

DIVISION 5 WATER COURT- FEBRUARY 2024 RESUME

1. PURSUANT TO C.R.S., §37-92-302, AS AMENDED, YOU ARE NOTIFIED THAT THE FOLLOWING PAGES COMPRISE A RESUME OF THE APPLICATIONS AND AMENDED APPLICATIONS FILED WITH THE WATER CLERK FOR WATER DIVISION 5 DURING THE MONTH OF FEBRUARY 2024. *The water right claimed by this application may affect in priority any water right claimed or heretofore adjudicated within this division and owners of affected rights must appear to object and protest within the time provided by statute or be forever barred.*

24CW3023 GARFIELD COUNTY, Application for Approval of Change in Point of Diversion. Applicant: Town of Eagle; *please direct all correspondence to Applicant's attorneys: Mary Elizabeth Geiger, Garfield & Hecht, P.C., 910 Grand Avenue, Suite 201, Glenwood Springs, CO 81601, (970)947-1936, megeiger@garfieldhecht.com. Name of Water Right for Which Change is Sought: Ditch No. 3 Original Decree:* Civil Action No. 294, District Court in and for Eagle County. *Location:* the headgate is located on the south bank of Brush Creek at a point from which the S.W. Corner S.E. Quarter, Section 5, Township 5 South, Range 84 West bears S. 37°30' W. 1,497 feet. **Source: Brush Creek, tributary to the Eagle River, tributary to the Colorado River.** *Appropriation Date:* April 1, 1887. *Adjudication Date:* December 17, 1889. *Amount decreed:* Priority No. 52 for 3.04 c.f.s. of which Applicant requests to change 0.5 c.f.s. *Uses:* irrigation. *Claim for change of water right:* Applicant requests a change of water right for 0.5 c.f.s. from Ditch No. 3 to an alternate point of diversion, as described below. The map attached to the application as Exhibit A shows the original location and the alternate point of diversion. The decreed location of Ditch No. 3 is described in Paragraph 2, above. The legal description of the alternate point of diversion for 0.5 c.f.s. of Ditch No. 3 is: UTM 13S 342595.39E 4389893.55N. (3 pages).

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

2. PURSUANT TO C.R.S., §37-92-302, AS AMENDED, YOU ARE NOTIFIED THAT THE FOLLOWING PAGES COMPRISE A RESUME OF THE APPLICATIONS AND AMENDED APPLICATIONS FILED WITH THE WATER CLERK FOR WATER DIVISION 5 DURING THE MONTH OF FEBRUARY 2024. *The water right claimed by this application may affect in priority any water right claimed or heretofore adjudicated within this division and owners of affected rights must appear to object and protest within the time provided by statute or be forever barred.*

24CW3024 MESA COUNTY. Application for Findings of Reasonable Diligence. Applicant: Linda Patterson, Balcomb & Green, P.C., P.O. Drawer 790, Glenwood Springs, CO 81602; 970-945-6546. Applicant seeks a finding of reasonable diligence in the development of the conditional water rights decreed to the Bucher Reservoir #6, Bucher Ditch No. 4, Bucher Reservoir No. 2, Bucher Reservoir No. 3, Bucher Reservoir No. 4, Bucher Spring #2 through #11, 1st Enlargement Bucher Reservoir, and Bucher Reservoir No. 5. Structure: Bucher Reservoir #6. Original Decree: 01CW346 on 06/01/2004, Dist. Ct., Water Div. 5. Subsequent Findings of Reasonable Diligence: 10CW171 on 05/10/2011 and 17CW3124 on 02/18/2018, Dist. Ct., Water Div. 5. Decreed Location: The location of the dam is in the SE1/4 SE1/4, Sec. 19, T. 10 S., R. 95 W., of the 6th P.M., 1280 ft. N. of the S. line of Sec. 19 and 950 ft. W. of the E. line of Sec. 19. **Source: Irr. water tributary to Hossle Creek, tributary to Cottonwood Creek, tributary to Plateau Creek, tributary to the CO River.** Date of Approp.: 12/15/2001. Amt.: 3.0 AF, conditional, with right to fill and one refill when in priority to maintain pool for piscatorial purposes. Uses: Irr., livestock, aesthetic, and piscatorial. Legal Description of Acreage of Land Irrigated: Approx. 20 acres contained in the W1/2 SE1/4 SE1/4, Sec. 19, T. 10 S., R. 95 W., of the 6th P.M. See Exh. A on file with the Water Ct. Max Height of Dam: Less than 10 ft. Surface Area: Less than one acre. Total Capacity: 3.0 AF. Remarks: The pond is filled with surface water and Irr. return flows on Applicant's property. Structure: Bucher Ditch No. 4. Original Decree: 01CW348 on 06/01/2004, Dist. Ct., Water Div. 5. Subsequent Findings of Reasonable Diligence: 10CW172 on 05/10/2011 and 17CW3124 on 02/18/2018, Dist. Ct., Water Div. 5. Decreed Location: The POD located in the NE1/4 NW1/4, Sec. 29, T. 10 S., R. 95 W., of the 6th P.M., 640 ft. S. of the N. line of Sec. 29 and 2,100 ft. E. of the W. line of Sec. 29 in Mesa Cty. Source: Cottonwood Creek, tributary to Plateau Creek, tributary to the CO River. Date of Approp.: 12/15/2001. Amt. and Uses: Max. instantaneous diversion for all three uses is limited to 3.0 c.f.s. Irr.: 0.125 c.f.s., conditional, for direct application to Irr. of five acres of bottom land along Cottonwood Creek. Legal Description of Acreage of Land Irrigated: Located in the SW1/4 SW1/4, Sec. 20, T. 10 S., R. 95 W. of the 6th P.M. See Exh. B on file with the Water Ct. Storage: 3.0 c.f.s., conditional, for filling Bucher Reservoir No. 2, Bucher Reservoir No. 3, and Bucher Reservoir No. 4. Dom.: 0.01 c.f.s., conditional, through direct diversion for Dom. use. Remarks: Applicant will install a headgate and measuring devices as may be required by the Div. Engineer and/or State Engineer for administration of diversions at Bucher Ditch No. 4. Name of Structures: Bucher Reservoir No. 2, Bucher Reservoir No. 3, Bucher Reservoir No. 4. Original Decree: 01CW348 on 06/01/2004, Dist. Ct., Water Div. 5. Subsequent Findings of Reasonable Diligence: 10CW172 on 05/10/2011 and 17CW3124 on 02/18/2018, Dist. Ct., Water Div. 5. Decreed Locations. Bucher Reservoir No. 2: The location of the dam is in the SW1/4 SW1/4, Sec. 20, T. 10 S., R. 95 W., of the 6th P.M., 640 ft. N. of the S. line of Sec. 20 and 750 ft. E. of the W. line of Sec. 20. Bucher Reservoir No. 3: The location of the dam is in the SW1/4 SW1/4, Sec. 20, T. 10 S., R. 95 W., of the 6th P.M., 400 ft. N. of the S. line of Sec. 20 and 1,000 ft. E. of the W. line of Sec. 20. Bucher Reservoir No. 4: The location of the dam is in the SW1/4 SW1/4, Sec. 20, T. 10 S., R. 95 W., of the 6th P.M., 200 ft. N. of the S. line of Sec. 20 and 1,250 ft. E. of the W. line of Sec. 20. Source for each Reservoir: Cottonwood Creek, tributary to Plateau Creek, tributary to the CO River. Date of Approp. for each Reservoir: 12/15/2001. Amt. for each Reservoir: 3.0 AF, conditional, with right to fill and one refill when in priority to maintain pool for piscatorial purposes. Uses for each Reservoir: Irr.: Approx. five acres of bottom land along Cottonwood Creek as the creek travels in a northwesterly direction, contained in the SW1/4 SW1/4, Sec. 20, T. 10 S., R. 95 W., of the 6th P.M. See Exh. B. Non-Irr.: Livestock, piscatorial, and Dom. use for a seasonal cabin and as a supplemental supply to existing Dom. source. Surface Area: Less than one acre. Max. Height of Dam: Less than 10 ft. Total Capacity of Reservoir: 3.0 AF, all dead storage.

