

DIVISION 5 WATER COURT-FEBRUARY 2021 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 2021. *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.*

21CW3017 GARFIELD COUNTY - COLORADO RIVER; Amy L. Burdick; c/o John R. Pierce, Dufford Waldeck, 744 Horizon Court, Suite 300, Grand Junction, CO 81506, (970) 248-5865; APPLICATION FOR SURFACE WASTEWATER RIGHT; Name and contact information of applicant: Amy L. Burdick; 16706 Highway 82; Carbondale, CO 81623; Name of water right: Burdick Blue Creek Lateral Diversion; Location of point of diversion: NE/4 of the NW/4 of Section 32, T7S R87W, 6th P.M., at a point 1,304 feet from the north section line and 1,639 feet from the west section line (UTM Zone 13N, 316002m E; 4364075m N); Source: Wastewater from the Blue Creek Lateral Ditch, decreed in Case Nos. CA4613 and 06CW0152, tributary to the Roaring Fork River; Information regarding appropriation: Date of appropriation: June 1, 1986; How appropriation was initiated: By diversion of water and application to beneficial use on Applicant's property by Applicant's predecessor in interest; Date water applied to beneficial use: June 1, 1986; Amount: 1.0 c.f.s.; Use: Irrigation; Description of irrigated acreage: 1 acre of land located in the NE/4 NW/4 of Section 32, T7S, R87W, 6th P.M.; Relation back to priority date under C.R.S. § 37-92-306.1: Applicant requests that the filing date of this application relate back to December 2020 under C.R.S. § 37-92-306.1. (3 pages)

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

21CW3018 SUMMIT COUNTY, COLORADO, NORTH FORK OF ROCK CREEK, TRIBUTARY TO THE BLUE RIVER. APPLICATION TO MAKE CONDITIONAL WATER RIGHT ABSOLUTE, OR, IN THE ALTERNATIVE, FOR FINDING OF REASONABLE DILIGENCE. Name and address of Applicant: Triple Creek Ranch, LLC, 4343 South Holly Street, Englewood, CO 80111. Please direct all correspondence, motions, and pleadings 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: APPLICATION FOR FINDING OF REASONABLE DILIGENCE.** Name of structure: *Curran No. 2 Ditch Wintertime Enlargement.* Date of original decree: Date of original decree: May 29, 2008, in Case No. 04CW244, in the District Court in and for Water Division No. 5. Subsequent decrees awarding findings of diligence: Case No. 2014CW3059 on February 23, 2015 in the District Court in and for Water Division No. 5. Legal description: The Curran No. 2 Ditch Wintertime Enlargement can divert at the following alternate points of diversion approved for the Curran No. 2 Ditch in Case No. 04CW244: Point of Diversion 1 (Primary): 2,371 feet south of the North line and 339 feet east of the West line in the W1/2 of the NW1/4, Section 9, Township 4 South, Range 78 West of the 6th P.M., at UTM Coordinates N4396987, E402513 (NAD27, UTM Zone 13). Point of Diversion 2: 2,195 feet South of the North line and 1,450 feet east of the West line in the E1/2 of the NW1/4, Section 9, Township 4 South, Range 78 West of the 6th P.M., at UTM Coordinate N4397040, E402852 (NAD 27, Zone 13). Actual Location: The actual locations of the alternate points of diversion approved for the Curran No. 2 Ditch Wintertime Enlargement in Case No. 04CW244 are as follows: Point of Diversion 1 (Primary): 2,283 feet south of the North line and 315 feet east of the West line in the SW1/4 of the NW1/4, Section 9, Township 4 South, Range 78 West of the 6th P.M., at UTM Coordinates N4397198, E402469 (NAD83, UTM Zone 13). This point of diversion is located on the south or right bank of the North Fork of Rock Creek. Point of Diversion 2: 2,102 feet south of the North line and 1,368 feet east of the West line in the SE1/4 of the NW1/4, Section 9, Township 4 South, Range 78 West of the 6th P.M., at UTM Coordinates N4397247, E402790 (NAD83, UTM Zone 13). This point of diversion is located on the north or left bank of the North Fork of Rock Creek. The actual locations of the alternate points of diversion of the Curran No. 2 Ditch are depicted on exhibits to the Application. Source: North Fork of Rock Creek, tributary to the Blue River, tributary to the Colorado River. Appropriation date: October 15, 2004. Amount: 0.18 c.f.s. conditional, 0.82 c.f.s. absolute. Uses: Aesthetic, wildlife watering, piscatorial, fire protection and to fill Triple Creek Pond No. 7 during the non-irrigation season. Period of Use: Non-irrigation season from September 15 to May 15 only when in priority. Remarks: The Decree in Case No. 04CW244 described two alternate points of diversion for the Curran No. 2 Ditch Wintertime Enlargement (and two alternate points of diversion for the Curran No. 2 Ditch, No. 262). The Case No. 04CW244 Decree incorrectly stated that both points of diversion were located on the north or left bank of the North Fork of Rock Creek. Point of Diversion 1 is located on the south or right bank of the North Fork of Rock Creek. Point of Diversion 2 is located on the north or right bank of the North Fork of Rock Creek. **CLAIM TO MAKE ABSOLUTE:** Date additional water first applied to beneficial use: No later than February 13, 2021. Amount of water applied to beneficial use: 0.18 c.f.s. for Aesthetic, wildlife watering, piscatorial, fire protection and to fill Triple Creek Pond No. 7 during the non-irrigation season. Description of place where water has been applied to beneficial use: Triple Creek Ranch located approximately seven miles north of Silverthorne, Colorado, along the Rock Creek tributaries in Sections 8 and 9, Township 4 South, Range 78 West of the 6th P.M. The ranch and boundaries are as shown on exhibits to the Application. CLAIM FOR REASONABLE DILIGENCE: If the 0.18 c.f.s. is not determined to be absolute, then Applicant requests a finding of diligence for 0.18 c.f.s., conditional, for the Curran No. 2 Ditch

Wintertime Enlargement for aesthetic, wildlife watering, piscatorial, fire protection and to fill Triple Creek Pond No. 7 during the non-irrigation season. 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 Curran No. 2 Ditch Wintertime Enlargement water right to beneficial use as decreed, including expenditures, is presented in the exhibits to the Application. Names and addresses of owners of land upon which structures are located: Applicant. The following exhibits are on file with the Water Court: a map depicting the location of the structures to be decreed (Exhibit A), and a list of activities and expenses undertaken during the diligence period (Exhibit B) (7 pp. with exhibits).

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21CW3019 GRAND COUNTY. APPLICATION FOR CHANGE OF WATER RIGHT. Applicant: Grandwood Investments, LLC, 1999 S. Lake Road, Lakewood, CO 80227. 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. Summary of Application: In Case No. 09CW11, Applicant was granted underground rights for Grandwood Investments Well No. 1, and the Court approved an augmentation plan including exchange to replace depletions associated with operation of the well. Applicant now seeks to change the decreed uses for the well and to amend the augmentation plan so as to reconfigure the currently decreed in-house uses and include outdoor uses not currently included in Applicant's decree. The proposed amended augmentation plan will not increase the consumptive use of Grandwood Investments Well No. 1 but will include additional outdoor uses and reconfigure the indoor uses previously decreed. Name of Structure for Underground Water Rights: Grandwood Investments Well No. 1. Source: Ground water from unconsolidated sand and gravel and bedrock formations tributary to the Colorado River. Well Location: Grand County, Colorado, in the NW1/4 SE1/4, Section 35, Township 4 North, Range 76 West of the 6th P.M., 2,052 feet from the South section line and 2,418 feet from the East section line. Tract 3, Elaine Busse Subdivision Exemption, 194 County Road 4954, Grand Lake, CO 80447. Depth: 400 feet. Current Decreed Uses: Domestic use in single family residence and heated garage with bathroom located on the same property, and livestock watering for four domestic animals. Proposed Changed Uses: Domestic uses within two residences on Applicant's property, irrigation of up to 1,500 square feet (approximately 0.03 acres) of outdoor landscaping, and the right to fill and periodically re-fill a hot tub. Stock watering of up to four animals will continue as decreed in Case No. 09CW11. Decreed Amount: 6 gallons per minute, annual depletions of 0.12 acre-feet, annual diversion limited to 0.63 acre-feet. All absolute. Appropriative Right of Exchange: The Court granted appropriative rights of exchange to replace Applicant's out-of-priority depletions in Case No. 09CW11. Exchange Reach: Upstream Terminus: Applicant's property described above and Colorado River in NE1/4 SE1/4 Section 35, Township 4 North, Range 76 West, 6th P.M., approximately 800 feet from the East section line and 1,800 feet from the South section line and the Colorado River to Granby Reservoir and Granby Reservoir outlet: A point in the NE1/4 SE1/4 Section 11, Township 2 North, Range 76 West, 6th P.M., located 2,588 feet from the South Section line and 391 feet from the East Section line. Downstream Terminus: The confluence of the Colorado River and Muddy Creek located at a point in the NW1/4 NE1/4, Section 19, Township 1 North, Range 80 West, 6th P.M., located 77 feet from the North section line and 1,947 feet from the East section line. Rate of Exchange: A continuous flow rate of 0.0002 cubic feet per second, absolute. Amount of Water Claimed for Exchange: annual calculated depletions of 0.12 acre-feet per year, absolute. Source of Exchange Water: Augmentation will be provided by Granby Reservoir or Wolford Mountain Reservoir. Appropriation Date: December 19, 2008. Decrees: November 17, 2011, Case No. 09CW11; November 25, 2018, Case No. 18CW3091; and February 17, 2019, Case No. 17CW3208, Water Court Division No. 5. Additional Information: The application and attached exhibits contain a detailed description of the water rights and proposed changes (11 pages).

