

DIVISION 5 WATER COURT- JULY 2019 RESUME

1. PURSUANT TO C.R.S., §37-92-302, AS AMENDED, YOU ARE NOTIFIED THAT THE FOLLOWING PAGES COMPRISE A RESUME OF THE APPLICATIONS AND AMENDED APPLICATIONS FILED WITH THE WATER CLERK FOR WATER DIVISION 5 DURING THE MONTH OF JULY 2019. *The water right claimed by this application may affect in priority any water right claimed or heretofore adjudicated within this division and owners of affected rights must appear to object and protest within the time provided by statute or be forever barred.*

19CW3071 GRAND COUNTY. John and Charlene Simcox, P.O. Box 2183, Fraser, CO 80442, (970)726-6642, c/o Kent Whitmer, The Whitmer Law Firm, LLC, PO Box 38, Hot Sulphur Springs, CO 80451, (970) 725-3460. APPLICATION FOR FINDING OF REASONABLE DILIGENCE FOR UNDERGROUND WATER RIGHTS AND EXCHANGE. Name of Structure for Underground Water Rights: Dusty Diamond Well Nos. 1, 2, 3, 4, 5, 8, 9, and 10. Source: Groundwater tributary to Crooked Creek, which is tributary to the Fraser River, tributary to the Colorado River. Well Location: All wells will be located in the N1/2 of Section 22, Township 1 South, Range 76 West of the 6th P.M. The specific locations for Dusty Diamond Wells are described in particularity in the application. Depth: unknown as wells have not been drilled. Use: In-house domestic use only. Type of Structure: Wells. Quantity: Amount claimed for each well: 15 gallons per minute (“g.p.m.”) (0.033 cubic feet per second (“c.f.s.”)), conditional, not to exceed 0.39 acre feet per year per well. Appropriation Date: December 31, 2006. Decree: July 31, 2013, Case No. 07CW74, Water Court Division No. 5. Conditional Appropriative Right of Exchange: As part of their original decree, Applicants were also granted a conditional right of exchange in the amount of 0.9 af/yr to cover the consumptive use of the Dusty Diamond Wells. Exchange Reach: Upstream Terminus: the points of diversion for Dusty Diamond Well Nos. 1, 2, 3, 4, 5, 8, 9, and 10, as described with particularity in the application. Downstream Terminus: Crooked Creek to a point where releases from Simcox Reservoir meet Crooked Creek in the NW1/4NE1/4 of Section 22, T1S, R76W, of the 6th P.M., a distance of 1,500 feet from the East section line of said Section 22 and 1,100 feet from the North line of said Section 22. Additional Information: The original decree at Case No. 07CW74 sets forth additional terms and conditions that continue to be in effect for the water rights of this application. The application and attached exhibits contain a detailed outline of the work performed during the diligence period (6 pages).

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

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19CW3073 GRAND COUNTY. 12 County Road 667, LLC, William Mueller, Manager, 410 Dewey Ave., Boulder, CO 80304, (720) 982-3476, c/o Kent Whitmer, The Whitmer Law Firm, LLC, PO Box 38, Hot Sulphur Springs, CO 80451, (970) 725-3460. APPLICATION FOR FINDING OF REASONABLE DILIGENCE. Name of Structure for Underground Water Rights: Cairns Well No. 1. Source: Groundwater tributary to North Inlet, tributary to Grand Lake, tributary to the Colorado River. Well Location: Grand County, Colorado, SW1/4NW1/4, Section 4, Township 3 North, Range 75 West, 6th P.M. Distance from Section lines: 3,800 feet from South Section line and 1,100 feet from West Section line. Street Address: 12 County Road 667, Grand Lake, CO 80447. Subdivision: Parcel B Cairns Ranch Outright Exemption, Reception No. 2003-003642, Grand County, Colorado. Depth: 37 feet. Use: In-house use domestic for fishing lodge, caretaker unit and 1000 square feet lawn and garden irrigation. Type of Structure: Well. Quantity: Amount claimed for the well: 15 gallons per minute (“g.p.m.”), conditional, annual diversion limited to 1.170 acre-feet. Appropriation Date: April 11, 2012. Decree: July 27, 2013, Case No. 12CW109, Water Court Division No. 5. Conditional Appropriative Right of Exchange: As part of its original decree, Applicant was also granted a conditional right of exchange in the amount of 0.6 af/yr with a maximum rate of exchange of 0.127 acre-foot per month to cover the consumptive use of Cairns Well No. 1. Exchange Reach: Upstream Terminus: North Inlet, which is located in Section 4, Township 3 North, Range 75 West of the 6th P.M., 3,800 feet from the South Section line and 1,100 feet from the West Section line. Downstream Terminus: Colorado River and Muddy Creek Confluence, which is located in Section 19, Township 1 North, Range 80 West of the 6th P.M., 81 feet from the North Section line and 1963 feet from the East Section line. Additional Information: The original decree at Case No. 12CW109 sets forth additional terms and conditions that continue to be in effect for the water rights of this application. The application and attached exhibits contain a detailed outline of the work performed during the diligence period (24 pages).

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19CW3074 (10CW74, 02CW277, 96CW161, 89CW82, 82CW452). DISTRICT COURT, WATER DIVISION NO. 5, STATE OF COLORADO, 109 8th Street, Suite 104, Glenwood Springs, Colorado 81601. IN THE MATTER OF THE APPLICATION FOR WATER RIGHTS OF PEAK RANCH, INC, IN **GRAND COUNTY, COLORADO. APPLICATION FOR FINDING OF REASONABLE DILIGENCE.** 1. Name, Address, and Telephone Number of Applicant: Peak Ranch, Inc., Attn: David and Karen Hammer, 12210 U.S. Highway 40, Kremmling, CO 80459, Direct all pleadings to: Glenn E. Porzak, Cassidy L. Woodard, Porzak Browning & Bushong LLP, 2120 13th Street, Boulder, CO 80302. 2. Name of Structure. Milk Creek Reservoir, Second Filling. 3. Description of the Conditional Water Right. A. Decrees: The second filling was decreed by the District Court in and for Water Division No. 5, State of Colorado (the "Water Court") on April 5, 1985, in Case No. 82CW452. Previous orders finding reasonable diligence include Case Nos. 89CW82, 96CW161, 02CW277, and 10CW74. Portions of the conditional water right were made absolute in Water Court Case Nos. 02CW277 and 10CW74., B. Decreed Location: The initial point of survey of the high water line of the reservoir is located at a point whence the north quarter corner of Section 34, Township 4 North, Range 82 West of the 6th P.M. bears North 39° 31' East a distance of 898.51 feet. Alternately described as located in the NE1/4 of the NW1/4 of Section 34, Township 4 North, Range 82 West of the 6th P.M., Grand County, Colorado, at a point 730.3 feet from the North section line and 2,120.1 feet from the West section line of said Section 34, as depicted on **Exhibit A.**, C. Source: Milk Creek, tributary to Muddy Creek, and surface runoff, percolation, and other water tributary to the reservoir. Muddy Creek is tributary to the Colorado River., D. Appropriation Date: May 7, 1982., E. Amount: 80 acre-feet, absolute, and 24.55 acre-feet, conditional., F. Uses: irrigation, stock watering, fish propagation, recreation, and aesthetics., 4. Detailed outline of work done to complete project and apply water to beneficial use. The Milk Creek Reservoir is a constructed reservoir and has been used for the purposes described in Paragraph 3.F above in connection with the Applicant's land. The finding for reasonable diligence sought herein is for the last remaining conditional portion of the Second Filling of the Milk Creek Reservoir. As confirmed in the decree in Water Court Case No. 10CW74, dated July 15, 2013, the Milk Creek Reservoir, Second Filling, is part of Applicant's integrated system pursuant to C.R.S. § 37-92-301(4)(b). As such, for the purposes of demonstrating reasonable diligence, work performed and expenses incurred in connection with any of the water rights listed on the attached **Exhibit B** shall be considered to be in furtherance of the development of the Milk Creek Reservoir, Second Filling. Evidence of diligence activities undertaken by Applicant includes, but is not limited to, the following: A. Completion of a preliminary firm yield analysis for Barber Basin Reservoir Nos. 2 and 3, including streamflow modeling and monitoring programs, prepared by Resource Engineering, Inc. at a cost of approximately \$68,520, B. Completion of a Preliminary Engineering Report for the Basin Reservoir Storage Project by McLaughlin Water Engineers (a division of Merrick & Company) at a cost of approximately \$41,803; C. Completion of a Preliminary Geotechnical Investigation for the proposed Basin Reservoir Storage Project dam by NorthWest Colorado Consultants, Inc., at a cost of \$17,011; D. Completion of soil test pits by KJ Hammer Companies, Inc. at a cost of \$6,167; E. Adjudication of Case No. 18CW3082 for Barber Basin Reservoir No. 3 and pending Case No. 19CW3006 for Barber Basin Reservoirs No. 2, both of which are integral water rights in Applicant's Basin Reservoir Storage Project; F. Participation in Case No. 11CW144 in opposition to the Colorado Water Conservation Board's application to appropriate an instream flow water right on an unnamed tributary to Muddy Creek to ensure lack of injury to its water rights in the same area; G. Payment in full of the \$400,000 loan that funded work for the Basin Reservoir Storage Project, including accrued interest; and H. Applicant owns Peak Ranch, upon which the subject water right is utilized. During the subject diligence period, title to a number of Peak Ranch senior water rights was settled and a major project was completed on Bincó Dam at the direction of the State Engineer, with total costs of approximately \$134,000. The Applicant believes that it can and will complete the appropriation within a reasonable time and intends to perfect the subject water right. 5. Name and address of the owner of the land on which the storage structure is located. A. State of Colorado, Board of Land Commissioners, 1313 Sherman Street, Room 620, Denver, CO 80203-2240. WHEREFORE Applicants request that the Water Court issue a final decree that (1) finds that the Applicant was reasonably diligent with respect to the development of Milk Creek Reservoir, Second Filling; (2) retains the conditional status of the Milk Creek Reservoir, Second Filling, for the final remaining 24.55 acre-feet, conditional, for irrigation, stock watering, fish propagation, recreation, and aesthetics; and (3) grants such other and further relief as the Court deems just and proper. (5 pages + 2 exhibits)

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19CW3075 PITKIN COUNTY – BUFFALO CREEK, TRIBUTARY TO WEST SOPRIS CREEK, ROARING FORK RIVER, AND COLORADO RIVER. Holland, LLC c/o Paul L. Noto, Esq., and Danielle L. Van Arsdale, Esq., Patrick, Miller & Noto, P.C., 197 Prospector Drive, Ste., 2104A, Aspen, CO 81611. (970) 920-1030. APPLICATION FOR FINDINGS OF REASONABLE DILIGENCE. **First Claim:** Resnick Augmentation Pond. Original Decree: Case No. 99CW104, Amended May 7, 2001. Legal

Description: NW¼ SW¼ of Section 32, Township 8 S., Range 87 W. of the 6th P.M., at a point approximately 1,762 feet from the south section line and 978 feet from the west section line. Source: On-channel structure on Buffalo Creek, tributary to West Sopris Creek, the Roaring Fork River, and the Colorado River. Appropriation Date: January 20, 1999. Amount: 7.0 acre-feet conditional (all active). Use: Augmentation, irrigation, aesthetic, piscatorial, fire protection, and livestock watering. **Second Claim:** Resnick Lot A Pump. Original Decree: Case No. 99CW104, Amended May 7, 2001. Legal Description: NW ¼ SW ¼ of Section 32, Township 8 S., Range 87 W. of the 6th P.M., at a point approximately 1,737 feet from the south section line and 1,112 feet from the west section line. Source: Buffalo Creek, tributary to West Sopris Creek, the Roaring Fork River, and the Colorado River. Appropriation Date: January 20, 1999. Amount: 0.1 c.f.s. conditional. Use: Irrigation, fire protection, and livestock watering. **Third Claim:** Resnick Lot A Well (Permit No. 260081). Original Decree: Case No. 99CW104, Amended May 7, 2001. Legal Description: The well is located within a well field with boundaries no further than 100 feet from Buffalo Creek and located entirely within Applicant's property at Resnick Subdivision Lot A in the NW ¼ SW ¼ of Section 32, Township 8 S., Range 87 W. of the 6th P.M. Source: Groundwater tributary to Buffalo Creek, tributary to West Sopris Creek, the Roaring Fork River, and the Colorado River. Appropriation Date: January 20, 1999. Amount: 0.1 c.f.s. conditional. Use: Domestic, irrigation, fire protection, and livestock watering. Depth: About 95 ft. Remark: The above water rights are component parts of an integrated water supply project for Applicant's property and out-of-priority depletions from the water rights are replaced pursuant to a plan for augmentation, as decreed in Case No. 99CW104. A map of water rights and place of use is on file with the court as Figure 1. A detailed outline of work done toward completion of appropriation is on file with the court as Exhibit A. Applicants own the land where water rights are located and where water is or will be put to beneficial use.

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19CW3076 DISTRICT COURT, WATER DIVISION NO. 5, STATE OF COLORADO, 109 - 8th Street, Suite 104, Glenwood Springs, CO 81601. CONCERNING THE APPLICATION FOR WATER RIGHTS OF DONOVAN'S COPPER BAR RANCH, LLLP IN EAGLE COUNTY, COLORADO. **APPLICATION FOR A SIMPLE CHANGE IN A SURFACE POINT OF DIVERSION.** 1. Name and Address of Applicant: Donovan's Copper Bar Ranch, LLLP, Attn: John and Diana Donovan, 1014 Homestake Circle, Vail, CO 81657. All pleadings should be directed to: Glenn E. Porzak, Porzak Browning & Bushong LLP, 2120 13th Street, Boulder, CO 80302, (303) 443-6800. 2. Description of the Water Right: a. Name of Water Right: Ole Creek Ditch. b. Original Decree: Decreed by the Eagle County District Court on July 25, 1910, in Civil Action No. 543. c. Decreed Location: The headgate is decreed as being located on the left bank of Ole Creek near the SW1/4 SW1/4 of Section 10, Township 5 South, Range 83 West, 6th P.M. However, the actual location is and has always been in the SE1/4 NW1/4 of Section 10. d. Source: **Ole Creek, tributary to Squaw Creek, tributary to Eagle River, tributary to Colorado River.** e. Appropriation Date: June 1, 1895 (Priority No. 283 in Water District 37). f. Amount: 1.0 cfs, absolute. g. Use: Irrigation. 3. Description of the Proposed Simple Change in Point of Diversion: a. Changed Point of Diversion. Applicant seeks to change the point of diversion to a point located on the left bank of Ole Creek in the SW1/4 of the NW1/4 of Section 10, Township 5 South, Range 83 West. The UTM coordinates for the new diversion point are Zone 13, NAD 83, Northing: 4388385.2326, Easting: 355581.7699. *See Exhibit A.* b. Simple Change in Surface Point of Diversion. The requested change meets the definition of simple change in a surface point of diversion as described in C.R.S. §37-92-305(3.5). The proposed change does not include any other changes and there are no intervening surface diversion points, inflows, or instream flow rights between the current actual point of diversion and the changed point of diversion. As such, the requested change will not injuriously affect any vested water right or decreed conditional water rights. The requested change will also not result in any increased consumptive use because the Applicant will continue to irrigate the historically irrigated lands. 4. Name and address of the owner of the land on which the existing diversion structure is located: The changed point of diversion is located on land owned by the Applicant. WHEREFORE, The Application respectfully requests that this Court enter a decree that (i) changes the point of diversion for the Ole Creek Ditch to the location described in paragraph 3(a) above; and (ii) provides such other relief as may be appropriate and consistent with this pleading. (4 pages total with exhibit)

