of water from Water Division No. 5 into Water Division No. 1 or Water Division 2 only pursuant to, and subject to the terms, of the express written consent of the GVVUA, the UWCD, and the OMID. Pursuant to paragraph III.E.19 of the CRCA, any use of the WMR Second Enlargement storage right for the benefit of Denver Water will require the prior approval of the Grand County Commissioners and the River District. (5) PLSS: The dam is located in the SW1/4 of the NE1/4 of Section 25, T. 2 N., R. 81 W., 6th P.M. The as-built intersection of the dam axis (Sta. D19+35.61) with the West Access Road (Sta. WR50+55.05), 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 1,940 feet South of North section line and 2,760 feet East of the West section line of said Section 25. B. Ruedi Reservoir. The River District holds Contracts No. 009D6C0111 (500 AF), 009D6C0118 (700 AF), 039F6C0011 (530 AF), 079D6C0106 (5,000 AF), and 139D6C0101 (4,683.5 AF) from the United States Bureau of Reclamation for 11,413.5 acre feet of annual supply from Ruedi Reservoir. This water will be used in addition to and substitution for Wolford Mountain Reservoir water in appropriate circumstances where Ruedi water is physically equivalent to Wolford water. (1) Legal description of place of storage: Ruedi Reservoir is located in Sections 7, 8, 9, 11 and 14 through 18, T. 8 S., R. 84 W., 6th P.M., in Eagle and Pitkin Counties. The dam axis intersects the right abutment at a point whence the SW corner of Section 7, T. 8 S., R. 84 W. of the 6th P.M. bears N. 82°10'W. a distance of 1,285 feet. (2) Source: Fryingpan River. (3) Previous storage decrees: Civil Action No. 4613: Decree Date: June 20, 1958. Court: Garfield County District Court. Amount: 140,697.3 acre feet, reduced to 102,369 acre feet pursuant to order of the Water Court in Case No. W-789-76. The full amount was made absolute in Case No. 88CW85. Appropriation Date: July 29, 1957. Use: Domestic, municipal, irrigation, industrial, generation of electrical energy, stock watering and piscatorial. (b) Case No. 81CW34: Decree Date: April 8, 1985. Court: District Court, Water Div. No. 5. Amount: 101,280 acre feet (refill); of this amount, 44,509 acre feet were made absolute in Case No. 95CW95 and 25,257 acre feet were made absolute in Case No. 01CW269, for a total of 69,766 acre feet absolute. Appropriation Date: January 22, 1981. Use: Irrigation, domestic, municipal, generation of electrical energy, stock watering, industrial, piscatorial, recreation and maintenance of sufficient storage reserves to fulfill contractual obligations and provide stored water for recreation in times of drought. (4) PLSS: Ruedi Reservoir is located in Sections 7, 8, 9, 11 and 14 through 18, T. 8 S., R. 84 W., 6th P.M., in Eagle and Pitkin Counties. The dam axis intersects the right abutment at a point 130 feet South of the North section line and 1,280 feet East of the West section line of Section 7, T. 8 S., R. 84 W. of the 6th P.M. II. Eagle River Supply Sources. Eagle Park Reservoir Company owns and operates the Eagle Park Reservoir Project located in the headwaters of the Eagle River. The River District is a shareholder in the Reservoir Company and is entitled to yield from the Eagle Park Reservoir Project and exchange supplies provided by Aurora and Colorado Springs. The water delivered to or for the benefit of the River District's contractors as "Eagle River Supplies" will be based upon the following water rights. A. Eagle Park Reservoir. The River District's current supply consists of 2,000 shares of Class A, Series 2 stock in the Eagle Park Reservoir Company, which entitle the River District to the annual release and/or diversion of up to 200 acre feet from Eagle Park Reservoir more particularly described as follows: (1)Eagle Park Reservoir, decreed by the Water Court in Cases No. 92CW340 and 93CW301, for a combined total capacity of 27,600 acre feet, with an appropriation date of March 16, 1991, for 5,300 acre feet, and May 18, 1993, for 22,300 acre feet, together with the right to divert at the rate of 80 cfs under the August 10, 1956 appropriation date of the Pando Feeder Canal pursuant to the decree of the Water Court entered in Case No. 97CW288, for mining, milling, industrial, snowmaking, municipal, domestic, stock watering, recreation, fish and wildlife, irrigation, agricultural, exchange, replacement, augmentation and all other beneficial purposes. Eagle Park Reservoir is augmented by exchange by decree of the Water Court entered in Case No. 95CW348. The north abutment of the dam crest is located approximately 160 feet north of the south section line and 650 feet east of the west section line of Section 28, T. 7 S., R. 79 W., 6th P.M., Eagle County, Colorado. The source of Eagle Park Reservoir is the East Fork of the Eagle River including runoff, surface flow and seepage from the area above the reservoir and tributary thereto, and water tributary to Tenmile Creek a tributary of the Blue River. In addition to the tributary area upstream of the reservoir, the specific points of diversion into storage for Eagle Park Reservoir are as follows: (a) The East Fork Interceptor Ditch, which has a capacity of 48 cfs and diverts from unnamed tributaries of the East Fork of the Eagle River at the following points, all of which are located in Eagle County, Colorado: (i) 900 feet south of the north section line and 1100 feet west of the east section line of Section 5, T. 8 S., R. 79 W., 6th P.M. (ii) 1250 feet south of the north section line and 700 feet east of the west section line of Section 4, T. 8 S., R. 79 W., 6th P.M. (iii) 1200 feet north of the south section line and 800 feet east of the west section line of Section 33, T. 7 S., R. 79 W., 6th P.M. (iv) Runoff, surface flow, and seepage from the area above the East Fork Interceptor Ditch as it runs between the above-described points of diversion and Eagle Park Reservoir. (b) The Chalk Mountain Interceptor Ditch, which has a capacity of 12 cfs and diverts runoff and seepage as it runs a distance of approximately 3.4 miles from Fremont Pass, located in the W1/2 of Section 11, T. 8 S., R. 79 W., 6th P.M., northwesterly along State Highway 91 and the South side of Robinson Tailing Pond, thence westerly to the south of Chalk Mountain Reservoir and Robinson Reservoir, thence northwesterly to Eagle Park Reservoir. The Chalk Mountain Interceptor Ditch diverts water from the headwaters of Tenmile Creek in Summit County and from the headwaters of the East Fork of the Eagle River in Eagle County. (c) The East Interceptor Ditch, which has a capacity of 20 cfs and runs northeasterly from a point whence the northeast corner of Section 2, T. 8 S., R. 79 W., 6th P.M. bears North 77°20' East a distance of 850 feet at the north fork of McNulty Creek, thence along the east side of Robinson and Tenmile Tailing Ponds into Supply Canal No.1 described below. The East Interceptor Ditch diverts water from the north fork of

McNulty Creek and surface flow, seepage, and runoff from watersheds above it that are tributary to Tenmile Creek. (d) The Supply Canal No. 1, which has a capacity of 10 cfs and diverts water from the following tributaries of Tenmile Creek at the following points: (i) On the west bank of Humbug Creek at a point whence the southwest corner of Section 18, T. 7 S., R. 78 W. bears South 71°35' West a distance of 3,250 feet. (ii) On the south bank of Mayflower Creek at a point whence the northeast corner of Section 24, T. 7 S., R. 79 W., 6th P.M. bears North 16°55' East a distance of 2,250 feet. (iii) Runoff, surface flow, and seepage from the area above the Supply Canal No. 1 as it runs between the above-described points of diversion and the Climax Mill. (e) The Supply Canal No. 2, which has a capacity of 10 cfs and diverts water from the following tributaries of Tenmile Creek at the following points: (i) On the west bank of Searle Creek at a point whence U.S.L.M. Kokomo bears South 45°58' East 3740 feet (located in the NW1/4 of the SE1/4 of Section 13, T. 7 S., R. 79 W., 6th P.M.). (ii) On the south bank of Kokomo Creek at a point whence U.S.L.M. Kokomo bears North 39°36' east 2635 feet (located in the SE1/4 of Section 22, T. 7 S., R. 79 W., 6th P.M.). (iii) Runoff, surface flow, and seepage from the area above the Supply Canal No. 2 as it runs between the above-described points of diversion and the Climax Mill. (f) The East Fork Pumping Plant, which has a capacity of 6 cfs and diverts from the East Fork of the Eagle River at a point in the SE1/4 NE1/4 of Section 32, T. 7 S., R. 79 W., 6th P.M. at a point whence the NE corner of said Section 32 bears N. 31°53' E. a distance of 2,414 feet. The Eagle Park Reservoir Company must first receive the permission of Climax Molybdenum Company to use the East Fork Interceptor Ditch, Supply Canal No. 1 and Supply Canal No. 2 described above to divert water into Eagle Park Reservoir. Nevertheless, the firm yield of the River District's supply is not dependent on the use of those facilities. B. Exchange Supply. Pursuant to a Memorandum of Understanding dated effective as of April 21, 1998 (the "MOU") among the City of Aurora, the City of Colorado Springs, the River District, Climax Molybdenum Company, Vail Associates, Inc., the Upper Eagle Regional Water Authority, and the Eagle River Water & Sanitation District; and the Water Exchange Agreement dated June 17, 1998 among Aurora, Colorado Springs, and the Eagle Park Reservoir Company, Aurora and Colorado Springs agreed to make up to 500 acre feet of water available for West Slope use from facilities owned and operated by Aurora and Colorado Springs in exchange for up to 800 acre feet of replacement water from the West Slope participants. The River District's 100 shares of Class B stock in the Eagle Park Reservoir Company entitle the River District to up to 100 acre feet per year of consumptive beneficial use water to be derived from fully consumable water annually diverted by and/or stored in the following structures owned and controlled by Aurora and Colorado Springs: (1) Homestake Project. Homestake Reservoir, also known as Elliott-Weers Reservoir, was decreed by the Eagle County District Court in Civil Action No. 1193 for 83,338.98 acre feet conditional, 43,504.7 acre feet of which is now absolute. This reservoir is located on Homestake Creek with a dam being located whence the NW Corner of Section 31, T. 7 S., R. 80 W., 6th P.M. bears N. 58°30.6' E. 24,659 feet from the East dam abutment and N. 62°25.8' E. 25,746 feet from the West dam abutment. The sources of supply of said Reservoir are the East Fork of Homestake Creek, the Middle Fork of Homestake Creek and Homestake Creek. (2) Camp Hale Project. Aurora and Colorado Springs may provide to the River District water released from those surface and ground water storage rights sought by Aurora and Colorado Springs in Cases No. 88CW449 and 95CW272, District Court for Colorado Water Division No. 5. River District Contractors' use of augmentation water from Homestake Reservoir made available through contract or other arrangement with the Eagle Park Reservoir Company shall be dependent upon the continued existence of, and conditions set forth in, the Water Exchange Agreement dated June 17, 1998 between the Cities of Aurora and Colorado Springs and the Eagle Park Reservoir Company, together with any modifications thereto, or constraints thereon, as may be necessitated by the decree entered in Case No. 98CW270, Water Division No. 5. Additional Information for Homestake Project. The detailed descriptions of the structures decreed by the Eagle County District Court in Civil Action No. 1193 for the Homestake Project are set forth below. Structure: French Creek Intake, S. 82°18.3' E. 20988 ft. to NW corner Sec. 31, T. 7 S., R. 80 W, Amount 60.1 cfs. Structure: Fancy Creek Intake, N. 85°10.5' E. 25280 ft. to NW corner Sec. 31, T. 7 S., R. 80 W, Amount 38.6 cfs. Structure: Missouri Creek Intake, N. 77°12.4' E. 28800 ft. to NW corner Sec. 31, T. 7 S., R. 80 W, Amount 39.8 cfs. Structure: Sopris Creek Intake, N. 74°7.6' E. 29848 ft. to NW corner Sec. 31, T. 7 S., R. 80 W, Amount 41.3 cfs. East Fork Conduit. The East Fork Conduit diverts water from the East Fork of Homestake Creek pursuant to its appropriation of 70.8 cubic feet per second of time absolute and 189.2 cubic feet per second of time conditional therefrom and conveys these waters to Homestake Reservoir for conveyance to Homestake Tunnel or storage in the reservoir, said East Fork Conduit having a capacity of 260 cubic feet per second of time and total length of approximately 3,093 feet. The point of diversion of said conduit is on East Fork Homestake Creek at a point whence the Northwest corner of Section 31, T. 7 S., R. 80 W. bears N. 55°40.5' E., 22,917 feet. Homestake Tunnel. Homestake Tunnel under the Continental Divide for the conveyance of water into the Arkansas River Basin with its intake located at a point under Homestake Reservoir whence the Northwest corner of Section 10, T. 9 S., R. 81 W., 6th P.M. bears S. 15°27'08" E. 26,173.03 feet appropriates a maximum amount of 10 cubic feet per second of time conditional of water seeping and percolating into Homestake tunnel from former Water District No. 37 areas and 300 cubic feet per second of time absolute from Middle Fork of Homestake Creek, at its said Northerly portal, its point of diversion; said tunnel has a length of 27,400 feet and a capacity of 700 cubic feet per second of time. The tunnel will convey out of former Water District No. 37 up to 700 cubic feet per second of time of waters appropriated by the tunnel from the Middle Fork of Homestake Creek, together with water appropriated by the tunnel from the Homestake Creek and East Fork Conduits and Homestake Reservoir, to an outlet at a point from where the Northwest corner of Section 10, T. 9 S., R. 81 W., 6th P.M. bears N. 6°40'52" E., a distance of 2,173.54 feet. Homestake Reservoir. Homestake Reservoir, also known as Elliott-Weers Reservoir, has capacity of 83,338.98 acre feet conditional, is located on Homestake Creek with a dam whence Homestake Peak bears S. 73°26' E. 10,477 feet from the easterly end thereof and S. 74°57' E. 13,347 feet from the westerly end thereof, said dam having a maximum height of 411.5 feet and a length of 3,380 feet. The sources of supply of said reservoir are Homestake Conduit (the sources of this conduit as herein above set forth), East Fork Conduit (the source of this conduit as herein above set forth), the Middle Fork of Homestake Creek and Homestake Creek, and said reservoir has appropriated for storage 83,338.98 acre feet annually from said sources. Homestake Reservoir also conveys water from Homestake Conduit and East Fork Conduit to Homestake Tunnel. Existing Homestake Reservoir

has a storage capacity of 43,504.7 acre feet absolute and is located on Homestake Creek with a dam whence the NW Corner of Section 31 T. 7 S., R. 80 W., 6th P.M. bears N. 58°30.6' E. 24,659 feet from the East dam abutment and N. 62°25.8' E. 25,746 feet from the West dam abutment, said dam has a maximum height of 265.0 feet and a length of 1,996 feet. The sources of supply of said existing Homestake Reservoir are Homestake Conduit, East Fork Conduit, the Middle Fork of Homestake Creek and Homestake Creek. Existing Homestake Reservoir has appropriated 43,504.7 acre feet annually from said sources and also conveys water from Homestake Conduit and East Fork Conduit to Homestake Tunnel. 4. Applicant does not intend to change a water right to provide a source of augmentation. 5. Complete statement of plan for augmentation. A. This Application requests approval of a plan for augmentation to replace out-of-priority depletions associated with pumping from the Dotsero Block Well No. 1 described above. Water from the well is used for industrial purposes in a concrete batch plant and includes ancillary industrial uses by employees. The annual demand associated with the industrial uses is a total of 9.75 acre-feet, and is considered 100% consumptive. Diversions from well pumping will have a delayed effect on the Eagle River and downstream on the main stem of the Colorado River. Depletions are not subject to intervening calls on the Eagle River, but are subject to downstream calls on the Colorado River from the Shoshone Power Plant, the Grand Valley Canal and Grand Valley Project. Applicant has applied to the CRWCD for a Water Supply Contract to release a total of 9.715 acre-feet of water annually from the District's Colorado River supply sources such as Wolford Reservoir and Ruedi Reservoir. Because Applicant requests approval for the supply of CRWCD replacement water to come in the alternative from the District's Eagle River supply sources, Applicant may in the future also enter into a CRWCD contract for water from the Eagle River supply sources. A copy of the engineering report by Applicant's engineer detailing the uses, depletions and replacement of out-of-priority depletions at the appropriate times, locations and amounts is attached to the Application. B. The decree approving Applicant's plan for augmentation shall include several terms and conditions, including: i. Measurement and accounting of diversions and depletions and reporting of them on such basis as reasonably required by the Division Engineer; ii. Curtailment of diversions to the extent that out-of-priority depletions are not replaced to protect senior water rights; iii. Retained jurisdiction for reconsideration of injury to vested and decreed conditional water rights for such reasonable period of time as determined by the Water Court; iv. Providing copies of a CRWCD contract for the amount of replacement water specified in the augmentation plan to the Division Engineer and the Court before commencement of operation of the augmentation plan approved herein, and maintaining that contract or a similar contract so long as the augmentation plan continues to operate; and v. Application to the Division of Water Resources for a Well Permit pursuant to C.R.S. §37-90-137(2). C. Applicant asserts that operation of the plan for augmentation as described above and subject to the intended terms and conditions will not cause injury to the vested or decreed conditional water rights of others. D. The plan for augmentation does not include an exchange that the Applicant desires to adjudicate. 6. Name(s) and address(es) of owner(s) or reputed owner(s) 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: No changes to structure or diversions. 7. The following documents are attached to this Application pursuant to Rule 3 of the Uniform Local Rules for All State Water Court Divisions and JDF 295W, Instructions for All Colorado Water Court Divisions: A. Vicinity map showing the location of the subject water right. B. Decrees in Case No's W-1904 and 91CW17. C. Well Permit No. 18142-FR, Well Construction and Test Report dated December 15, 1991, Statement of Beneficial Use dated November 11, 1991. D. Special Warranty Deed, Brick Solid Investments, LLC to Western Slope Materials, LLC, March 31, 2017. E. Diversion records for the subject water right, which also include diversions for the Malpais Mobile Home Park Well, as the two have been metered together. F. Engineering Report of Eric F. Mangeot, P. E. dated December 2, 2020. Applicant requests that the Court enter its Decree approving the plan for augmentation. (14 pages + Exhibits).

YOU ARE HEREBY NOTIFIED THAT YOU HAVE until the last day of FEBRUARY 2021 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 DECEMBER 2020. *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.*

20CW3157(14CW3003). 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 MEADOW CREEK, LLC, IN GARFIELD COUNTY, COLORADO. APPLICATION FOR FINDING OF REASONABLE DILIGENCE AND REQUEST FOR CANCELLATION OF A PORTION OF CONDITIONAL STORAGE WATER RIGHT. 1. Name, Address and Telephone Number of Applicant: Meadow Creek, LLC ("Applicant"), 1411 Mockingbird Pl., Los Angeles, CA 90069, 970-390-0859. Direct all pleadings to: Kristin H. Moseley, Gunnar J. Paulsen, Porzak Browning & Bushong LLP, 2120 13th Street, Boulder, CO 80303. 2. Description of Conditional Water Rights: A. Main Elk Reservoir, i. Original Decree: Garfield County District Court in Civil Action No. 4914 on November 10, 1966, ii. Subsequent Diligence Decrees: Case Nos. W-127, W-800, 80CW76, 84CW158, 88CW139, 95CW263, 01CW276, and 14CW3003, iii. Legal Description: The reservoir is located in sections 2, 10, 11, 14, and 15, Township 5 South, Range 91 West of the 6th P.M., iv. **Source: Main Elk Creek and its tributaries, which are tributaries to the Colorado River,** v. Appropriation Date: June 19, 1963, vi. Amount: 34,922 acre-feet, conditional. Applicant seeks to maintain diligence on 3,000 acre-feet of this originally decreed volume, vii. Uses: irrigation, industrial, domestic, municipal and recreation. A map denoting the decreed

location for the above referenced structure is attached hereto as Exhibit A. 3. Detailed Description of Work Done Toward Application of Water to Beneficial Use: Applicant purchased the property on which Main Elk Reservoir is decreed in the fall of 2016. Since acquiring the land and Main Elk Reservoir water right, Applicant has undertaken significant efforts to restore Main Elk Creek, which is the source of Main Elk Reservoir. Specifically, Applicant designed and completed Phase I of a major aquatic habitat enhancement project along a 2.7 mile section of Main Elk Creek (“Project”). Work on Phase I of the Project was completed in 2018 pursuant to DA permit SPK-2017-00295 (Exhibit B) and Garfield County Floodplain Development Permit No. 09-17-8576 (Exhibit C). The Project improvements restored and stabilized the creek channel and banks as well as improving the aquatic habitat for trout. The streambanks had been severely eroded in recent years by cattle grazing operations. The Project fenced off riparian areas to future grazing and Applicant plans to transition the upper portion of the property to strictly irrigation, which is a decreed use of Main Elk Reservoir. The Project improved the floodplain corridor through Applicant’s property and had a positive impact on water quality and aquatic habitat within the reach decreed as a source for Main Elk Reservoir. Design and permitting of Phase II of the Project, for the lower 2.2 miles of Main Elk Creek on Applicant’s property, is currently underway. The Project is necessary for the perfection of Main Elk Reservoir’s conditional capacity because it improves water quality for Main Elk Reservoir’s beneficial uses. Costs associated with consultants and construction associated with the Project have exceeded \$475,000.00, and additional consultants were utilized as follows: i. Five Rivers, Inc. provided stream restoration design services, ii. Claffey Ecological Consulting, Inc. provided consulting and surveying services that are essential to developing Main Elk Reservoir, iii. SGM Inc. created a streambead survey, iv. Colorado River Engineering – engineering support, v. Archaeological and cultural resources report from Metcalf Archaeological Consultants, Inc. Applicant investigated reservoir locations on the property that may be suitable for Main Elk Reservoir or a series of smaller structures. This work included schematic drawings from Five Rivers, Inc. This work also included the installation of piezometers at potential reservoir sites to monitor conditions. Applicant retained the undersigned law firm in furtherance of developing and maintaining its conditional water rights. All of the above-described expenditures and activities are necessary to put to conditional water rights to beneficial use. 4. Name and address of owner upon which the subject rights are located: Applicant. 5. Request for Cancellation of a Portion of Conditional Storage Water Right. Applicant has chosen to forego diligence to 31, 922 acre-feet of the original 34,922 acre-foot storage right decreed for Main Elk Reservoir, and Applicant requests that the Water Court cancel this 31,922 acre-foot portion of Main Elk Reservoir. 6. Request for Finding of Reasonable Diligence. Applicant seeks a finding that it has exercised reasonable diligence for the remaining 3,000 acre-feet of the Main Elk Reservoir conditional water right for all decreed uses. WHEREFORE, Applicant respectfully requests that the Court enter the following findings: A. Applicant exercised reasonable diligence during the preceding diligence period in the development of the water right that is the subject of this Application, and requests that 3,000 acre-feet of the Main Elk Reservoir be continued as conditional in full force and effect for all decreed uses, and that 31,922 acre-feet of the conditional water right be cancelled. (5 pages + Exhibits)

YOU ARE HEREBY NOTIFIED THAT YOU HAVE until the last day of FEBRUARY 2021 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 DECEMBER 2020. *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.*

20CW3158 (05CW23, 98CW8, 91CW77). DISTRICT COURT, WATER DIVISION NO. 5, STATE OF COLORADO, 109 8th Street, Suite 104, Glenwood Springs, CO 81601. CONCERNING THE APPLICATION FOR WATER RIGHTS OF THE UPPER EAGLE REGIONAL WATER AUTHORITY IN THE EAGLE RIVER OR ITS TRIBUTARIES, IN EAGLE COUNTY, COLORADO. APPLICATION TO MAKE ABSOLUTE AND FOR FINDINGS OF REASONABLE DILIGENCE.

1. Name and Address of Applicant: Upper Eagle Regional Water Authority (the “Authority”), c/o Manager, 846 Forest Road, Vail, CO 81657. Direct All Pleadings to: Glenn E. Porzak, Kristin H. Moseley, Cassidy L. Woodard, Porzak Browning & Bushong LLP, 2120 13th Street, Boulder, CO 80302. 2. Description of Conditional Water Rights: The District Court in and for Water Division No. 5, State of Colorado (“Water Court”) entered a decree in Case No. 91CW77 for the Stag Gulch Wellfield, which includes up to thirty-five individual Stag Gulch Wells, all located in the County of Eagle, State of Colorado (“91CW77 Decree”). In Water Court Case No. 98CW8, portions of the conditional water rights were made absolute and findings of reasonable diligence were entered for the remaining conditional portions (“98CW8 Decree”). In Case No. 05CW23, the Water Court made subsequent findings of reasonable diligence on the remaining conditional portions (“05CW23 Decree”). A. Names of the Structures: Stag Gulch Wellfield, which includes up to thirty-five individual Stag Gulch Wells, all located in the County of Eagle, State of Colorado. B. Locations of the Structures: i. Stag Gulch Wellfield (the “Wellfield”): The boundaries of the Wellfield were originally decreed in the 91CW77 Decree but were subsequently amended in Water Court Case No. 96CW21 and are described as follows: a. Lands located in Tract 73, which is part of Sections 10 and 11, Tract 53, which is part of Sections 10, 11, and 14, Tract 55, which is part of Sections 11 and 14, Tract 62, which is part of Sections 14 and 15, Tract 63, which is part of Sections 14 and 15, Tract 51, which is part of Section 10, Tract 48, which is part of Sections 9 and 10, Tract 54, which is part of Sections 10, 11, 14, and 15, and a tract of land designated as the “Cliff Tract” lying in the northeast corner of said Tract 53; all in Township 5 South, Range 83 West of the 6th P.M., Eagle County, Colorado, according to the Independent

Resurvey accepted June 6, 1923, all as more particularly described in **Exhibit A.**, b. Lands consisting of 333.871 acres, more or less, located in Tracts 55, 60, and 61 in Sections 13 and 14, Township 5 South, Range 83 West of the 6th P.M., Eagle County, Colorado, according to the Independent Resurvey thereof as approved June 20, 1922, by the U.S. Surveyor General and more particularly described in **Exhibit B.**, ii. Individual Stag Gulch Wells (the “Wells”): The 91CW77 Decree granted the right to drill up to a total of thirty-five (35) wells within the Wellfield boundaries as alternate points of diversion for the Wellfield. The thirty-five (35) original proposed well locations are listed in **Exhibit C** and legal descriptions are set forth therein with reference to Corner No. 3 of Tract 48, Township 5 South, Range 83 West of the 6th P.M. and to Corner No. 3 of Tract 55, Township 5 South, Range 83 West of the 6th P.M. In Paragraph 13.a.(9) of the 91CW77 Decree, the applicant was granted the right to develop the ground water supplies through the wellfield concept in order to facilitate and give flexibility in developing the ground water supplies without having to amend the decree each time a new well location is determined. Accordingly, the 91CW77 Decree provides, “Applicants shall be entitled to have well permits issued by the State Engineer to construct and use ground water from wells within the Wellfield at the locations stated herein or from relocated wells within the decreed Wellfield boundaries, so long as said well permit applications state they will be subject to the terms and conditions of this Decree and so long as the applications are for wells within the Wellfield no closer than 600 feet from permitted wells outside the boundaries of the Wellfield owned by third parties, subject to review by the State Engineer under C.R.S. 37-90-137(2) for any relocated wells. Any wells constructed by the Applicants are hereby decreed to be points of diversion in the Wellfield and the amount of water decreed for each well and the Wellfield is 450 gallons per minute conditional. Prior to use of each well in Applicants’ Wellfield, a meter shall be installed on each well to record cumulative withdrawals.” Because the ground water supplies are to be developed in accordance with the wellfield concept, as described in Paragraph 4.i of the 91CW77 Decree, the Authority’s predecessors obtained permits and drilled wells at the sites described in the table attached as **Exhibit D**, which includes the legal descriptions, State Engineer’s permit numbers, and amounts for the individual wells which have been permitted and/or drilled to date. C. Decreed Sources of Water for the Wellfield and the Wells: Groundwater from bedrock aquifers hydraulically connected to the Eagle River, a tributary to the Colorado River, or to Squaw Creek, a tributary to the Eagle River, tributary to the Colorado River. D. Decreed Appropriation Date: April 26, 1990. E. Decreed Amount of Water: 450 gallons per minute for the Wellfield with each well to be a point of diversion within the Wellfield, of which 250 gallons per minute was previously made absolute in the 98CW8 Decree for all uses listed in Paragraph 2.F below except for augmentation, replacement, and exchange purposes. F. Decreed Uses of Water: Irrigation, domestic, municipal, stockwatering, augmentation, replacement, exchange, commercial, storage, recreation, piscatorial, golf course hazard and fire protection purposes. G. Depth: The proposed depth of each well is 500 feet. H. Irrigated Lands: Lands in the various filings of the Cordillera subdivisions in Eagle County, Colorado, whose plats are listed in the attached **Exhibit E**. A general location map of the Cordillera Metropolitan District water service area and the Wellfield is attached hereto as **Figure 1**. The service area is described in the augmentation plan decree entered in Water Court Case No. 97CW280. As shown in Attachment 1 to the amended augmentation plan entered in Case No. 00CW11 on August 14, 2000, 104.3 acres of private home lawns and 360 acres of public areas are being irrigated or are planned to be irrigated by the water rights which are the subject of this Application. 3. Request to Make Absolute: On August 11–16, 2009, the Wellfield produced just over 450 gallons per minute for five days. Such water was subsequently used in the Cordillera subdivision for all decreed uses except for augmentation, replacement, exchange, piscatorial, and golf course hazard. Because there was no call during August 11–16, 2009, the pumping and lagged depletions from past pumping were in-priority. An excerpt of diversion records supporting such claim are attached as **Exhibit F**. Thus, the Authority requests that the Wellfield be made absolute for an additional 200 gallons per minute for all decreed uses set forth in Paragraph 2.F except augmentation, replacement, exchange, piscatorial, and golf course hazard. As a result of such request, the Authority requests that the Wellfield be made absolute for 450 gallons per minute for irrigation, domestic, municipal, stockwatering, commercial, storage, recreation, and fire protection purposes. 4. Request for Findings of Reasonable Diligence: For all portions of the conditional water rights not made absolute as requested in Paragraph 3 above, the Authority requests a finding that it has exercised reasonable diligence in the development of the subject conditional water rights. This includes, but is not limited to, 450 gallons per minute for augmentation, replacement, and exchange uses and 200 gallons per minute for piscatorial and golf course hazard uses. 5. Diligence Activities: The Authority is a quasi-municipal entity that provides water service to customers in Eagle-Vail, the Town of Avon, Beaver Creek, Bachelor Gulch, Arrowhead, Berry Creek, Edwards, and Cordillera. The Authority and the Eagle River Water & Sanitation District, whose water systems are interconnected and managed by the same staff, comprise the second largest water and wastewater provider on the Western Slope. These two entities are required to meet the water demands of more than 65,000 residents in Eagle County and over 2.2 million annual recreational visitors to the Vail and Beaver Creek ski areas. The Wellfield is necessary to meet the Authority’s demands for domestic, irrigation, recreation, and other municipal uses within the Authority’s service area as that area expands and for the Authority’s planning for population increases and increased water demands caused by skiers and tourists. According to Eagle County’s 2005 Comprehensive Plan, the County population will increase from approximately 54,722 residents in 2017 to 88,000 by 2030. As one of the main municipal water providers in Eagle County, the Authority requires the subject water rights in order to serve the projected population growth in Eagle County. In support of its claim for findings of reasonable diligence for the above-described remaining conditional amounts and uses, the Authority has engaged in numerous activities during the relevant period that demonstrate diligence toward the application of the subject water rights to their decreed beneficial uses. The Authority operates an integrated water system, i.e., a single, unified municipal water system in which work done on any component of the system advances the whole. The Authority has incurred capital costs and expenditures of approximately \$95.6 million during the diligence period to operate, protect, maintain, upgrade, and expand its water facilities. All such expenditures are necessary steps in the development of the Authority’s integrated water supply system and the subject conditional water rights. With respect to the specific water rights included in this Application, the Authority has incurred expenditures of \$195,769 during the diligence period, which include the following activities: A. Installation of a new meter for the Wellfield wellhouse in 2016 at the cost of \$9,267;

B. Upgrade of a well in 2017 at the expense of \$26,916; and C. Design and permitting of a new wellhouse to treat water produced by the Wells in 2019 and 2020 at the cost of \$35,351 in 2019 and \$124,235 in 2020. Construction of the new wellhouse is expected to commence in the spring of 2021 and will be completed by October 2021. The Authority has budgeted \$2,186,644 for construction of the new wellhouse. Additionally, the Authority has protected the Wellfield water rights by reviewing Water Court resumes and filing statements of opposition in cases to prevent injury to the subject water rights. The Authority has also spent considerable time and money during the diligence period on legal and engineering fees. All of the above activities are necessary prerequisites to applying the subject conditional water rights to beneficial use. The Authority believes it can and will complete the appropriations within a reasonable time and intends to perfect the subject conditional water rights within a reasonable time for use to meet the Authority's water service demands.

6. **Ownership:** The Wellfield is located on land owned or obtained by easement by the Authority. WHEREFORE, the Authority respectfully requests that the Court enter a decree (1) making an additional 200 gallons per minute for all decreed uses except augmentation, replacement, exchange, piscatorial, and golf course hazard, as requested in Paragraph 3 above; (2) making a finding of reasonable diligence as requested in Paragraph 4, above; and (3) granting such other and further relief as the Court deems appropriate. (6 pages + Exhibits)

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9. PURSUANT TO C.R.S., §37-92-302, AS AMENDED, YOU ARE NOTIFIED THAT THE FOLLOWING PAGES COMPRISE A RESUME OF THE APPLICATIONS AND AMENDED APPLICATIONS FILED WITH THE WATER CLERK FOR WATER DIVISION 5 DURING THE MONTH OF DECEMBER 2020. *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.*

20CW3159 EAGLE COUNTY. APPLICATION FOR FINDING OF REASONABLE DILIGENCE. Henke Property LLC, Attn: Evatt Tamine, Manager, Suite 536, 48 Par-la-Ville Road, Hamilton, HM11 Bermuda. Copies of all pleadings to Kylie J. Crandall, Esq. and Hayley K. Siltanen, Esq., Holland & Hart LLP, 1800 Broadway, Ste. 300, Boulder, CO 80302, (303) 473-2700, kjcrandall@hollandhart.com, hksiltanen@hollandhart.com. 2. *Name of Structure:* Lee Ditch. 3. *Description of Conditional Water Right:* A. *Original decree:* Case No. 93CW202 (Water Div. 5), decree dated Jan. 31, 1995. B. *Subsequent decrees awarding diligence:* Case No. 01CW59, decree dated Aug. 6, 2001; Case No. 07CW149, decree dated June 8, 2008; and Case No. 14CW3082, decree dated Dec. 28, 2014, all in Water Div. 5. C. *Legal description:* The point of diversion is a point being N. 88°21'57" W., 1,143 feet from the center quarter corner of Sec. 10, T. 8 S., R. 85 W. of the 6th P.M. at a point 3,742 feet from the E. sec. line and 2,673 feet from the S. sec. line in the SE 1/4 of the NW 1/4 of Sec. 10, as depicted on a map attached to the Application as Exhibit A. D. *Source:* **Unnamed tributary to the Fryingpan River, tributary to the Roaring Fork River, tributary to the Colorado River.** E. *Approp. date:* Aug. 10, 1993. F. *Amount:* 0.5 c.f.s., conditional. G. *Uses:* Irrigation of 10 acres, lawn and garden irrigation, piscatorial, and fire protection associated with operational ponds associated with the ditch. Irrigation use is limited to 10 acres in area depicted on a map attached to the Application as Exhibit B. 4. *Detailed outline of what has been done toward completion or for completion of the appropriation of water to a beneficial use as conditionally decreed, including expenditures, during the previous diligence period:* A. Applicant purchased the Tie Camp Ranch property (the "Property"), a portion of which the Lee Ditch water right is appurtenant to, approximately 10 years ago, and since that time has been working with consultants to develop and implement a plan for the Property and the associated water rights, including the Tie Camp Water Rights originally decreed on July 15, 1997 in Case No. 96CW345 (Water Div. 5) and the water rights associated with the Lee Ditch (collectively, the "Water Rights"). B. During the applicable diligence period, Applicant continued to develop and implement its plans for the Property. In addition to other activities, Applicant: constructed a ranch manager's cabin, a fishing cabin, and a large loafing shed on the Property; installed irrigation systems; developed or plans to develop irrigated areas of agricultural grasses around each structure to serve multiple purposes, including fire mitigation; identified and designed a prescription for forestry improvement projects to remove standing dead and down dead trees adjacent to and in the footprint of the Lee Ditch, which plan allows for continued access to the ditch and protects the ditch alignment; maintained noxious vegetation across the Property, including adjacent to and with the alignment of the Lee Ditch. The Water Rights are an important aspect of the Applicant's plans for its Property, and Applicant anticipates further developing the Water Rights pursuant to such plans. C. During the applicable diligence period, Applicant prosecuted and obtained a decree granting to Applicant a finding of reasonable diligence on the Tie Camp Water Rights in Case No. 17CW3149 (Water Div. 5). D. In conjunction with the ongoing development of the Property, Applicant's representatives and consultants conducted at least seasonal site visits to inspect the Property, including inspecting and confirming the locations of the points of diversion of the Lee Ditch water right. E. Applicant monitored new water rights applications and activities of other appropriators in order to protect its interests in the Water Rights. F. Applicant reserves the right to present additional evidence of diligence. 5. *Name and Address of Owners of Land Upon Which Structures are Located:* Applicant. (6 pages including exhibits)

YOU ARE HEREBY NOTIFIED THAT YOU HAVE until the last day of FEBRUARY 2021 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 DECEMBER 2020. *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.*

20CW3160 (2014CW3023, 03CW23) COLORADO DIVISION OF PARKS AND WILDLIFE AND THE PARKS AND WILDLIFE COMMISSION, 6060 Broadway, Denver, CO 80216 (Please address all correspondence and inquiries regarding this matter to Ema I. G. Schultz, 720-508-6307, ema.schultz@coag.gov, and Elizabeth M. Joyce, 720-508-6761, Elizabeth.joyce@coag.gov, Office of the Attorney General, 1300 Broadway, 7th Floor, Denver, CO 80203.) Application for Findings of Reasonable Diligence, in **EAGLE COUNTY, COLORADO**.

1. Name, mailing address, e-mail address, and telephone number of Applicant: Colorado Division of Parks and Wildlife ("CPW"); Attn: Ed Perkins, Water Rights Administrator; 6060 Broadway, Denver, Colorado 80216; 303-291-7466; ed.perkins@state.co.us.

2. Description of structures and conditional water rights:

A. Joe Goode Ditch No. 1 Exchange.

i. Original Decree: Case No. 03CW238, Water Division 5, entered February 18, 2008.

ii. Subsequent Decrees: Case No. 2014CW3023, Water Division 5, entered November 10, 2014.

iii. Legal Description: a. Exchange From Point: Headgate of the Joe Goode Ditch No. 1, located at a point on the right bank of Nolan Creek 3,665 feet north of the south section line and 1,330 feet west of the east section line of Section 22, Township 6 South, Range 83 West of the 6th P.M.

b. Exchange To Points:

1. Sylvan Lake, located at a point 4,113 feet north of the south section line and 1,330 west of the east section line of Section 6, Township 7 South, Range 83 West of the 6th P.M., Eagle County (centerline of the dam axis).

2. Zurcher Spring, located at a point 4,580 feet north of the south section line and 4,930 feet west from the east section line in the NW1/4 NW1/4 of Section 5, Township 7 South, Range 83 West of the 6th P.M., Eagle County.

3. Cowboy Spring Pipeline, located in the SE1/4 SE1/4 of Section 31, Township 6 South, Range 83 West of the 6th P.M. approximately 730 feet west of East section line and 495 feet north of South section line, Eagle County, Colorado with UTM coordinates: Zone 13N, Northing 4371874m, Easting 350989m.

iv. Source: West Brush Creek.

v. Appropriation Date: December 30, 1999.

vi. Amount: 3.0 cfs, conditional.

vii. Uses: Recreation, piscatorial, domestic, irrigation, commercial, aesthetic, evaporation, wildlife, fire protection, stock; storage of consumptive use credits in Sylvan Lake for later application to such uses, and exchange, storage for, and augmentation of such uses pursuant to the plan for augmentation decreed in Case No. 03CW238. Water will be exchanged as stream credits for immediate application to such uses or augmentation of such uses or stored for later release for application to such uses or augmentation of such uses.

viii. Remarks: The total combined rate of exchange for all exchanges decreed in Case No. 03CW238 is 3.0 c.f.s. A map of the structures and exchange reaches is attached as Exhibit A.

B. Nolan Ditch Exchange.

i. Original Decree: Case No. 03CW238, Water Division 5, entered February 18, 2008.

ii. Subsequent Decrees: Case No. 2014CW3023, Water Division 5, entered November 10, 2014.

iii. Legal Description: a. Exchange From Point: Headgate of the Nolan Ditch located on the right bank of Nolan Creek at a point that is 341 feet north of the south section line and 5,100 feet west of the east section line of Section 15, Township 6 South, Range 83 West of the 6th P.M.

b. Exchange To Points:

1. Sylvan Lake, described in paragraph 2.A.iii.b.1.

2. Zurcher Spring, described in paragraph 2.A.iii.b.2.

3. Cowboy Spring Pipeline, described in paragraph 2.A.iii.b.3.

iv. Source: West Brush Creek.

v. Appropriation Date: December 30, 1999.

vi. Amount: 3.0 cfs, conditional.

vii. Uses: Recreation, piscatorial, domestic, irrigation, commercial, aesthetic, evaporation, wildlife, fire protection, stock; storage of consumptive use credits in Sylvan Lake for later application to such uses, and exchange, storage for, and augmentation of such uses pursuant to the plan for augmentation decreed in Case No. 03CW238. Water will be exchanged as stream credits for immediate application to such uses or augmentation of such uses or stored for later release for application to such uses or augmentation of such uses.

viii. Remarks: The total combined rate of exchange for all exchanges decreed in Case No. 03CW238 is 3.0 c.f.s. A map of the structures and exchange reaches is attached as Exhibit A.

C. South Ditch Exchange.

i. Original Decree: Case No. 03CW238, Water Division 5, entered February 18, 2008.

ii. Subsequent Decrees: Case No. 2014CW3023, Water Division 5, entered November 10, 2014.

iii. Legal Description: a. Exchange From Point: Headgate of the South Ditch located on the right bank of East Brush Creek at a point 1,974 feet north of the south section line and 3,061 feet west of the east section line of Section 16, Township 6 South, Range 83 West of the 6th P.M.

b. Exchange To Points:

1. Sylvan Lake, described in paragraph 2.A.iii.b.1.

2. Zurcher Spring, described in paragraph 2.A.iii.b.2.

3. Cowboy Spring Pipeline, described in paragraph 2.A.iii.b.3.

iv. Source: West Brush Creek.

v. Appropriation Date: December 30, 1999.

vi. Amount: 1.6 cfs, conditional.

vii. Uses: Recreation, piscatorial, domestic, irrigation, commercial, aesthetic, evaporation, wildlife, fire protection, stock; storage of consumptive use credits in Sylvan Lake for later application to such uses, and exchange, storage for, and augmentation of such uses pursuant to the plan for augmentation decreed in Case No. 03CW238. Water will be exchanged as stream credits for immediate application to such uses or augmentation of such uses or stored for later release for application to such uses or augmentation of such uses.

viii. Remarks: The total combined rate of exchange for all exchanges decreed in Case No. 03CW238 is 3.0 c.f.s. A map of the structures and exchange reaches is attached as Exhibit A.

D. Nolan Creek Ditch Exchange.

i. Original Decree: Case No. 03CW238, Water Division 5, entered February 18, 2008.

ii. Subsequent Decrees: Case No. 2014CW3023, Water Division 5, entered November 10, 2014.

iii. Legal Description: a. Exchange From Point: Headgate of the Nolan Creek Ditch located on the south bank of Nolan Creek at a point that is 400 feet north of the south section line and 4,339 feet west of the east section line of Section 15, Township 6 South, Range 83 West of the 6th P.M.

b. Exchange To Points:

1. Sylvan Lake, described in paragraph 2.A.iii.b.1.

2. Zurcher Spring, described in paragraph 2.A.iii.b.2.

3. Cowboy Spring Pipeline, described in paragraph 2.A.iii.b.3.

iv. Source: West Brush Creek.

v. Appropriation Date: December 30, 1999.

vi. Amount: 0.5 cfs, conditional.

vii. Uses: Recreation, piscatorial, domestic, irrigation, commercial, aesthetic, evaporation, wildlife, fire protection, stock; storage of consumptive use credits in Sylvan Lake for later application to such uses, and exchange, storage for, and augmentation of such uses pursuant to the plan for augmentation decreed in Case No. 03CW238. Water will be exchanged as stream credits for immediate

application to such uses or augmentation of such uses or stored for later release for application to such uses or augmentation of such uses. viii. Remarks: The total combined rate of exchange for all exchanges decreed in Case No. 03CW238 is 3.0 c.f.s. A map of the structures and exchange reaches is attached as Exhibit A. E. Peterson Ditch Exchange. i. Original Decree: Case No. 03CW238, Water Division 5, entered February 18, 2008. ii. Subsequent Decrees: Case No. 2014CW3023, Water Division 5, entered November 10, 2014. iii. Legal Description: a. Exchange From Point: Headgate of the Peterson Ditch located on the west bank of West Brush Creek at a point that is 3,905 feet north of the south section line and 5,914 feet west of the east section line of Section 19, Township 6 South, Range 83 West of the 6th P.M. b. Exchange To Points: 1. Sylvan Lake, described in paragraph 2.A.iii.b.1. 2. Zurcher Spring, described in paragraph 2.A.iii.b.2. 3. Cowboy Spring Pipeline, described in paragraph 2.A.iii.b.3. iv. Source: West Brush Creek. v. Appropriation Date: December 30, 1999. vi. Amount: 1.4 cfs, conditional. vii. Uses: Recreation, piscatorial, domestic, irrigation, commercial, aesthetic, evaporation, wildlife, fire protection, stock; storage of consumptive use credits in Sylvan Lake for later application to such uses, and exchange, storage for, and augmentation of such uses pursuant to the plan for augmentation decreed in Case No. 03CW238. Water will be exchanged as stream credits for immediate application to such uses or augmentation of such uses or stored for later release for application to such uses or augmentation of such uses. iii. Remarks: The total combined rate of exchange for all exchanges decreed in Case No. 03CW238 is 3.0 c.f.s. A map of the structures and exchange reaches is attached as Exhibit A. F. Peterson No. 1 Ditch Exchange. i. Original Decree: Case No. 03CW238, Water Division 5, entered February 18, 2008. ii. Subsequent Decrees: Case No. 2014CW3023, Water Division 5, entered November 10, 2014. iii. Legal Description: a. Exchange From Point: Headgate of the Peterson No. 1 Ditch located on the east bank of West Brush Creek at a point that is 4,044 feet north of the south section line and 5,914 feet west of the east section line of Section 30, Township 6 South, Range 83 West of the 6th P.M. b. Exchange To Points: 1. Sylvan Lake, described in paragraph 2.A.iii.b.1. 2. Zurcher Spring, described in paragraph 2.A.iii.b.2. 3. Cowboy Spring Pipeline, described in paragraph 2.A.iii.b.3. iv. Source: West Brush Creek. v. Appropriation Date: December 30, 1999. vi. Amount: 0.9 cfs, conditional. vii. Uses: Recreation, piscatorial, domestic, irrigation, commercial, aesthetic, evaporation, wildlife, fire protection, stock; storage of consumptive use credits in Sylvan Lake for later application to such uses, and exchange, storage for, and augmentation of such uses pursuant to the plan for augmentation decreed in Case No. 03CW238. Water will be exchanged as stream credits for immediate application to such uses or augmentation of such uses or stored for later release for application to such uses or augmentation of such uses. viii. Remarks: The total combined rate of exchange for all exchanges decreed in Case No. 03CW238 is 3.0 c.f.s. A map of the structures and exchange reaches is attached as Exhibit A. G. Peterson No. 3 Ditch Exchange. i. Original Decree: Case No. 03CW238, Water Division 5, entered February 18, 2008. ii. Subsequent Decrees: Case No. 2014CW3023, Water Division 5, entered November 10, 2014. iii. Legal Description: a. Exchange From Point: Headgate of the Peterson No. 3 Ditch located on the right bank of West Brush Creek at a point that is 1,630 feet north of the south section line and 5,914 feet west of the east section line of Section 19, Township 6 South, Range 83 West of the 6th P.M. b. Exchange To Points: 1. Sylvan Lake, described in paragraph 2.A.iii.b.1. 2. Zurcher Spring, described in paragraph 2.A.iii.b.2. 3. Cowboy Spring Pipeline, described in paragraph 2.A.iii.b.3. iv. Source: West Brush Creek. v. Appropriation Date: December 30, 1999. vi. Amount: 0.4 cfs, conditional. vii. Uses: Recreation, piscatorial, domestic, irrigation, commercial, aesthetic, evaporation, wildlife, fire protection, stock; storage of consumptive use credits in Sylvan Lake for later application to such uses, and exchange, storage for, and augmentation of such uses pursuant to the plan for augmentation decreed in Case No. 03CW238. Water will be exchanged as stream credits for immediate application to such uses or augmentation of such uses or stored for later release for application to such uses or augmentation of such uses. viii. Remarks: The total combined rate of exchange for all exchanges decreed in Case No. 03CW238 is 3.0 c.f.s. A map of the structures and exchange reaches is attached as Exhibit A. H. Bob Reid Ditch Exchange. i. Original Decree: Case No. 03CW238, Water Division 5, entered February 18, 2008. ii. Subsequent Decrees: Case No. 2014CW3023, Water Division 5, entered November 10, 2014. iii. Legal Description: a. Exchange From Point: Headgate of the Bob Reid Ditch located on the right bank of West Brush Creek at a point that is 4,715 feet north of the south section line and 2,510 feet west of the east section line of Section 6, Township 7 South, Range 83 West of the 6th P.M. b. Exchange To Points: 1. Sylvan Lake, described in paragraph 2.A.iii.b.1. 2. Zurcher Spring, described in paragraph 2.A.iii.b.2. 3. Cowboy Spring Pipeline, described in paragraph 2.A.iii.b.3. iv. Source: West Brush Creek. v. Appropriation Date: December 30, 1999. vi. Amount: 2.6 cfs, conditional. vii. Uses: Recreation, piscatorial, domestic, irrigation, commercial, aesthetic, evaporation, wildlife, fire protection, stock; storage of consumptive use credits in Sylvan Lake for later application to such uses, and exchange, storage for, and augmentation of such uses pursuant to the plan for augmentation decreed in Case No. 03CW238. Water will be exchanged as stream credits for immediate application to such uses or augmentation of such uses or stored for later release for application to such uses or augmentation of such uses. viii. Remarks: The total combined rate of exchange for all exchanges decreed in Case No. 03CW238 is 3.0 c.f.s. A map of the structures and exchange reaches is attached as Exhibit A. I. Antoine No. 1 Ditch Exchange. i. Original Decree: Case No. 03CW238, Water Division 5, entered February 18, 2008. ii. Subsequent Decrees: Case No. 2014CW3023, Water Division 5, entered November 10, 2014. iii. Legal Description: a. Exchange From Point: Headgate of the Antoine No. 1 Ditch located on the left bank of Antoine Creek at a point that is 362 feet north of the south section line and 3,650 feet west of the east section line of Section 31, Township 6 South, Range 83 West of the 6th P.M. b. Exchange To Points: 1. Sylvan Lake, described in paragraph 2.A.iii.b.1. 2. Zurcher Spring, described in paragraph 2.A.iii.b.2. 3. Cowboy Spring Pipeline, described in paragraph 2.A.iii.b.3. iv. Source: West Brush Creek. v. Appropriation Date: December 30, 1999. vi. Amount: 1.1 cfs, conditional. vii. Uses: Recreation, piscatorial, domestic, irrigation, commercial, aesthetic, evaporation, wildlife, fire protection, stock; storage of consumptive use credits in Sylvan Lake for later application to such uses, and exchange, storage for, and augmentation of such uses pursuant to the plan for augmentation decreed in Case No. 03CW238. Water will be exchanged as stream credits for immediate application to such uses or augmentation of such uses or stored for later release for application to such uses or augmentation of such uses. viii. Remarks: The total combined rate of exchange for all exchanges decreed in Case No. 03CW238 is 3.0 c.f.s. A map of the structures and exchange reaches is attached as Exhibit A. J.