Structures: Bucher Spring #2 through #11. Original Decree: 01CW342 on 06/01/2004, Dist. Ct., Water Div. 5. Subsequent Findings of Reasonable Diligence: 10CW170 on 05/10/2011, and 17CW3124 on 02/18/2018. Decreed Location: Bucher Spring No. 2: The POD located in the SE1/4 SE1/4, Sec. 19, T. 10 S., R. 95 W., of the 6th P.M., 1,000 ft. N. of the S. line of Sec. 19 and 800 ft. W. of the E. line of Sec. 19. Bucher Spring No. 3: The POD located in the SE1/4 SE1/4, Sec. 19, T. 10 S., R. 95 W., of the 6th P.M., 650 ft. N. of the S. line of Sec. 19 and 500 ft. W. of the E. line of Sec. 19. Bucher Spring No. 4: The POD located in the SE1/4 SE1/4, Sec. 19, T. 10 S., R. 95 W., of the 6th P.M., 600 ft. N. of the S. line of Sec. 19 and 650 ft. W. of the E. line of Sec. 19. Bucher Spring No. 5: The POD located in the SE1/4 SE1/4, Sec. 19, T. 10 S., R. 95 W., of the 6th P.M., 500 ft. N. of the S. line of Sec. 19 and 600 ft. W. of the E. line of Sec. 19. Bucher Spring No. 6: The POD located in the SE1/4 SE1/4, Sec. 19, T. 10 S., R. 95 W., of the 6th P.M., 300 ft. N. of the S. line of Sec. 19 and 350 ft. W. of the E. line of Sec. 19. Bucher Spring No. 7: The POD located in the SE1/4 SE1/4, Sec. 19, T. 10 S., R. 95 W., of the 6th P.M., 100 ft. N. of the S. line of Sec. 19 and 450 ft. W. of the E. line of Sec. 19. Bucher Spring No. 8: The POD located in the SE1/4 SE1/4, Sec. 19, T. 10 S., R. 95 W., of the 6th P.M., 200 ft. N. of the S. line of Sec. 19 and 150 ft. W. of the E. line of Sec. 19. Bucher Spring No. 9: The POD located in the SE1/4 SE1/4, Sec. 19, T. 10 S., R. 95 W., of the 6th P.M., 300 ft. N. of the S. line of Sec. 19 and 300 ft. W. of the E. line of Sec. 19. Bucher Spring No. 10: The POD located in the SE1/4 SE1/4, Sec. 19, T. 10 S., R. 95 W., of the 6th P.M., 100 ft. N. of the S. line of Sec. 19 and 50 ft. W. of the E. line of Sec. 19. Bucher Spring No. 11: The POD located in the SE1/4 SE1/4, Sec. 19, T. 10 S., R. 95 W., of the 6th P.M., 0 ft. N. of the S. line of Sec. 19 and 0 ft. W. of the E. line of Sec. 19. Source for each Spring: Surface water tributary to Hossle Creek, tributary to Cottonwood Creek, tributary to Plateau Creek, tributary to the CO River. Date of Approp. for each Spring: 12/15/2001. Amt.: 0.15 c.f.s., conditional, for each Spring. Uses for each Spring: Direct diversion for Irr., Dom., and stockwatering; filling of Bucher Reservoir, 1st Enlargement of Bucher Reservoir, and Bucher Reservoir No. 5 for hydroelectric power generation, stockwatering, aesthetic, Dom., Rec., piscatorial. Dom. use is a supplement to Applicant's existing Dom. supply. Legal Description of Acreage of Land Irrigated: Approx. 60 acres contained in the E1/2 SE1/4 SE1/4, Sec. 19, T. 10 S., R. 95 W., of the 6th P.M., and SW1/4 SW1/4, Sec. 20, T. 10 S., R. 95 W., of the 6th P.M. See Exh. C on file with Water Ct. Structure: 1st Enlargement Bucher Reservoir. Original Decree: 01CW342 on 06/01/2004, Dist. Ct., Water Div. 5. Subsequent Findings of Reasonable Diligence: 10CW170 on 05/10/2011 and 17CW3124 on 02/18/2018, Dist. Ct., Water Div. 5. Decreed Location: The location of the dam is in the SE1/4 SE1/4, Sec. 19, T. 10 S., R. 95 W., of the 6th P.M., 200 ft. N. of the S. line of Sec. 19 and 400 ft. W. of the E. line of Sec. 19. Source: Bucher Spring Nos. 2 through 11 herein and Hossle Creek, all tributary to Cottonwood Creek, tributary to Plateau Creek, tributary to the CO River. Name and Capacity of Ditch/Pipeline Leading to Pond: Bucher Spring Nos. 2 through 11 herein and surface water from unnamed draw tributary to Hossle Creek and Hossle Creek. Date of Approp.: 11/15/2001. Amt.: 2.75 AF, conditional, with right to fill and one refill when in priority and available to maintain pool for piscatorial use. Uses: Irr., filling of Bucher Reservoir No. 5, hydroelectric power generation, aesthetic, Dom., piscatorial, stockwatering. Water stored in Bucher Reservoir and 1st Enlargement of Bucher Reservoir may be pumped to other locations on Applicant's property for uses decreed herein. Water stored in Bucher Reservoir No. 5 may be pumped to other locations on Applicant's property for uses decreed herein. Legal Description of Acreage of Land Irrigated: Approx. 60 acres contained in the E1/2 SE1/4 SE1/4, Sec. 19, T. 10 S., R. 95 W., of the 6th P.M., and SW1/4 SW1/4, Sec. 20, T. 10 S., R. 95 W., of the 6th P.M. Total Capacity of Reservoir: 3.0 AF of which 2.75 AF is associated with this enlargement water right. Max Height of Dam: Less than 10 ft. Surface Area at High-Water Line: Less than one acre. Structure: Bucher Reservoir No. 5. Original Decree: 01CW342 on 06/01/2004, Dist. Ct., Water Div. 5. Subsequent Findings of Reasonable Diligence: 10CW170 on 05/10/2011 and 17CW3124 on 02/18/2018, Dist. Ct., Water Div. 5. Decreed Location: The location of the dam is in the SE1/4 SE1/4, Sec. 19, T. 10 S., R. 95 W., of the 6th P.M., 700 ft. N. of the S. line of Sec. 19 and 450 ft. W. of the E. line of Sec. 19. Source: Bucher Spring Nos. 2 through 11 herein and Hossle Creek, all tributary to Cottonwood Creek, tributary to Plateau Creek, tributary to the CO River. Name and Capacity of Ditch/Pipeline Leading to Pond: Bucher Spring Nos. 2 through 11 herein and surface water from unnamed draw tributary to Hossle Creek and Hossle Creek. Date of Approp.: 11/15/2001 Amt.: 3.0 AF, conditional, with right to fill and one refill when in priority to maintain pool for piscatorial use. Uses: Irr., filling of Bucher Reservoir No. 5, hydroelectric power generation, aesthetic, Dom., piscatorial, stockwatering. Water stored in Bucher Reservoir and 1st Enlargement of Bucher Reservoir may be pumped to other locations on Applicant's property for uses decreed herein. Water stored in Bucher Reservoir No. 5 may be pumped to other locations on Applicant's property for uses decreed herein. Legal Description of Acreage of Land Irrigated: Approx. 60 acres contained in the E1/2 SE1/4 SE1/4, Sec. 19, T. 10 S., R. 95 W., of the 6th P.M., and SW1/4 SW1/4, Sec. 20, T. 10 S., R. 95 W., of the 6th P.M. Total Capacity of Reservoir: 3.0 AF. Max Height of Dam: Less than 10 ft. Surface Area at High-Water Line: Less than one acre. A list of diligence activities performed in the six years preceding the filing of this Application is on file with this Ct. Names and address of owners of land on which structure is or will be located, upon which water is or will be stored, or upon which water is or will be placed to beneficial use: Applicant & Mark B. Currier & Roberta J. Currie. (10 pages of original application, Exhs. A-C)