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21CW3020 PITKIN COUNTY, IN THE ROARING FORK RIVER OR ITS TRIBUTARIES. Application for Finding of Reasonable Diligence. Aspen Skiing Company, LLC c/o Meghan N. Winokur, Hayley K. Siltanen, Holland & Hart LLP 600 E. Main Street, Suite 104 Aspen, CO 81611-199, (970) 925-3476, mwinokur@hollandhart.com hksiltanen@hollandhart.com. Name of Structure:

Difficult Collection Ditch and Springs No. 1 through 11. Description of Conditional Water Right: Date of Original Decree: December 9, 1994 Case No.: 89CW101, Court: Water Division 5, Subsequent decrees awarding diligence: Date of Decree: September 24, 2001, Case No.: 00CW26, Court: Water Division 5. Date of Decree: June 8, 2008. Case No.: 07CW169. Court: Water Division 5. Date of Decree: February 22, 2015. Case No.: 14CW3074. Court: Water Division 5. Legal description: The point of beginning of the Ditch is located in unsurveyed Section 5, Township 11 South, Range 84 West of the 6th PM at a point whence Corner No. 4 of the Iron Silver Placer, MS No. 5963, bears N. 18°07'17" W a distance of 6,367.57 feet. From the point of beginning the Difficult Collection Ditch then proceeds in a Northerly direction along the following courses and intercepts the springs at the locations indicated: Thence N. 31°49'42" W. 49.74 feet to **Spring No. 1**, whence Corner #4 of said Iron Silver Placer bears N. 18°00'52" W. 6,319.25 feet. Thence continuing along said centerline N. 10°36'14" E. 99.08 feet; Thence N. 25°46'45" E. 149.05 feet; Thence N. 15°19'44" E. 99.37 feet; Thence N. 28°39'55" E. 142.00 feet; Thence 98.21 feet along the arc of a curve to the left having a radius of 150.00 feet, the chord of which bears N. 09°54'29" E. 96.47 feet; thence N 14°55'43" W. 108.38 feet to **Spring #2**, whence Corner #4 of said Iron Silver Placer bears N. 21°35'31" W. 5,762.02 feet; Thence continuing along said centerline N. 20°56'28" W. 49.60 feet; Thence N. 07°11'02" E. 114.91 feet to **Spring #3**, whence Corner #4 of said Iron Silver Placer bears N. 22°08'51" W. 5,611.17 feet; Thence continuing along said centerline N. 07°11'02" E. 134.40 feet; Thence N. 15°13'20" E. 159.00 feet; Thence 149.53 feet along the arc of a curve to the right having a radius of 350.00 feet, the chord of which bears N. 27°27'40" E. 148.39 feet; Thence 185.33 feet along the arc of a reverse curve to the left having a radius of 200.00 feet, the chord of which bears N. 13°09'12" E. 178.77 feet; Thence N. 11°36'28" W. 104.09 feet; Thence 230.56 feet along the arc of a curve to the left having a radius of 150.00 feet, the chord of which bears N. 55°38'31" W. 208.53 feet; Thence S. 84°19'48" W. 169.46 feet to **Spring #4**, whence Corner #4 of said Iron Silver Placer bears N. 23°35'53" W. 4,803.64 feet; Thence continuing along said centerline S. 87°30'57" W. 39.96 feet; Thence N. 79°34'03" W. 99.00 feet; Thence N. 72°56'50" W. 119.27 feet to **Spring #5**, whence Corner #4 of said Iron Silver Placer bears N. 21°01'05" W. 4,660.86 feet; Thence continuing along said centerline N. 73°08'56" W. 129.93 feet; Thence N. 62°43'19" W. 48.67 feet to **Spring #6** whence Corner #4 of said Iron Silver Placer bears N. 19°19'02" W. 4,546.77 feet; Thence continuing along said centerline N. 12°49'00" E. 50.00 feet; Thence N. 44°16'00" E. 50.00 feet; Thence N. 29°40'00" E. 100.00 feet; Thence N. 08°30'00" E. 50.00 feet to **Spring #7**, whence Corner #4 of said Iron Silver Placer bears N. 21°36'14" W. 4,374.52 feet; Thence continuing along said centerline N. 39°41'00" E. 50.00 feet; Thence N. 28°44'49" E. 104.30 feet; Thence N. 48°44'38" E. 18.99 feet to **Spring #8** whence Corner #4 of said Iron Silver Placer bears N. 23°27'05" W. 4,282.31 feet; Thence continuing along said centerline N. 48°44'38" E. 28.72 feet; Thence N. 37°35'30" E. 103.86 feet; Thence N. 46°40'50" E. 45.73 feet; Thence N. 43°15'28" E. 98.82 feet; Thence N. 38°49'26" E. 97.93 feet; Thence N. 21°53'47" E. 97.89 feet; Thence N. 34°49'39" E. 101.51 feet; Thence N. 11°11'27" W. 50.12 feet; Thence N. 15°51'08" E. 99.70 feet; Thence N. 09°03'32" E. 149.87 feet; Thence N. 23°48'20" W. 99.41 feet; Thence N. 12°19'28" W. 40.31 feet to **Spring #9**, whence Corner #4 of said Iron Silver Placer bears N. 33°44'06" W. 3,666.85 feet, Thence continuing along said centerline N. 12°19'28" W. 9.26 feet; Thence N. 14°55'36" E. 50.17 feet; Thence N. 28°22'15" W. 50.41 feet; Thence N. 18°40'30" E. 49.55 feet; Thence N. 05°21'32" W. 99.57 feet; Thence N. 03°37'13" E. 99.60 feet; Thence N. 12°15'09" W. 49.13 feet; Thence N. 11°02'51" E. 99.45 feet; Thence N. 06°58'57" W. 100.01 feet; Thence N. 00°13'50" W. 248.34 feet; Thence N. 26°29'28" W. 50.94 feet; Thence N. 45°30'58" W. 99.43 feet; Thence N. 85°39'23" W. 249.90 feet; Thence N. 81°02'48" W. 249.43 feet; Thence S. 81°22'16" W. 98.44 feet; Thence S. 76°55'59" W. 98.91 feet to **Spring #10**, whence Corner #4 of said Iron Silver Placer bears N. 31°38'50" W. 2,382.25 feet; Thence continuing along said centerline N. 86°26'00" W. 70.00 feet; Thence 146.70 feet along the arc of a curve to the right having a radius of 100.00 feet, the chord of which bears N. 44°24'29" W. 133.89 feet; Thence 213.05 feet along the arc of a reverse curve to the left having a radius of 200.00 feet, the chord of which bears N. 32°54'01" W. 203.12 feet; Thence 50.10 feet along the arc of a reverse curve to the right having a radius of 150.00 feet, the chord of which bears N. 53°48'09" W. 49.87 feet to **Spring #11**, whence Corner #4 of said Iron Silver Placer bears N. 28°26'18" W. 1,965.14 feet; Thence N. 74°00' W. 2,905 feet; Thence N. 27°30' W. 150.00 feet; Thence N. 00°40' E. 370.00 feet; Thence N. 09°00' E. 460.00 feet; Thence N. 37°00' E. 150.00 feet; Thence N. 01°00' E. 390.00 feet; Thence N. 28°40' W. 635.00 feet; Thence N. 07°00' E. 240.00 feet; Thence N. 31°30' W. 275.00 feet; Thence N. 04°20' E. 800.00 feet; Thence N. 22°30' W. 610.00 feet; Thence N. 36°00' W. 420.00 feet to the location of existing storage tanks whence Corner #2 of Charmion Lode, U.S.M.S. No. 6383, bears N. 22°23' E. 304.0 feet. The locations of the subject water rights are shown on the map attached hereto as **Exhibit A** and incorporated herein by this reference. Source: unnamed springs tributary to the Roaring Fork River. Appropriation date: September 9, 1986. Amount: Spring No. 1: 0.6 c.f.s., conditional Spring No. 2: 0.21 c.f.s., conditional Spring No. 3: 0.2 c.f.s., conditional Spring No. 4: 0.3 c.f.s., conditional Spring No. 5: 0.4 c.f.s., conditional Spring No. 6: 0.5 c.f.s., conditional Spring No. 7: 0.4 c.f.s., conditional Spring No. 8: 0.4 c.f.s., conditional Spring No. 9: 0.4 c.f.s., conditional Spring No. 10: 0.2 c.f.s., conditional Spring No. 11: 0.5 c.f.s., conditional **Total: 4.11 c.f.s. conditional**. Uses: irrigation of five acres, domestic, recreation, fire protection, snowmaking, industrial, livestock watering, commercial, emergency service uses, open space and park uses, road, trail, and cleaning, dust suppression, construction, car and other vehicle washing, gondola and other lift maintenance and operation uses, restaurant, café, and lounge uses, health club uses, water fountains, day care uses, restroom uses, and such other beneficial uses that are attendant to the construction, operation and maintenance of the Aspen Mountain Ski Area. Integrated System: The subject water right is a component of Applicant's integrated water supply system serving the demands of the Iron Silver Placer and Aspen Mountain Ski Area. Given the interrelated and interdependent nature of the various components of Applicant's integrated water system to serve the Iron Silver Placer and Aspen Mountain Ski Area, in subsequent diligence proceedings, work on any one feature of Applicant's water supply system shall be considered in determining whether reasonable diligence has been shown in the development of water rights for all features of Applicant's water supply system. See C.R.S. § 37-92-301(4)(b); see, e.g., paragraph 5 of the Decree in Case No. 19CW3137; paragraph 7 of the Decree in Case No. 18CW3155. A map showing the location of the subject structure is attached to the Application as Exhibit A. A detailed outline of activities during the diligence period is included in the Application. Name(s) and address(es) of owner(s) or reputed owners