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19CW3077 UTE CREEK, EAGLE RIVER, COLORADO RIVER, EAGLE COUNTY, APPLICATION TO MAKE CONDITIONAL WATER RIGHTS PARTIALLY ABSOLUTE AND FOR A FINDING OF REASONABLE DILIGENCE CJC Properties Limited Partnership (“Applicant”) Attention: Constance Joufflas, General Partner, 1111 Horizon Drive, Unit 807, Grand Junction, Colorado 81506, (970) 243-1477 c/o Kirsten M. Kurath, Williams, Turner & Holmes, P.C., 744 Horizon Court, Suite 115, Grand Junction, CO 81506. Structures: Ute Creek Reservoir No. 1; Dunington Ditch, Ute Creek Reservoir Enlargement; and Ute Creek Reservoir Spring. Decreed: July 27, 2013, Case No. 12CW172, Water Division No. 5, District Court for the State of Colorado. Subsequent Decrees: None. Ute Creek Reservoir No. 1: Location: The reservoir is located in the NE1/4 NW1/4 of Section 12, Township 4 South, Range 83 West of the 6th Principal Meridian. The spillway of the dam for the reservoir is located at a point approximately 2,260 feet east of the west section line and 1,214 feet south of the north section line of said Section 12. See map attached to the Application as Exhibit A. Source: Ute Creek Reservoir No. 1 is an off-channel reservoir that will be filled from the following sources, all of which are tributary to Ute Creek, tributary to the Eagle River, tributary to the Colorado River: 1) Small springs and natural runoff occurring above the reservoir, and runoff and return flows from the irrigation of lands above the reservoir, will flow into and be sources for the reservoir; 2) Dunington Ditch, Ute Creek Reservoir Enlargement; and 3) Ute Creek Reservoir Spring. App. Date: August 1, 2012. Amount: 2.0 acre feet, conditional, together with the right to fill and refill the reservoir when water is available in priority. The right to refill the Ute Creek Reservoir No. 1 shall be for the purpose of replacing evaporation and seepage losses and water used from the reservoir for decreed purposes, and shall be limited to an additional 2.0 acre feet. Uses: The water in the Ute Creek Reservoir No. 1 will be used for irrigation of lawns, gardens and other landscaping within the Ute Creek PUD, as expanded. The water will also be used for commercial and industrial purposes within the Ute Creek PUD, as expanded, including without limitation washing of vehicles and machinery, watering of recycling and composting facilities, fire suppression, dust suppression and construction compacting. In addition, the water will be for stock watering and wildlife watering. The water used for all of these purposes will be non-potable water. Dunington Ditch, Ute Creek Reservoir Enlargement: Location: The decreed point of diversion for the Dunington Ditch, as decreed in C.A. 787, Eagle County District Court, is described as follows: located at a point in the County of Eagle, State of Colorado on the North bank of Ute Creek at a point whence the Northeast (NE) corner of Section Twelve (12), in Township Four (4) South, Range Eighty-three (83) West of the Sixth (6th) Principal Meridian, bears North 65°54’ East 2766 feet. The actual point of diversion is located approximately 1,224 feet south of the north section line and 2,797 feet east of the west section line of said Section 12. See map attached to the Application as Exhibit A. Source: Ute Creek, tributary to the Eagle River, tributary to the Colorado River. App. Date: August 1, 2012. Amount: 0.5 c.f.s., conditional. Uses: The Dunington Ditch, Ute Creek Reservoir Enlargement will be used to fill the Ute Creek Reservoir No. 1, described above, where the water will be used for the uses described above. Ute Creek Reservoir Spring: Location: The point of diversion of the spring is located approximately 1,203 feet south of the north section line and 2,913 feet east of the west section line of Section 12, Township 4 South, Range 83 West of the 6th Principal Meridian. See map attached to the Application as Exhibit A. Source: Spring tributary to Ute Creek, tributary to the Eagle River, tributary to the Colorado River. App. Date: August 1, 2012. Amount: 0.033 c.f.s., conditional. Uses: The Ute Creek Reservoir Spring will be used to fill the Ute Creek Reservoir No. 1, described above, where the water will be used for the uses described above. Claim to Make Water Rights Partially Absolute: Ute Creek Reservoir No. 1: The reservoir was constructed in the spring of 2019. During construction of the reservoir, groundwater was not intercepted. Applicant started filling the reservoir on May 31, 2019, and the reservoir completed filling sometime in June, 2019. The reservoir was filled while in priority. Accordingly, the full amount of the Ute Creek Reservoir No. 1 water right should be made absolute for all the decreed uses in accordance with C.R.S. § 37-92-301(4)(e) and C.R.S. § 37-92-103(4)(a). Furthermore, during this diligence period the water from the reservoir has been used for irrigation, stock watering and wildlife watering. The Applicant does not have accurate accounting with which to document the refill of the reservoir subsequent to its first fill. Therefore, the Applicant does not claim any portion of the right to refill the reservoir as absolute at this time. Ute Creek Reservoir Spring: The spring was used to fill the Ute Creek Reservoir No. 1 as described above. On June 13, 2019, Applicant’s consultant measured the rate of the spring to be 25 g.p.m. (0.0557 c.f.s.). The spring is a naturally flowing spring and the water was conveyed directly by gravity flow and, therefore, is a near-surface structure as defined in C.R.S. § 37-90-10 (21)(b) and C.R.S. § 37-92-103 (14)(b). The spring was put to beneficial use while in priority and accordingly, the full amount should be made absolute for all the decreed uses. The Application contains a detailed outline of what has been done toward completion of the appropriation of the conditional water rights described above. Names and addresses of owners of the land upon which new diversion or storage structure or modification to any existing diversion or storage structure is or will be constructed or upon which water is or will be stored, including any modification to the existing storage pool: Applicant. Applicant requests that the Court enter an order and decree finding that the Ute Creek Reservoir No. 1 conditional water right be made absolute for all uses for the full amount claimed except for the right to re-fill up to 2.0 acre feet per year; that the Court adjudge and decree that the Ute Creek Reservoir Spring conditional water right be made absolute for all uses for the full amount claimed; that the Court adjudge and decree that the Applicant has been reasonably diligent in the development of the Dunington Ditch, Ute Creek Reservoir Enlargement conditional water right; that the remaining conditional portions of Ute Creek Reservoir No. 1, Ute Creek Reservoir Spring and the Dunington Ditch, Ute Creek Reservoir Enlargement water rights, if any, be continued in full force and effect. (7 pages)

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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 JULY 2019. *The water right claimed by this application may affect in priority any water right claimed or heretofore adjudicated within this division and owners of affected rights must appear to object and protest within the time provided by statute or be forever barred.*

19CW3078 WEST SALT CREEK, SALT CREEK, COLORADO RIVER, MESA COUNTY, APPLICATION TO MAKE CONDITIONAL WATER RIGHTS PARTIALLY ABSOLUTE AND FOR A FINDING OF REASONABLE DILIGENCE

Thomas J. Nelson and Irene Nelson, 892 M 8/10 Road. Mack, CO 81525, 970-260-0445, Thomasnelson777@gmail.com c/o Kirsten M. Kurath, Williams, Turner & Holmes, P.C., 744 Horizon Court, Suite 115, Grand Junction, CO 81506. Structures: Nelson Pond and the Nelson Pipeline. Decreed: July 27, 2013, Case No. 12CW173, Water Division No. 5. Subsequent Decrees: None. Nelson Pond: Location: The Nelson Pond is located in the SE ¼ NE ¼, Section 28, Tp. 9 S., R. 103 W., 6th P.M., at a point approximately 2098 feet from the north section line and 1131 feet from the east section line. The location in UTM format is described as Zone 12, Northing 4346349, Easting 682334. A map illustrating the location of the Nelson Pond is attached to the Application as Figure 1. Source: Unnamed drainage ditch, tributary to West Salt Creek, tributary to Salt Creek, tributary to the Colorado River. The Nelson Pond is an off-channel pond. It is filled by the Nelson Pipeline. App. Date: October 1, 2011. Amount: 6.5 acre feet, absolute, for aesthetics and fire protection; 6.5 acre feet, conditional, for irrigation, together with the right to fill and refill the Nelson Pond when water is available in priority to replace evaporation and seepage losses. The amount needed to refill the Nelson Pond to replace evaporation and seepage losses is approximately 8.75 acre feet. The refill right for the Nelson Pond is conditional. Uses: Irrigation, aesthetics, evaporation and fire protection. Applicants intend to use the Nelson Pond as a detention pond for the irrigation of approximately 23 acres of the Applicants' property shown in Figure 1 with the Nelson Pipeline. Nelson Pipeline: Location: The point of diversion for the Nelson Pipeline is located in the SW ¼ NE ¼ of Section 28, Tp. 9 S., R.103 W., 6th P.M. at a point located approximately 1326 feet from the north section line and 1839 feet from the east section line. The location in UTM format is described as Zone 12, Northing 4346580, Easting 682115. See Figure 1 attached to the Application. Source: Unnamed drainage ditch, tributary to West Salt Creek, tributary to Salt Creek, tributary to the Colorado River. App. Date: October 1, 2011. Amount: 0.5 c.f.s., absolute for filling the Nelson Pond; 0.06 c.f.s., absolute for irrigation and 0.44 c.f.s., conditional, for irrigation. Uses: The Nelson Pipeline has been used to irrigate 3 acres and to fill the Nelson Pond. In the future, Applicants intend to irrigate an additional 20 acres. Both the historically irrigated acreage and the acreage proposed to be irrigated are shown on Figure 1 attached to the Application. Claim to Make Water Rights Partially Absolute: Nelson Pond: Nelson Pond filled in the spring of 2012 and was made absolute for the uses of fire protection and aesthetics in Case No. 12CW173. Accordingly, the full amount of the Nelson Pond water right should be made absolute for all the decreed uses in accordance with C.R.S. § 37-92-301(4)(e) and C.R.S. § 37-92-103(4)(a). Furthermore, during this diligence period Applicants used the water from the Nelson Pond for irrigation. Applicants do not have accurate accounting with which to document the refill of the Nelson Pond subsequent to its first fill. Therefore, Applicants do not claim any portion of the right to refill the Nelson Pond as absolute at this time. The Application contains a detailed outline of what has been done toward completion of the appropriation of the conditional water rights described above. Names and addresses of owners of the land upon which 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: Applicants. Applicants request that the Court enter an order and decree finding that Applicants have made the Nelson Pond partially absolute as described above and finding that Applicants been reasonably diligent in the development of the conditional water rights described above and continuing the water rights in full force and effect to the extent the same are not made absolute. (6 pages)

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

8. PURSUANT TO C.R.S., §37-92-302, AS AMENDED, YOU ARE NOTIFIED THAT THE FOLLOWING PAGES COMPRISE A RESUME OF THE APPLICATIONS AND AMENDED APPLICATIONS FILED WITH THE WATER CLERK FOR WATER DIVISION 5 DURING THE MONTH OF JULY 2019. *The water right claimed by this application may affect in priority any water right claimed or heretofore adjudicated within this division and owners of affected rights must appear to object and protest within the time provided by statute or be forever barred.*

19CW3079(02CW403). DISTRICT COURT, WATER DIVISION NO. 5, STATE OF COLORADO, Garfield County Courthouse, 109 8th Street, Ste. 104, Glenwood Springs, CO 81601. CONCERNING THE APPLICATION FOR WATER RIGHTS OF THE UPPER EAGLE REGIONAL WATER AUTHORITY, IN EAGLE COUNTY, COLORADO. APPLICATION FOR FINDINGS OF REASONABLE DILIGENCE AND TO MAKE WATER RIGHTS ABSOLUTE. 1. Name and Address of Applicant: Upper Eagle Regional Water Authority (the "Authority"), c/o Manager, 846 Forest Road, Vail, Colorado 81657, 970-595-0138, Direct All Pleadings to: Glenn E. Porzak, Kristin H. Moseley, Cassidy L. Woodard, Porzak Browning & Bushong LLP, 2120 13th Street, Boulder, Colorado 80302. 2. Description of Conditional Water Rights: A. Edwards Drinking Water Facility Diversion: i. Original Decree: Decreed by the District Court in and for Water Division No. 5 ("Water Court") in Case No. 02CW403 on July 15, 2013 ("02CW403 Decree"), ii. Location: The point of diversion is located at a point in the NW1/4 of the SW1/4 of Section 4, T. 5 S., R. 82 W. of the 6th P.M., Eagle County, on the northerly bank of the Eagle River at a point 1,393 feet north of the south section line and