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24CW3025 GRAND COUNTY. Todd Kamin, P.O. Box 185, Tabernash, CO 80478. Applicant is represented by Katie Randall and Kent Whitmer, The Whitmer Law Firm, LLC, P.O. Box 38, Hot Sulphur Springs, CO 80451, (970) 725-3460. APPLICATION TO MAKE CONDITIONAL WATER RIGHTS ABSOLUTE IN PART AND FOR A FINDING OF REASONABLE DILIGENCE. Name of Structure: Lurye Reservoir. Decrees: August 6, 2004 (03CW299); June 13, 2011 (10CW214); February 4, 2018 (17CW3138); all in Water Court Division No. 5. Legal Description: The dam is located in the SE1/4 SE1/4 of Section 3, Township 1 South, Range 76 West of the 6th P.M. The respective center point of the dam is located approximately 600 feet from the South line of said Section 3 and 40 feet from the East line of said Section 3. Source: Skunk Creek, tributary to Pole Creek, tributary to Crooked Creek, tributary to the Fraser River, tributary to the Colorado River. Uses: Recreation, wildlife, piscatorial, irrigation, firefighting, and domestic (including, without limitation, domestic animal watering, vehicle cleaning and supplemental household water). Appropriation Date: Recreation, wildlife watering, and firefighting uses: July 31, 1965. Piscatorial, domestic and irrigation uses: December 30, 1997. Amount: 3.0 acre-feet. In Case No. 17CW3138, 0.7af of this water right was made absolute for all decreed purposes, and 2.3af was continued conditionally. Amount Claimed Absolute: cumulative amount of 0.93 acre-feet, as set forth in further detail in the Application. Additional Information: Applicant requests that the Court make absolute in the cumulative amount of 0.93 acre-feet the water right in Lurye Reservoir, with the remaining 2.07af continued conditionally. In the alternative, Applicant asks the Court to continue the entire storage right conditionally to the extent not already made absolute. The application and attached exhibits contain additional support for the absolute claim and a detailed outline of the work performed during the diligence period (7 pages).

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24CW3026 GRAND COUNTY. – APPLICATION FOR APPROVAL OF PLAN FOR AUGMENTATION. **1. Name, Address, Phone Number, and E-Mail Address of Applicant.** Thomas J. Hill, 15689 Columbus Mountain Drive, Broomfield, Colorado 80023-9446; Phone: (303) 434-7589; E-mail: papabeartom@outlook.com. Copies of all pleadings to: David F. Bower, Cameron C. Frazier, Johnson & Repucci LLP, 850 W. South Boulder Road, Suite 100, Louisville, Colorado 80027. **2. Overview.** Applicant is the owner of ~18 acres of land located north of Granby Reservoir in the SE1/4 of Section 23, Township 3 North, Range 76 West of the 6th P.M. The property is being subdivided into 10 single-family residential lots and 14 duplexes known as the Spring Creek Gulch Ranch. By this application, Applicant seeks approval of a plan for augmentation and exchange project right to replace out-of-priority depletions from wells that will be used to provide the domestic water supply to the Spring Creek Gulch Ranch. A map of the subject property is attached to the application as Figure 1. 3. Request for Approval of Plan for Augmentation and Exchange Project Right. (a) Name and Description of Structures to be Augmented. The wells that will be used to provide a domestic water supply to the development are collectively referred to as the Spring Creek Gulch Ranch Wells. The Spring Creek Gulch Ranch Wells will be located on the Spring Creek Gulch Ranch property. As fully augmented structures, no groundwater rights are claimed. Applicant anticipates that the domestic water supply for the Spring Creek Gulch Ranch development will be provided by a centralized water treatment system served by six wells, but more or less wells may be drilled depending on hydrogeological conditions and as-built water demands. Applicant also reserves the right to drill individual residential wells on the property, including for the single-family lots and each duplex unit. An existing well was located on the property during a site visit, but the permit number has not been identified. This well is currently not in use and will not be included in this plan for augmentation. The source for the Spring Creek Gulch Ranch Wells will be groundwater underlying the subject property, tributary to Granby Reservoir, tributary to the Colorado River. The depth of each well is anticipated to be ~150 feet and drilled into the Troublesome Aquifer. Based on an engineering analysis prepared by BBA Water Consultants, Inc., any well drilled on the Spring Creek Gulch Ranch property will have the same point of depletion in Granby Reservoir. Accordingly, Applicant reserves the right to locate the wells anywhere on the property. The final as-built location of each of the Spring Creek Gulch Ranch Wells will be identified at the time of permitting. Applicant waives any well spacing objections between the individual Spring Creek Gulch Ranch Wells that may be required by C.R.S. §37-90-137(2)(b)(II)(C) and the Division of Water Resources Amended Policy 2011-2, dated January 20, 2012. (b) Water Rights to be Used for Augmentation. Augmentation water will be provided by the Middle Park Water Conservancy District (“MPWCD”) from supplies that MPWCD owns or controls in (i) Granby Reservoir pursuant to certain Windy Gap water rights agreements, (ii) Wolford Mountain Reservoir, and/or (iii) additional or alternative sources of supply that MPWCD may be allowed to use in the future for augmentation and replacement purposes (“MPWCD Contract Water”). Applicant’s contract for 1.1 acre-feet of MPWCD Contract Water was approved by the MPWCD Board on January 10, 2024. Pursuant to C.R.S. § 37-92-305(8), Applicant also 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 Division of Water Resources. (c) Detailed Description of Plan for Augmentation. Applicant will replace all out-of-priority depletions from the Spring Creek Gulch Ranch Wells with 1.1 acre-feet of MPWCD Contract Water. Applicant’s development plans currently call for subdividing the property into 10 single-family residential lots and 14 duplexes on another lot, resulting in a total of 38 residential units on 15 lots in the Spring Creek Gulch Ranch. Water demand from each unit, regardless of