Spring for domestic use, (collectively, the “Augmented Water Rights”). Information from previous decree for Glick Spring: Source: Sheep Creek, tributary to Sweetwater Creek, tributary to the Colorado River. Legal Description: The spring is located in the SE1/4 SE1/4 of Section 13, T. 3 S., R. 87 W. of the 6th P.M. at a point whence the Southeast Corner of said Section bears: S. 26°21'21" E. 1,418.92 feet. Adjudication Date: June 30, 1900. Appropriation Date: June 1900 Case No.: W-1205 Court: District Court, Water Division No. 5. Decreed Amount: 0.04 c.f.s. Decreed Uses: domestic, stock water and irrigation. Water rights to be used for augmentation: Sandman Pond No. 2. and Sandman Pond No. 3. Applicant is applying for a Water Supply Contract with the Colorado River Water Conservation District (“the District”) for 0.234 acre-feet per year of augmentation water to replace out-of-priority depletions associated with use of water from the Augmented Water Rights at times when there is not a call on Sweetwater Creek or its tributaries, plus ten percent to cover transit losses. The District’s augmentation water supply sources are described below. District’s Sources of Supply: These District water rights are in and to the Ruedi Reservoir and Wolford Mountain Reservoir. Information from previous decree for Ruedi Reservoir: Source: Fryngpan River, tributary of Colorado River Legal Description: An on-channel reservoir located in Sections 7, 8, 9, 11, and 14 through 18, Township 8 South, Range 84 West of the 6th P.M. The reservoir is located in portions of 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. Adjudication Date: June 20, 1958. Appropriation Date: July 29, 1957 Case No.: C.A. 4613 Court: Garfield County District Court. Decreed Amount: 102,369 acre-feet (Originally decreed for 140,697.3 acre-feet; reduced to 102,369 acre-feet in Case No. W-789-76). The full amount was made absolute in Case No. 88CW85. Decreed Uses: Domestic, municipal, irrigation, industrial, generation of electrical energy, stock watering and piscatorial. Refill: By decree of the Water Court in Case No. 81CW34, Ruedi Reservoir was decreed a refill right in the amount of 101,280 acre-feet, conditional. 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 acre-feet of the refill right was made absolute, for a total of 69,766 AF absolute in the refill right. District Interest: The District holds Contracts No. 009D6C0111, 009D6C0118, 039F6C0011, 079D6C0106, and 139D6C0101 with the United States Bureau of Reclamation. These five contracts collectively entitle the District to delivery of 11,413.50 acre-feet of water annually from the regulatory capacity of Ruedi Reservoir, subject to the terms and conditions of the contracts between the District and Bureau of Reclamation. The District owns and operates Wolford Mountain Reservoir (f/k/a Gunsight Pass Reservoir) which has the following water rights: 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. Decreed 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. Decreed Uses: 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. 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. Decreed Amount: 6,000 acre feet, conditional. Appropriation Date: January 16, 1995. Decreed Uses: 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. 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. Decreed 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. Decreed Uses: 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. 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. Decreed 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. Decreed 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 GVWUA, 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 GVWUA, 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. 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. Statement of Plan for Augmentation, Estimated water demands, consumptive uses and augmentation requirements: It is anticipated that spring runoff will provide adequate water to fill the Sandman Pond Nos. 1, 2 and 3 during free river conditions. For purposes of developing this Plan for Augmentation, free river conditions are expected between November and mid-way through April and the month of May. A mainstem call is expected mid-April through the end of October, excluding May, and a local call on Sweetwater Creek is expected July through October. During times of a mainstem call, water from the Glick Spring Enlargement and/or the Sheep Creek Ditch A.P.O.D. Enlargement will be used to fill and refill, and to provide freshening flows through, the Sandman Pond No. 1. Out-of-priority evaporative depletions from the Sandman Pond No. 1, together with domestic use from the Glick Spring, will be replaced by exchange pursuant to a water supply contract with the Colorado River Water Conservation District and in accordance with the summary of depletions and augmentation supply contained in Table 1 of the application. In the event of a valid administered local call on Sweetwater Creek or its tributaries, the Glick Spring Enlargement and/or the Sheep Creek Ditch A.P.O.D. Enlargement will continue to deliver freshening flows to the Sandman Pond No. 1. Evaporation losses occurring in the Sandman Pond No. 1 and domestic use from the Glick Spring will be replaced with releases from the Sandman Pond Nos. 2-3 in accordance with the rate shown on Table 1 of the Application. The Sandman Pond No. 1 is not anticipated to be lined. The Sandman Pond Nos. 2-3 will be lined to maximize storage retention so that it is capable of storing adequate volume to replace evaporative depletions from the Sandman Pond No. 1 and domestic use from the Glick Spring while simultaneously incurring its own evaporation losses. The Sandman Pond Nos. 2-3 will be appropriately sized to replace evaporative depletions to the Sandman Pond No. 1 and domestic use from the Glick Spring while also incurring evaporation losses during a local call occurring on Sweetwater Creek. Water requirements for evaporation were developed based on an annual evaporation of 40-inches as shown in NOAA Technical Report NWS-33, and distributed monthly for elevations above 6,500 feet in accordance with Senate Bill 89-120. Water use requirements for indoor uses were estimated assuming 80 gallons per person per day with an average household equivalent of 3.5 persons per day. Table 1 of the Application summarizes the augmentation requirements resulting from the Sandman Pond No.1. Transit loss associated with the delivery of augmentation water from the District is estimated to be ten percent. Description of augmentation exchange reaches: This plan will operate by exchange between the decreed locations for the District's sources of supply and the location of the Glick Spring Enlargement or Sheep Creek Ditch A.P.O.D. Enlargement. **SEVENTH CLAIM: APPLICATION FOR APPROPRIATIVE RIGHT OF EXCHANGE.** The Applicant requests an appropriative right of exchange more fully described below: The Plan for Augmentation will operate, at times, by exchange of CRWCD contract water from the District's Sources of Supply described in Sections 7D-7G, including Wolford Mountain Reservoir and Ruedi Reservoir. Lower Terminus: Wolford Mountain Reservoir: The lower terminus of the exchange is at the confluence of Sweetwater Creek and the Colorado River for use of Wolford Mountain Reservoir water. The confluence of Sweetwater Creek and the Colorado River is located in the SE1/4 of the NE1/4 of Section 9, Township 4 South, Range 86 West of the 6th P.M. at a point 820 feet West of the East section line and 1,628 feet South of the North section line of said Section. Ruedi Reservoir: The lower terminus of the exchange is at the confluence of the Roaring

Fork River and the Colorado River for the use of Ruedi Reservoir water. The confluence of the Roaring Fork River and the Colorado River is 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 2,300 feet East of the West section line and 2,110 feet South of the North section line of said Section 9. Upper Terminus: Glick Spring Enlargement: described in Section 5.A. above. Sheep Creek Ditch A.P.O.D. Enlargement: described in Section 6.A above. Source: East Fork Sheep Creek, tributary to Sweetwater Creek, tributary to the Colorado River. Rate of the exchange: 0.001 c.f.s., or 0.234 acre-feet, annually. Date of appropriation of the exchange: July 31, 2020. How appropriation initiated: Applicant directed engineer to develop plan for augmentation for Sandman Pond No. 1. Name and addresses of owners of land upon which structures are located: Applicant. The following exhibits are on file with the Water Court: a map depicting the location of the structures to be decreed (Figure 1), and a demands and depletions table (Table 1) (17 pp. with attachments)