654 feet east of the west section line in said Section 4, iii. Source: Eagle River., iv. Amount: 0.40 cfs, conditional., v. Appropriation Date: May 31, 2000., vi. Uses: domestic, irrigation, recreation, commercial, and all municipal beneficial uses within the Authority's service area, as that area may expand from time to time, such expansion to be limited to an area within three miles of the boundaries of the Authority's service area as it exists at the time of the 02CW403 Decree as shown on the attached Figure 1. B. 02CW403 Decree Exchanges: The 02CW403 Decree granted the Authority the right to divert by exchange the water rights described in Paragraph 2.B.i below at the points of diversion more particularly described in Paragraph 2.B.ii below: i. Source Water Rights: A total of 33.08 consumptive acre-feet per year from the following described water rights: a. 18.38 consumptive acre-feet of the 140.25 acre-feet of historic consumptive use credits attributed to the O'Neill & Holland Ditch First Enlargement, Priority No. 404, as quantified by the Water Court in Case Nos. 93CW189 and 96CW373, and being attributable to 3.29 cfs of the 13.17 cfs in the O'Neill & Holland Ditch First Enlargement, Priority No. 404, decreed by the Eagle County District Court in Case No. CA963 with an appropriation date of June 8, 1907, and an adjudication date of October 3, 1936, the source of which is the **Eagle River**, which historic consumptive use results from the irrigation of 85 acres generally located in the SW/14 of Section 3 and SE1/4 of Section 4, T. 5 S., R. 82 W. of the 6th P.M., Eagle County, Colorado. The decree in Case No. 93CW189 changed the point of diversion for the O'Neill & Holland Ditch water right to the Howard Ditch headgate, b. 14.70 consumptive acre-feet of the 160.9 acre-feet of historic consumptive use credits attributable to the Howard Ditch First Enlargement, Priority No. 385, as quantified by the Water Court in Case No. W-3999, and being attributable to 5.27 of the 11.92 cfs in the Howard Ditch First Enlargement, Priority No. 385, decreed by the Eagle County District Court in Case No. CA 963 with an appropriation date of June 13, 1899, and an adjudication date of October 3, 1936, the source of which is the Eagle River, which historic consumptive use results from the irrigation of 51.6 acres generally located in the SW1/4 and SW1/4 NW1/4 of Section 4, T. 5 S., R. 82 W. of the 6th P.M., Eagle County, Colorado. The season of use during which the historic consumptive use credits attributable to the Howard Ditch First Enlargement may be used is from May 13 through October 10 of each year., ii. Points of Diversion: Metcalf Headgate, located on the Eagle River in the SE1/4 SW1/4 of Section 7, T. 5 S., R. 81 W. of the 6th at a point from which the Southeast Corner of the SW1/4 of said Section 7 bears South 53°00'40" East a distance of 1,446 feet., b. Raw Water Booster Pump Headgate, located on the Eagle River in the NW1/4 NW1/4 of Section 12, T. 5 S., R. 82 W. of the 6th P.M. at a point from which the Southwest Corner of the NW1/4 of said Section 12 bears South 18°01'34" West a distance of 1,551.13 feet., c. UERWA Point A (a/k/a UERWA Pipeline), located on Lake Creek in the SE1/4 NE1/4 of Section 6, T. 5 S., R. 82 W. of the 6th P.M. at a point whence the NE corner of said Section 6 bears North 14°30' East a distance of 1,750 feet. Diversions at this alternate point of diversion may not place a direct call against water rights that divert from Lake Creek., iii. Decreed Locations: The downstream terminus of the exchanges to the Metcalf Headgate and the Raw Water Booster Pump Headgate is the Howard Ditch Headgate, located in the NW1/4 NW1/4 Section 11, T. 5 S., R. 82 W. of the 6th P.M. at a point 600 feet from the North line and 1,150 feet from the West line of said Section 11, and the upstream termini are the points of diversion described in Paragraphs 2.B.ii.a and 2.B.ii.b above. The downstream terminus of the exchange to the UERWA Point A is the confluence of the Eagle River and Lake Creek, and the upstream terminus is the point of diversion described in Paragraph 2.B.ii.c above., iv. Amounts: The rate of exchange is 0.40 cfs, which is the anticipated maximum rate of instantaneous diversion at all described points of diversion for the claimed exchanges., v. Priority Date: December 31, 2002. A map denoting the above referenced diversion points is attached hereto as Exhibit A. 3. Claim to Make Water Rights Absolute and for Findings of Reasonable Diligence: The Authority is a quasi-municipal entity that provides water service to customers in Eagle-Vail, Town of Avon, Beaver Creek, Bachelor Gulch, Arrowhead, Berry Creek, Edwards, and Cordillera. The Authority's current service area is depicted on the map attached as Exhibit B. The Authority's current service area is within three miles of the boundaries of the Authority's service area at the time Case No. 02CW403 was decreed as depicted on Figure 1. The Authority and the Eagle River Water & Sanitation District, which are managed by the same staff, comprise the second largest water and wastewater provider on the Western Slope. These two entities are required to meet the water demands of more than 65,000 residents in Eagle County and over 2.2 million annual recreational visitors to the Vail and Beaver Creek ski areas. The subject water rights are necessary to meet the Authority's demands for domestic, irrigation, recreation, and other municipal uses within the Authority's service area as that area grows and for the Authority's planning for population increases and increased water demands caused by skiers and tourists. According to Eagle County's 2005 Comprehensive Plan, the County population will increase from approximately 54,772 residents in 2017 to 88,000 by 2030. As one of the main providers of water in Eagle County, the Authority requires the subject water rights in order to serve the projected population growth in Eagle County in general. With the foregoing as background, the Authority seeks to make portions of the conditional water rights decreed in Case No. 02CW403 absolute for all decreed purposes. On June 3, 2017, .35 cfs of the .40 cfs of the Edwards Drinking Water Facility was diverted in priority. Diversion records from 2017 evidencing the Authority's claim to make the subject right absolute is attached hereto as Exhibit C. The Authority seeks a finding of reasonable diligence for the above-described remaining conditional water rights for their full conditional amounts and uses. This includes any portion of the Edwards Drinking Water Facility not made absolute and the 02CW403 Decree Exchanges described in Paragraph 2.B. above. In support of its claim for findings of reasonable diligence, the Authority has engaged in numerous activities during the relevant period that demonstrate diligence toward the application of the subject water rights to their decreed beneficial uses. The Authority operates an integrated water system, i.e., a single, unified municipal water system in which work done on any component of the system advances the whole. The Authority has incurred capital costs and expenditures of over \$69,000,000 during the diligence period to operate, protect, maintain, upgrade, and expand its water facilities. All such expenditures are necessary steps in the development of the Authority's integrated water supply system and the subject water rights. With respect to the specific water rights included in this Application, the Authority has incurred in excess of \$553,000 during the diligence period, including the following activities: A. On the Edwards Drinking Water Facility Diversion and the Raw Water Booster Pump Headgate, the Authority constructed intake improvements, including a hydroscreen to reduce the uptake of sediment, B.

On the Metcalf Headgate, the Authority improved Eagle River diversion and intake structures and installed access ports on the Metcalf Ditch Pipeline for inspection and maintenance, C. In addition, the subject water rights, either directly or as an alternate point of diversion, have been the subject of numerous Water Court cases pending or adjudicated by the Authority during the diligence period, including Case Nos. 16CW3067, 17CW3168, 17CW3195, 18CW3116, 18CW3140, 18CW3146, 18CW3215, and 18CW3216. The Authority has also protected the subject water rights by filing numerous statements of opposition. The Authority has spent considerable time and money during the diligence period on legal and engineering fees associated with all of the foregoing Water Court proceedings. All of the above activities are necessary prerequisites to applying the subject conditional water rights to beneficial use. The Authority believes it can and will complete the appropriations within a reasonable time and intends to perfect the subject water rights within a reasonable time for use to meet the Authority's water service demands. 4. Ownership: A. The Edwards Drinking Water Facility Diversion, Metcalf Headgate, Raw Water Booster Pump Headgate, and the UERWA Point A are located on land owned by the Authority. WHEREFORE, the Authority seeks a finding that it has exercised reasonable diligence with respect to the water rights described in Paragraph 2 above, has made .35 cfs of the Edwards Drinking Water Facility absolute, and such other and further relief as this Court deems just and proper. (7 pages + Exhibits)

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

9. PURSUANT TO C.R.S., §37-92-302, AS AMENDED, YOU ARE NOTIFIED THAT THE FOLLOWING PAGES COMPRISE A RESUME OF THE APPLICATIONS AND AMENDED APPLICATIONS FILED WITH THE WATER CLERK FOR WATER DIVISION 5 DURING THE MONTH OF JULY 2019. *The water right claimed by this application may affect in priority any water right claimed or heretofore adjudicated within this division and owners of affected rights must appear to object and protest within the time provided by statute or be forever barred.*

19CW3080 PITKIN COUNTY – SURFACE WATER DIVERTED THROUGH ASPEN PRESERVE PUMP & PIPELINE, DIVERTING FROM ROARING FORK RIVER. The Aspen Preserve Homeowners' Association, Inc. c/o Kevin L. Patrick, Esq., and John M. Sittler, Esq., Patrick, Miller & Noto, P.C., 229 Midland Ave., Basalt, CO 81621, (970) 920-1030. APPLICATION FOR FINDINGS OF REASONABLE DILIGENCE. First Claim: Aspen Preserve Augmentation Pond. Original Decree: July 28, 2013, Case No. 11CW97. Legal Description: NW1/4 NW1/4 of Section 20, Township 10 South, Range 84 West of the 6th P.M., 290 feet South of the North section line, and 340 feet East of the West section line. Source: Surface water diverted through the Aspen Preserve Pump & Pipeline, which diverts from the Roaring Fork River, tributary of the Colorado River. Legal Description of Aspen Preserve Pump & Pipeline: SE1/4 SW1/4 of Section 17, Township 10 South, Range 84 West of the 6th P.M., 150 feet North of the South section line, and 1,430 feet East of the West section line. Rate: 0.5 c.f.s. Appropriation Date: December 30, 2009. Amount: 1.5 acre-feet conditional. Use: Augmentation and recreation. Surface area: 0.25 acre. Max dam height: 10 ft. Dam length: 150 ft. Capacity: 1.5 acre-feet Active. Uses: Irrigation, wildlife watering, and filling the Wilson Family Pond. Second Claim: Aspen Preserve Supplemental Appropriative Right of Exchange. Original Decree: July 28, 2013, Case No. 11CW97. Legal Description: Downstream terminus: Points of diversion of the BWCD Water Allotment Contract described in augmentation plan decreed in Case No. 11CW97. Upstream terminus: Aspen Preserve Pump & Pipeline. Source: BWCD Contract No. 341. Appropriation Date: December 30, 2009. Amount: 0.5 c.f.s. with annual volumetric limit of 3.0 acre-feet, conditional. A map of water rights and place of use is on file with the court as Figure 1. A detailed outline of work done toward completion of appropriation is on file with the court as Exhibit A. Applicants own the land where water rights are located and where water is or will be put to beneficial use.

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

10. PURSUANT TO C.R.S., §37-92-302, AS AMENDED, YOU ARE NOTIFIED THAT THE FOLLOWING PAGES COMPRISE A RESUME OF THE APPLICATIONS AND AMENDED APPLICATIONS FILED WITH THE WATER CLERK FOR WATER DIVISION 5 DURING THE MONTH OF JULY 2019. *The water right claimed by this application may affect in priority any water right claimed or heretofore adjudicated within this division and owners of affected rights must appear to object and protest within the time provided by statute or be forever barred.*

19CW3081 EAGLE COUNTY, COLORADO, APPLICATION TO MAKE CONDITIONAL WATER RIGHTS ABSOLUTE AND APPLICATION FOR FINDING OF REASONABLE DILIGENCE. Name and address of Applicant: Pilgrim Downs Homeowners Association, c/o Jim Childers, Ranch Manager, Pilgrim Downs Subdivision, 102 Pilgrim Drive, Edwards, CO 81632. Please direct all correspondence, motions and pleadings to Michael J. Sawyer, Karp Neu Hanlon, P.C., P.O. Drawer 2030, Glenwood Springs, CO 81602, (970) 945-2261. First Claim: Finding Making Conditional Rights Absolute or in the Alternative a Finding of Reasonable Diligence. From Previous Decree: Name of structures: Pilgrim Ranch Pond Nos. 17, 18 and 19. Original decree: November 15, 1988, in Case No. 87CW152, in the District Court in and for Water Division No. 5. Subsequent decrees awarding findings of diligence: Case No. 94CW294 entered on April 4, 1995, Case No. 01CW102 (Ruling 1 of 2) entered on November 8, 2005, and Case No. 2011CW157 entered on July

31, 2013. Legal description: Pilgrim Ranch Pond No. 17 is located at a point 1,800 feet south of the north section and 850 feet east of the west section line, Section 19, Township 5 South, Range 82 West of the 6th P.M. in Lot 19, Filing No. 7, of the Pilgrim Downs Subdivision, Eagle County, which is located in the SW1/4 of the NW1/4 of Section 19. Actual location: Pond 17 was constructed near the southeast corner of the residence on the Lot 19 of Pilgrim Downs in the NW1/4, Section 19, Township 5 South, Range 82 West of the 6th Principal Meridian (P.M.) at a point 1,826 feet from the North section line and 915 feet from the West section line. Legal Description: Pilgrim Ranch Pond No. 18 is located at a point 600 feet south of the north section line and 400 feet east of the west section line, Section 19, Township 5 South, Range 82 West of the 6th P.M. in Lot 20, Filing No. 7, of the Pilgrim Downs Subdivision, Eagle County, which is located in the NW1/4 of the NW1/4 of Section 19. Actual location: Pond 18 was constructed north of the residence on the Lot 20 of Pilgrim Downs in the NW1/4, Section 19, Township 5 South, Range 82 West of the 6th Principal Meridian (P.M.) at a point 390 feet from the North section line and 444 feet from the West section line. Legal Description: Pilgrim Ranch Pond No. 19 is located at a point 1,100 feet south of the north section line and 1,600 feet east of the west section line, Section 19, Township 5 South, Range 82 West of the 6th P.M. in Open Space, Phase II, of the Pilgrim Downs Subdivision, Eagle County, which is located in the NE1/4 of the NW1/4 of Section 19. Actual location: Pond 19 was constructed on the Open Space parcel of Pilgrim Downs in the NE1/4 NW1/4, Section 19, Township 5 South, Range 82 West of the 6th Principal Meridian (P.M.) at a point 984 feet from the North section line and 1,570 feet from the West section line. Source: **West Lake Creek, tributary to Lake Creek, tributary to the Eagle River, tributary to the Colorado River.** Names of ditches used to fill ponds and capacity in c.f.s.: 1.0 c.f.s. from the West Lake Creek Ditch; the headgate is located on the south bank of West Lake Creek at a point whence the East Quarter Corner of Section 19, Township 5 South, Range 82 West of the 6th P. M. bears N. 89 ° E 1,020 feet. 1.0 c.f.s. from the Smith Pallister Ditch; the headgate is located on the west bank of West Lake Creek whence the Northwest Corner of Section 19, Township 5 South, Range 82 West of the 6th P.M. bears N. 14°30' E. 6,560 feet. 1.0 c.f.s. from the Casteel Ditch; the headgate is located on the west bank of Casteel Creek at a point whence the Southeast Corner of the Northeast Quarter of Section 19, Township 5 South, Range 82 West of the 6th P.M. bears S. 34° E. 330 feet. Appropriation date: April 20, 1987 for each pond. Amounts: Pilgrim Ranch Pond No. 17: 0.011 acre-feet; Pilgrim Ranch Pond No. 18: 0.011 acre-feet; Pilgrim Ranch Pond No. 19: 0.386 acre-feet. Uses: Irrigation, fish and wildlife propagation, recreation and piscatorial. Names and addresses of owners of land upon which structures are located: Pilgrim Ranch Pond No. 17: Fred and Carol Emich III, 576 Pilgrim Drive, Edwards, Colorado 81632. Pilgrim Ranch Pond No. 18: Joel Quenneville, 835 S. Park Avenue, Hinsdale, IL 60521. Pilgrim Ranch Pond No. 19: Applicant. Claim to make absolute: Date water first applied to beneficial use: May 31, 2018 for Pilgrim Ranch Ponds 17, 18 and 19. Amount of water applied to beneficial use: Pilgrim Ranch Pond No. 17: 0.009 acre-feet; Pilgrim Ranch Pond No. 18: 0.011 acre-feet; Pilgrim Ranch Pond No. 19: 0.386 acre-feet. Uses: Irrigation, fish and wildlife propagation, recreation and piscatorial. Description of place of use where water is applied to beneficial use: Pond 17: Lot 19, Pilgrim Downs Subdivision, Filing 7, recorded in the public records of Eagle County, Colorado in Book 453 at Page 764. Pond 18: Lot 20, Pilgrim Downs Subdivision, Filing 7, recorded in the public records of Eagle County, Colorado in Book 453 at Page 764. Pond 19: Open Space Common Area, according to Pilgrim Downs Filing No. 8 Final Plat, recorded in the public records of Eagle County, Colorado at Reception Number 372239; Open Space Pilgrim Downs Filing No. 7 and Equestrian Center Pilgrim Downs Filing No. 6 according to the Amended Final Plat recorded in the public records of Eagle County, Colorado at Reception Number 20931515. Dam Construction Information: Pilgrim Ranch Pond 17: Surface area of high-water line: 0.010 acres. Vertical height of dam: < 10 feet. Length of dam in feet: approximately 45 feet. Total capacity of reservoir in acre feet: 0.009 acre-feet. Active capacity: 0.009 acre-feet. Dead storage: 0 acre-feet. Pilgrim Ranch Pond 18: Surface area of high-water line: 0.009 acres. Vertical height of dam: < 10 feet. Length of dam in feet: approximately 40 feet. Total capacity of reservoir in acre feet: 0.011 acre-feet. Active capacity: 0.011 acre-feet. Dead storage: 0 acre-feet. Pilgrim Ranch Pond 19: Surface area of high-water line: 0.24 acres. Vertical height of dam: < 10 feet. Length of dam in feet: approximately 125 feet. Total capacity of reservoir in acre feet: 0.93 acre-feet. Active capacity: 0.93 acre-feet. Dead storage: 0 acre-feet. Claim Reasonable Diligence: The Pilgrim Ranch Pond Nos. 17, 18 and 19 are part of the integrated water system of Pilgrim Downs Subdivision. The integrated nature of the Pilgrim Downs Subdivision was decreed in Case Nos. 86CW49 and 94CW294. Pursuant to C.R.S. §37-92-301(4)(b), work performed with respect to any component part of Applicant's water supply system constitutes diligence toward development of Ponds 17, 18 and 19 water rights Diligence activities: The Application contains a detailed outline of what has been done by Applicant during the diligence period toward or for completion of the appropriation and application of the conditional water rights to beneficial use as decreed, including expenditures. The amounts requested for reasonable diligence are as follows: Pilgrim Ranch Pond No. 17: 0.011 acre-feet conditional; Pilgrim Ranch Pond No. 18: 0.011 acre-feet conditional; Pilgrim Ranch Pond No. 19: 0.386 acre-feet conditional. A finding of reasonable diligence for these amounts is requested only if the amounts are not determined to be absolute. Second Claim: Application for Finding of Reasonable Diligence. From Previous Decree: Name of structures: Pilgrim Ranch Pond No. 20, and Pilgrim Ranch Pond No. 20, First Enlargement. Date of original decrees: Pond No. 20: November 15, 1988, in Case No. 87CW152, in the District Court in and for Water Division No. 5. Pond No. 20, First Enlargement: March 28, 2016, in Case No. 13CW3056, in District Court in and for Water Division No. 5. Subsequent decrees awarding findings of diligence: Pond No. 20: Case No. 94CW294 entered on April 4, 1995, Case No. 01CW102 (Ruling 1 of 2) entered on November 8, 2005, and Case No. 2011CW157 entered on July 31, 2013. Pond No. 20, First Enlargement: None. Legal descriptions: Pilgrim Ranch Pond No. 20 is located at a point 1,100 feet south of the north section line and 1,700 feet east of the west section line, Section 19, Township 5 South, Range 82 West of the 6th P.M. in Open Space, Phase II, of the Pilgrim Downs Subdivision, Eagle County, which is located in the NE1/4 of the NW1/4 of Section 19. Pilgrim Ranch Pond No. 20, First Enlargement, is located at a point 1,100 south of the north section line and 1,700 feet east of the west section line, Section 19, Township 5 South, Range 82 West of the 6th P.M. Depicted on Exhibit A. Sources: Pond No. 20: West Lake Creek, tributary to Lake Creek and the Eagle and Colorado Rivers. Pond No. 20, First Enlargement: West Lake Creek, tributary to Lake Creek and the Eagle and Colorado Rivers. Appropriation dates: Pond No. 20: April 20, 1987. Pond No. 20, First Enlargement: July 1, 2006.