whether a single-family residence or a duplex unit, is based on 3.5 full-time occupants per unit and an indoor water use rate of 80 gallons per day per person. There is expected to be up to 1,300 square-feet of landscaping for each single-family home and 500 square-feet of landscaped shrubs and trees for each duplex, for a total of approximately 0.62 acre of landscaping at the Spring Creek Gulch Ranch. The augmentation plan also assumes that all 38 residential units will have one hot tub. Based on these development plans, the total water demand is estimated to be 12.284 acre-feet/year and the total depletion is estimated to be 0.949 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. The total indoor/household domestic demand for the Spring Creek Gulch Ranch development is estimated to be 11.918 acre-feet/year or ~0.314 acre-feet/year per unit (365 days per year × 3.5 occupants per house × 80 gpd/person). The irrigation demand for landscaping is assumed to be 0.261 acre-feet/year (0.62 acre of landscaping with a CIR of 0.4 acre-feet/acre and a drip irrigation efficiency of 95%). Outdoor domestic demand for hot tubs is 0.105 acre-feet/year assuming each hot tub uses ~0.003 acre-feet/year (300 gallons per fill with each hot tub filled and re-filled three times a year). (ii) Projected Depletions. Depletions from the Spring Creek Gulch Ranch Wells will result in lagged depletions to Granby Reservoir. Wastewater from domestic use will be treated via a central sewage treatment facility operated by Three Lakes Water and Sanitation District. Accordingly, indoor/household domestic use is expected to be 5% consumptive. This results in an estimated depletion of 0.596 acre-feet/year or ~0.016 acre-feet/unit. Landscape irrigation is assumed to be 95% consumptive and hot tubs are assumed to be 100% consumptive, resulting in an anticipated depletion of 0.248 acre-feet/year and 0.105 acre-feet/year, respectively. (d) Exchange Reach. Because Applicant's MPWCD Contract Water in Wolford Mountain Reservoir comes from a location downstream of the point of depletion for the Spring Creek Gulch Ranch Wells, the proposed plan for augmentation may 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 exchange project right from the furthest downstream point where replacement water may be released into the Colorado River from Wolford Mountain Reservoir, up to the point of depletion for the Spring Creek Gulch Ranch Wells at Granby Reservoir. The components of this exchange project right are as follows: (i) Downstream Terminus. The confluence of Muddy Creek and the Colorado River, which is in the NW1/4 of the NE1/4 of Section 19, Township 1 North, Range 80 West of the 6th P.M., at a point described as Zone 13, NAD 83, Easting 380748.2, Northing 4433448.3. (ii) Upstream Terminus. The point where depletions from the Spring Creek Gulch Ranch Wells impact Granby Reservoir, which is in the SE1/4 of the NW1/4 of Section 26, Township 3 North, Range 76 West of the 6th P.M., at a point described as Zone 13, NAD83, Easting 425398, Northing 4449629. (iii) Exchange Rate. 0.0013 cfs, not to exceed 1.1 acre-feet/year. (iv) Date of Appropriation. Date of application. (v) Uses. Water will be exchanged to augment and replace out-of-priority depletions from the Spring Creek Gulch Ranch Wells. (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. **4. 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 new structures will be located on land currently owned by Applicant. WHEREFORE, Applicant respectfully requests that the Court (1) 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 project right and (2) approve the plan for augmentation and exchange project right. (5 pages plus exhibit)

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5. PURSUANT TO C.R.S., §37-92-302, AS AMENDED, YOU ARE NOTIFIED THAT THE FOLLOWING PAGES COMPRISE A RESUME OF THE APPLICATIONS AND AMENDED APPLICATIONS FILED WITH THE WATER CLERK FOR WATER DIVISION 5 DURING THE MONTH OF FEBRUARY 2024. The water right claimed by this application may affect in priority any water right claimed or heretofore adjudicated within this division and owners of affected rights must appear to object and protest within the time provided by statute or be forever barred.

24CW3027 IN GARFIELD COUNTY, COLORADO. APPLICATION TO MAKE CONDITIONAL WATER RIGHTS ABSOLUTE, IN PART, AND FOR FINDING OF REASONABLE DILIGENCE. Name and address of Applicants: Joe Russell Hood and Jesse Frank Hood, 4767 County Road 134, Glenwood Springs, CO 81601. Please direct all correspondence, motions, and pleadings to Michael J. Sawyer or Danielle T. Skinner, KARP NEU HANLON, P.C., 201 14th Street, Suite 200, P.O. Drawer 2030, Glenwood Springs, CO 81602, (970) 945-2261. **FIRST CLAIM - FINDING MAKING CONDITIONAL RIGHT ABSOLUTE, IN PART, AND FOR FINDING OF REASONABLE DILIGENCE. Name of structure:** Frank Reservoir. **Date of original decree:** May 19, 1986, in Case No. 81CW425, in the District Court in and for Water Division No. 5. **Subsequent decrees awarding findings of diligence:** Case No. 90CW87, entered on August 14, 1990; Case No. 96CW139, entered on October 15, 1996; Case No. 02CW261, entered on February 17, 2004; Case No. 10CW31, entered on April 3, 2011; and Case No. 17CW3104, entered on February 4, 2018, all in the District Court in and for Water Division No. 5. **Legal description:** The decreed location of the Frank Reservoir is described as being in the SE1/4 of the NW1/4 of Section 26, Township 6 South, Range 90 West of the 6th P.M. with the Northeasterly abutment of the dam being located at a point whence the Center Quarter Corner of said Section 26 bears S. 25°00' East 1,050 feet. In Case No. 17CW3104 the Court decreed two alternative points, as described in paragraphs 5 and 8, at which the Frank Reservoir water can be stored. **Source:** South Canyon Creek, tributary to the Colorado River. **Appropriation Date:** June 1, 1980. **Amount and Use:** 14 acre-feet, conditional, for irrigation, domestic, piscatorial and recreational uses, and 10 acre-feet, conditional, for livestock watering uses. In Case No. 02CW261,