Joe Goode No. 2 Ditch Exchange. i. Original Decree: Case No. 03CW238, Water Division 5, entered February 18, 2008. ii. Subsequent Decrees: Case No. 2014CW3023, Water Division 5, entered November 10, 2014. iii. Legal Description: a. Exchange From Point: Headgate of the Joe Goode No. 2 Ditch located on the left bank of Nolan Creek at a point that is 3,586 feet north of the south section line and 1,180 feet west of the east section line of Section 31, Township 6 South, Range 83 West of the 6th P.M. b. Exchange To Points: 1. Sylvan Lake, described in paragraph 2.A.iii.b.1. 2. Zurcher Spring, described in paragraph 2.A.iii.b.2. 3. Cowboy Spring Pipeline, described in paragraph 2.A.iii.b.3. iv. Source: West Brush Creek. v. Appropriation Date: December 30, 1999. vi. Amount: 3.0 cfs, conditional. vii. Uses: Recreation, piscatorial, domestic, irrigation, commercial, aesthetic, evaporation, wildlife, fire protection, stock; storage of consumptive use credits in Sylvan Lake for later application to such uses, and exchange, storage for, and augmentation of such uses pursuant to the plan for augmentation decreed in Case No. 03CW238. Water will be exchanged as stream credits for immediate application to such uses or augmentation of such uses or stored for later release for application to such uses or augmentation of such uses. viii. Remarks: The total combined rate of exchange for all exchanges decreed in Case No. 03CW238 is 3.0 c.f.s. A map of the structures and exchange reaches is attached as Exhibit A. K. Sylvan Lake Storage Right (WDID 3703524). i. Original Decree: Case No. 03CW238, Water Division 5, entered February 18, 2008. ii. Subsequent Decrees: Case No. 2014CW3023, Water Division 5, entered November 10, 2014. iii. Legal Description: The centerline of the dam axis is located at a point 4,113 feet north of the south section line and 1,330 feet west of the east section line of Section 6, Township 7 South, Range 83 West of the 6th P.M., Eagle County. iv. Source: West Brush Creek, tributary to Brush Creek, tributary to the Eagle River, tributary to the Colorado River. v. Appropriation Date: November 30, 1999. vi. Amount: 500 acre-feet. vii. Uses: Recreation, piscatorial, domestic, irrigation, commercial, aesthetic, evaporation, wildlife, fire protection, and stock. Water is stored and released for application to such uses or augmentation of such uses. viii. Remarks: In Case No. 14CW3023, 379.75 acre-feet of the Sylvan Lake Storage Right was made absolute for all decreed uses and is not the subject of this application. CPW seeks a finding of diligence to maintain the remaining 120.25 acre-feet of the Sylvan Lake Storage Right for all decreed uses. A map of the structures and exchange reaches is attached as Exhibit A. 3. Outline of work completed toward diligence: The conditional water rights described in paragraph 2 are referred to as the “Sylvan Lake Conditional Water Rights.” The diligence period for the Sylvan Lake Conditional Water Rights is December 2014 through December 2020. “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.” § 37-92-301(4)(b), C.R.S. Consistent with the finding in Case No. 14CW3023, each of the Sylvan Lake Conditional Water Rights constitutes a feature of an integrated water supply system designed to provide a sufficient and reliable water supply at Sylvan Lake State Park. Sylvan Lake State Park is located 10 miles southeast of Eagle, Colorado and is open to the public year-round. The developed portion of Sylvan Lake State Park is centered around Sylvan Lake, along West Brush Creek. Sylvan Lake is a 42-acre mountain lake and popular fishing location stocked by CPW with brook, cutthroat, and rainbow trout. There are 46 campsites, nine cabins, three yurts, hiking trails, a group campground area, an RV dump station, and a camper services building with showers and flush toilets at Sylvan Lake. The Park provides recreational activities, including camping, hiking, wildlife viewing, cross-country skiing, snowshoeing, snowmobiling, fishing, ice fishing, and hunting. The Park provides habitat and resources for several species of wildlife, including fish and other aquatic species, a variety of birds, mule deer, elk, beaver, mountain lions, skunks, racoons, and bears. A 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, including expenditures, during the previous diligence period follows. This list is not intended to be exclusive and may be supplemented by additional evidence. A. CPW has performed monthly reviews of the Water Court resume to determine whether filing of statements of opposition is necessary to protect its water rights in Water Division No. 5, including the Sylvan Lake Conditional Water Rights. B. In 2015, CPW filed an application to replace the Zurcher Well Water Right with the Cowboy Springs Pipeline and amended the augmentation plan and conditional exchanges decreed in Case No. 03CW23 to replace the Zurcher Well with the Cowboy Springs Pipeline. The modifications were the result of drilling a test well for the Zurcher Well and finding the water unsuitable for CPW’s purposes. C. CPW has engaged the services of Wilson Water Group to aid CPW in developing accounting and administrative systems to support the Sylvan Lake Conditional Water Rights. D. In 2015, CPW embarked on a dam re-construction project to address dam safety concerns in consultation with the Division of Water Resources. The project design considered two alternatives: (1) the Proposed Action, consisting of rebuilding the dam and completing the spillway elevation to accommodate a physical enlargement of 1.1 feet; or (2) No Action, which would re-build the dam and spillway to the pre-existing elevation. E. In 2016, CPW hired a primary contractor to begin the design engineering and permitting required for the dam reconstruction. The project permitting and engineering considered both alternatives, and the dam was designed specifically to meet the proposed action, which would increase reservoir capacity from 458.0 AF to 505.4 AF, adding 47.4 AF of physical storage capacity to Sylvan Lake. During 2017 and spring 2018, a United States Army Corps of Engineers (ACOE) Clean Water Act (CWA) Section 404 wetlands permit application was drafted that evaluated the impacts of the enlargement on the wetland and stream resources around Sylvan Lake and dam. As part of the ACOE individual permit process, this application also included a Draft Environmental Assessment (EA) that evaluated the affected environment as part of the National Environmental Policy Act (NEPA) evaluations needed for the ACOE Individual Permit. The EA describes the purpose and need for the project, and is stratified by the physical, biological, and human environments potentially affected by the enlargement. F. Concurrent with finalizing the Individual CWA Section 404 permit, engineering designs and contracting for construction were also being finalized (spring 2018). However, in order to meet the timeline for construction during summer of 2018, CPW decided to postpone submitting the individual ACOE Section 404 permit application for the enlargement, and instead permitted the reconstruction of the dam to its pre-existing spillway elevation, using Nationwide Permit #3 (Dam Maintenance) to obtain CWA Section 404 compliance. The individual permit application was not submitted to the ACOE, and the enlargement was postponed. G. Between spring 2018 and fall 2019, Sylvan Lake was drained, and the dam was re-built. The total costs for engineering and design, including the Draft

Environmental Assessment and Individual Permit Application that would evaluate the physical enlargement, was \$4,285,486. Total costs for demolition and reconstruction of the new Sylvan Lake dam were \$9.4 million, which occurred over two construction seasons (the Sylvan Lake dam project required both the 2018 and 2019 summer construction seasons). Total costs to implement the dam reconstruction project were approximately \$13.6 million. At this time, CPW has DRAFT permit applications for both the Environmental Assessment and the individual CWA Section 404 permit application that consider the impacts the enlargement would have on the physical, biological, and human resources if the enlargement were pursued. At this time, CPW's intent is to finalize these documents and submit them in the near future. Although the dam was rebuilt to its pre-existing spillway elevation under NWP No. 3, the infrastructure around the lake (e.g., trails, access points) and the dam engineering necessary to hold the additional water were built into the reconstruction so minimal modifications to the dam would be required in order to physically enlarge Sylvan Lake. 4. Name of owners of land upon which structures are located: All structures listed above are located on land owned by the Applicant. WHEREFORE, CPW respectfully requests this Court enter a decree finding that CPW has exercised reasonable diligence in the development of the conditional water rights, and to continue the conditional water rights in full force as decreed, and for such other relief as this Court deems just and proper.

YOU ARE HEREBY NOTIFIED THAT YOU HAVE until the last day of FEBRUARY 2021 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 DECEMBER 2020. *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.*

20CW3162 CONCERNING THE APPLICATION FOR WATER RIGHTS OF ROARING FORK RANCH, LLC, COLORADO LIMITED LIABILITY COMPANY IN BLUE CREEK, TRIBUTARY TO THE ROARING FORK RIVER, TRIBUTARY TO THE COLORADO RIVER, IN GARFIELD COUNTY, COLORADO. Application for Surface Wastewater Right. Applicant: Roaring Fork Ranch, LLC c/o Joseph Gebhardt, Member/Manager, P.O. Box 1666, Sanibel, FL 33957, c/o Edward B. Olszewski, Esq., Olszewski, Massih & Maurer, P.C., P.O. Box 916, Glenwood Springs, CO 81602, (970) 928-9100, ed@ommpc.com. Applicant claims the right to divert and use the wastewater flowing from the Blue Creek Lateral Ditch through two Blue Creek Lateral Ditch tailwater ditches entering Applicant's property. Names of Structures: Blue Creek Lateral Tailwater Ditch North and Blue Creek Lateral Tailwater Ditch South. Legal Description: Blue Creek Lateral Tailwater Ditch North is located in the NE¼ NW¼ Section 32, Township 7 S. Range 87 W. 6th P.M.; UTM Coordinates: Northing: 316109.7 Easting: 4364161.5 Zone 13. Blue Creek Lateral Tailwater Ditch South is located in the SE¼ NW¼ Section 32, Township 7 S. Range 87 W. 6th P.M.; UTM Coordinates: Northing: 4364063.5 Easting: 315920.6 Zone 13. Source: The source for both diversions is wastewater from the Blue Creek Lateral Ditch, as decreed in Case Nos. CA4613 and 06CW0152, with appropriation date of May 1, 1946, and adjudication date of June 20, 1958, for 1.0 cfs for irrigation uses, taking its supply of water from Blue Creek tributary to the Roaring Fork River. The Blue Creek Lateral Ditch is owned by Dennis and Patricia Cerise ("Cerise") and Applicant's claims relate only to the wastewater leaving the Cerise property. Applicant's property is depicted on Exhibit B attached hereto and incorporated herein by this reference. Appropriation: Appropriation Date: May 1, 2015 How appropriation was initiated: Diversion of water and use for irrigation of 8 acres of grasses and trees associated with Applicant's nursery business. Date water applied to beneficial use: May 1, 2015 Amounts claimed: Blue Creek Lateral Tailwater Ditch North: 1.0 cfs, absolute, for irrigation of 8 acres including watering trees, shrubs and other plants associated with Applicant's nursery business and conditional for stock watering for 10 head of cattle and 50 horses. Blue Creek Lateral Tailwater Ditch South: 1.0 cfs, absolute, for irrigation of 8 acres including watering trees, shrubs and other plants associated with Applicant's nursery business and conditional for stock watering for 10 head of cattle and 50 horses. Combined diversions from the Blue Creek Lateral Tailwater Ditch North and Blue Creek Lateral Tailwater Ditch South shall not exceed 1.0 cfs. Uses: Irrigation of 8 acres of pasture grass, trees, shrubs and plants associated with Applicant's nursery business and for stock watering. If irrigation, complete the following: Number of acres historically irrigated: 8; proposed to be irrigated: 8 acres of lawns, gardens, pasture grass, trees, shrubs and plants associated with Applicant's nursery business. Does the Applicant intend to use this water right to supplement irrigation on an area of land already irrigated under another water right? No Legal description of irrigated acreage. 8 acres of lands located within Applicant's property in the NW¼ Section 32, Township 7 S. Range 87 W. 6th P.M., as depicted on Exhibit B. If non-irrigation, describe purpose fully. Livestock watering for 10 head of cattle and 50 horses. Remarks: The Blue Creek Lateral Tailwater Ditch South and Blue Creek Lateral Tailwater Ditch North shall act as alternate points of diversion for one another and Applicant will divert water depending upon where the wastewater is flowing, not to exceed 1.0 cfs total at both locations combined. Landowner notification: Applicant. (4 pages, 2 maps).

YOU ARE HEREBY NOTIFIED THAT YOU HAVE until the last day of FEBRUARY 2021 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 DECEMBER 2020. *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.*

20CW3163 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 ROBERT & DIANE STANEK, IN **GRAND COUNTY, COLORADO**. APPLICATION FOR UNDERGROUND WATER RIGHT AND PLAN FOR AUGMENTATION Name, Address, and Telephone Number of Applicant: Robert & Diane Stanek, 6358 Willow Springs Drive, Morrison, CO 80465; 303.748.1041; Direct all pleadings to: Austin Hamre, Hamre, Rodriguez, Ostrander & Dingess, P.C., 3600 South Yosemite St., #500, Denver, Colorado 80237; 303.779.0200. 2. Claim for underground water right. a. Well name and permit number: Stanek Well No. 1; current permit No.: 282994. b. Legal description of well: On Lot R-1, Mountain Shadows Estates Subdivision. The current well location is in the NE¼ SW¼, Section 24, Township 3 North, Range 76 West, 6th P.M., at a point approximately 2,000 feet from the South section line and 1,500 feet from the West section line. c. Source: Ground water tributary to the Colorado River at and upstream of Granby Reservoir. The well does not withdraw nontributary water. d. Depth: 1,002 feet. e. Date of appropriation: September 27, 2007. i. How appropriation was initiated: By obtaining a well permit (No. 65120-F) and constructing a well in conjunction with the construction of a residence wherein the water has been used. ii. Date water applied to beneficial use: September 27, 2007. f. Amount claimed: 5 gpm, absolute; annual gross pumping: 0.43 acre feet. g. Proposed use: Domestic and watering of approximately 2,000 sq. ft. of native grass and landscaping on Lot R-1, referenced above. See location map attached as Exhibit A. h. Owners of land upon which water is placed to beneficial use: Applicants. 3. Claim for plan of augmentation. a. Structure to be augmented: Stanek Well No. 1 as described above. No other water rights are diverted through said well. b. Water to be used for augmentation: Applicant anticipates obtaining an allotment contract from the Middle Park Water Conservancy District (MPWCD) for 0.1 acre feet per year of augmentation water in Granby Reservoir. c. Previous decree(s) for substitute supply water rights: i. Windy Gap Project, decreed in Civil Action No. 1768, District Court for Grand County on February 23, 1978, with an appropriation date of June 22, 1967. d. Statement of plan for augmentation: Return flows from indoor domestic uses of water pumped through this well will be returned to the aquifer through a septic system. The combination of indoor uses and outdoor uses (watering of grass, trees and shrubs) is expected to result in an annual consumption of one tenth of an acre foot or less. These depletions will accrue to Shadow Mountain Reservoir, connected to Granby Reservoir by the Grand / Colorado River and by the Granby Pump Canal. The substitute supply will be made available by MPWCD to Granby Reservoir in accordance with the agreement between the Northern Colorado Water Conservancy District (NCWCD) and MPWCD set forth in Paragraph 19 of the decree in Case No. 99CW261, Water Division 5. 4. 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: a. Stanek Well No. 1 is located on land owned by Applicant. b. Granby Reservoir is owned and/or operated by NCWCD, 220 Water Ave., Berthoud, CO, 80513. No modifications of this structure are contemplated as part of this plan for augmentation. 5. Remarks: To the extent that, in any future year, Applicant's depletions cannot be replaced as described above, the well will be operated in accordance with the statutory limitations for exempt wells. (4 pages + exhibit)

YOU ARE HEREBY NOTIFIED THAT YOU HAVE until the last day of FEBRUARY 2021 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 DECEMBER 2020. *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.*

20CW3164 (14CW3003, 01CW276, 99CW135, 95CW130, 95CW263). DISTRICT COURT, WATER DIVISION NO. 5, STATE OF COLORADO, 109 8th Street, Suite 104, Glenwood Springs, CO 81601. IN THE MATTER OF THE APPLICATION FOR WATER RIGHTS OF XTO ENERGY, INC., IN GARFIELD COUNTY, COLORADO. APPLICATION FOR FINDINGS OF REASONABLE DILIGENCE AND TO MAKE WATER RIGHTS ABSOLUTE AND REQUEST FOR CANCELLATION OF A OF CONDITIONAL STORAGE WATER RIGHT. 1. Name and Address of Applicant: XTO Energy, Inc., a wholly-owned subsidiary of Exxon Mobil Corporation ("ExxonMobil"), (collectively, "XTO Energy"), Attention: Sarah Steward @ N1.5A.341, 22777 Springwoods Village Parkway, Spring, Texas 77389. Direct All Pleadings to: Glenn E. Porzak, Kristin H. Moseley, Cassidy L. Woodard, Porzak Browning & Bushong LLP, 2120 13th Street, Boulder, CO 80302. 2. Names of Structures: A. Dow Pumping Plant & Pipeline; B. Dow Middle Fork Pipeline; C. Dow East Middle Fork Pipeline; D. Middle Fork Reservoir; E. Middle Fork Reservoir – 1st Enlargement; F. Davis Gulch Reservoir; G. Davis Gulch Reservoir – 1st Enlargement; H. East Middle Fork Reservoir; I. Lower East Middle Fork Reservoir; J. Mahaffey Pumping Plant and Pipeline; K. Cottonwood Gulch Terminal Reservoir; L. Sheep Trail Hollow Terminal Reservoir; M. Rulison Gulch Terminal Reservoir; N. Allenwater Creek Terminal Reservoir; O. Mahaffey Terminal Reservoir; and P. Main Elk-Wheeler Gulch Pipeline. 3. Descriptions of Conditional Water Rights: A. Dow Pumping Plant and Pipeline. i. Original Decree:

Garfield County District Court in Civil Action No. 4914 on November 10, 1966, ii. Subsequent Diligence Decrees: In the District Court in and for Water Division No. 5, State of Colorado (“Water Court”) Case Nos. W-121, W-706, 80CW222, 84CW160, 88CW188, 95CW130, 01CW276, and 14CW3003, iii. Legal Description: being located at a point on the Northerly bank of the Colorado River, whence the East quarter corner of Section 6, Township 7 South, Range 95 West, 6th P.M. bears North 13°17’ East 753 feet. UTM Coordinates NAD 83, Zone 12 (meters) Northing: 4372546.6, Easting: 755361.0. See Exhibit A, a. The alternate point of diversion decreed in Water Court Case No. W-2786 is located on the Northerly bank of the Colorado River at a point whence the East Quarter Corner of Section 6, Township 7 South, Range 95 West of the 6th P.M. bears N. 35° 00’ East 1,880 feet (the “Dow Pumping Plant and Pipeline Alternate Point 1”). UTM Coordinates NAD 83, Zone 12 (meters) Northing: 4372300.5, Easting: 755085.0. See Exhibit A, b. The alternate point of diversion decreed in Water Court Case No. 82CW369, for 30 cfs, is located at a point in Lot 9, Section 6, Township 7 South, Range 95 West, 6th P.M., Garfield County, Colorado from which point the South quarter corner of said Section 6 bears South 69° 19’ West 1,327 feet (the “Dow Pumping Plant and Pipeline Alternate Point 2”). UTM Coordinates NAD 83, Zone 12 (meters) Northing: 4372126.0, Easting: 755041.4. See Exhibit A, c. Pursuant to Water Court Case No. 82CW369, as shown on Exhibit B, this water right can also be stored in Middle Fork Reservoir, as described in paragraph 6(d) below; Davis Gulch Reservoir, as described in paragraph 6(f) below; East Middle Fork Reservoir, as described in paragraph 6(h) below; Lower East Middle Fork Reservoir, as described in paragraph 6(i) below; and the Colony Sedimentation Ponds A, B, and C, iv. Source: the Colorado River (and Green Mountain Reservoir), v. Appropriation Date: January 24, 1955, vi. Remaining Conditional Amount: 94.8 cubic feet per second (“cfs”), a. Originally, the water right was decreed for 178 cfs conditional, b. By decree of the Water Court entered in Case No. 84CW160, 1.11 cfs of the Dow Pumping Plant and Pipeline was made absolute, c. By decree of the Water Court entered in Case No. 88CW188, an additional 19.09 cfs of the Dow Pumping Plant and Pipeline was made absolute, vii. Uses: irrigation, municipal, industrial, mining, retorting, refining, power, domestic and all other uses necessary and related to the production of shale oil and its by-products. B. Dow Middle Fork Pipeline. i. Original Decree: Garfield County District Court in Civil Action No. 4914 on November 10, 1966, ii. Subsequent Diligence Decrees: Water Court Case Nos. W-121, W-705, 80CW222, 84CW160, 88CW188, 95CW130, 01CW276, and 14CW3003, iii. Legal Description: being located at a point on the Westerly bank of the Middle Fork of Parachute Creek, whence the Southeast corner of Section 31, Township 4 South, Range 95 West, 6th P.M. bears North 84°30’ East 915 feet. UTM Coordinates NAD 83, Zone 12 (meters) Northing: 4393110.9, Easting: 749480.6. See Exhibit B, a. Water Court Case No. 11CW184 decreed two alternate points of diversion which are depicted on Exhibit B and located as follows: (1) Dow Middle Fork Pipeline Alternate Point 1: in the NW ¼ of the SW ¼ of Section 7, Township 5 South, Range 95 West of the 6th P.M., at a point 2,350 feet from the South section line and 750 feet from the West section line of said Section 7, UTM Coordinates NAD 83, Zone 12 (meters) Northing: 4390417.6, Easting: 748390.3; and (2) Dow Middle Fork Pipeline Alternate Point 2: in the SW ¼ of the SW ¼ of Section 7, Township 5 South, Range 95 West of the 6th P.M., at a point 750 feet from the South section line and 890 feet from the West section line of said Section 7, UTM Coordinates NAD 83, Zone 12 (meters) Northing: 4389931.5, Easting: 748448.7, b. Pursuant to Water Court Case No. 82CW369, as shown on Exhibit B, this water right can also be stored in Middle Fork Reservoir, as described in paragraph 6(d) below; Davis Gulch Reservoir, as described in paragraph 6(f) below; East Middle Fork Reservoir, as described in paragraph 6(h) below; Lower East Middle Fork Reservoir, as described in paragraph 6(i) below; and the Colony Sedimentation Ponds A, B, and C, iv. Source: Middle Fork of Parachute Creek, which is a tributary of the Colorado River, v. Appropriation Date: October 20, 1954, vi. Remaining Conditional Amount: 1.088 cfs., a. Originally, the water right was decreed for 10 cfs conditional, b. By decree of the Water Court entered in Case No. W-2303, 1.332 cfs of the Dow Middle Fork Pipeline was made absolute, c. By decree of the Water Court entered in Case No. 88CW188, an additional 7.58 cfs of the Dow Middle Fork Pipeline was made absolute, vii. Uses: industrial, mining, retorting, refining, power, domestic and all other uses necessary and related to the production of shale oil and its by-products. C. Dow East Middle Fork Pipeline. i. Original Decree: Garfield County District Court in Civil Action No. 4914 on November 10, 1966, ii. Subsequent Diligence Decrees: Water Court Case Nos. W-121, W-699, 80CW222, 84CW160, 88CW188, 95CW130, 01CW276, and 14CW3003, iii. Legal Description: The original point of diversion was decreed as being located at a point on the Northerly bank of the East Middle Fork of Parachute Creek, whence the Southeast corner of Section 10, Township 5 South, Range 95 West, 6th P.M. bears North 78°55’ East 137 feet. UTM Coordinates NAD 83, Zone 12 (meters) Northing: 4389909.0, Easting: 754791.2. See Exhibit B, a. The alternate point of diversion decreed in Water Court Case No. W-1826 is located on the Northerly bank of the East Middle Fork of Parachute Creek, at a point whence the Southeast Corner of Section 18, Township 5 South, Range 95 West of the 6th P.M. bears South 21° 56’ East, 1,913 feet. UTM Coordinates NAD 83, Zone 12 (meters) Northing: 4388689.8, Easting: 749848.1. See Exhibit B, b. Pursuant to Water Court Case No. 82CW369, as shown on Exhibit B, this water right can also be stored in Middle Fork Reservoir, as described in paragraph 6(d) below; Davis Gulch Reservoir, as described in paragraph 6(f) below; East Middle Fork Reservoir, as described in paragraph 6(h) below; Lower East Middle Fork Reservoir, as described in paragraph 6(i) below; and the Colony Sedimentation Ponds A, B, and C, c. Water Court Case No. 11CW184 decreed the following alternate point of diversion: in the SW ¼ of the SW ¼ of Section 7, Township 5 South, Range 95 West of the 6th P.M., at a point 750 feet from the South section line and 890 feet from the West section line of said Section 7. UTM Coordinates NAD 83, Zone 13 (meters) Northing: 4390537, Easting: 233441. UTM Coordinates NAD 83, Zone 12 (meters) Northing: 4389931.5, Easting: 748448.7. See Exhibit B, iv. Source: East Middle Fork of Parachute Creek, tributary to the Colorado River, v. Appropriation Date: October 19, 1954, vi. Remaining Conditional Amount: 13.54 cfs, a. Originally, the water right was decreed for 20 cfs conditional, b. By decree of the Water Court entered in Case No. W-1826, 0.25 cfs of this water right was made absolute, c. By decree of the Water Court entered in Case No. 84CW160, 6.21 cfs of the Dow East Middle Fork Pipeline was made absolute, vii. Uses: industrial, mining, retorting, refining, power, domestic and all other uses necessary and related to the production of shale oil and its by-products. D. Middle Fork Reservoir. i. Original Decree: Garfield County District Court in Civil Action No. 4914 on November 10, 1966, ii. Subsequent Diligence

Decrees: Water Court Case Nos. W-121, W-701, 80CW222, 84CW160, 88CW188, 95CW130, 01CW276, and 14CW3003, iii. Legal Description: The West abutment of the dam was decreed in Case No. 4914 as being located at a point whence the North quarter of Section 6, Township 5 South, Range 95 West, 6th P.M. bears North 12°10' West 1860 feet, a. Water Court Case No. 82CW369 decreed a new location as follows: the West abutment of the dam at a point whence the East quarter corner of Section 1, T. 5 S., R. 96 W. of the 6th P.M. bears N. 37° 30' W., a distance of 3,900 feet. UTM Coordinates NAD 83, Zone 12 (meters) Northing: 4391313.8, Easting: 748826.5. See Exhibit B, iv. Source: Middle Fork of Parachute Creek, tributary to the Colorado River, v. Appropriation Date: September 17, 1959, vi. Remaining Conditional Amount: 31.622 acre-feet, a. Originally the water right was decreed for 171.622 acre-feet conditional, b. By decree of the Water Court entered in Case No. 88CW188, 140 acre-feet of the Middle Fork Reservoir was decreed as absolute, vii. Uses: irrigation, industrial, mining, retorting, refining, power, domestic and all other uses necessary and related to the production of shale oil and its by-products. E. Middle Fork Reservoir - 1st Enlargement. i. Original Decree: Water Court Case No. 79CW378, the application for which was filed on December 31, 1979 and the decree entered on August 22, 1980, ii. Subsequent Diligence Decrees: Water Court Case Nos. 84CW160, 88CW188, 95CW130, 01CW276, and 14CW3003, iii. Legal Description: The West abutment of the dam was decreed in Water Court Case No. 4914 as being located at a point whence the North quarter of Section 6, Township 5 South, Range 95 West, 6th P.M. bears North 12°10' West 1860 feet, a. Water Court Case No. 82CW369 decreed a new location as follows: the West abutment of the dam at a point whence the East quarter corner of Section 1, T. 5 S., R. 96 W. of the 6th P.M. bears N. 37° 30' W., a distance of 3,900 feet. UTM Coordinates NAD 83, Zone 12 (meters) Northing: 4391313.8, Easting: 748826.5. See Exhibit B, iv. Source: Middle Fork of Parachute Creek, tributary to the Colorado River, v. Appropriation Date: September 30, 1974, vi. Remaining Conditional Amount: 1438.378 acre-feet, vii. Uses: irrigation, industrial, mining, retorting, refining, power, domestic and all other uses necessary and related to the production of shale oil and its by-products. F. Davis Gulch Reservoir. i. Original Decree: Garfield County District Court in Civil Action No. 4914 on November 10, 1966, ii. Subsequent Diligence Decrees: Water Court Case Nos. W-121, W-707, 80CW222, 84CW160, 88CW188, 95CW130, 01CW276, and 14CW3003, iii. Legal Description: The Southwest end of the dam was decreed in Water Court Case No. 4914 as being located at a point whence the North quarter corner of Section 12, Township 5 South, Range 96 West, 6th P.M. bears North 31°20' West 1230 feet, a. Water Court Case No. 82CW369 decreed a new location as follows: the West abutment of the dam at a point whence the SW corner of Section 6, T. 5 S., R. 95 W. of the 6th P.M. bears N. 38°, 25' E., a distance of 3,200 feet. UTM Coordinates NAD 83, Zone 12 (meters) Northing: 4390538.1, Easting: 747526.9. See Exhibit B, iv. Source: Davis Gulch, tributary to the Colorado River, v. Appropriation Date: September 15, 1959, vi. Remaining Conditional Amount: 198 acre-feet, a. Originally, the water right was decreed for 204 acre-feet conditional, b. By decree of the Water Court entered in Case No. 84CW160, 6.0 acre-feet of the Davis Gulch Reservoir water right was made absolute, vii. Uses: irrigation, industrial, mining, retorting, refining, power, domestic and all other uses necessary and related to the production of shale oil and its by-products. G. Davis Gulch Reservoir - 1st Enlargement. i. Original Decree: Water Court Case No. 79CW378, ii. Subsequent Diligence Decrees: Water Court Case Nos. 84CW160, 88CW188, 95CW130, 01CW276, and 14CW3003, iii. Legal Description: The Southwest end of the dam was decreed in Water Court Case No. 4914 as being located at a point whence the North quarter corner of Section 12, Township 5 South, Range 96 West, 6th P.M. bears North 31°20' West 1230 feet, a. Water Court Case No. 82CW369 decreed a new location as follows: the West abutment of the dam at a point whence the SW corner of Section 6, T. 5 S., R. 95 W. of the 6th P.M. bears N. 38°, 25' E., a distance of 3,200 feet. UTM Coordinates NAD 83, Zone 12 (meters) Northing: 4390538.1, Easting: 747526.9. See Exhibit B, iv. Source: Davis Gulch, tributary to the Colorado River, v. Appropriation Date: September 30, 1974, vi. Remaining Conditional Amount: 996 acre-feet. H. East Middle Fork Reservoir. i. Original Decree: Garfield County District Court in Civil Action No. 4914 on November 10, 1966, ii. Subsequent Diligence Decrees: Water Court Case Nos. W-121, W-700, 80CW222, 84CW160, 88CW188, 95CW130, 01CW276, and 14CW3003, iii. Legal Description: The Northwest end of the dam was decreed as being located at a point whence the North quarter corner of Section 15, Township 5 South, Range 95 West, 6th P.M. bears North 16°17' East 522 feet. UTM Coordinates NAD 83, Zone 12 (meters) Northing: 4389737.4, Easting: 753983.2. See Exhibit B, iv. Source: East Middle Fork of Parachute Creek, tributary to the Colorado River, v. Appropriation Date: September 17, 1959, vi. Remaining Conditional Amount: 130.558 acre-feet, vii. Uses: irrigation, industrial, mining, retorting, refining, power, domestic and all other uses necessary and related to the production of shale oil and its by-products. I. Lower East Middle Fork Reservoir. i. Original Decree: Water Court Case No. 82CW88, ii. Subsequent Diligence Decrees: Water Court Case Nos. 87CW53, 93CW60, 99CW135, 01CW276, and 14CW3003, iii. Legal Location: The Lower East Middle Fork Reservoir dam is located in the W1/2 SE1/4 of Section 18, T. 5 S., R. 95 W., of the 6th P.M. and the north abutment of the dam is located at a point whence the Witness Corner for the SW Corner of said Section 18 bears S. 64°45' W. 3600 feet. UTM Coordinates NAD 83, Zone 12 (meters) Northing: 4388560.3, Easting: 749445.2. See Exhibit B, iv. Source: East Middle Fork of Parachute Creek, tributary to the Colorado River, v. Appropriation Date: February 2, 1982, vi. Remaining Conditional Amount: 6200 acre-feet, vii. Uses: domestic, irrigation, industrial, mining, retorting, refining, power and all other uses related to the production of shale oil and its by-products. J. Mahaffey Pumping Plant and Pipeline. i. Original Decree: Water Court Case No. 82CW349, ii. Subsequent Diligence Decrees: Water Court Case Nos. 87CW44, 88CW139, 95CW263, 01CW276, and 14CW3003, iii. Legal Description: The plant and pipeline is located on the north bank of the Colorado River in the SW1/4SE1/4 of Section 33, T. 6 S., R. 95 W. of the 6th P.M. in Garfield County, Colorado at a point whence the southwest corner of said Section 33 bears S. 85°48' W., a distance of 3,140 feet. UTM Coordinates NAD 83, Zone 12 (meters) Northing: 4373690.1, Easting: 757947.9. See Exhibit A, a. Pursuant to the decree entered in Water Court Case No. 84CW68, as shown on Exhibit A, this water right can be diverted and stored in the Cottonwood Gulch Terminal Reservoir, as described in paragraph 6(k) below; Sheep Trail Hollow Terminal Reservoir, as described in paragraph 6(l) below; Rulison Gulch Terminal Reservoir, as described in paragraph 6(m) below; Allenwood Creek Terminal Reservoir, as described in paragraph 6(n) below; and the Mahaffey Terminal Reservoir, as described in paragraph 6(o) below, b. The

alternate point of diversion decreed in Case No. 00CW258 is the Dow Pumping Plant and Pipeline Alternate Point 2. See Exhibit A, iv. Source: The Colorado River and its tributaries, v. Appropriation Date: June 9, 1981, vi. Remaining Conditional Amount: 60 cfs., vii. Uses: irrigation, domestic, municipal, and industrial. K. Cottonwood Gulch Terminal Reservoir. i. Original Decree: Water Court Case No. 82CW351, ii. Subsequent Diligence Decrees: Water Court Case Nos. 87CW45, 88CW139, 95CW263, 01CW276, and 14CW3003, iii. Legal Description: The reservoir is located at the head of Cottonwood Gulch in the NW1/4 of Section 14, and in the NE1/4 of Section 15, both in T. 6 S., R. 95 W. of the 6th P.M. The intersection of the dam axis with the centerline of Cottonwood Gulch is located at the point whence the NE corner of said Section 15 bears N. 4°7' E., a distance of 2,090 feet. UTM Coordinates NAD 83, Zone 13 (meters) Northing: 4379419.5, Easting: 244160.0. See Exhibit A, iv. Source: Cottonwood Gulch, the Colorado River, and Main Elk Creek, which is tributary to the Colorado River, v. Appropriation Date: October 1, 1982, vi. Remaining Condition Amount: 160 acre-feet, vii. Uses: irrigation, domestic, municipal and industrial. L. Sheep Trail Hollow Terminal Reservoir. i. Original Decree: Water Court Case No. 82CW352, ii. Subsequent Diligence Decrees: Water Court Case Nos. 87CW46, 88CW139, 95CW263, 01CW276, and 14CW3003, iii. Legal Description: The reservoir is located at the head of Sheep Trail Hollow in the NW1/4 of Section 9, T. 6 S., R. 95 W. of the 6th P.M. The intersection of the dam axis with the centerline of Sheep Trail Hollow is located at a point whence the NW corner of said Section 9 bears N. 56°35' W., a distance of 2,955 feet. UTM Coordinates NAD 83, Zone 12 (meters) Northing: 4381197.9, Easting: 757415.9. See Exhibit A, iv. Source: Sheep Trail Hollow, the Colorado River, and Main Elk Creek, which is tributary to the Colorado River, v. Appropriation Date: October 1, 1982, vi. Remaining Conditional Amount: 160 acre-feet, vii. Uses: irrigation, domestic, municipal and industrial. M. Rulison Gulch Terminal Reservoir. i. Original Decree: Water Court Case No. 82CW353, ii. Subsequent Diligence Decrees: Water Court Case Nos. 87CW47, 88CW139, 95CW263, 01CW276, and 14CW3003, iii. Legal Description: The reservoir is located at the head of Rulison Gulch in the NW1/4 of Section 11, T. 6 S., R. 96 W. of the 6th P.M. The intersection of the dam axis with the centerline of Rulison Gulch is located at a point whence the NW corner of said Section 11 bears N. 70°18' W., a distance of 2,430 feet. UTM Coordinates NAD 83, Zone 12 (meters) Northing: 4381035.3, Easting: 751094.3. See Exhibit A, iv. Source: Rulison Gulch, the Colorado River and Main Elk Creek, which is tributary to the Colorado River, v. Appropriation Date: October 1, 1982, vi. Remaining Conditional Amount: 160 acre-feet, vii. Uses: irrigation, domestic, municipal and industrial. N. Allenwater Creek Terminal Reservoir. i. Original Decree: Water Court Case No. 82CW354, ii. Subsequent Diligence Decrees: Water Court Case Nos. 87CW48, 88CW139, 95CW263, 01CW276, and 14CW3003, iii. Legal Description: The reservoir is located at the head of Allenwater Creek in the NW1/4 of Section 18, T. 6 S., R. 95 W. of the 6th P.M. The intersection of the dam axis with the centerline of Allenwater Creek is located at a point whence the SW corner of said Section 18 bears S. 23°31' W., a distance of 4,035 feet. UTM Coordinates NAD 83, Zone 12 (meters) Northing: 4379508.3, Easting: 754201.3. See Exhibit A, iv. Source: Allenwater Creek, the Colorado River, and Main Elk Creek, which is tributary to the Colorado River, v. Appropriation Date: October 1, 1982, vi. Remaining Conditional Amount: 160 acre-feet, vii. Uses: irrigation, domestic, municipal and industrial. O. Mahaffey Terminal Reservoir. i. Original Decree: Water Court Case No. 82CW355, ii. Subsequent Diligence Decrees: Water Court Case Nos. 87CW49, 88CW139, 95CW263, 01CW276, and 14CW3003, iii. Legal Description: The reservoir is located off-channel in the SW1/4 of Section 33, Township 6 South, Range 95 West of the 6th P.M. The intersection of the dam embankment axis at the SW corner of the reservoir is located at a point whence the SW corner of said Section 33 bears S. 14°52' W., a distance of 1,015 feet. UTM Coordinates NAD 83, Zone 12 (meters) Northing: 4373919.0, Easting: 757072.8. See Exhibit A, iv. Source: The source of supply is the Colorado River and Main Elk Creek, which is a tributary of the Colorado River, v. Appropriation Date: October 1, 1982, vi. Remaining Conditional Amount: 160 acre-feet, vii. Use: irrigation, domestic, municipal and industrial. P. Main Elk-Wheeler Gulch Pipeline. i. Original Decree: Garfield County District Water Court Civil Action No. 4914 on November 10, 1966, ii. Subsequent Diligence Decrees: Water Court Case Nos. W-127, W-800, 80CW76, 84CW158, 88CW139, 95CW263, 01CW276, and 14CW3003, iii. Legal Description: The original point of diversion is located on the East side of Main Elk Creek at a point whence the Southwest Corner of Section 14, Township 5 South, Range 91 West of the 6th P.M. bears South 68° 06' E., 616 feet. XTO Energy agrees that it will not utilize the original point of diversion decreed in Civil Action No. 4914 to divert the Main Elk-Wheeler Gulch Pipeline water right. UTM Coordinates NAD 83, Zone 13 (meters) Northing: 4387416.2, Easting: 278141.0. See Exhibit C, a. The alternate point of diversion decreed in Water Court Case No. 82CW350 is the Mahaffey Pumping Plant and Pipeline described in paragraph 6(j) above. See Exhibit A, b. Pursuant to the decree entered in Water Court Case No. 84CW68, as shown on Exhibit A, this water right can be diverted and stored in the Cottonwood Gulch Terminal Reservoir, as described in paragraph 6(k) above; Sheep Trail Hollow Terminal Reservoir, as described in paragraph 6(l) above; Rulison Gulch Terminal Reservoir, as described in paragraph 6(m) above; Allenwood Creek Terminal Reservoir, as described in paragraph 6(n) above; and the Mahaffey Terminal Reservoir, as described in paragraph 6(o) above, c. The alternate point of diversion decreed in Water Court Case No. 00CW258 is the Dow Pumping Plant and Pipeline Alternate Point 2. See Exhibit A, iv. Source: Main Elk Creek, which is tributary to the Colorado River, v. Appropriation Date: June 19, 1963, vi. Remaining Conditional Amount: 40 cfs., vii. Uses: irrigation, domestic, municipal, and industrial. 4. Water Rights Made Absolute: XTO Energy hereby seeks a finding that the Main Elk-Wheeler Gulch Pipeline has been made absolute in the amount of 1.34 cfs for irrigation uses. From June 10, 2020, to September 25, 2020, XTO Energy diverted 1.34 cfs for irrigation uses through its decreed alternate point of diversion at the Dow Pumping Plant and Pipeline physical structure. This irrigation occurred pursuant to an agreement with Williams Production RMT Company (now Tera Energy Partners LLC) for a wildlife mitigation project called the Hayes Gulch Wildlife Enhancement Project. An excerpt of the diversion records supporting XTO Energy's claim is attached as Exhibit D, and a photograph of the central pivot is attached as Exhibit E. 5. Request for Findings of Reasonable Diligence: For all water rights not made absolute as requested in Paragraph 4 above, XTO Energy seeks a finding that it has exercised reasonable diligence for the remaining conditional water rights described in Paragraph 3 above for their full conditional amounts and uses, except for Cottonwood Gulch Terminal Reservoir described in Paragraph 3.K above and

paragraph 7 below. 7. Detailed Description of Work Done Toward Completion of the Project and Application of Water to Beneficial Use: XTO Energy owns, operates, and maintains the lands, leases, and water rights for the Colony Shale Oil Project, located near the Town of Parachute in Garfield County, Colorado, which is designed to produce various energy resources (the “Colony Project”). XTO Energy also owns numerous other properties and water rights located near the Colorado River in Garfield County, Colorado, that have continued to be used for energy resource development (the “Colorado River Project”). Additionally, XTO Energy owns and leases land and water rights in the Piceance Creek, Yellow Creek, and White River basins in Rio Blanco County, which are used for energy resource development (the “White River Project”). The Colony Project, Colorado River Project and White River Project are located within the Piceance Geological Basin, which is one of the richest natural gas and oil shale regions in the world. During the diligence period, the United States Geological Survey (“USGS”) completed two assessments pertinent to Colorado gas resources. The USGS reported on the technically recoverable mean resources in (1) the Mesaverde Group and Wasatch Formation and (2) the Mancos Shale. Both locations are largely or wholly within the Piceance Geological Basin. The ramping up in drilling wells that targeted Mancos Shale, which lies below the Mesaverde Group, prompted this update from the USGS’s 2003 assessment. Including all Mancos Shale Assessment Units (e.g. Upper and Lower Mancos Tight Gas AU, Upper Niobrara Shale Gas and Oil AU, and Lower Niobrara Tight Gas AU with ranges of 1,001,667 to 2,914,000 acres), the total undiscovered mean resource is 66 trillion cubic feet of gas, 74 million barrels of oil, and 45 million barrels of natural gas liquids. More than 95% of the Mancos Shale Assessment Units are in Colorado. Also, sitting squarely in Colorado is the Piceance Mesaverde Tight Gas Assessment Unit with a mean acreage of 1,056,767 acres. The USGS reports total undiscovered mean resource of 4.7 trillion cubic feet of gas and 19 million barrels of natural gas liquids. The vast oil and gas resources mean thousands of wells are still to be drilled in the Piceance Geological Basin and thus will require a large demand for water to complete drilling, completions, and other activities. XTO Energy owns and leases in excess of 107,000 acres where XTO Energy is the operator on record for oil and gas and oil shale development. Of these lands, 8,885 acres are operated in the Colony Project. Additionally, this acreage includes four Federal oil and gas producing units within the White River Project operated by XTO Energy: (1) the Piceance Creek Unit (“PCU”), consisting of approximately 61,000 operated acres; (2) the Freedom Unit (“FRU”), consisting of approximately 7,700 operated acres; (3) the Revised North Piceance Unit (“RNPU”), consisting of approximately 21,800 operated acres; and (4) the Yellow Creek Unit (“YCU”), consisting of approximately 7,400 operated acres. During the requisite diligence period, XTO Energy established joint ventures with other oil and gas companies to support the operation of portions of its lands, which supports additional activity in the region inclusive of owning and leasing 70,000 acres where XTO Energy has a working interest or ownership in the wells associated with such lands. Finally, XTO Energy owns and leases an additional 18,000 acres of other fee and claims fee properties. The subject conditional water rights are components of XTO Energy’s integrated water supply system intended to supply water for the development of energy resources and related uses in Garfield and Rio Blanco County in which XTO Energy has an ownership, lease or partnership interest. As such, any diligence associated with one component of the system constitutes diligence on all components of the system. C.R.S. § 37-92-301(4)(b). The economic feasibility of oil and gas production are driven by energy commodity pricing. While natural gas prices have been significantly depressed during the requisite diligence period, XTO Energy has remained active in the development of its energy resources associated with the Colony Project, the Colorado River Project and the White River Project during this low commodity price period. As energy prices increase, XTO Energy is poised to significantly scale up production. Given the vast geologic resource and requirements for additional water for extraction, XTO has an ongoing need to develop its conditional water rights with increased production. Pursuant to C.R.S. § 37-92-301(4)(c), economic conditions beyond the control of an applicant which adversely affect the feasibility of perfecting a conditional water right shall not be considered sufficient to deny a diligence application. By this Application, XTO Energy has demonstrated significant facts and circumstances supporting its request for findings of reasonable diligence. In total, XTO Energy expended in excess of \$183,800,000.00 during the requisite diligence period in connection with the Colony Project, the Colorado River Project, and the White River Project in the furtherance of energy resource development operations and, subsequently, the development of the subject conditional water rights, which activities are detailed as follows: A. During the subject diligence period XTO Energy operated over 300 natural gas wells and had a working interest in an additional 270 natural gas wells from lands that it owns or controls, B. In 2015, XTO Energy drilled and completed the RNPU 197-15A1, which is a vertical well to the Mesaverde Formation in the RNPU. Cumulative production through August 2020 is 1.76 billion cubic feet and 4,950 barrels of oil, C. In 2019, XTO Energy drilled and completed a horizontal natural gas test well, the RNPU 197-23A1H, to 17,782 MD (5946’ lateral length). In connection with this well, XTO Energy constructed significant new water-related infrastructure, including installation of a pipeline to transport water from the Exxon Lower Piceance Creek Diversion to the well almost one-mile away. This pipeline allowed XTO Energy to (i) minimize expenses to transport water via truck; (ii) reduce vehicle traffic of water trucks on County Roads 5, 3, and 76 in the interest of public safety; and (iii) provide for the expansion of future drilling and completion operations by allowing for water to be moved between those two locations. Production from the well began in November 2019, and the well received a paying determination in 2020, which means that the well had sufficient production volume to continue and expand the Participating Area in the Federal unit. For this well, XTO Energy utilized more than one hundred tanks for water storage. Future well drilling will require additional development of XTO Energy’s decreed conditional water supplies, D. The drilling and completion of RNPU 197-23A1H provided XTO Energy an opportunity to test horizontal well technology in the core area of the well field. It highlighted important distinctions regarding water usage and infrastructure for horizontal and vertical wells. Horizontal wells tend to require more water volume than vertical wells. For example, the water required for completion operations is estimated to be greater than 100,000 bbls per well for a vertical sandcompletion and greater than 500,000 bbls per well for a 10,000’ lateral horizontal completion. A more recent technology in the basin as tested by offset operators for vertical development is to execute a sand free completion, which delivers a significant cost reduction per well, but requires more water at an estimated greater than 200,000 bbls per well. Because of this distinction, XTO Energy plans to continue to evaluate the horizontal well performance via pressure transient evaluations and decline analysis. In

future scenarios involving multi-rig gas development, XTO Energy will need to utilize transbasin water from the Colony Project (discussed in Paragraph 6.P below) and its Ruedi Reservoir Contract Water (discussed in Paragraph 6.Q below) to supplement times of low stream flow in the Piceance Creek basin. It will also be necessary to further develop XTO Energy’s decreed direct flow and storage conditional water supplies, E. In 2019, XTO Energy brought Freedom United 197-31A4 online after receiving approval from the United States Bureau of Land Management (“BLM”) for pipeline installation. F. In 2017, XTO Energy acquired Bass Energy Holdings’ BOPCO field in the Yellow Creek Unit of the White River Project. This added an additional 7,402 acres, 22 active wells, and an amine treating dew point processing plant to XTO Energy’s portfolio. In 2018, XTO Energy invested in the Yellow Creek plant to execute process upgrades including upgrading equipment to meet air permitting requirements and improved plant efficiency, which reduced operating costs. G. XTO Energy is in the process of permitting additional horizontal wells through the Colorado Oil and Gas Conservation Commission (“COGCC”) and the BLM for drilling in 2021 and 2022. XTO Energy has received permits for an additional well, called RNPU 197-15A2H, from the COGCC, the BLM, and Rio Blanco County. An additional two wells, called RNPU 197-3A2 and RNPU 197-4A1H, have been permitted by the COGCC and Rio Blanco County and are awaiting final permit approval from the BLM. H. XTO Energy has maintained its energy resource properties, leases, and water rights to develop the Colony Project, Colorado River Project, and White River Project during the past six years. This effort includes site maintenance, air monitoring, reclamation, and miscellaneous projects. This has involved maintaining its permits with the Mined Land Reclamation Board, the Colorado Department of Health (water discharge), and the Environmental Protection Agency (air quality) during this period. I. XTO Energy has continued its Expended Shale Research Project, which is a thirty-year-long research project to test long-term effects of spent shale at varying levels of blending with native soils to determine the effect on native vegetation and the soil. XTO Energy constructed a research facility that involved the installation of testing equipment, including an underground weighing lysimeter and metrological monitoring equipment to conduct 24/7 monitoring of rainfall and precipitation on test plots of ground. The Expended Shale Research Project has cumulated in thirty-years-worth of data collection to provide insights on the best reclamation practices associated with a production-scale oil shale mine. The study also evaluated consumptive water use for total vegetation using a weighing lysimeter and sampled for harmful concentrations of elements in the retorted shale (none found). J. Prior to the subject diligence period, ExxonMobil obtained twenty-four United States Patents based on oil shale research performed at the Colony Project. In the last six years, ExxonMobil obtained an additional ten United States Patents associated with the Colony Project, which are summarized in the following table:

Title	Patent Number	Application Date	Granted Date	Topic	Short Description
In situ co-development of oil shale with mineral recovery	US8641150	12/11/2009	2/4/2014	Synergies with co-located resources	A development approach to produce oil shale in a region and synergistically use water released by the oil shale production to dissolve and recover nahcolite mineral in the same region. Nahcolite mineral is used to make baking soda and soda ash commercial products.
Systems and methods of detecting an intersection between a wellbore and a subterranean structure that includes a marker material	US8770284	4/19/2013	7/8/2014	Optimization of well construction	A method for precisely drilling a well in a subsurface oil shale formation so that electrical connections may be made between two electrically conductive pathways, which then can be electrically stimulated to generate heat in situ.
Enhanced convection for in situ pyrolysis of organic-rich rock formations	US8863839	11/15/2010	10/21/2014	Accelerate production	A method of orienting wells and injecting gas into a subsurface heated zone to more quickly distribute heat and pyrolyze oil shale and thus increase the production rate of generate oil.