Amounts claimed: Pond No. 20: 0.046 acre-feet, conditional. Pond No. 20, First Enlargement: 0.034 acre-feet, conditional. Uses: Pond No. 20: Irrigation, fish and wildlife propagation, recreation and piscatorial. Pond No. 20, First Enlargement: Aesthetic, recreation, livestock watering, piscatorial, and fire protection purposes. Names and addresses of owner of land upon which structures are located: Applicant. Claim Reasonable Diligence: Pilgrim Ranch Pond No. 20, and Pilgrim Ranch Pond No. 20, First Enlargement are part of the integrated water system of Pilgrim Downs Subdivision. The integrated nature of the Pilgrim Downs Subdivision was decreed in Case Nos. 86CW49 and 94CW294. Pursuant to C.R.S. §37-92-301(4)(b), work performed with respect to any component part of Applicant's water supply system constitutes diligence toward development of Pilgrim Ranch Pond No. 20 and Pond No. 20, First Enlargement water rights. Diligence activities: The Application contains a detailed outline of what has been done by Applicant during the diligence period toward or for completion of the appropriation and application of the conditional water rights to beneficial use as decreed, including expenditures. The amounts requested for reasonable diligence are as follows: Pilgrim Ranch Pond No. 20: 0.046 acre-feet, conditional. Pilgrim Ranch Pond No. 20, First Enlargement: 0.034 acre-feet (making a total of 0.08 acre-feet), conditional. Third Claim: Finding Making Conditional Right Absolute or in the Alternative a Finding of Reasonable Diligence. From Previous Decree: Name of structure: Pilgrim Ranch Pond No. 19, First Enlargement. Original Decree: March 28, 2016, in Case No. 13CW3056, in District Court in and for Water Division No. 5. Subsequent decrees awarding a finding of diligence: None. Legal description: Pilgrim Ranch Pond No. 19, First Enlargement is located in the Northeast ¼ of the Northwest ¼ of Section 19, Township 5 South, Range 82 West of the 6th P.M. at a point 1,100 feet from the North section line and 1,600 feet from the West section line of said Section 19. Actual location: Pond 19 was constructed on the Open Space parcel of Pilgrim Downs in the NE1/4 NW1/4, Section 19, Township 5 South, Range 82 West of the 6th Principal Meridian (P.M.) at a point 984 feet from the North section line and 1,570 feet from the West section line. Source: West Lake Creek, tributary to Lake Creek, tributary to the Eagle River, tributary to the Colorado River. Names of ditches used to fill pond: 0.5 c.f.s. from the West Lake Creek Ditch, Pilgrim Enlargement, decreed on June 5, 2016 in Case No. 2013CW3056, in the District Court in and for Garfield County, decreed point of diversion is a headgate located in the Northwest ¼ of the Southeast ¼ of Section 19, Township 5 South, Range 82 West of the 6th P.M., at a point 1,530 feet from the South section line and 1,583 feet from the East section line of said Section 19. 0.5 c.f.s. from the Smith Pallister Ditch, Pilgrim Enlargement, decreed on June 5, 2016 in Case No. 2013CW3056, in the District Court in and for Garfield County, decreed point of diversion is a headgate located in the Southwest ¼ of the Northeast ¼ of Section 30, Township 5 South, Range 82 West of the 6th P.M., at a point 1,325 feet from the North section line and 1,394 feet from the East section line of said Section 30. 0.5 c.f.s. from the Pilgrim Pump & Pipeline No. 2, decreed on June 5, 2016 in Case No. 2013CW3056, in the District Court in and for Garfield County, decreed point of diversion is a headgate located in the Southeast ¼ Northwest ¼ of Section 19, Township 5 South, Range 82 West of the 6th P.M., at a point 1,373 feet from the North section line and 1,867 feet from the West section line of said Section 19. Total diversions under all three sources shall not exceed 0.5 c.f.s. for each pond. Date of appropriation: July 1, 2006. Amount: 0.544 acre-feet (0.93 acre-feet total). Uses: Pilgrim Ranch Pond 19, First Enlargement is decreed for the irrigation of 4.8 acres of pasture grass (identified as Parcel A on Exhibit A in Case No. 13CW3056), aesthetics, recreation, livestock watering, piscatorial, and fire protection uses. Name and address of owner of land upon which structure is located: Applicant. Claim to make Absolute: Date water applied to beneficial use: May 12, 2019. Amount: 0.544 acre-feet (0.93 acre-feet total). Uses: See above. Description of Place of Use Where Water is Applied to Beneficial Use: Pilgrim Downs Subdivision Filing 8 Open Space/Common Area, recorded in the public records of Eagle County, Colorado, at Reception Number 372239, Open Space Pilgrim Downs Filing No. 7, and Equestrian Center Pilgrim Downs Filing No. 6, as depicted on the Amended Final Plat recorded in the public records of Eagle County, Colorado, at Reception Number 20931515. Dam Construction Information: See above. Claim Reasonable Diligence: Pilgrim Ranch Pond No. 19, First Enlargement is a component part of the Applicant's integrated water supply system within the meaning of C.R.S. §37-92-301. (See Case Nos. 86CW49 and 94CW294.) As such, work performed with respect to any component part of Applicant's water supply system constitutes diligence toward development of Pond 19, First Enlargement water right. Diligence activities: The Application contains a detailed outline of what has been done by Applicant during the diligence period toward or for completion of the appropriation and application of the conditional water rights to beneficial use as decreed, including expenditures. The amount requested for reasonable diligence is as follows: Pilgrim Ranch Pond No. 19, First Enlargement: 0.544 acre-feet (0.93 acre-feet total), conditional. A finding of reasonable diligence for this amount is requested only if the amount is not determined to be absolute. Fourth Claim: Finding Making Conditional Rights Absolute or in the Alternative a Finding of Reasonable Diligence. From Previous Decree: Name of structure: West Lake Creek Ditch, Pilgrim Enlargement. Date of Original Decree: March 28, 2016, in Case No. 13CW3056, in District Court in and for Water Division No. 5. Subsequent decrees awarding a finding of diligence: None. Legal description: The West Lake Creek Ditch, Pilgrim Enlargement is located in the Northwest ¼ of the Southeast ¼ of Section 19, Township 5 South, Range 82 West of the 6th P.M., at a point 1,530 feet from the South section line and 1,583 feet from the East section line of said Section 19. See Exhibit A. Source: West Lake Creek, tributary to Lake Creek, tributary to the Eagle River, tributary to the Colorado River. Appropriation date: December 31, 2012. Amount claimed: 0.50 c.f.s., conditional. Uses: Direct diversion for irrigation of 4.8 acres of pasture grass identified as Parcel A on Exhibit A to Case No. 13CW3056; to fill Pilgrim North Pond, Pilgrim Ranch Pond No. 19, First Enlargement and Pilgrim Ranch Pond No. 20, First Enlargement for their decreed purposes, including under the plan for augmentation decreed in Case No. 13CW3056; and continual flow through of Pilgrim North Pond to replace evaporation and for freshening flows. Name and address of owner of land upon which structure will be located: Avon Housing Partners, LLC, c/o Tom Gart, 299 Milwaukee Street, Suite 500, Denver, CO 80206-5045. Roger E. and Loraine P. Brickman, QPR Trust & Brickman Special Trust, 3131 Harvard Ave, #103, Dallas, TX 75205. Remarks: Total diversions of: (a) West Lake Creek, Pilgrim Enlargement; (b) Smith & Pallister Ditch, Pilgrim Enlargement; and (c) Pilgrim Pump & Pipeline No. 2 shall not exceed a cumulative amount of 0.5 c.f.s. Claim to make Absolute: Date water applied to beneficial use: May 20, 2019. Amount claimed: 0.50 c.f.s., conditional. Uses: See above. Description of Land Where Water is Applied to Beneficial Use: See above. Claim Reasonable Diligence: The West Lake Creek Ditch,

Pilgrim Enlargement is a component part of the Applicant's integrated water supply system within the meaning of C.R.S. §37-92-301. (See Case Nos. 86CW49 and 94CW294.) As such, work performed with respect to any component part of Applicant's water supply system constitutes diligence toward development of West Lake Creek Ditch, Pilgrim Enlargement. Diligence activities: The Application contains a detailed outline of what has been done by Applicant during the diligence period toward or for completion of the appropriation and application of the conditional water rights to beneficial use as decreed, including expenditures. The amounts requested for reasonable diligence are as follows: West Lake Creek, Pilgrim Enlargement: 0.5 c.f.s. A finding of reasonable diligence for these amounts is requested only if the amounts are not determined to be absolute. Fifth Claim: Finding Making Conditional Rights Absolute or in the Alternative a Finding of Reasonable Diligence. From Previous Decree: Name of Structure: Smith & Pallister Ditch, Pilgrim Enlargement. Date of Original Decree: March 28, 2016, in Case No. 13CW3056, in District Court in and for Water Division No. 5. Subsequent decrees awarding a finding of diligence: None. Legal description: The Smith & Pallister Ditch, Pilgrim Enlargement is located in the Southwest ¼ of the Northeast ¼ of Section 30, Township 5 South, Range 82 West of the 6th P.M., at a point 1,325 feet from the North section line and 1,394 feet from the East section line of said Section 30. Source: West Lake Creek, tributary to Lake Creek and the Eagle and Colorado Rivers. Appropriation date: December 31, 2012. Amount Claimed: 0.50 c.f.s., conditional. Uses: See above. Name and address of owner of land upon which structure will be located: Robert Levine, 120 Aviation Avenue, Portsmouth, NH 03801-2898. Remarks: Total diversions of: (a) West Lake Creek, Pilgrim Enlargement; (b) Smith & Pallister Ditch, Pilgrim Enlargement; and (c) Pilgrim Pump & Pipeline No. 2 shall not exceed a cumulative amount of 0.5 c.f.s. Claim to make Absolute: Date water applied to beneficial use: May 12, 2019. Amount claimed: 0.50 c.f.s., conditional. Uses: See above. Description of Land Where Water is Applied to Beneficial Use: See above. Claim Reasonable Diligence: The Smith & Pallister Ditch, Pilgrim Enlargement is a component part of the Applicant's integrated water supply system within the meaning of C.R.S. §37-92-301. (See Case Nos. 86CW49 and 94CW294.) As such, work performed with respect to any component part of Applicant's water supply system constitutes diligence toward development of Smith & Pallister Ditch, Pilgrim Enlargement. Diligence activities: The Application contains a detailed outline of what has been done by Applicant during the diligence period toward or for completion of the appropriation and application of the conditional water rights to beneficial use as decreed, including expenditures. The amounts requested for reasonable diligence are as follows: Smith & Pallister Ditch, Pilgrim Enlargement: 0.5 c.f.s, conditional. A finding of reasonable diligence for these amounts is requested only if the amounts are not determined to be absolute. Sixth Claim: Application for Finding of Reasonable Diligence. From Previous Decree: Name of structure: Pilgrim Pump & Pipeline No. 2. Date of Original Decree: March 28, 2016, in Case No. 13CW3056, in District Court in and for Water Division No. 5. Subsequent decrees awarding a finding of diligence: None. Legal description: The Pilgrim Pump & Pipeline No. 2 is located in the Southeast ¼ Northwest ¼ of Section 19, Township 5 South, Range 82 West of the 6th P.M., at a point 1,373 feet from the North section line and 1,867 feet from the West section line of said Section 19. Source: West Lake Creek, tributary to Lake Creek and the Eagle and Colorado Rivers. Appropriation date: December 31, 2012. Amount claimed: 0.50 c.f.s., conditional. Uses: Direct diversion for irrigation of 4.8 acres of pasture grass identified as Parcel A on Exhibit A to Case No. 13CW3056; to fill Pilgrim North Pond; to fill Pilgrim Ranch Pond No. 19, First Enlargement, and Pilgrim Ranch Pond No. 20, First Enlargement for their decreed purpose, including under the plan for augmentation decreed in Case No. 13CW3056; and continual flow through Pilgrim North Pond to replace evaporation and for freshening flows. Name and address of owner of land upon which structure will be located: Applicant. Remarks: Total diversions of: (a) West Lake Creek, Pilgrim Enlargement; (b) Smith & Pallister Ditch, Pilgrim Enlargement; and (c) Pilgrim Pump & Pipeline No. 2 shall not exceed a cumulative of 0.5 c.f.s. Claim Reasonable Diligence: The Pilgrim Pump & Pipeline No. 2 is a component part of the Applicant's integrated water supply system within the meaning of C.R.S. §37-92-301. (See Case Nos. 86CW49 and 94CW294.) As such, work performed with respect to any component part of Applicant's water supply system constitutes diligence toward development of Pilgrim Pump & Pipeline No. 2. Diligence activities: The Application contains a detailed outline of what has been done by Applicant during the diligence period toward or for completion of the appropriation and application of the conditional water rights to beneficial use as decreed, including expenditures. The amounts requested for reasonable diligence are as follows: Pilgrim Pump & Pipeline No. 2: 0.5 c.f.s, conditional. Seventh Claim: Finding Making Conditional Rights Absolute or in the Alternative a Finding of Reasonable Diligence. From Previous Decree: Name of structure: Pilgrim North Pond. Date of Original Decree: March 28, 2016, in Case No. 13CW3056, in District Court in and for Water Division No. 5. Subsequent decrees awarding a finding of diligence: None. Legal description: The Pilgrim North Pond outlet is located in the Northwest ¼ Northwest ¼ of Section 19, Township 5 South, Range 82 West of the 6th P.M. at a point 85 feet from the North section line and 1,295 feet from the West section line of said Section 19. See Exhibit A. Source: West Lake Creek, tributary to Lake Creek and the Eagle and Colorado Rivers. Names of ditches used to fill ponds: See above. 0.5 c.f.s. from the West Lake Creek Ditch, Pilgrim Enlargement. 0.5 c.f.s. from the Smith Pallister Ditch, Pilgrim Enlargement. 0.5 c.f.s. from the Pilgrim Pump & Pipeline No. 2. *Total diversions under all three sources shall not exceed 0.5 c.f.s. for each pond. Appropriation date: December 31, 2012. Amount claimed: 0.92 acre-feet, conditional. Uses: Irrigation of 4.8 acres of pasture grass (identified as Parcel A on Exhibit A to Case No. 13CW3056), aesthetics, recreation, livestock watering, piscatorial, fire protection, and augmentation. Name and address of owner of land upon which structure will be located: Applicant. Remarks: Irrigation from Pilgrim North Pond, Pilgrim Ranch Pond No. 19, and Pilgrim Ranch Pond No. 19, First Enlargement shall not exceed a cumulative of 4.8 acres, depicted on Exhibit A, and as provided in the augmentation plan described in Case No. 13CW3056. Claim to make Absolute: Date water applied to beneficial use: May 20, 2019. Amount claimed: 0.92 acre-feet. Uses: See above. Description of Place of Use Where Water is Applied to Beneficial Use: Open Space Pilgrim Downs Filing No. 7, and Equestrian Center Pilgrim Downs Filing No. 6, as depicted on the Amended Final Plat recorded in the public records of Eagle County, Colorado, at Reception Number 20931515. Dam construction information: Surface area of high water line: 0.27 acres. Vertical height of dam: < 10 feet. Length of dam: 100 feet. Total capacity of pond: 0.92 acre-feet. Active capacity: 0.916 acre-feet. Dead storage: 0.004 acre-feet. Claim Reasonable Diligence: Pilgrim North Pond is a component part of the Applicant's integrated water supply system