the Court confirmed 4.0 acre-feet, absolute, for livestock watering uses at the Frank Reservoir – Main Diversion. **Remarks:** The decreed location of the Frank Reservoir’s dam abutment, as described by bearing and distance from the Center Quarter Corner of Section 26, is within the NE1/4 of the NW1/4 of Section 26, Township 6 South, Range 90 West of the 6th P.M. This location can alternatively be described as UTM coordinates (Zone 13, NAD 1983 Datum) Easting: 292737, Northing: 4375550. **Claim to Make Absolute:** Date additional water first applied to beneficial use: No later than July 4, 2023. **Amount of water applied to beneficial use:** 4 acre-feet for irrigation, livestock watering and recreational uses. **Description of place where water has been applied to beneficial use:** Applicants’ property generally within Section 26, Township 6 South, Range 90 West of the 6th P.M. **Claim for Reasonable Diligence:** If the Frank Reservoir – Main Diversion is determined to be absolute as claimed above, then Applicants request a finding of diligence for the Frank Reservoir – Main Diversion in the amount of 10 acre-feet, conditional, for irrigation, domestic, piscatorial, recreational and livestock watering uses. If the Frank Reservoir – Main Diversion is not determined to be absolute as claimed above, then Applicants request a finding of diligence for the Frank Reservoir – Main Diversion in the amounts of 14 acre-feet, conditional, for irrigation, domestic, piscatorial, and recreational uses, and 10 acre-feet, conditional, for livestock watering uses. **SECOND CLAIM - FINDING MAKING CONDITIONAL RIGHT ABSOLUTE, IN PART, AND FOR FINDING OF REASONABLE DILIGENCE.** **Name of structure:** *Frank Reservoir – Alternate Point No. 1.* **Date of original decree:** February 4, 2018, in Case No. 17CW3104, in the District Court in and for Water Division No. 5. **Subsequent decrees awarding findings of diligence:** none. **Legal description:** UTM coordinates (Zone 13, NAD 1983 Datum) Easting: 292732, Northing: 4375776. **Source:** South Canyon Creek, tributary to the Colorado River. **Appropriation Date:** June 1, 1980. **Amount and Use:** 3.5 acre-feet for irrigation, domestic, piscatorial, recreational and livestock watering uses. **Claim to Make Absolute:** Date additional water first applied to beneficial use: No later than July 4, 2023. **Amount of water applied to beneficial use:** 3.5 acre-feet for irrigation, recreational and livestock watering uses. **Description of place where water has been applied to beneficial use:** Applicants’ property generally within Section 26, Township 6 South, Range 90 West of the 6th P.M. **Claim for Reasonable Diligence:** If the Frank Reservoir – Alternate Point No. 1 is determined to be absolute as claimed above, then Applicants request a finding of diligence for the Frank Reservoir – Alternate Point No. 1 in the amount of 3.5 acre-feet, conditional, for domestic and piscatorial uses. If the Frank Reservoir – Alternate Point No. 1 is not determined to be absolute as claimed above, then Applicants request a finding of diligence for the Frank Reservoir – Alternate Point No. 1 in the amount of 3.5 acre-feet, conditional, for irrigation, domestic, piscatorial, recreational and livestock watering uses. **THIRD CLAIM - FINDING MAKING CONDITIONAL RIGHT ABSOLUTE, IN PART, AND FOR FINDING OF REASONABLE DILIGENCE.** **Name of structure:** *Frank Reservoir – Alternate Point No. 2.* **Date of original decree:** February 4, 2018, in Case No. 17CW3104, in the District Court in and for Water Division No. 5. **Subsequent decrees awarding findings of diligence:** none. **Legal description:** UTM coordinates (Zone 13, NAD 1983 Datum) Easting: 292795, Northing: 4375263. **Source:** South Canyon Creek, tributary to the Colorado River. **Appropriation Date:** June 1, 1980. **Amount and Use:** 3.5 acre-feet for irrigation, domestic, piscatorial, recreational and livestock watering uses. **Claim to Make Absolute:** Date additional water first applied to beneficial use: No later than July 4, 2023. **Amount of water applied to beneficial use:** 3.5 acre-feet for recreational and livestock watering uses. **Description of place where water has been applied to beneficial use:** Applicants’ property generally within Section 26, Township 6 South, Range 90 West of the 6th P.M. **Claim for Reasonable Diligence:** If the Frank Reservoir – Alternate Point No. 2 is determined to be absolute as claimed above, then Applicants request a finding of diligence for the Frank Reservoir – Alternate Point No. 2 in the amount of 3.5 acre-feet, conditional, for irrigation, domestic and piscatorial uses. If the Frank Reservoir – Alternate Point No. 2 is not determined to be absolute as claimed above, then Applicants request a finding of diligence for the Frank Reservoir – Alternate Point No. 2 in the amount of 3.5 acre-feet, conditional, for irrigation, domestic, piscatorial, recreational and livestock watering uses. **Names and addresses of owners of land upon which structures are located:** Applicants. The following exhibits are on file with the Water Court: a map depicting the location of the structures (Exhibit A), and a detailed outline of what has been done toward completion of the appropriation and application of the water rights to beneficial use as decreed, including expenditures (Exhibit B) (pp. 9 with exhibits).

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

6. PURSUANT TO C.R.S., §37-92-302, AS AMENDED, YOU ARE NOTIFIED THAT THE FOLLOWING PAGES COMPRISE A RESUME OF THE APPLICATIONS AND AMENDED APPLICATIONS FILED WITH THE WATER CLERK FOR WATER DIVISION 5 DURING THE MONTH OF FEBRUARY 2024. The water right claimed by this application may affect in priority any water right claimed or heretofore adjudicated within this division and owners of affected rights must appear to object and protest within the time provided by statute or be forever barred.

24CW3028 EAGLE COUNTY, Application for Findings of Reasonable Diligence. Applicants: Jonathon S. Jacobson Revocable Trust and Joanna M. Jacobson Revocable Trust; please direct all correspondence to Applicants’ attorneys: Mary Elizabeth Geiger, Garfield & Hecht, P.C., 910 Grand Avenue, Suite 201, Glenwood Springs, CO 81601, (970)947-1936, megeiger@garfieldhecht.com. **Name of structure:** **JJ Well No. 1.** **Information from Prior Decrees:** **Original decree:** Entered on May 23, 2003, in Case No. 02CW216, District Court, Water Division No. 5. **Subsequent decree** making the water right absolute in part and making a finding of reasonable diligence in Case No. 09CW042 and in Case No. 17CW3166, District Court in and for Water Division No. 5. **Location:** NE1/4 NW1/4, Section 34, Township 4 South, Range 84 West, 6th P.M., Eagle County, Colorado, 800 feet from the North Section Line and 1500 feet from the West Section line. **Source:** Groundwater tributary to the Eagle River, tributary to the Colorado River. See map attached

to the application as Exhibit A. *Appropriation date*: August 16, 2001. Amount: 0.055 c.f.s. (25 g.p.m.); 0.8978 acre-foot per year. 21 g.p.m. and 0.718 acre-foot per year has been made absolute, and the remaining amount of this water right is conditional. Decreed Uses: domestic, irrigation and stockwatering purposes. *Absolute uses*: domestic use for one house, including a pool, domestic use inside a barn, irrigation, and stockwatering. *Conditional use*: domestic use for a guest house. Depth of well: 50 feet Remarks: JJ Well No. 1 operates pursuant to Well Permit No. 57534-F and the plan for augmentation decreed by this Court in Case No. 02CW216. *Appropriative Right of Exchange*. *Decree information*: Original decree entered on May 23, 2003 in Case No. 02CW216, and subsequent findings of reasonable diligence and to make partially absolute in Case No. 09CW42 and in Case No. 17CW3166, District Court, Water Division No. 5. *Decreed exchange reach*: confluence of the Eagle River and Colorado River (downstream terminus) to the point of diversion of the JJ Well No. 1, described above (upstream terminus). *Appropriation date*: August 16, 2001. Amount: 0.440 acre-foot per year at a flow rate of 0.0556 c.f.s. Date and amount applied to beneficial use: July 15, 2013, when releases were made from Wolford Mountain Reservoir to the Colorado River pursuant to the Applicants' contract with the Colorado River Water Conservation District. There was no active call on the Eagle River on that date and, therefore, the exchange operated in priority in the amount of 21 g.p.m. and 0.3432 acre-feet per year, which represents the percentage of the JJ Well No. 1 that was made absolute (78%) on February 18, 2018, by this Court in Case No. 17CW3166. Exchange Reach: Upstream Terminus: JJ Well No. 1 as described above. Downstream Terminus: Confluence of the Eagle River and the Colorado River the lower terminus of the Exchange is a point at the confluence of the Eagle River and the Colorado River currently located in the SW ¼ of the NE ¼ of Section 5, Township 5 South, Range 86 West of the 6th P.M. at a point approximately 2400 feet from the North section line and 1900 feet from the East section line of said Section 5. Uses: Domestic use for one house, including a pool, domestic use inside a barn, irrigation and stockwatering and a guesthouse. The Application includes a detailed description of activities undertaken during the diligence period toward the application of the remaining subject conditional water rights to beneficial use. (6 pages).

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

7. PURSUANT TO C.R.S., §37-92-302, AS AMENDED, YOU ARE NOTIFIED THAT THE FOLLOWING PAGES COMPRISE A RESUME OF THE APPLICATIONS AND AMENDED APPLICATIONS FILED WITH THE WATER CLERK FOR WATER DIVISION 5 DURING THE MONTH OF FEBRUARY 2024. The water right claimed by this application may affect in priority any water right claimed or heretofore adjudicated within this division and owners of affected rights must appear to object and protest within the time provided by statute or be forever barred.