Title	Patent Number	Application Date	Granted Date	Topic	Short Description
Process for producing hydrocarbon fluids combining in situ heating, a power plant and a gas plant	US8875789	8/8/2011	11/4/2014	Optimization of facilities	An optimized facility design which integrates an electrical power plant and a gas treating plant, where the power plant supplies power to electrically heat a subsurface oil shale zone to produce oil and gas and the gas plant treats and separates produced gas.
Multiple electrical connections to optimize heating for in situ pyrolysis	US9080441	10/26/2012	7/14/2015	In situ oil shale production method	A method to improve reliability and controllability of in situ electrical heating by constructing multiple electrical connections to an electrically conductive propped fracture.
Resistive heater for in situ formation heating	US9347302	11/12/2013	5/24/2016	In situ oil shale production method	A method of in situ heating and producing an oil shale formation where the heating uses a novel downhole electric heater composed of packed electrically conductive granular material.
Systems and methods for in situ resistive heating of organic matter in a subterranean formation	US9394772	9/17/2014	7/19/2016	In situ oil shale production method	A method of in situ heating and producing an oil shale formation by electrically heating an initial zone of the oil shale formation. This is done in a way which causes a region near the heated zone to improve in electrical conductivity and effectively grow the electrically heated zone.
Systems and methods for regulating an in situ pyrolysis process	US9512699	7/30/2014	12/6/2016	In situ oil shale production method	A method for controlling the electrical pyrolysis of an oil shale zone by monitoring certain components in produced fluids and using the information to optimize distribution and/or amount of electricity sent into the zone.
Method of recovering hydrocarbons within a subsurface formation using electric current	US9644466	10/15/2015	5/9/2017	In situ oil shale production method	A method of in situ heating and producing an oil shale formation by forming in the formation two or more hydraulic fractures filled with electrically conductive proppant and conducting alternating current electricity through the oil shale formation between the fractures.

Title	Patent Number	Application Date	Granted Date	Topic	Short Description
Mitigating the effects of subsurface shunts during bulk heating of a subsurface formation	US9739122	10/15/2015	8/22/2017	In situ oil shale production method	A method of using out-of-phase alternating currents to electrically heat an oil shale zone using a grid of wells with downhole electrodes. The electricity phase of each well is controlled to mitigate any short-circuiting of electrical currents between neighboring wells.

K. XTO Energy has entered into an agreement with Mahogany Energy Resources, LLC (“Mahogany”) for use of oil shale rock from the Colony Project property. Mahogany is the owner and operator of substantial oil shale properties in the Piceance geological basin in Mesa, Rio Blanco and Garfield Counties that were formerly owned by Shell Frontier Oil & Gas, Inc. and TerraCarta Energy Resources, LLC. This Agreement will enable additional ongoing research regarding extraction and processing of oil from shale rock. L. During the diligence period, XTO Energy retained the following consultants for annual operation and maintenance associated with the Colony Project, the Colorado River Project and the White River Project: Newpark Mats & Integrated Services for site maintenance and storm water management; ACZ Laboratories, Inc., for hydrological water testing; River City Consultants, Inc., for surveying and annual dam inspections; Kremmerer Ecological Consultants, Inc., hydrological and biological research; and, MSI/Trinity Laboratories for air quality testing. M. In 2020, XTO Energy conducted a mine reclamation clean-up pilot, which involved the removal of 21,000 tons of coarse crushed ore from a pilot mine portal and access road. Such material was subsequently repurposed as road plating for storm water management on the Colony Project property. N. XTO Energy entered into an agreement with Williams Production RMT Company (now Tera Energy Partners LLC) for a wildlife mitigation project called the Hayes Gulch Wildlife Enhancement Project in connection with a center-pivot sprinkler system used with the water rights for the Main Elk-Wheeler Gulch Pipeline through the Dow Pumping Plant and Pipeline and associated infrastructure. O. In 2017, XTO Energy entered into agreements with Encana Oil & Gas (USA) Inc. (now Caerus Piceance LLC) whereby the parties granted each other access to and the use of certain roads in Rio Blanco and Garfield Counties. P. Given limited physical water supplies in the Piceance Creek and Yellow Creek basins, XTO Energy has sought to utilize its Colorado River water supplies through transbasin water diversions into Water Division No. 6. On June 5, 2016, the Water Court finalized XTO Energy’s decree in Case No. 08CW199 (the “08CW199 Decree”). The 08CW199 Decree changed the place of use of the Colony Project water rights, which are subject to this Application, to include uses in the Piceance Creek and Yellow Creek basins and adjudicated a plan for augmentation to augment such transbasin diversions using releases from Ruedi Reservoir and other storage. Q. The United States Bureau of Reclamation approved a NEPA Categorical Exclusion on September 1, 2020, to allow amendment of XTO Energy’s 6,000 acre foot Ruedi Reservoir contract to allow transbasin usage in the Piceance and Yellow Creek basins for natural gas and oil shale operations in the White River Project. It is anticipated that XTO Energy’s perpetual Ruedi Reservoir contract will be amended within coming months to allow this expanded place of use as well as to facilitate future donations within the Colorado River basin during drought years. XTO Energy made a 5,500 acre foot donation to the U.S. Fish and Wildlife Service in 2018 and again in 2020 in order to protect endangered fish species in the 15 Mile reach and agricultural interests from extreme drought conditions. R. Pursuant to the 08CW199 Decree, the Colony Project water rights subject to this Application may be used in connection with the White River Project. To facilitate the transbasin diversion in the 08CW199 Decree, on November 15, 2020, XTO Energy entered into a Lease Agreement with Solvay Chemicals, Inc. for the lease of land and infrastructure for a transbasin water pipeline that will deliver XTO Energy’s water rights from the Colorado River, including the water rights subject to this Application, to the Piceance Creek basin. XTO Energy has already received a quote for full disassembly and inspection of the pumping infrastructure, including the bearings, seals, and valves, associated with the Lease Agreement. S. June 26, 2019, XTO Energy filed Water Court Case No. 19CW3066 involving the Colony Project water rights subject to this Application and seeking four claims. First, XTO Energy sought the rights to alternately store the water decreed for storage in the Middle Fork Reservoir, Davis Gulch Reservoir, East Middle Fork Reservoir, and Lower East Middle Fork Reservoir in one or more combinations. Such request for alternate places of storage is intended to maximize operational flexibility within the Colony Project and better facilitate the transbasin diversions from the 08CW199 Decree. Second, XTO Energy sought the right to alternately store the water right decreed to the Allenwater Creek Terminal Reservoir in the Allenwater Creek Terminal Reservoir – Hayes Gulch Alternate Place of Storage and requested a plan for augmentation for such storage using Ruedi Reservoir contract water. Third, XTO Energy requested alternate points of diversion for the Mahaffey Pumping Plant and Pipeline and the Main Elk-Wheeler Gulch Pipeline at the Dow Pumping Plant and Pipeline Alternate Point of Diversion 1. Fourth, XTO Energy requested corrections of clerical errors in the UTM Coordinates for alternate points of diversion for the Dow Middle Fork Pipeline and the Dow East Middle Fork Pipeline. Case No. 19CW3066 is still pending at the time of filing of the above-captioned Application. T. XTO Energy continues to retain the legal counsel of Porzak Browning & Bushong LLP and the engineering services of Wright Water Engineers, Inc. and Leonard Rice Engineers, Inc. (“LRE Water”) in support of numerous water rights applications, participation as opposers in Water Court cases of concern, and negotiations with the United States Bureau of Reclamation regarding its 6,000 acre-foot Ruedi Reservoir Water Contract. Similarly, XTO Energy continues to monitor the water rights applications of other water users in Water Division Nos. 5 and 6 and has filed statements of opposition in cases that jeopardize XTO Energy’s water rights. U. LRE Water recently completed an

analysis of water demand requirements to address oil shale and gas development scenarios. This also included a review of prior analyses of the water rights needs and available water supplies for energy development and incorporated new technology around horizontal gas development and vertical gas development with water and sand completions. This analysis was essential to ensuring that XTO Energy has an adequate physical and legal supply of water for its planned energy development and to ensure that XTO Energy is able to utilize its water rights portfolio in the most efficient manner. The water supply needs to XTO Energy's planned energy development includes water for construction and preproduction activities (drilling and completions), production, reclamation, spent shale disposal, and upgrading for both in-situ and above-ground retorting processes. This analysis demonstrates that XTO Energy has a need for all of its conditional water rights sought to be maintained in this Application. V. In addition to the 08CW199 Decree and Case No. 19CW3066, XTO Energy has filed and/or completed the adjudication of the following applications during the subject diligence period: (i). Water Court Case No. 05CW285, decreed on June 18, 2017, in order to utilize the augmentation credits decreed in Case No. 98CW259 to augment the Hunter Creek Wells and Boies Reservoir in the Piceance Creek basin. The decree in Case No. 98CW259 is XTO Energy's base augmentation plan in the Piceance Creek basin; (ii). Water Court Case No. 05CW294, decreed on December 17, 2017, to quantify the historical consumptive use associated with a variety of senior irrigation rights in the Piceance Creek basin and to augment the various diversion points and reservoirs decreed in Case No. 98CW259; (iii). Case No. 18CW3005, decreed on May 26, 2019, in Division 6 to make a portion of the water rights absolute and obtain a finding of reasonable diligence for the remaining conditional water rights associated with the ExxonMobil Lower Piceance Creek Pumping Station and its two points of diversion, (iv). On March 14, 2013, XTO Energy acquired, via a land swap with the Colorado Division of Parks and Wildlife, the Square S Ranch and its associated water rights, including some of the most senior water rights on Piceance Creek. XTO Energy filed Case No. 19CW3003 in Division 6 to quantify historical consumptive use credits for the Square S Ranch water rights and incorporate those credits into XTO Energy's existing plans for augmentation in Case Nos. 98CW259 and 05CW294, (v). XTO Energy filed Case No. 19CW3008 in Division 6 to request a finding of reasonable diligence for the Exxon Love Ranch Reservoir Refill Right and the Exxon B&M Reservoir First Enlargement Right and Refill Right, (vi). XTO Energy filed Case No. 19CW3032 in Division 6 to request a finding of reasonable diligence and make certain water rights absolute in the Piceance Creek basin. 7. Request for Cancellation of a Portion of Conditional Storage Water Right. XTO Energy has chosen to forego diligence on Cottonwood Gulch Terminal Reservoir described in Paragraph 3.K above after further analysis of the area of water demands and feasibility of construction. Therefore, XTO Energy requests that the Water Court cancel the Cottonwood Gulch Terminal Reservoir conditional water right. 8. Ownership: The lands upon which the above-described conditional water rights are or will be located is owned by XTO Energy except for the following: A. Dow Pumping Plant and Pipeline (at the original point of diversion): Key Equity Holdings, Inc., 7701 Will Rogers Blvd., Fort Worth, Texas 76140, B. Dow Pumping Plant and Pipeline Alternate Point 2: Battlement Mesa Land Investments, 73 G Sippelle Drive, Parachute, Colorado 81636, C. Main Elk Wheeler Gulch Pipeline: Meadow Creek, LLC, 1411 Mockingbird Place, Los Angeles, California 90069. WHEREFORE, XTO Energy requests a decree of the Court ruling that (1) the Main Elk-Wheeler Gulch Pipeline has been made absolute in the amount of 1.34 cfs for irrigation uses as requested in Paragraph 4 above; (2) cancels the Cottonwood Gulch Terminal Reservoir described in Paragraph 3.K above; (4) grants its request for findings of reasonable diligence for the remaining conditional water rights as described in Paragraph 5 above for their full conditional amounts and uses, with the exception of Cottonwood Gulch Terminal Reservoir; and (5) grants such other and further relief as the Court deems just and proper. (24 pages + Exhibits)

YOU ARE HEREBY NOTIFIED THAT YOU HAVE until the last day of FEBRUARY 2021 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 DECEMBER 2020. *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.*

20CW3165 District Court, Water Division 5, Colorado 109 8th Street, Ste. 104 Glenwood Springs, CO 81601. CONCERNING THE APPLICATION FOR WATER RIGHTS OF TABER LAKE, LLC IN THE COLORADO RIVER OR ITS TRIBUTARIES IN GRAND COUNTY, COLORADO. AMENDED APPLICATION FOR ABSOLUTE WATER STORAGE RIGHT AND APPROVAL OF PLAN FOR AUGMENTATION. Name, mailing address, email address and telephone number of Applicant: Taber Lake, LLC, c/o Mike Vincent, P.O. Box 1995, Grand Lake, CO 80447, mcvcell@gmail.com, (303) 263-6220. Direct all pleadings to: William A. Paddock and Katrina Fiscella, Carlson, Hammond & Paddock, LLC, 1900 Grant Street, Suite 1200, Denver, CO 80203; Phone Number: (303) 861-9000; Fax Number: (303) 861-9026; Email: bpaddock@chp-law.com, kfiscella@chp-law.com. CLAIM 1 - ABSOLUTE WATER STORAGE RIGHT. 1. Name of Reservoir: Taber Lake. 1.1. Legal Description of Dam: The reservoir is located in the SE1/4 NW1/4 of Sec. 25, Twp. 4 North, Rng. 76 West of the 6th P.M. The southern outlet is located at a point approximately 1,471 feet east of the west line and approximately 2,566 feet south of the north line of Sec. 25, Twp. 4 North, Rng. 76 West of the 6th P.M. 1.2. (Location information in UTM format: (See attached map showing location of the structure.) UTM coordinates: Easting: 427169 meters; Northing: 4459072 meters; Zone 13, Source of UTM: NAIP 2019 georeferenced aerial photography. 1.3. Source: North Fork of the Colorado River, and water discharged from Sun Valley Reservoir, which is located immediately upstream from Taber Lake. Sun Valley Reservoir is filled by diversions from the North Fork of the

Colorado River through the DeWitt Ditch. See Sun Valley Reservoir Decree in Case No. 2017CW3093. 1.4. Ditch used to fill reservoir. 1.4.1. Name: DeWitt Ditch, capacity 4.0 c.f.s. 1.4.2. Location of point of diversion: located at a point of the west bank of the North Fork of the Colorado River whence the North 1/4 corner of Sec. 25, Twp. 4 North, Rng. 76 West of the 6th P.M. bears North 85° 5' West 478 feet. (Location information in UTM format: (See attached map showing location of the structure.) UTM coordinates: Eastings: 427678 meters; Northing: 4459830 meters; Zone 13, Source of UTM: NAIP 2015 geo-referenced aerial photography. 1.5. Appropriation: 1.5.1. Date: June 14, 1967. 1.5.2. How appropriation was initiated: diversion of water and application to beneficial use. 1.5.3. Date water applied to beneficial use: June 14, 1967. 1.6. Amount Claimed: Applicant claims an absolute water right in the amount of 7.2 a.f. to fill, and 3.08 a.f. to refill and continuously fill the reservoir annually. Out-of-priority depletions will be replaced pursuant to the augmentation plan described in claim 2 below. 1.6.1. Filling rate through the DeWitt Ditch is 0.75 c.f.s. The filling rate from discharge of Sun Valley Reservoir is up to 3.0 c.f.s., depending upon the rate of inflow to Sun Valley Reservoir. 1.7. Uses: Livestock water, recreation, fishery, wildlife, and fire protection. 1.8. Surface Area at High Water Line: 1.4 acres. 1.8.1. Height of Dam: 3-6 feet above local grade. 1.8.2. Length of Dam: 735 feet. 1.9. Total Capacity of Reservoir: 7.2 a.f., of which the active capacity is 2.1 a.f., and the dead storage is 5.1 a.f. CLAIM 2 - PLAN FOR AUGMENTATION. 2. Name of structure to be augmented: Taber Lake. 2.1. Decreed Water Right for Taber Lake: pending in this matter. 2.2. Legal description of structure as described in the decree that adjudicated the location: Stated in paragraphs 1.1 and 1.2 above. 2.3. Appropriation date: June 14, 1967. 2.4. Amount: an absolute water right for 7.2 a.f. for the first filling and 3.08 a.f. for the refill right. 2.5. Source of water: Stated in paragraph 1.3 above. 2.6. Decreed uses: Livestock water, recreation, wildlife, piscatorial, and fire protection. 2.7. Comment: Water from the DeWitt Ditch is delivered into and through Sun Valley Reservoir to Taber Lake. In addition, all water discharged from Sun Valley Reservoir flows into Taber Lake. 2.8. Water right(s) to be used for augmentation: Taber Lake, LLC has applied to the Colorado River Water Conservation District ("CRWCD") for a contract for 3.2 a.f. of water to be used for augmentation. If that contract is approved, then the sources of augmentation water will be as described in paragraph 2.9. In accordance with the CRWCD's water marketing policy, the Applicant has also asked the Middle Park Water Conservancy District ("MPWCD") if it is willing to contract to provide augmentation water for Taber Lake. If the MPWCD is willing to do so, then an additional source of augmentation water is described in paragraph 2.10. follows: 2.9. Contract Water from CRWCD. 2.9.1. Wolford Mountain Reservoir. The CRWCD owns and operates Wolford Mountain Reservoir (f/k/a Gunsight Pass Reservoir) which has the following water rights. 2.9.1.1. Case No. 87CW283: Decree Date: November 20, 1989. Name of Structure: Gunsight Pass Reservoir. Legal description of place of storage: The dam is located in the SW1/4 NE1/4 of Sec. 25, Twp. 2 North, Rng. 81 West of the 6th P.M. The intersection of the dam axis with the right abutment will occur at a point which bears South 54°54'20" East a distance of 3,716.46 feet from the NW corner of said Sec. 25. Source: Muddy Creek and its tributaries, all tributary to the Colorado River. Amount: 59,993 a.f. conditional; of this amount, 32,986 a.f. were made absolute for piscatorial and recreational uses by decree entered in Water Court Case No. 95CW251, and the full amount was made absolute for all purposes by decree entered in Water Court Case No. 02CW107. Appropriation Date: December 14, 1987. Use: All beneficial uses, including but not limited to domestic, municipal, agricultural and recreational uses, which uses satisfy the requirements of the Windy Gap Settlement made with the Municipal Subdistrict of the Northern Colorado Water Conservancy District; use to meet the water requirements of the inhabitants of the CRWCD for all uses, including uses in the Middle Park area; and use to meet the terms of a lease agreement executed March 3, 1987 between the CRWCD and the City and County of Denver. 2.9.1.2. Case No. 95CW281: Decree Date: August 26, 1997. Name of Structure: Wolford Mountain Reservoir Enlargement. Legal description of place of storage: The dam is in the SW1/4 NE1/4 of Sec. 25, Twp. 2 North, Rng. 81 West of the 6th P.M. The as-built intersection of the dam axis (Sta. D19+35.61) with the West Access Road (Sta. WR50+55.05), 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 which bears South 53°24'56" East a distance of 3,395.51 feet from the NW corner of said Sec. 25; the bearing of said dam axis from Sta. 19+35.61 to Sta. 0+00 being South 75° 28' 29" East. Source: Muddy Creek and its tributaries, all tributary to the Colorado River. Amount: 6,000 a.f., conditional. Appropriation Date: January 16, 1995. Use: All beneficial uses by and for the benefit of the inhabitants of the Colorado River Water Conservation District, including but not limited to domestic, municipal, industrial, irrigation, agricultural, piscatorial, and recreational; such uses will include environmental mitigation, including environmental mitigation requirements associated with the Wolford Mountain Project; such uses will be made directly or by substitution, augmentation, or exchange. None of the water stored in the exercise of the right will be delivered directly or by exchange, substitution, or otherwise for use outside of Colorado Water Division No. 5. 2.9.1.3. Case No. 98CW237: Decree Date: July 6, 2000. Name of Structure: Wolford Mountain Reservoir. Legal Description of place of storage: Same as for 95CW281. Source: Muddy Creek and its tributaries, all tributary to the Colorado River. Amount: 30,000 a.f. conditional, with 15,895 a.f. being absolute for recreational and piscatorial and flood control. Appropriation Date: November 17, 1998. Use: Certain of the beneficial uses previously adjudicated for Wolford Mountain Reservoir in Case No. 87CW283, District Court for Colorado Water Division No. 5 (November 20, 1989 Judgment and Decree), and Case No. 95CW281, District Court for Colorado Water Division No. 5 (August 26, 1997 Judgment and Decree). 87CW283: The reservoir will be used to satisfy the requirements of the Windy Gap Settlement made with the Municipal Subdistrict of the Northern Colorado Water Conservancy District. This will involve all uses, including but not limited to domestic, municipal, agricultural, and recreational uses. The reservoir will also be used to meet the water requirements of the inhabitants of the CRWCD for all uses, including uses in the Middle Park area. 95CW281: All beneficial uses by and for the benefit of the inhabitants of the CRWCD, including but not limited to domestic, municipal, industrial, irrigation, agricultural, piscatorial, and recreational; such uses will include environmental mitigation, including environmental mitigation requirements associated with the Wolford Mountain Reservoir Project; such uses will be made directly or by substitution, augmentation, or exchange. Remarks: The Refill Right described herein will be exercised to provide supply for the Western Slope uses of water from Wolford Mountain Reservoir described above, including flood control, other operational purposes, and environmental mitigation and enhancement for the benefit of uses within the District. The Refill Right will not be used in

conjunction with the Reservoir capacity (24,000 a.f.) which is allocated for the supply of water to the Denver Board of Water Commissioners under Applicant’s contractual relationship with Denver, or the Reservoir capacity (6,000 a.f.) which is allocated for Colorado River endangered fish releases. (4) PLSS: The dam is in the SW1/4 NE1/4 of Sec. 25, Twp. 2 North, Rng. 81 West of the 6th P.M. The as-built intersection of the dam axis (Sta. D19+35.61) with the West Access Road (Sta. WR50+55.05), as shown on the CRWCD, Wolford Mountain Project, Ritschard Dam construction drawing “Dimensional Dam Layout” sheet 8 of 94, occurs at a point 1,940 feet south of north section line and 2,760 feet east of the west section line of said Sec. 25. 2.9.2. Ruedi Reservoir. The CRWCD holds Contracts No. 009D6C0111 (500 a.f.), 009D6C0118 (700 a.f.), 039F6C0011 (530 a.f.), 079D6C0106 (5,000 a.f.), and 139D6C0101 (4,683.5 a.f.) from the United States Bureau of Reclamation for 11,413.5 a.f. of annual supply from Ruedi Reservoir. This water will be used in addition to and substitution for Wolford Mountain Reservoir water in appropriate circumstances where Ruedi water is physically equivalent to Wolford water. Legal description of place of storage: Ruedi Reservoir is in Secs. 7, 8, 9, 11 and 14 through 18, Twp. 8 South, Rng. 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 Sec. 7, Twp. 8 South, Rng. 84 West of the 6th P.M. bears North 82°10' West a distance of 1,285 feet. Source: Fryingpan River. Previous storage decrees: Civil Action No. 4613: Decree Date: June 20, 1958. Court: Garfield County District Court. Amount: 140,697.3 a.f., reduced to 102,369 a.f. pursuant to order of the Water Court in Case No. W-789-76. The full amount was made absolute in Case No. 88CW85. Appropriation Date: July 29, 1957. Use: Domestic, municipal, irrigation, industrial, generation of electrical energy, stock watering and piscatorial. Case No. 81CW34: Decree Date: April 8, 1985. Court: District Court, Water Div. No. 5. Amount: 101,280 a.f. (refill); of this amount, 44,509 a.f. were made absolute in Case No. 95CW95 and 25,257 a.f. were made absolute in Case No. 01CW269, for a total of 69,766 a.f. absolute. Appropriation Date: January 22, 1981. Use: Irrigation, domestic, municipal, generation of electrical energy, stock watering, industrial, piscatorial, recreation and maintenance of sufficient storage reserves to fulfill contractual obligations and provide stored water for recreation in times of drought. (4) PLSS: Ruedi Reservoir is in Secs. 7, 8, 9, 11 and 14 through 18, Twp. 8 South, Rng. 84 West of the 6th P.M., in Eagle and Pitkin Counties. The dam axis intersects the right abutment at a point 130 feet south of the north section line and 1,280 feet east of the west section line of Sec. 7, Twp. 8 South, Rng. 84 West of the 6th P.M. 2.10 Contract Water from MPWCD. 2.10.1. The MPWCD is entitled to a portion of the 3,000 acre feet which the Municipal Subdistrict, Northern Colorado Water Conservancy District places annually in Granby Reservoir as outlined in the Agreement concerning the Windy Gap Project and the Azure Reservoir and Power Project, dated and signed April 30, 1980, and which was approved by the District Court, Grand County, Colorado, in Civil Action No. 1768, by Interlocutory Decree, dated October 27, 1980, and the Supplement to Agreement of April 30, 1980, which was duly decreed by the District Court, Water Division No. 5 in Case No. 85CW135.2.10.2. The Windy Gap Water Rights are defined in the decrees entered on October 27, 1980 in Civil Action No. 1768, District Court, Grand County, Colorado and Case Nos. W-4001, 80CW108, and 85CW135, District Court, Water Division No. 5; the Decree entered on February 6, 1989 in Case No. 88CW169, District Court, Water Division No. 5; and the Decree entered on July 19, 1990, in Case No. 89CW298, District Court, Water Division No. 5, and any subsequent diligence or other related decrees or amendments thereto. 3. Complete statement of plan for augmentation. Taber Lake is filled from water discharged from Sun Valley Reservoir. That reservoir is filled from the North Fork of the Colorado River through the DeWitt Ditch. Taber Lake can also be filled by diversions through the DeWitt Ditch routed through Sun Valley Reservoir. Taber Lake will be filled and maintained full annually by diversions of water discharged by Sun Valley Reservoir and by diversions through the DeWitt Ditch. The purpose of this plan for augmentation is to augment the depletions that result from the continuous delivery of water to the reservoir through the DeWitt Ditch. The only depletions will be from evaporative losses from the reservoir’s water surface. The normal operating water surface area of the lake is 1.4 surface acres. The estimated maximum amount of out-of-priority evaporative losses from the lake at its normal operating water surface is as follows:

Month	Gross Evaporation (Inches)	Taber Lake Evaporation - 1.4 acres (a.f.)	
		Gross Evaporation	Out-of-priority
Nov	0.0	0.0	0.0
Dec	0.0	0.0	0.0
Jan	0.0	0.0	0.0
Feb	0.0	0.0	0.0
Mar	0.0	0.0	0.0
Apr	0.0	0.0	0.0
May	4.38	0.51	0.0
Jun	5.43	0.63	0.32
Jul	5.60	0.65	0.65
Aug	4.55	0.53	0.53
Sep	3.85	0.45	0.45
Oct	2.63	0.31	0.31
Annual	26.44	3.08	2.26

No depletions are estimated for the month of May because there has never been a call by a senior decreed downstream water right during that month. Monthly gross evaporation is from NOAA Technical Report NWS 33 Map 2 and evaporation distribution for elevations above 6,500 feet. Gross evaporation is calculated as (column 2 ÷ 12) × 1.4. Evaporation is charged during periods when Taber Lake is ice-free (expected to occur from May to October) and when the storage right is out of priority. Although the anticipated out-of-priority depletions at a normal water elevation is 2.26 a.f., the Applicant will have an additional 0.94 a.f. to replace depletions if, for example, there are future calls on the river in May. During times of a valid call by a downstream senior water right the Applicant will use up to 3.2 a.f. to make replacement water available to offset depletions caused by evaporation from the reservoir. If Applicant obtains replacement water from the CRWCD, then for calls that originate at or below the confluence of Muddy Creek and the Colorado River, Applicant will deliver replacement water with water supplied via contract with the Colorado River Water Conservation District, and it will be delivered from either Wolford Mountain Reservoir or Ruedi Reservoir. If the downstream call is located upstream from the confluence of the Colorado River and the Roaring Fork River, then the replacement water will be delivered from Wolford Mountain Reservoir. If the call is downstream from the confluence of the Colorado River and the Roaring Fork River, the replacement water will be released from either Ruedi Reservoir or Wolford Mountain Reservoir. If the call is located on the Colorado River upstream from its confluence with Muddy Creek, the Applicant will pass all inflow to the reservoir through the reservoir and total storage in the reservoir will be reduced by the then occurring evaporative losses. If Applicant obtains replacement water from the MPWCD, then for calls that originate at or below Granby Reservoir, Applicant will deliver replacement water supplied via contract with the MPWCD, which will be delivered out of Granby Reservoir. At any time the Applicant lacks sufficient augmentation water, the Applicant will pass all inflow to the reservoir through the reservoir and total storage in the reservoir will be reduced by the then occurring evaporative losses. Alternatively, during such periods the Water Commissioner may allow water to remain in storage and subsequently order releases to offset evaporation in usable quantities. Applicant requests the court establish the date of filing of this application as the priority date for administration of this plan for augmentation so that any water right with a more junior priority cannot call out Taber Lake and require replacement of then occurring depletions made pursuant to this plan for augmentation. 4. Names and addresses of owners or reputed owners of the land upon which any new diversion or storage structure, or modification to any existing diversion or storage structure is or will be constructed or upon which water is or will be stored, including any modification to the existing storage pool. The Applicant's members own all the land inundated by Taber Lake. The owners of the lands inundated by the reservoir are: Michael C. Vincent & Kimberly H. Vincent, Physical property address: 192 County Road 492, Grand Lake, CO 80447, Correspondence address: P.O. Box 1995, Grand Lake, CO 80447, 303-263-6220 (cell), mcvcell@gmail.com; Keith A. Vincent, Physical property address: 126 County Road 492, Grand Lake, CO 80447, Correspondence address: P.O. Box 50, Golden, CO 80402, 303-279-2746 (home), keith@goldgrade.com; Laurent & Holly Lewkowicz, Physical property address: 250 County Road 492, Grand Lake, CO 80447, Correspondence address: 1170 Jersey Street, Denver, CO 80220, 303-345-5042 (cell), lewkowicz@gmail.com. The headgate of the DeWitt Ditch is located on land owned by Barbara A King, P.O. Box 326, Grand Lake, CO 80447-0326. 5. A map showing Taber Lake is attached to the Amended Application.

YOU ARE HEREBY NOTIFIED THAT YOU HAVE until the last day of FEBRUARY 2021 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 DECEMBER 2020. *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.*

20CW3166 GARFIELD, MESA, AND RIO BLANCO COUNTIES. UNNAMED DRAW TRIB. TO THE CONFLUENCE OF LITTLE CREEK AND GROVE CREEK, TRIB. TO PLATEAU CREEK, A TRIB. OF THE COLORADO RIVER. Application for Change of Water Rights and Amendment to Plan for Augmentation. Applicant: Laramie Energy, LLC, c/o Sara M. Dunn and Erika S. Gibson, Balcomb & Green, P.C., P.O. Drawer 790, Glenwood Springs, CO 81602; 970-945-6546. Summary of Application: Applicant requests a change in type of use and place of use for the Micale Commercial Well conditional water right from domestic use and irrigation of lawn and landscape areas to commercial and industrial uses associated with natural gas and mineral extraction activities in Garfield, Mesa and Rio Blanco Counties. Applicant further requests to amend the plan for augmentation approved in Case No. 92CW271 to replace out-of-priority diversions of the Micale Commercial Well for comm. and ind. uses in addition to the existing dom. and lawn and garden irr. uses. Description of cond. right: Micale Commercial Well, a groundwater right. Decree Information: Orig. decree entered in Case No. 92CW271 on 3/12/1996 in Dist. Court, Water Division 5. The Court entered a finding of reasonable diligence and made portions of the Micale Commercial Well absolute in Case No. 02CW61 and Case No. 10CW232. The Court most recently entered a finding of reasonable diligence in Case No. 17CW3193. Legal Description: The legal description as decreed in Case No. 92CW271 is in the NW1/4 NW1/4 of Sec. 18, T. 10 S., R. 94 W., 6th P.M. at a pt. S. 56°46'34" E., 1413.44 ft. from the NW corner of said Sec. 18, approx. 1200 ft. from the W. Sec. Line and 800 ft. from the N. Sec. Line. As described in Case No. 02CW61, the well was constructed in the NW1/4 NW1/4, Sec. 18, T. 10 S., R. 94 W., 6th P.M. at a pt. 1,280 ft. E. of the W. Sec. Line and 660 ft. S. of the N. Sec. Line. This location is within 200 ft. of the decreed location. Source: A seep area in a small unnamed draw trib. to the confluence of Little Creek and Grove Creek, trib. to Plateau Creek, a trib. of the Colorado River. The seep area was developed as a shallow well

15 ft. deep. Approp. Date: 8/15/1995. Amts.: 100 g.p.m. (0.22 c.f.s.) with an annual diversion of 77.39 a.f./year. The Court in Case No. 02CW61 confirmed the entire diversion rate of 100 g.p.m. and 6.0 A.F./year had been made absolute for dom. use in 14 single family residences including lawn and garden irr. not to exceed 2,000 square ft. per residence. The Court in Case No. 10CW232 confirmed that an additional 9 single family residences were being served by the well and an additional 4.54 a.f./year had been made absolute; the remaining 66.85 a.f./year remains cond. Uses: Dom. use and irr. of lawn and garden, up to 2,000 square ft. per residence, for 150 single family residences. As decreed in Case No. 92CW271, not more than 125 of the single family residences were to be located on land belonging to the Applicant and the additional 25 to be located in the Grove Creek area. Remarks: This well operates pursuant to a plan for augmentation decreed in Case No. 92CW271 and Well Permit No. 046403-F. Proposed Change and Contemplated Draft: Pursuant to C.R.S. § 37-92-302(2), Applicant requests a change in use for the 66.85 a.f./year cond. rights decreed to the Micale Commercial Well. The Micale Commercial Well was contemplated to provide dom. water to up to 150 single family residences with lawn and garden irr. limited to 2,000 square ft. per household. The annual diversion from the Micale Commercial Well for all 150 residences for both in-house use and irr. was decreed at 77.39 a.f. per year. The augmentation plan approved in Case No. 92CW271 replaced diversions rather than depletions, as measured by a flow meter in the pipeline leading from the Micale Commercial Well, with YT Reservoir water or water saved by foregone irr. under the Rockwell Ditch. Applicant will not increase the number of single family homes supplied by the Micale Commercial Well above the 23 single family homes and related irr. per house that were the bases of the claims in Case No. 10CW232. Applicant intends to change the use the cond. 66.85 a.f. portion of the Micale Commercial Well water right for comm. and ind. use associated with its natural gas and mineral extraction activities, including ind. uses associated with oil and gas drilling and production, and specifically including dust suppression, construction and operation of facilities supporting natural gas production, gas well drilling and gas well completions (hydraulic fracturing), reclamation/revegetation, and fire protection on lands owned or leased by Applicant as depicted on Figure 2, attached to application, by diverting the water at the Micale Commercial Well into a pipeline or hauling trucks. The comm. and ind. uses will be 100% consumptive. Changed Use: Comm. and ind. use associated with natural gas and mineral extraction activities including: dust suppression, construction and operation of facilities supporting natural gas production, gas well drilling and gas ind. well completions (hydraulic fracturing), reclamation/revegetation, and fire protection. Amt. to be Changed: 100 g.p.m. and up to 66.85 a.f./year, cond. Place of Use: Consistent with prior decrees for Laramie Energy's integrated water supply, specifically Cases No. 14CW3174, 17CW3172, and 18CW3019, Applicant will put the water to beneficial use on lands located in Garfield, Rio Blanco or Mesa Counties on which Applicant is conducting natural gas and mineral extraction activities or other ind. use, or for which Applicant has contracted to provide water for such purposes. A map depicting the place of use is attached to application as Figure 2. Amendment to Plan for Augmentation: The augmentation plan approved in Case No. 92CW271 required replacement of 100% of out-of-priority diversions in time and amt. above the pt. of diversion of the Micale Commercial Well. Therefore, the change in use described herein will not cause injury to other water users provided the Micale Commercial Well continues to operate pursuant to the terms and conditions of the augmentation plan. The only amendment to the plan for augmentation is replacement of out-of-priority diversions of the Micale Commercial Well for comm. and ind. uses in addition to the existing dom. and lawn and garden irr. uses with a combined annual diversion not to exceed 77.39 a.f. Name and address of owner of the land upon which any structure is or will be located, upon which water is or will be stored, or upon which water is or will be placed to beneficial use: Applicant. 5 pgs. 2 exhibits.

YOU ARE HEREBY NOTIFIED THAT YOU HAVE until the last day of FEBRUARY 2021 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 DECEMBER 2020. *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.*

20CW3167 PITKIN COUNTY. ROARING FORK RIVER. David Beirne & Lily T. Beirne, c/o Corona Water Law, Craig Corona, Esq., 1018 Lauren Lane, Basalt, CO 81621, (970) 948-6523. APPLICATION FOR FINDING OF REASONABLE DILIGENCE AND TO MAKE ABSOLUTE. FIRST CLAIM: To Make Absolute. Name of structure: Beirne Exchange. Type: Exchange. Description of conditional water right: Date of original decree: December 28, 2014. Case No. 13CW3102, District Court, Water Division No. 5. Subsequent diligence decrees: N.A. Other relevant decrees: 06CW1, District Court, Water Division 5; December 31, 2007. Case No. 06CW1 decreed the Beirne Exchange for 0.111 c.f.s. (50 g.p.m.) with a volumetric limit of 0.6 acre-feet, annually, for substitution and exchange. This exchange reach had a terminus of the confluence of the Roaring Fork and Colorado Rivers. This exchange was made absolute in 13CW3102. Case No. 13CW3102 also decreed a new exchange terminus at the confluence of the Fryingpan and Roaring Fork Rivers. This Application is to make the exchange reach with the terminus at the confluence of the Fryingpan and Roaring Fork Rivers absolute. Legal description: The reach of the Roaring Fork River between the Beirne Pump and Pipeline (upstream terminus) and the confluence of the Roaring Fork and Fryingpan Rivers (downstream terminus). Upstream terminus: Beirne Pump and Pipeline located at the SW ¼, SW ¼, of Section 17, Township 10S, Range 84W, 6th P.M. at a point 1,178.09 feet north of the south section line and 1,131 feet east of the west section line in Pitkin County, Colorado. See Figure 1. Downstream terminus: The confluence of the Roaring Fork and Fryingpan Rivers is more particularly described as being located in the SW ¼ of the SE ¼ of Section 7, T8S, R86W,

in the 6th P.M. at a point 1,440 feet from the east section line and 750 feet from the south section line. Source: Roaring Fork River for upstream diversions. Colorado River and Fryingpan River for replacement sources to downstream points via Basalt Water Conservancy District Water Allotment Contract #485 entitling the Applicants to 0.6 acre-feet of the District's water rights as described in the plan for augmentation decreed in Case No. 06CW1. Appropriation date: October 31, 2005. Rate claimed: 0.111 c.f.s., (50 g.p.m.) conditional. Volumetric limit: 0.6 acre-feet, annually. Use: Substitution and exchange. Operation (as decreed): Applicants divert water from the Beirne Pump and Pipeline to fill and re-fill the Beirne Pond by substitution and exchange while making reservoir releases pursuant to a Basalt Water Conservancy District Water Allotment Contract when a call from water rights originating on the Roaring Fork River at or below the confluence of the Fryingpan and Roaring Fork Rivers or on the Colorado River would otherwise prevent diversions from the Beirne Pump and Pipeline, but when there is no corresponding call on the Roaring Fork River above the confluence of the Roaring Fork and Fryingpan Rivers. An outline of work the completed toward the completion of the appropriation and application of the water to beneficial use, including expenditures is on file with the Court. If claim to make absolute in whole or in part: Date water applied to beneficial use: August 26, 2015. Amount: 0.111 c.f.s. (50 g.p.m.), with a volumetric limit of 0.6 acre-feet. Use: Substitution and exchange. Description of place of use where water is applied to beneficial use. See maps on file with the Court. Applicant owns 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. Copies of the application may be obtained from Craig Corona at cc@craigcoronalaw.com.

YOU ARE HEREBY NOTIFIED THAT YOU HAVE until the last day of FEBRUARY 2021 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 DECEMBER 2020. *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.*

20CW3168 JAMES J. ECK DYNASTY TRUST, 425 East 6th St., Hinsdale, Illinois, 60521 and LOUANN BENBOW, 14813 W. 32nd Drive, Golden, CO 80401. Please direct all pleadings and correspondence on behalf of James J. Eck Dynasty Trust to: Jefferson V. Houpt, Esq., Ryan M. Jarvis, Eric M. Theile; Beattie, Houpt & Jarvis, LLP, 146 Midland Avenue, PO Box 1669, Basalt, CO 81621; (970) 945-8659. Please direct all pleadings and correspondence on behalf of Louann R. Benbow to: Stephen H. Leonhardt, Esq., April D. Hendricks, Esq.; BURNS, FIGA & WILL, P.C., 6400 South Fiddlers Green Circle, Suite 1000, Greenwood Village, CO 80111; (303) 796-2626. APPLICATION FOR ABSOLUTE UNDERGROUND WATER RIGHTS, ABSOLUTE WATER STORAGE RIGHTS, APPROVAL OF PLAN FOR AUGMENTATION, AND CONDITIONAL APPROPRIATIVE RIGHT OF EXCHANGE in **EAGLE COUNTY**. 2. *Names of structures:* West Lake Creek Well No.1, North Benbow Pond Well, and South Benbow Pond Well. **FIRST CLAIM FOR RELIEF: APPLICATION FOR ABSOLUTE UNDERGROUND WATER RIGHT** 3. *Applicants request confirmation of an absolute underground water right described as follows:* A. *Name of structure:* West Lake Creek Well No. 1. B. *Location:* In the SE ¼, SE ¼ Section 19, Township 5 South, Range 82 West of the 6th P.M. at a point 235 feet from the South section line and 675 feet from the East section line in Eagle County, Colorado. UTM Coordinates NAD 83, Zone 13 N Northing: 4384073.6, Easting: 361716.5. This point is depicted on the map attached to the Application as Exhibit A. C. *Source:* **West Lake Creek, tributary to Lake Creek, tributary to the Eagle River, tributary to the Colorado River.** D. *Date of appropriation:* May 1, 1985. E. *How appropriation was initiated:* Formation of intent to appropriate water coupled with the permitting of well for its original uses. F. *Amount:* 15 g.p.m., absolute. G. *Does the well operate pursuant to a plan for augmentation:* The well will operate pursuant to the plan for augmentation described herein. H. *Uses:* Domestic, irrigation, and stockwatering. I. *Depth:* 30 feet. J. *Owner of land upon which the structure is or may be located:* Co-Applicant Louann Benbow. K. *Remarks:* This well is a gallery well and has been operating pursuant to Well Permit No. 112240. In the future, this well will operate pursuant to the plan for augmentation described herein and a new well permit to be obtained following entry of the decree requested herein. Upon issuance of the new well permit, Applicants will relinquish Well Permit No. 112240. **SECOND CLAIM FOR RELIEF: APPLICATION FOR ABSOLUTE WATER STORAGE RIGHTS AND/OR UNDERGROUND WATER RIGHTS.** 4. *Applicants request confirmation of absolute water storage rights described as follows:* A. *Structure Names:* North Benbow Pond Well and South Benbow Pond Well. Collectively, these structures are referred to as the "Benbow Ponds" and are depicted on the map attached to the Application as Exhibit A. B. North Benbow Pond Well: (1) Legal Description of Pond Location. The center of the pond is located in the SE ¼, SE ¼, Section 19, Township 5 South, Range 82 West of the 6th P.M. at a point 440 feet from the South section line and 845 feet from the East section line in Eagle County, Colorado. UTM Coordinates NAD 83, Zone 13 N Northing: 4384140.2, Easting: 361663.5. (2) Surface Area of Pond: 0.18 acre. (3) Maximum Height of Dam: Less than 10 feet. C. South Benbow Pond Well: (1) Legal Description of Pond Location. The center of the pond is located in the SE ¼, SE ¼, Section 19, Township 5 South, Range 82 West of the 6th P.M. at a point 290 feet from the South section line and 810 feet from the East section line in Eagle County, Colorado. UTM Coordinates NAD 83, Zone 13 N Northing: 4384092.2, Easting: 361674.9. (2) Surface Area of Pond: 0.07 acre. (3) Maximum Height of Dam: Less than 10 feet. D. Point of Diversion ("Benbow Ponds Feeder Ditch"). The point of diversion from West Lake Creek is located in the SE ¼, SE ¼, Section 19, Township 5 South, Range 82 West of the 6th P.M. at a point 180 feet from the South section line and 815 feet from the East section line in Eagle County, Colorado. UTM Coordinates NAD 83, Zone 13 N Northing: 4384060.1, Easting: 361675.5. E.

Source of Water: Water diverted from West Lake Creek, tributary to Lake Creek, tributary to the Eagle River, tributary to the Colorado River. The ponds may also intercept and store groundwater tributary to West Lake Creek, tributary to Lake Creek, tributary to the Eagle River, tributary to the Colorado River. F. Amount: (1) North Benbow Pond Well: 1.08 acre-feet, absolute. (2) South Benbow Pond Well: 0.28 acre-feet, absolute. (3) Benbow Ponds Feeder Ditch: 2.0 cfs diversion rate from West Lake Creek into South Benbow Pond Well.