within the meaning of C.R.S. §37-92-301. (See Case Nos. 86CW49 and 94CW294.) As such, work performed with respect to any component part of Applicant’s water supply system constitutes diligence toward development of West Lake Creek Ditch, Pilgrim Enlargement. Diligence activities: The Application contains a detailed outline of what has been done by Applicant during the diligence period toward or for completion of the appropriation and application of the conditional water rights to beneficial use as decreed, including expenditures. The amount requested for reasonable diligence is as follows: Pilgrim North Pond: 0.92 acre feet, conditional. A finding of reasonable diligence for this amount is requested only if the amount is not determined to be absolute. Respectfully submitted on this 30th day of July 2019. (20 pages with exhibits).

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

11. PURSUANT TO C.R.S., §37-92-302, AS AMENDED, YOU ARE NOTIFIED THAT THE FOLLOWING PAGES COMPRISE A RESUME OF THE APPLICATIONS AND AMENDED APPLICATIONS FILED WITH THE WATER CLERK FOR WATER DIVISION 5 DURING THE MONTH OF JULY 2019. *The water right claimed by this application may affect in priority any water right claimed or heretofore adjudicated within this division and owners of affected rights must appear to object and protest within the time provided by statute or be forever barred*

19CW3082 GARFIELD COUNTY. Antero Resources Corporation, Attn: John Giannaula, Vice President – Human Resources and Administration, 1615 Wynkoop Street, Denver, Colorado 80202, Telephone: (303) 357-7373, Email: kcosgiff@anteroresources.com, c/o James S. Witwer, Courtney M. Shephard, DAVIS GRAHAM & STUBBS LLP, 1550 17th Street, Suite 500, Denver, Colorado 80202, Telephone: (303) 892-9400, Facsimile:(303) 893-1379, Email: james.witwer@dgsllaw.com, courtney.shephard@dgsllaw.com. **CONCERNING THE APPLICATION FOR CHANGE OF WATER RIGHTS.** 1. Name, Address, and Telephone Number of Applicant: (see above). 2. Decreed Water Rights for Which Changes Are Sought: A. Applicant seeks to correct the decreed locations/points of diversion of Riverview Ranch Well Nos. 1, 2, 3, 4, 5, and 6 (each, a “Well” and collectively, the “Riverview Ranch Wells”), which were originally decreed in Case No. 99CW176, to the actual locations of the Riverview Ranch Wells. This Application does not seek to change any other aspect of the rights decreed in Case No. 99CW176. B. Description of Riverview Ranch Wells: The following table describes the name of each Well which Applicant seeks to change and each Well’s WDID, permit numbers, and completed depth, according to Colorado Division of Water Resources records:

Structure	WDID	Well Permit Nos.	Completed Depth (feet)
Riverview Ranch Well No. 1	4505425	54214-F & 66672-F	102
Riverview Ranch Well No. 2	4505426	54215-F & 66673-F	82
Riverview Ranch Well No. 3	4505427	54216-F & 66674-F	103
Riverview Ranch Well No. 4	4505428	54217-F & 66675-F	110
Riverview Ranch Well No. 5	4505429	54218-F & 66676-F	110
Riverview Ranch Well No. 6	4505430	54219-F & 66677-F	100

C. Date of Original and All Relevant Subsequent Decrees: The Riverview Ranch Wells were originally decreed and included in the plan for augmentation approved in Case No. 99CW176 (May 31, 2000); subsequent findings of reasonable diligence were entered in Case No. 06CW80 (November 5, 2006) and Case No. 12CW163 (May 2, 2013). An application for additional findings of reasonable diligence will be filed later in July 2019. Upon approval of this Application, the corrected Well locations will be substituted as the decreed Well locations in any decree finding reasonable diligence for the Riverview Ranch Wells. The Riverview Ranch Wells are also included in the plan for augmentation decreed in Case No. 02CW123 (September 30, 2010); subsequent findings of reasonable diligence were entered in Case No. 16CW3084 (November 19, 2017). The Riverview Ranch Wells are not specifically described in the decrees entered in Case No. 02CW123 and Case No. 16CW3084; therefore, modification of those decrees to reflect the corrected legal descriptions sought in this Application is not required. D. Decreed Source of Water: Underground water tributary to the Colorado River. E. Appropriation Date: May 25, 1999. F. Amount: For each Well, 15 gallons per minute (gpm) (0.033 cubic feet per second) conditional, not to exceed 0.816 acre feet per year. G. Use: Pursuant to the decree entered in Case No. 99CW176, each Well is decreed for the following use: domestic in-house use for two single family dwellings, watering of two head of livestock, and watering of 100 square feet of home lawns and gardens. H. Amount of Water that Applicant Intends to Change: For each Well, 15 gpm (0.033 cfs), conditional; not to exceed 0.816 acre-feet per year. 3. Detailed Description of Proposed Changes to the Decreed Locations/Points of Diversion of the Riverview Ranch Wells: A. Applicant seeks to correct the decreed locations/points of diversion of the Riverview Ranch Wells to reflect the actual locations of the Riverview Ranch Wells as described below. Applicant does not seek any additional changes to the Riverview Ranch Wells or the rights decreed in Case No. 99CW176. The map attached as Exhibit A to this Application depicts the decreed locations and the actual locations of the Riverview Ranch Wells. B. Decreed and Actual Locations of the Riverview Ranch Wells: i. Riverview Ranch Well No. 1: 1. Decreed Location: Section 12, Township 6 South, Range 92 West of the 6th P.M. at a point 1,600 feet from the South Section line and 2,800 feet from the East Section line in Garfield County, Colorado. 2. Actual Location: NE¼ SW¼ of Section 12, Township 6 South, Range 92 West of the 6th P.M. at a point 1,705 feet North of the South Section line and 3,000 feet West of the East Section line in Garfield County, Colorado. UTM Zone 13 N, NAD 83 Easting: 275084 meters and Northing: 4379876 meters. ii. Riverview Ranch Well No. 2: 1. Decreed Location: Section 12, Township 6 South, Range 92 West of the 6th P.M.

at a point 1,600 feet from the South Section line and 2,550 feet from the East Section line in Garfield County, Colorado. 2. Actual Location: NE¼ SW¼ of Section 12, Township 6 South, Range 92 West of the 6th P.M. at a point 1,700 feet North of the South Section line and 2,750 feet West of the East Section line in Garfield County, Colorado. UTM Zone 13 N, NAD 83 Easting: 275161 meters and Northing: 4379873 meters. iii. Riverview Ranch Well No. 3: 1. Decreed Location: Section 12, Township 6 South, Range 92 West of the 6th P.M. at a point 1,600 feet from the South Section line and 2,300 feet from the East Section line in Garfield County, Colorado. 2. Actual Location: NW¼ SE¼ of Section 12, Township 6 South, Range 92 West of the 6th P.M. at a point 1,700 feet North of the South Section line and 2,500 feet West of the East Section line in Garfield County, Colorado. UTM Zone 13 N, NAD 83 Easting: 275237 meters and Northing: 4379872 meters. iv. Riverview Ranch Well No. 4: 1. Decreed Location: Section 12, Township 6 South, Range 92 West of the 6th P.M. at a point 1,600 feet from the South Section line and 2,100 feet from the East Section line in Garfield County, Colorado. 2. Actual Location: NW¼ SE¼ of Section 12, Township 6 South, Range 92 West of the 6th P.M. at a point 1,700 feet North of the South Section line and 2,250 feet West of the East Section line in Garfield County, Colorado. UTM Zone 13 N, NAD 83 Easting: 275312 meters and Northing: 4379870 meters. v. Riverview Ranch Well No. 5: 1. Decreed Location: Section 12, Township 6 South, Range 92 West of the 6th P.M. at a point 1,600 feet from the South Section line and 1,850 feet from the East Section line in Garfield County, Colorado. 2. Actual Location: NW¼ SE¼ of Section 12, Township 6 South, Range 92 West of the 6th P.M. at a point 1,700 feet North of the South Section line and 2,000 feet West of the East Section line in Garfield County, Colorado. UTM Zone 13 N, NAD 83 Easting: 275389 meters and Northing: 4379868 meters. vi. Riverview Ranch Well No. 6: 1. Decreed Location: Section 12, Township 6 South, Range 92 West of the 6th P.M. at a point 850 feet from the South Section line and 1,975 feet from the East Section line in Garfield County, Colorado. 2. Actual Location: SW¼ SE¼ of Section 12, Township 6 South, Range 92 West of the 6th P.M. at a point 1,100 feet North of the South Section line and 1,600 feet West of the East Section line in Garfield County, Colorado. UTM Zone 13 N, NAD 83 Easting: 275511 meters and Northing: 4379682 meters. 4. Name and Address of Owner of the Land Upon Which the Riverview Ranch Wells are Located: The Applicant owns Lots 1–6 of the Riverview Ranch Subdivision and the Riverview Ranch Wells (see paragraph 1 for address and contact information). No Certificate of Notice to Landowners will be filed because Applicant owns all land on which the Riverview Ranch Wells are located and on which the subject water will be used.

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

12. PURSUANT TO C.R.S., §37-92-302, AS AMENDED, YOU ARE NOTIFIED THAT THE FOLLOWING PAGES COMPRISE A RESUME OF THE APPLICATIONS AND AMENDED APPLICATIONS FILED WITH THE WATER CLERK FOR WATER DIVISION 5 DURING THE MONTH OF JULY 2019. *The water right claimed by this application may affect in priority any water right claimed or heretofore adjudicated within this division and owners of affected rights must appear to object and protest within the time provided by statute or be forever barred.*

19CW3083 ROARING FORK RIVER, GARFIELD COUNTY. Application for Findings of Reasonable Diligence. Town of Carbondale, c/o Mark E. Hamilton, Esq. and Tarn Udall, Esq, Holland & Hart LLP, 600 E. Main St., Suite 104, Aspen, CO 81611-1991, (970) 925-3476, mehamilton@hollandhart.com, ctudall@hollandhart.com. **Names of structures**: Carbondale Municipal Well Nos. RF-1 through RF-10, inclusive. **Decree information**: Original Decree: W-3288 (10/25/1978), Water Div. No. 5. Subsequent Decrees: 82CW179, 86CW191, 92CW190, 98CW213, 05CW158, and 12CW68, all in Water Div. No. 5. **Locations**: (1) Well No. RF-1: NE¼ NE¼ Sec. 34, T. 7 S., R. 88 W., 6th PM, 560 ft. W. of the E. Sec line and 50 ft. S. of the N. Sec. line; (2) Well No. RF-2: NE¼ NE¼ Sec. 34, T. 7 S., R. 88 W., 6th PM, 234 ft. W. of the E. Sec line and 166 ft. S. of the N. Sec line; (3) Well No. RF-3: NW¼ NW¼ Sec. 35, T. 7 S., R. 88 W., 6th PM, 154 ft. E. of the W Sec. line and 278 ft. S. of the N. Sec line; (4) Well No. RF-4: NW¼ NW¼ Sec 35., T. 7 S., R. 88 W., 6th P.M., 550 ft. E of the W. Sec. line and 300 ft. S. of the N. Sec line; (5) Well No. RF-5: SE¼ SE¼ Sec. 27, T. 7 S., R. 88 W., 6th P.M., 750 ft. W. of the E. Sec. line and 200 ft. N. of the S. Sec line; (6) Well No. RF-6: SE¼ SE¼ Sec. 27, T. 7 S., R. 88 W., 6th PM, 850 ft. W. of the E. Sec. line and 550 ft. N. of the S. Sec line; (7) Well No. RF-7: SE¼ SE¼ of Sec. 27, T. 7 S., R. 88 W., 6th P.M., 1200 ft. W. of the E. Sec. line and 750 ft. N. of the S. Sec line; (8) Well No. RF-8: SW¼ SE¼ of Sec. 27, T. 7 S., R. 88 W., 6th P.M., 1450 ft. W. of the E. Sec. line and 950 ft. N. of the S. Sec. line; (9) Well No. RF-9: SW¼ SE¼ of Sec. 27, T. 7 S., R. 88 W., 6th P.M., 1650 ft. W. of the E. Sec. line and 1200 ft. N. of the S. Sec. line; (10) Well No. RF-10: NW¼ SE¼ of Sec. 27, T. 7 S., R. 88 W., 6th PM, 1900 ft. W. of the E. Sec line and 1450 ft. N. of the S. Sec. line. **Source (all)**: groundwater trib. to Roaring Fork River. **Approp. date (all)**: 04/28/75. **Amounts**: Well RF-1: 0.78 c.f.s. abs., 0.10 c.f.s. cond.; Well RF-2: 0.78 c.f.s. abs., 0.10 c.f.s. cond.; Well RF-3: 0.67 c.f.s. abs., 0.21 c.f.s. cond.; Wells RF-4 through RF-10, inclusive: each 0.88 c.f.s. cond. **Uses**: municipal, domestic, irrigation, mechanical, manufacturing, generation of power, power generally, fire protection, sewage treatment, street sprinkling, and the watering of parks, lawns and grounds. **Depths**: Wells RF-1 through RF-3, inclusive: relatively shallow alluvial wells of various depths; Wells RF-4 through RF-10, inclusive: N/A (not drilled). **Land Ownership**: Wells RF-8 through RF-10 are located upon lands owned by the Town of Carbondale (Applicant). Wells RF-1 through RF-7* are located upon lands owned by: Bailey Family Investment Company/Iron Rose Ranch, 1000 Blue Heron Lane, Carbondale, CO 81623. Well RF-5* is located upon lands owned by Hite, Henry Harris Revocable Trust, P.O. Box 155, Woody Creek, CO, 81656. *The decreed location of RF-5 is less than 10 ft from the Hite/Bailey property boundary. A detailed outline of activity during the diligence period is included in the Application. (7 pages)