24CW3029 (16CW3011, 07CW199, 00CW228, 92CW136, 86CW155, 82CW151, W-1869) PITKIN COUNTY. APPLICATION FOR SEXENNIAL FINDING OF REASONABLE DILIGENCE. 1. Name, address and telephone number of Applicant: Twin Lakes Reservoir and Canal Company, Mr. Stacey Sober, 331 Main St, Ordway, CO 81063, ssober@c canal.net, (719) 267-4411. With a copy to Karl D. Ohlsen and Matthew L. Navarrette, Carlson, Hammond & Paddock, 1900 N. Grant Street Suite #1200, Denver, Colorado 80203. 2. Name of Structures: New York Collection Canal Supplement for the Independence Pass Transmountain Diversion System. 3. Describe conditional water right (as to each structure) from previous decree: A. Date of Original Decree: The New York Collection Canal Supplement ("NYCC Supplement") was decreed by the District Court in and for Water Division No. 5 in Case No. W-1869 on October 2, 1979. The 1979 decree enables the Twin Lakes Reservoir and Canal Company ("Twin Lakes") to divert and use flows beyond those originally decreed for the New York Collection Canal by the District Court in and for Garfield County in Civil Action No. 3082, on August 25, 1936, but subject to the overall limitation on the Independence Pass Transmountain Diversion System ("IPTDS") that total system diversions through the transmountain tunnel, Tunnel No. 1, shall not exceed 625 c.f.s., as set forth in the original 1936 Decree, and subject to the conditions imposed on the change of water rights decreed in Division 5 Water Court Case No. W-1901 entered on May 12, 1976. The nature of this water right was described by the Colorado Supreme Court in *Twin Lakes Reservoir & Canal Co. v. City of Aspen*, 557 P.2d 825, 827 (Colo. 1976) as follows: "[t]he record indicates that any portion of the additional 100 c.f.s. would be needed only under rather exceptional circumstances, and then only for a period of a week or two. Such an exceptional circumstance would occur only during flood season when for some reason there would be a 'system failure' or an avalanche on one segment of the collection system or a 'diurnal fluctuation' (by which the witness meant an abnormal heating of certain slopes in the morning and others in the afternoon with resulting unusual snow melt)". This decision confirmed that the water right at issue in this application is a supplemental right that is intended to be exercised when Applicant is unable to exercise diversions at other decreed structures that comprise the Twin Lakes' integrated system. The NYCC Supplement, together with the other features of the IPTDS, comprise an integrated project or system. B. List all subsequent decrees awarding findings of diligence: a finding of reasonable diligence on July 21, 1983, in case number 82CW151, District Court, Water Div. No. 5; a finding of reasonable diligence entered on August 31, 1987, in case number 86CW155, District Court, Water Div. No. 5; a finding of reasonable diligence entered on September 22, 1994, in case number 92CW136, District Court, Water Div. No. 5; a finding of reasonable diligence entered on November 19, 2001, in case number 00CW228, District Court, Water Div. No. 5; a finding of reasonable diligence entered on January 11, 2010, in case number 07CW199, District Court, Water Div. No. 5; and a finding of reasonable diligence entered on February 18, 2018, in case number 16CW3011, District Court, Water Div. No. 5. C. Legal description from most recent decree: Headgate No. 1 of the New York Collection Canal (also known as the New York Gulch Diversion, and designated as Headgate No. 2 of the IPTDS) is located at a point on the east bank of West Fork Gulch, a tributary of Lincoln Creek, which is a tributary of the Roaring Fork River, whence the southwest corner of Section 6, Township 11

South, Range 82 West of the 6th P.M. bears North 58°6' East 24,724.6 feet. Headgate No. 2 of the New York Collection Canal (also known as the Brooklyn Gulch Diversion and designated as Headgate No. 3 of the IPTDS) is located at a point on New York Gulch whence the southwest corner of Section 6, Township 11 South, Range 82 West of the 6th P.M. bears North 57°24' East 23,997.4 feet. Headgate No. 3 of the New York Collection Canal (also known as the Tabor Gulch Diversion and designated Headgate No. 4 of the IPTDS) is located at a point on Tabor Gulch whence the SW¼ of Section 6, Township 11 South, Range 82 West of the 6th P.M., bears North 51°32' East 16,923.1 feet. D. **Source of water: Tributaries of Lincoln Creek in Water District No. 38 including West Fork Gulch, New York Gulch, and Tabor Gulch.** E. **Appropriation Date:** April 30, 1973. F. **Amount of Appropriation:** 20 c.f.s. at Headgate No. 1 from the natural flow of West Fork Gulch (0 c.f.s. absolute; 20 c.f.s. remaining conditional); 50 c.f.s. at Headgate No. 2 from the natural flow of New York Gulch and from any other waters collected therein upstream on said canal (15 c.f.s. absolute; 35 c.f.s. remaining conditional); 100 c.f.s. at headgate No. 3 from the natural flow of Tabor Gulch and from any other waters collected therein upstream on said canal (39 c.f.s. absolute; 61 c.f.s. remaining conditional). The total amount allowed to be diverted cumulatively through the three headgates under the NYCC Supplement Water Right is 100 c.f.s.

	Water Source	Total Decreed in W-1869 (c.f.s.)	Previously Claimed Absolute (c.f.s.)	Additional Claimed Absolute during this diligence period (c.f.s.)	Remaining Conditional (c.f.s.)
Headgate No. 1 (a.k.a New York Gulch Diversion)	East bank of West Fork Gulch	20	0	0	20
Headgate No. 2 (a.k.a Brooklyn Gulch Diversion)	New York Gulch	50	15	0	35
Headgate No. 3 (a.k.a Tabor Gulch Diversion)	Tabor Gulch	100	39	0	61

G. **Decreed Uses:** Irrigation, industrial, municipal, commercial, domestic, and all beneficial purposes (including storage for the aforesaid purposes). 4. **Provide a detailed outline of what has been done toward completion of the appropriation and application of water to a beneficial use as conditionally decreed, including expenditures:** A. The New York Collection Canal has been constructed to the capacity adjudicated to the NYCC Supplement that is the subject of this proceeding, and has diverted and applied water to beneficial use, and continues to divert and apply water to beneficial use. Throughout the diligence period the Twin Lakes Company has continued its sustained efforts to divert and apply to beneficial use the entire appropriation conditionally decreed to the NYCC Supplement. The IPTDS is an integrated system and as such work on any part of the system shows diligence for the whole system. In furtherance of its continuing efforts to perfect its full appropriation, the Company has undertaken and performed the following actions in this diligence period: i. The Company has participated as an Objector in cases in Water Divisions No. 2 and No. 5 during the diligence period in order to protect its decreed water rights, including the water rights conditionally decreed to the IPTDS. ii. The Company filed an application in May 2015, Case No. 15CW3050, which sought to make absolute an additional 21.33 c.f.s. conditionally decreed to the Lost Man Diversion Dam and Lost Man Diversion Canal component of the IPTDS, for a total of 272.33 c.f.s. decreed absolute to the dam and diversion canal. The application also sought a finding of due diligence on the remaining conditional rights decreed to other components of the IPTDS. The final decree was entered on August 25, 2019. iii. The Company has spent the last two years negotiating a loan agreement with the CWCB and a construction contract to install a dam liner on Grizzly Dam and install new headgates for Tunnel No. 1 during the summer of 2024. iv. The Company has participated in ongoing discussions with other Front Range water right stakeholders as part of the Front Range Water Council to ensure the protection of the stakeholders' interests in their decreed conditional and absolute water rights, including rights of exchange, in Water Division No. 5, including the IPTDS. v. During the diligence period, the Company has expended at least \$4,448,072.43 in legal, engineering, construction, and other expenses in connection with the actions described above. 5. **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:** A. United States Forest Service, Aspen Ranger District, 806 West Hallan Street, Aspen, CO 81611; B. United States Bureau of Reclamation, Pueblo Field Office, 610 Pueblo Reservoir Road, Pueblo, CO 81005.