G. Uses: Irrigation; piscatorial; recreation; fire protection; aesthetics. H. Acres to be Irrigated: Benbow uses the water rights claimed herein for the irrigation of 0.7 acre, located on Benbow's Property in the SE ¼, SE ¼, Section 19, Township 5 South, Range 82 West of the 6th P.M. I. Appropriation Information: (1) Date of Appropriation: June 1986. (2) How Appropriation was Initiated: By construction, filling and use of the Benbow Ponds. (3) Date Water Applied to Beneficial Use: June 1986. **THIRD CLAIM FOR RELIEF: APPLICATION FOR PLAN OF AUGMENTATION.** 5. *Applicants request approval of a plan for augmentation described as follows:*

A. *Names of structures to be augmented:* 1. West Lake Creek Well No. 1, as described in Applicants' First Claim, above. 2. The Benbow Ponds, as described in Applicants' Second Claim, above. B. *Water rights to be used for augmentation:* (1) Wolford Mountain Reservoir: a. Case No. 87CW283. *Decree date:* November 20, 1989. *Legal description of place of storage:* The dam is located in the SW¼ of the NE¼ of Section 25, T. 2 N., R. 81 W., 6th P.M. The intersection of the dam axis with the right abutment will occur at a point which bears S. 54°54'20" E. a distance of 3,716.46 feet from the NW Corner of said Section 25. *Source:* Muddy Creek and its tributaries. *Amount:* 59,993 acre feet conditional; of this amount, 32,986 acre feet were made absolute for piscatorial and recreational uses by decree entered in Water Court Case No. 95CW251, and the full amount was made absolute for all purposes by decree entered in Water Court Case No. 02CW107. *Appropriation date:* December 14, 1987. *Use:* All beneficial uses, including but not limited to domestic, municipal, agricultural and recreational uses, which uses satisfy the requirements of the Windy Gap Settlement made with the Municipal Subdistrict of the Northern Colorado Water Conservancy District; use to meet the water requirements of the inhabitants of the Colorado River Water Conservation District ("River District") for all uses, including uses in the Middle Park area; and use to meet the terms of a lease agreement executed March 3, 1987 between the River District and the City and County of Denver. b. Case No. 95CW281. *Decree date:* August 26, 1997. *Legal description of place of storage:* The dam is located in the SW¼ of the NE¼ of Section 25, T. 2 N., R. 81 W., 6th P.M. The as-built intersection of the dam axis (Sta. D19+35.61) with the West Access Road (Sta. WR50+55.05), 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 which bears S. 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 S. 75°28'29" E. *Source:* Muddy Creek and its tributaries. *Amount:* 6,000 acre feet conditional. *Appropriation date:* January 16, 1995. *Use:* All beneficial uses by and for the benefit of the inhabitants of the River District, including but not limited to domestic, municipal, industrial, irrigation, agricultural, piscatorial and recreational; such uses will include environmental mitigation, including environmental mitigation requirements associated with the Wolford Mountain Project; such uses will be made directly or by substitution, augmentation, or exchange. None of the water stored in the exercise of the right will be delivered directly or by exchange, substitution, or otherwise for use outside of Colorado Water Division No. 5. c. Case No. 98CW237. *Decree date:* July 6, 2000. *Legal description of place of storage:* Same as for 95CW281. *Source:* Muddy Creek and its tributaries. *Amount:* 30,000 acre feet conditional with 15,895 acre feet being absolute for recreational, piscatorial and flood control. *Appropriation date:* November 17, 1998. *Use:* Certain of the beneficial uses previously adjudicated for Wolford Mountain Reservoir in Case No. 87CW283, District Court for Colorado Water Division No. 5 (November 20, 1989 Judgment and Decree), and Case No. 95CW281, District Court for Colorado Water Division No. 5 (August 26, 1997 Judgment and Decree). *Case No. 87CW283:* The reservoir will be used to satisfy the requirements of the Windy Gap Settlement made with the Municipal Subdistrict of the Northern Colorado Water Conservancy District. This will involve all uses, including but not limited to domestic, municipal, agricultural, and recreational uses. The reservoir will also be used to meet the water requirements of the inhabitants of the River District for all uses, including uses in the Middle Park area. *Case No. 95CW281:* All beneficial uses by and for the benefit of the inhabitants of the River District, including but not limited to domestic, municipal, industrial, irrigation, agricultural, piscatorial and recreational; such uses will include environmental mitigation, including environmental mitigation requirements associated with the Wolford Mountain Reservoir Project; such uses will be made directly or by substitution, augmentation, or exchange. *Remarks:* The Refill Right described herein will be exercised to provide supply for the Western Slope uses of water from Wolford Mountain Reservoir described above, including flood control, other operational purposes, and environmental mitigation and enhancement for the benefit of uses within the District. The Refill Right will not be used in conjunction with the Reservoir capacity (24,000 a.f.) which is allocated for the supply of water to the Denver Board of Water Commissioners under Applicant's contractual relationship with Denver, or the Reservoir capacity (6,000 a.f.) which is allocated for Colorado River endangered fish releases. (2) Ruedi Reservoir: The River District holds Contracts No. 009D6C0111, 009D6C0118, 039F6C0011, and 078DFC0106 from the United States Bureau of Reclamation for 6,730 acre feet of annual supply from Ruedi Reservoir and may obtain additional contracts in the future. This water will be used in addition to an in substitution for Wolford Mountain Reservoir water in appropriate circumstances where Ruedi water is physically equivalent to Wolford Water. a. *Legal description of place of storage:* Ruedi Reservoir is located in Sections 7, 8, 9, 11 and 14 through 18, T. 8 S., R. 84 W., 6th P.M., in Eagle and Pitkin Counties. The dam axis intersects the right abutment at a point whence the SW corner of Section 7, T. 8 S., R. 84 W. of the 6th P.M. bears N. 82°10'W. a distance of 1,285 feet. b. *Source:* Fryingpan River. c. *Previous storage decrees:* i. Civil Action No. 4613: *Decree Date:* June 20, 1958. *Court:* Garfield County District Court. *Amount:* 140,697.3 acre feet, reduced to 102,369 acre feet pursuant to order of Water Court in Case No. W-789-76. The full amount was made absolute in Case No. 88CW85. *Appropriation Date:* July 29, 1957. *Use:* Domestic, municipal, irrigation, industrial, generation of electrical energy, stock watering and piscatorial. ii. Case No. 81CW34: *Decree Date:* April 8, 1985. *Court:* District Court, Water Div. No. 5. *Amount:* 101,280 acre feet (refill); of this amount, 44,509 acre feet were made absolute in Case No. 95CW95 and 25,257 were made absolute in Case No. 01CW269, for a total of 69,766 acre feet absolute. *Appropriation Date:* January 22, 1981. *Use:* Irrigation, domestic, municipal, generation of electrical energy, stock

watering, industrial, piscatorial, recreation and maintenance of sufficient storage reserves to fulfill contractual obligations and provide stored water for recreation in times of drought. (3) Eagle Park Reservoir: The River District's current supply consists of 2,000 shares of Class A, Series 2 stock in the Eagle Park Reservoir Company, which entitle the River District to the annual release and/or diversion of up to 200 acre feet from Eagle Park Reservoir and the Arkansas Well more particularly described as follows: a. Eagle Park Reservoir, decreed by the Water Court in Cases No. 92CW340 and 93CW301, for a combined total capacity of 27,600 acre feet, with an appropriation date of March 16, 1991, for 5300 acre feet, and May 18, 1993, for 22,300 acre feet, together with the right to divert at the rate of 80 c.f.s. under the August 10, 1956 appropriation date of the Pando Feeder Canal pursuant to the decree of the Water Court entered in Case No. 97CW288, for mining, milling, industrial, snowmaking, municipal, domestic, stock watering, recreation, fish and wildlife, irrigation, agricultural, exchange, replacement, augmentation and all other beneficial purposes. Eagle Park Reservoir is augmented by exchange by decree of the Water Court entered in Case No. 95CW348. The north abutment of the dam crest is located approximately 160 feet north of the south section line and 650 feet east of the west section line of Section 28, T. 7 S., R. 79 W., 6th P.M., Eagle County, Colorado. The source of Eagle Park Reservoir is the East Fork of the Eagle River including runoff, surface flow and seepage from the area above the reservoir and tributary thereto, and water tributary to Tenmile Creek a tributary of the Blue River. In addition to the tributary area upstream of the reservoir, the specific points of diversion into storage for Eagle Park Reservoir are as follows: I. The East Fork Interceptor Ditch, which has a capacity of 48 c.f.s. and diverts from unnamed tributaries of the East Fork of the Eagle River at the following points, all of which are located in Eagle County, Colorado: i. 900 feet south of the north section line and 1100 feet west of the east section line of Section 5, T. 8 S., R. 79 W., 6th P.M. ii. 1250 feet south of the north section line and 700 feet east of the west section line of Section 4, T. 8 S., R. 79 W., 6th P.M. iii. 1200 feet north of the south section line and 800 feet east of the west section line of Section 33, T. 7 S., R. 79 W., 6th P.M. iv. Runoff, surface flow, and seepage from the area above the East Fork Interceptor Ditch as it runs between the above-described points of diversion and Eagle Park Reservoir. II. The Chalk Mountain Interceptor Ditch, which has a capacity of 12 c.f.s. and diverts runoff and seepage as it runs a distance of approximately 3.4 miles from Fremont Pass, located in the W1/2 of Section 11, T. 8 S., R. 79 W., 6th P.M., northwesterly along State Highway 91 and the South side of Robinson Tailing Pond, thence westerly to the south of Chalk Mountain Reservoir and Robinson Reservoir, thence northwesterly to Eagle Park Reservoir. The Chalk Mountain Interceptor Ditch diverts water from the headwaters of Tenmile Creek in Summit County and from the headwaters of the East Fork of the Eagle River in Eagle County. III. The East Interceptor Ditch, which has a capacity of 20 c.f.s. and runs northeasterly from a point whence the northeast corner of Section 2, T. 8 S., R. 79 W., 6th P.M. bears North 77°20' East a distance of 850 feet at the north fork of McNulty Creek, thence along the east side of Robinson and Tenmile Tailing Ponds into Supply Canal No.1 described below. The East Interceptor Ditch diverts water from the north fork of McNulty Creek and surface flow, seepage, and runoff from watersheds above it that are tributary to Tenmile Creek. IV. The Supply Canal No. 1, which has a capacity of 10 c.f.s. and diverts water from the following tributaries of Tenmile Creek at the following points: i. On the west bank of Humbug Creek at a point whence the southwest corner of Section 18, T. 7 S., R. 78 W. bears South 71°35' West a distance of 3250 feet. ii. On the south bank of Mayflower Creek at a point whence the northeast corner of Section 24, T. 7 S., R. 79 W., 6th P.M. bears North 16°55' East a distance of 2250 feet. iii. Runoff, surface flow, and seepage from the area above the Supply Canal No. 1 as it runs between the above-described points of diversion and the Climax Mill. V. The Supply Canal No. 2, which has a capacity of 10 c.f.s. and diverts water from the following tributaries of Tenmile Creek at the following points: i. On the west bank of Humbug Creek at a point whence the southwest corner of Section 18, T. 7 S., R. 78 W. bears South 71°35' West a distance of 3250 feet. ii. On the south bank of Mayflower Creek at a point whence the northeast corner of Section 24, T. 7 S., R. 79 W., 6th P.M. bears North 16°55' East a distance of 2250 feet. iii. Runoff, surface flow, and seepage from the area above the Supply Canal No. 1 as it runs between the above-described points of diversion and the Climax Mill. VI. The East Fork Pumping Plant, which has a capacity of 6 c.f.s. and diverts from the East Fork of the Eagle River at a point in the SE1/4 NE1/4 of Section 32, T. 7 S., R. 79 W., 6th P.M. at a point whence the NE corner of said Section 32 bears N. 31°53' E. a distance of 2414 feet. The Eagle Park Reservoir Company must first receive the permission of Climax Molybdenum Company to use the East Fork Interceptor Ditch, Supply Canal No. 1 and Supply Canal No. 2 described above to divert water into Eagle Park Reservoir. Nevertheless, the firm yield of the River District's supply is not dependent on the use of those facilities. C. *Does the Applicant intend to change a water right to provide source of augmentation*: No. D. *Statement of plan for augmentation*: Applicants are the owners of adjoining residential parcels known as Lots 10.1 (the "Benbow Parcel") and 10.2 (the "Eck Parcel") of the New York Mountain Project, Eagle County, Colorado. A single well, constructed pursuant to Well Permit No. 112240, provides water to both parcels for domestic, irrigation and stockwatering uses. In addition, Co-Applicant Benbow diverts water from West Lake Creek into the Benbow Ponds via the Benbow Ponds Feeder Ditch, and the Benbow Ponds may also intercept and store groundwater tributary to West Lake Creek. Overflow from the ponds is returned to West Lake Creek. Under this plan, water will be diverted pursuant to the water rights described in the First and Second Claims above (referred to collectively as the "Subject Water Rights") when those water rights are in priority. When an administrative call originating from the Eagle River downstream of its confluence with Lake Creek is being enforced, water stored in Eagle Park Reservoir will be released to replace out-of-priority depletions resulting from the exercise of the Subject Water Rights. When an administrative call originating downstream of the confluence of the Colorado and Eagle Rivers is being enforced, water stored in Wolford Mountain, Ruedi and/or Eagle Park Reservoir will be released to replace out-of-priority depletions resulting from the exercise of the Subject Water Rights. Applicants are pursuing a contract with the River District for use of these replacement water sources. Replacement water released from storage will be exchanged to the points of depletion of the Subject Water Rights pursuant to the appropriative right of exchange described in Applicants' Fourth Claim herein. The Applicants have estimated the anticipated water demands and depletions under this plan based upon current and anticipated future uses. In-house water uses will be treated by individual septic disposal systems. Maximum annual diversions are expected to be 6.91 acre-feet, including 1.46 acre-feet of diversions for in-house uses, 4.71 acre-feet of diversions for irrigation, 0.04 acre-foot for stockwatering and 0.71 acre-foot of evaporation

from open water surfaces. Maximum annual depletions resulting from those diversions are expected to be 4.66 acre-feet, including 0.15 acre-foot of depletions for in-house uses, 3.77 acre-feet of depletions for irrigation, 0.04 acre-foot for stockwatering and 0.71 acre-foot of evaporation from open water surfaces. Estimates of depletions associated with irrigation use are based on an irrigation efficiency of 80%; estimates of depletions associated with in-houses uses are based upon a consumptive use rate of 10% of diversions; stockwatering and evaporation are treated as 100% consumptive. Table 1 attached to the Application provides a monthly schedule of demands; Table 2 attached to the Application provides a monthly schedule of depletions; and Table 3 attached to the Application provides an anticipated augmentation schedule. **FOURTH CLAIM FOR RELIEF: APPLICATION FOR APPROPRIATIVE RIGHT OF EXCHANGE.** 6. *Applicants request confirmation of a conditional appropriative right of exchange:* A. *Name of structure:* Benbow/Eck Augmentation Exchange. B. *Downstream termini:* 1. Confluence of Colorado River and Roaring Fork River. The confluence of the Colorado River and the Roaring Fork River, which is located in SE1/4 NW1/4 of Section 9, Township 6 South, Range 89 West of the 6th P.M. at a point 2,145 feet from the North section line and 2,407 feet from the West section line; 2. Confluence of Colorado River and Eagle River. The confluence of the Colorado River and the Eagle River which is located in the SW¼ NE¼ of Section 5, Township 5 South, Range 86 West of the 6th P.M., at a point approximately 2,400 feet from the north section line and 1,900 feet from the east section line; and 3. Confluence of Eagle River and Lake Creek. The confluence of the Eagle River and Lake Creek, which is located in the NE ¼ of the NE ¼ of Section 6, Township 5 South, Range 82 West, in the 6th P.M. at a point 600 feet from the north section line, and 110 feet from the east section line. These points are depicted on the location map attached to the Application as Exhibit B. C. *Upstream termini:* 1. West Lake Creek Well No. 1. 2. Benbow Ponds Feeder Ditch. These points are depicted on the location map attached to the Application as Exhibit B. D. *Source:* The water to be exchanged is water released from Wolford Mountain Reservoir, Ruedi Reservoir and Eagle Park Reservoirs. E. *Appropriation date:* December 29, 2020. F. *How appropriation was initiated:* Formation of intent to appropriate water coupled with the filing of this application. G. *Maximum Exchange Rate:* 0.15 c.f.s. H. *Use:* Augmentation. I. *Maximum annual volume of exchange:* 4.66 acre-feet. J. *Remarks:* Water released from Eagle Park Reservoir will be exchanged to the Upstream Termini from the confluence of the Eagle River and Lake Creek; water released from Wolford Mountain Reservoir will be exchanged from the confluence of the Colorado and Eagle Rivers to the confluence of the Eagle River and Lake Creek and from that point to the Upstream Termini; water released from Ruedi Reservoir will be exchanged to the Upstream Termini from the confluence of the Roaring Fork using all three Downstream Termini. WHEREFORE, Applicant respectfully requests entry of a decree: (a) Confirming the absolute underground water right for West Lake Creek Well No. 1, described above; (b) Confirming the absolute storage water rights and/or underground water rights for North Benbow Pond Well and South Benbow Pond Well, described above; (c) Confirming the conditional appropriative right of exchange for West Lake Creek Well No. 1 Exchange, described above; (d) Approving the Plan for Augmentation described above; and (e) Awarding such other relief as the Court may deem appropriate. Application is 15 pages + exhibits.

YOU ARE HEREBY NOTIFIED THAT YOU HAVE until the last day of FEBRUARY 2021 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 DECEMBER 2020. 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.

20CW3169 PITKIN COUNTY. GROUNDWATER TRIB. TO CASTLE CREEK, TRIB. TO ROARING FORK RIVER, TRIB. TO COLORADO RIVER. Application for Finding of Reasonable Diligence. Applicant: Newberry Investments LLC, c/o Sara M. Dunn and Erika S. Gibson, Balcomb & Green, P.C., P.O. Drawer 790, Glenwood Springs, CO 81602; 970-945-6546. Structure: Enough Lode Well. Date of Original Decree: 7/3/2001, Case No: 00CW293, District Court, Water Division 5. Subsequent Decrees: Case No. 07CW136 entered 5/10/2008, and Case No. 14CW3067 entered December 28, 2014, in Garfield County District Court, Water Division 5. Legal Description: The Enough Lode Well is situated in the NE1/4, SE1/4 of Sec. 1, T. 11 S., R. 85 W., 6th P.M., Pitkin County, a distance 3,180 ft. South of the North Sec. Line and 1,160 ft. West of the East Sec. Line, of said Sec. 1. A map of the structure is attached to the Application as Exhibit A. Source: groundwater trib. to Castle Creek, trib. to the Roaring Fork River. Approp. Date: 11/16/1998. Amt: 12 g.p.m., cond. Use: dom. and ordinary household purposes inside a single-family dwelling pursuant to C.R.S. § 37-92-602(3)(b)(II)(A). Depth of well: 319 ft. Remarks: In Case No. 07CW136, the Court confirmed Applicant had made 3 g.p.m. of the 15 g.p.m. decreed to the Enough Lode Well absolute. In the diligence period preceding the filing of this Application, Applicant has diligently pursued development of the conditional water rights decreed to the Enough Lode Well. Examples of work done to establish diligence are on file with this Court. Applicant is the owner of the land on which structure is located. 5 pgs. 1 Exhibit.

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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 DECEMBER 2020. *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.*

20CW3170(18CW3211). 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 Sunny Ranch, LLC, **In Pitkin County.** APPLICATION TO MAKE WATER RIGHTS ABSOLUTE. 1. Name and address of Applicant: Sunny Ranch, LLC (“Sunny Ranch”), 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. Name of Structures: A. Interspace Pipeline Second Enlargement, B. Snow Belle Pond Exchange. A map depicting the general location of the Interspace Pipeline Second Enlargement and the Snow Belle Pond is attached hereto as Exhibit A. 3. Description of Conditional Water Rights: A. Interspace Pipeline Second Enlargement, i. Decrees: Interspace Pipeline was originally decreed by the Water Court in Case No. 87CW164. A subsequent decree by the Water Court awarded absolute and conditional rights to Interspace Pipeline, First Enlargement in Case No. 93CW226. The remaining conditional rights in Interspace Pipeline, First Enlargement were decreed absolute by the Water Court in Case No. 00CW047. Interspace Pipeline, Second Enlargement was decreed conditional by the Water Court in Case No. 18CW3211, ii. Location: The point of diversion is in the SW1/4, NW1/4, Section 9, Township 10 South, Range 85 West, of the 6th P.M. at a point whence the NW corner of Section 9 bears N. 2 degrees W. 2,610 feet. For ease of reference, but without changing the decreed location, this location can also be described as the SW1/4, NW1/4, Section 9, Township 10 South, Range 85 West, of the 6th P.M. at a point 2,608 feet from the North section line and 142 feet from the West section line, iii. Source: **Unnamed tributary of Owl Creek, tributary to the Roaring Fork River, tributary to the Colorado River**, iv. Appropriation Date: December 1, 2018, v. Amount: 0.033 cfs, conditional, vi. Use: Filling source for Snow Belle Pond. B. Snow Belle Pond Exchange, i. Downstream Termini: a. For the Exchange of Green Mountain Reservoir Water: The confluence of the Roaring Fork and Colorado Rivers, located in the SE1/4 of the NW1/4 of Section 9, Township 6 South, Range 89 West of the 6th P.M., at a point approximately 2,200 feet from the North Section line and 2,350 feet from the West Section line; b. For the exchange of Ruedi Reservoir and/or Troy and Edith Ditch water: The confluence of the Roaring Fork and Frying Pan Rivers located in the SW1/4 of the SE1/4 of Section 7, Township 8 South, Range 86 West of the 6th P.M., at a point 750 feet from the South Section line and 1,500 feet from the East Section line; and c. For the exchange of Robinson Ditch water: The headgate of the Robinson Ditch on the Roaring Fork River located on the north bank of the Roaring Fork River one-half mile below the mouth of Sopris Creek in Section 11, Township 8 South, Range 87 West of the 6th P.M., ii. Upstream Termini: The inlet of Interspace Pipeline in the SW1/4 of the NW1/4 of Section 9, Township 10 South, Range 85 West, of the 6th P.M. at a point 2,608 feet from the North section line and 142 feet from the West section line, iii. Priority Date: December 20, 2018, iv. Rate: 0.005 c.f.s., conditional, up to 0.347 acre-feet per year. 4. Claims to Make Water Rights Absolute: A. Interspace Pipeline Second Enlargement, Sunny Ranch diverted and stored the full 0.033 cfs from Interspace Pipeline Second Enlargement into Snow Belle Pond on July 3, 2020. There was no local call, call on the Roaring Fork River, or call on the Colorado River on July 3, 2020. Thus, Interspace Pipeline Second Enlargement was operated in-priority. Photographs depicting Interspace Pipeline Second Enlargement diverting from its decreed source into Snow Belle Pond are attached as Exhibits B and C. Flows in excess of 0.033 cfs were diverted under free river conditions. B. Snow Belle Pond Exchange, In Case No. 18CW3211, the Water Court decreed the Snow Belle Pond Exchange to allow Sunny Ranch to replace out-of-priority depletions in Snow Belle Pond using its Basalt Water Conservancy District (“BWCD”) contract water as fully described in that decree. A map of BWCD’s augmentation supplies is attached as Exhibit D. Sunny Ranch operated the Snow Belle Pond Exchange by completely filling Snow Belle Pond with Interspace Pipeline Second Enlargement at its full decreed rate of 0.033 cfs on July 3, 2020. After this date, Snow Belle Pond was refilled by the Interspace Pipeline Second Enlargement to maintain a full water level. On July 30, 2020, the “Cameo Call” was on, making Interspace Pipeline Second Enlargement out of priority. However, there was no local call on the Roaring Fork River or Owl Creek on July 30, 2020, and there was exchange capacity in the exchange reach. Thus, Sunny Ranch now claims to make the Snow Belle Pond Exchange absolute in its entirety. Sunny Ranch submitted accounting records to the Division Engineer that show the operation of the exchange at its maximum decreed rate. Such accounting is attached as Exhibit E. The exchange operated at a maximum daily flow rate of 0.002 cfs. The remaining 0.003 cfs of the exchange claim is not required as it was attributable to transit losses and in recognition that the Pitkin County RICD conditional water right is subordinate to the Snow Belle Pond Exchange pursuant to paragraph 24.F of Case No. 10CW305. WHEREFORE, Sunny Ranch respectfully requests that Water Court enter a decree finding that: A. Interspace Pipeline Second Enlargement is made absolute in full for the amount of 0.033 cfs for all decreed beneficial uses; B. Snow Belle Pond Exchange is made absolute in the amount of 0.002 cfs for all decreed beneficial uses and the remaining 0.003 cfs is hereby abandoned; C. In the alternative to granting the claims for absolute water rights made in this Application, Sunny Ranch exercised reasonable diligence during the period since entry of the 18CW3211 Decree in the development of all water rights that are the subject of this Application, and all portions thereof not made absolute are continued as conditional in full force and effect for all remaining amounts and uses; D. Granting such other relief as may be appropriate and consistent with this Application.

(5 pages + Exhibits)

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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 DECEMBER 2020. *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.*

20CW3171 DISTRICT COURT, WATER DIVISION NO. 5, STATE OF COLORADO, PITKIN COUNTY – NATURAL SPRING TRIBUTARY TO THE ROARING FORK RIVER, TRIBUTARY TO THE COLORADO RIVER, LEWIS SPRING AND PIPELINE. 43551 HIGHWAY 82, LLC c/o Kevin L. Patrick, Esq., Patrick, Miller & Noto, P.C., 229 Midland Ave., Basalt, CO 81621 (970) 920-1030. APPLICATION FOR FINDINGS OF REASONABLE DILIGENCE. FIRST CLAIM: Name of water right: Lewis Spring & Pipeline. Description of conditional water right: Date of original decree for water rights: Case No. 00CW214, District Court, Water Division No. 5, entered on July 3, 2001. Previous diligence cases: June 8, 2008, Case No. 07CW130. December 28, 2014, Case No. 14CW3070. Decreed legal description: SW ¼ NE ¼ of Section 20, Township 10 South, Range 84 West of the 6th P.M. at a distance of 1510 feet South of the North section line and 1521 feet West of the East section line of said section 20. See attached Figure 1. Source: A natural spring tributary to the Roaring Fork River, tributary to the Colorado River. Appropriation date: May 19, 2000. Total amount decreed: 0.2 cfs, conditional. Decreed uses: Aesthetic, domestic, irrigation, fish and wildlife purposes, as well as delivery of water into storage within the Lewis Pond. SECOND CLAIM: Name of water right: Lewis Pond. Description of conditional water right: Date of original decree for water rights: Case No. 00CW214, District Court, Water Division No. 5, entered on July 3, 2001. Previous diligence cases: June 8, 2008, Case No. 07CW130. December 28, 2014, Case No. 14CW3070. Decreed legal description: SW ¼ NE ¼ of Section 20 Township 10 South, Range 84 West of the 6th P.M. at a distance of 1485 feet South of the North section line and 1700 feet West of the East section line of said section 20. See attached Figure 1. Source: Lewis Spring and Pipeline. Appropriation date: May 19, 2000. Total amount decreed: 0.5 acre-feet, conditional. Maximum height of dam: Less than 10 feet. Total capacity of reservoir: 0.5 acre-feet. Active capacity or reservoir: 0.5 acre-feet. Dead storage: none Decreed uses: Aesthetic, irrigation, fire protection and fish and wildlife purposes. REMARKS PERTAINING TO BOTH CLAIMS: A detailed outline of work performed toward completion of the appropriation and application of water to the conditional uses decreed during the relevant diligence period, including expenditures: During the diligence period is set forth within the application. In conjunction with these activities, Applicant expended not less than \$5,900,000.00 during the diligence period.

YOU ARE HEREBY NOTIFIED THAT YOU HAVE until the last day of FEBRUARY 2021 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 DECEMBER 2020. *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.*

20CW3172 GARFIELD COUNTY. ALLUVIUM, TRIB. TO CANYON CREEK, TRIB. TO COLORADO RIVER. Application for Finding of Reasonable Diligence and to Make Absolute, in Part. Applicants: Peter and Patrice Knobel 329 Mill Creek, c/o Scott Grosscup, Balcomb & Green, P.C., P.O. Drawer 790, Glenwood Springs, CO 81602; 970-945-6546. Structure: Barn Well, Permit No. 254421. Orig. Decree: Case No. 02CW400, 1/21/2008, with subsequent diligence in Case No. 14CW3017 entered 12/28/2014 in the Dist. Court, Water Division 5. Legal Description as decreed in Case No. 14CW3017: SW1/4 NE1/4 Sec. 24, T. 5 S., R. 90 W., 6th P.M., at a pt. 1,643 ft. from the N. line and 1,757 ft. from the E. line of said Sec. 24. Applicants have requested to change the well location to the actual location field verified by LRE Water pending before this Court in Case No. 20CW3142 as follows: located in the SW1/4NE1/4 Sec. 24, T. 5 S., R. 90 W., 6th P.M., at a pt. approx. 1,875 ft. from the N. line and 1,865 ft. from the E. line of said Sec. 24. UTM coordinates Zone 13, Easting 290426.9 meters, Northing 4386520.8 meters. See Exhibit A of application. Source: Alluvium, trib. to Canyon Creek, trib. to Colorado River. Depth: 100 ft. Date of initiation of approp.: 5/23/2003. Amt.: 15 g.p.m. (0.033 c.f.s.), cond. Use: Irr. of one acre of lawn and gardens, ordinary household uses inside three single family dwellings, fire prot. and watering of dom. animals and livestock. The well permit assoc. with the Barn Well is attached to application as Exhibit B. In the diligence period preceding the filing of this Application, Applicants have diligently pursued development of the cond. water rights described herein. Examples of work done and expenditures to establish diligence are on file with this court. Applicants request a finding that they have made absolute the Barn Well water right by application to beneficial use. Date of beneficial use: 12/31/ 2008. Amt. claimed: 15 g.p.m. for irr. of one acre of lawn and garden and ordinary household uses inside three single family dwellings, fire prot. and watering of dom. animals and livestock. Description of place of use: On the Knobel property located in Sec. 24, T. 5 S., R. 90 W., 6th P.M. and Sec. 19, T. 5 S., R. 89 W., 6th P.M. See Exhibit A to application. Applicants provide notice that they no longer desire to pursue the following cond. water rights, and thereby said water rights are to be cancelled. Structure: Warner Ditch, 2nd Enlargement. Orig. Decree: Case No. 02CW400, 1/21/2008, with subsequent diligence in Case No. 14CW3017 entered 12/28/2014 in the Dist. Court, Water Division 5. Location: The headgate is located on the W. bank of the E. Fork of Canyon Creek in the NE 1/4 NE 1/4 of Sec. 24, T. 5 S., R. 90 W., 6th P.M.; at a pt. 805 ft. from the N. line and 530 ft. from the E. line of said Sec. 24. Source: E. Fork of Canyon Creek, trib. to the

Colorado River. Date of initiation of approp.: 11/11/2002. Amt.: 0.4 c.f.s., cond. Use: Supplemental irr. on up to 40 acres in the NE1/4, Sec. 24, T. 5 S., R. 90 W., 6th P.M. Structure: Guest House Well. Orig. Decree: Case No. 02CW400, 1/ 21/2008, with subsequent diligence in Case No. 14CW3017 entered 12/28/2014 in the Dist. Court, Water Division 5. Legal Description: SE1/4 NE1/4 Sec. 24, T. 5 S., R. 90 W., 6th P.M. at a pt. 2,111 ft. from the N. Line and 500 ft. from the E. line of said Sec. 24. Source: Alluvium, trib. to Canyon Creek, trib. to Colorado River. Depth: 100 ft. Date of initiation of approp.: 5/23/2003. Amt.: 15 g.p.m. (0.033 c.f.s.), cond. Use: Irr. of not more than one acre of lawn and gardens, fire prot. and ordinary household uses inside not more than three single family dwellings, and watering of dom. animals. Owners of the land upon which any new diversion or storage structure of 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: Applicants, individually and through their interests in Okanela Cabin LLC, Okanela Mainhouse LLC, and Okanela Barn LLC, which are owned by Applicants. 6 pgs.

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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 DECEMBER 2020. *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.*

20CW3173 GRAND COUNTY. Kevin Mize c/o David F. Bower, Alison M. Lipman, Johnson & Repucci LLP, 850 W. South Boulder Road, Suite 100, Louisville, Colorado 80027; Phone: (303) 442-1900, Fax: (303) 442-0191, E-mail: dfbower@j-rlaw.com; amlipman@j-rlaw.com. APPLICATION FOR UNDERGROUND WATER RIGHTS, SURFACE RIGHT, STORAGE RIGHT, AND APPROVAL OF A PLAN FOR AUGMENTATION. **1. Name, Address, Phone Number, and E-Mail Address of Applicant:** Kevin Mize, 910 N. Gaylord Street, Denver, Colorado 80206, Phone: (773) 841-5700 E-mail: mizeord@gmail.com. **2. Overview.** Applicant is the owner of ~18.7 acres of land located east of Tabernash on Ranch Creek. By this application, Applicant is claiming conditional underground, surface, and storage rights for the property. The rights will be used for domestic, irrigation, and stockwatering purposes, as well as to create fish and wildlife habitat. Applicant also seeks approval of a plan for augmentation to replace out-of-priority depletions associated with the water rights. A map of the proposed structures is attached hereto as Figure 1. This application is being filed in conjunction with James Peak Ranch LLC, who owns the adjacent property to the south. Applicant and James Peak Ranch LLC will operate and account for their respective plans for augmentation separately, but may share infrastructure and replacement supplies. **3. Claim for Conditional Underground Water Right.** (a) Name of Well Structure. Mize Ranch Well. (b) Permit Information. The Mize Ranch Well has not been drilled or permitted as of the date of this application. (c) Location. NE1/4 of the SE1/4 of Section 5, Township 1 South, Range 75 West of the 6th P. M., at a point 2,031 feet from the south section line and 1,089 feet from the east section line (Zone 13, NAD83, Easting 431865.9 m, Northing 4426578.2 m). (d) Source. The Troublesome Aquifer underlying the subject property, tributary to Ranch Creek, tributary to the Fraser River, tributary to the Colorado River. (e) Depth of Well. ~ 380 feet (estimated). (f) Appropriation Date. Date of application. (g) Amount. 0.5 cfs (225 gpm), conditional. (h) Uses. Domestic, irrigation, stock watering, and fire protection. Irrigation will be for landscaping anywhere on the subject property. In addition, the Mize Ranch Well may be used to fill and refill the Mize Ranch Ponds for fish and wildlife habitat, recreation, and augmentation purposes. (i) Remarks. The location, depth, and amount claimed for the Mize Ranch Well is estimated based on current development plans for the property and the as-built characteristics of the James Peak Ranch Well on the adjacent property. Applicant reserves the right to locate the Mize Ranch Well anywhere on the Mize Ranch property. The final as-built location will be identified at the time that the Mize Ranch Well right is made absolute. The Mize Ranch Well will be re-permitted after the plan for augmentation is approved in this matter. **4. Claim for Conditional Surface Right.** (a) Name of Diversion Structure. Mize Ranch Pump and Pipeline. (b) Location. NE1/4 of the SE1/4 of Section 5, Township 1 South, Range 75 West of the 6th P. M., at a point 2,075 feet from the south section line and 101 feet from the east section line (Zone 13, NAD83, Easting 432167 m, Northing 4426590 m). (c) Source. Ranch Creek, tributary to the Fraser River, tributary to the Colorado River. (d) Appropriation Date. Date of application. (e) Amount. 1.5 cfs, conditional. (f) Uses. Irrigation, stock watering, and fire protection. Irrigation will be for landscaping anywhere on the subject property. In addition, the Mize Ranch Pump and Pipeline may be used to fill and refill the Mize Ranch Ponds for fish and wildlife habitat, recreation, and augmentation. (g) Remarks. The Mize Ranch Pump and Pipeline will be used to provide a direct water supply for landscape irrigation and livestock on the property. In addition, the pipeline may divert from Ranch Creek in order to fill the Mize Ranch Ponds. Applicant reserves the right to locate the Mize Ranch Pump and Pipeline intake anywhere on Ranch Creek as it flows through the Mize Ranch property. The final as-built location will be identified at the time that the Mize Ranch Pump and Pipeline right is made absolute. **5. Claim for Conditional Storage Right.** (a) Name of Storage Structure. Mize Ranch Upper Pond. (b) Location. NE1/4 of the SE1/4 of Section 5, Township 1 South, Range 75 West of the 6th P. M., at a point 2,230 feet from the south section line and 1,158 feet from the east section line (Zone 13, NAD83, Easting 431845.1 m, Northing 4426638.9 m). (c) Source. Ranch Creek, tributary to the Fraser River, tributary to the Colorado River, including the Troublesome Aquifer tributary to Ranch Creek. (d) Name and Rate of Filler Structures. (i) Mize Ranch Pump and Pipeline, at a diversion rate of 1.5 cfs. (ii) Mize Ranch Well, at a pumping rate of 0.5 cfs. (e) Appropriation Date. Date of application. (f) Amount. 20.0 acre-feet, with the right to fill and refill in priority. (g) Uses. Fish and wildlife habitat, recreation, and augmentation. (h) Surface Area of the

High Water Line. ~ 1.4 acres. (i) Height and Length of Dam. The Mize Ranch Upper Pond will be an excavated reservoir that is lined so that it does not intercept groundwater. In the event that a dam is also constructed as part of the pond, the dam will be less than 10 feet in height. (j) Remarks. The Mize Ranch Upper Pond is primarily intended to be used for fish and wildlife habitat and recreation. In the event that Applicant needs to augment out-of-priority depletions from other structures on the property, water can also be pumped out of or released from the pond for that purpose. The amount claimed is based on Applicant's estimate of the maximum amount of storage that will be achieved at this location; however, the final dimensions and capacity of the Mize Ranch Upper Pond are still being determined. Applicant reserves the right to locate the Mize Ranch Upper Pond anywhere on the Mize Ranch property. The final as-built location will be identified at the time that the Mize Ranch Upper Pond right is made absolute. **6. Claim for Conditional Underground Pond Right.** (a) Name of Pond Structure. Mize Ranch Lower Pond. (b) Permit Information. The Mize Ranch Lower Pond is anticipated to be an excavated unlined storage structure that will expose groundwater and require a well permit. (c) Location. NE1/4 of the SE1/4 of Section 5, Township 1 South, Range 75 West of the 6th P. M., at a point 2,415 feet from the south section line and 519 feet from the east section line (Zone 13, NAD83, Easting 432035.6 m, Northing 4426678.4 m). (d) Source. The alluvial aquifer underlying the subject property, tributary to Ranch Creek, tributary to the Fraser River, tributary to the Colorado River. (e) Depth of Pond. ~ 10 feet. (f) Appropriation Date. Date of application. (g) Amount. 3.0 acre-feet/year, conditional. The total amount currently estimated for the Mize Ranch Lower Pond is 2.035 acre-feet/year, based on the maximum anticipated surface area of the pond of 0.7 acre \times an annual evaporation rate of 2.907 feet per exposed surface acre. Applicant has requested a higher amount in case the pond is constructed larger or the decreed annual evaporation rate is greater than currently anticipated. (h) Uses. Fish and wildlife habitat and recreation. (i) Surface Area of the High Water Line. ~ 0.7 acre. (j) Height and Length of Dam. The Mize Ranch Lower Pond will be an excavated reservoir that is unlined. In the event that a dam is also constructed as part of the pond, the dam will be less than 10 feet in height. (k) Filler Ditch. The Mize Ranch Lower Pond may also fill and refill from the Lower Ponds Filler Ditch. The Lower Ponds Filler Ditch will divert from Ranch Creek at a rate of 0.5 cfs. Diversions from the Filler Ditch will be limited to freshening flows through the James Peak Ranch Lower Pond and Mize Ranch Lower Pond as necessary to ensure viable fish and wildlife habitat in both ponds. In the event that there are additional depletions to the alluvium from the Lower Ponds Filler Ditch, out-of-priority depletions from the portion of the Lower Ponds Feeder Ditch on the Mize Ranch property will be replaced under this plan for augmentation and out-of-priority depletions from the portion on the James Peak Ranch property will be replaced under that plan for augmentation. The Lower Ponds Filler Ditch will divert from Ranch Creek at a location currently anticipated to be in the NE1/4 of the SE1/4 of Section 5, Township 1 South, Range 75 West of the 6th P. M., at a point 1,357 feet from the south section line and 228 feet from the east section line (Zone 13, NAD83, Easting 432127.9 m, Northing 4426371.5 m), on the James Peak Ranch property. The Lower Ponds Filler Ditch will return to Ranch Creek at a location currently anticipated to be in the NE1/4 of the SE1/4 of Section 5, Township 1 South, Range 75 West of the 6th P. M., at a point 2,474 feet from the south section line and 238 feet from the east section line (Zone 13, NAD83, Easting 432125.4 m, Northing 4426711.7 m), on the Mize Ranch property. (l) Remarks. The Mize Ranch Lower Pond is intended to be used for fish and wildlife habitat and recreation. Applicant will replace all out-of-priority depletions from the other augmentation supplies described in this application. The amount claimed is based on Applicant's estimate of the maximum amount of surface area expected for the final pond; however, the final dimensions and capacity of the Mize Ranch Lower Pond are still being determined. Applicant reserves the right to locate the Mize Ranch Lower Pond anywhere on the Mize Ranch property. The final as-built location will be identified at the time that the Mize Ranch Lower Pond right is made absolute. The Mize Ranch Lower Pond will be permitted before it is constructed. **7. Request for Approval of Plan for Augmentation.** (a) Name of Structures to be Augmented. (i) Mize Ranch Well, as claimed in paragraph 3 above. (ii) Mize Ranch Pump and Pipeline, as claimed in paragraph 4 above. (iii) Mize Ranch Upper Pond, as claimed in paragraph 5 above. (iv) Mize Ranch Lower Pond, as claimed in paragraph 6 above. (b) Water Rights to be Used for Augmentation. (i) Mize Ranch Upper Pond, as claimed in paragraph 5 above. (ii) Middle Park Contract Water, which may be provided from Granby Reservoir, Wolford Mountain Reservoir, the Sunset Ridge Pond, and/or alternative storage structures pursuant to a contract with the Middle Park Water Conservancy District ("Middle Park"). Applicant's application for a Middle Park contract is pending. (iii) Colorado River District Contract Water, which may be provided from Wolford Mountain Reservoir or Ruedi Reservoir pursuant to a contract with the Colorado River Water Conservation District ("Colorado River District"). At the time of this application, Applicant has not applied for a Colorado River District contract. In the event that Applicant's Middle Park contract is not sufficient to cover all anticipated depletions, Applicant will apply for a Colorado River District contract to cover any shortfall. If Applicant's Middle Park contract is sufficient, Applicant will drop its claim to use Colorado River District Contract Water in this plan for augmentation. (iv) Additional or Alternative Sources. Pursuant to C. R. S. § 37-92-305(8), Applicant reserves the right to use additional or alternative sources of water for replacement on a temporary or permanent basis, subject to approval by the Water Court and/or the State Engineer's Office. (c) Detailed Description of Plan for Augmentation. Applicant will replace all out-of-priority depletions resulting from the augmented structures described above. To the extent possible, depletions will be replaced with Middle Park Contract Water and/or Colorado River District Contract Water. If depletions cannot be replaced using contract water because of a call on Ranch Creek or for some other reason, they will be replaced from water stored in priority under the Mize Ranch Upper Pond storage right applied for in this case. Total current demands are estimated to be 6.73 acre-feet/year and total depletions are estimated to be 6.04 acre-feet/year. A detailed description of Applicant's demands and depletions are set forth below. For the purpose of evaluating the amount of replacement water needed to operate the plan for augmentation, 100% of the depletions are assumed to be out-of-priority. (i) Projected Demands. Total indoor domestic demands for the main house and barn are estimated to be 0.68 acre-feet/year. The outdoor domestic demand (e. g. a hot tub) is assumed to be 0.01 acre-feet/year. Livestock is anticipated to need 0.06 acre-feet/year. Landscape drip irrigation demand is estimated to be 0.08 acre-feet/year for approximately 0.2 acre of irrigated area. Lawn and garden sprinkler irrigation demand is estimated to be 0.4 acre-feet/year for approximately 0.2 acre of irrigated area. Evaporative depletions from the Mize Ranch Ponds are estimated to total 5.5 acre-feet/year.

(ii) Projected Depletions. Indoor domestic uses are expected to be 10% consumptive, resulting in an estimated depletion of 0.07 acre-feet/year. Outdoor domestic use, stock watering, and landscape drip irrigation is all assumed to be 100% consumptive. Lawn and garden sprinkler irrigation is 80% consumptive, resulting in an anticipated depletion of 0.32 acre-feet/year. Evaporative depletions from the Mize Ranch Ponds are 100% consumptive. (d) Exchange Reach. Because Middle Park Contract Water and Colorado River District Contract Water supplies are downstream of the points of depletion, the proposed plan for augmentation will at times operate by substitution and/or exchange. Therefore, to the extent necessary in order to properly operate this plan for augmentation, Applicant claims an appropriate right of exchange and/or exchange project right from the furthest downstream point where replacement water may be released into the Colorado River up to the Mize Ranch property and/or Lower Ponds Filler Ditch. The components of this exchange right are as follows: (i) Downstream Terminus. The confluence of the Roaring Fork and the Colorado River, which is located in the SE1/4 of the NW1/4 of Section 9, Township 6 South, Range 89 West of the 6th P. M. (Zone 13, NAD 83, Easting 299753.7 m, Northing 4380367.2 m). (ii) Upstream Terminus. Either the Lower Ponds Filler Ditch, as described in paragraph 6(k) above, or the Mize Ranch Pump and Pipeline, as described in paragraph 4(b) above. The upstream terminus will depend on the final as-built location of the diversion structures and operation of the plan for augmentation. (iii) Exchange Rate. 2.5 cfs. (iv) Date of Appropriation. Date of application. (v) Uses or Proposed Uses. Water will be exchanged to augment and replace out-of-priority depletions from the domestic, irrigation, stock watering, fire protection, fish and wildlife habitat, and recreation uses of the augmented structures. (vi) Remarks. Applicant will only operate the requested exchange at such times when deliveries of the replacement water at the downstream exchange terminus will satisfy the downstream calling water right. **8. Integrated System**. All of the water rights and structures included in this application, along with the structures described in the companion application from James Peak Ranch LLC, may be components of an integrated water system. Applicant reserves the right to connect the wells, pumps, pipelines, ponds, and other associated structures for the purposes of maintaining fish and wildlife habitat, including to recirculate water for freshening flows. Applicant claims the right to continue to use and reuse all water rights claimed in this case for these purposes. For the purposes of future diligence applications, work on one of the subject structures may be evidence of reasonable diligence on other structures in the system. **9. Name and Address of Landowner Upon which any New or Modified Diversion or Storage Structure is Located, Including Any Modification to the Storage Pool**. All of the subject structures are on land owned by Applicant or land owned by James Peak Ranch LLC, who has been provided a copy of this application. WHEREFORE, Applicant respectfully requests that the Court (1) grant the claim for underground, surface, and water storage rights claimed in paragraphs 3–6 above; (2) find that there will be no injury to any owner of, or person entitled to use, water under a vested water right or conditionally decreed water right as a result of Applicant's requested plan for augmentation and exchange as described in paragraph 7 above; and (3) approve the plan for augmentation and exchange described in paragraph 7 above. (10 pages)

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20CW3174 GRAND COUNTY. James Peak Ranch LLC c/o David F. Bower, Alison M. Lipman, Johnson & Repucci LLP, 850 W. South Boulder Road, Suite 100, Louisville, Colorado 80027; Phone: (303) 442-1900, Fax: (303) 442-0191, E-mail: dfbower@j-rllaw.com; amlipman@j-rllaw.com. APPLICATION FOR UNDERGROUND WATER RIGHTS, SURFACE RIGHT, STORAGE RIGHTS, AND APPROVAL OF A PLAN FOR AUGMENTATION **1. Name, Address, Phone Number, and E-Mail Address of Applicant**. James Peak Ranch LLC, c/o Eric White, Manager, 4663 S. Elizabeth Court, Englewood, Colorado 80113, Phone: (303) 225-0060, E-mail: ewhite@mbheresources.com. **2. Overview**. Applicant is the owner of ~17 acres of land located east of Tabernash on Ranch Creek. By this application, Applicant is claiming conditional underground, surface, and storage rights for the property. The rights will be used for domestic, irrigation, and stockwatering purposes, as well as to create fish and wildlife habitat. Applicant also seeks approval of a plan for augmentation to replace out-of-priority depletions associated with the water rights. A map of the proposed structures is attached hereto as Figure 1. This application is being filed in conjunction with Mr. Kevin Mize, who owns the adjacent property to the north. Applicant and Mr. Mize will operate and account for their respective plans for augmentation separately but may share infrastructure and replacement supplies. **3. Claim for Conditional Underground Water Right**. (a) Name of Well Structure. James Peak Ranch Well. (b) Permit Information. The James Peak Ranch Well is currently permitted under Well Permit No. 314717, Receipt No. 3693180. (c) Location. NE1/4 of the SE1/4 of Section 5, Township 1 South, Range 75 West of the 6th P.M., at a point 1,620 feet from the south section line and 1,035 feet from the east section line (Zone 13, NAD83, Easting 431882 m, Northing 4426452.9 m). (d) Source. The Troublesome Aquifer underlying the subject property, tributary to Ranch Creek, tributary to the Fraser River, tributary to the Colorado River. (e) Depth of Well. 380 feet. (f) Appropriation Date. Date of application. (g) Amount. 0.5 cfs (225 gpm), conditional. (h) Uses. Domestic, irrigation, stock watering, and fire protection. Irrigation will be for landscaping anywhere on the subject property. In addition, the James Peak Ranch Well may be used to fill and refill the James Peak Ranch Ponds for fish and wildlife habitat, recreation, and augmentation purposes. (i) Remarks. The James Peak Ranch Well will be re-permitted after the plan for augmentation

is approved in this matter. **4. Claim for Conditional Surface Right.** (a) Name of Diversion Structure. James Peak Ranch Pump and Pipeline. (b) Location. NE1/4 of the SE1/4 of Section 5, Township 1 South, Range 75 West of the 6th P.M., at a point 1,586 feet from the south section line and 159 feet from the east section line (Zone 13, NAD83, Easting 432149 m, Northing 4426441 m). (c) Source. Ranch Creek, tributary to the Fraser River, tributary to the Colorado River. (d) Appropriation Date. Date of application. (e) Amount. 1.5 cfs, conditional. (f) Uses. Irrigation, stock watering, and fire protection. Irrigation will be for landscaping anywhere on the subject property. In addition, the James Peak Ranch Pump and Pipeline may be used to fill and refill the James Peak Ranch Ponds for fish and wildlife habitat, recreation, and augmentation purposes. (g) Remarks. The James Peak Ranch Pump and Pipeline will be used to provide a direct water supply for landscape irrigation and livestock on the property. In addition, the pipeline may divert from Ranch Creek in order to fill the James Peak Ranch Ponds. Applicant reserves the right to locate the James Peak Ranch Pump and Pipeline intake anywhere on Ranch Creek as it flows through the James Peak Ranch property. The final as-built location will be identified at the time that the James Peak Ranch Pump and Pipeline right is made absolute. **5. Claim for Conditional Storage Right.** (a) Name of Storage Structure. James Peak Ranch Upper Pond No. 1. (b) Location. NE1/4 of the SE1/4 of Section 5, Township 1 South, Range 75 West of the 6th P.M., at a point 1,378 feet from the south section line and 671 feet from the east section line (Zone 13, NAD83, Easting 431992.8 m, Northing 4426378.7 m). (c) Source. Ranch Creek, tributary to the Fraser River, tributary to the Colorado River, including the Troublesome Aquifer tributary to Ranch Creek. (d) Name and Rate of Filler Structures. (i) James Peak Ranch Pump and Pipeline, at a diversion rate of 1.5 cfs. (ii) James Peak Ranch Well, at a pumping rate of 0.5 cfs. (e) Appropriation Date. Date of application. (f) Amount. 10.0 acre-feet, with the right to fill and refill in priority. (g) Uses. Fish and wildlife habitat, recreation, and augmentation. (h) Surface Area of the High Water Line. ~ 0.7 acre. (i) Height and Length of Dam. The James Peak Ranch Upper Pond No. 1 will be an excavated reservoir that is lined so that it does not intercept groundwater. In the event that a dam is also constructed as part of the pond, the dam will be less than 10 feet in height. (j) Remarks. The James Peak Ranch Upper Pond No. 1 is primarily intended to be used for fish and wildlife habitat and recreation. In the event that Applicant needs to augment out-of-priority depletions from other structures on the property, water can also be pumped out of or released from the pond for that purpose. The amount claimed is based on Applicant's estimate of the maximum amount of storage that will be achieved at this location; however, the final dimensions and capacity of the James Peak Ranch Upper Pond No. 1 are still being determined. Applicant reserves the right to locate the James Peak Ranch Upper Pond No. 1 anywhere on the James Peak Ranch property, including to combine the claimed right with the James Peak Ranch Upper Pond No. 2 for a storage right in a single structure that is no greater than 20.0 acre-feet in capacity and ~1.4 acre-feet in surface area. The final as-built location will be identified at the time that the James Peak Ranch Upper Pond No. 1 right is made absolute. **6. Claim for Conditional Storage Right.** (a) Name of Storage Structure. James Peak Ranch Upper Pond No. 2. (b) Location. NE1/4 of the SE1/4 of Section 5, Township 1 South, Range 75 West of the 6th P.M., at a point 1,769 feet from the south section line and 995 feet from the east section line (Zone 13, NAD83, Easting 431894.5 m, Northing 4426498.4 m). (c) Source. Ranch Creek, tributary to the Fraser River, tributary to the Colorado River, including the Troublesome Aquifer tributary to Ranch Creek. (d) Name and Rate of Filler Structures. (i) James Peak Ranch Pump and Pipeline, at a diversion rate of 1.5 cfs. (ii) James Peak Ranch Well, at a pumping rate of 0.5 cfs. (e) Appropriation Date. Date of application. (f) Amount. 10.0 acre-feet, with the right to fill and refill in priority. (g) Uses. Fish and wildlife habitat, recreation, and augmentation. (h) Surface Area of the High Water Line. ~ 0.7 acre. (i) Height and Length of Dam. The James Peak Ranch Upper Pond No. 2 will be an excavated reservoir that is lined so that it does not intercept groundwater. In the event that a dam is also constructed as part of the pond, the dam will be less than 10 feet in height. (j) Remarks. The James Peak Ranch Upper Pond No. 2 is primarily intended to be used for fish and wildlife habitat and recreation. In the event that Applicant needs to augment out-of-priority depletions from other structures on the property, water can also be pumped out of or released from the pond for that purpose. The amount claimed is based on Applicant's estimate of the maximum amount of storage that will be achieved at this location; however, the final dimensions and capacity of the James Peak Ranch Upper Pond No. 2 are still being determined. Applicant reserves the right to locate the James Peak Ranch Upper Pond No. 2 anywhere on the James Peak Ranch property, including to combine the claimed right with the James Peak Ranch Upper Pond No. 1 for a storage right in a single structure that is no greater than 20.0 acre-feet in capacity and ~1.4 acre-feet in surface area. The final as-built location will be identified at the time that the James Peak Ranch Upper Pond No. 2 right is made absolute. **7. Claim for Conditional Underground Pond Right.** (a) Name of Pond Structure. James Peak Ranch Lower Pond. (b) Permit Information. The James Peak Ranch Lower Pond is anticipated to be an excavated unlined storage structure that will expose groundwater and require a well permit. (c) Location. NE1/4 of the SE1/4 of Section 5, Township 1 South, Range 75 West of the 6th P.M., at a point 1,695 feet from the south section line and 638 feet from the east section line. (Zone 13, NAD83, Easting 432003.1 m, Northing 4426475.1 m). (d) Source. The alluvial aquifer underlying the subject property, tributary to Ranch Creek, tributary to the Fraser River, tributary to the Colorado River. (e) Depth of Pond. ~ 10 feet. (f) Appropriation Date. Date of application. (g) Amount. 3.0 acre-feet/year, conditional. The total amount currently estimated for the James Peak Ranch Lower Pond is 2.035 acre-feet/year, based on the maximum anticipated surface area of the pond of 0.7 acre \times an annual evaporation rate of 2.907 feet per exposed surface acre. Applicant has requested a higher amount in case the pond is constructed larger or the decreed annual evaporation rate is greater than currently anticipated. (h) Uses. Fish and wildlife habitat and recreation. (i) Surface Area of the High Water Line. ~ 0.7 acre. (j) Height and Length of Dam. The James Peak Ranch Lower Pond will be an excavated reservoir that is unlined. In the event that a dam is also constructed as part of the pond, the dam will be less than 10 feet in height. (k) Filler Ditch. The James Peak Ranch Lower Pond may also fill and refill from the Lower Ponds Filler Ditch. The Lower Ponds Filler Ditch will divert from Ranch Creek at a rate of 0.5 cfs. Diversions from the Filler Ditch will be limited to freshening flows through the James Peak Ranch Lower Pond and Mize Ranch Lower Pond as necessary to ensure viable fish and wildlife habitat in both ponds. In the event that there are additional depletions to the alluvium from the Lower Ponds Filler Ditch, out-of-priority depletions from the portion of the Lower Ponds Feeder Ditch on the James Peak Ranch property will be replaced under this plan for augmentation and out-of-priority depletions from the portion on the Mize Ranch

property will be replaced under that plan for augmentation. The Lower Ponds Filler Ditch will divert from Ranch Creek at a location currently anticipated to be in the NE1/4 of the SE1/4 of Section 5, Township 1 South, Range 75 West of the 6th P.M., at a point 1,357 feet from the south section line and 228 feet from the east section line (Zone 13, NAD83, Easting 432127.9 m, Northing 4426371.5 m), on the James Peak Ranch property. The Lower Ponds Filler Ditch will return to Ranch Creek at a location currently anticipated to be in the NE1/4 of the SE1/4 of Section 5, Township 1 South, Range 75 West of the 6th P.M., at a point 2,474 feet from the south section line and 238 feet from the east section line (Zone 13, NAD83, Easting 432125.4 m, Northing 4426711.7 m), on the Mize Ranch property.