YOU ARE HEREBY NOTIFIED THAT YOU HAVE until the last day of SEPTEMBER 2019 to file with the Water Clerk a verified Statement of Opposition setting forth facts as to why this application should not be granted or why it should be granted

in part or on certain conditions. A copy of such statement of opposition must also be served upon the applicant or the applicant's attorney and an affidavit or certificate of such service shall be filed with the Water Clerk, as prescribed by Rule 5, CRCP. (Filing Fee: \$192.00) KATHY POWERS, Water Clerk, Water Division 5; 109 8th Street, Suite 104 Glenwood Springs, CO 81601

13. PURSUANT TO C.R.S., §37-92-302, AS AMENDED, YOU ARE NOTIFIED THAT THE FOLLOWING PAGES COMPRISE A RESUME OF THE APPLICATIONS AND AMENDED APPLICATIONS FILED WITH THE WATER CLERK FOR WATER DIVISION 5 DURING THE MONTH OF JULY 2019. *The water right claimed by this application may affect in priority any water right claimed or heretofore adjudicated within this division and owners of affected rights must appear to object and protest within the time provided by statute or be forever barred.*

19CW3084 GRAND, EAGLE AND GARFIELD COUNTIES. FRASER RIVER TRIBUTARY TO COLORADO RIVER AND THE COLORADO RIVER. APPLICATION FOR ABSOLUTE UNDERGROUND WATER RIGHTS, FOR CONDITIONAL SEEPAGE WATER RIGHTS, FOR CONDITIONAL RIGHTS OF APPROPRIATIVE EXCHANGE AND FOR APPROVAL OF A PLAN FOR AUGMENTATION. **1. Applicants:** Sun River Run Ranch RV, LLC ("Sun"), c/o Jon Colman, 27777 Franklin Road, Suite 200, Southfield, MI 48034, (248) 208-2500, JColman@suncommunities.com and Town Of Granby, Colorado ("Granby"), c/o Aaron Blair, P.O. Box 440, Granby, CO 80446, (970) 887-2501, ABlair@townofgranby.com. Serve all pleadings to Sun: Madoline Wallace-Gross, Kara N. Godbehare, Carey S. Smith V; Lyons Gaddis, P.O. Box 978, Longmont, CO 80502-0978, (303) 776-9900; and to Granby: Scotty P. Krob, Nathan Krob, Krob Law Office, LLC, 8400 E. Prentice Avenue Penthouse, Greenwood Village, CO 80111, (303) 694-0099. **2. Description of Application:** Applicants seek: A) absolute underground water rights for unlined ponds that intercept groundwater ("Pond Wells"); B) conditional rights of appropriative exchange; C) a conditional seepage water right for tributary water intercepted by the Selak-Larabee Ditch ("Seepage"); and D) approval of a plan for augmentation to replace out-of-priority evaporation from the Pond Wells. The map attached hereto as **Exhibit A** depicts the locations of the absolute underground water rights and the absolute seepage right. The maps attached hereto as **Exhibit B** depicts the conditional exchange reaches. The map attached hereto as **Exhibit C** depicts the locations of the augmentation sources. **3. Application for Underground Water Right for RRR Pond Well C.** **A.** Name of Structure: RRR Pond Well C. **B.** Legal Description: NE ¼ NW ¼ of Section 30, Township 2 North, Range 76 West of the 6th P.M., 4,880 feet North of the South Section line and 3,230 feet West of the East Section line in Grand County, Colorado. UTM (13N): 419,035m E, 4,440,649m N. **C.** Source of Water: Groundwater tributary to the Colorado River, and the Colorado River. **D.** Appropriation information: **i.** Date of appropriation: May 17, 2019. **ii.** How appropriation was initiated: Formation of intent to make the appropriation, excavation of pond well, site visit by Applicants' consultants and the Division Engineer, filing of the application and diverting the water in priority. **iii.** Date water applied to beneficial use: May 17, 2019. See **Exhibit D** for proof of in-priority diversions. **E.** Amount claimed: 8.02 acre-feet and 9.35 g.p.m., absolute. **F.** Maximum Surface Acreage: 2.75 acres. **G.** Depth: Excavated. **H.** Proposed uses: In pond recreation, piscatorial and wildlife habitat; fire protection. **I.** Remarks: RRR Pond Well C was excavated to 8.0 acre-feet in 2007 as part of North Shorefox Pond, which was originally decreed in Case No. 03CW336, District Court, Water Division No. 5. North Shorefox Pond was decreed as a single lined reservoir to be located in the NE ¼ NW ¼, Section 30, Township 2 North, Range 76 West, 6th P.M., Grand County, Colorado. However, the structure was excavated as three separate cells. One cell, RRR North Pond Well C is unlined and seasonally intercepts groundwater. The other two cells are either lined or are unlined but do not intercept groundwater. **4. Application for Underground Water Right for RRR Fishing Pond Well 1.** **A.** Name of Structure: RRR Fishing Pond Well 1. **B.** Legal Description: NW ¼ SW ¼ of Section 30, Township 2 North, Range 76 West of the 6th P.M., 1,950 feet North of the South Section line and 4,790 feet West of the East Section line in Grand County, Colorado. UTM (13N): 418,536m E, 4,439,766m N. **C.** Source of Water: Groundwater tributary to the Colorado River. **D.** Appropriation information: **i.** Date of appropriation: May 17, 2019. **ii.** How appropriation was initiated: Formation of intent to make the appropriation, excavation of pond well, site visit by Applicants' consultants and the Division Engineer, filing of the application and diverting the water in priority. **iii.** Date water applied to beneficial use: May 17, 2019. See **Exhibit D** for proof of in-priority diversions. **A.** Amount claimed: 7.70 acre-feet and 8.98 g.p.m., absolute. **B.** Maximum Surface Acreage: 2.64 acres. **C.** Depth: Excavated. **D.** Proposed uses: In pond recreation, piscatorial and wildlife habitat; fire protection. **E.** Remarks: RRR Fishing Pond Well 1 was excavated to 19.6 acre-feet in 2007 as part of Shorefox Fish Pond System, which was originally decreed in Case No. 03CW336, District Court, Water Division No. 5. Shorefox Fish Pond System was decreed a series of interconnected ponds, ditches, and artificial streams located in Sections 25 and 36, Township 2 North, Range 77 West, and Section 30, Township 2 South, Range 76 West, 6th P.M., Grand County, Colorado. **5. Application for Underground Water Right for RRR Fishing Pond Well 2.** **A.** Name of Structure: RRR Fishing Pond Well 2. **B.** Legal Description: NW ¼ SW ¼ of Section 30, Township 2 North, Range 76 West of the 6th P.M., 1,670 feet North of the South Section line and 4,450 feet West of the East Section line in Grand County, Colorado. UTM (13N): 418,640m E, 4,439,682m N. **C.** Source of Water: Groundwater tributary to the Colorado River. **D.** Appropriation information: **i.** Date of appropriation: May 17, 2019. **ii.** How appropriation was initiated: Formation of intent to make the appropriation, excavation of pond well, site visit by Applicants' consultants and the Division Engineer, filing of the application and diverting the water in priority. **iii.** Date water applied to beneficial use: May 17, 2019. See **Exhibit D** for proof of in-priority diversions. **E.** Amount claimed: 1.98 acre-feet and 2.31 g.p.m., absolute. **F.** Maximum Surface Acreage: 0.68 acres. **G.** Depth: Excavated. **H.** Proposed uses: In pond recreation, piscatorial and wildlife habitat; fire protection. **I.** Remarks: RRR Fishing Pond Well 2 was excavated to 4.3 acre-feet in 2007 as part of Shorefox Fish Pond System, which was originally decreed in Case No. 03CW336, District Court, Water Division No. 5 as described in ¶ 4.H herein. **6. Application for Underground Water Right for Granby Pond Well A-1.** **A.** Name of Structure: Granby Pond Well A-1. **B.** Legal Description: SE ¼ SE ¼ of Section 25, Township 2 North, Range 77 West of the 6th P.M., 80 feet North of the South Section line and 850 feet West of the East Section line in Grand County, Colorado. UTM (13N): 418,131m E, 4,439,193m N. **C.** Source of Water: Groundwater tributary to Smith Creek, tributary to the Colorado River.

D. Appropriation information: **i.** Date of appropriation: May 17, 2019. **ii.** How appropriation was initiated: Formation of intent to make the appropriation, excavation of pond well, filing of the application and diverting the water in priority. **iii.** Date water applied to beneficial use: May 17, 2019. See **Exhibit D** for proof of in-priority diversions. **E.** Amount claimed: 1.11 acre-feet and 1.29 g.p.m., absolute. **F.** Maximum Surface Acreage: 0.38 acre. **G.** Depth: Excavated. **H.** Proposed uses: In pond recreation, piscatorial and wildlife habitat; fire protection. **I.** Remarks: Granby Pond Well A-1 was excavated to 2.4 acre-feet in 2007 as part of South Shorefox Pond, which was originally decreed in Case No. 03CW336, District Court, Water Division No. 5. South Shorefox Pond was decreed as a single lined reservoir to be located in the SW ¼ SE ¼, Section 25, Township 2 North, Range 77 West, 6th P.M., Grand County, Colorado. However, the structure was excavated as three separate cells. Two cells, Granby Pond Well A-1 and Granby Pond Well B, are unlined, intercept groundwater and are the subject of this application. The last cell, referred to as South Shorefox Pond A, is lined. **7. Application for Underground Water Right for Granby Pond Well B.** **A.** Name of Structure: Granby Pond Well B. **B.** Legal Description: SW ¼ SW ¼ of Section 30, Township 2 North, Range 76 West of the 6th P.M., 910 feet North of the South Section line and 4,690 feet West of the East Section line in Grand County, Colorado. UTM (13N): 418,539m E, 4,439,443m N. **C.** Source of Water: Groundwater tributary to the Colorado River. **D.** Appropriation information: **i.** Date of appropriation: May 17, 2019. **ii.** How appropriation was initiated: Formation of intent to make the appropriation, excavation of pond well, site visit by Applicants' consultants and the Division Engineer, filing of the application and diverting the water in priority. **iii.** Date water applied to beneficial use: May 17, 2019. See **Exhibit D** for proof of in-priority diversions. **E.** Amount claimed: 20.64 acre-feet and 24.04 g.p.m., absolute. **F.** Maximum Surface Acreage: 7.07 acres. **G.** Depth: Excavated. **H.** Proposed uses: In pond recreation, piscatorial and wildlife habitat; fire protection. **I.** Remarks: Granby Pond Well B was excavated to 79.7 in 2007 as part of South Shorefox Pond, which was originally decreed in Case No. 03CW336, District Court, Water Division No. 5 described in ¶ 6.H. South Shorefox Pond was decreed as a single lined reservoir, but it was excavated as three separate cells. Two cells, Granby Pond Well A-1 and Granby Pond Well B, are unlined, intercept groundwater and are the subject of this application. The last cell, referred to as South Shorefox Pond A, is lined. **8. Application for Underground Water Right for Granby Dog Park Pond Well.** **A.** Name of Structure: Granby Dog Park Pond Well. **B.** Legal Description: NE ¼ NE ¼ of Section 36, Township 2 North, Range 77 West of the 6th P.M., 4,230 feet North of the South Section line and 830 feet West of the East Section line in Grand County, Colorado. UTM (13N): 418,121m E, 4,438,860m N. **C.** Source of Water: Groundwater tributary to Smith Creek, a tributary of the Colorado River. **D.** Appropriation information: **i.** Date of appropriation: May 17, 2019. **ii.** How appropriation was initiated: Formation of intent to make the appropriation, excavation of pond well, resolution of the Board of Trustees of Granby, filing of the application and diverting the water in priority. **iii.** Date water applied to beneficial use: May 17, 2019. See **Exhibit D** for proof of in-priority diversions. **E.** Amount claimed: 0.88 acre-feet and 1.02 g.p.m., absolute. **F.** Maximum Surface Acreage: 0.3 acre. **G.** Depth: Excavated. **H.** Proposed uses: In reservoir recreation, piscatorial and wildlife habitat; fire protection. **I.** Remarks: Granby Dog Park Pond Well was excavated to 1.9 acre-feet in 2007 as part of Shorefox Fish Pond System, which was originally decreed in Case No. 03CW336, District Court, Water Division No. 5 as described in ¶ 4.H herein. **9. Application for Underground Water Right for Granby Gravel Pit Pond Well.** **A.** Name of Structure: Granby Gravel Pit Pond Well. **B.** Legal Description: SE ¼ NE ¼ of Section 25, Township 2 North, Range 77 West of the 6th P.M., 3,660 feet North of the South Section line and 280 feet West of the East Section line in Grand County, Colorado. UTM (13N): 418,325m E, 4,440,291m N. **C.** Source of Water: Groundwater tributary to the Colorado River. **D.** Appropriation information: **i.** Date of appropriation: May 17, 2019. **ii.** How appropriation was initiated: Formation of intent to make the appropriation, excavation of the gravel pit, obtaining a mining permit, resolution of the Board of Trustees of Granby, filing of the application and diverting the water in priority. **iii.** Date water applied to beneficial use: May 17, 2019. See **Exhibit D** for proof of in-priority diversions. **E.** Amount claimed: 17.84 acre-feet and 22.58 g.p.m., absolute. **F.** Maximum Surface Acreage: 8.3 acres. **G.** Depth: Excavated. **H.** Proposed uses: In pond piscatorial and wildlife habitat. **10. Application for Granby Selak-Larabee Ditch Seepage Right.** **A.** Name of Structure: Granby Selak-Larabee Ditch Seepage Right. **B.** Background: The Selak-Larabee Ditch extends approximately 2.7 miles from the headgate on the south bank of the Colorado River, formerly known as the Grand River, at a point whence the SE corner, Section 30, Township 2 North, Range 76 West of the 6th P.M. bears South 43° East, 2435 feet in Grand County (UTM (13N): 421,012m E, 4,441,212m N) to a point identified as the Selak-Larabee-Pond A Intersection in the SE ¼ SE ¼ of Section 25, Township 2 North, Range 77 West of the 6th P.M., 290 feet North of the South Section line and 230 feet West of the East Section line in Grand County (UTM (13N): 418,333m E, 4,439,262m N). **C.** Legal Description of Point of Diversion: Selak-Larabee-Pond A Intersection described in ¶ 10.B. ("Intersection"). **D.** Source: Natural runoff, drainage, waste, return flows, and seepage water that arises, flows, accumulates or accrues to the Selak-Larabee Ditch, tributary to the Colorado River. **E.** Appropriation information: **i.** Date of appropriation: May 17, 2019. **ii.** How appropriation was initiated: Formation of intent to make the appropriation, construction and lining of South Shorefox Pond, site visit by Applicants' consultants and the Division Engineer, filing of the application and diverting the water in priority. **iii.** Date water applied to beneficial use: May 17, 2019. See **Exhibit D** for proof of in-priority diversions. **F.** Amount claimed: 3.0 c.f.s., conditional. **G.** Proposed uses: Storage for in-pond recreation, commercial, piscatorial, wildlife habitat and wildlife watering; commercial, municipal, fire protection, construction and augmentation uses after release from storage. **H.** Storage: Water diverted under this water right is stored in South Shorefox Pond A described in ¶ 6.H, which is lined. **11. Application for Approval of Plan for Augmentation.** **A.** Name of structures to be augmented: **i.** RRR Pond Well C described in ¶ 3.A. **ii.** RRR Fishing Pond Well 1 described in ¶ 4.A. **iii.** RRR Fishing Pond Well 2 described in ¶ 5.A. **iv.** Granby Pond Well A-1 described in ¶ 6.A. **v.** Granby Pond Well B described in ¶ 7.A. **vi.** Granby Dog Park Pond Well described in ¶ 8.A. **vii.** Granby Gravel Pit Pond Well described in ¶ 9.A. **B.** Water rights or sources to be used for augmentation: **i.** Releases from Shorefox Augmentation Pond No. 1, **a.** Legal Description: SW ¼ SE ¼ of Section 19, Township 2 North, Range 76 West of the 6th P.M., 540 feet North of the South Section line and 1,720 feet West of the East Section line. **b.** Decree: Case No. 06CW257, District County, Grand County, Water Division No. 5, entered May 24, 2009. **c.** Source of Water: Willow Creek and the Colorado River. **d.** Decreed Volume: 99 acre-feet, conditional, with the right to fill and refill