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

21CW3022 (04CW237) IN SUMMIT COUNTY, COLORADO APPLICATION FOR FINDING OF REASONABLE DILIGENCE
Gary Land & Livestock, LLC, a Colorado limited liability company ("Gary Land") c/o Richard J. Mehren, Joshua B. Boissevain, Moses, Wittemyer, Harrison and Woodruff, P.C., 2595 Canyon Boulevard, Suite 300, Boulder, Colorado 80302
2. Description of conditional water right: Sarah Ditch Exchange.
2.1 Original decree for the Subject Water Right: February 24, 2015, Case No. 04CW237, District Court for Water Division 5, State of Colorado ("04CW237 Decree").
2.2 Subsequent decrees granting findings of reasonable diligence for the Subject Water Right: N/A.
2.3 Description of the Sarah Ditch Exchange: Out-of-priority depletions from Lake Alvin, which is defined and described in Paragraph 9.C of the 04CW237 Decree, may be augmented by operation of the Sarah Ditch Exchange. Additionally, water may be delivered to Lake Alvin by operation of the Sarah Ditch Exchange. The Sarah Ditch Exchange is more fully described as follows and the exchange reaches are depicted on attached Exhibit A.
2.3.1 Sarah Ditch Exchange:
2.3.1.1 Source of water to be exchanged: Consumptive use credits bypassed and delivered down Brush Creek to the Blue River under the Sarah Ditch water right changed by the 04CW237 Decree ("Changed Sarah Ditch Water Right").
2.3.1.2 Legal description of exchange reaches: Water available under the Changed Sarah Ditch Water Right will be exchanged to various points in the Blue River basin that are located within the exchange reaches described herein. The reaches of the stream system affected by the exchange include sections of the Blue River and Slate Creek.
2.3.1.2.1 The downstream point for the exchange shall be the confluence of Brush Creek and the Blue River in the SW1/4 NE1/4, Section 2, Township 3 South, Range 79 West of the 6th P.M.
2.3.1.2.2 The upstream point for the exchange on the Blue River shall be the confluence of Slate Creek and the Blue River in the N1/2 NE1/4, Section 19, Township 3 South, Range 78 West of the 6th P.M.
2.3.1.2.3 The upstream point for the exchange on Slate Creek shall be the point where the Slate Creek Ditch headgate diverts water from Slate Creek. The Slate Creek Ditch point of diversion is located on the left bank of Slate Creek in the S1/2 NE1/4, Section 24, Township 3 South, Range 79 West of the 6th P.M. at a point whence the East Quarter corner of said Section 24 bears South 72° 39' 15" East 1,004.73 feet.
2.3.1.3 Appropriation date: December 29, 2004.
2.3.1.4 Exchange amount and rate: Up to 5.3 acre-feet per year; 0.05 cfs maximum exchange rate, CONDITIONAL.
3. Detailed outline of what has been done toward completion of the appropriation and application to a beneficial use:
3.1 In Paragraph 25 of the 04CW237 Decree, the Water Court for Water Division 5 found that the Sarah Ditch Exchange was part of Gary Land's integrated system of water diversion and storage structures. "When a project or integrated system is comprised of several features, work on one feature of the project or system shall be considered in finding that reasonable diligence has been shown in the development of the water rights for all features of the entire project or system." C.R.S. § 37-92-301(4)(b). Consequently, all work and expenditures by Gary Land in connection with its integrated system constitute part of Gary Land's reasonable diligence in developing the Sarah Ditch Exchange to be used in that system.
3.2 Between February 2015 and February 2021 ("Diligence Period"), Gary Land worked diligently to develop the Sarah Ditch Exchange, complete the appropriations, and place the water to beneficial use, as demonstrated by the following representative but non-exhaustive list of activities and expenditures:
3.2.1 Gary Land performed work on the Slate Creek Ditch as described in paragraph 2.3.1.2.3 above. The work included rebuilding the diversion point, installation of a new culvert at the headgate, and rebuilding the ditch in multiple sections. The Slate Creek Ditch is used to deliver water to Lake Alvin.
3.2.2 Gary Land operated, maintained, repaired, and improved the diversion structures and ditches that are part of the same integrated system as the Sarah Ditch Exchange. Specifically, this work included cleaning and general maintenance of the Hamilton-Davidson Ditch; rebuilding the Highline Ditch from the Highline Ditch headgate to the meadow; rebuilding the High-Miller Ditch from the headgate to the measurement flume and repair of the lateral ditch; rebuilding the diversion point and resetting the headgate on the Dusing No. 1 and N.P. Tremblay Ditch; rebuilding the diversion point for the Dusing No. 2 Ditch; rebuilding multiple sections of the Lindstrom No. 1 Ditch; and rebuilding three-quarters of the Herbert Ditch. In addition, Gary Land has developed plans to reset the headgate and rebuild the remainder of the Herbert Ditch.
3.2.3 Gary Land has expended approximately \$27,604 on legal consulting costs related to development and protection of its water rights, including the Sarah Ditch Exchange, and its ranch water supply and water infrastructure in the Blue River Basin. Legal consulting activities included, without

limitation, monitoring the water court filings of other water users to protect Gary Land's water rights, and participating in water court cases as an objector. 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: No new diversion or storage structures and no modifications to existing diversion or storage structures have been or will be constructed under this application. The Applicant owns the land upon which water will be stored in Lake Alvin. Based on the foregoing, Gary Land requests that the Court enter a decree (i) granting this Application; (ii) finding that Gary Land has exercised reasonable diligence in developing and completing the appropriations of the Sarah Ditch Exchange during the Diligence Period, and (iii) continuing those portions of the Sarah Ditch Exchange that remain conditional in full force and effect for an additional diligence period.

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

21CW3023 (04CW238) IN SUMMIT COUNTY, COLORADO APPLICATION FOR FINDING OF REASONABLE DILIGENCE AND TO MAKE ABSOLUTE The Gary Land Company, LLC a Colorado limited liability company ("Gary Land") c/o Richard J. Mehren, Joshua B. Boissevain, Moses, Wittemyer, Harrison and Woodruff, P.C., 2595 Canyon Boulevard, Suite 300, Boulder, Colorado 80302

2. Description of conditional water rights: The conditional water rights that are the subject of this application include: (a) the High-Miller Ditch Oxbow Enlargement conditional direct flow water right described in paragraph 2.3 below ("High-Miller Ditch Right"); (b) conditional storage water rights for 11 storage structures described in paragraph 2.4 below ("Gary Land Storage Rights"); and (c) two conditional appropriative rights of exchange described in paragraph 2.5 below ("Gary Land Exchanges"). The High-Miller Ditch Right, the Gary Land Storage Rights and the Gary Land Exchanges are referred to collectively herein as the "Subject Water Rights."

2.1 Original decree for the Subject Water Rights: February 24, 2015, Case No. 04CW238, District Court for Water Division 5, State of Colorado ("04CW238 Decree").

2.2 Subsequent decrees granting findings of reasonable diligence for the Subject Water Rights: N/A.

2.3 Description of the High-Miller Ditch Right:

2.3.1 Name of Structure: High-Miller Ditch Oxbow Enlargement.

2.3.2 Legal description: The High-Miller Ditch Right is diverted at the headgate of the High-Miller Ditch, located on the west bank of the Blue River at a point whence the south quarter corner of Section 7, Township 3 South, Range 78 West of the 6th P.M. bears North 54°10' West a distance of 1,350 feet and delivered through a historic channel of the Blue River that Applicant has restored for fish and wildlife purposes referred to herein as the "Oxbow Fishery Channel." The outlet of the Oxbow Fishery Channel to the Blue River is located in the SW1/4, NW1/4, Section 7, Township 3 South, Range 78 West of the 6th P.M. at a point 1,465 feet from the North section line and 1,180 feet from the West section line of said Section 7. The location of the High-Miller Ditch and the Oxbow Fishery Channel are depicted on attached Exhibit A.

2.3.3 Source: Blue River, tributary to the Colorado River.

2.3.4 Appropriation date: December 11, 2004.

2.3.5 Amount: 10.0 cubic feet per second ("cfs"), CONDITIONAL.

2.3.6 Use: Recreation, fish and wildlife watering and habitat, maintenance and preservation of wetlands, and irrigation, including use for such purposes by storage and subsequent release of water from storage. The lands that may be irrigated by this water right include wetlands adjacent to the Oxbow Fishery Channel and associated ponds, and wetlands and meadow land lying between the Oxbow Fishery Channel and the Blue River.

2.4 Description of the Gary Land Storage Rights: The Gary Land Storage Rights are described as follows. The locations of the storage structures associated with the Gary Land Storage Rights ("Gary Land Storage Structures") are generally depicted on attached Exhibit A:

2.4.1 Robbie's Pond:

2.4.1.1 Legal description of point of storage: UTM NAD 27, Zone 13, Northing 4404820, Easting 0399830, which can also be described as NE1/4 SW1/4, Section 18, Township 3 South, Range 78 West of the 6th P.M. at a point 2,145 feet from the South section line and 1,700 feet from the West section line of said Section 18.

2.4.1.2 Source:

2.4.1.2.1 Runoff in the drainage above the pond on an unnamed tributary to the Blue River, tributary to the Colorado River.

2.4.1.2.2 Highline Ditch which diverts water from Slate Creek, a tributary of the Blue River, tributary to the Colorado River. The headgate of the Highline Ditch is located on the left bank of Slate Creek at a point whence the SW Corner of Section 18, Township 3 South, Range 78 West of the 6th P.M. bears North 18° 47' East, 3,325 feet. The capacity of the Highline Ditch is approximately 10 cfs.