(l) **Remarks.** The James Peak Ranch Lower Pond is intended to be used for fish and wildlife habitat and recreation. Applicant will replace all out-of-priority depletions from the other augmentation supplies described in this application. The amount claimed is based on Applicant's estimate of the maximum amount of surface area expected for the final pond; however, the final dimensions and capacity of the James Peak Ranch Lower Pond are still being determined. Applicant reserves the right to locate the James Peak Ranch Lower Pond and Lower Ponds Filler Ditch anywhere on the James Peak Ranch property. The final as-built location will be identified at the time that the James Peak Ranch Lower Pond right is made absolute. The James Peak Ranch Lower Pond will be permitted before it is constructed.

8. Claim for Conditional Storage Right. (a) Name of Storage Structure. James Peak Ranch Augmentation Pond. (b) Location. NE1/4 of the SE1/4 of Section 5, Township 1 South, Range 75 West of the 6th P.M., at a point 1,396 feet from the south section line and 1,136 feet from the east section line (Zone 13, NAD83, Easting 431851.1 m, Northing 4426385.0 m). (c) Source. Ranch Creek, tributary to the Fraser River, tributary to the Colorado River, including the Troublesome Aquifer tributary to Ranch Creek. (d) Name and Rate of Filler Structures. (i) James Peak Ranch Pump and Pipeline, at a diversion rate of 1.5 cfs. (ii) James Peak Ranch Well, at a pumping rate of 0.5 cfs. (e) Appropriation Date. Date of application. (f) Amount. 10.0 acre-feet, with the right to fill and refill in priority. (g) Use. Augmentation. (h) Surface Area of the High Water Line. ~ 1.2 acres. (i) Height and Length of Dam. The James Peak Ranch Augmentation Pond will be an excavated reservoir that is lined so that it does not intercept groundwater. In the event that a dam is also constructed as part of the pond, the dam will be less than 10 feet in height. (j) **Remarks.** The James Peak Ranch Augmentation Pond will be the primary on-site augmentation supply for when other replacement supplies are unavailable. The amount claimed is based on Applicant's estimate of the maximum amount of storage that will be achieved at this location and needed for replacement purposes on the James Peak Ranch property; however, the final dimensions and capacity of the James Peak Ranch Augmentation Pond are still being determined. Applicant reserves the right to locate the James Peak Ranch Augmentation Pond anywhere on the James Peak Ranch property. The final as-built location will be identified at the time that the James Peak Ranch Augmentation Pond right is made absolute.

9. Request for Approval of Plan for Augmentation. (a) Name of Structures to be Augmented. (i) James Peak Ranch Well, as claimed in paragraph 3 above. (ii) James Peak Ranch Pump and Pipeline, as claimed in paragraph 4 above. (iii) James Peak Ranch Upper Pond No. 1, as claimed in paragraph 5 above. (iv) James Peak Ranch Upper Pond No. 2, as claimed in paragraph 6 above. (v) James Peak Ranch Lower Pond, as claimed in paragraph 7 above. (b) Water Rights to be Used for Augmentation. (i) James Peak Ranch Upper Ponds Nos. 1 and 2, as claimed in paragraphs 5 and 6 above. (ii) James Peak Ranch Augmentation Pond, as claimed in paragraph 8 above. (iii) Middle Park Contract Water, which may be provided from Granby Reservoir, Wolford Mountain Reservoir, the Sunset Ridge Pond, and/or alternative storage structures pursuant to a contract with the Middle Park Water Conservancy District ("Middle Park"). Applicant's application for a Middle Park contract is pending. (iv) Colorado River District Contract Water, which may be provided from Wolford Mountain Reservoir or Ruedi Reservoir pursuant to a contract with the Colorado River Water Conservation District ("Colorado River District"). At the time of this application, Applicant has not applied for a Colorado River District contract. In the event that Applicant's Middle Park contract is not sufficient to cover all anticipated depletions, Applicant will apply for a Colorado River District contract to cover any shortfall. If Applicant's Middle Park contract is sufficient, Applicant will drop its claim to use Colorado River District Contract Water in this plan for augmentation. (v) Additional or Alternative Sources. Pursuant to C.R.S. § 37-92-305(8), Applicant reserves the right to use additional or alternative sources of water for replacement on a temporary or permanent basis, subject to approval by the Water Court and/or the State Engineer's Office. (c) Detailed Description of Plan for Augmentation. Applicant will replace all out-of-priority depletions resulting from the augmented structures described above. To the extent possible, depletions will be replaced with Middle Park Contract Water and/or Colorado River District Contract Water. If depletions cannot be replaced using contract water because of a call on Ranch Creek or for some other reason, they will be replaced from water stored in priority under the James Peak Ranch Augmentation Pond storage right applied for in this case, and if insufficient water is available in the James Peak Ranch Augmentation Pond, from the James Peak Ranch Upper Pond Nos. 1 and 2. Total current demands are estimated to be 7.77 acre-feet/year and total depletions are estimated to be 6.66 acre-feet/year. A detailed description of Applicant's demands and depletions are set forth below. For the purpose of evaluating the amount of replacement water needed to operate the plan for augmentation, 100% of the depletions are assumed to be out-of-priority. (i) Projected Demands. Total indoor domestic demands for the main house and barn are estimated to be 1.01 acre-feet/year. The outdoor domestic demands (e.g. a hot tub and pool) are assumed to be 0.08 acre-feet/year. Livestock is anticipated to need 0.06 acre-feet/year. Landscape drip irrigation demand is estimated to be 0.12 acre-feet/year for approximately 0.3 acre of irrigated area. Lawn and garden sprinkler irrigation demand is estimated to be 1.0 acre-feet/year for approximately 0.6 acre of irrigated area. Evaporative depletions from the James Peak Ranch Ponds are estimated to total 5.5 acre-feet/year. (ii) Projected Depletions. Indoor domestic uses are expected to be 10% consumptive, resulting in an estimated depletion of 0.10 acre-feet/year. Outdoor domestic use, stock watering, and landscape drip irrigation is all assumed to be 100% consumptive. Lawn and garden sprinkler irrigation is 80% consumptive, resulting in an anticipated depletion of 0.8 acre-feet/year. Evaporative depletions from the James Peak Ranch Ponds are 100% consumptive. (d) Exchange Reach. Because Middle Park Contract Water and Colorado River District Contract Water supplies are downstream of the points of depletion, the proposed plan for augmentation will at times operate by substitution and/or exchange. Therefore, to the extent necessary in order to properly operate this plan for augmentation, Applicant claims an appropriative right of exchange and/or exchange project right from the furthest downstream point where

replacement water may be released into the Colorado River up to the James Peak Ranch property. The components of this exchange right are as follows: (i) Downstream Terminus. The confluence of the Roaring Fork and the Colorado River, which is located in the SE1/4 of the NW1/4 of Section 9, Township 6 South, Range 89 West of the 6th P.M. (Zone 13, NAD 83, Easting 299753.7 m, Northing 4380367.2 m). (ii) Upstream Terminus. Either the Lower Ponds Filler Ditch, as described in paragraph 7(k) above, or the James Peak Ranch Pump and Pipeline, as described in paragraph 4(b) above. The upstream terminus will depend on the final as-built location of both diversion structures. (iii) Exchange Rate. 2.5 cfs. (iv) Date of Appropriation. Date of application. (v) Uses or Proposed Uses. Water will be exchanged to augment and replace out-of-priority depletions from the domestic, irrigation, stock watering, fire protection, fish and wildlife habitat, and recreation uses of the augmented structures. (vi) Remarks. Applicant will only operate the requested exchange at such times when deliveries of the replacement water at the downstream exchange terminus will satisfy the downstream calling water right. **10. Integrated System**. All of the water rights and structures included in this application, along with the structures described in the companion application from Mr. Kevin Mize, may be components of an integrated water system. Applicant reserves the right to connect the wells, pumps, pipelines, ponds, and other associated structures for the purposes of maintaining fish and wildlife habitat, including to recirculate water for freshening flows. Applicant claims the right to continue to use and reuse all water rights claimed in this case for these purposes. For the purposes of future diligence applications, work on one of the subject structures may be evidence of reasonable diligence on other structures in the system. **11. Name and Address of Landowner Upon which any New or Modified Diversion or Storage Structure is Located, Including Any Modification to the Storage Pool**. All of the subject structures are on land owned by Applicant or land owned by Mr. Kevin Mize, who has been provided a copy of this application. WHEREFORE, Applicant respectfully requests that the Court (1) grant the claim for underground, surface, and water storage rights claimed in paragraphs 3–8 above; (2) find that there will be no injury to any owner of, or person entitled to use, water under a vested water right or conditionally decreed water right as a result of Applicant’s requested plan for augmentation and exchange as described in paragraph 9 above; and (3) approve the plan for augmentation and exchange described in paragraph 9 above. (12 pages)

YOU ARE HEREBY NOTIFIED THAT YOU HAVE until the last day of FEBRUARY 2021 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 DECEMBER 2020. *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.*

20CW3175 (13CW3088) VAIL ASSOCIATES, INC. (“Vail”), c/o Gina Steffens, 390 Interlocken Crescent, Suite 100, Broomfield, Colorado 80021. **APPLICATION FOR FINDING OF REASONABLE DILIGENCE, in EAGLE AND SUMMIT COUNTIES**. Please send all pleadings and correspondence to P. Fritz Holleman and Bradley N. Kershaw, Buchanan Sperling & Holleman PC, 1525 Spruce Street, Suite 200, Boulder Colorado, 80302. 2. Description of water rights from previous decree: A. Name of Exchanges: Beaver Creek Municipal Pipeline Exchanges. B. Original Decree: By the District Court in and for Water Division No. 5, Case No. 13CW3088, entered on December 28, 2014. C. Subsequent Decrees Awarding Findings of Diligence: Not applicable. D. Legal Description: i. Point of Diversion: Beaver Creek Municipal Pipeline, located on the left bank of Beaver Creek in the NE1/4 NW1/4 of Section 25, T. 5 S., R. 82 W. of the 6th P.M., at a point whence the East Quarter of Section 24, T. 5 S., R. 82 W. of the 6th P.M. bears N. 40°00’ E. a distance of 5,200 feet. This point is 1370 feet from the north section line and 2035 feet from the west section line of said Section 25, as shown on Exhibit A. ii. Exchange Reaches: a. Green Mountain Reservoir Exchange. The exchange reach segment for Green Mountain Reservoir water is from the confluence of the Colorado River and Eagle River up the Eagle River and then up Beaver Creek to the point of diversion on Beaver Creek for the Beaver Creek Municipal Pipeline described above. This exchange is depicted on the map attached as Exhibit B. Green Mountain Reservoir is located on the Blue River, in Sections 11, 12, 13, 14, 15 and 24, T. 2 S., R. 80 W., and Sections 18, 19, 20, 21, 28, 29 and 34, T. 2 S., R. 79 W., 6th P.M., Summit County, Colorado. Lower Terminus: Confluence of Colorado and Eagle River, located in the SW1/4 NE1/4 of Section 5, T. 5 S., R. 86 W. of the 6th P.M., 2625 feet south of the North section line and 2020 feet west of the East section line of said Section 5. Upper Terminus: Beaver Creek Municipal Pipeline, as described above in paragraph 2.D.i. b. Eagle Park and Homestake Reservoir Exchanges. The exchange reach for Eagle Park Reservoir and Homestake Reservoir water is from the confluence of Beaver Creek and the Eagle River up Beaver Creek to the point of diversion on Beaver Creek for the Beaver Creek Municipal Pipeline described above. This exchange is depicted on the map attached as Exhibit B. The north abutment of the Eagle Park Reservoir dam crest is located approximately 160 feet north of the south section line and 650 feet east of the west section line of Section 28, T. 7 S., R. 79 W., 6th P.M., Eagle County, Colorado. Homestake Reservoir, also known as Elliott-Weers Reservoir, is located on Homestake Creek with a dam being located whence the NW Corner of Section 31, T. 7 S., R. 80 W., 6th P.M. bears N. 58E30.6°E 24,659 feet from the East abutment and N. 62E25.8° E. 25,746 feet from the West dam abutment. Lower Terminus: Confluence of Beaver Creek and Eagle River, located in the SW1/4 NE1/4 of Section 12, T. 5 S., R. 82 W. of the 6th P.M., 2680 feet north of the South section line and 2420 feet west of the East section line of said Section 12. Upper Terminus: Beaver Creek Municipal Pipeline, as described above in paragraph 2.D.i. E. Source: The source of water diverted at the Beaver Creek Municipal Pipeline is Beaver Creek, tributary to the Eagle River. F. Rate of Exchange: 3 cfs, conditional. G. Priority Date: December 4, 2013. H. Use: Industrial snowmaking. I. Remarks: See the 13CW3088 Decree for additional description

and terms and conditions for the subject appropriative rights of exchange. 3. Detailed outline of work performed to complete application of water to beneficial use: The subject appropriative rights of exchange are part of an integrated water supply system used by Vail to provide snowmaking water service to the Beaver Creek Ski Area. Vail has engaged in numerous activities during the relevant diligence period that demonstrate diligence toward the application of the subject water rights to the decreed beneficial uses, and has incurred significant expense in investigations and capital improvements related to its water supply facilities in order to provide a dependable legal and physical supply of water for the Beaver Creek Ski Area. All such expenditures are necessary steps in the development of Vail's integrated snowmaking water supply system and the subject water rights. Vail's efforts toward development of the subject conditional water rights during the diligence period include, but are not limited to, the following: A. Vail has continuously maintained and repaired the diversion structure and conveyance facilities for the Beaver Creek Municipal Pipeline, including repairing leaks in November 2020 at an expense of approximately \$31,000; repairing the valves, pump and an electric motor in November 2020 at an expense of approximately \$16,000; repairing a leak in July 2020 at an expense of approximately \$38,000; rebuilding an electric motor in August 2019 at an estimated expense of approximately \$12,000; rebuilding a pump in July 2018 at an expense of approximately \$12,000; and rebuilding an electric motor in July 2018 at an expense of approximately \$8,000. All such expenditures are steps in the maintenance of the necessary diversion and conveyance facilities and development of the subject water rights. B. Vail has incurred substantial expense in the further planning, development, and construction of improvements to its integrated water supply system at the Beaver Creek Ski Area. In particular, Vail incurred capital costs and expenditures of over \$4,500,000 during the diligence period to operate, maintain, upgrade and expand its snowmaking facilities at the Beaver Creek Ski Area. These expenditures include, but are not limited to, over \$3,000,000 in various pump, compressor, electric motor and control rebuilds and preventative maintenance, and also include over \$1,000,000 for pipeline replacement for the snowmaking system. C. Vail has continued as the majority shareholder of Eagle Park Reservoir Company and has paid its assessments and otherwise worked to maintain the Eagle Park Reservoir water that is a source of replacement supply for out-of-priority diversions from the Beaver Creek Municipal Pipeline in the subject plan for augmentation and exchange. D. Vail is currently in the process of renewing one of its contracts with the Bureau of Reclamation for water service from Green Mountain Reservoir, which is a source of replacement supply for out-of-priority diversions from the Beaver Creek Municipal Pipeline in the subject plan for augmentation and exchange. E. Vail has regularly monitored the filings of other water users and has incurred legal and engineering costs in connection with numerous cases to protect its water rights, including the subject water rights, from injury. F. Vail continues to rely upon the subject water rights and has no intention to abandon same. 4. 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: The Beaver Creek Municipal Pipeline is located on land owned by Vail and Vail has a contract interest in the water from Green Mountain, Eagle Park and Homestake Reservoirs used for augmentation purposes by exchange. WHEREFORE, Vail requests that the Court issue a final decree finding that Vail has been reasonably diligent with respect to the subject conditional water rights and continuing the subject conditional water rights in full force and effect for an additional diligence period. (6 Pages).

YOU ARE HEREBY NOTIFIED THAT YOU HAVE until the last day of FEBRUARY 2021 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 DECEMBER 2020. *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.*

20CW3176 Div. 5. 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 BIG FISH AMALGAMATED, LLC, IN GRAND COUNTY, COLORADO. APPLICATION FOR WATER RIGHTS AND APPROVAL OF PLAN FOR AUGMENTATION AND EXCHANGE. 1. Name and address of the Applicant: Big Fish Amalgamated, LLC ("Applicant"), 882 GCR 519, Tabernash, CO 80210. Copies of all pleadings to: Glenn E. Porzak, Gunnar J. Paulsen, Porzak Browning & Bushong LLP, 2120 13th Street, Boulder, Colorado 80302. 2. Description of the water rights to be adjudicated and/or augmented: The following water rights which are depicted on the attached Figure 1 (collectively the "Subject Water Rights"): (a) Silver Spur Diversion Structure No. 2, decreed by the District Court in and for Water Division No. 5, State of Colorado ("Water Court") in Case No. 81CW13 for 2.0 cubic feet per second ("cfs") absolute for irrigation and stockwater uses, the source of which is Skunk Creek, tributary to Pole Creek, tributary to the Fraser River, tributary to the Colorado River, with an appropriation date of August 1, 1946, the decreed location of the headgate being at a point 220 feet west of the easterly boundary of the NE1/4 SW1/4 of Section 10, Township 1 South, Range 76 West of the 6th P.M. and 484 feet South of the Southerly boundary of said NE1/4 SW1/4 of Section 10, the actual location of which is in the SE1/4 SW1/4 of Section 10, Township 1 South, Range 76 West of the 6th P.M. at a point 872 feet from the South section line and 2369 feet from the West section line (NAD83 Zone 13, UTM(x)=424894, UTM(y)=4424589), (b) Silver Spur Diversion No. 2 First Enlargement, decreed by the Water Court in Case No. 00CW254 for 1.5 cfs absolute for irrigation use and filling of McCoy Pond No. 1, with an appropriation date of August 1, 1946, the decreed point of diversion being on the left bank of Skunk Creek in the being at a point 220 feet west of the easterly boundary of the NE1/4 SW1/4 of Section 10, Township 1 South, Range 76 West of the 6th P.M. and

484 feet South of the Southerly boundary of said NE1/4 SW1/4 of Section 10, the actual location of which is in the SE1/4 SW1/4 of Section 10 and actual point of diversion being the same as described in paragraph 2(a) above, (c) McCoy Pond No. 1, decreed by the Water Court in Case No. 00CW254 for 1.2 acre-feet absolute with a surface area of 0.4 acres for irrigation, stockwater, piscatorial, and aesthetic uses, the source of which is Skunk Creek, tributary to Pole Creek, tributary to the Fraser River, tributary to the Colorado River, with an appropriation date of August 1, 1946, the off-channel dam being located in the NE1/4 SW1/4 of Section 10, Township 1 South, Range 76 West of the 6th P.M., at a point 2500 feet from the South line and 1750 feet from the West line of said Section 10, (d) McCoy Pond No. 2, decreed by the Water Court in Case No. 00CW254 for 3.0 acre-feet conditional with a surface area of 1.0 acres for irrigation, stockwater, piscatorial, and aesthetic uses and the full storage right for all uses was made absolute by the decree entered by the Water Court in Case No. 04CW90, the source of which is Skunk Creek, tributary to Pole Creek, tributary to the Fraser River, tributary to the Colorado River, with an appropriation date of June 1, 1997, the off-channel dam being located in the NE1/4 SW1/4 of Section 10, Township 1 South, Range 76 West of the 6th P.M., at a point 2500 feet from the South line and 2300 feet from the West line of said Section 10, (e) Silver Spur Diversion No. 2 Refill Right, claimed for the right to fill and refill McCoy Ponds Nos. 1 and 2 at the rate of 2.0 cfs conditional, for irrigation, stockwater, piscatorial, and aesthetic uses with an appropriation date of December 30, 2020, the source and actual point of diversion being the same as described in paragraph 2(a) above, (f) Graves No. 3 Spring Refill Right: Graves No. 3 Spring was decreed by the Water Court in Case No. 86CW172 for 0.25 cfs conditional for irrigation uses and was made absolute by the decree entered by the Water Court in Case No. 96CW361, the source of which is springs tributary to Skunk Creek, tributary to Pole Creek, tributary to the Fraser River, tributary to the Colorado River; the Graves No. 3 Spring Refill Right is claimed for the right to fill and refill McCoy Ponds Nos. 1 and 2 at the rate of 0.25 cfs conditional, for stockwater, piscatorial, and aesthetic uses with an appropriation date of December 30, 2020, the source of which is described above in this paragraph 2(f) and the point of diversion being located in the NE1/4 SW1/4 of Section 10, Township 1 South, Range 76 West of the 6th P.M., at a point 2515 feet from the South line and 2512 feet from the West line of said Section 10 (NAD83 Zone 13, UTM(x)=424939, UTM(y)=4425092). The Graves No. 3 Spring Refill Right will be limited to the non-irrigation season, (g) McCoy Pond No. 1 First Enlargement, claimed for an additional 0.09 surface acres and 0.4 acre-feet conditional for irrigation, stockwater, piscatorial, and aesthetic uses with an appropriation date of December 30, 2020, with the same source and location as described above in paragraph 2(c), (h) McCoy Pond No. 1 Refill Right, claimed for the right to continuously refill McCoy Pond No. 1 and McCoy Pond No. 1 First Enlargement at the rate of 2.0 cfs conditional for stockwater, piscatorial, aesthetic and irrigation uses with an appropriation date of December 30, 2020, with the source being the Silver Spur Diversion No. 2 Refill Right and Graves No. 3 Spring Refill Right described in paragraphs 2(e) and 2(f) above for storage at the location described in paragraph 2(c) above, (i) McCoy Pond No. 2 Refill Right, claimed for the right to continuously refill McCoy Pond No. 2 at the rate of 2.0 cfs conditional for stockwater, piscatorial, aesthetic and irrigation uses with an appropriation date of December 30, 2020, with the source being the Silver Spur Diversion No. 2 Refill Right and Graves No. 3 Spring Refill Right described in paragraphs 2(e) and 2(f) above for storage at the location described in paragraph 2(d) above.

3. Description of the water rights to be used as the source of augmentation water: 3.0 acre-feet of water to be obtained by a contract with the Colorado River Water Conservation District ("River District") consisting of water from the following structures and water rights: (a) **Wolford Mountain Reservoir**: The River District owns and operates Wolford Mountain Reservoir (f/k/a Gunsight Pass Reservoir) which has the following water rights: (1) Case No. 87CW283: Decree Date: November 20, 1989, Name of Structure: Gunsight Pass Reservoir, Legal description of place of storage: The dam is located in the SW1/4 of the NE1/4 of Section 25, T. 2 N., R. 81 W., 6th P.M. The intersection of the dam axis with the right abutment will occur at a point which bears S. 54°54'20" E. a distance of 3,716.46 feet from the NW Corner of said Section 25. Source: Muddy Creek and its tributaries, all tributary to the Colorado River. Amount: 59,993 acre-feet conditional; of this amount, 32,986 acre-feet were made absolute for piscatorial and recreational uses by decree entered in Water Court Case No. 95CW251, and the full amount was made absolute for all purposes by decree entered in Water Court Case No. 02CW107. Appropriation Date: December 14, 1987. Use: All beneficial uses, including but not limited to domestic, municipal, agricultural and recreational uses, which uses satisfy the requirements of the Windy Gap Settlement made with the Municipal Subdistrict of the Northern Colorado Water Conservancy District; use to meet the water requirements of the inhabitants of the River District for all uses, including uses in the Middle Park area; and use to meet the terms of a lease agreement executed March 3, 1987, between the River District and the City and County of Denver, (2) Case No. 95CW281: Decree Date: August 26, 1997, Name of Structure: Wolford Mountain Reservoir Enlargement, Legal description of place of storage: The dam is located in the SW1/4 of the NE1/4 of Section 25, T. 2 N., R. 81 W., 6th P.M. The as-built intersection of the dam axis (Sta. D19+35.61) with the West Access Road (Sta. WR50+55.05), 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 which bears S. 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 S. 75° 28' 29" E, Source: Muddy Creek and its tributaries, all tributary to the Colorado River, Amount: 6,000 acre-feet, conditional, Appropriation Date: January 16, 1995, Use: All beneficial uses by and for the benefit of the inhabitants of the River District, including but not limited to domestic, municipal, industrial, irrigation, agricultural, piscatorial and recreational; such uses will include environmental mitigation, including environmental mitigation requirements associated with the Wolford Mountain Project; such uses will be made directly or by substitution, augmentation, or exchange. None of the water stored in the exercise of the right will be delivered directly or by exchange, substitution, or otherwise for use outside of Colorado Water Division No. 5, (3) Case No. 98CW237: Decree Date: July 6, 2000, Name of Structure: Wolford Mountain Reservoir, Legal Description of place of storage: Same as for 95CW281, Source: Muddy Creek and its tributaries, all tributary to the Colorado River, Amount: 30,000 acre-feet conditional, with 15,895 acre-feet being absolute for recreational and piscatorial and flood control, Appropriation Date: November 17, 1998, Use: Certain of the beneficial uses previously adjudicated for Wolford Mountain Reservoir in Water Court Case No. 87CW283 (November 20, 1989 Judgment and Decree), and Water Court Case No. 95CW281(August 26, 1997 Judgment and Decree), 87CW283:

The reservoir will be used to satisfy the requirements of the Windy Gap Settlement made with the Municipal Subdistrict of the Northern Colorado Water Conservancy District. This will involve all uses, including but not limited to domestic, municipal, agricultural, and recreational uses. The reservoir will also be used to meet the water requirements of the inhabitants of the River District for all uses, including uses in the Middle Park area, 95CW281: All beneficial uses by and for the benefit of the inhabitants of the River District, including but not limited to domestic, municipal, industrial, irrigation, agricultural, piscatorial and recreational; such uses will include environmental mitigation, including environmental mitigation requirements associated with the Wolford Mountain Reservoir Project; such uses will be made directly or by substitution, augmentation, or exchange, Remarks: The Refill Right described herein will be exercised to provide supply for the Western Slope uses of water from Wolford Mountain Reservoir described above, including flood control, other operational purposes, and environmental mitigation and enhancement for the benefit of uses within the River District. The Refill Right will not be used in conjunction with the Reservoir capacity (24,000 acre-feet) which is allocated for the supply of water to the Denver Board of Water Commissioners under Applicant's contractual relationship with Denver, or the Reservoir capacity (6,000 acre-feet) which is allocated for Colorado River endangered fish releases, (4) Case No. 03CW302: Decree Date: October 19, 2014, Name of Structure: Wolford Mountain Reservoir Second Enlargement, Legal description of place of storage: The dam is located in the SW1/4 of the NE1/4 of Section 25, T. 2 N., R. 81 W., 6th P.M. The as-built intersection of the dam axis (Sta. D19+35.61) with the West Access Road (Sta. WR50+55.05), as shown on the River District, Wolford Mountain Project, Ritschard Dam construction drawing "Dimensional Dam Layout" sheet 8 of 94, occurs at a point which bears S. 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 S. 75 28' 29" E, Source: Muddy Creek and its tributaries, all tributary to the Colorado River, Amount: The amount is 9,775 acre-feet, for the initial fill, with the right to refill when in priority subject to a maximum amount of 9,775 acre-feet, conditional, Appropriation Date: November 17, 2003, Uses: a. The WMR Second Enlargement storage right may be used for the purposes previously decreed to the Wolford Mountain Reservoir, including uses consistent with the Windy Gap Settlement made with the Municipal Subdistrict of the Northern Colorado Water Conservancy District; meeting the water requirements of the inhabitants of the River District for all uses; and uses consistent with the terms of a lease agreement executed March 3, 1987, between the River District and the City and County of Denver, as amended, b. The WMR Second Enlargement storage right also may be used for all beneficial uses, including but not limited to municipal, commercial, industrial, domestic, irrigation, agricultural, livestock, hydro-power production, evaporation, piscatorial and recreational (including in-reservoir and in-river fish habitat and river flow maintenance and enhancement uses, and uses in furtherance of the Upper Colorado River Basin Fishes Recovery Program) with the right to reuse and successively use the water to extinction; such uses will include environmental mitigation, including environmental mitigation requirements associated with the Wolford Mountain Reservoir Project; such uses will be made directly or by substitution, augmentation, replacement or exchange in Water Divisions 1, 2, and/or 5, c. Agreed Constraints on Use. Pursuant to the February 12, 2014, stipulation entered in this case between the River District and the GVVUA, the UWCD, and the OMID, the River District agrees that it will make water stored pursuant to the WMR Second Enlargement storage right available for uses within or to facilitate the diversion of water from Water Division No. 5 into Water Division No. 1 or Water Division 2 only pursuant to, and subject to the terms, of the express written consent of the GVVUA, the UWCD, and the OMID. Pursuant to paragraph III.E.19 of the CRCA, any use of the WMR Second Enlargement storage right for the benefit of Denver Water will require the prior approval of the Grand County Commissioners and the River District, (5) PLSS: The dam is located in the SW1/4 of the NE1/4 of Section 25, T. 2 N., R. 81 W., 6th P.M. The as-built intersection of the dam axis (Sta. D19+35.61) with the West Access Road (Sta. WR50+55.05), 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 1,940 feet South of North section line and 2,760 feet East of the West section line of said Section 25, (b) **Ruedi Reservoir**: The River District holds Contracts No. 009D6C0111 (500 acre-feet), 009D6C0118 (700 acre-feet), 039F6C0011 (530 acre-feet), 079D6C0106 (5,000 acre-feet), and 139D6C0101 (4,683.5 acre-feet) from the United States Bureau of Reclamation for 11,413.5 acre-feet of annual supply from Ruedi Reservoir. This water will be used in addition to and substitution for Wolford Mountain Reservoir water in appropriate circumstances where Ruedi Reservoir water is physically equivalent to Wolford Mountain Reservoir water, (1) Legal Description: Ruedi Reservoir is located in Sections 7, 8, 9, 11 and 14 through 18, T. 8 S., R. 84 W., 6th P.M., in Eagle and Pitkin Counties. The dam axis intersects the right abutment at a point whence the SW corner of Section 7, T. 8 S., R. 84 W. of the 6th P.M. bears N. 82°10'W. a distance of 1,285 feet, (2) Source: Fryingspan River, tributary of Colorado River, (3) Storage Decrees: a. Civil Action No. 4613: Decree Date: June 20, 1958, Court: Garfield County District Court, Amount: 140,697.3 acre-feet, reduced to 102,369 acre-feet pursuant to order of the Water Court in Case No. W-789-76. The full amount was made absolute in Case No. 88CW85, Appropriation Date: July 29, 1957, Use: Domestic, municipal, irrigation, industrial, generation of electrical energy, stock watering and piscatorial, b. Case No. 81CW34: Decree Date: April 8, 1985, Court: Water Court, Amount: 101,280 acre-feet (refill); of this amount, 44,509 acre-feet were made absolute in Case No. 95CW95 and 25,257 acre-feet were made absolute in Case No. 01CW269, for a total of 69,766 acre-feet absolute, Appropriation Date: January 22, 1981, Use: Irrigation, domestic, municipal, generation of electrical energy, stock watering, industrial, piscatorial, recreation and maintenance of sufficient storage reserves to fulfill contractual obligations and provide stored water for recreation in times of drought, (4) PLSS: Ruedi Reservoir is located in Sections 7, 8, 9, 11 and 14 through 18, T. 8 S., R. 84 W., 6th P.M., in Eagle and Pitkin Counties. The dam axis intersects the right abutment at a point 130 feet South of the North section line and 1,280 feet East of the West section line of Section 7, T. 8 S., R. 84 W. of the 6th P.M. 4. Application for Water Rights: Applicant seeks conditional water rights for the Silver Spur Diversion No. 2 Refill Right, Graves No. 3 Spring Refill Right, McCoy Pond No. 1 First Enlargement, McCoy Pond No. 1 Refill Right, and McCoy Pond No. 2 Refill Right described in paragraph 2 above. 5. Description of the Plan for Augmentation and Exchange: By this Application, the Applicant seeks the right to divert water in connection with the water rights described in paragraph 2 above on a year round basis for use on the Applicant's property depicted on the attached Figure 1. At times when the Applicant's stream depletions are out-of-priority, the

Applicant will replace such out-of-priority depletions in accordance with the following plan for augmentation and exchange: (a) Augmentation Plan. The Applicant owns and operates an integrated water supply system that provides water to its property for a variety of beneficial uses. The Silver Spur Diversion Structure No. 2, Silver Spur Diversion No. 2 First Enlargement, and Silver Spur Diversion No. 2 Refill Right water rights divert from Skunk Creek for direct use on the property and/or for storage in the McCoy Pond No. 1, McCoy Pond No. 1 First Enlargement, and McCoy Pond No. 2. The ponds are filled under the Silver Spur Diversion Structure No. 2 and Silver Spur Diversion No. 2 First Enlargement for irrigation, aesthetic, piscatorial, and stockwater uses. Once full, the direct flow right can be routed into and through the ponds for subsequent beneficial uses at various locations throughout the Applicant's property. During periods of water level decline in the ponds due to beneficial use and/or evaporation loss from the water surface, the ponds will be refilled under the McCoy Pond No. 1 Refill Right and McCoy Pond No. 2 Refill Right with water from the Silver Spur Diversion No. 2 Refill Right and Graves No. 3 Spring Refill Right as applied for in this Application. The plan for augmentation is dependent on the calling water rights' location. A call may originate in the lower or upper basins as defined below. Regardless of the call location, diversions under the water rights described above in paragraph 2 will be augmented as follows: (1) Water Use and Stream Depletions. The stream depletions covered under this plan for augmentation include evaporation from ponds and depletions associated with livestock watering. The ponds provide multiple beneficial uses as described above. Irrigation use is protected under the Historic Users Pool of Green Mountain Reservoir and will not be augmented under this plan for augmentation, (2) Water Surface Evaporation. Evaporative depletions will occur from the existing ponds. The gross evaporation rate at this location was calculated using the SEO method outlined in the General Guidelines for Substitute Water Supply Plans for Sand and Gravel Pits and SEO Policy 2004-3. The annual gross free water surface evaporation is 35.00 (2.92 feet) inches based on NOAA technical Report NWS 33. Effective precipitation was not considered since the ponds are off-channel. According to the PRISM Weather data, snow and ice cover occurs from November 4th through April 3rd. The surface area of McCoy Pond No. 1 and McCoy Pond No. 1 First Enlargement is 0.49 acres and the surface area for McCoy Pond No. 2 is 0.89 acres for a total of 1.38 surface acres. The maximum annual evaporation from open water associated with this acreage is calculated to be 3.386 acre-feet, (3) Stockwater. The Applicant plans to board up to 10 horses or cattle on the property. The animals will water from tanks filled by an exempt well or drink water from the ponds. Stockwater use is assumed to require 11 gallons of water per day; a total annual requirement of 0.123 acre-feet. This water use is considered 100 percent consumptive, (4) Total Depletions and Augmentation Requirements. Annual diversions are calculated to be approximately 3.51 acre-feet per year; stream depletions will total 3.51 acre-feet per year, (b) Lower Basin Exchange Plan: During periods of water right calls from a "lower basin" source (Colorado River below its confluence with Muddy Creek), the Applicant seeks approval of a plan to augment by exchange out-of-priority depletions and diversions of the Subject Water Rights described in paragraph 2 above, by the release of water from the water rights described in paragraph 3 above. The maximum rate of exchange to the Subject Water Rights identified in paragraph 2 above is 0.02 cfs, conditional. A map showing the subject exchange reaches is attached hereto as Figure 2 and described as follows: (1) Downstream Termini: The points of replacement are described as follows: • Lower Terminus 1 (Exchange of Wolford Mountain Reservoir water): The confluence of Muddy Creek and the Colorado River, located in the NW1/4 NE1/4 of Section 19, Township 1 North, Range 80 West of the 6th P.M., at a point approximately 263 feet from the North section line and 1,970 feet from the East section line (Grand County; NAD83 Zone 13 UTM(x)=380761, UTM(y)=4433438); and • Lower Terminus 2 (Exchange of Ruedi Reservoir water): The confluence of the Roaring Fork River and Colorado River located in the SE1/4 NW1/4 of Section 9, Township 6 South, Range 89 West of the 6th P.M., at a point 2,072 feet from the North section line and 2,267 feet from the West section line (Garfield County; NAD83 Zone 13 UTM(x)=299739; UTM(y)=4380372), (2) Upstream Termini: Dependent on the source of supply to the ponds as follows: • Upper Terminus 1: Diversions from the Silver Spur Diversion No. 2 (and associated water rights) headgate located in the SE1/4 SW1/4 of Section 10 at a point 872 feet from the South section line and 2,369 feet from the West section line (NAD83 Zone 13, UTM(x)=424894, UTM(y)=4424589), • Upper Terminus 2: Diversions from the Graves No. 3 Spring Refill Right located in the NE1/4 SW1/4 of Section 10. Township 1 South, Range 76 West of the 6th P.M., at a point 2,515 feet from the South line and 2,512 feet from the West line of said Section 10 (NAD83 Zone 13 UTM(x)= 424939; UTM(y)=4425092), (3) Priority date: The Applicant seeks a December 30, 2020, priority date in connection with the subject plan for exchange, (c) Upper Basin Plan: During periods when a water right call is placed from an "upper basin" source (Colorado River above its confluence with Muddy Creek, Fraser River below its confluence with Crooked Creek, Cooked Creek below its confluence with Pole Creek, or Pole Creek below its confluence with Skunk Creek), Applicant will augment its depletions by administering (lowering) McCoy Pond No. 1, McCoy Pond No. 1 First Enlargement, and McCoy Pond No. 2 via a low-level outlet(s) commensurate with the gross evaporation rate (Applicant may choose to augment depletions out of either pond or both). Livestock depletions will be taken directly from storage or from the exempt well located on the property. Alternatively, Applicant can curtail diversions from Silver Spur Diversion No. 2, Silver Spur Diversion No. 2 First Enlargement, Silver Spur Diversion No. 2 Refill Right, and the Graves No. 3 Spring Refill Right. 6. Landowners: The property on which the McCoy Pond No. 1, McCoy Pond No. 1 First Enlargement, McCoy Pond No. 1 Refill Right, McCoy Pond No. 2, McCoy Pond No. 2 Refill Right, and Graves No. 3 Spring Refill Right are located on property owned by Applicant. The Silver Spur Diversion No. 2, Silver Spur Diversion No. 2 First Enlargement, and Silver Spur Diversion No. 2 Refill Right are located on property owned by Catherine Perina & Richard S Samuelson at 756 GCR 519 Tabernash, CO 80478. Wolford Mountain Reservoir described in paragraph 3(a) is owned by the River District, the address for which is P.O. Box 1120, Glenwood Springs, CO 81602-1120. Ruedi Reservoir described in paragraph 3(b) is owned by the United States of America, U.S. Department of the Interior, Bureau of Reclamation, 11056 W. County Rd. 18E, Loveland, CO 80537. WHEREFORE, Applicant requests that this Court enter a decree which: 1. Confirms the water rights described in paragraph 2 above for the Silver Spur Diversion No. 2 Refill Right, Graves No. 3 Spring Refill Right, McCoy Pond No. 1 First Enlargement, McCoy Pond No. 1 Refill Right, and McCoy Pond No. 2 Refill Right, 2. Approves the plan for augmentation and exchange described in paragraph 5 above; 3. Finds that as a result of the subject plan for augmentation and exchange,

there will be no injury to any owner of or persons entitled to use water under a vested water right or decreed conditional water right; and
4. Grants such other relief as may be appropriate and consistent with this Application.

(11 pages + Figures)

YOU ARE HEREBY NOTIFIED THAT YOU HAVE until the last day of FEBRUARY 2021 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 DECEMBER 2020. *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.*

20CW3177 PITKIN COUNTY. ROARING FORK RIVER. Red Butte Ranch Homeowners Association and RBR 12, LLC, c/o Corona Water Law, Craig Corona, Esq. 1018 Lauren Lane, Basalt, CO 81621, (970) 948-6523. APPLICATION FOR FINDING OF REASONABLE DILIGENCE. FIRST CLAIM: For Finding of Reasonable Diligence. Structure: Red Butte Pond System. Original decree: December 4, 2007. Case No. 05CW49, Division 5 Water Court. Subsequent diligence decrees: 13CW3107, December 28, 2014. Legal description: located in the NE ¼ of the NW ¼ of Section 2, Township 10 South, Range 85 West of the 6th P.M., at a point approximately 1,995 feet from the west section line and 195 feet from the north section line of said Section 2. Ditch used to fill reservoir: Red Mountain Ditch via the Stein Lateral. Capacity: 1.0 c.f.s. Legal description: The Witness Corner to the Southwest Corner of Section 5, Township 10 South, Range 84 West of the 6th P.M. bears south 84 degrees, 01 minute west a distance of 884.4 feet. The headgate is located in the SW ¼ of the SW ¼ of said Section 5. Source: Hunter Creek, natural runoff, snowmelt and irrigation return flows, which are tributary to the Roaring Fork River, tributary to the Colorado River. Appropriation date: October 15, 2004. Amount remaining conditional: 0.674 acre-feet, with the right to fill and refill when water is physically and legally available. The Red Butte Pond System was originally decreed conditional for a total of 6.72 acre-feet. Case No. 13CW3107 decreed 6.046 acre-feet, absolute. Use: Recreational, piscatorial, aesthetic, and to be used as an irrigation control structure. General description of place of use: Red Butte Ranch Subdivision, 500 Jalanda Lane, Aspen, CO 81611. An outline of work the Applicants completed toward the completion of the appropriation and application of the water to beneficial use, including expenditures, is on file with the Court. Applicant owns the land. SECOND CLAIM: For Finding of Reasonable Diligence. Structure: Red Butte Ranch Pond No. 1 Augmentation Pond. Date of original decree: December 4, 2007. Case No. 05CW49, Division 5 Water Court. Subsequent diligence decrees: 13CW3107, December 28, 2014. Legal description: Located in the SW ¼ of the SE ¼ of Section 35, Township 9 South, Range 85 West of the 6th P.M., at a point approximately 3,650 feet from the east section line and 1,040 feet from the south section line of said Section 35. Ditch used to fill reservoir: Red Mountain Ditch via the Stein Lateral Capacity: 1.0 c.f.s. Legal description: The Witness Corner to the Southwest Corner of Section 5, Township 10 South, Range 84 West of the 6th P.M. bears south 84 degrees, 01 minute west a distance of 884.4 feet. The headgate is located in the SW ¼ of the SW ¼ of said Section 5. Source: Hunter Creek, tributary to the Roaring Fork River, tributary to the Colorado River. Appropriation date: October 15, 2004. Amount remaining conditional: 1.251 acre-feet, with the right to fill and refill when water is physically and legally available. The Red Butte Ranch Pond No. 1 Augmentation Pond was originally decreed conditional for a total of 3.0 acre-feet. Case No. 13CW3107 decreed 1.749 acre-feet absolute. Use: Recreational, aesthetic, and augmentation of evaporative losses of the Red Butte Pond System described above. The pond was originally used to store and release consumptive use credits under the plan for augmentation decreed in Case No. 95CW366. General description of place of use: Red Butte Ranch Subdivision. 500 Jalanda Lane, Aspen, CO 81611. An outline of work the Applicants completed toward the completion of the appropriation and application of the water to beneficial use, including expenditures, is on file with the Court. Pitkin County owns the land upon which the Red Butte Ranch Pond No. 1 Augmentation Pond is located. The Applicants own the land upon which the water is placed to beneficial use. Copies of the application may be obtained from Craig Corona at cc@craigcoronalaw.com.

YOU ARE HEREBY NOTIFIED THAT YOU HAVE until the last day of FEBRUARY 2021 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 DECEMBER 2020. *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.*

20CW3178 EAGLE, PITKIN, GRAND, GARFIELD, AND SUMMIT COUNTIES. TRAVIS CREEK, TRIB. TO EAGLE RIVER, TRIB. TO COLORADO RIVER. Application for Finding of Reasonable Diligence and to Confirm Absolute, in Part. Applicants: Lot 1: Robert and Marsha Long, Lot 2: KVL Holdings, Inc., a California corporation, Lot 3: Dr. Richard Cunningham, c/o Sara M. Dunn and Erika Gibson, Balcomb & Green, P.C., P.O. Drawer 790, Glenwood Springs, CO 81602; 970-945-6546. The

Subject Water Rights, the Iron Oaks Eagle River Exchange, Iron Oaks Ruedi Reservoir Exchange, and the Iron Oaks Colorado River Exchange operate pursuant to Applicants' plan for aug. decreed in Case No. 96CW358-B, as amended in Case No. 13CW3103, and utilize water supply contracts with the Bureau of Reclamation Contract No. 019E6C0269 and Colorado River Water Conservation District Contract Nos. CW13001, CW13002, and CW13003. The Iron Oaks Subdivision is a three-lot subdivision located in Eagle County, Colorado. A general location map is attached to the application as Figure 1. A map of the exchange reaches is attached to the application as Figure 2. The decreed source for the Subject Water Rights is Travis Creek, trib. to Eagle River, trib. to Colorado River. The decreed uses for the Subject Water Rights are aug., dom., irr. and fire prot. Iron Oaks Eagle River Exchange. *Upper Terminus*: the pt. of depletion for the Iron Well Nos. 1, 2, and 3 on Travis Creek generally described as a pt. in the NW1/4 of the SE1/4 of Sec. 27, T. 4 S., R. 83 W., 6th P.M., at a distance of 1800 ft. from the S. Sec. Line and 2300 ft. from the E. Sec. Line, in Eagle County, Colorado. *Lower Terminus*: the confluence of Travis Creek and the Eagle River located at a pt. in the NE1/4 of the SW1/4 of Sec. 23, T. 4 S., R. 83 W., 6th P.M., at a distance of 1600 ft. from the S. Sec. Line and 2500 ft. from the W. Sec. Line, in Eagle County, Colorado. *Date of Approp.*: 1/25/2003. *Amt*: 45 g.p.m. with an annual volumetric limit of 0.923 a.f. Iron Oaks Ruedi Reservoir Exchange. *Upper Terminus*: the pt. of depletion for the Iron Well Nos. 1, 2, and 3 on Travis Creek generally described as a pt. in the NW1/4 of the SW1/4 of Sec. 27, T. 4 S., R. 83 W., 6th P.M., at a distance of 1800 ft. from the S. Sec. line and 2300 ft. from the E. Sec. line, in Eagle County, Colorado. *Lower Terminus*: the confluence of the Roaring Fork River and the Colorado River located at a pt. in the SE1/4 of the NW1/4 of Sec. 9, T. 6 S., R. 89 W., 6th P.M., at a distance of 2100 ft. from the N. Sec. Line and 2400 ft. from the W. Sec. Line, in Garfield County, Colorado. *Date of Approp.*: 1/25/2003. *Amt*: 45 g.p.m. with an annual volumetric limit of 0.923 a.f. Iron Oaks Colorado River Exchange. *Upper Terminus*: the pt. of depletion for the Iron Well Nos. 1, 2, and 3 on Travis Creek generally described as a pt. in the NW1/4 of the SW1/4 of Sec. 27, T. 4 S., R. 83 W. of the 6th P.M., at a distance of 1800 ft. from the S. Sec. Line and 2300 ft. from the E. Sec. Line, in Eagle County, Colorado. *Lower Terminus*: the confluence of the Eagle River and the Colorado River located at a pt. in the SW1/4 of the NE1/4 of Sec. 5, T. 5 S., R. 86 W. of the 6th P.M., at a distance of 2500 ft. from the N. Sec. Line and 2000 ft. from the E. Sec. Line, in Eagle County, Colorado. *Date of Approp.*: 9/27/1996. *Amt*: 45 g.p.m. with an annual volumetric limit of 0.923 a.f. *Remarks*: This exchange utilizes replacement water from Green Mountain Reservoir or Wolford Mountain Reservoir as decreed in Case No. 96CW358-B. Applicants have diligently pursued development of the cond. water rights described herein; a list of diligence activities and expenditures is on file with this Court. Applicants are the owners of land for the Irons Well Nos. 1, 2, and 3. Claim to Confirm Absolute, in Part: Applicants Cunningham and Long seek confirmation that their portion of the Subject Water Rights have been made absolute through releases made under the Applicants' BOR Contract and individual CRWCD Contracts to replace out-of-priority depletions from the Irons Well Nos. 1 and 3 pursuant to Applicants' amended plan for aug. Iron Oaks Eagle River Exchange. *Date of beneficial use*: 8/24/2020. *Amts*: 15 g.p.m., absolute, with an annual volumetric limit of 0.308 a.f. for each Applicant (Cunningham and Long). *Uses*: Aug., dom., irr. and fire prot. *Place of beneficial use*: Lots 1 and 3 of the Iron Oaks Subdivision. Iron Oaks Ruedi Reservoir Exchange. *Date of beneficial use*: 8/2/2020. *Amts*: 15 g.p.m., absolute, with an annual volumetric limit of 0.308 a.f. for each Applicant (Cunningham and Long). *Uses*: Aug., dom., irr. and fire prot. *Place of beneficial use*: Lots 1 and 3 of the Iron Oaks Subdivision. Iron Oaks Colorado River Exchange. *Date of beneficial use*: 9/4/2020. *Amts*: 15 g.p.m., absolute, with an annual volumetric limit of 0.308 a.f. for each Applicant (Cunningham and Long). *Uses*: Aug., dom., irr. and fire prot. *Place of beneficial use*: Lots 1 and 3 of the Iron Oaks Subdivision. Applicants reserve the right to establish additional dates of beneficial use. (9 pgs.; 2 exhibits.)