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8. PURSUANT TO C.R.S., §37-92-302, AS AMENDED, YOU ARE NOTIFIED THAT THE FOLLOWING PAGES COMPRISE A RESUME OF THE APPLICATIONS AND AMENDED APPLICATIONS FILED WITH THE WATER CLERK FOR WATER DIVISION 5 DURING THE MONTH OF FEBRUARY 2024. The water right claimed by this application may affect in priority any water right claimed or heretofore adjudicated within this division and owners of affected rights must appear to object and protest within the time provided by statute or be forever barred.

24CW3030 GRAND COUNTY. APPLICATION FOR FINDING OF REASONABLE DILIGENCE. Name, address, and telephone number of Co-Applicants and Attorneys: Grand County Water and Sanitation District No. 1 (GCWSD#1), Attn: William Borrás, Manager, P.O. Box 3077, Winter Park, CO 80482, (970) 726-5583. Winter Park Water and Sanitation District (WPWSD): Attn: Kent Bosshard, Manager, P.O. Box 7, Winter Park, CO 80482, (970) 726-5041. GCWSD#1 and WPWSD are represented by Katie Randall and Kent Whitmer, The Whitmer Law Firm, LLC, P.O. Box 38, Hot Sulphur Springs, CO 80451, (970)725-3460. Town of Fraser: Attn: Town Manager, P.O. Box 370, Fraser, CO 80442, (970) 726-5491. The Town of Fraser is represented by Christopher Thorne and Matthew Tieslau, Greenberg Traurig, LLP, 1144 15th Street Suite 3300, Denver, CO 80202, (303) 572-6500. Town of Granby: Attn: Town Manager, P.O. Box 440, Granby, Colorado 80446, (970) 887-2501. The Town of Granby is represented by Scotty Krob and Nathan Krob, Krob Law Office, LLC, 8400 E. Prentice Ave. Suite 1500, Greenwood Village CO 80111 (303) 694-0099.

Names of structures: A. Introduction: By decree in Case No. 92CW305, entered on November 19, 1996 (the “Original Decree”), the Co-Applicants sought and were awarded a conditional water right and approval of a plan for augmentation, including substitution and exchange, to implement the provisions of the Clinton Reservoir-Fraser River Agreement, dated July 21, 1992, among the Co-Applicants and others (the “Clinton Agreement”). Pursuant to the Original Decree, water will be diverted under a 1992 priority at existing points of diversion and through the collection system operated by the Denver Water Board (“Denver”), and will be released from Denver’s collection system on the Fraser River, St. Louis Creek, Little Vasquez Creek, and Vasquez Creek into those streams and will be used by the Co-Applicants at locations that have already been decreed to each of those entities under their existing water rights. B. Co-Applicants’ Water Right: 1. Description of Water Right: Denver will annually bypass at its intakes and make available from other components of Denver’s water delivery system, as necessary, for the use of the Co-Applicants or their designees, 846 acre feet of water to be used under the provision of the Clinton Agreement and the Grand County Water Users’ Operating Plan (“Bypass Water”). 2. **Legal Description of the Points of Diversion as Decreed** (see Figure 1 and Figure 2 attached to Application) (a) Descriptions in the Fraser River basin as decreed in Grand County Civil Action No. 657: (1) 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 N. 22°22’ W. 18,656 feet; (2) 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 S. 63°48’03” W. 526.84 feet; (3) 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 N. 37°58’E. 11,416.58 feet; (4) 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 S. 80°56’ W. 729.10 feet; (5) 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 N. 69°47’ E. 36,547 feet; (6) 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 N. 79°01’ E. 36,009 feet; and (7) Tributary drainage above the canal line divertible by the Fraser River diversion project. (b) Descriptions in the Williams Fork River basin as decreed in Grand County Civil Action No. 657: (1) 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 S. 31°56’15” E. 8,333.32 feet; (2) North Canal Line, Section 2, from Jones Creek at a point on the South bank of said creek whence the Wilson Monument bears S. 66°29’40” E. 1,983.49 feet; (3) 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; (4) South Canal Line, Section 1, from Bobtail Creek at a point on the East bank of said creek whence the Wilson Monument bears N. 65°34’50” E. 2,007.47 feet; (5) South Canal Line, Section 2 from Steelman Creek at a point on the East bank of said creek whence Wilson Monument bears N. 78°46’45” E. 9,525.25; and (6) South Canal Line, Section 3 receives its water through Sections 1 and 2 and has no independent point of diversion on any stream. 3. The conditional water right (as to each structure) subject to this Application and the prior decrees is described as follows: A. **Date of Original Decree:** November 19, 1996 (Case No. 92CW305). B. **Date of prior diligence decrees:** February 24, 2004 (Case No. 02CW301), October 21, 2010 (Case No. 10CW20), and February 18, 2018 (Case No. 16CW3118). C. **Location of points of diversion:** See Paragraph 2, above. D. **Source:** Fraser River and Williams Fork Rivers and their tributaries located above the points of diversion described in Paragraph 2. E. **Appropriation Date:** July 21, 1992. F. **Amount:** 8.0 cfs. G. **Use:** Irrigation, domestic and all municipal uses now or hereinafter cognizable under Colorado Law. H. Co-Applicants were also awarded an appropriative right of exchange and augmentation plan with a date of exchange of July 21, 1992. The sources of augmentation water were described as follows: (1) Windy Gap: Each of the Co-Applicants are parties to Water Allotment Contracts executed with the Middle Park Water Conservancy District for 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 Supplement which was dated March 29, 1985. The Agreement was approved by the Water Court, Water Division No. 5, in Civil Action 1768, by Interlocutory Decree, dated October 27, 1980. The supplement was approved by the Water Court by decree entered in Case No. 85CW135. The amount of each allotment is as follows: GCWSD#1 (250af); WPWSD (125af); Town of Fraser (105af); Town of Granby (200af). Pursuant to Co-Applicants’ Agreements with Middle Park Water Conservancy District, water available under these agreements will be released from Granby Reservoir to replace depletions to the Fraser and Williams Fork Rivers caused by the Co-Applicants’ respective diversions in amounts as determined by the Division Engineer, Water Division No. 5, when the diversions by that entity would be curtailed due to the call of senior water rights downstream from the above described points of diversion. (2) Williams Fork Reservoir: These Co-Applicants together with others entered into an agreement with Denver designated the 2012 Grand County Water Users’ Operating Plan, which was developed in conjunction with the 2012 Colorado River Cooperative Agreement. Under Paragraph 5 of the Clinton Agreement and Paragraph 8 of the 1992 Grand County Water Users’ Operating Plan and Paragraph 8 of the 2012 Grand County Water Users’ Operation Plan, Denver