in priority. **e.** Decreed Uses: Fire protection, wildlife watering, commercial, construction and augmentation purposes. **f.** appropriation Date: March 1, 2006. **ii.** Releases from Shorefox Augmentation Pond No. 2, **a.** Legal Description: SE ¼ SE ¼ of Section 19, Township 2 North, Range 76 West of the 6th P.M., 340 feet north of the South Section line and 1,270 west of the East Section line. **b.** Decree: Case No. 06CW257, District County, Grand County, Water Division No. 5, entered May 24, 2009. **c.** Source of Water: Willow Creek and the Colorado River. **d.** Decreed Volume: 99 acre-feet, conditional, with the right to fill and refill in priority. **e.** Decreed Uses: Fire protection, wildlife watering, commercial, construction and augmentation purposes. **f.** Appropriation Date: March 1, 2006. **ii.** Releases from the lined portions of North Shorefox Pond, **a.** Legal Description: See ¶ 3.H. **b.** Decrees: Case No. 03CW336, District County, Grand County, Water Division No. 5, entered June 2, 2014 and Case No. 05CW288, District County, Grand County, Water Division No. 5, entered June 2, 2014. **c.** Source of Water: Willow Creek, tributary to the Colorado River, and the Colorado River. **d.** Decreed Volume: 150 acre-feet conditional, **e.** Decreed Uses: Recreation, piscatorial, wildlife habitat, watering within the reservoir, fire protection, and augmentation which will occur after water is released from storage. **f.** Appropriation Date: December 31, 2003. **g.** Remarks: As discussed above, one cell of the North Shorefox Pond, North Shorefox Pond D, is lined and has stored water either in priority or during free river. The current capacity of this cell is at least 50 acre-feet. **iv.** Releases from the lined portions of South Shorefox Pond **a.** Legal Description: See ¶ 6.H **b.** Decrees: Case No. 03CW336, District County, Grand County, Water Division No. 5, entered June 2, 2014 and Case No. 05CW288, District County, Grand County, Water Division No. 5, entered June 2, 2014. **c.** Source of Water: Colorado River. **d.** Decreed Volume: 100 acre-feet. **e.** Decreed Uses: Recreation, commercial, piscatorial, wildlife habitat and watering within the reservoir; fire protection, construction and augmentation uses will occur subsequent to release from storage. Irrigation use is only allowed with historical consumptive use credits stored in the reservoir pursuant ¶ 14 of the decree entered in Case No. 03CW336, District Court, Water Division No. 5, or with water stored pursuant to the decree entered in Case No. 03CW333, District Court, Water Division No. 5. **f.** Appropriation Date: December 31, 2003. **g.** Remarks: As discussed in ¶ 6.H., one cell of the South Shorefox Pond, South Shorefox Pond A, is lined and has stored water either in priority or during free river. The current capacity of this cell is at least 35 acre-feet. **v.** Consumptive use credits attributable to Applicants' interest in water rights previously decreed to the Peterson No. 1 Ditch, Griffith Ditch, Selak-Larabee Ditch, and Selak-Larabee Ditch Enlargement, quantified and changed in Case No. 03CW336 and are described as follows:

Ditch Name	Appropriation Date	Source	Decreed Flow Rate	Granby's Ownership
Peterson No. 1 Ditch	May 15, 1885	Fraser River	6.9 cfs	5.15 cfs
Griffith Ditch	August 31, 1883	Fraser River	9.75 cfs	9.75 cfs
Selak-Larabee Ditch	May 15, 1888	Colorado River	7.75 cfs	3.875 cfs
Selak-Larabee Ditch, Enlargement	May 15, 1888	Colorado River	7.75 cfs	cfs

a. Decreed point of diversion for Peterson No. 1 Ditch: Right bank of the Fraser River at a point whence the SE corner, Sec. 31, Township 2 N, Range 76 W of the 6th P.M. bears N 63° 45'W 1,519 feet. **b.** Decreed point of diversion for Griffith Ditch: Right bank of Fraser River at a point whence the South Quarter Corner, Section 31, Township 2 North, Range 76 West of the 6th P.M. Bears North 77° 10' West, 413 feet. **c.** Decreed point of diversion for Selak-Larabee Ditch: See ¶ 10.D. **d.** Original Decree for all Ditches except Selak-Larabee Ditch Enlargement: Case No. 183, District Court, Grand County, State of Colorado, entered August 3, 1911. **e.** Original decree for Selak-Larabee Ditch Enlargement: CA. 795, District Court, Grand County, State of Colorado, entered October 1, 1943. **f.** Originally Decreed Use for all Ditches: Irrigation. **g.** Subsequent Decree: Case No. 03CW336, District Court, Water Division No. 5, entered June 2, 2014. The following table summarizes the quantified historical consumptive use for each ditch. **h.** Decreed Uses: Domestic, commercial, municipal, stock watering, fish and wildlife enhancement and augmentation.

Month	Consumptive Use (af/acre)	Griffith 94 acres	Peterson No. 1 128 acres	Selak-Larabee 126 acres	Consumptive Use (AF)
May	0.12	11.28	15.36	15.12	41.76
June	0.24	22.56	30.72	30.24	83.52
July	0.31	29.14	39.68	39.06	107.88
Annual	0.67	62.98	85.76	84.42	233.16

vi. Releases from Granby Reservoir: Granby has the right to use water stored in Granby Reservoir pursuant to a water allotment contract for 200 acre-feet per year with Middle Park Water Conservancy District. This water is a portion of the 3,000 acre-feet which the Municipal Subdistrict, Northern Colorado Water Conservancy District has agreed to annually place in storage in Granby Reservoir. The legal description of the place of storage is: NW ¼ NW ¼ Section 18, Township 8 South, Range 84 West of the 6th P.M. Additional provisions of this agreement are outlined in the Agreement Concerning the Windy Gap Project and the Azure Reservoir and Power Project, dated and signed April 30, 1980 and approved by Water Court, Water Division No. 5, Civil Action 1768, by Interlocutory Decree dated October 27, 1980, and Supplement to Agreement of April 30, 1980, dated March 29, 1985, and duly decreed in Case No. 85CW135, and further described in the Windy Gap Firing Project Intergovernmental Agreement dated January 2, 2013. **vii.** Releases from Wolford Mountain Reservoir via Middle Park Contract: Applicants may utilize a portion of the storage right located at Wolford Mountain Reservoir, as adjudicated in Case No. 87CW283, decree entered November 20, 1989, District Court, Water Division No. 5. Middle Park Water Conservancy District has an interest in 3,000 acre-feet of this Wolford Mountain water by virtue of an agreement between the Colorado River Water Conservation District, the Board of County Commissioners of Grand County, and the Middle Park Water Conservancy District, dated December 17, 1992. The legal description of the place of storage is: SW ¼ NE ¼ Section 25,

Township 2 North, Range 81 West of the 6th P.M. **viii.** Releases from Wolford Mountain Reservoir via River District Contract: Applicants may utilize a portion of the storage right located at Wolford Mountain Reservoir, as adjudicated in Case Nos. 87CW283 and 95CW281, District Court, Water Division No. 5. The Colorado River Water Conservancy District (“River District”) owns 59,993 acre-feet pursuant to the senior decree and 30,000 acre-feet pursuant to the junior decree. The legal description is identified in ¶ 10.B.vii. **ix.** Releases from Ruedi Reservoir: Applicants may utilize a portion of the storage right located at Ruedi Reservoir, as adjudicated in CA 4613, District Court, Garfield County and 81CW34, District Court, Water Division No. 5. The River District owns 102,369 acre-foot first fill and 102,369 acre-foot refill. The legal description of the point of storage is: NW ¼ NW ¼ Section 18, Township 8 South, Range 84 West of the 6th P.M. **x.** Additional Sources authorized pursuant to C.R.S. §37-92-305(8). **C. Complete Statement of Plan for Augmentation:** Applicants seek a plan for augmentation to replace depletions to the Colorado River and its tributaries from out-of-priority evaporation from the Pond Wells described in ¶11.A.i to vii . When the lagged depletions accrue to the stream in-priority with a May 17, 2019 appropriation date, then Applicants shall have no requirement to replace evaporative depletions. When the lagged depletions accrue to the stream out-of-priority, then Applicants shall use the water rights described in ¶ 10.B. herein to make replacements in time, place and amount to prevent injury to senior water rights. **i.** Depletions. Applicants seek to replace out-of-priority evaporation depletions. Evaporation depletions associated with the Pond Wells, except for the Granby Gravel Pit Pond Well, are calculated as 2.92 acre-feet annually for each 1.0 acre of surface area assuming the Pond Wells are never frozen over. A table of the maximum monthly depletions for the Pond Wells, except for the Granby Gravel Pit Pond Well, based on current construction follows.

Month	RRR Pond Well C	Granby Pond Well A-1	Granby Pond Well B	RRR Fishing Pond 1	RRR Fishing Pond 2	Granby Dog Park Pond Well
January	0.08	0.01	0.21	0.08	0.02	0.01
February	0.24	0.03	0.62	0.23	0.06	0.03
March	0.48	0.07	1.24	0.46	0.12	0.05
April	0.72	0.10	1.86	0.69	0.18	0.08
May	1.00	0.14	2.58	0.96	0.25	0.11
June	1.24	0.17	3.20	1.19	0.31	0.14
July	1.28	0.18	3.30	1.23	0.32	0.14
August	1.04	0.14	2.68	1.00	0.26	0.11
September	0.88	0.12	2.27	0.85	0.22	0.10
October	0.60	0.08	1.55	0.58	0.15	0.07
November	0.32	0.04	0.83	0.31	0.08	0.04
December	0.12	0.02	0.31	0.12	0.03	0.01
Total	8.02	1.11	20.64	7.70	1.98	0.88

The evaporation depletions were calculated using NWS-33. If alternative methodologies are used, the evaporation depletions may be different. Applicants seek to replace the maximum depletions associated with the Pond Wells, whether higher or lower than the values in the table.

Evaporation depletions associated with the Granby Gravel Pit Pond Well are calculated as 2.15 acre-feet annually for each 1.0 acre of surface area assuming it is never frozen over. A table of the maximum monthly depletions for the Granby Gravel Pit Pond Well based on current construction follows.