YOU ARE HEREBY NOTIFIED THAT YOU HAVE until the last day of FEBRUARY 2021 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.

28. PURSUANT TO C.R.S., §37-92-302, AS AMENDED, YOU ARE NOTIFIED THAT THE FOLLOWING PAGES COMPRISE A RESUME OF THE APPLICATIONS AND AMENDED APPLICATIONS FILED WITH THE WATER CLERK FOR WATER DIVISION 5 DURING THE MONTH OF DECEMBER 2020. 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.

20CW3179 COLORADO RIVER, ROUTT COUNTY. Application for Simple Change in Surface Point of Diversion. LVJ Properties, LLC, c/o Beattie Houpt & Jarvis, PO Box 1669, Basalt, 970-945-8659. All structures: Source: Egeria Creek, trib to Colo River. Royal Flush Ditch: Original decree entered 06/29/1921 in CA738. Location: In SE1/4SE1/4 of Sec 17, T 1 N, R 84 W 6th PM, at a point on the right bank of Egeria Creek whence the SE Corner of said Sec 17 bears S 40°30' E a distance of 1,510 ft. Appropriation date: 04/21/1913. Amount: 2.0 cfs, absolute. Use: Irrigation. Amount to be changed: 2.0 cfs, absolute. Royal Flush Ditch, First Enlargement: Original decree entered 05/16/06 in 04CW247; subsequent decree entered 12/16/12 in 12CW75. Location: In SE1/4SE1/4 of Sec 17, T 1 N, R 84 W 6th PM, at a point on the right bank of Egeria Creek whence the SE Corner of said Sec 17 bears S 40°30' E a distance of 1,510 ft. Appropriation date: 08/01/98. Amount: 6.0 cfs, conditional. Uses: Irrigation, stockwatering, and to fill Lana Reservoir and Vicki Reservoir. Amount to be changed: 6.0 cfs, conditional. Proposed change: The water rights previously decreed to the Royal Flush Ditch and the Royal Flush Ditch, First Enlargement, have the same decreed point of diversion as originally decreed in CA738. The actual location of the point at which the Royal Flush Ditch diverts from Egeria Creek is more than 500 ft from the decreed point. This Application requests to change the decreed point of diversion of both water rights to the actual point of diversion of the Royal Flush Ditch. There is no intervening surface diversion point or inflow between the decreed point of diversion and the "new" point of diversion at the actual point of diversion. C.R.S. § 37-92-305(3.5)(a)(II). The relief requested will not result in diversion of an amount of water

greater than what is decreed and will not injure other water rights. Location of new surface point of diversion: In SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Sec 17, T 1 N, R 84 W 6th PM, at the following UTM Coordinates: Easting: 0343765, Northing: 4434719, Zone 13. Owner of land: Lone Creek Land Company, LLC, PO Box 82545, Lincoln, NE 68528. (5 pages)

YOU ARE HEREBY NOTIFIED THAT YOU HAVE until the last day of FEBRUARY 2021 to file with the Water Clerk a verified Statement of Opposition setting forth facts as to why this application should not be granted or why it should be granted in part or on certain conditions. A copy of such statement of opposition must also be served upon the applicant or the applicant's attorney and an affidavit or certificate of such service shall be filed with the Water Clerk, as prescribed by Rule 5, CRCP. (Filing Fee: \$192.00) KATHY POWERS, Water Clerk, Water Division 5; 109 8th Street, Suite 104 Glenwood Springs, CO 81601.

29. PURSUANT TO C.R.S., §37-92-302, AS AMENDED, YOU ARE NOTIFIED THAT THE FOLLOWING PAGES COMPRISE A RESUME OF THE APPLICATIONS AND AMENDED APPLICATIONS FILED WITH THE WATER CLERK FOR WATER DIVISION 5 DURING THE MONTH OF DECEMBER 2020. *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.*

20CW3180 PITKIN COUNTY, COLORADO RIVER OR ITS TRIBUTARIES. Application for Finding of Reasonable Diligence. DKD "2004" Trust, 1644. c/o Meghan N. Winokur, Reg No. 35973, mwinokur@hollandhart.com and Hayley K. Siltanen, Reg No. 54937, hksiltanen@hollandhart.com, at 600 E. Main Street, Suite 104, Aspen, CO 8160, 970-925-3476. **Previous Decrees:** The conditional water rights that are the subject of the Application were originally decreed in Case No. 02CW23 (Water Div. 5), by decree dated October 7, 2007 ("02CW23 Decree"), and were continued as conditional in Case No. 13CW2073, by decree dated December 28, 2014 (Water Div. 5). **Background:** The subject water rights were originally decreed to serve the property that was a portion of the Tybar Ranch and is now subdivided into 11 separate lots with common areas pursuant to the Tybar Ranch Subdivision/Planned Unit Development recorded in the public records of Pitkin County at Reception No. 53644 ("PUD"). The subject water rights serve as the basis for the domestic water supply for each of the Tybar Lots within the PUD, the supply of water to common areas within the PUD and the augmentation of out-of-priority depletions associated with the same under the plan for augmentation approved in the 02CW23 Decree. The locations of the subject water rights are set forth below and shown on the map attached to the Application as Figure 1. **Names of Structures:** Tybar Lot No. 1 Well through Tybar Lot No. 11 Well ("Tybar Lot Wells"). **Legal Descriptions:** Tybar Lot No. 1 Well, Section 14, T. 8 S., R. 88 W. of the 6th P.M., 1440 feet from the North section line, 2740 feet from the East section line. Tybar Lot No. 2 Well, Section 14, T. 8 S., R. 88 W. of the 6th P.M., 1010 feet from the North section line, 1220 feet from the East section line. Tybar Lot No. 3 Well, Section 14, T. 8 S., R. 88 W. of the 6th P.M., 1030 feet from the North section line, 2750 feet from the East section line. Tybar Lot No. 4 Well, Section 14, T. 8 S., R. 88 W. of the 6th P.M., 400 feet from the North section line, 2780 feet from the West section line. Tybar Lot No. 5 Well, Section 14, T. 8 S., R. 88 W. of the 6th P.M., 1750 feet from the North section line, 2350 feet from the East section line. Tybar Lot No. 6 Well, Section 14, T. 8 S., R. 88 W. of the 6th P.M., 3100 feet from the North section line, 100 feet from the East section line. Tybar Lot No. 7 Well, Section 13, T. 8 S., R. 88 W. of the 6th P.M., 2250 feet from the North section line, 1600 feet from the West section line. Tybar Lot No. 8 Well, Section 13, T. 8 S., R. 88 W. of the 6th P.M., 2250 feet from the North section line, 2200 feet from the West section line. Tybar Lot No. 9 Well, Section 13, T. 8 S., R. 88 W. of the 6th P.M., 1750 feet from the North section line, 1350 feet from the West section line. Tybar Lot No. 10 Well, Section 13, T. 8 S., R. 88 W. of the 6th P.M., 1250 feet from the North section line, 1050 feet from the West section line. Tybar Lot No. 11 Well, Section 13, T. 8 S., R. 88 W. of the 6th P.M., 1050 feet from the North section line, 300 feet from the West section line. **Source:** Water tributary to Prince Creek, tributary to the Crystal River, tributary to the Roaring Fork River, tributary to the Colorado River. **Appropriation Date:** November 30, 1999. **Amount:** 15 gpm, conditional, for each of the Tybar Lot Wells. **Uses:** Domestic, fire protection, limited irrigation, and livestock watering. The lands to be irrigated will be irrigated with a separate raw water system; however, since it is anticipated that there will be outdoor hose bibs for incidental uses, it has been calculated that these will be the equivalent of 0.23 acres of irrigation total for all of the Tybar Lot Wells collectively based on use that would be no more than the equivalent of 500 square feet of irrigated area for each of the eleven (11) residential units located in the Tybar Ranch Subdivision/P.U.D. ("PUD") located in Sections 13 and 14, T. 8 S., R. 88 W. of the 6th P.M. The non-irrigation uses are for all uses and purposes described above as are necessary and attendant to the water needs of single-family residences and associated barns. **Name of Structure:** Tybar Ranch Ditch and Pipeline Enlargement. **Legal Description:** In the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 14, T. 8 S., R. 88 W. of the 6th P.M., at a point whence the E. $\frac{1}{4}$ corner of Section 14 bears N. 2°30' E. 705 feet. **Source:** Prince Creek, tributary to the Crystal River, tributary to the Roaring Fork River, tributary to the Colorado River. **Appropriation Date:** November 3, 1999. **Amount:** 3.0 cfs, conditional. **Uses:** Storage for augmentation purposes. **Remarks:** The Tybar Ranch Ditch and Pipeline water right was originally adjudicated in Case No. 85CW120, Water Division No. 5, wherein Applicant was awarded 3.0 c.f.s. conditional, 0.2 cfs of which was decreed for irrigation on four acres of the Applicant's land and livestock watering, and 2.8 cfs of which was decreed to supply water to the Dallas Pond, Worth Pond, Texoma Pond and Tybar Pond as originally decreed in such case with the right to refill in priority. The original appropriation date of such water right was November 2, 1984, with the water being applied to beneficial use on August 1, 1986. Such right was made absolute in Case No. 89CW171, Water Division No. 5. **Name of Structure:** Bull Pasture Diversion No. 1. **Legal Description:** In the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 13, T. 8 S., R. 88 W. of the 6th P.M., at a point 1230 feet from West line, 1,630 feet from South line; UTM NAD 27 312590, 4358417. **Source:** Unnamed tributary to Prince Creek, tributary to the Crystal River, tributary to the Roaring Fork River, tributary to the Colorado River. **Appropriation Date:** August 18, 2005. **Amount:** 0.1 cfs, conditional. **Uses:** Fire protection, irrigation, and livestock watering. The proposed land to be irrigated is located in the Prince Creek drainage within Sections 13 and 14, T. 8 S., R. 88 W. of the 6th P.M. **Name of Structure:** Bull Pasture Diversion No. 2. **Legal Description:** In the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 14, T. 8 S., R. 88 W. of the 6th P.M., at

a point 140 feet from East line, 2,050 feet from South line; UTM NAD 27 312175, 4358558. **Source:** Unnamed tributary of Prince Creek, tributary to the Crystal River, tributary to the Roaring Fork River, tributary to the Colorado River. **Appropriation Date:** August 18, 2005. **Amount:** 0.1 cfs, conditional. **Uses:** Fire protection, irrigation, and livestock watering. The proposed land to be irrigated is located in the Prince Creek drainage within Sections 13 and 14, T. 8 S., R. 88 W. of the 6th P.M. **Name of Structure:** Bull Pasture Pond Fill Ditch. **Legal Description:** In the NE1/4SW1/4 of Section 13, T. 8 S., R. 88 W. of the 6th P.M., at a point approximately 1625 feet from the West section line and 1550 feet from the South section line. **Source:** Prince Creek, tributary to the Crystal River, tributary to the Roaring Fork River, tributary to the Colorado River. **Appropriation Date:** August 18, 2005. **Amount:** 1.0 cfs, conditional. **Decreed Uses:** Pond filling in the Bull Pasture Pond for subsequent use for fire protection, irrigation and livestock watering. **Name of Structure:** Dallas Pond. **Legal Description:** In the NE ¼ SE ¼ of Section 14, T. 8 S., R. 88 W. of the 6th P.M., at a point whence the E. ¼ corner of Section 14 bears N. 39° 55' E 570 feet. The Tybar Ranch Ditch and Pipeline Enlargement as described herein is to be used to fill the Dallas Pond. **Source:** Prince Creek, tributary to the Crystal River, tributary to the Roaring Fork River, tributary to the Colorado River. **Appropriation Date:** November 3, 1999. **Amount:** 1.0 acre-feet, conditional. The rate of fill is 3.0 cfs, conditional. **Uses:** Augmentation purposes to support those well uses described above, pursuant to the terms and conditions of the plan for augmentation approved in the 02CW23 Decree. **Name of Structure:** Worth Pond. **Legal Description:** In the NW ¼ SE ¼ of Section 14, T. 8 S., R. 88 W. of the 6th P.M., at a point whence the E. ¼ corner of said Section 14 bears N. 65° 25' E. 660 feet. The Tybar Ranch Ditch and Pipeline Enlargement as described herein is to be used to fill the Worth Pond. **Source:** Prince Creek, tributary to the Crystal River, tributary to the Roaring Fork River, tributary to the Colorado River. **Appropriation Date:** November 3, 1999. **Amount:** 1.5 acre-feet, conditional. The rate of fill is 3.0 cfs, conditional. **Uses:** Augmentation purposes to support those well uses described above, pursuant to the terms and conditions of the plan for augmentation approved in the 02CW23 Decree. **Name of Structure:** Texoma Pond. **Legal Description:** In the NE ¼ SE ¼ of Section 14, T. 8 S., R. 88 W. of the 6th P.M., at a point whence the E. ¼ corner of said Section 14 bears N. 74° 00' E 800 feet. The Tybar Ranch Ditch and Pipeline Enlargement as described herein is to be used to fill the Texoma Pond. **Source:** Prince Creek, tributary to the Crystal River, tributary to the Roaring Fork River, tributary to the Colorado River. **Appropriation Date:** November 3, 1999. **Amount:** 1.5 acre-feet, conditional. The rate of fill is 3.0 cfs, conditional. **Uses:** Augmentation purposes to support those well uses described above, pursuant to the terms and conditions of the plan for augmentation approved in the 02CW23 Decree. **Name of Structure:** Tybar Pond. **Legal Description:** In the NE ¼ SE ¼ of Section 14, T. 8 S., R. 88 W. of the 6th P.M., at a point whence the East Quarter Corner of said Section 14 bears N. 72° 15' E. 1030 feet. The Tybar Ranch Ditch and Pipeline Enlargement as described herein is to be used to fill the Tybar Pond. **Source:** Prince Creek, tributary to the Crystal River, tributary to the Roaring Fork River, tributary to the Colorado River. **Appropriation Date:** November 3, 1999. **Amount:** 1.5 acre-feet, conditional. The rate of fill is 3.0 cfs, conditional. **Uses:** Augmentation purposes to support those well uses described above, pursuant to the terms and conditions of the plan for augmentation approved in the 02CW23 Decree. **Name of Structure:** Bull Pasture Pond. **Legal Description:** In the NW1/4SW1/4 of Section 13, T. 8 S., R. 88 W. of the 6th P.M., at a point 1,310 feet from the West line, 1,630 Feet from the South line; UTM NAD 27 312615, 4358417. The Bull Pasture Pond Fill Ditch as described herein is to be used to fill the Bull Pasture Pond. **Source:** Prince Creek, tributary to the Crystal River, tributary to the Roaring Fork River, tributary to the Colorado River. **Appropriation Date:** August 18, 2005. **Amount:** 3.0 acre-feet, conditional. The rate of fill is 1.0 cfs, conditional. **Uses:** Augmentation and livestock watering. **Integrated water supply system:** The subject water rights are components of an integrated water supply system for the PUD. Given the interrelated and interdependent nature of the various components of Applicant's integrated water system to serve the PUD, work completed with respect to any one component of Applicant's water system should appropriately be considered in finding that reasonable diligence has been shown in the development of water rights for all features of Applicant's integrated water supply system. See C.R.S. § 37-92-301(4)(b). **Evidence of Reasonable Diligence:** A detailed outline of what has been performed toward completion of the appropriations during the diligence period is included in the Application. **Name and address of owner of the land upon which any new diversion of storage structure, or modification to any existing diversion or storage structure is or will be constructed upon which water is or will be stored, including any modification to the existing storage pool:** Applicant. (13 pages)

YOU ARE HEREBY NOTIFIED THAT YOU HAVE until the last day of FEBRUARY 2021 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.

30. PURSUANT TO C.R.S., §37-92-302, AS AMENDED, YOU ARE NOTIFIED THAT THE FOLLOWING PAGES COMPRISE A RESUME OF THE APPLICATIONS AND AMENDED APPLICATIONS FILED WITH THE WATER CLERK FOR WATER DIVISION 5 DURING THE MONTH OF DECEMBER 2020. 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.

20CW3181 GARFIELD COUNTY, COLORADO, COLORADO RIVER. APPLICATION FOR CHANGE IN WATER RIGHT, AND TO MAKE CONDITIONAL WATER RIGHT ABSOLUTE, AND FOR FINDING OF REASONABLE DILIGENCE. **Name and address of Applicant:** Town of New Castle, P.O. Box 90, New Castle, CO 81647. Please direct all correspondence, motions and pleadings to Michael J. Sawyer, KARP NEU HANLON, P.C., 201 14th Street, Suite 200, P.O. Drawer 2030, Glenwood Springs, CO 81602 (970) 945-2261. **FIRST CLAIM: CHANGE OF LOCATION OF WATER RIGHT.** **Name of structure:** Coal Ridge Park North Well. **Date of original decree:** December 28, 2014 in Case No. 2013CW3085, District Court in and for Water Division 5. **Subsequent decrees awarding findings of diligence:** None. **Legal description:** Located near the south bank of the

Colorado River in the NE1/4 SE1/4 of Section 31, Township 5 South, Range 90 West of the 6th P.M. a distance of 215 feet west of the east section line and 1,840 feet north of the south section line. Source: Groundwater tributary to the Colorado River. Appropriation date: July 23, 2013. Amount: 25 g.p.m., conditional, 7.49 acre-feet, conditional cumulatively with Coal Ridge Park South Well. Uses: Irrigation of 2.2 acres of park areas in Coal Ridge Park cumulatively with the Coal Ridge Park South Well. Amount of water to be changed: 25 g.p.m., conditional. Note: Use of Coal Ridge Park North Well and Coal Ridge Park South Well is augmented under Case No. 13CW3085. Description of proposed change: Applicant proposes to add an alternate point of diversion for the Coal Ridge Park North Well to include the Coal Ridge Park South Well. The location of the Coal Ridge Park South Well is the NE1/4 SE1/4 of Section 31, Township 5 South, Range 90 West of the 6th P.M., a distance of 215 feet west of the east section line and 1,815 feet north of the south section line. Cumulatively, the Coal Ridge Park North Well and Coal Ridge Park South Well as alternate points of diversion will be limited to a maximum pumping rate of 50 g.p.m. and a cumulative withdrawal of 7.49 acre-feet per year. SECOND CLAIM: CHANGE OF LOCATION OF WATER RIGHT. Name of structure: *Coal Ridge Park South Well*. Date of original decree: December 28, 2014 in Case No. 2013CW3085, District Court in and for Water Division 5. Subsequent decrees awarding findings of diligence: None. Legal description: Located near the south bank of the Colorado River in the NE1/4 SE1/4 of Section 31, Township 5 South, Range 90 West of the 6th P.M., a distance of 215 feet west of the east section line and 1,815 feet north of the south section line. Source: Groundwater tributary to the Colorado River. Appropriation date: July 23, 2013. Amount: 25 g.p.m., conditional, 7.49 acre-feet, conditional cumulatively with Coal Ridge Park North Well. Uses: Irrigation of 2.2 acres of park areas in Coal Ridge Park cumulatively with the Coal Ridge Park North Well. Amount of water to be changed: 25 g.p.m., conditional. Note: Use of Coal Ridge Park South Well and Coal Ridge Park North Well is augmented under Case No. 13CW3085. Description of proposed change: Applicant proposes to add an alternate point of diversion for the Coal Ridge Park South Well to include the Coal Ridge Park North Well. The location of the Coal Ridge Park North Well is the NE1/4 SE1/4 of Section 31, Township 5 South, Range 90 West of the 6th P.M., a distance of 215 feet west of the east section line and 1,840 feet north of the south section line. Cumulatively, the Coal Ridge Park North Well and Coal Ridge Park South Well as alternative points of diversion will be limited to a maximum pumping rate of 50 g.p.m. and a cumulative withdrawal of 7.49 acre-feet per year. THIRD CLAIM: APPLICATION FOR FINDING OF REASONABLE DILIGENCE. Name of structure: *Coal Ridge Park North Well*. Date of original decree: December 28, 2014 in Case No. 2013CW3085, District Court in and for Water Division 5. Subsequent decrees awarding findings of diligence: None. Legal description: Located near the south bank of the Colorado River in the NE1/4 SE1/4 of Section 31, Township 5 South, Range 90 West of the 6th P.M. a distance of 215 feet west of the east section line and 1,840 feet north of the south section line. Source: Groundwater tributary to the Colorado River. Appropriation date: July 23, 2013. Amount: 25 g.p.m., conditional, 7.49 acre-feet, conditional cumulatively with Coal Ridge Park South Well. Uses: Irrigation of 2.2 acres of park areas in Coal Ridge Park cumulatively with the Coal Ridge Park South Well. Remarks: The Coal Ridge Park North Well operates pursuant to the plan for augmentation decreed in Case No. 2013CW3085. Claim for diligence: Applicant requests a finding of diligence for 25 g.p.m., conditional, for the Coal Ridge Park North Well. FOURTH CLAIM: FINDING MAKING CONDITIONAL RIGHT ABSOLUTE, OR ALTERNATIVELY, FOR REASONABLE DILIGENCE. Name of structure: *Coal Ridge Park South Well*. Date of original decree: December 28, 2014 in Case No. 2013CW3085, District Court in and for Water Division 5. Subsequent decrees awarding findings of diligence: None. Legal description: Located near the south bank of the Colorado River in the NE1/4 SE1/4 of Section 31, Township 5 South, Range 90 West of the 6th P.M., a distance of 215 feet west of the east section line and 1,815 feet north of the south section line. Source: Groundwater tributary to the Colorado River. Appropriation date: July 23, 2013. Amount: 25 g.p.m., conditional, 7.49 acre-feet, conditional cumulatively with Coal Ridge Park North Well. Uses: Irrigation of 2.2 acres of park areas in Coal Ridge Park cumulatively with Coal Ridge Park North Well. Depth: 35 feet. Remarks: The Coal Ridge Park South Well operates pursuant to the plan for augmentation decreed in Case No. 2013CW3085. Claim to Make Absolute: Date additional water first applied to beneficial use: May 24, 2018. Amount of water applied to beneficial use: 25 g.p.m. for irrigation purposes. Description of place where water has been applied to beneficial use: Irrigation of 2.2 acres in Coal Ridge Park. Claim for Reasonable Diligence: If the 25 g.p.m. is not determined to be absolute, then Applicant requests a finding of diligence for 25 g.p.m., conditional, for the Coal Ridge Park South Well for irrigation purposes. FIFTH CLAIM: APPLICATION FOR FINDING OF REASONABLE DILIGENCE. Name of structure: *Grand River Park Well No. 1*. Date of original decree: December 28, 2014 in Case No. 2013CW3085, District Court in and for Water Division 5. Subsequent decrees awarding findings of diligence: None. Legal description: Located near the south bank of the Colorado River in the SE1/4 SE1/4 of Section 32, Township 5 South, Range 90 West of the 6th P.M., a distance of 1,000 feet west of the east section line and 65 feet north of the south section line. Source: Groundwater tributary to the Colorado River. Appropriation date: November 8, 2006 Amount: 50 g.p.m., absolute, 20.6 acre-feet absolute, 6.84 acre-feet, conditional. Uses: Irrigation of 8.13 acres. Depth: 55 feet. Remarks: The Grand River Park Well No. 1 operates pursuant to the plan for augmentation decreed in Case No. 2013CW3085. Claim for diligence: Applicant requests a finding of diligence for 6.84 acre-feet of diversions, conditional, for the Grand River Park Well No. 1 for irrigation purposes. Names and addresses of owners of land upon which structures are located: Applicant. Diligence activities: The Application contains an exhibit depicting the location of the structures and a detailed outline of what has been done by Applicant during the diligence period toward or for completion of the appropriation and application of the conditional water rights to beneficial use as decreed, including expenditures which are on file with the Water Court (45 pp. with exhibits). **YOU ARE HEREBY NOTIFIED THAT YOU HAVE until the last day of FEBRUARY 2021 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.**

31. PURSUANT TO C.R.S., §37-92-302, AS AMENDED, YOU ARE NOTIFIED THAT THE FOLLOWING PAGES COMPRISE A RESUME OF THE APPLICATIONS AND AMENDED APPLICATIONS FILED WITH THE WATER CLERK FOR WATER DIVISION 5 DURING THE MONTH OF DECEMBER 2020. *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.*

20CW3182 GARFIELD COUNTY, ROARING FORK AND COLORADO RIVERS. Application for Water Storage Right. Flannery Water, LLC, c/o Beattie Houpt & Jarvis, PO Box 1669, Basalt, 970-945-8659. Flannery Reservoir: Location: The center of the dam is located in the NW¼SW¼, §8, T 7 S, R 89 W 6th PM at a point approx. 2,000 ft N of S sec line and 75 ft E of W sec line, also described as: Easting: 296824.9, Northing: 4370199.8, Zone 13. Source: Three Mile Creek, trib to the Roaring Fork and Colo Rivers. Dam is constructed across the channel of Three Mile Creek. Appropriation date: 05/18/2000. Date water applied to beneficial use: 07/22/16. Amount: A total of 250 af, distributed as follows: 105 af absolute for recreation, fish culture, wildlife watering and habitat, aesthetic, firefighting, fire protection, and stock watering; 145 af conditional for recreation, fish culture, wildlife watering and habitat, aesthetic, firefighting, fire protection, and stock watering; and 250 af conditional for irrigation. Area proposed to be irrigated: 276 acres in §§ 32, 33 and 34, T 6 S, R 89 W 6th PM. Surface area: Approx 32 acres. Vertical height: 21 ft. Existing dam height is 15 ft; dam will be raised as necessary to achieve 250 af of storage. Length: 200 ft. Capacity: 250 af. Dead storage: None. A conditional water right for Flannery Reservoir was previously decreed for the storage of 444 af in 89CW259. By Order in 03CW63, the previous storage right was abandoned, except for approx. 8.0 af that had been incorporated into various augmentation plans, as recognized by the Amended Decree in 89CW258 and 89CW259. Water has been stored in the reservoir every year for the purposes described above. Owners of land: Dam and a portion of the reservoir are located on land owned by Mahan Properties and Mahan Properties Revocable Trust, 1293 Jasmine St, Melbourne FL 32935, and a portion of the reservoir is located on land owned by Applicant. (5 pages)

YOU ARE HEREBY NOTIFIED THAT YOU HAVE until the last day of FEBRUARY 2021 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.

32. 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 DECEMBER 2020. *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.*

20CW3183 GRAND COUNTY, FRASER AND COLORADO RIVERS. Application for Findings of Reasonable Diligence. Carlisle Grace, Ltd., c/o Beattie Houpt & Jarvis, PO Box 1669, Basalt, 970-945-8659. All structures: Original decree entered 05/29/07 in 05CW280; subsequent decree entered 12/31/14 in 13CW3009. "Domestic" use means ordinary domestic uses for up to 3 single-family homes. Irrigated area size: 10,000 sf. All springs are trib to Hamilton Creek, trib to Hurd Creek, trib to Ranch Creek, trib to Fraser and Colo Rivers. All ponds: Max height: Less than 10 ft. Length: 100 ft. Dead storage: 0.0 af. Crystalline Spring No. 1: Location: NE¼SE¼, Sec 34, T 1 N, R 75 W 6th PM, 467 ft from E line and 2,228 ft from S line. Approp. dates: 07/30/86 for domestic use; 10/18/05 for irrigation, stockwatering, wildlife habitat/watering, aesthetic, to fill Crystalline Pond Nos. 2, 3, 8, 9. Amount and uses: 10 gpm cond. for domestic; 15 gpm cond. for irrigation, stockwatering, wild-life habitat/watering, aesthetic, to fill Crystalline Pond Nos. 2, 3, 8, 9. Irrigated area: NE¼SE¼, Sec 34, T 1 N, R 75 W 6th PM. Crystalline Spring No. 2: Location: NE¼SE¼, Sec 34, T 1 N, R 75 W 6th PM, 353.1 ft from E line and 2,054.7 ft from S line. Approp. date: 10/18/05. Amount: 15 gpm cond. Uses: Irrigation, stockwatering, domestic, wildlife habitat/watering, aesthetic, to fill Crystalline Pond Nos. 2, 3, 8, 9. Irrigated area: NE¼SE¼, Sec 34, T 1 N, R 75 W 6th PM. Crystalline Spring No. 3: Location: NE¼SE¼, Sec 34, T 1 N, R 75 W 6th PM, 922.9 ft from E line and 1,539.7 ft from S line. Approp. date: 10/18/05. Amount: 15 gpm cond. Uses: Stockwatering, wildlife habitat/watering, aesthetic, to fill Crystalline Pond Nos. 4, 7, 10. Crystalline Spring No. 4: Location: NE¼SE¼, Sec 34, T 1 N, R 75 W 6th PM, 845.5 ft from E line and 1,812.7 ft from S line. Approp. date: 10/18/05. Amount: 15 gpm cond. Uses: Stockwatering, wildlife habitat/watering, aesthetic, to fill Crystalline Pond Nos. 3, 4, 7, 9, 10. Crystalline Spring No. 5: Location: NE¼SE¼, Sec 34, T 1 N, R 75 W 6th PM, 942.7 ft from E line and 2,535.6 ft from S line. Approp. date: 10/18/05. Amount: 15 gpm cond. Uses: Stockwatering, wildlife habitat/watering, aesthetic, to fill Crystalline Pond Nos. 6 and 11. Crystalline Spring No. 6: Location: NW¼SE¼, Sec 34, T 1 N, R 75 W 6th PM, 1,557.1 ft from E line and 2,442.0 ft from S line. Approp. date: 10/18/05. Amount: 15 gpm cond. Uses: Stockwatering, wildlife habitat/watering, aesthetic, to fill Crystalline Pond No. 6. Crystalline Spring No. 7: Location: NW¼SE¼, Sec 34, T 1 N, R 75 W 6th PM, 1,387.7 ft from E line and 1,480.0 ft from S line. Approp. date: 10/18/05. Amount: 15 gpm cond. Uses: Irrigation, stockwatering, domestic, wildlife habitat/watering, aesthetic, to fill Crystalline Pond Nos. 1, 4, 5, 10 and 12. Irrigated area: SW¼SE¼, Sec 34, T 1 N, R 75 W 6th PM. Crystalline Spring No. 8: Location: SE¼SE¼, Sec 34, T 1 N, R 75 W 6th PM, 1,256.9 ft from E line and 1,187.0 ft from S line. Approp. date: 10/18/05. Amount: 15 gpm cond. Uses: Irrigation, stockwatering, domestic, wildlife habitat/watering, aesthetic, to fill Crystalline Pond Nos. 1, 5, 10, 12. Irrigated area: SW¼SE¼, Sec 34, T 1 N, R 75 W 6th PM. Crystalline Spring No. 9: Location: SW¼SE¼, Sec 34, T 1 N, R 75 W 6th PM, 1,534.7 ft from E line and 501.7 ft from S line. Approp. dates: 07/30/86 for wildlife habitat/watering, aesthetic, to fill Crystalline Pond No. 1, and 10/18/05 for irrigation, stockwatering, domestic. Amount and uses: 15 gpm cond. for irrigation, stockwatering, domestic. Irrigated area: SW¼SE¼, Sec 34, T 1 N, R 75 W 6th PM. Crystalline Spring No. 10: Location: SW¼SE¼, Sec 34, T 1 N, R 75 W 6th PM, 1,502.4 ft from E line and 473.4 ft from S line. Approp. dates: 07/30/86 for wildlife habitat/watering, aesthetic, to fill Crystalline Pond No. 1; 10/18/05 for irrigation, stockwatering, domestic. Amount and use: 15

gpm cond. for irrigation, stockwatering, and domestic. Irrigated area: SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec 34, T 1 N, R 75 W 6th PM. Crystalline Spring No. 11: Location: SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec 34, T 1 N, R 75 W 6th PM, 2,042.8 ft from E line and 377.6 ft from S line. Approp. dates: 07/30/86 for wildlife habitat/watering, aesthetic, to fill Crystalline Pond No. 1; 10/18/05 for irrigation, stock-watering, domestic. Amount and use: 15 gpm cond. for irrigation, stockwatering, domestic. Irrigated area: SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec 34, T 1 N, R 75 W 6th PM. Crystalline Spring No. 12: Location: SE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec 34, T 1 N, R 75 W 6th PM, 3,106.5 ft from E line and 312.4 ft from S line. Approp. date: 10/18/05. Amount: 15 gpm cond. Uses: Irrigation, stockwatering, domestic, wildlife habitat/watering, aesthetic, to fill Crystalline Pond No. 14. Irrigated area: SE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec 34, T 1 N, R 75 W 6th PM. Crystalline Spring No. 13: Location: SE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec 34, T 1 N, R 75 W 6th PM, 2,872.9 ft from E line and 594.5 ft from S line. Approp. date: 10/18/05. Amount: 15 gpm cond. Uses: Irrigation, stockwatering, domestic, wildlife habitat/watering, aesthetic, and to fill Crystalline Pond Nos. 14 and 15. Irrigated area: SE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec 34, T 1 N, Range 75 W 6th PM. Crystalline Spring No. 14: Location: SE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec 34, T 1 N, R 75 W 6th PM, 3,223.4 ft from E line and 681.3 ft from S line. Approp. date: 10/18/05. Amount: 15 gpm cond. Uses: Stockwatering, wildlife habitat/watering, and aesthetic. Crystalline Spring No. 15: Location: SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec 34, T 1 N, R 75 W 6th PM, 1,140.0 ft from E line and 953.0 ft from S line. Approp. date: 10/18/05. Amount: 15 gpm cond. Uses: Irrigation, stockwatering, domestic, wildlife habitat/watering, aesthetic, and to fill Crystal-line Pond Nos. 1, 5, 12. Irrigated area: SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec 34, T 1 N, R 75 W 6th PM. Crystalline Spring No. 16: Location: SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec 34, T 1 N, R 75 W 6th PM, 2,390.0 ft from E line and 260.0 ft from S line. Approp. dates: 09/30/90 for wildlife habitat/watering, aesthetic, and to fill Crystalline Pond No. 13 and 10/18/05 for irrigation, stockwatering, domestic. Amount: 15 gpm cond. Irrigated area: SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec 34, T 1 N, R 75 W 6th PM. Crystalline Pond No. 1: Location: SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec 34, T 1 N, R 75 W 6th PM. Center of pond is 1,749 ft from E line and 167 ft from S line. Pond is on-channel in an ephemeral stream and is filled from snowmelt and rainfall runoff and from Crystalline Spring Nos. 7–11 and 15. Approp. dates: 07/30/86 for stockwatering, wildlife habitat/watering, and aesthetic uses and 10/18/05 for irrigation and domestic. Amount and uses: 0.20 af cond. for irrigation and domestic. Irrigated area: SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec 34, T 1 N, R 75 W 6th PM. Ditches used to fill: Crystalline Spring Nos. 7-11 and 15. Rate of fill: 0.25 cfs. Area: 0.065 ac. Length: 40 ft. Capacity: 0.20 af. Crystalline Pond No. 2: Location: NE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec 34, T 1 N, R 75 W 6th PM. Center of pond is 815 ft from E line and 2,185 ft from S line. Pond is off-channel and filled from snowmelt and rainfall runoff and from Crystalline Spring Nos. 1 and 2. Approp. date: 10/18/05. Amount: 0.20 af cond. with right to fill and refill. Uses: Irrigation, stockwatering, wildlife habitat/watering, aesthetic, domestic. Irrigated area: NE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec 34, T 1 N, R 75 W 6th PM. Ditches used to fill: Crystalline Spring Nos. 1 and 2. Rate of fill: 30 gpm. Area: 0.10 ac. Capacity: 0.20 af. Crystalline Pond No. 3: Location: NE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec 34, T 1 N, R 75 W 6th PM. Center of pond is 910 ft from E line and 1,733 ft from S line. Pond is on-channel in an ephemeral stream and is filled from snowmelt and rainfall runoff and from Crystalline Spring Nos. 1, 2 and 4. Approp. date: 10/18/05. Amount: 0.20 af cond. with right to fill and refill in priority. Uses: Stockwatering, wildlife habitat/watering, and aesthetic. Ditches used to fill: Crystalline Spring Nos. 1, 2 and 4. Rate of fill: 0.25 cfs. Area: 0.10 ac. Capacity: 0.20 af. Crystalline Pond No. 4: Location: NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec 34, T 1 N, R 75 W 6th PM. Center of pond is 1,345 ft from E line and 1,343 ft from S line. Pond is on-channel in an ephemeral stream and filled from snowmelt and rainfall runoff and from Crystalline Spring Nos. 3, 4 and 7. Approp. date: 10/18/05. Amount: 0.20 af cond. with right to fill and refill. Uses: Stockwatering, wildlife habitat/watering, and aesthetic. Ditches used to fill: Crystalline Spring Nos. 3, 4 and 7. Rate of fill: 0.25 cfs. Area: 0.10 ac. Capacity: 0.20 af. Crystalline Pond No. 5: Location: SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec 34, T 1 N, R 75 W 6th PM. Center of pond is 1,245 ft from E line and 1,083 ft from S line. Pond is on-channel in an ephemeral stream and is filled from snowmelt and rainfall runoff and from Crystalline Spring Nos. 7, 8 and 15. Approp. date: 10/18/05. Amount: 0.20 af cond. with right to fill and refill. Uses: Stockwatering, wildlife habitat/watering, and aesthetic. Ditches used to fill: Crystalline Spring Nos. 7, 8 and 15. Rate of fill: 0.25 cfs. Area: 0.10 ac. Capacity: 0.20 af. Crystalline Pond No. 6: Location: NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec 34, T 1 N, R 75 W 6th PM. Center of pond is 1,735 ft from E line and 2,373 ft from S line. Pond is on-channel in an ephemeral stream and is filled from snowmelt and rainfall runoff and from Crystalline Spring Nos. 5 and 6. Approp. date: 10/18/05. Amount: 0.20 af cond. with right to fill and refill. Uses: Stockwatering, wildlife habitat/watering, and aesthetic. Ditches used to fill: Crystalline Spring Nos. 5 and 6. Rate of fill: 0.25 cfs. Area: 0.10 ac. Capacity: 0.20 af. Crystalline Pond No. 7: Location: NESE $\frac{1}{4}$, Sec 34, T 1 N, R 75 W 6th PM. Center of pond is 1,055 ft from E line and 1,493 ft from S line. Pond is on-channel in an ephemeral stream and is filled from snowmelt and rainfall runoff and from Crystalline Spring Nos. 3 and 4. Approp. date: 10/18/05. Amount: 0.20 af cond. with right to fill and refill. Uses: Stockwatering, wildlife habitat/watering, aesthetic. Ditches used to fill: Crystalline Spring Nos. 3 and 4. Rate of fill: 0.25 cfs. Area: 0.10 ac. Capacity: 0.20 af. Crystalline Pond No. 8: Location: NE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec 34, T 1 N, R 75 W 6th PM. Center of pond is 700 ft from E line and 2,095 ft from S line. Pond is located on-channel in an ephemeral stream and is filled from snowmelt and rainfall runoff and from Crystalline Spring Nos. 1 and 2. Approp. date: 10/18/05. Amount: 0.20 af cond. with right to fill and refill. Uses: Stockwatering, wildlife habitat/watering, and aesthetic. Ditches used to fill: Crystalline Spring Nos. 1 and 2. Rate of fill: 0.25 cfs. Area: 0.10 ac. Capacity: 0.20 af. Crystalline Pond No. 9: Location: NE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec 34, T 1 N, R 75 W 6th PM. Center of pond is 975 ft from E line and 1,903 ft from S line. Pond is on-channel in an ephemeral stream and is filled from snowmelt and rainfall runoff and from Crystalline Spring Nos. 1, 2 and 4. Approp. date: 10/18/05. Amount: 0.20 af cond. with right to fill and refill. Uses: Stockwatering, wildlife habitat/watering, aesthetic. Ditches used to fill: Crystalline Spring Nos. 1, 2 and 4. Rate of fill: 0.25 cfs. Area: 0.10 ac. Capacity: 0.20 af. Crystalline Pond No. 10: Location: SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec 34, T 1 N, R 75 W 6th PM. Center of pond is 1,335 ft from E line and 1,230 ft from S line. Pond is on-channel in an ephemeral stream and is filled from snowmelt and rainfall runoff and from Crystalline Spring Nos. 3, 4, 7 and 8. Approp. date: 10/18/05. Amount: 0.20 af cond. with right to fill and refill. Uses: Stockwatering, wildlife habitat/watering, and aesthetic. Ditches used to fill: Crystalline Spring Nos. 3, 4, 7 and 8. Rate of fill: 0.25 cfs. Area: 0.10 ac. Capacity: 0.20 af. Crystalline Pond No. 11: Location: NE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec 34, T 1 N, R 75 W 6th PM. Center of pond is 995 ft from E line and 2,490 ft from S line. Pond is on-channel in an ephemeral stream and is filled from snowmelt and rainfall runoff and from Crystalline Spring No. 5. Approp. date: 10/18/05. Amount: 0.20 af cond. with right to fill and refill. Uses: Stockwatering, wildlife habitat/ watering, and aesthetic. Ditch used to fill: Crystalline Spring No. 5. Rate of fill: 0.25 cfs. Area: 0.10 ac. Capacity: 0.20 af. Crystalline Pond No. 12: Location: SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec 34, T 1 N, R 75 W 6th PM. Center of pond is 1,230 ft from E line and 913 ft from S line. Pond is off-channel; filled from snowmelt and rainfall

runoff and from Crystalline Spring Nos. 7, 8 and 15. Approp. date: 10/18/05. Amount: 0.20 af cond. with right to fill and refill. Uses: Stockwatering, wildlife habitat/watering, aesthetic, and domestic. Ditches used to fill: Crystalline Spring Nos. 7, 8 and 15. Rate of fill: 15 gpm. Area: 0.10 ac. Capacity: 0.20 af. Crystalline Pond No. 13: Location: SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec 34, T 1 N, R 75 W 6th PM. Center of pond is 2,380 ft from E line and 160 ft from S line. Pond is off-channel; filled from snowmelt and rainfall runoff and from Crystalline Spring No. 16. Approp. dates: 09/30/90 for stockwatering, wildlife habitat/watering, and aesthetic uses and 10/18/05 for irrigation and domestic. Amount and uses: 0.13 af cond. with the right to fill and refill for irrigation and domestic. Irrigated area: SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec 34, T 1 N, R 75 W 6th PM. Ditch used to fill: Crystalline Spring No. 16. Rate of fill: 15 gpm. Area: 0.05 ac. Capacity: 0.13 af. Crystalline Pond No. 14: Location: SE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec 34, T 1 N, R 75 W 6th PM. Center of pond is 3,035 ft from E line and 240 ft from S line. Pond is off-channel; filled from snowmelt and rainfall runoff and from Crystalline Spring Nos. 12 and 13. Approp. date: 10/18/05. Amount: 0.20 af cond. with right to fill and refill for irrigation, stockwatering, wildlife habitat/watering, aesthetic, domestic. Irrigated area: SE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec 34, T 1 N, R 75 W 6th PM. Ditches used to fill: Crystalline Spring Nos. 12 and 13. Rate: 15 gpm. Area: 0.10 ac. Capacity: 0.20 af. Crystalline Pond No. 15: Location: SE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec 34, T 1 N, R 75 W 6th PM. Center of pond is 2,875 ft from E line and 495 ft from S line. Pond is off-channel; filled from snowmelt and rainfall runoff and from Crystalline Spring No. 13. Approp. date: 10/18/05. Amount: 0.20 af cond. with right to fill and refill for irrigation, stockwatering, wildlife habitat/watering, aesthetic, domestic. Irrigated area: SE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec 34, T 1 N, R 75 W 6th PM. Ditch used to fill: Crystalline Spring No. 13. Rate of fill: 15 gpm. Area: 0.10 ac. Capacity: 0.20 af. Application on file includes a list of activities demonstrating diligence. Owner of land: Applicant. (32 pages)

YOU ARE HEREBY NOTIFIED THAT YOU HAVE until the last day of FEBRUARY 2021 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.

33. PURSUANT TO C.R.S., §37-92-302, AS AMENDED, YOU ARE NOTIFIED THAT THE FOLLOWING PAGES COMPRISE A RESUME OF THE APPLICATIONS AND AMENDED APPLICATIONS FILED WITH THE WATER CLERK FOR WATER DIVISION 5 DURING THE MONTH OF DECEMBER 2020. *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.*

20CW3184 EAGLE COUNTY. EAGLE RIVER. Daniel S. Barry, c/o Corona Water Law, Craig Corona, Esq., cc@craigcoronalaw.com (970)948-6523. APPLICATION FOR WATER STORAGE RIGHT AND APPROVAL OF PLAN FOR AUGMENTATION AND APPROPRIATIVE EXCHANGE. **FIRST CLAIM: FOR ABSOLUTE WATER STORAGE RIGHT.** Reservoir: Barry Pond. Legal description: located in the NW $\frac{1}{4}$, NE $\frac{1}{4}$, Section 18, Township 5 South, Range 82 West, 6th P.M., 543 feet from the North Section Line and 2,111 feet from the East Section Line. UTM coordinates: Easting: 361322.8. Northing: 4387112.5. Zone: 13. Address: 16 West Lake Creek Road, Edwards CO 81632. Source: East Lake Creek, tributary to Lake Creek, tributary to the Eagle River, tributary to the Colorado River. Ditch used to fill reservoir: Barry Ditch. Legal description: UTM coordinates Easting: 361271.5. Northing: 4387072.1. Zone: 13. Appropriation date: November 1, 1999. Date water applied to beneficial use: November 1, 1999. Amount: 0.56 acre feet, with the right to fill and refill. Rate of diversion: up to 1 c.f.s. Uses: Fire protection, aesthetic, piscatorial, and recreation. Claim to make absolute: Date water applied to beneficial use: November 1, 1999. Amount: 0.56 acre-feet. **SECOND CLAIM: FOR APPROVAL OF PLAN FOR AUGMENTATION.** Augmented structure: Barry Pond. Water rights to be used for augmentation: Colorado River Water Conservation District Contract. A description of the water rights used for augmentation is on file with the Court. Statement of plan for augmentation. Summary. During times of a senior water right call that is recognized and administered by the Division Engineer, Applicant will cause releases to be made pursuant to Applicant's water allotment contract with the Colorado River Water Conservation District to address such calls and continue to divert to the Barry Pond to replace evaporation. During senior calls that are recognized and administered by the Division Engineer from a water right in a location that cannot be addressed by releases pursuant to Applicant's water allotment contract, Applicant will curtail diversions to the Barry Pond. Augmentation releases under Applicant's water allotment contract will be made from Wolford Mountain Reservoir, Ruedi Reservoir or Eagle Park Reservoir up to 0.30 acre-feet per year. **THIRD CLAIM: FOR APPROPRIATIVE RIGHT OF EXCHANGE:** Exchange name: Barry Exchange. Exchange Reach: Downstream termini: Confluence of the Colorado River and the Roaring Fork River, which is currently located in the SE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 9, Township 6 South, Range 89 West of the 6th P.M. at a point approximately 2,200 feet from the north section line and 2,350 feet from the west section line of said Section 9. Confluence of the Colorado River and the Eagle River, which is currently located in the SW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 5, Township 5 South, Range 86 West of the 6th P.M. at a point approximately 2,400 feet from the north section line and 1,900 feet from the east section line of said Section 6. Confluence of Lake Creek and the Eagle River, which is currently located in the NE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 6, Township 5 South, Range 82 West of the 6th P.M. at a point 600 feet from the north section line and 110 feet from the east section line. Upstream terminus: the upstream terminus is the point of diversion of the Barry Ditch. Appropriation date: The date of this Application. How appropriation was initiated: By filing this Application. Maximum rate of exchange: Up to 1 c.f.s., conditional. Maximum volume of exchange: up to 0.30 acre-feet per year. Use: Exchange for subsequent fire protection, aesthetic, piscatorial and recreation use in Barry Pond. Copies of the application may be obtained from Craig Corona at cc@craigcoronalaw.com.

YOU ARE HEREBY NOTIFIED THAT YOU HAVE until the last day of FEBRUARY 2021 to file with the Water Clerk a verified Statement of Opposition setting forth facts as to why this application should not be granted or why it should be granted in part or on certain conditions. A copy of such statement of opposition must also be served upon the applicant or the applicant's

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

34. PURSUANT TO C.R.S., §37-92-302, AS AMENDED, YOU ARE NOTIFIED THAT THE FOLLOWING PAGES COMPRISE A RESUME OF THE APPLICATIONS AND AMENDED APPLICATIONS FILED WITH THE WATER CLERK FOR WATER DIVISION 5 DURING THE MONTH OF DECEMBER 2020. *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.*

20CW3185 DISTRICT COURT, WATER DIVISION NO. 5, STATE OF COLORADO, GRAND COUNTY – ST. LOUIS CREEK, TRIBUTARY TO THE FRASER AND COLORADO RIVERS. CORNERSTONE WINTER PARK HOLDINGS, LLC; BYERS PEAK PROPERTIES, LLC; BYERS PEAK DOWNHILL PROPERTIES, LLC; C. CLARK LIPSCOMB; and MEREDITH C. LIPSCOMB; COLORADO ADVENTURE PARK LLC c/o Kevin L. Patrick, Esq. and Jason M. Groves, Esq., Patrick, Miller & Noto, P.C., 229 Midland Ave., Basalt, CO 81621 (970) 920-1030. APPLICATION FOR WATER RIGHT. CLAIM: Application for new (surface) Water Right Name of structure: Byers Peak Renewable Energy Facility. Legal description: The plant is a kinetic run of the river facility located within St. Louis Creek in the NW1/4 SW1/4 of Section 19, Township 1 S., Range 75 W. of the 6th P.M., at a point 2,176 feet from the South section line and 108 feet from the West section line of said Section 19 (Grand County). A map is on file with the court as Exhibit A. Amount: 150.0 c.f.s., conditional. Use: Hydro-electrical generation. Owner of land upon which water right will be located and water used: Applicants, C. Clark and Meredith C. Lipscomb. Electricity generated may be used on or to offset power used on each of the applicants' properties as well as provided to the grid. Remarks: The design being employed is a run of the river kinetic energy generation plant which does not impound water and hence is non-consumptive in nature.