agreed to release for augmentation uses by the Grand County Users, an equal amount of water from Williams Fork Reservoir such that the total of the Bypass Water, and Additional Bypass Water and Williams Fork Reservoir water delivered under the terms of the Clinton Agreement does not exceed 1,121 acre feet annually. The Co-Applicants had until July 21, 1997 to determine the amount of Co-Applicants' Bypass Water that will be converted to Williams Fork water, however, the 2012 Grand County Water Users' Operation Plan granted Co-Applicants until 5 years from the date of the Cooperative Agreement to elect for additional Williams Fork water. Denver will provide the amount of converted water in Williams Fork Reservoir during each July 1 to June 30 water year. The Co-Applicants cannot credit water from one water year to the next in Williams Fork Reservoir. Any water remaining in the Co-Applicant's Williams Fork Reservoir account at the end of the water year (June 30) is credited to Denver. Williams Fork Reservoir was decreed on November 5, 1937 in Civil Action No. 657 in the District Court in and for Grand County for 93,637 acre feet; with an appropriation date of November 10, 1935; and also decreed on November 7, 1974 nunc pro tunc May 30, 1972 in Civil Action No. 1430 in the District in and for Water Division No. 5 for 93,637 acre feet with an appropriation date of October 9, 1956. The source of water stored in the reservoir is the Williams Fork River and its streams and tributary drainage entering said reservoir. The location of the reservoir as described is located in the channel of the Williams Fork River upstream from a dam located thereon, said dam more particularly described to wit: The initial point of survey of said dam is located at the southeast corner of Section 23, Township 1 North, Range 79 West, of the 6th P.M., bears South 24°53' East a distance of 2,175 feet. **Names and addresses of owners of the land upon which the diversion structures are located:** United States Forest Service, Sulphur Ranger District, P.O. Box 10, Granby, Colorado 80446. **Additional Information:** Co-Applicants request a finding of diligence for the conditional water rights decreed herein. The previous decrees set forth additional terms and conditions that continue to be in effect for the water rights of this application. The application and attached exhibits contain additional information, including a detailed outline of the work performed during the diligence period (38 pages).

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

9. PURSUANT TO C.R.S., §37-92-302, AS AMENDED, YOU ARE NOTIFIED THAT THE FOLLOWING PAGES COMPRISE A RESUME OF THE APPLICATIONS AND AMENDED APPLICATIONS FILED WITH THE WATER CLERK FOR WATER DIVISION 5 DURING THE MONTH OF FEBRUARY 2024. *The water right claimed by this application may affect in priority any water right claimed or heretofore adjudicated within this division and owners of affected rights must appear to object and protest within the time provided by statute or be forever barred.*

24CW3031 PITKIN COUNTY, EAST SNOWMASS CREEK, ROARING FORK RIVER. Application for Findings of Reasonable Diligence. **Applicant:** Snowmass Water and Sanitation District (the "District"), c/o Mark E. Hamilton, Esq. and Lisa A. Claxton, Esq., Holland & Hart LLP, 600 E. Main St., Ste. 104, Aspen, CO, 81611, 970-925-3476, mehamilton@hollandhart.com, laclaxton@hollandhart.com. **Name of structure:** East Snowmass Brush Creek Pipeline. **Prior decree information:** 92CW307, 02CW24, 09CW38, and 16CW3052, Water Division No. 5. **Decreed location:** The point of diversion is located on the east bank of East Snowmass Creek at a point whence the NE corner of Sec. 10, T10S, R86W, 6th P.M., bears N. 39° 25' E. 6495 ft., which point is approx. 5026 feet from the N. sec. line and 4113 feet from the E. sec. line of said Sec. 10. A map showing the location of the subject structure is attached to the Application as Exhibit A. **Source:** East Snowmass Creek, tributary to the Roaring Fork River, tributary to the Colorado River. **Appropriation date:** 05/28/1992. **Amount:** 1.2 c.f.s., conditional, 3.9 c.f.s., absolute (approved in 02CW24 & 16CW3052), 5.1 c.f.s. total. **Use:** Snowmaking. **Unified Water System:** This court has previously found in Case Nos. 02CW24, 03CW54, and 03CW305 that the District owns and operates a unified water supply system that serves the Town of Snowmass Village, the Snowmass Ski Area, and other District customers. As previously confirmed in 09CW38, the East Snowmass Brush Creek Pipeline is an integral part of this unified water supply system. This system includes, among other things, direct flow water rights including the District's municipal decrees, the Christensen Ditch water right, and the various ditch decrees, water rights and structures pertaining to the East Snowmass Brush Creek Pipeline, East Fork Brush Creek Pipeline, West Fork Brush Creek Pipeline, and Snowmass Creek Pipeline, the storage water rights for the Ziegler Reservoir and Snowmass Reservoir, and other water treatment and distribution facilities designed to meet the water supply needs of the District's customers. A detailed outline of activities and expenditures during the diligence period is included in the application. **Name and address of owner or reputed owner of the land upon which any new diversion or storage structure, or modification to any existing diversion or storage structure is or will be constructed or upon which water is or will be stored, including any modification to the existing storage pool.** No new or modified diversion structures are contemplated. (6 pages).

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10. PURSUANT TO C.R.S., §37-92-302, AS AMENDED, YOU ARE NOTIFIED THAT THE FOLLOWING PAGES COMPRISE A RESUME OF THE APPLICATIONS AND AMENDED APPLICATIONS FILED WITH THE WATER CLERK FOR WATER DIVISION 5 DURING THE MONTH OF FEBRUARY 2024. *The water right claimed by this application*

may affect in priority any water right claimed or heretofore adjudicated within this division and owners of affected rights must appear to object and protest within the time provided by statute or be forever barred.

24CW2 (17CW5) GARFIELD COUNTY-MITCHELL CREEK TRIBUTARY TO THE COLORADO RIVER. Denver, Janet & Henry Hayes; 1962 C.R. 132; Glenwood Springs, CO 81601. (970)942-7081. Beckley Hydro-Application for Finding of Reasonable Diligence. Location: NE¹/₄SW¹/₄ of Sec. 27, T.5S., R.89W. of the 6th P.M., 2,050 ft. from the south sec. line and 2,690 ft. from the east sec. line. Appropriation: 10.30.2009 Amount: 1.0 c.f.s., conditional. Use: Hydropower (nonconsumptive). An outline of work performed during the diligence period is included in the application.

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

11. PURSUANT TO C.R.S., §37-92-302, AS AMENDED, YOU ARE NOTIFIED THAT THE FOLLOWING PAGES COMPRISE A RESUME OF THE APPLICATIONS AND AMENDED APPLICATIONS FILED WITH THE WATER CLERK FOR WATER DIVISION 5 DURING THE MONTH OF FEBRUARY 2024. *The water right claimed by this application may affect in priority any water right claimed or heretofore adjudicated within this division and owners of affected rights must appear to object and protest within the time provided by statute or be forever barred.*

23CW3151 GRAND COUNTY. First Amendment to the Application for Absolute Water Storage Right and Plan for Augmentation and Exchange. Applicant: Camron E. Zaid West 2012 Irrevocable Trust ("Applicant"), c/o Cameron West, c/o Balcomb & Green, P.C., P.O. Drawer 790, Glenwood Springs, CO 81602; 970-945-6546. Applicant amends the date of approp. and date of beneficial use for the Hazel Creek Pond's fill right (the "Pond") from 10/26/2023 to 09/27/1994, and to include a date of beneficial use of the Pond's refill right on 11/29/2023, the date on which the Pond was refilled to replace evaporative losses that occurred over the summer. Aerial imagery indicates that the Pond was constructed on 09/27/1994, and the water commissioner's field inspection report supports this claim. See attached Exh. E and F on file with the Water Ct. SGM performed a site visit on 05/26/2023, and pictures therefrom indicate that the Pond was full on that date. SGM's report, filed as Exh. D to the original application, states that evaporative losses are 0.80 AF/yr with a max rate of evaporation loss occurring in June. The water commissioner's field inspection photos show that the Pond was full again on 11/29/2023. See Exh. F. Accordingly, the Pond's refill right was placed to beneficial use when it replaced evaporative losses that occurred in June to refill the Pond by November. (3 pages of amended application, Exhs. E & F)

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