2.4.1.2.3 Slate Creek Ditch, which diverts water from Slate Creek, a tributary of the Blue River, tributary to the Colorado River. The headgate of the Slate Creek Ditch is located on the left bank of Slate Creek in the S1/2 NE1/4, Section 24, Township 3 South, Range 79 West of the 6th P.M. at a point whence the East quarter corner of said Section 24 bears South 72° 39' 15" East 1,004.73 feet. The capacity of the Slate Creek Ditch is approximately 25 cfs.

2.4.1.2.4 Robbie's Pond will be constructed as an off-channel structure. This storage structure may also be used to store fully consumable augmentation water under the plan for augmentation and exchanges decreed in the 04CW238 Decree, historical consumptive use credits available to the Hamilton-Davidson Ditch and Sarah Ditch water rights that were changed in the 04CW238 Decree (the "Changed Water Rights") directly or by operation of the exchanges decreed in the 04CW238 Decree, or other fully-consumable water.

2.4.1.3 Appropriation date: September 28, 2007.

2.4.1.4 Amount: 24.0 acre-feet, CONDITIONAL, with a right to fill and refill continuously when in priority or when augmented to the calling water right at a rate of up to 25 cfs.

2.4.1.5 Use: Recreation, fish and wildlife

watering and habitat, fire protection, aesthetics, irrigation, maintenance and preservation of wetlands, and augmentation use either directly or by substitution or exchange for replacement of depletions. 2.4.2 Top of the World Pond: 2.4.2.1 Legal description of point of storage: UTM NAD 27, Zone 13, Northing 4404950, Easting 0398650, which can also be described as NW1/4 SE1/4, Section 13, Township 3 South, Range 79 West of the 6th P.M. at a point 2,560 feet from the South section line and 2,160 feet from the East section line of said Section 13. 2.4.2.2 Source: 2.4.2.2.1 Runoff in the drainage above the pond on an unnamed tributary of Squaw Creek, tributary to the Blue River, tributary to the Colorado River; 2.4.2.2.2 The Hamilton-Davidson Ditch which diverts water from Slate Creek, a tributary of the Blue River, tributary to the Colorado River. The point of diversion for the Hamilton-Davidson Ditch is located on the left or north bank of Slate Creek at a point whence the East quarter corner of Section 24, Township 3 South, Range 79 West of the 6th P.M. bears North 24° 09' 28" East 1,529 feet. The capacity of the Hamilton-Davidson Ditch is approximately 60 cfs. 2.4.2.2.3 Top of the World Pond will be constructed as an off-channel structure. This storage structure may also be used to store fully consumable augmentation water under the plan for augmentation and exchanges decreed in the 04CW238 Decree, historical consumptive use credits available to the Changed Water Rights directly or by operation of the exchanges decreed in the 04CW238 Decree, or other fully-consumable water. 2.4.2.3 Appropriation date: December 29, 2004. 2.4.2.4 Amount: 117.7 acre-feet, CONDITIONAL, with a right to fill and refill continuously when in priority or augmented to the calling water right at a rate of up to 60 cfs. 2.4.2.5 Use: Recreation, fish and wildlife watering and habitat, fire protection, aesthetics, irrigation, maintenance and preservation of wetlands, and augmentation use either directly or by substitution or exchange for replacement of depletions. 2.4.3 Hay Camp Creek Pond B: 2.4.3.1 Legal description of point of storage: UTM NAD 27, Zone 13, Northing 4404710, Easting 0397930, which can also be described as NW1/4 SW1/4, Section 13, Township 3 South, Range 79 West of the 6th P.M. at a point 1,755 feet from the South section line and 770 feet from the West section line of said Section 13. 2.4.3.2 Source: 2.4.3.2.1 Hay Camp Creek, a tributary to Squaw Creek, a tributary of the Blue River, tributary to the Colorado River; 2.4.3.2.2 The Hamilton-Davidson Ditch which diverts water from Slate Creek, a tributary of the Blue River, tributary to the Colorado River. The point of diversion for the Hamilton-Davidson Ditch is described in paragraph 2.4.2.2.2 above. The capacity of the Hamilton-Davidson Ditch is approximately 60 cfs. 2.4.3.2.3 Hay Camp Creek Pond B will be constructed on-channel in the Hay Camp Creek drainage. This storage structure may also be used to store fully consumable augmentation water under the plan for augmentation and exchanges decreed in the 04CW238 Decree, historical consumptive use credits available to the Changed Water Rights directly or by operation of the exchanges decreed in the 04CW238 Decree, or other fully-consumable water. 2.4.3.3 Appropriation date: December 29, 2004. 2.4.3.4 Amount: 124.8 acre-feet, CONDITIONAL, with a right to fill and refill continuously when in priority or augmented to the calling water right at a rate of up to 60 cfs. 2.4.3.5 Use: Recreation, fish and wildlife watering and habitat, fire protection, aesthetics, irrigation, maintenance and preservation of wetlands, and augmentation use either directly or by substitution or exchange for replacement of depletions. 2.4.4 Hay Camp Creek Pond E: 2.4.4.1 Legal description of point of storage: UTM NAD 27, Zone 13, Northing 4404960, Easting 0397920, which can also be described as NW1/4 SW1/4, Section 13, Township 3 South, Range 79 West of the 6th P.M. at a point 2,575 feet from the South section line and 730 feet from the West section line of said Section 13. 2.4.4.2 Source: 2.4.4.2.1 Hay Camp Creek a tributary of Squaw Creek, a tributary of the Blue River, tributary to the Colorado River. 2.4.4.2.2. The Hamilton-Davidson Ditch which diverts water from Slate Creek, a tributary of the Blue River, tributary to the Colorado River. The point of diversion for the Hamilton-Davidson Ditch is described in paragraph 2.4.2.2.2 above. The capacity of the Hamilton-Davidson Ditch is approximately 60 cfs. 2.4.4.2.3 Hay Camp Creek Pond E will be constructed on-channel in the Hay Camp Creek drainage. This storage structure may also be used to store fully consumable augmentation water under the plan for augmentation and exchanges decreed in the 04CW238 Decree, historical consumptive use credits available to the Changed Water Rights directly or by operation of the exchanges decreed in the 04CW238 Decree, or other fully-consumable water. 2.4.4.3 Appropriation date: December 29, 2004. 2.4.4.4 Amount: 12.6 acre-feet, CONDITIONAL, with a right to fill and refill continuously when in priority or augmented to the calling water right at a rate of up to 60 cfs. 2.4.4.5 Use: Recreation, fish and wildlife watering and habitat, fire protection, aesthetics, irrigation, maintenance and preservation of wetlands, and augmentation use either directly or by substitution or exchange for replacement of depletions. 2.4.5 Hay Camp Creek Pond G: 2.4.5.1 Legal description of point of storage: UTM NAD 27, Zone 13, Northing 4405360, Easting 0397990, which can also be described as SW1/4 NW1/4, Section 13, Township 3 South, Range 79 West of the 6th P.M. at a point 1,435 feet from the North section line and 945 feet from the West section line of said Section 13. 2.4.5.2 Source: 2.4.5.2.1 Hay Camp Creek and Squaw Creek, tributary to the Blue River, tributary to the Colorado River. 2.4.5.2.2. The Hamilton-Davidson Ditch which diverts water from Slate Creek, a tributary of the Blue River, tributary to the Colorado River. The point of diversion for the Hamilton-Davidson Ditch is described in paragraph 2.4.2.2.2 above. The capacity of the Hamilton-Davidson Ditch is approximately 60 cfs. 2.4.5.2.3 Hay Camp Creek Pond G will be constructed on-channel in the drainage of Squaw Creek just downstream of its confluence with Hay Camp Creek. This storage structure may also be used to store fully consumable augmentation water under the plan for augmentation and exchanges decreed in the 04CW238 Decree, historical consumptive use credits available to the Changed Water Rights directly or by operation of the exchanges decreed in the 04CW238 Decree, or other fully-consumable water. 2.4.5.3 Appropriation date: December 29, 2004. 2.4.5.4 Amount: 170.4 acre-feet, CONDITIONAL, with a right to fill and refill continuously when in priority or augmented to the calling water right at a rate of up to 60 cfs. 2.4.5.5 Use: Recreation, fish and wildlife watering and habitat, fire protection, aesthetics, irrigation, maintenance and preservation of wetlands, and augmentation use either directly or by substitution or exchange for replacement of depletions. 2.4.6 Main Meadow Pond A: 2.4.6.1. Legal description of point of storage: UTM NAD 27, Zone 13, Northing 4407040, Easting 0397440, which can also be described as NE1/4 NE1/4, Section 11, Township 3 South, Range 79 West of the 6th P.M. at a point 1,215 feet from the North section line and 895 feet from the East section line of said Section 11. 2.4.6.2. Source: 2.4.6.2.1 Runoff in the drainage above the pond on an unnamed tributary of Brush Creek, a tributary of the Blue River, tributary to the Colorado River. 2.4.6.2.2 Squaw Creek, a tributary of the Blue River, tributary to the Colorado River. 2.4.6.2.3 The Hamilton-Davidson Ditch which diverts water from Slate Creek, a