YOU ARE HEREBY NOTIFIED THAT YOU HAVE until the last day of FEBRUARY 2021 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.

35. 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 DECEMBER 2020. *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.*

20CW3186 PITKIN COUNTY. APPLICATION TO MAKE CONDITIONAL WATER RIGHT ABSOLUTE OR, IN THE ALTERNATIVE, FOR FINDING OF REASONABLE DILIGENCE. Roaring River Ranch, LLC, c/o Mark E. Hamilton, Esq., and Hayley K. Siltanen, Esq., Holland & Hart LLP, 600 E. Main St., Ste. 104, Aspen, CO 81611-1991, (970) 925-3476, mehamilton@hollandhart.com, hksiltanen@hollandhart.com. 2. Name of Structure: RRR Snowmass Divide Ditch Exchange. 3. Information from Previous Decrees: *a. Date of Original Decree:* The original decree was entered on March 30, 2008 in Case No. 03CW136, District Court, Water Division No. 5. Findings of reasonable diligence subsequently issued on December 28, 2014 in Case No. 14CW3030, District Court, Water Division No. 5. *b. Legal Description:* 1. Lower Terminus: The confluence of Snowmass Creek and the Roaring Fork River, located in the SE1/4 of the NW1/4 of Sec. 27, T. 8 S., R. 86 W. of the 6th P.M., at a point approximately 1,350 ft. from the N. section line and 1,610 ft. from the W. section line. 2. Upper Terminus: The Pines Grove Pipeline which is located on left bank of the Roaring Fork River, whence the SE Corner of Sec. 6, T. 9 S., R. 85 W., of the 6th P.M., bears S.17°30'E. 1,750 ft., also described as being in the NE1/4SE1/4, said Sec. 6, approx. 1630 ft. from the S. section line and 600 ft. from the E. section line. The lower terminus and the upper terminus at the existing point of diversion for the Pine Groves Pipeline are depicted on the map attached to the Application as Exhibit A. *c. Source:* Snowmass Divide Ditch diverted from the Roaring Fork River at the Pines Grove Pipeline. *d. Amount:* 0.157 c.f.s., cond. *e. Approp. Date:* 06/30/2003. *f. Use:* exchange of Applicant's ownership interests in the Snowmass Divide Ditch (CA 1088 and CA 2584) and Snowmass Divide Ditch Enlargement (CA 3082) irrigation water rights (the "SDD Water Rights") for diversion at the Pines Grove Pipeline for irrigation of 3.8 acres historically irrigated by the SDD Water Rights. *g. Remarks:* In Case No. 03CW136, the Court approved the Pine Groves Pipeline as a new alternate point of diversion for Applicant's ownership interests in SDD Water Rights via the RRR Snowmass Divide Ditch Exchange. The Pine Groves Pipeline is a structure owned by Applicant and is located upstream of the confluence of Snowmass Creek and the Roaring Fork River with a decreed point of diversion as described above and in Case No. 94CW380. The RRR Snowmass Divide Ditch Exchange is limited to the amounts of water available to Applicant under its proportionate ownership interest in the SDD Water Rights. 4. Claim to Make Absolute: *a. Date water applied to beneficial use:* Applicant operated the exchange beginning June 1, 2016 when Applicant diverted water through the Pines Grove Pipeline and irrigated the 3.8 acres of land historically irrigated by the SDD Water Rights. Amount: 0.157 c.f.s. Use: irrigation by exchange. Water diverted through the Pines Grove Pipeline under the RRR Snowmass Divide Ditch Exchange was used for irrigation use on RRR's property, which is depicted on Exhibit A. Diversion records which document diversions through the Pines Grove Pipeline during the diligence period are attached to the Application as Exhibit B, and diversion records for the Snowmass Divide Ditch from when Applicant operated the exchange are attached to the Application as Exhibit C. As shown by the records attached to the Application as Exhibit D, there was no call on the Roaring Fork River in the exchange reach when Applicant operated the exchange. The written notification, dated March 7, 2016, to the Division Engineer's Office regarding Applicant's intent to begin operating the RRR Snowmass Divide Ditch Exchange,

by diverting the Applicant's interests in the SDD Water Rights by exchange at the Pine Groves Pipeline, is attached to the Application as Exhibit E. See Paragraph 6, Case No. 03CW136. 5. Outline of what has been done toward completion of the appropriation and application of water to a beneficial use as conditionally decreed. A detailed outline of activity during the diligence period is included in the Application. 6. Names and addresses of owners of land on which structure is located and upon which water is placed to beneficial use: The Pines Grove Pipeline is located on land owned by Applicant. (6 pages plus exhibits)

YOU ARE HEREBY NOTIFIED THAT YOU HAVE until the last day of FEBRUARY 2021 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.

36. 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 DECEMBER 2020. *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.*

20CW3187 PITKIN COUNTY. WOODY CREEK, TRIB. TO THE ROARING FORK RIVER, TRIB. TO THE COLORADO RIVER. Application for Change of Water Rights and Approval of an Amended Plan for Augmentation with Appropriative Right of Exchange. Applicants: Compass for Lifelong Discovery, a Colorado non-profit corporation ("Compass"), c/o Christopher L. Geiger and Margaret L. Casey, Balcomb & Green, P.C., P.O. Drawer 790, Glenwood Springs, CO 81602; 970-945-6546 and Aspen School Dist. ("ASD"), c/o Mark E. Hamilton and Hayley Siltanen, Holland & Hart, LLP, 600 Main St., Suite 104, Aspen, CO 81611; 970-925-3476. Summary of Application. Compass is a nonprofit educational organization which serves the Roaring Fork Valley at two campus locations. The subject of this application is the water supply for Compass's Aspen Community School campus in Woody Creek. The Water Court confirmed water rights and approved a plan of aug. for the Aspen Community School in Case No. 97CW222 (the "97CW222 Decree"). ASD joins in the first claim set forth in this application for change of water right as the owner of irr. water rights in the Waco Ditch, a portion of which have been leased to Compass, that are the subject of this claim. Co-Applicants jointly seek approval of a change of the water rights leased by ASD to Compass to add aug. as a use in order to provide a new local aug. supply for the Aspen Community School. Compass also seeks to amend its plan for aug. approved in the 97CW222 Decree to include this additional replacement supply. Compass further requests that it be allowed in the future to reconstruct one or more replacement wells for the Aspen Community School Well No. 2 at any location within the boundaries of the Compass School Well Field shown on Exhibit B to application and operate said replacement well(s) pursuant to this plan for aug. provided that the diversion rate shall not exceed 25 g.p.m. First Claim: Change of Water Rights for Waco Ditch Interests Leased by ASD to Compass. Decreed Water Right for Which Change is Sought: Compass's leasehold interest in the Waco Ditch priorities decreed in the Pitkin County Dist. Court in Civil Action 132 on 5/11/1889, Civil Action 3082 on 8/25/1936, and Civil Action 3732 on 8/25/1949 pursuant to that certain lease by and between ASD and Compass dated 6/1/2020 (the "ASD Lease"). Compass's leasehold interest in ASD's Waco Ditch water rights is for up to 0.29 AF of fully consumable consumptive use credit associated with 0.0258 c.f.s. of the cumulative decreed diversion rates for the four Waco Ditch priorities, together with the right to use the 0.29 AF of consumptive use credit and 0.001 c.f.s. of said 0.0258 c.f.s. of the cumulative decreed diversion rates for the four Waco Ditch priorities for replacement purposes pursuant to the ASD Lease. Compass's leasehold interest in the Waco Ditch priorities to be changed in this proceeding is comprised of the following: 0.0027 c.f.s. of the 4.0 c.f.s. decreed to Priority No. 1 in Civil Action 132 with date of approp. of 6/18/1880; 0.0039 c.f.s. of the 5.75 c.f.s. decreed to Priority No. 105 in Civil Action 132 with date of approp. of 3/2/1884; 0.0089 c.f.s. of the 13.19 c.f.s. decreed to Priority 403J in Civil Action 3082 with date of approp. of 6/1/1916; and 0.0103 c.f.s. of the 13.19 c.f.s. decreed to Priority 463 in Civil Action 3732 with date of approp. of 9/1/1936. Decreed Source of Water: Woody Creek, trib. to the Roaring Fork River, trib. to the Colorado River. Legal Description: At a pt. whence the re-survey corner of Secs. 9, 10, 15 and 16, T. 9 S., R. 85 W., 6th P.M. bears N. 48 deg. 21' west 1829.2 ft. on the N. bank of Woody Creek in Pitkin County, Colorado. Decreed Use: Irr. Hist. Use: ASD owns 2.34 percent of the total water rights decreed to the Waco Ditch, consisting of: 0.094 c.f.s. of 4.0 c.f.s. in Priority No. 1; 0.134 c.f.s. of 5.75 c.f.s. in Priority No. 105; 0.308 c.f.s. of 13.19 c.f.s. in Priority No. 403J; and 0.356 c.f.s. of 15.26 in Priority No. 463. ASD obtained decrees in Case Nos. 97CW172 and 08CW197 which confirmed that ASD's Waco Ditch water rights hist.ly irrigated 9.0 acres on ASD's West Ranch teacher housing development. At the conclusion of these cases, ASD retained the right to irrigate 3.65 acres of these 9.0 hist.ly irrigated acres with its Waco Ditch water rights. Diversion records for the Waco Ditch from 1951 to 1996 are tabulated on the attached Table 3 to the engineering report prepared by LRE Water d/b/a Resource Engineering submitted with this Application as Exhibit A. Diversion records associated with ASD's 2.34 percent ownership of the Waco Ditch water rights are tabulated on Table 4 to Exhibit A. The Exhibit A LRE Report utilizes a study period from 1951 to 1997, which is a representative period of use of ASD water rights and includes dry years, average years, and wet years prior to the development of the West Ranch property. Change of Use: Hist. Consumptive Use: Compass now requests to change 0.0258 c.f.s. of the four Waco Ditch priorities described herein, and to use up to 0.29 AF of hist. consumptive use credit ("HCU Credit") associated with cessation of irr. of an additional 0.26 acre portion of the 3.65 acres that were not removed from irr. pursuant to Cases No. 97CW172 and 08CW197 to provide fully consumable consumptive use credit for use as replacement water pursuant to an updated and amended plan for aug. for the Aspen Community School as described in Sec. 4 of application. This change is requested as an alternate use; if the ASD Lease ever terminates ASD may resume use of the water rights changed herein for irr. purposes upon the original hist. irrigated acreage. The allocation of HCU Credit to be made available in an

amount of up to 0.29 AF for operation of the plan for aug. for the Aspen Community School requested herein is shown in Column 6 of Table 9 in Exhibit A of application. Compass will use up to 0.29 AF of fully consumptive HCU Credit associated with the cessation of irr. of up to an additional 0.26 acres located upon ASD's West Ranch parcel to augment out of priority depletions that may otherwise result from water use on the Aspen Community School property for the benefit of senior vested water rights located on the Roaring Fork and Colorado Rivers below the Point of Return Flow shown on the map attached as Exhibit B to this Application, pursuant to the updated and amended plan for aug. for the Aspen Community School requested in Sec. 4 of application. Compass requests to change the method of use of its leasehold interest in ASD's Waco Ditch water rights from direct diversion for irr. use to bypass to Woody Creek for aug. of the uses described below pursuant to the plan for aug. described in Sec. 4 of application. Should the ASD Lease ever terminate, ASD or its successor may resume diversion and use of the Waco Ditch water rights to be changed herein for irr. of ASD's West Ranch property, or such other use(s) as may be approved by this Court in a subsequent change of water right proceeding. Diversion Credit: Diversion and hist. use of ASD's Waco Ditch water was 95 percent depletive to Woody Creek. ASD water diverted into the Waco Ditch was carried out of the Woody Creek drainage for irr. of lands in the Roaring Fork River drainage. This diversion depletion is shown in Table 5 of Exhibit A to application. As part of its requested change of water right, Compass will bypass up to the 0.0258 c.f.s. portion of ASD's Waco Ditch water rights that hist. irrigated approx. 0.26 acres on ASD's West Ranch property and leave this water in Woody Creek. The average monthly additional flow in Woody Creek that will result from this bypass operation is shown in Column 4 in Table 9 of Exhibit A to application. Compass also claims the right to use 0.001 c.f.s. of this increased bypass flow as a credit ("Diversion Credit") to augment out of priority depletions by the Aspen Community School Well No. 2 for the benefit of senior vested water rights located on Woody Creek between the headgate of the Waco Ditch down to and through the confluence of Woody Creek and the Roaring Fork Rivers to the Point of Return Flow shown on the map attached as Exhibit B to this Application, pursuant to the plan for aug. described in Sec. 4 of application. This 0.001 c.f.s. diversion credit exceeds, and therefore will fully replace, the net delayed depletion from operation of the Aspen Community School Well No. 2, as shown in Table 8 of Exhibit A. Second Claim: Approval of Updated Plan for Aug. for the Aspen Community School. Description of Plan for Aug.: This plan for aug. supersedes the plan for aug. plan decreed in Case No. 97CW222, and will replace out of priority depletions from operation of the Aspen Community School Well No. 2 as described herein and in the LRE Report attached as Exhibit A to application. Structure to be Augmented: Aspen Community School Well No. 2. Decree Information: Case No. 97CW222 entered 2/20/1998, Dist. Court, Water Division No. 5. Legal Description: SW1/4, SE1/4 of Sec. 10, T. 9 S., R. 85 W., 6th P.M. at a pt. 2,855 ft. from the W. Sec. Line and 239 ft. from the S. Sec. Line. Decreed Source of Water: Groundwater trib. to Woody Creek, trib. to the Roaring Fork River, trib. to the Colorado River. Depth: 240 ft. Date of Approp.: 1/15/1997. Decreed Amt: 25 g.p.m. (up to 8.99 AF of annual diversions pursuant to the plan for aug. decreed in Case No. 97CW222). Permit No.: 049604-F. Decreed Uses: Dom., fire prot., and irr. of up to 0.46 acres located in parts of the NW1/4 of Sec. 15 and SW1/4 of Sec. 10, T. 9 S., R. 85 W., 6th P.M.; all of these decreed uses are specifically associated with Compass's Woody Creek School campus operations in the decree entered in Case No. 97CW222. Sources of Aug. Supply: Waco Ditch HCU Credit and Diversion Credit: Up to 0.29 AF of the HCU Credit and 0.001 c.f.s. of the Diversion Credit available to Compass pursuant to its ASD lease and made available pursuant to the change of water rights described in Sec. 3 of application. BWCD Water Allotment Contract: Compass holds Basalt Water Conservancy Dist. ("BWCD") Water Allotment Contract No. 303 for 2.0 AF of water. This 2.0 AF contract is based on Compass's plan for aug. decreed in Case No. 97CW222. If Compass's request to amend this plan is approved herein, Compass may reduce the contract amount to 0.2 AF to meet the replacement requirements shown in Table 9, Column 8, in the LRE Report attached as Exhibit A to application. Sources of replacement water available to Compass pursuant to Contract No. 303 include the following water supplies. Ruedi Reservoir: Source: Fryingpan River, trib. of Colorado River. Legal Description: An on-channel reservoir located in Secs. 7, 8, 9, 11, and 14 through 18, T. 8 S., R. 84 W., 6th P.M. The reservoir is located in portions of Eagle and Pitkin counties. Adjud. Date: 6/20/1958. Approp. Date: 7/29/1957. Case No.: C.A. 4613. Court: Garfield County Dist. Court. Decreed Amt.: 102,369 AF. The water right was orig. decreed for 140,697.3 AF and reduced to 102,369 AF in Case No. W-789-76. The full amt. was made absolute in Case No. 88CW85. Decreed Uses: Generation of electric energy, dom., mun., pisc., ind., and irr. Refill: By decree of the Water Court in Case No. 81CW34, Ruedi Reservoir was decreed a refill right in the amt. of 101,280 AF, cond. In Water Court Case No. 95CW95, 44,509 AF of the refill right was made absolute. In Water Court Case 01CW269, an additional 25,257 AF of the refill right was made absolute, for a total of 69,766 AF absolute in the refill right. BWCD Interest: BWCD holds contract numbers 2-07-70-W0546, 009D6C0014, 039F6C0012 and 139D6C0099 with the United States Bureau of Reclamation. These four contracts collectively entitle BWCD to delivery of 1790 AF of water annually from the regulatory capacity of Ruedi Reservoir, subject to the terms and conditions of the contracts between BWCD and the Bureau of Reclamation. Green Mountain Reservoir: Source: Blue River, trib. of Colorado River. Legal Description: Located approx. 16 miles S.E. of the Town of Kremmling in Summit County, Colorado, and more particularly in all or parts of Secs. 11, 12, 13, 14, 15, and 24 of T. 2 S., R. 80 W., and in Secs. 17, 18, 19, 20, 21, 28, 29, and 34, T. 2 S., R. 79 W., 6th P.M. Adjud. Date: 12/12/1955. Approp. Date: 8/1/1935. Case Nos.: 2782, 5016, and 5017. Court: United States Dist. Court, Dist. of Colorado. Decreed Amt.: 154,645 AF. Decreed Uses: In accordance with paragraph 5(a), (b), and (c) of the Sec. entitled "Manner of Operation of Project Facilities and Auxiliary Facilities" in Senate Document 80. BWCD Interest: BWCD holds Contract No. 8-07-60-W0727 with the United States Bureau of Reclamation. This contract entitles the BWCD to delivery of 1,000 AF of water annually from the marketable yield of Green Mountain Reservoir, subject to the terms and conditions of the contracts between BWCD and Bureau of Reclamation. Robinson Ditch: Information from previous decrees for Robinson Ditch rights:

STRUCTURE	DECREED AMOUNT/ (C.F.S.)	AMOUNT OWNED BY BWCD (C.F.S.)(1)	ADJ. DATE	APP. DATE	PRIORITY	CASE NO. (2)
ROBINSON DITCH	5.00	1.21	05/11/1889	06/15/1882	38	132
ROBINSON DITCH	2.50	0.60	05/11/1889	04/15/1886	140	132
ROBINSON DITCH	2.00	0.48	05/11/1889	11/15/1886	167	132
ROBINSON DITCH	10.70	2.59	12/29/1903	04/25/1899	212C	1061
ROBINSON DITCH	20.06	4.85	08/25/1936	04/25/1900	326	3082

(1) The BWCD owns 441 shares of Class 1 stock issued by the Robinson Ditch Company. The said 441 shares equal 24.16% of the total shares and are associated with 9.73 c.f.s. of the 40.26 c.f.s. decreed to the Robinson Ditch.

(2) BWCD Court in and for Garfield County

Legal Description: The pt. of diversion, as decreed, is located on the N. bank of the Roaring Fork River one-half mile below the mouth of Sopris Creek in Sec. 11, T. 8 S., R. 87 W., 6th P.M. Hist. Use: Irr. of approx. 137.2 acres of hay and pasture under BWCD's interest in the Robinson Ditch water rights. In Case No. 93CW319, the Court decreed that 360 AF of annual consumptive-use credits are associated with said irr. In that case, the Court also decreed a change of use of BWCD's Robinson Ditch rights to include aug. BWCD makes the credits available to contract allottees for use pursuant to an approved substitute supply plan or decree of Court. BWCD applies the credits principally to the aug. of Blue Creek and the Roaring Fork River. Troy & Edith Ditch: Information from previous decrees for Troy & Edith Ditch rights:

Structure	Priority	Case No.	Adj. Date	App. Date	Decreed Amount (C.F.S.)	Use (4)	AMOUNT SOLD, TRANSFERRED OR RESERVED					AMOUNT REMAINING FOR BWCD (10)	
							(5)	(6)	(7)	(8)	(9)	C.F.S.	AF
Troy Ditch (1)	370	3082	08/25/1936	05/01/1906	5.10	I	0.000	0.000	0.095	0.064	0.035	4.906	N/A
Troy Ditch 1st Enl.	427	3082	08/25/1936	05/01/1928	10.80	I	0.000	0.000	0.200	0.134	0.073	10.393	N/A
Troy Ditch 2nd Enl.	669	4613	06/20/1958	06/01/1942	6.20	I	0.000	0.000	0.115	0.077	0.042	5.966	N/A
Edith Ditch	353	3082	08/25/1936	05/01/1904	2.72	I	0.110	0.1320	0.050	0.000	0.018	2.410	N/A
Edith Ditch 1st Enl.	673	4613	06/20/1958	07/01/1946	3.23	I	0.000	0.000	0.060	0.000	0.022	3.148	N/A
Troy Ditch Water System a.k.a. Lower Headgate	(2)	W-2281			15.50(3)	I, D, M, C, P	0.110	0.1320	0.520	0.275	0.190	14.273	412.89

(1) Orig. diverted from Miller Creek. All others orig. diverted from Fryngpan River.

- (2) Alternate pt. for all priorities of Troy and Edith Ditches.
- (3) Combined amount limited to 15.5 c.f.s. and 453 AF of consumptive use, 300 AF of which can be stored.
- (4) I = Irr., D = Dom., M = Municipal, C = Industrial and P = Piscatorial.
- (5) Transferred to Edith Ditch Well in Case No. 80CW1 with 1.0 AF.
- (6) Transferred to three springs on Cap K Ranch in Case No. 82CW189 (1.29 AF assumed to be included).
- (7) Deeded to George Yates with 15.4 AF in 1983. 0.2 c.f.s. and 10.60 c.f.s. was included in Case No. 82CW357 for Ruedi S. Shores plan for aug.
- (8) Deeded to Joan Wheeler in 1987 for diversion at the Troy Ditch 1st and 2nd Enlargement (16.9 AF assumed to be included).
- (9) Reserved for aug. of Cap K Ponds with 5.52 AF. Case No. 91CW220.
- (10) A total of 40.11 AF of the original 453.00 AF has been sold or transferred.

In Case No. W-2281, Division 5, the Court decreed that 453 AF of annual consumptive-use credits were available to these ditches, and that 300 AF could be stored in an unnamed reservoir. BWCD owns 412.89 AF of the 453 AF and makes the water rights available to contract allottees for use pursuant to an approved substitute supply plan or decree of Court. This Court changed the use of the 412.89 AF to include aug. and exchange in Case Nos. 98CW26 and 98CW89 (Consolidated). The Troy and Edith Ditch aug. water can be delivered to the Fryingpan, Roaring Fork or Colorado Rivers by bypassing water at the headgate on the Fryingpan River. Operation of Plan for Aug.: Compass's 97CW222 Decree plan for aug. contemplated a dom. water supply for up to 144 students and faculty, five employee housing units, 12 dormitory units, four single-family homes and 0.46 acre of irr., all supplied by the Aspen Community School Well No. 2, with total annual diversions of 8.97 AF and resulting depletions of 1.97 AF. Compass's water supply needs have since evolved, and the updated plan for aug. requested herein refines and, significantly reduces, the diversion requirement for the Aspen Community School and the resulting depletion volume. The plan for aug. proposed herein also replaces 3.0 AF of replacement water stored in the proposed Aspen Community School Pond with Compass's leasehold interest in the Waco Ditch priorities changed in paragraph 3 of application. Dom.: Under this plan for aug., the Aspen Community School Well No. 2 will provide the dom. water supply for 154 students and employees, five employee apartments, and other dom. uses at Compass's public educational facility related to educational services. Cumulative annual diversions from the Aspen Community School Well No. 2 for these needs are estimated at 2.73 AF. Effluent will be treated through an on-site sewage disposal system with assumed efficiency of 85 percent, and the resulting total annual depletion associated with the diversions of 2.73 AF is 0.41 AF. This is less than 25 percent of the depletion permitted by the 97CW222 Decree. A schedule of diversions and depletions is shown in Table 1 within Exhibit A to application. These diversions and depletions impact Woody Creek below the headgate of Waco Ditch. Irr.: The Aspen Community School Well No. 2 will not be used for irr. purposes under this plan for aug. Any future irr. within the Aspen Community School campus will be performed using other water supplies available to Compass. Seepage and Evap.: The 97CW222 Decree also replaces seepage and evap. from the Clavel Ditch, First Enlargement and Aspen Community School Pond water rights. Seepage and evap. from these structures will not be augmented under this plan for aug. Well Replacement: Compass requests that it be allowed in the future to reconstruct one or more replacement wells for the Aspen Community School Well No. 2 at any location within the boundaries of the Compass School Well Field shown on Exhibit B to application and operate said replacement well(s) pursuant to this plan for aug. provided that the diversion rate shall not exceed 25.0 g.p.m. Hist. Delayed Irr. Return Flows: To the extent necessary to prevent injury from the change of water rights requested in paragraph 3 of application, Compass will replace delayed irr. return flows to the Roaring Fork or Colorado Rivers through release of water for such purposes from contract supplies available to it in Ruedi and Green Mountain Reservoirs. Delayed return flows from hist. irr. that may be owed to the system are shown as negative values in Table 9, Column 6, in the LRE Report attached as Exhibit A to application. Call Scenarios: Woody Creek: If an administrative call is enforced on Woody Creek below the pt. where diversions by the Aspen Community School Well No. 2 impacts the creek, resulting out-of-priority depletions will be replaced by Compass's bypass of the 0.001 c.f.s. Diversion Credit. No local calls are expected on Woody Creek outside of the hist. season of use of ASD's Waco Ditch water rights, and the Diversion Credit should be adequate to prevent injury from operation of Compass's Aspen Community School Well No. 2 to senior calling water rights on Woody Creek during this period. Roaring Fork River above Fryingpan River: If an administrative call is enforced on the Roaring Fork River below Woody Creek and above the pt. where hist. irr. return flows arising from use of ASD's Waco Ditch water rights returned to the Roaring Fork River, out-of-priority depletions resulting from use of the Aspen Community School Well No. 2 will be replaced by Compass's bypass of the 0.001 c.f.s. Diversion Credit. If an administrative call is enforced on the Roaring Fork River below the pt. where hist. irr. return flows resulting from use of ASD's Waco Ditch water rights returned to the Roaring Fork River, out-of-priority depletions resulting from use of the Aspen Community School Well No. 2 will be replaced by HCU Credits in the amounts and schedule shown on shown on Table 9 of Exhibit B to application. No calls are expected on Woody Creek or the Roaring Fork River outside of the hist. season of use of ASD's Waco Ditch water rights, and the Diversion Credit and HCU Credit should be adequate to prevent injury from operation of Compass's Aspen Community School Well No. 2 to senior calling water rights on Woody Creek or the Roaring Fork River during this period. Roaring Fork River below Fryingpan River and Colorado River below Roaring Fork River: If an administrative call is enforced on the Roaring Fork River below its confluence with the Fryingpan River or on the Colorado River below its confluence with the Roaring Fork River, out-of-priority depletions resulting from use of the Aspen Community School Well No. 2 will be replaced by HCU Credits in the amounts and schedule shown on shown on Table 9 of Exhibit A to application when available. If an administrative call is enforced on the Roaring Fork River below its confluence with the Fryingpan River or on the Colorado River below its confluence with the Roaring Fork River, at times that HCU Credits are not available in sufficient supply to satisfy the call, replacement water will provided under Compass's BWCD contract supplies at a location upstream of the calling right and utilized, by exchange, to replace out-of-priority depletions. It is estimated that up to 0.2 AF (including 10% transit loss) of BWCD contract supplies are required to replace out-of-priority depletions as shown on

Table 9 of Exhibit A to application. Approp. Rights of Exchange. This plan for aug. will operate by exchange when utilizing replacement water available to Compass under its BWCD Contract No. 303. The overall exchange reach extends from the confluence of the Colorado River and the Roaring Fork River up the Roaring Fork River to its confluence with Woody Creek, and then up Woody Creek to the Aspen Community School Well No. 2 pt. of depletion near the Waco Ditch headgate. Individual replacement supplies available under Contract No. 303 have specific lower exchange termini as described below, and the upper exchange terminus is to the Aspen Community School Well No. 2 pt. of depletion near the Waco Ditch headgate in each instance. Green Mountain Reservoir Supply Lower Terminus: Confluence of the Colorado River and the Roaring Fork River, which is currently located in the SE1/4, NW1/4 of Sec. 9, T. 6 S., R. 89 W., 6th P.M., at a pt. approx. 2,200 ft. from the N. Sec. line and 2,350 ft. from the W. Sec. line of said Sec. 9. Ruedi Reservoir Supply and Troy & Edith Ditch Supply Lower Terminus: Confluence of the Roaring Fork River and the Fryingpan River, which is currently located in the SW1/4 SE1/4, Sec. 7, T. 8 S., R. 86 W., 6th P.M., at a pt. approx. 750 ft. from the S. Sec. line and 1,440 ft. from the E. Sec. line of the said Sec. 7. Robinson Ditch Supply Lower Terminus: Confluence of the Roaring Fork River and Blue Creek, which is approx. in the NW1/4 SE1/4 Sec. 27, T. 7 S., R. 88 W., 6th P.M. at a pt. 1,520 ft. from the S. Sec. line and 1,420 ft. from the E. Sec. line of said Sec. 27. Upper Terminus: The upper terminus is the Aspen Community School Well No. 2 pt. of depletion near the Waco ditch headgate described above. A map of the exchange reaches is attached as Exhibit C to application. Amt.: The max. rate of exchange is 0.001 c.f.s. and up to 0.2 AF per year. Date of Approp.: The date of filing this application. Use: Exchange of replacement water for operation of plan for aug. described herein. No Injury: This amended plan for aug. will be sufficient to permit the continuation of diversions when curtailment of the Aspen Community School Well No. 2 would otherwise be required to meet a valid senior downstream call for water on Woody Creek, the Roaring Fork River or the Colorado River. Operation of the amended plan for aug. as described above and subject to the terms and conditions proposed herein will prevent injury to other vested or decreed water rights. Name and Address of Landowner upon which any New or Modified Diversion or Storage Structure is Located: No new or modified storage structures are contemplated in this Application. The Aspen Community School Well No. 2 is located on property owned by WCCP 2 LLC, P.O. Box 7138, Garden City, NY 11530 (any replacement well will be on Compass's property). The headgate of the Waco Ditch is located on property owned by Kindness Trust, 1220 Woody Creek Rd., Woody Creek, CO 81656.

YOU ARE HEREBY NOTIFIED THAT YOU HAVE until the last day of FEBRUARY 2021 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.

37. 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 DECEMBER 2020. *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.*

20CW3188 PITKIN COUNTY, ROARING FORK AND COLORADO RIVERS. Application for Conditional Surface Water Right and Conditional Water Storage Right. WarDen LLC, c/o Beattie Houpt & Jarvis, PO Box 1669, Basalt, 970-945-8659. All structures: Location of irrigated area: Applicant's property. Number of acres proposed to be irrigated: 10 acres. Approp. date: 10/09/20. Source: Brush Creek, trib to Roaring Fork and Colo Rivers. The subject water rights will operate pursuant to the benefits of the carve-out decreed in 10CW305. Original decree for Lemond Ditch entered on 05/11/1889 in CA132; subsequent decrees entered in CA3723 and 09CW189. Lemond Ditch, WarDen Enlargement: Location: The headgate is located on the north bank of Brush Creek whence the Quarter corner common to Secs 29 and 32, T 9 S, R 85 W 6th PM, bears N 71 degrees 30 minutes E a distance of 285.0 ft. The structure location can also be described as located in the NW¼ of the NW¼ of Sec 32, T 9 S, R 85 W 6th PM, 990 ft from N sec line and 25 ft from W sec line. UTM Coordinates: NAD 83, Zone 13N, Northing: 4,344,044, Easting: 334,677. Amount: 1.5 cfs. Use: Irrigation. The Lemond Ditch will be used to fill WarDen Pond, and irrigation under the subject water right may be made directly from the Lemond Ditch or from WarDen Pond. WarDen Pond: Location: SE¼ of the NE¼ of Sec 29, T 9 S, R 85 W 6th PM, at a point 2,295 ft from N sec line and 15 ft from E sec line. UTM Coordinates NAD 83, Zone 13N, Northing: 4,345,255, Easting: 336,331. Name of ditch used to fill reservoir: Lemond Ditch, WarDen Enlargement, as more particularly described above. Amount: 10 af. Max rate of diversion: 1.5 cfs. Uses: Irrigation (including year-round irrigation in a greenhouse), piscatorial, fire protection, recreational, wildlife, and aesthetic. Surface area: 1.0 acre. Vertical height: Less than 10 ft. Length: 450 ft. Total/active capacity: 10 af. Dead storage: None. Owner of land where Lemond Ditch, WarDen Enlargement headgate is located: Pitkin County, 530 E. Main Street, #301, Aspen, Colo, 81611. Owner of land where WarDen Pond is located: Applicant. (5 pages)

YOU ARE HEREBY NOTIFIED THAT YOU HAVE until the last day of FEBRUARY 2021 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.

38. 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 DECEMBER 2020. *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.

20CW3189 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 DOTSERO MHP, LLC IN EAGLE COUNTY, COLORADO. APPLICATION FOR CONDITIONAL UNDERGROUND WATER RIGHT AND APPROVAL OF PLAN FOR AUGMENTATION. Name, mailing address, email address and telephone number of applicant: Dotsero MHP, LLC, P. O. Box 997, Basalt, Colorado 81621, jimmycondit@gmail.com, (970) 618-0352. Please direct all correspondence and pleadings in this case to Applicant's attorney, Thomas L. Adkison, Attorney and Counselor, 2020 Eastbank Point Road, Carbondale, Colorado 81623-1881, (970) 963-5602, ThomasAdkison@comcast.net. 1. Name of conditional water right for the well and permit number: Malpais Mobile Home Park Well, First Enlargement, existing Well Permit No. 29282-F. Location of Structure: Public Land Survey System (PLSS): SE1/4NE1/4 Section 5, Township 5S, Range 86W of the 6th PM, at a point 1,364 feet South of the North line and 402 feet West of the East line of said Section 5. Source: Decree in Case No. 85CW147. Point of diversion, Location information in UTM format: Easting 323942, Northing 4390848, Zone 13, Street Address: 4155 US Hwy. 6, Gypsum, Colorado 81637. Source of UTM's, hand-help GPS by Applicant's engineer, accurate to within 3 feet. Legal Description Using the Public Land Survey System (PLSS): SE1/4NE1/4 Section 5, Township 5S, Range 86W, 6th PM, at a point 1,364 feet South of the North line and 402 feet West of the East line of said Section 5. Source: Decree in Case No. 85CW147, Street Address: 4155 US Hwy. 6, Gypsum, Colorado 81637. **Source of water: underground water tributary to the Eagle River.** Depth of well, as completed: 45 feet. Date of appropriation. How appropriation was initiated: pumping from well to supply increased demand from existing 77 units in mobile home park, plus an additional 5 more units for a total of 82 units, and evaporation from an exfiltration pond used as part of the central wastewater treatment facility. Date water applied to beneficial use: December 31, 2001. Does the well withdraw tributary groundwater: Yes. Amount claimed: 0.132 cfs or approximately 60 gpm, conditional. Amount claimed in acre feet annually: 14.089 af. Does the well withdraw nontributary groundwater: No. Does the well operate pursuant to a decreed plan for augmentation. As applied for below. List All Uses or Proposed Uses: Municipal, ordinary household purposes and fire protection in Dotsero Mobile Home Park. Name(s) of structure(s) to be augmented: Malpais Mobile Home Park Well. Is structure decreed? Yes. Case numbers: 79CW33, 83CW212, 85CW147. Name of Court: District Court, Water Division No. 5. Legal description of structure as described in most recent decree that adjudicated the location (85CW147): The well is located in the SE1/4NE1/4 of Section 5, T. 5 S., R. 86W. of the 6th P.M. at a point 1,364 feet South of the North line and 402 feet West of the East line of said Section 5. Appropriation date: November 27, 1978. Amount: 0.132 cfs, 30 acre-feet annually, absolute. Source of water: underground water tributary to Eagle River. Decreed uses: (79CW33, 83CW212) "Municipal," and "Ordinary household purposes and fire protection." Are there other water rights diverted from this structure(s)? Yes. Malpais Mobile Home Park Well decreed in Case No. 91CW216, District Court, Water Division 5 as an alternate point of diversion for 0.32 cfs of water for irrigation uses from the Yost Ditch, which originally was decreed in Eagle County District Court Civil Action No. 466 on December 9, 1907, with an appropriation date of July 10, 1900. Location information in UTM format: Easting 323942, Northing 4390848. Street Address: 4155 US Hwy. 6, Gypsum, Colorado 81637. Source of UTM's hand-held GPS by Applicant's engineer. Accuracy: to within 3 feet. Legal Description Using the Public Land Survey System (PLSS): SE1/4NE1/4, Section 5, Township 5S, Range 86W, 6th Principal Meridian, 1,364 feet from N line and 402 feet from E line. Source: Decree in Case No. 85CW147, Street Address: 4155 US Hwy. 6, Gypsum, Colorado 81637. Water right(s) to be used for augmentation: Applicant proposes to replace out-of-priority depletions caused by pumping from the Malpais Mobile Home Park Well with water from Water Supply Contracts with the Colorado River Water Projects Enterprise of the Colorado River Water Conservation District (CRWCD). Pursuant to CRS §37-92-305(8)(c), Applicant requests approval to replace out-of-priority depletions with CRWCD's Colorado River supply sources decreed for that use, such as Wolford Reservoir and Ruedi Reservoir; and/or in the alternative with CRWCD's Eagle River supply sources decreed for that use, such as Eagle Park Reservoir. The following is CRWCD's summary of its sources of supply for use by CRWCD contractors in their Water Court Applications: I. Colorado River Supply Sources. A. Wolford Mountain Reservoir. The River District owns and operates Wolford Mountain Reservoir (f/k/a Gunsight Pass Reservoir) which has the following water rights. (1) Case No. 87CW283; Decree Date: November 20, 1989. Name of Structure: Gunsight Pass Reservoir. Legal description of place of storage: The dam is located in the SW1/4 of the NE1/4 of Section 25, T. 2 N., R. 81 W., 6th P.M. The intersection of the dam axis with the right abutment will occur at a point which bears S. 54°54'20" E. a distance of 3,716.46 feet from the NW Corner of said Section 25. Source: Muddy Creek and its tributaries, all tributary to the Colorado River. Amount: 59,993 acre feet conditional; of this amount, 32,986 acre feet were made absolute for piscatorial and recreational uses by decree entered in Water Court Case No. 95CW251, and the full amount was made absolute for all purposes by decree entered in Water Court Case No. 02CW107. Appropriation Date: December 14, 1987. Use: All beneficial uses, including but not limited to domestic, municipal, agricultural and recreational uses, which uses satisfy the requirements of the Windy Gap Settlement made with the Municipal Subdistrict of the Northern Colorado Water Conservancy District; use to meet the water requirements of the inhabitants of the River District for all uses, including uses in the Middle Park area; and use to meet the terms of a lease agreement executed March 3, 1987 between the River District and the City and County of Denver. (2) Case No. 95CW281; Decree Date: August 26, 1997. Name of Structure: Wolford Mountain Reservoir Enlargement. Legal description of place of storage: The dam is located in the SW1/4 of the NE1/4 of Section 25, T. 2 N., R. 81 W., 6th P.M. The as-built intersection of the dam axis (Sta. D19+35.61) with the West Access Road (Sta. WR50+55.05), 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 which bears S. 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 S. 75° 28' 29" E. Source: Muddy Creek and its tributaries, all tributary to the Colorado River. Amount: 6,000 acre feet, conditional. Appropriation Date: January 16, 1995. Use: All beneficial uses by and for the benefit of the inhabitants

of the Colorado River Water Conservation District, including but not limited to domestic, municipal, industrial, irrigation, agricultural, piscatorial and recreational; such uses will include environmental mitigation, including environmental mitigation requirements associated with the Wolford Mountain Project; such uses will be made directly or by substitution, augmentation, or exchange. None of the water stored in the exercise of the right will be delivered directly or by exchange, substitution, or otherwise for use outside of Colorado Water Division No. 5. (3) Case No. 98CW237: Decree Date: July 6, 2000. Name of Structure: Wolford Mountain Reservoir. Legal Description of place of storage: Same as for 95CW281. Source: Muddy Creek and its tributaries, all tributary to the Colorado River. Amount: 30,000 acre feet conditional, with 15,895 acre feet being absolute for recreational and piscatorial and flood control. Appropriation Date: November 17, 1998. Use: Certain of the beneficial uses previously adjudicated for Wolford Mountain Reservoir in Case No. 87CW283, District Court for Colorado Water Division No. 5 (November 20, 1989 Judgment and Decree), and Case No. 95CW281, District Court for Colorado Water Division No. 5 (August 26, 1997 Judgment and Decree). 87CW283: The reservoir will be used to satisfy the requirements of the Windy Gap Settlement made with the Municipal Subdistrict of the Northern Colorado Water Conservancy District. This will involve all uses, including but not limited to domestic, municipal, agricultural, and recreational uses. The reservoir will also be used to meet the water requirements of the inhabitants of the River District for all uses, including uses in the Middle Park area. 95CW281: All beneficial uses by and for the benefit of the inhabitants of the Colorado River Water Conservation District, including but not limited to domestic, municipal, industrial, irrigation, agricultural, piscatorial and recreational; such uses will include environmental mitigation, including environmental mitigation requirements associated with the Wolford Mountain Reservoir Project; such uses will be made directly or by substitution, augmentation, or exchange. Remarks: The Refill Right described herein will be exercised to provide supply for the Western Slope uses of water from Wolford Mountain Reservoir described above, including flood control, other operational purposes, and environmental mitigation and enhancement for the benefit of uses within the District. The Refill Right will not be used in conjunction with the Reservoir capacity (24,000 a.f.) which is allocated for the supply of water to the Denver Board of Water Commissioners under Applicant's contractual relationship with Denver, or the Reservoir capacity (6,000 AF) which is allocated for Colorado River endangered fish releases. (4) Case No. 03CW302: Decree Date: October 19, 2014 Name of Structure: Wolford Mountain Reservoir Second Enlargement. Legal description of place of storage: The dam is located in the SW1/4 of the NE1/4 of Section 25, T. 2 N., R. 81 W., 6th P.M. The as-built intersection of the dam axis (Sta. D19+35.61) with the West Access Road (Sta. WR50+55.05), 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 which bears S. 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 S. 75 28' 29" E. Source: Muddy Creek and its tributaries, all tributary to the Colorado River. Amount: The amount is 9,775 acre feet, for the initial fill, with the right to refill when in priority subject to a maximum amount of 9,775 acre feet, conditional. Appropriation Date: November 17, 2003. Uses: a. The WMR Second Enlargement storage right may be used for the purposes previously decreed to the Wolford Mountain Reservoir, including uses consistent with the Windy Gap Settlement made with the Municipal Subdistrict of the Northern Colorado Water Conservancy District; meeting the water requirements of the inhabitants of the River District for all uses; and uses consistent with the terms of a lease agreement executed March 3, 1987, between the River District and the City and County of Denver, as amended. b. The WMR Second Enlargement storage right also may be used for all beneficial uses, including but not limited to municipal, commercial, industrial, domestic, irrigation, agricultural, livestock, hydro-power production, evaporation, piscatorial and recreational (including in-reservoir and in-river fish habitat and river flow maintenance and enhancement uses, and uses in furtherance of the Upper Colorado River Basin Fishes Recovery Program) with the right to reuse and successively use the water to extinction; such uses will include environmental mitigation, including environmental mitigation requirements associated with the Wolford Mountain Reservoir Project; such uses will be made directly or by substitution, augmentation, replacement or exchange in Water Divisions 1, 2, and/or 5. c. Agreed Constraints on Use. Pursuant to the February 12, 2014, stipulation entered in this case between the River District and the GVVUA, the UWCD, and the OMID, the River District agrees that it will make water stored pursuant to the WMR Second Enlargement storage right available for uses within or to facilitate the diversion of water from Water Division No. 5 into Water Division No. 1 or Water Division 2 only pursuant to, and subject to the terms, of the express written consent of the GVVUA, the UWCD, and the OMID. Pursuant to paragraph III.E.19 of the CRCA, any use of the WMR Second Enlargement storage right for the benefit of Denver Water will require the prior approval of the Grand County Commissioners and the River District. (5) PLSS: The dam is located in the SW1/4 of the NE1/4 of Section 25, T. 2 N., R. 81 W., 6th P.M. The as-built intersection of the dam axis (Sta. D19+35.61) with the West Access Road (Sta. WR50+55.05), 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 1,940 feet South of North section line and 2,760 feet East of the West section line of said Section 25. B. Ruedi Reservoir. The River District holds Contracts No. 009D6C0111 (500 AF), 009D6C0118 (700 AF), 039F6C0011 (530 AF), 079D6C0106 (5,000 AF), and 139D6C0101 (4,683.5 AF) from the United States Bureau of Reclamation for 11,413.5 acre feet of annual supply from Ruedi Reservoir. This water will be used in addition to and substitution for Wolford Mountain Reservoir water in appropriate circumstances where Ruedi water is physically equivalent to Wolford water. (1) Legal description of place of storage: Ruedi Reservoir is located in Sections 7, 8, 9, 11 and 14 through 18, T. 8 S., R. 84 W., 6th P.M., in Eagle and Pitkin Counties. The dam axis intersects the right abutment at a point whence the SW corner of Section 7, T. 8 S., R. 84 W. of the 6th P.M. bears N. 82°10'W. a distance of 1,285 feet. (2) Source: Fryingpan River. (3) Previous storage decrees: Civil Action No. 4613: Decree Date: June 20, 1958. Court: Garfield County District Court. Amount: 140,697.3 acre feet, reduced to 102,369 acre feet pursuant to order of the Water Court in Case No. W-789-76. The full amount was made absolute in Case No. 88CW85. Appropriation Date: July 29, 1957. Use: Domestic, municipal, irrigation, industrial, generation of electrical energy, stock watering and piscatorial. (b) Case No. 81CW34: Decree Date: April 8, 1985. Court: District Court, Water Div. No. 5. Amount: 101,280 acre feet (refill); of this amount, 44,509 acre feet were made absolute in Case No. 95CW95 and 25,257 acre feet were made absolute in Case No.

01CW269, for a total of 69,766 acre feet absolute. Appropriation Date: January 22, 1981. Use: Irrigation, domestic, municipal, generation of electrical energy, stock watering, industrial, piscatorial, recreation and maintenance of sufficient storage reserves to fulfill contractual obligations and provide stored water for recreation in times of drought. (4) PLSS: Ruedi Reservoir is located in Sections 7, 8, 9, 11 and 14 through 18, T. 8 S., R. 84 W., 6th P.M., in Eagle and Pitkin Counties. The dam axis intersects the right abutment at a point 130 feet South of the North section line and 1,280 feet East of the West section line of Section 7, T. 8 S., R. 84 W. of the 6th P.M.