tributary of the Blue River, tributary to the Colorado River. The point of diversion for the Hamilton-Davidson Ditch is described in paragraph 2.4.2.2.2 above. The capacity of the Hamilton-Davidson Ditch is approximately 60 cfs. 2.4.6.2.4 Slate Creek Ditch, which diverts water from Slate Creek, a tributary of the Blue River, tributary to the Colorado River. The point of diversion for the Slate Creek Ditch is described in paragraph 2.4.1.2.3 above. The capacity of the Slate Creek Ditch is approximately 25 cfs. 2.4.6.2.5 Brush Creek Ditch, which diverts water from Brush Creek, a tributary of the Blue River, tributary to the Colorado River. The headgate of the Brush Creek Ditch is located on the right bank of Brush Creek at a point whence the SW Corner of Section 11, Township 3 South, Range 79 West of the 6th P.M. bears South 68°38' West 1,133 feet. The capacity of the Brush Creek Ditch is approximately 13.5 cfs. 2.4.6.2.6 Main Meadow Pond A will be constructed as an off-channel structure. This storage structure may also be used to store fully consumable augmentation water under the plan for augmentation and exchanges decreed in the 04CW238 Decree, historical consumptive use credits available to the Changed Water Rights directly or by operation of the exchanges decreed in the 04CW238 Decree or other fully-consumable water. 2.4.6.3 Appropriation date: January 25, 2007. 2.4.6.4 Amount: 3.13 acre-feet, CONDITIONAL, with a right to fill and refill continuously when in priority or augmented to the calling water right at a rate of up to 10 cfs. 2.4.6.4 Use: Recreation, fish and wildlife watering and habitat, fire protection, aesthetics, irrigation, maintenance and preservation of wetlands, and augmentation use either directly or by substitution or exchange for replacement of depletions. 2.4.7 Main Meadow Pond B: 2.4.7.1 Legal description of point of storage: UTM NAD 27, Zone 13, Northing 4406960, Easting 0397460, which can also be described as SE1/4 NE1/4, Section 11, Township 3 South, Range 79 West of the 6th P.M. at a point 1,470 feet from the North section line and 830 feet from the East section line of said Section 11. 2.4.7.2 Source: 2.4.7.2.1 Runoff in the drainage above the pond on an unnamed tributary of Brush Creek, a tributary of the Blue River, tributary to the Colorado River. 2.4.7.2.2 Squaw Creek, a tributary of the Blue River, tributary to the Colorado River. 2.4.7.2.3 The Hamilton-Davidson Ditch which diverts water from Slate Creek, a tributary of the Blue River, tributary to the Colorado River. The point of diversion for the Hamilton-Davidson Ditch is described in paragraph 2.4.1.2.2 above. The capacity of the Hamilton-Davidson Ditch is approximately 60 cfs. 2.4.7.2.4 Slate Creek Ditch, which diverts water from Slate Creek, a tributary of the Blue River, tributary to the Colorado River. The point of diversion for the Slate Creek Ditch is described in paragraph 2.4.1.2.3 above. The capacity of the Slate Creek Ditch is approximately 25 cfs. 2.4.7.2.5 Brush Creek Ditch, which diverts water from Brush Creek, a tributary of the Blue River, tributary to the Colorado River. The point of diversion for the Brush Creek Ditch is described in paragraph 2.4.6.2.5 above. The capacity of the Brush Creek Ditch is approximately 13.5 cfs. 2.4.7.2.6 Main Meadow Pond B will be constructed as an off-channel structure. This storage structure may also be used to store fully consumable augmentation water under the plan for augmentation and exchanges decreed in the 04CW238 Decree, historical consumptive use credits available to the Changed Water Rights directly or by operation of the exchanges decreed in the 04CW238 Decree, or other fully-consumable water. 2.4.7.3 Appropriation date: January 25, 2007. 2.4.7.4 Amount: 11.78 acre-feet, CONDITIONAL, with a right to fill and refill continuously when in priority or augmented to the calling water right at a rate of up to 10 cfs. 2.4.7.5 Use: Recreation, fish and wildlife watering and habitat, fire protection, aesthetics, irrigation, maintenance and preservation of wetlands, and augmentation use either directly or by substitution or exchange for replacement of depletions. 2.4.8 Main Meadow Pond C: 2.4.8.1 Legal description of point of storage: UTM NAD 27, Zone 13, Northing 4406900, Easting 0397460, which can also be described as SE1/4 NE1/4, Section 11, Township 3 South, Range 79 West of the 6th P.M. at a point 1,670 feet from the North section line and 830 feet from the East section line of said Section 11. 2.4.8.2 Source: 2.4.8.2.1 Runoff in the drainage above the pond on an unnamed tributary of Brush Creek, a tributary of the Blue River, tributary to the Colorado River. 2.4.8.2.2 Squaw Creek, a tributary of the Blue River, tributary to the Colorado River. 2.4.8.2.3 The Hamilton-Davidson Ditch which diverts water from Slate Creek, a tributary of the Blue River, tributary to the Colorado River. The point of diversion for the Hamilton-Davidson Ditch is described in paragraph 2.4.2.2.2 above. The capacity of the Hamilton-Davidson Ditch is approximately 60 cfs. 2.4.8.2.4 Slate Creek Ditch, which diverts water from Slate Creek, a tributary of the Blue River, tributary to the Colorado River. The point of diversion for the Slate Creek Ditch is described in paragraph 2.4.1.2.3 above. The capacity of the Slate Creek Ditch is approximately 25 cfs. 2.4.8.2.5 Brush Creek Ditch, which diverts water from Brush Creek, a tributary of the Blue River, tributary to the Colorado River. The point of diversion for the Brush Creek Ditch is described in paragraph 2.4.6.2.5 above. The capacity of the Brush Creek Ditch is approximately 13.5 cfs. 2.4.8.2.6 Main Meadow Pond C will be constructed as an off-channel structure. This storage structure may also be used to store fully consumable augmentation water under the plan for augmentation and exchanges decreed in the 04CW238 Decree, historical consumptive use credits available to the Changed Water Rights directly or by operation of the exchanges decreed in the 04CW238 Decree, or other fully-consumable water. 2.4.8.3 Appropriation date: January 25, 2007. 2.4.8.4 Amount: 10.93 acre-feet, CONDITIONAL, with a right to fill and refill continuously when in priority or augmented to the calling water right at a rate of up to 10 cfs. 2.4.8.5 Use: Recreation, fish and wildlife watering and habitat, fire protection, aesthetics, irrigation, maintenance and preservation of wetlands, and augmentation use either directly or by substitution or exchange for replacement of depletions. 2.4.9 Morris Meadow Pond A: 2.4.9.1 Legal description of point of storage: UTM NAD 27, Zone 13, Northing 4407160, Easting 0399060, which can also be described as NE1/4 NE1/4, Section 12, Township 3 South, Range 79 West of the 6th P.M. at a point 785 feet from the North section line and 875 feet from the East section line of said Section 12. 2.4.9.2 Source: 2.4.9.2.1 Runoff in the drainage above the pond, tributary to the Blue River, tributary to the Colorado River. 2.4.9.2.2 High-Miller Ditch, which diverts water from the Blue River, a tributary to the Colorado River. The point of diversion for the High-Miller Ditch is described in paragraph 2.3.2 above. The capacity of the High-Miller Ditch is approximately 31.7 cfs. 2.4.9.2.3 Morris Meadow Pond A will be constructed as an off-channel structure. This storage structure may also be used to store fully consumable augmentation water under the plan for augmentation and exchanges decreed in the 04CW238 Decree, historical consumptive use credits available to the Changed Water Rights directly or by operation of the exchanges decreed in the 04CW238 Decree, or other fully-consumable water. 2.4.9.3 Appropriation date: September 28, 2007. 2.4.9.4 Amount: 6.84 acre-feet, CONDITIONAL, with a right to fill and refill continuously when in priority or augmented to the calling water right at a rate of up to 5 cfs. 2.4.9.5 Use: Recreation, fish and wildlife

watering and habitat, fire protection, aesthetics, irrigation, maintenance and preservation of wetlands, and augmentation use either directly or by substitution or exchange for replacement of depletions. 2.4.10 Morris Meadow Pond B: 2.4.10.1 Legal description of point of storage: SE1/4 NE1/4, Section 12, Township 3 South, Range 79 West of the 6th P.M. at a point 1,545 feet south of the North section line and 1,145 feet west of the East section line of said Section 12. 2.4.10.2 Source: 2.4.10.2.1 Runoff in the drainage above the pond, tributary to the Blue River, tributary to the Colorado River. 2.4.10.2.2 High-Miller Ditch, which diverts water from the Blue River, a tributary to the Colorado River. The point of diversion for the High-Miller Ditch is described in paragraph 2.3.2 above. The capacity of the High-Miller Ditch is approximately 31.7 cfs. 2.4.10.2.3 Morris Meadow Pond B is an off-channel structure. This storage structure may also be used to store fully consumable augmentation water under the plan for augmentation and exchanges decreed in the 04CW238 Decree, historical consumptive use credits available to the Changed Water Rights directly or by operation of the exchanges decreed in the 04CW238 Decree, or other fully-consumable water. 2.4.10.3 Appropriation date: September 28, 2007. 2.4.10.4 Amount: 10.47 acre-feet, CONDITIONAL, with a right to fill and refill continuously when in priority or augmented to the calling water right at a rate of up to 5 cfs. 2.4.10.5 Use: Recreation, fish and wildlife watering and habitat, fire protection, aesthetics, irrigation, maintenance and preservation of wetlands, and augmentation use either directly or by substitution or exchange for replacement of depletions. 2.4.11 Morris Meadow Pond E: 2.4.11.1 Legal description of point of storage: SW1/4 NW1/4, Section 7, Township 3 South, Range 78 West of the 6th P.M. at a point 2,260 feet south of the North section line and 280 feet east of the West section line of said Section 7. 2.4.11.2 Source: 2.4.11.2.1 Runoff in the drainage above the pond, tributary to the Blue River, tributary to the Colorado River. 2.4.11.2.2 High-Miller Ditch, which diverts water from the Blue River, a tributary to the Colorado River. The point of diversion for the High-Miller Ditch is described in paragraph 2.3.2 above. The capacity of the High-Miller Ditch is approximately 31.7 cfs. 2.4.11.2.3 Morris Meadow Pond B is an off-channel structure. This storage structure may also be used to store fully consumable augmentation water under the plan for augmentation and exchanges decreed in the 04CW238 Decree, historical consumptive use credits available to the Changed Water Rights directly or by operation of the exchanges decreed in the 04CW238 Decree, or other fully-consumable water. 2.4.11.3 Appropriation date: September 28, 2007. 2.4.11.4 Amount: 5.11 acre-feet, CONDITIONAL, with a right to fill and refill continuously when in priority or augmented to the calling water right at a rate of up to 5 cfs. 2.4.11.5 Use: Recreation, fish and wildlife watering and habitat, fire protection, aesthetics, irrigation, maintenance and preservation of wetlands, and augmentation use either directly or by substitution or exchange for replacement of depletions. 2.5 Description of Gary Land Exchanges: Out-of-priority depletions from the Oxbow Fishery Channel, the Gary Land Storage Structures, the New Wetlands, which is defined and described in Paragraph 12.A.iii of the 04CW238 Decree and Lake Alvin, which is defined and described in Paragraph 11.C.xii of the 04CW238 Decree, may be augmented by operation of the Gary Land Exchanges. Additionally, water may be delivered to the Gary Land Storage Structures and Lake Alvin by operation of the Gary Land Exchanges. The Gary Land Exchanges are more fully described as follows and the exchange reaches are depicted on attached Exhibit A. 2.5.1 Sarah Ditch exchange: 2.5.1.1 Source of water to be exchanged: Consumptive use credits bypassed and delivered down Brush Creek to the Blue River under the Sarah Ditch water right changed by the 04CW238 Decree (“Changed Sarah Ditch Water Right”). 2.5.1.2 Legal description of exchange reaches: Water available under the Subject Sarah Ditch water right will be exchanged to various points in the Blue River basin that are located within the exchange reaches described herein. The reaches of the stream system affected by the exchange include sections of the Blue River, Squaw Creek, Hay Camp Creek and Slate Creek. 2.5.1.2.1 The downstream point for all of the exchanges shall be the confluence of Brush Creek and the Blue River in the SW1/4 NE1/4, Section 2, Township 3 South, Range 79 West of the 6th P.M. 2.5.1.2.2 The upstream point for the exchange on the Blue River shall be the confluence of Slate Creek and the Blue River in the N1/2 NE1/4, Section 19, Township 3 South, Range 78 West of the 6th P.M. (the “Blue River Exchange Reach”). 2.5.1.2.3 The exchange on Squaw Creek shall operate from the confluence of Squaw Creek and the Blue River in the N1/2 NW1/4, Section 12, Township 3 South, Range 79 West of the 6th P.M. up to the confluence of Squaw Creek and Hay Camp Creek in the S1/2 NW1/4, Section 13, Township 3 South, Range 79 West of the 6th P.M. (the “Squaw Creek Exchange Reach”). 2.5.1.2.4 The exchange on Hay Camp Creek shall operate from the confluence of Squaw Creek and Hay Camp Creek as described in paragraph 2.5.1.2.3 above up to Hay Camp Creek Pond B described in paragraph 2.4.3 above (the “Hay Camp Creek Exchange Reach”). 2.5.1.2.5 The upstream point for the exchange on Slate Creek shall be the point where the Hamilton-Davidson Ditch headgate diverts water from Slate Creek as described in paragraph 2.4.2.2.2 above (the “Slate Creek Exchange Reach”). 2.5.1.3 Appropriation dates: 2.5.1.3.1 December 29, 2004 for the Blue River Exchange Reach, the Squaw Creek Exchange Reach and the Hay Camp Creek Exchange Reach. 2.5.1.3.2 September 28, 2007 for the Slate Creek Exchange Reach. 2.5.1.4 Exchange amount and rate: Up to 77.8 acre-feet per year; 0.6 cfs maximum exchange rate, CONDITIONAL. 2.5.2 Exchange of stored water: 2.5.2.1 Source of water to be exchanged: Water released from the Gary Land Storage Structures. 2.5.2.2 Legal description of exchange reaches: Water released from the Gary Land Storage Structures will be delivered to the Blue River. From the point at which such storage water delivery reaches the Blue River, the water will be exchanged to one or more of the Gary Land Storage Structures through the exchange reaches described in paragraph 2.5.1.2 above and as depicted on attached Exhibit A. The reaches of the stream system affected by the exchange include sections of the Blue River, Squaw Creek, Hay Camp Creek and Slate Creek. 2.5.2.3 Appropriation date: September 28, 2007. 2.5.2.4 Exchange amount and rate: Up to 300 acre-feet per year; 25 cfs maximum exchange rate, CONDITIONAL. 3. Detailed outline of what has been done toward completion of the appropriation and application to a beneficial use: 3.1 In Paragraph 31 of the 04CW238 Decree the Water Court for Water Division No. 5 found that the Subject Water Rights were part of Gary Land’s integrated system of water diversion and storage structures. “When a project or integrated system is comprised of several features, work on one feature of the project or system shall be considered in finding that reasonable diligence has been shown in the development of the water rights for all features of the entire project or system.” C.R.S. § 37-92-301(4)(b). Consequently, all work and expenditures by Gary Land in connection with its integrated system constitute part of Gary Land’s reasonable diligence in developing the Subject Water Rights to be used in that system. 3.2 Between February 2015 and February 2021 (“Diligence Period”), Gary Land worked diligently to develop the