II. Eagle River Supply Sources. Eagle Park Reservoir Company owns and operates the Eagle Park Reservoir Project located in the headwaters of the Eagle River. The River District is a shareholder in the Reservoir Company and is entitled to yield from the Eagle Park Reservoir Project and exchange supplies provided by Aurora and Colorado Springs. The water delivered to or for the benefit of the River District's contractors as "Eagle River Supplies" will be based upon the following water rights. A. Eagle Park Reservoir. The River District's current supply consists of 2,000 shares of Class A, Series 2 stock in the Eagle Park Reservoir Company, which entitle the River District to the annual release and/or diversion of up to 200 acre feet from Eagle Park Reservoir more particularly described as follows: (1) Eagle Park Reservoir, decreed by the Water Court in Cases No. 92CW340 and 93CW301, for a combined total capacity of 27,600 acre feet, with an appropriation date of March 16, 1991, for 5,300 acre feet, and May 18, 1993, for 22,300 acre feet, together with the right to divert at the rate of 80 cfs under the August 10, 1956 appropriation date of the Pando Feeder Canal pursuant to the decree of the Water Court entered in Case No. 97CW288, for mining, milling, industrial, snowmaking, municipal, domestic, stock watering, recreation, fish and wildlife, irrigation, agricultural, exchange, replacement, augmentation and all other beneficial purposes. Eagle Park Reservoir is augmented by exchange by decree of the Water Court entered in Case No. 95CW348. The north abutment of the dam crest is located approximately 160 feet north of the south section line and 650 feet east of the west section line of Section 28, T. 7 S., R. 79 W., 6th P.M., Eagle County, Colorado. The source of Eagle Park Reservoir is the East Fork of the Eagle River including runoff, surface flow and seepage from the area above the reservoir and tributary thereto, and water tributary to Tenmile Creek a tributary of the Blue River. In addition to the tributary area upstream of the reservoir, the specific points of diversion into storage for Eagle Park Reservoir are as follows: (a) The East Fork Interceptor Ditch, which has a capacity of 48 cfs and diverts from unnamed tributaries of the East Fork of the Eagle River at the following points, all of which are located in Eagle County, Colorado: (i) 900 feet south of the north section line and 1100 feet west of the east section line of Section 5, T. 8 S., R. 79 W., 6th P.M. (ii) 1250 feet south of the north section line and 700 feet east of the west section line of Section 4, T. 8 S., R. 79 W., 6th P.M. (iii) 1200 feet north of the south section line and 800 feet east of the west section line of Section 33, T. 7 S., R. 79 W., 6th P.M. (iv) Runoff, surface flow, and seepage from the area above the East Fork Interceptor Ditch as it runs between the above-described points of diversion and Eagle Park Reservoir. (b) The Chalk Mountain Interceptor Ditch, which has a capacity of 12 cfs and diverts runoff and seepage as it runs a distance of approximately 3.4 miles from Fremont Pass, located in the W1/2 of Section 11, T. 8 S., R. 79 W., 6th P.M., northwesterly along State Highway 91 and the South side of Robinson Tailing Pond, thence westerly to the south of Chalk Mountain Reservoir and Robinson Reservoir, thence northwesterly to Eagle Park Reservoir. The Chalk Mountain Interceptor Ditch diverts water from the headwaters of Tenmile Creek in Summit County and from the headwaters of the East Fork of the Eagle River in Eagle County. (c) The East Interceptor Ditch, which has a capacity of 20 cfs and runs northeasterly from a point whence the northeast corner of Section 2, T. 8 S., R. 79 W., 6th P.M. bears North 77°20' East a distance of 850 feet at the north fork of McNulty Creek, thence along the east side of Robinson and Tenmile Tailing Ponds into Supply Canal No.1 described below. The East Interceptor Ditch diverts water from the north fork of McNulty Creek and surface flow, seepage, and runoff from watersheds above it that are tributary to Tenmile Creek. (d) The Supply Canal No. 1, which has a capacity of 10 cfs and diverts water from the following tributaries of Tenmile Creek at the following points: (i) On the west bank of Humbug Creek at a point whence the southwest corner of Section 18, T. 7 S., R. 78 W. bears South 71°35' West a distance of 3,250 feet. (ii) On the south bank of Mayflower Creek at a point whence the northeast corner of Section 24, T. 7 S., R. 79 W., 6th P.M. bears North 16°55' East a distance of 2,250 feet. (iii) Runoff, surface flow, and seepage from the area above the Supply Canal No. 1 as it runs between the above-described points of diversion and the Climax Mill. (e) The Supply Canal No. 2, which has a capacity of 10 cfs and diverts water from the following tributaries of Tenmile Creek at the following points: (i) On the west bank of Searle Creek at a point whence U.S.L.M. Kokomo bears South 45°58' East 3740 feet (located in the NW1/4 of the SE1/4 of Section 13, T. 7 S., R. 79 W., 6th P.M.). (ii) On the south bank of Kokomo Creek at a point whence U.S.L.M. Kokomo bears North 39°36' east 2635 feet (located in the SE1/4 of Section 22, T. 7 S., R. 79 W., 6th P.M.). (iii) Runoff, surface flow, and seepage from the area above the Supply Canal No. 2 as it runs between the above-described points of diversion and the Climax Mill. (f) The East Fork Pumping Plant, which has a capacity of 6 cfs and diverts from the East Fork of the Eagle River at a point in the SE1/4 NE1/4 of Section 32, T. 7 S., R. 79 W., 6th P.M. at a point whence the NE corner of said Section 32 bears N. 31°53' E. a distance of 2,414 feet. The Eagle Park Reservoir Company must first receive the permission of Climax Molybdenum Company to use the East Fork Interceptor Ditch, Supply Canal No. 1 and Supply Canal No. 2 described above to divert water into Eagle Park Reservoir. Nevertheless, the firm yield of the River District's supply is not dependent on the use of those facilities. B. Exchange Supply. Pursuant to a Memorandum of Understanding dated effective as of April 21, 1998 (the "MOU") among the City of Aurora, the City of Colorado Springs, the River District, Climax Molybdenum Company, Vail Associates, Inc., the Upper Eagle Regional Water Authority, and the Eagle River Water & Sanitation District; and the Water Exchange Agreement dated June 17, 1998 among Aurora, Colorado Springs, and the Eagle Park Reservoir Company, Aurora and Colorado Springs agreed to make up to 500 acre feet of water available for West Slope use from facilities owned and operated by Aurora and Colorado Springs in exchange for up to 800 acre feet of replacement water from the West Slope participants. The River District's 100 shares of Class B stock in the Eagle Park Reservoir Company entitle the River District to up to 100 acre feet per year of consumptive beneficial use water to be derived from fully consumable water annually diverted by and/or stored in the following structures owned and controlled by Aurora and Colorado Springs: (1) Homestake Project. Homestake Reservoir, also known as Elliott-Weers Reservoir, was decreed by the Eagle County District Court in Civil Action No. 1193 for 83,338.98 acre

feet conditional, 43,504.7 acre feet of which is now absolute. This reservoir is located on Homestake Creek with a dam being located whence the NW Corner of Section 31, T. 7 S., R. 80 W., 6th P.M. bears N. 58°30.6' E. 24,659 feet from the East dam abutment and N. 62°25.8' E. 25,746 feet from the West dam abutment. The sources of supply of said Reservoir are the East Fork of Homestake Creek, the Middle Fork of Homestake Creek and Homestake Creek. (2) Camp Hale Project. Aurora and Colorado Springs may provide to the River District water released from those surface and ground water storage rights sought by Aurora and Colorado Springs in Cases No. 88CW449 and 95CW272, District Court for Colorado Water Division No. 5. River District Contractors' use of augmentation water from Homestake Reservoir made available through contract or other arrangement with the Eagle Park Reservoir Company shall be dependent upon the continued existence of, and conditions set forth in, the Water Exchange Agreement dated June 17, 1998 between the Cities of Aurora and Colorado Springs and the Eagle Park Reservoir Company, together with any modifications thereto, or constraints thereon, as may be necessitated by the decree entered in Case No. 98CW270, Water Division No. 5. Additional Information for Homestake Project. The detailed descriptions of the structures decreed by the Eagle County District Court in Civil Action No. 1193 for the Homestake Project are set forth below. Structure: French Creek Intake, S. 82°18.3' E. 20988 ft. to NW corner Sec. 31, T. 7 S., R. 80 W, Amount 60.1 cfs. Structure: Fancy Creek Intake, N. 85°10.5' E. 25280 ft. to NW corner Sec. 31, T. 7 S., R. 80 W, Amount 38.6 cfs. Structure: Missouri Creek Intake, N. 77°12.4' E. 28800 ft. to NW corner Sec. 31, T. 7 S., R. 80 W, Amount 39.8 cfs. Structure: Sopris Creek Intake, N. 74°7.6' E. 29848 ft. to NW corner Sec. 31, T. 7 S., R. 80 W, Amount 41.3 cfs. East Fork Conduit. The East Fork Conduit diverts water from the East Fork of Homestake Creek pursuant to its appropriation of 70.8 cubic feet per second of time absolute and 189.2 cubic feet per second of time conditional therefrom and conveys these waters to Homestake Reservoir for conveyance to Homestake Tunnel or storage in the reservoir, said East Fork Conduit having a capacity of 260 cubic feet per second of time and total length of approximately 3,093 feet. The point of diversion of said conduit is on East Fork Homestake Creek at a point whence the Northwest corner of Section 31, T. 7 S., R. 80 W. bears N. 55°40.5' E., 22,917 feet. Homestake Tunnel. Homestake Tunnel under the Continental Divide for the conveyance of water into the Arkansas River Basin with its intake located at a point under Homestake Reservoir whence the Northwest corner of Section 10, T. 9 S., R. 81 W., 6th P.M. bears S. 15°27'08" E. 26,173.03 feet appropriates a maximum amount of 10 cubic feet per second of time conditional of water seeping and percolating into Homestake tunnel from former Water District No. 37 areas and 300 cubic feet per second of time absolute from Middle Fork of Homestake Creek, at its said Northerly portal, its point of diversion; said tunnel has a length of 27,400 feet and a capacity of 700 cubic feet per second of time. The tunnel will convey out of former Water District No. 37 up to 700 cubic feet per second of time of waters appropriated by the tunnel from the Middle Fork of Homestake Creek, together with water appropriated by the tunnel from the Homestake Creek and East Fork Conduits and Homestake Reservoir, to an outlet at a point where the Northwest corner of Section 10, T. 9 S., R. 81 W., 6th P.M. bears N. 6°40'52" E., a distance of 2,173.54 feet. Homestake Reservoir. Homestake Reservoir, also known as Elliott-Weers Reservoir, has capacity of 83,338.98 acre feet conditional, is located on Homestake Creek with a dam whence Homestake Peak bears S. 73°26' E. 10,477 feet from the easterly end thereof and S. 74°57' E. 13,347 feet from the westerly end thereof, said dam having a maximum height of 411.5 feet and a length of 3,380 feet. The sources of supply of said reservoir are Homestake Conduit (the sources of this conduit as herein above set forth), East Fork Conduit (the source of this conduit as herein above set forth), the Middle Fork of Homestake Creek and Homestake Creek, and said reservoir has appropriated for storage 83,338.98 acre feet annually from said sources. Homestake Reservoir also conveys water from Homestake Conduit and East Fork Conduit to Homestake Tunnel. Existing Homestake Reservoir has a storage capacity of 43,504.7 acre feet absolute and is located on Homestake Creek with a dam whence the NW Corner of Section 31 T. 7 S., R. 80 W., 6th P.M. bears N. 58°30.6' E. 24,659 feet from the East dam abutment and N. 62°25.8' E. 25,746 feet from the West dam abutment, said dam has a maximum height of 265.0 feet and a length of 1,996 feet. The sources of supply of said existing Homestake Reservoir are Homestake Conduit, East Fork Conduit, the Middle Fork of Homestake Creek and Homestake Creek. Existing Homestake Reservoir has appropriated 43,504.7 acre feet annually from said sources and also conveys water from Homestake Conduit and East Fork Conduit to Homestake Tunnel. Does the Applicant intend to change a water right to provide a source of augmentation? No. Complete statement of plan for augmentation: This Application requests approval of a plan for augmentation to replace out-of-priority depletions associated with pumping the Malpais Mobile Home Park Well water right and the Malpais Mobile Home Park Well First Enlargement water right described above. Water from the well is used for municipal, ordinary household and fire protection purposes in an 82-unit mobile home park. The total annual demand associated with those uses is 44.089 acre-feet. In Case No. 83 CW 212, the Court decreed absolute the Malpais Mobile Home Park Well water right in the amount of 30.0 acre-feet at the rate of 60 gpm. Applicant requests herein that the Court decree conditional the Malpais Mobile Home Park Well First Enlargement water right for an additional 14.089 acre-feet at the rate of 60 gpm. Diversions from well pumping for year-round household use will result in uniform depletions to the Eagle River and downstream on the main stem of the Colorado River. Consumptive use depletions for household uses of 2.204 acre-feet annually are assumed to equal 5 percent of diversions because the mobile home park treats its wastewater using a central wastewater treatment facility. That facility includes an exfiltration pond that will cause another 0.312 acre-feet of uniform depletions throughout the year due to evaporation losses, which are considered 100% depletive. Total depletions for household uses and evaporation are calculated at 2.517 acre-feet annually. Those depletions are subject to intervening calls from Colorado Water Conservation Board instream flow rights on the Eagle River, and from downstream calls on the Colorado River from the Shoshone Power Plant, the Grand Valley Canal and Grand Valley Project. Applicant has applied to the CRWCD for a Water Supply Contract to release a maximum of 2.405 acre-feet of water annually from the District's Colorado River supply sources such as Wolford Reservoir and Ruedi Reservoir; and a maximum of 0.210 acre-feet annually from the District's Eagle River supply sources such as Eagle Park Reservoir. Applicant requests approval pursuant to C.R.S. §37-92-305(8)(c) for the supply of CRWCD replacement water to come in the alternative from the District's Colorado River supply sources and/or the District's Eagle River supply sources; and approval for additional replacement water; both in the event that such alternative or additional sources are deemed necessary because of changes in

available supplies or determinations made by the State Engineer pursuant to C.R.S. §37-80-102(7). A copy of the engineering report by Applicant's engineer detailing the uses, depletions and replacement of out-of-priority depletions at the appropriate times, locations and amounts to avoid injury to vested water rights is attached. The decree approving Applicant's plan for augmentation shall include several terms and conditions, including: Measurement and accounting of diversions and depletions and reporting them on such basis as reasonably required by the Division Engineer; Curtailment of diversions by the State Engineer pursuant to C.R.S. §37-92-305(8)(c) to the extent that out-of-priority depletions are not replaced to protect senior water rights; Approval of additional or alternative sources of augmentation water pursuant to C.R.S. §37-92-305(8)(c), in the event that such additional or alternative sources are deemed necessary because of changes in available supplies, or determinations made by the State Engineer pursuant to C.R.S. §37-80-102(7); Retained jurisdiction for reconsideration of injury to vested and decreed conditional water rights for such reasonable period of time as determined by the Water Court; Filing of an Application for Finding of Reasonable Diligence in the same month of the sixth calendar year following entry of the Decree, if Applicant wishes to maintain the conditional water rights sought in this Application, unless a determination has been made prior to that date that the conditional rights have been made absolute by reason of completion of the appropriation; Filing a notice of transfer of conditional water rights with the Division 5 Water Court pursuant to Rule 9 of the Uniform Local Rules for All State Water Court Divisions upon any sale or other transfer of the conditional water rights sought in this Application; Providing copies of a CRWCD contract or contracts for the amount of replacement water specified in the augmentation plan to the Division Engineer and the Court before commencement of operation of the augmentation plan approved herein, and maintaining those contracts or a similar contracts so long as the augmentation plan continues to operate; and Application to the Division of Water Resources for a Well Permit pursuant to C.R.S. §37-90-137(2). Applicant asserts that operation of the plan for augmentation as described above and subject to the intended terms and conditions will not cause injury to the vested or decreed conditional water rights of others. Does the plan for augmentation include an exchange that the Applicant desires to adjudicate? No. Name(s) and address(es) of owner(s) or reputed owner(s) 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: No changes to structure. The following documents are attached to this Application pursuant to Rule 3 of the Uniform Local Rules for All State Water Court Divisions and JDF 295W, Instructions for All Colorado Water Court Divisions: Vicinity map showing the location of the subject water right. Decrees in Case No's 79CW33, 83CW212, 85CW147 and 91CW216. Well Permit No. 29282-F, Well Construction and Test Report dated (None), Well Completion and Pump Installation Report dated January 8, 1986, Well Log dated (None), Statement of Beneficial Use dated December 20, 1985, Change in Owner Name/Mailing Address dated October 12, 2020. Diversion records for the subject water right, which also include diversions for the Dotsero Block Well No. 1, as the two have been metered together. Engineering Report of Eric F. Mangeot, P. E. dated December 29, 2020. Applicant requests that the Court enter its Decree approving the conditional underground water right and plan for augmentation. (16 pages + Exhibits).

YOU ARE HEREBY NOTIFIED THAT YOU HAVE until the last day of FEBRUARY 2021 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.

39. 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 DECEMBER 2020. *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.*

2013CW3077 IN SUMMIT, GRAND, GARFIELD, EAGLE, PITKIN, ROUTT, GUNNISON, RIO BLANCO, AND MESA COUNTIES The City and County of Denver, acting by and through its Board of Water Commissioners ("Denver Water" or "Applicant"), 1600 West 12th Avenue, Denver, CO 80204, (303) 682-6469. Daniel J. Arnold, No. 35458 **CONCERNING THE AMENDED APPLICATION FOR DETERMINATION OF WATER RIGHTS: CONFIRMATION OF ADMINISTRATIVE PROTOCOL FOR GREEN MOUNTAIN RESERVOIR AND OTHER WATER RIGHTS. A. BACKGROUND** 1. On November 15, 2013, an APPLICATION was filed pursuant to C.R.S. §37-92-302(1)(a) of the Water Right Determination and Administration Act to obtain, in accordance with the holding of *Southern Ute Indian Tribe v. King Consolidated Ditch Company*, 250 P.3d 1226 (Colo. 2011), a determination that Sections I, II, and III of the Green Mountain Reservoir Administrative Protocol ("GMR Protocol") are consistent with the "Blue River Decree," being the Findings of Fact, Conclusions of Law, and Final Decree in Consolidated Civil Cases No. 5016 and 5017, and the Findings of Fact, Conclusions of Law, and Final Judgment in Consolidated Civil Cases No. 2782, 5016 and 5017, both entered on October 12, 1955 by the United States District Court, District of Colorado ("Federal Court"), and all amendments and supplemental orders, judgments, and decrees in said cases (collectively, the "Consolidated Cases"). The Applicants in this matter also contemporaneously filed a petition in Federal District Court (pursuant to that court's retained jurisdiction in the Consolidated Cases) seeking a similar determination from the Federal Court, including a request that the Federal Court determine that Section IV of the GMR Protocol is consistent with the Blue River Decree. 2. On or about March 22, 2017, in a separate action in the Consolidated Cases, the Federal Court issued its Opinion and Order granting, in part, Motion for Entry of Decree, Vacating Order Reserving Future Jurisdiction and Closing Case. The Federal Court determined, in part, that the merits of the August 4, 1977 Order are no longer operative, and vacated the 1977 Order thereby (1) "bifurcating the "companion cases" [Civil Nos. 5016 and 5017] from the underlying case [Civil Nos. 2782], and (2) discontinuing this Court's exercise of jurisdiction over issues of showing of due diligence or applications to make

conditional decrees absolute. The Federal Court observed that the only future proceeding in the Consolidated Cases over which it would exercise jurisdiction are those in which the United States asserts a claim under 28 U.S.C. § 1345. This Opinion and Order did not expressly address the Petition filed on November 15, 2013, but the court took no further action relating to the Petition and the action was administratively closed pursuant to Local Court Rule 41.2. 3. As a result of the March 22, 2017 Order, the Applicants have determined to pursue relief in the State Water Court. As such, in addition to Sections I, II, and III of the GMR Protocol, the Applicants now also seek a determination that Section IV of the Green Mountain Protocol is consistent with the “Blue River Decree,” being the Findings of Fact, Conclusions of Law, and Final Decree in Consolidated Civil Cases No. 5016 and 5017, and the Findings of Fact, Conclusions of Law, and Final Judgment in Consolidated Civil Cases No. 2782, 5016 and 5017, both entered on October 12, 1955 by the United States District Court, District of Colorado (“Federal Court”), and all amendments and supplemental orders, judgments, and decrees in said cases (collectively, the “Consolidated Cases”). The Water Court has ancillary jurisdiction over Part IV because its resolution will directly affect the outcome of a water matter within the exclusive jurisdiction of the water court. *Crystal Lakes Water & Sewer Assn v. Blacklund*, 908 P.2d 534, 544 (1996). As provided in Section 1.B.1 of the Administrative Protocol, the obligations of the Cities to hold water in storage and to provide replacement water, if necessary, are express conditions on the exercise of the Cities’ water rights under the Blue River Decree and the Administrative Protocol. The determination, accounting, and operation of the Cities’ Replacement Obligations under the Blue River Decree and Stipulations and Substitution Agreements are governed by the terms of those documents and of decrees providing for such substitution operations. The Blue River Decree parties agree that the methodology to calculate the volume of replacement water to be provided by the Cities to satisfy their replacement obligations in a manner consistent with the Administrative Protocol is set forth in Section IV of the Administrative Protocol. The entirety of the GMR Protocol is attached hereto as Exhibit A and incorporated herein by this reference. Attached as Exhibit B is a map of the Blue River Basin. 4. Names and addresses of Applicants: United States of America (“United States”) Bureau of Reclamation 11056 West County Road 18E (EC-1310) Loveland, CO 80537-9711. City and County of Denver, acting by and through its Board of Water Commissioners (“Denver Water”) 1600 W. 12th Ave. Denver, CO 80204. City of Colorado Springs, acting through its enterprise Colorado Springs Utilities (“Colorado Springs Utilities”) c/o M. Pat Wells P.O. Box 1103, Mail Code 930 Colorado Springs, CO 80947-0930. Colorado River Water Conservation District Attention: General Manager 201 Centennial Street, Suite 200 P.O. Box 1120 Glenwood Springs, CO 81602 (970) 945-8522. Northern Colorado Water Conservancy District Attention: General Manager 220 Water Avenue Berthoud, CO 80513 (970) 532-7700. Middle Park Water Conservancy District c/o Jack Buchheister P.O. Box 145 Granby, CO 80446 (970) 887-3377. Grand Valley Water Users Association Attn: Mark Harris, General Manager 1147 24 Road Grand Junction, CO 81505 (970) 242-5065. Grand Valley Irrigation Company 668 26 Road Grand Junction, CO 81506 (970) 242-2762. Orchard Mesa Irrigation District Attn: Max Schmidt, Manager 668 38 Road Palisade, CO 81526 (970) 464-7885. Palisade Irrigation District 777 35 3/10 Road Palisade, CO 81526 (970) 464-4700. Climax Molybdenum Company (“Climax”) 1742 County Road 202 P.O. Box 68 Empire, CO 80438. Attn: Sandy Fabritz 303-569-3221 ext. 1204. The United States, Denver Water, Colorado Springs Utilities, Colorado River Water Conservation District, Northern Colorado Water Conservancy District, Middle Park Water Conservancy District, Grand Valley Water Users Association, Grand Valley Irrigation Company, Orchard Mesa Irrigation District, and Palisade Irrigation District are parties to the Blue River Decree (“Blue River Decree Parties”). Applicant Climax is the owner of water rights decreed in Civil Action No. 1710, of the Summit County District Court entered on October 26, 1937 (“C.A.1710”). 5. Description of Green Mountain Reservoir (“GMR”) and the Green Mountain Reservoir Powerplant (“GMR Powerplant”) Water Rights. 5.1. Location: GMR is located approximately sixteen miles southeast of the town of Kremmling, in Summit County, Colorado, and more particularly in all or parts of Sections 11, 12, 13, 14, 15, and 24, Township 2 South, Range 80 West, and Sections 17, 18, 19, 20, 21, 28, 29, 33, and 34, Township 2 South, Range 79 West of the 6th Principal Meridian. GMR is formed by the construction of Green Mountain Dam (“GMD”) across the Blue River. The GMR Powerplant is located adjacent to the downstream toe of the GMD and is also adjacent to the Blue River channel, in Section 15, Township 2 South, Range 80 West of the 6th Principal Meridian. 5.2. Source: Blue River and all tributaries upstream of the GMD, and Elliott Creek by means of its diversion canal. 5.3. Date of Original Decree: October 12, 1955, Consolidated Civil Cases No. 2782, 5016 and 5017, United States District Court, District of Colorado. 5.4. Priority Date: August 1, 1935. 5.5 Amounts: a direct flow right in the amount of 1,726 c.f.s. for generation of electrical power at the GMR Powerplant; a storage right in the amount of 154,645 acre-feet with the right to refill to the extent of an additional 6,316 acre-feet. 5.6. Uses: As provided in “Manner of Operations of Project Facilities and Auxiliary Features” in Senate Document No. 80, 75th Congress, 1st Session, (“S.D. 80”). 6. Description of Climax’s C.A.1710 Water Rights. 6.1. The Supply Canal No. 1. The water rights for the Supply Canal No. 1 were decreed as follows on October 26, 1937 by the Summit County District Court in C.A.1710: 6.1.1. Sources: Humbug Creek, Mayflower Creek, Clinton Gulch Creek, and run-off, surface flow, and underground flow from the area above the Supply Canal No. 1, all of which are tributary to Tenmile Creek. 6.1.2. Points of diversion: 6.1.2.1. on the west bank of Humbug Creek at a point whence the Northwest corner of Section 2, Township 8 South, Range 79 West, 6th P.M., bears south 35°33’ west 22,680 feet; 6.1.2.2. on the south bank of Mayflower Creek at a point whence the Northwest corner of Section 2, Township 8 South, Range 79 West, 6th P.M., bears south 35°17’ west, 16,894 feet; 6.1.2.3. on the south bank of Clinton Gulch Creek at a point whence the Northwest corner of Section 2, Township 8 South, Range 79 West, 6th P.M., bears south 40°20’ west 10,632 feet; and 6.1.2.4. runoff, surface flow, and underground flow of the area above the Supply Canal No. 1 as it runs between the above-described points of diversion and to the Climax Mine. 6.1.3. Amounts: 6.1.3.1. Humbug Creek: 20.0 c.f.s. 6.1.3.2. Mayflower Creek: 30.0 c.f.s. 6.1.3.3. Clinton Gulch Creek: 50.0 c.f.s. 6.1.3.4. Run-off, surface flow, and underground flow of the area above the line of Supply Canal No. 1. 6.1.3.5. Storage in Robinson Reservoir of 3,136 acre-feet, with right of refill, as finally decreed by the Eagle County District Court in Civil Action Nos. 970 and 1193. Robinson Reservoir is a 3,136 acre-feet reservoir located in the drainage of the East Fork of the Eagle River in the Southwest ¼ of Section 34 and the Southeast ¼ of Section 33, all in Township 7 South, Range 79 West, 6th P.M. 6.1.3.6. Storage in Chalk Mountain Reservoir 204.1 acre-feet, with right of refill, as finally decreed by

the Eagle County District Court in Civil Action No. 1193. Chalk Mountain Reservoir is a 205 acre-feet reservoir located in the drainage of the East Fork of the Eagle River in the Southwest corner of Section 34, Township 7 South, Range 79 West, 6th P.M. 6.1.4. Appropriation date: August 15, 1935. 6.1.5. Historical use: mining, milling, manufacturing, and domestic purposes at the Climax Mine. The amount and timing of the historical diversions and consumptive use of the water rights were determined by the Division 5 Water Court in Case Nos. 92CW233 and 92CW336. The water rights remain subject to said determinations and the terms and conditions of the 92CW233 and 92CW336 decree. 6.2. The Supply Canal No. 2. The water rights for the Supply Canal No. 2 were decreed on October 26, 1937 by the Summit County District Court in C.A.1710. In addition, the decreed points of diversion for Supply Canal No. 2 were changed on June 14, 1962 by the Summit County District Court in Civil Action No. 2122. 6.2.1. Sources: Searle Creek, Kokomo Creek, and run-off, surface flow, and underground flow of the area above the Supply Canal No. 2, all of which are tributary to Tenmile Creek. 6.2.2. Points of diversion: 6.2.2.1. on the west bank of Searle Creek at a point whence U.S.L.M. Kokomo bears South 45°58' east 3740 feet (located in the Southwest ¼ of the Southeast ¼ of Section 15, Township 7 South, Range 79 West, 6th P.M.); 6.2.2.2. on the south bank of Kokomo Creek at a point whence U.S.L.M. Kokomo bears North 39°36' East 2635 feet (located in the Southwest ¼ of Section 22, Township 7 South, Range 79 West, 6th P.M.); and 6.2.2.3. run-off, surface flow, and underground flow of the area above the Supply Canal No. 2 as it runs between the above-described points of diversion and to the Climax Mine. 6.2.3. Amounts: 6.2.3.1. Searle Creek: 35.0 c.f.s. 6.2.3.2. Kokomo Creek: 25.0 c.f.s. 6.2.3.3. Run-off, surface flow, and underground flow of the area above the line of Supply Canal No. 2. 6.2.3.4. Storage in Robinson Reservoir of 3,136 acre-feet, with right of refill, as finally decreed by the Eagle County District Court in Civil Action Nos. 970 and 1193. 6.2.3.5. Storage in Chalk Mountain Reservoir of 204.1 acre-feet, with right or refill, as finally decreed by the Eagle County District Court in Civil Action No. 1193. 6.2.4. Appropriation date: August 15, 1935. 6.2.5. Historical use: mining, milling, manufacturing, and domestic purposes at the Climax Mine. The amount and timing of the historical diversions and consumptive use of the water rights was determined by the Division 5 Water Court in Case Nos. 92CW233 and 92CW336. The water rights remain subject to said determinations and the terms and conditions of the 92CW233 and 92CW336 decree. 6.3. The Tenmile Diversion Ditch No. 1 and the Tenmile Diversion Ditch No. 2. The water rights for the Tenmile Diversion Ditch No. 1 and the Tenmile Diversion Ditch No. 2 were originally decreed on October 26, 1937 by the Summit County District Court in Civil Action 1710. On July 24, 1945, the Summit County District Court entered a decree in Civil Action 1830 changing the points of diversion of a portion of the water rights for the Tenmile Diversion Ditch No. 1 and all of the water rights for the Tenmile Diversion Ditch No. 2 to the Tailings Riser Line, described below:

Headgate No.	Tailings Riser No.		Bearing	Distance
1	20	NW Corner, Section 2, Township 8 South, Range 79 West	South 31°27' East	567.8 feet
2	37	NW Corner, Section 2, Township 8 South, Range 79 West	North 17°08' East	804.5 feet
3	38	NW Corner, Section 2, Township 8 South, Range 79 West	North 17°21' West	1275.2 feet
4	39	West ¼ Corner, Section 2, Township 8 South, Range 79 West	South 25°49' West	1502.8 feet
5	40	West ¼ Corner, Section 2, Township 8 South, Range 79 West	South 71°10' West	1066.1 feet
6	41	West ¼ Corner, Section 2, Township 8 South, Range 79 West	North 65°31' West	1592.8 feet

6.3.1. The Tenmile Diversion Ditch No. 1: 6.3.1.1. Sources: Tenmile Creek and the run-off, surface flow, and underground flow from the area above the line of the Tenmile Diversion Ditch No. 1. 6.3.1.2. Amounts: 6.3.1.2.1. 20.0 c.f.s. from Tenmile Creek. 6.3.1.2.2. Run-off, surface flow, and underground flow from the area above the line of the Tenmile Diversion Ditch No. 1. 6.3.1.2.3. Storage in Robinson Reservoir of 3,136 acre-feet, with right of refill, as finally decreed by the Eagle County District Court in Civil Action Nos. 970 and 1193. 6.3.1.2.4. Storage in Chalk Mountain Reservoir of 204.1 acre-feet, with right of refill, as finally decreed by the Eagle County District Court in Civil Action No. 1193. 6.3.1.3. Appropriation date: June 4, 1936. 6.3.1.4. Historical use: mining, milling, manufacturing, and domestic purposes at the Climax Mine. The amount and timing of the historical diversions and consumptive use of the water rights was determined by the Division 5 Water Court in Case Numbers 92CW233 and 92CW336. The water rights remain subject to said determinations and the terms and conditions of the 92CW233 and 92CW336 decree. 6.3.2. The Tenmile Diversion Ditch No. 2: 6.3.2.1. Sources: Tenmile Creek and the run-off, surface flow, and underground flow from the area above the line of Tenmile Diversion Ditch No. 2. 6.3.2.2. Amounts: 6.3.2.2.1. 20.0 c.f.s. from Tenmile Creek. 6.3.2.2.2. Run-off, surface flow, and underground flow from the area above the line of Tenmile Diversion Ditch No. 2. 6.3.2.2.3. Storage in Robinson Reservoir of 3,136 acre-feet, with right of refill, as finally decreed by the Eagle County District Court in Civil Action Nos. 970 and 1193. 6.3.2.2.4. Storage in Chalk Mountain Reservoir of 204.1 acre-feet, with right of refill, as finally decreed by the Eagle County District Court in Civil Action No. 1193. 6.3.2.3. Appropriation date: June 4, 1936. 6.3.2.4. Historical use: mining, milling, manufacturing, and domestic purposes at the Climax Mine. The amount and timing of the historical diversions and consumptive use of the water rights was determined by the Division Water Court in Case Nos. 92CW233 and 92CW336. The water rights remain subject to said determinations and the terms and conditions of the 92CW233 and 92CW336 decree. 6.4. McNulty Ditch (a.k.a. Ten Mile Diversion Ditch No. 1). The decreed point of diversion for

the McNulty Ditch is a point on the north bank of McNulty Gulch Creek whence the North ¼ Corner of Section 2, Township 8 South, Range 79 West, 6th P.M., bears South 60°50' West 729.4 feet. The water right for the McNulty Ditch consists of 15.0 c.f.s., plus run-off, surface flow and underground flow, of the Ten Mile Diversion Ditch No. 1 water right, which was originally decreed on October 26, 1937 by the Summit County District Court in C.A.1710. The applicable portion of the Ten Mile Diversion Ditch No. 1 water right was transferred to the McNulty Ditch from the Ten Mile Diversion Ditch No. 1 pursuant to a decree entered by the Summit County District Court on July 24, 1945 in Civil Action No. 1829. As transferred, the McNulty Ditch water right is as follows: 6.4.1. Sources: McNulty Gulch Creek and run-off, surface flow, and underground flow from the area above the ditch. 6.4.2. Amounts: 6.4.2.1. 15.0 c.f.s. from McNulty Gulch Creek. 6.4.2.2. Run-off, surface flow, and underground flow from the area above the McNulty Ditch. 6.4.2.3. Storage in Robinson Reservoir of 3,136 acre-feet, with right of refill, as finally decreed by the Eagle County District Court in Civil Action Nos. 970 and 1193. 6.4.2.4. Storage in Chalk Mountain Reservoir of 204.1 acre-feet, with right of refill, as finally decreed by the Eagle County District Court in Civil Action No. 1193. 6.4.3. Appropriation date: June 4, 1936. 6.4.4. Historical use: mining, milling, manufacturing, and domestic purposes at the Climax Mine. The amount and timing of the historical diversions and consumptive use of the water rights was determined by the Division 5 Water Court in Case Nos. 92CW233 and 92CW336. The water rights remain subject to said determinations and the terms and conditions of the 92CW233 and 92CW336 decree. 6.5 A map showing the Climax Water Supply System is attached as Exhibit C. 7. Description of Colorado Springs Utilities' 1948 Blue River Water Rights: 7.1 Blue River Ditch. 7.1.1 Location: At a point from whence the East quarter corner of Section 2, Township 8 South, Range 78 West of the 6th Principal Meridian is South 80°44' East a distance of 2,096 feet. 7.1.2 Source: Blue River. 7.1.3 Date of Original Decree: March 10, 1952 (CA 1806, Summit County District Court); October 12, 1955 (Consolidated Civil Cases Nos. 2782, 5016 and 5017, United States District Court, District of Colorado). 7.1.4 Priority Date: May 13, 1948. 7.1.5 Amount: 200 c.f.s. 7.1.6 Uses: By and for the benefit of the inhabitants of the City of Colorado Springs and adjacent areas for domestic uses, fire protection, sewage disposal, manufacturing and industrial uses, street sprinkling and flushing, and the irrigation of lawns, trees, gardens, flowers, and parks, and other municipal purposes. 7.2 Crystal Ditch. 7.2.1 Location: At a point from whence the Northwest corner of Section 2, Township 8 South, Range 78 West of the 6th Principal Meridian is South 19°34' West a distance of 18,245 feet. 7.2.2 Source: Crystal Creek. 7.2.3 Date of Original Decree: March 10, 1952; October 12, 1955. 7.2.4 Priority Date: May 13, 1948. 7.2.5 Amount: 40 c.f.s. 7.2.6 Uses: By and for the benefit of the inhabitants of the City of Colorado Springs and adjacent areas for domestic uses, fire protection, sewage disposal, manufacturing and industrial uses, street sprinkling and flushing, and the irrigation of lawns, trees, gardens, flowers, and parks, and other municipal purposes. 7.3 Spruce Ditch. 7.3.1 Location: At a point from whence the Northwest corner of Section 2, Township 8 South, Range 78 West of the 6th Principal Meridian is South 23°56' West a distance of 12,810 feet. 7.3.2 Source: Spruce Creek. 7.3.3 Date of Original Decree: March 10, 1952; October 12, 1955. 7.3.4 Priority Date: May 13, 1948. 7.3.5 Amount: 60 c.f.s. 7.3.6 Uses: By and for the benefit of the inhabitants of the City of Colorado Springs and adjacent areas for domestic uses, fire protection, sewage disposal, manufacturing and industrial uses, street sprinkling and flushing, and the irrigation of lawns, trees, gardens, flowers, and parks, and other municipal purposes. 7.4 McCullough Ditch. 7.4.1 Location: At a point from whence the Northwest corner of Section 2, Township 8 South, Range 78 West of the 6th Principal Meridian is South 28° 23' West a distance of 6,085 feet. 7.4.2 Source: McCullough Gulch Creek. 7.4.3 Date of Original Decree: March 10, 1952; October 12, 1955. 7.4.4 Priority Date: May 13, 1948. 7.4.5 Amount: 60 c.f.s. 7.4.6 Uses: By and for the benefit of the inhabitants of the City of Colorado Springs and adjacent areas for domestic uses, fire protection, sewage disposal, manufacturing and industrial uses, street sprinkling and flushing, and the irrigation of lawns, trees, gardens, flowers, and parks, and other municipal purposes. 7.5 East Hoosier Ditch. 7.5.1 Location: At a point from whence the Southwest corner of Section 6, Township 8 South, Range 77 West of the 6th Principal Meridian is South 57°36' West a distance of 388.8 feet. 7.5.2 Source: East Hoosier Creek. 7.5.3 Date of Original Decree: March 10, 1952; October 12, 1955. 7.5.4 Priority Date: May 13, 1948. 7.5.5 Amount: 50 c.f.s. 7.5.6 Uses: By and for the benefit of the inhabitants of the City of Colorado Springs and adjacent areas for domestic uses, fire protection, sewage disposal, manufacturing and industrial uses, street sprinkling and flushing, and the irrigation of lawns, trees, gardens, flowers, and parks, and other municipal purposes. 7.6 Hoosier Ditch (Claim No. 1). 7.6.1 Location: (Hoosier Creek headgate): On the west bank of Hoosier Creek at a point from whence the Northeast corner of Section 12, Township 8 South, Range 78 West of the 6th Principal Meridian is North 64°35' East a distance of 877.8 feet. 7.6.2 Source: Hoosier Creek. 7.6.3 Date of Original Decree: March 10, 1952; October 12, 1955. 7.6.4 Priority Date: May 13, 1948. 7.6.5 Amount: 40 c.f.s. 7.6.6 Uses: By and for the benefit of the inhabitants of the City of Colorado Springs and adjacent areas for domestic uses, fire protection, sewage disposal, manufacturing and industrial uses, street sprinkling and flushing, and the irrigation of lawns, trees, gardens, flowers, and parks, and other municipal purposes. 7.7 Hoosier Ditch (Claim No. 2). 7.7.1 Location: (Silver Creek headgate): On the west bank of Silver Creek where said ditch crosses Silver Creek at a point from whence the West Quarter corner of Sect. 1, T. 8 S., R. 78 W. of the 6th P.M. is N. 48° 33' W. a distance of 1,375.8 feet. 7.7.2 Source: Silver Creek. 7.7.3 Date of Original Decree: March 10, 1952; October 12, 1955. 7.7.4 Priority Date: May 13, 1948. 7.7.5 Amount: 20 c.f.s. 7.7.6 Uses: By and for the benefit of the inhabitants of the City of Colorado Springs and adjacent areas for domestic uses, fire protection, sewage disposal, manufacturing and industrial uses, street sprinkling and flushing, and the irrigation of lawns, trees, gardens, flowers, and parks, and other municipal purposes. 7.8 Ditch Inflow. 7.8.1 Location: Along the ditches between the points of diversion (described in paragraphs 4.1.1; 4.2.1; 4.3.1; 4.4.1; 4.5.1; 4.6.1; and 4.7.1) and delivery to the Hoosier Tunnel (described in paragraph 4.9.1). 7.8.2 Source: Water intercepted by the ditches. 7.8.3 Date of Original Decree: March 10, 1952; October 12, 1955. 7.8.4 Priority Date: May 13, 1948. 7.8.5 Amount: 50 c.f.s. 7.8.6 Uses: By and for the benefit of the inhabitants of the City of Colorado Springs and adjacent areas for domestic uses, fire protection, sewage disposal, manufacturing and industrial uses, street sprinkling and flushing, and the irrigation of lawns, trees, gardens, flowers, and parks, and other municipal purposes. 7.9. Hoosier Tunnel. 7.9.1 Location: The place of beginning of said tunnel is located at a point from whence the East Quarter corner of Sec. 2, T. 8 S., R. 78 W. of the 6th P.M. is N. 34°33' E. a distance of 510.6 feet. 7.9.2 Source: Water seeping into and being intercepted by the tunnel. 7.9.3 Date of

Original Decree: March 10, 1952; October 12, 1955. 7.9.4 Priority Date: May 13, 1948. 7.9.5 Amount: 20 c.f.s. 7.9.6 Uses: By and for the benefit of the inhabitants of the City of Colorado Springs and adjacent areas for domestic uses, fire protection, sewage disposal, manufacturing and industrial uses, street sprinkling and flushing, and the irrigation of lawns, trees, gardens, flowers, and parks, and other municipal purposes. 7.10 Upper Blue Lake. 7.10.1 Location: Across the channel of the Blue River with the initial point of survey at a point whence the Northeast corner of Section 3, Township 8 South, Range 78 West of the 6th Principal Meridian bears North 66° 30' East 3,728 feet. 7.10.2 Source: Blue River. 7.10.3 Date of Original Decree: March 10, 1952; October 12, 1955. 7.10.4 Priority Date: May 13, 1948. 7.10.5 Amount: 2,140 acre-feet. 7.10.6 Uses: Municipal, domestic, irrigation and other beneficial uses in the City of Colorado Springs. 7.11 Lower Blue Lake. 7.11.1 Location: The initial point of survey is at a point whence the Northeast corner of Section 3, Township 8 South, Range 78 West of the 6th P.M. bears North 54° East 503 feet. 7.11.2 Source: Blue River. 7.11.3 Date of Original Decree: March 10, 1952; October 12, 1955. 7.11.4 Priority Date: May 13, 1948. 7.11.5 Amount: 1,006 acre-feet. 7.11.6 Uses: By and for the benefit of the inhabitants of the City of Colorado Springs and adjacent areas for domestic uses, fire protection, sewage disposal, manufacturing and industrial uses, street sprinkling and flushing, and the irrigation of lawns, trees, gardens, flowers, and parks, and other municipal purposes. 7.12 Spruce Lake. 7.12.1 Location: The initial point of survey is at a point whence the Northeast corner of Section 22, Township 7 South, Range 78 West of the 6th P.M. bears North 12° 44' East 5,780 feet. 7.12.2 Source: Spruce Creek. 7.12.3 Date of Original Decree: March 10, 1952; October 12, 1955. 7.12.4 Priority Date: May 13, 1948. 7.12.5 Amount: 1,542 acre-feet. 7.12.6 Uses: By and for the benefit of the inhabitants of the City of Colorado Springs and adjacent areas for domestic uses, fire protection, sewage disposal, manufacturing and industrial uses, street sprinkling and flushing, and the irrigation of lawns, trees, gardens, flowers, and parks, and other municipal purposes. 7.13 Mayflower Lake. 7.13.1 Location: The initial point of survey is at a point whence the Northeast corner of Section 22, Township 7 South, Range 78 West of the 6th P.M. bears North 43° 44' East 4,770 feet. 7.13.2 Source: Spruce Creek. 7.13.3 Date of Original Decree: March 10, 1952; October 12, 1955. 7.13.4 Priority Date: May 13, 1948. 7.13.5 Amount: 618 acre-feet. 7.13.6 Uses: By and for the benefit of the inhabitants of the City of Colorado Springs and adjacent areas for domestic uses, fire protection, sewage disposal, manufacturing and industrial uses, street sprinkling and flushing, and the irrigation of lawns, trees, gardens, flowers, and parks, and other municipal purposes. 7.14 A map showing the Colorado Spring Continental-Hoosier System is attached as Exhibit D. 8. Description of Denver Water's 1946 Blue River Water Rights: 8.1 Location: The Blue River Diversion Project stores water in Dillon Reservoir and diverts water from the Blue River, the Snake River, and Ten Mile Creek and their tributaries through the Harold D. Roberts Tunnel, the west portal of which is located at a point whence the East quarter corner of Section 18, Township 5 South, Range 77 West of the 6th P.M. bears South 81°07' East 941.6 feet. 8.2 Source: The sources of water for the Blue River Diversion Project are the Blue River, the Snake River, and Ten Mile Creek, all of which are tributaries of the Colorado River; and the waters naturally tributary thereto. 8.3 Date of Original Decree: March 10, 1952, Summit County District Court; October 12, 1955, Consolidated Civil Cases Nos. 2782, 5016 and 5017, United States District Court, District of Colorado. 8.4 Appropriation date: June 24, 1946. 8.5 Amounts: The Blue River Diversion Project was decreed conditional priorities 139(c) and 366(c) for 788 cubic feet per second from the Blue River; conditional priorities 140(c) and 367(c) for 788 cubic feet per second from the Ten Mile Creek; and conditional priorities 141(c) and 368(c) for 788 cubic feet per second from the Snake River providing no more than 788 cubic feet per second shall be taken through any combination of the above described sources. In addition, Dillon Reservoir was decreed conditional reservoir priorities 80(c) and 8(c) for 252,678 acre-feet. To date, the Dillon Reservoir storage right has been confirmed absolute in the amount of 252,678 acre-feet and the Roberts Tunnel direct flow right has been confirmed absolute in the rate of 520 c.f.s. A claim is pending to make 654 c.f.s. of the Roberts Tunnel direct flow right absolute in Case No. 2006CW255. 8.6 Use: All municipal uses including domestic use, mechanical use, manufacturing use, fire protection, street sprinkling, watering of parks, lawns and grounds as more fully described in the Second Amended Application filed in Case No. 06CW255. 8.7 A map showing the Denver Water Blue River System structures is attached as Exhibit E. B. DETERMINATION OF WATER RIGHTS. 9. Background. 9.1 Water Court Jurisdiction. This application seeks a determination of water right, in accordance with the holding of *Southern Ute Indian Tribe v. King Consolidated Ditch Co.* 250 P.3d 1226, 1233 (Colo. 2011), confirming that the GMR Protocol is consistent with the Blue River Decree, and an order directing that administration by the State Engineer be carried out in accordance with Articles I, II, and III of the GMR Protocol. As to Article IV of the GMR Protocol, the Blue River Decree Parties seek a determination binding only on the Blue River Decree Parties, that Article IV of the GMR Protocol is consistent with the Blue River Decree. 9.2 GMR Water Rights Adjudicated by the Blue River Decree. The United States has a priority date of August 1, 1935 for the Colorado-Big Thompson Project from the Blue River and its tributaries for a 1726 c.f.s. direct flow right for the generation of electrical power at the GMR Powerplant ("GMR Power Right"), and a storage right for 154,645 acre-feet in GMR ("1935 First Fill Storage Right") with the right to refill to the extent of an additional 6,316 acre-feet ("GMR Senior Refill Right"). The United States also operates exchanges involving GMR as of that priority, and the August 1, 1935 priority of the direct flow, storage, and exchange rights for the operation of the facilities at GMR is administered as though adjudicated in the first available adjudication following that date, i.e., "without postponement for any reason." Decree Consolidated Civil Nos. 2782, 5016 5017, 88CW382, ¶¶1 and 4, November 10, 1992. The GMR Senior Refill Right is exercised by subsequent storage after the release of water from the first fill. 9.3 Except as provided in the Blue River Decree, use by the United States through the GMR Powerplant of water that would otherwise be available for storage is an exercise of the GMR Power Right and not a bypass or failure to exercise any storage right. Case No. 88CW22, ¶10 at 3. 9.4 Denver Water's 1946 Blue River Water Rights. Denver Water has, *inter alia*, a priority date of June 24, 1946 from the Blue River and its tributaries for 788 c.f.s. of direct flow for the Roberts Tunnel and for 252,678 acre-feet of storage for Dillon Reservoir, both for municipal purposes. 9.5 Colorado Springs' 1948 Blue River Water Rights. Colorado Springs Utilities has, *inter alia*, a priority date of May 13, 1948 for 400 c.f.s. direct flow and 5,306 acre-feet of storage from the Blue River and its tributaries for the Continental-Hoosier Diversion System, both for municipal purposes. 9.6 Cities' Diversions. Notwithstanding their priority dates, and subject to the decision of the Secretary of the Interior that it will not adversely affect the ability

of GMR to fulfill its function as set forth in the “Manner of Operations of Project Facilities and Auxiliary Features” contained in S.D. 80, except as to production of power, diversions by Denver Water and Colorado Springs Utilities (collectively, the “Cities”) may be made as approved by the Secretary after the snow pack has been estimated by the United States and a determination has been made that it is reasonably probable that GMR will be filled during the season. Findings of Fact and Conclusions of Law, Consolidated Cases 2782, 5016, 5017 at p. 30 (Stipulation ¶ 4); Supplemental Decree Consolidated Cases 2782, 5016, 5017, February 9, 1978 ¶ 4(a). 10. Administrative Controversies 10.1 GMR Fill Administration. Since the adjudication of the GMR water rights in 1955, the administration of its fill has varied; this has adversely affected the rights of the Applicants. But for a temporary approval by the State Engineer consistent with the Protocol, GMR would be administered pursuant to an Interim Policy of the State and Division Engineers that some of the Blue River Decree Parties contend adversely affects their rights under the Blue River Decree. The disagreement regarding the Interim Policy and its effect on the rights and obligations of the Blue River Decree Parties has resulted in controversy and anticipated litigation among the Applicants and others. 10.2 Climax. In addition, since the Blue River Decree was entered in 1955, the administration of the priorities for Climax’s C.A.1710 Water Rights vis-à-vis those adjudicated in the Blue River Decree for the GMR Water Rights, has varied, has resulted in litigation, and is likely to lead to additional litigation. In addition, Climax’s C.A.1710 Water Rights are currently tabulated by the Colorado State Engineer as junior in priority to the water rights for GMR adjudicated in the Blue River Decree. As more particularly set forth in the GMR Protocol, the Applicants believe that Section III of the Administrative Protocol describes the relative priority of Climax’s C.A.1710 Water Rights in a manner consistent with the Blue River Decree. 10.3 GMR Protocol. The Applicants have negotiated and agreed to the GMR Protocol in order to clarify and implement certain provisions of the Blue River Decree by (1) setting forth a protocol for, among other things, (a) preparation, review, and modification of a fill schedule for GMR; (b) definition and administration of a fill season for exercise of the 1935 First Fill Storage Right; (c) administration of water rights during the fill season; and (d) operation of the GMR water rights and the water rights of the Cities in response to downstream calls senior to the Cities’ water rights; (2) making as much water as possible available for upstream use, including use by the Cities, without impairment of the fill of GMR and without impairment of legal calls of downstream water rights; (3) providing a clear definition of the Cities’ replacement obligation operations pursuant to the Blue River Decree; (4) ensuring that the administration of the GMR water rights does not allow the water rights of the Cities to benefit improperly; (5) reducing as much as possible or potentially eliminating the extent to which the bypass of 60 c.f.s. by GMR is accounted toward the fill of the GMR storage rights, and assuring, to the extent possible, the refilling of GMR to the extent that such bypass is accounted toward the fill of the GMR storage rights; and (6) addressing the relative priority of the GMR water rights, the Cities’ water rights, and Climax’s C.A.1710 Water Rights in a manner agreed by the Blue River Decree Parties and Climax; all in a manner that is consistent with the Blue River Decree. 11. Notice 11.1 Notice of the Application, including the full text of Sections I, II, and III of the GMR Protocol, was published in the resume of this Application, and by newspaper publication in Summit, Grand, Garfield, Eagle, Pitkin, Routt, Gunnison, Rio Blanco, and Mesa Counties in December, 2013. 11.2 Unless otherwise determined by the Court, the amended application including the full text of Section IV of the GMR Protocol shall be published in the resume of this Amended Application, and by newspaper publication in Summit, Grand, Garfield, Eagle, Pitkin, Routt, Gunnison, Rio Blanco, and Mesa Counties as well as in any other county in which publication is ordered by this Court. 11.2 Like the Application, this Amended Application does not involve any new diversion or storage structure, or modification to any existing diversion or storage structure or existing storage pool. Therefore, no notice is required to the owner of the land pursuant to C.R.S. § 37-92-302(2)(b)(II). Moreover, the owner of the land upon which GMR is constructed and in which water is stored is the United States, an Applicant herein. WHEREFORE, Applicants seek a determination confirming that Sections I, II, and III of the GMR Protocol are consistent with the Blue River Decree and directing that administration be carried out in accordance with Sections I, II, and III of the GMR Protocol. The Blue River Decree Parties seek a determination binding only on the Blue River Decree Parties, that Article IV of the GMR Protocol is consistent with the Blue River Decree.

YOU ARE HEREBY NOTIFIED THAT YOU HAVE until the last day of FEBRUARY 2021 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.