Subject Water Rights, complete the appropriations, and place the water to beneficial use, as demonstrated by the following representative but non-exhaustive list of activities and expenditures: 3.2.1 Gary Land operated, maintained, repaired, and improved the diversion structures and ditches related to the Subject Water Rights, including the Hamilton-Davidson Ditch, which is described in paragraph 2.4.2.2. The work included cleaning and general maintenance of the ditches in order to maintain their carrying capacity and to ensure safe operation. The Hamilton-Davidson Ditch will be used to deliver water to the Top-of-the-World Pond; Hay Camp Creek Ponds B, E, and G; and Main Meadow Ponds A, B, and C. 3.2.2 Gary Land performed work on the Highline Ditch, which is described in paragraph 2.4.1.2.2. The work included rebuilding the ditch from the headgate to the meadow. The Highline Ditch will be used deliver water to Robbie's Pond. 3.2.3 Gary Land performed work on the Slate Creek Ditch, which is described in paragraph 2.4.1.2.3. The work included rebuilding the diversion point, installation of a new culvert at the headgate, and rebuilding the ditch in multiple sections. The Slate Creek Ditch will be used to deliver water to Robbie's Pond and the Main Meadow Ponds A, B, and C. 3.2.4 Gary Land performed work on the High-Miller Ditch, which is described in paragraph 2.3.2. The work included rebuilding the ditch from the headgate to the measurement flume and repair of the lateral ditch that feeds the first pond within the Oxbow Fishery Channel. Gary Land has also developed plans to install a flume on the lateral ditch that feeds the first pond within the Oxbow Fishery Channel as early as April 2021. The High-Miller Ditch will be used to deliver water to Morris Meadow Ponds B and E and will be used to deliver water to Morris Pond A. 3.2.5 Gary Land performed work on the Dusing No. 1 and N.P. Tremblay Ditch. Work included rebuilding the diversion point and resetting the headgate. While these ditches are not part of the Subject Water rights described in the 04CW238 Decree, this work is prerequisite to future work Gary Land has planned in 2021 to install a dump gate and flume to return any intercepted consumptive use credits from the changed Hamilton-David Ditch water rights back to Slate Creek. 3.2.6 Gary Land performed work on various other structures that are part of the ranch's water delivery system, including rebuilding the diversion point for the Dusing No. 2 Ditch, rebuilding multiple sections of the Lindstrom No. 1 Ditch, and rebuilding three-quarters of the Herbert Ditch. In addition, Gary Land has developed plans to reset the headgate and rebuild the remainder of the Herbert Ditch. 3.2.7 Gary Land has expended approximately \$27,604 on legal consulting costs related to development and protection of its water rights, including the Subject Water Rights, and its ranch water supply and water infrastructure in the Blue River Basin. Legal consulting activities included, without limitation, monitoring the water court filings of other water users to protect Gary Land's water rights, and participating in water court cases as an objector. 4 Claim to make absolute: 4.1 High-Miller Ditch Oxbow Enlargement: 4.1.1 Dates water diverted in priority and placed to beneficial use: Between April 8, 2019 through April 14, 2019; February 14, 2020 through March 13, 2020; and March 23, 2020 through April 27, 2020. 4.1.2 Amount diverted in priority and placed to beneficial use: 10 c.f.s. 4.1.3 Use: All uses described in paragraph 2.3.6. 4.1.4 Place of beneficial use: Within the Oxbow Fishery Channel and on wetlands adjacent to the Oxbow Fishery Channel and associated ponds, and wetlands and meadow land lying between the Oxbow Fishery Channel and the Blue River as shown on attached Exhibit A. 4.1.5 Evidence of in-priority diversion and beneficial use: Attached Exhibit B summarizes the rates diverted under the High-Miller Ditch Oxbow Enlargement water right during the periods of time described in paragraph 4.1.1 above and the daily call records during those same periods of time. This information was compiled based on Gary Land's knowledge of the rates and times when the High-Miller Ditch Oxbow Enlargement water right was diverted by the ranch manager and the daily call records maintained by the Colorado Division of Water Resources. 4.1.6 Rate claimed as absolute: Based on Gary Land's in-priority diversion at the rate of 10 cfs. and direct application of the water to beneficial use, Gary Land claims 10 cfs of the High-Miller Ditch Oxbow Enlargement water right as absolute. 4.2 Morris Meadow Pond B: 4.2.1 Date water diverted in priority and placed to beneficial use: Between June 15, 2015 through July 9, 2015. 4.2.2 Amount stored in priority: 10.47 acre-feet. 4.2.3 Use: All uses described in paragraph 2.4.10.5 above. "A decreed conditional water storage right shall be made absolute for all decreed purposes to the extent of the volume of the appropriation that has been captured, possessed, and controlled at the decreed storage structure." C.R.S. § 37-92-301(4)(e). 4.2.4 Evidence of in priority storage: Attached Exhibit C summarizes the rates and amounts diverted under the Morris Meadow Pond B storage water right during the periods of time described in paragraph 4.2.1 above and the daily call records during those same periods of time. Gary Land diverted and stored water in-priority in Morris Meadow Pond B by intercepting and diverting runoff water from the drainage above Morris Meadow Pond B into the pond. The primary source of such runoff was water originally diverted in priority and placed to beneficial use under Gary Land's High-Miller Ditch water right. This information was compiled based on Gary Land's knowledge of the rates and times when the Morris Meadow Pond B storage water right was diverted by the ranch manager and the daily call records maintained by the Colorado Division of Water Resources. 4.3 Morris Meadow Pond E: 4.3.1 Date water diverted in priority and placed to beneficial use: Between June 15, 2015 through July 9, 2015. 4.3.2 Amount stored in priority: 5.11 acre-feet. 4.3.3 Use: All uses described in paragraph 2.4.11.5 above. "A decreed conditional water storage right shall be made absolute for all decreed purposes to the extent of the volume of the appropriation that has been captured, possessed, and controlled at the decreed storage structure." C.R.S. § 37-92-301(4)(e). 4.3.4 Evidence of in priority storage: Attached Exhibit D summarizes the rates diverted under the Morris Meadow Pond E storage water right during the periods of time described in paragraph 4.3.1 above and the daily call records during those same periods of time. Gary Land diverted and stored water in-priority in Morris Meadow Pond E by intercepting and diverting runoff water from the drainage above Morris Meadow Pond E into the pond. The primary source of such runoff was water originally diverted in priority and placed to beneficial use under Gary Land's High-Miller Ditch water right. This information was compiled based on Gary Land's knowledge of the rates and times when the Morris Meadow Pond E storage water right has been diverted by the ranch manager and the daily call records maintained by the Colorado Division of Water Resources. 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, including any modification to the existing storage pool: The land is owned by Applicant or entities owned or controlled by Applicant. Based on the foregoing, Gary Land requests that the Court enter a decree (i) granting this Application; (ii) finding that Gary Land has exercised reasonable diligence in developing and

completing the appropriations of the Subject Water Rights during the Diligence Period, (iii) making the water rights decreed to the High-Miller Ditch Oxbow Enlargement, Morris Meadow Pond B, and Morris Meadow Pond E fully-absolute as set forth in paragraph 4 above, or in the alternative continuing as conditional any portion of those water rights not made absolute; (iv) continuing those portions of the Subject Water Rights that remain conditional in full force and effect for an additional diligence period.

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

21CW3024 LibbyClaire Ranch, LLC, c/o David C. Taussig, 6160 S. Elati St., Littleton, CO 80120, Phone: (719) 740-0493. **APPLICATION FOR ABSOLUTE SURFACE RIGHT** 2. Name of Structure: LCR/Merritt Spring. 3. Legal Description of Point of Diversion: The LCR/Merritt Spring is located in the E1/2NE1/4SE1/4 of Section 19, T. 2 N., R. 81 W., 6th P.M., in **GRAND COUNTY**, Colorado, at a point that is 1775 feet from the south section line and 111 feet from the east section line of Section 19 as shown on the map attached as Exhibit A. 4. Source: Surface water tributary to Pass Creek, tributary to Muddy Creek, tributary to the Colorado River. 5. Date of Appropriation: May 19, 1954. 6. How appropriation was initiated: Merritt Esmiol developed the spring when he bought the property in 1954 and put the water to the beneficial uses described below. Applicant claims HUP protection as a right perfected by use prior to 1977. 7. Rate of Diversion: 5 gpm Absolute. 8. Uses: Domestic, livestock watering, and firefighting. 9. Names and addresses of owners or reputed owners of land. Applicant. (3 pages, 1 Exhibit)

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

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 2021. *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.*

21CW3025 EAGLE COUNTY. COLORADO RIVER. Jeffrey V. and Patricia D. Goodwin, 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. FIRST CLAIM: FOR ABSOLUTE WATER STORAGE RIGHT.** Reservoir: Tee's Pond. Legal description: Tee's Pond is located in the NE ¼, SE ¼, Section 8, Township 2 South, Range 83 West, 6th P.M., whence the SE corner of Section 8, Township 2 South, Range 83 West, 6th P.M. bears S. 10°7'41" East 2,097 feet. UTM coordinates: Easting: 354296. Northing: 4417179. Zone: 13. Address: 18231 Highway 131, Bond CO 80423-9507. **Source: Colorado River and precipitation.** Ditch used to fill reservoir: Moorehead Ditch. Legal description: A point on the west bank of said Colorado River, whence the witness corner to the Southeast Corner of Section 8, Township 2 South, Range 83 West of the 6th P.M., bears South 12°19' East 1,730 feet. UTM coordinates: Easting: 354307. Northing: 4417177. Zone: 13. Date of appropriation: July 1, 2007. Date water applied to beneficial use: July 1, 2007. Amount: 2.88 acre-feet, with the right to fill and refill. Rate of diversion: up to 2.46 c.f.s. Uses: Fire protection, piscatorial, irrigation, aesthetic, and as an irrigation control structure. Claim to make absolute: Date water applied to beneficial use: July 1, 2007. Amount: 2.88 acre-feet. **SECOND CLAIM: FOR APPROVAL OF PLAN FOR AUGMENTATION.** Augmented Structure: Tee's Pond. Water rights to be used for augmentation: Colorado River Water Conservation District Contract. Statement of plan for augmentation. 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 Tee's Pond to replace evaporation. Augmentation releases under Applicant's water allotment contract will be made from Wolford Mountain Reservoir for up to 2.0 acre-feet per year. The engineering data included in the application is subject to change and may be modified without applicant being required to re-publish the application.

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

21CW1 (14CW14) MESA COUNTY- UNNAMED TRIBUTARY TO BIG SALT WASH TRIBUTARY TO THE COLORADO RIVER. Design Engineering, LLC c/o Ed Kuechler; 1912 Monument Canyon Dr.; Grand Junction, CO 81507; (970)201-2467. Mary Lou Pump & Pipeline-Application for Finding of Reasonable Diligence and To Make Absolute in Part. Location: SE¼NW¼ of Sec. 5, T.1N, R.2W. of the Ute P.M., 3,110 ft. from the south sec. line and 2,790 ft. from the east sec. line. Appropriation: May 1, 2014. Amount: 0.53 c.f.s., absolute. Use: irrigation. An outline of work completed during the diligence period is included in the application.

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20CW3182 GARFIELD COUNTY, ROARING FORK AND COLORADO RIVERS. Amended 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 and augmentation. 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)

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