Month	Granby Gravel Pit Pond Well
January	0.00
February	0.34
March	1.02
April	1.61
May	2.30
June	3.18
July	3.10
August	2.35
September	2.01
October	1.35
November	0.57
December	0.00
Total	17.84

The evaporation depletions were calculated using NWS-33. If

alternative methodologies are used, the evaporation depletions may be different. Applicants seek to replace the maximum depletions associated with the Granby Gravel Pit Pond Well, whether higher or lower than the values in the table.

ii. Lagged Depletions. Applicant Sun's engineer used a Glover analysis to determine the lagged depletions caused by the Pond Wells. The evaporation depletions described above will be lagged to a point perpendicular to the nearest surface stream. iii. Operations. Applicant will replace out-of-priority depletions in time, place and amount using the sources described in ¶ 11.B herein. Specifically, when the lagged depletions accrue to the stream on a day that there is a call senior to May 17, 2019, then Applicants will either: a. Make releases from Shorefox Augmentation Pond No. 1, Shorefox Augmentation Pond No. 2, North Shorefox Pond and South Shorefox Pond described in ¶¶ 11.B.i to iv to the Colorado River. b. Make releases from South Shorefox Pond described in ¶ 11.B.iv to Smith Creek. c. By-pass consumptive use credits described in ¶ 11.B.v. and, if necessary, operate the exchange described in ¶ 14. d. Cause releases to be made from Granby Reservoir, Wolford Mountain Reservoir or Ruedi Reservoir described in ¶¶ 11.B.vi to viii to the Colorado River and, if necessary, operate the exchanges described in ¶¶ 12 and 13. **D. Remarks:** i. Applicants may line or backfill some or all of the Pond Wells. To the extent that they are backfilled to avoid intercepting ground water, the Applicants requirement to augment the evaporation pursuant to this application shall cease. To the extent that the Pond Wells described in ¶¶ 3 to 9 are lined, they shall be augmented pursuant to the existing decree in case No 03CW336, District Court, Water Division No. 5, and augmentation under this application shall cease. ii. Applicants will apply for well permits for the Pond Wells upon filing a substitute water supply plan. iii. Any replacement sources introduced below the points of depletion of one or more of the Pond Wells will be either: augmented by exchange pursuant to the rights of appropriative exchange claimed in ¶¶ 14 to 16; or subject to a term and condition that prevents water rights junior to May 17, 2019 from interfering with the operation of the plan for augmentation. iv. For the purposes of ¶ 11.C.i, Applicants assumed that each of the Pond Wells have the maximum current surface area of exposed groundwater. Applicants claim the right to make replacements based on the actual surface area for each of the Pond Wells and to make no replacements to the extent that the Pond Wells are frozen. **12. Application for Conditional Right of Appropriative Exchange from Wolford Mountain Reservoir.** A. Name of Exchange: RRR Wolford Mountain Reservoir Exchange. B. Downstream Terminus: Confluence of Muddy Creek and the Colorado River described as follows: 260 feet south of the north section line and 2050 feet west of the east section line in the NW 1/4 of the NE 1/4 of Section 19, Township 1 North, Range 80 West of the 6th P.M. based on BLM PLSS, Grand County, Colorado. NAD 83 Zone 13 easting: 380,748 northing: 4,433,448. C. Upstream Termini: i. Points of depletion of the Pond Wells described in ¶¶ 3 to 7 herein on the Colorado River. ii. Points of depletion of the Granby Dog Park Pond Well and Granby Pond Well A-1 described in ¶¶ 8 and 9 herein on the Smith Creek. D. Source: Contract water rights described in ¶ 10.B.vii and viii herein. E. Appropriation information: i. Date of appropriation: May 17, 2019. ii. How appropriation was initiated: Formation of intent to make the appropriation, excavation of the Pond Wells and filing of the application. iii. Date water applied to beneficial use: Not applicable. F. Amount claimed: 0.25 c.f.s., conditional. G. Operation: Applicants will cause contract water to be released from Wolford Mountain Reservoir, carried down Muddy Creek, and exchanged up the Colorado River either: to the points of depletion of the Pond Wells, except the Granby Dog Park Pond Well, on the Colorado River; or up Smith Creek to the point of depletion of the Granby Dog Park Pond Well. H. Remarks: Applicants shall only have the right to operate the exchange when they have water available pursuant to a then-current contract with Middle Park or the River District. **13. Application for Conditional Right of Appropriative Exchange from Ruedi Reservoir.** A. Name of Exchange: RRR Ruedi Reservoir Exchange. B. Downstream Terminus: Confluence of the Roaring Fork River and the Colorado River described as follows: 2020 feet south of the north section line and 2240 feet east of the west section line in the SE 1/4 of the NW 1/4 of Section 9, Township 6 South, Range 89 West of the 6th P.M. based on BLM PLSS, Garfield County, Colorado. NAD 83 Zone 13 easting: 299,744 northing: 4,380,373. C. Upstream Termini: i. Points of depletion of the Pond Wells described in ¶¶ 3 to 7 herein on the Colorado River. ii. Points of depletion of the Granby Dog Park Pond Well and Granby Pond Well A-1 described in ¶¶ 8 and 9 herein on the Smith Creek. D. Source: Contract water rights described in ¶ 10.B.ix herein. E. Appropriation information: i. Date of appropriation: May 17, 2019. ii. How appropriation was initiated: Formation of intent to make the appropriation, excavation of pond and filing of the application. iii. Date water applied to beneficial use: Not applicable. F. Amount claimed: 0.25 c.f.s., conditional. G. Operation: Applicants will cause contract water to be released from Ruedi Reservoir, carried down the Frying Pan River, carried down the Roaring Fork River, and exchanged up the Colorado River either: to the points of depletion of the Pond Wells, except the Granby Dog Park Pond Well, on the Colorado River; or up Smith Creek to the point of depletion of the Granby Dog Park Pond Well. H. Remarks: Applicants shall only have the right to operate the exchange when they have water available pursuant to a then-current contract with the River District. **14. Application for Conditional Right of Appropriative Exchange from Griffith and Peterson No. 1 Ditches.** A. Name of Exchange: RRR Fraser Ditches Augmentation Exchange. B. Downstream Terminus: Confluence of the Fraser River and the Colorado River described as follows: SW ¼ SW ¼ of Section 25, Township 2 North, Range 77 West of the 6th P.M., 590 feet North of the South Section line and 720 feet East of the West Section line in Grand County (UTM (13N): 416,985m E, 4,439,314m N. C. Upstream Termini: i. Points of depletion of the Pond Wells described in ¶¶ 3 to 7 herein on the Colorado River. ii. Points of depletion of the Granby Dog Park Pond Well and Granby Pond Well A-1 described in ¶¶ 8 and 9 herein on the Smith Creek. D. Source: Historical consumptive use from the Griffith and Peterson No. 1 Ditches described in ¶ 10.B.v herein. E. Appropriation information: i. Date of appropriation: May 17, 2019. ii. How appropriation was initiated: Formation of intent to make the appropriation, excavation of the Pond Wells and filing of the application. iii. Date water applied to beneficial use: Not applicable. F. Amount claimed: 4.36 c.f.s., conditional. G. Operation:

Historical consumptive use credits will be by-passed at the headgates of the Griffith and Peterson No. 1 Ditches, carried down the Fraser River, and exchanged up the Colorado River either: to the points of depletion of the Pond Wells, except the Granby Dog Park Pond Well, on the Colorado River; or up Smith Creek to the point of depletion of the Granby Dog Park Pond Well. **15. Application for Conditional Right of Appropriative Exchange from Griffith and Peterson No. 1 Ditches.** **A.** Name of Exchange: RRR Fraser Ditches Irrigation Exchange. **B.** Downstream Terminus: Confluence of the Fraser River and the Colorado River: See ¶ 16.B. **C.** Upstream Termini: **i.** Granby Smith Creek Pump Station located in the SW ¼ SE ¼ of Section 25, Township 2 North, Range 77 West of the 6th P.M., 400 feet North of the South Section line and 2,070 feet West of the East Section line in Grand County (UTM (13N): 417,772m E, 4,439,279m N). **ii.** Intersection described in ¶ 10.B. above. **D.** Source: Irrigation water rights decreed to the Griffith and Peterson No. 1 Ditches described in ¶ 11.B.v herein. **E.** Appropriation information: **i.** Date of appropriation: May 17, 2019. **ii.** How appropriation was initiated: Formation of intent to make the appropriation, excavation of the Pond Wells and filing of the application. **iii.** Date water applied to beneficial use: Not applicable. **H.** Amount claimed: 14.9 c.f.s., conditional. **I.** Remarks: The decree in Case No. 03CW336 authorizes the Peterson No. 1 Ditch and the Griffith Ditch water rights to continue to be used for irrigation purposes within the historically irrigated lands pursuant to their original decrees, subject to terms and conditions regarding dry up for generating historical consumptive use. The flow rate described in ¶ 17.H. is Applicants' full ownership of the flow rate less the flow rate associated with the dry up (and consumptive use credits) described in ¶ 11.B.v. **J.** Operation: Applicants' irrigation water rights will be carried in the Fraser River from the headgates of the Griffith and Peterson No. 1 Ditches, exchanged up the Colorado River, and exchanged up Smith Creek to the RRR Smith Creek Pump Station described in ¶ 15.C.i or the Intersection described in ¶ 10.B. The water will be delivered to the lined cell of the South Shorefox Pond, South Shorefox Pond A, and then immediately delivered for irrigation of the historically irrigated acreage shown on **EXHIBIT E**. Applicants' irrigation water rights will not be stored in South Shorefox Pond A, but will be pumped for irrigation of the historically irrigated acreage within 72 hours of delivery. **16. Owners of structures involved in this application:** **A.** Co-Applicant Granby owns the land on which the following structures are located: Granby Pond Well A-1, Granby Pond Well B, Granby Gravel Pit Pond Well, Granby Dog Park Pond Well, South Shorefox Pond, Shorefox Augmentation Pond No. 1, Shorefox Augmentation Pond No. 2, the Selak-Larabee-Pond A Intersection, Peterson No. 1 Ditch, and Granby Smith Creek Pump Station. **B.** Co-Applicant Sun owns the land on which the following structures are located: RRR Pond Well C, RRR Fishing Pond No. 1, RRR Fishing Pond No. 2 and North Shorefox Pond. **C.** The Alice Marie Nordloh Family owns the land on which the headgate of the Griffith Ditch is located. **D.** Dines Family Holdings, LLLC owns the land on which the headgate of the Selak-Larabee Ditch is located. **E.** Bureau of Land Management owns the land on which Granby Reservoir is located. **F.** Colorado River Water Conservation District owns the land on which Wolford Mountain Reservoir is located. **G.** Bureau of Land Management owns the land on which Ruedi Reservoir is located. (30 pages, incl maps)

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

14. PURSUANT TO C.R.S., §37-92-302, AS AMENDED, YOU ARE NOTIFIED THAT THE FOLLOWING PAGES COMPRISE A RESUME OF THE APPLICATIONS AND AMENDED APPLICATIONS FILED WITH THE WATER CLERK FOR WATER DIVISION 5 DURING THE MONTH OF JULY 2019. *The water right claimed by this application may affect in priority any water right claimed or heretofore adjudicated within this division and owners of affected rights must appear to object and protest within the time provided by statute or be forever barred.*

19CW3085 MESA COUNTY (12CW141, 04CW211) SHEEP CREEK, TRIBUTARY TO BUZZARD CREEK, TRIBUTARY TO PLATEAU CREEK, TRIBUTARY TO THE COLORADO RIVER; Application to Make Conditional Water Right Absolute or for Finding of Reasonable Diligence. 1. Applicant: Merial Currier Vander Laan, P.O. Box 27059, Denver, CO 80227. Please direct all pleadings and correspondence to Applicant's counsel: William H. Caile and Meghan N. Winokur, Holland & Hart LLP, 555 17th Street, Suite 3200, Denver CO 80202; telephone: (303) 295-8000, whcaile@hollandhart.com. 2. Name of structure: Currier Reservoir No. 2 Use Enlargement. 3. Description of subject water right: A. Original decree: Case No. 04CW211 (Water Div. 5), decree dated August 24, 2006. B. Subsequent decree finding diligence: Case No. 12CW141 (Water Division 5), decree dated July 31, 2013. C. Decreed Location: Located in the SW1/4NE1/4, Section 12, Township 9 South, Range 93 West of the 6th P.M. The dam intersects Sheep Creek at a point 1600 feet west of the East section line of said Section 12 and 3200 feet north of the South section line of said Section 12. The general location of the Currier Reservoir No. 2 (the "Reservoir") and the area to be irrigated by the subject water right are shown on the map on file with the Court as Figure 1. D. Source: Sheep Creek, tributary to Buzzard Creek, tributary to Plateau Creek, tributary to the Colorado River. E. Appropriation date: April 30, 2001. F. Amount: 222.48 acre-feet. Of the 222.48 acre-feet: 18.0 acre-feet are absolute for industrial and commercial purposes; 204.48 acre-feet are conditional for industrial and commercial purposes; 222.48 acre-feet are absolute for recreational and piscatorial purposes; and 222.48 acre-feet are conditional for irrigation and stock watering purposes. G. Uses: **i.** Stock watering; piscatorial; recreation; supplemental irrigation; and **ii.** Fully consumptive industrial and commercial purposes for or relating to: development, mining, exploration and/or production of oil, gas, gravel and/or other minerals; dust suppression; road construction and repair; water in mined product; material washing; and replacement of evaporation from the exposed surface water area of the reservoir, such replacement to occur only when the subject water is in priority. **iii.** Remarks: 1. The fully consumptive commercial and industrial uses may occur within Applicant's property, or releases under the subject water right may be trucked off-site and fully consumed for the commercial and industrial uses described herein and in the Decrees in Case Nos. 04CW211

and 12CW141. 2. Supplemental irrigation is for approximately 98 acres historically irrigated by the Currier Reservoir No.2 water right decreed in Civil Action No. 13368, Mesa County District Court. The 98 acres are located in the southeast ¼ of Section 11, the west ½ of Section 12, the northwest ¼ of Section 13, and the northeast ¼ of Section 14, all in Township 9 South, Range 93 West of the 6th P.M. See Figure 1. Any irrigation use of the subject water right under the 2004 priority decreed in Case No. 04CW211 will occur during the historic irrigation season. 3. The stock watering and supplemental irrigation uses appropriated for the subject water right are separate and distinct from the irrigation and stock watering uses decreed to Currier Reservoir No. 2 in Civil Action No. 13368. The Currier Reservoir No. 2 water rights decreed in Civil Action No. 13368 are not changed or affected by the Decrees in Case Nos. 04CW211 and 12CW141 for the subject water right. 4. Using a form acceptable to the Division Engineer, Applicant will account for the fill and use of the Currier Reservoir No. 2 decreed in Civil Action No. 13368 and/or under the subject water right decreed in Case No. 04CW211. Such accounting will include, without limitation, an accounting of any water released from the Reservoir under the subject water right and trucked off-site. H. Surface area of high-water line: Approximately 16 acres i. Maximum height of dam in feet: 39 feet (estimated) ii. Length of dam: 368 feet. I. Total capacity of reservoir in acre-feet: 222.48 i. Active capacity: 222.48 ii. Dead storage: 0. 4. Claim to Make Absolute: The Currier Reservoir No. 2 Use Enlargement has been previously filled to capacity and was made absolute for recreational and piscatorial use in Case No. 04CW211, Water Division 5, by decree dated August 24, 2006. The subject water right was again filled in priority and was full on or before April 30, 2019. Pursuant to C.R.S. § 37-92-301(4)(e), Applicant requests that the remaining conditional portions of the subject water right be made absolute for all decreed purposes. 5. Request for Finding of Reasonable Diligence: In the alternative, Applicant requests that the Court find that Applicant has demonstrated reasonable diligence in the development of any remaining conditional portions of the water right for the Currier Reservoir No. 2 Use Enlargement. During the diligence period, Applicant has taken steps to diligently develop the conditional portion of the subject water right including, without limitation, the activities described below. This list is not intended to be inclusive and may be supplemented by additional evidence. A. Applicant conducted annual maintenance activities each year during the diligence period, including dirt work, rodent control, spraying weeds and brush and cleaning ditches associated with the Reservoir and use of the subject water right. B. Applicant maintained diversion records for the Reservoir, including an accounting of releases from the Reservoir under the subject water right. C. A new measurement gauge was installed to provide more accurate measurement of water in storage. D. Applicant commissioned the design, approval and implementation of repairs to the outlet pipe. E. Preparation of a flood inundation map and Updated Emergency Action Plan. F. Applicant has entered into agreements for lease or sale of water from the reservoir for industrial and other uses, pursuant to the terms of the decree, and has released or delivered water pursuant to those agreements. G. Applicant has retained the services of attorneys, engineers, and contractors in connection with the above-referenced activities and has made significant expenditures in connection with these activities. 6. Name and address of owner of the land upon which any new diversion or storage structure, or modification to any existing diversion or storage structure is or will be constructed: Applicant.

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

15. PURSUANT TO C.R.S., §37-92-302, AS AMENDED, YOU ARE NOTIFIED THAT THE FOLLOWING PAGES COMPRISE A RESUME OF THE APPLICATIONS AND AMENDED APPLICATIONS FILED WITH THE WATER CLERK FOR WATER DIVISION 5 DURING THE MONTH OF JULY 2019. The water right claimed by this application may affect in priority any water right claimed or heretofore adjudicated within this division and owners of affected rights must appear to object and protest within the time provided by statute or be forever barred.

19CW3086 GARFIELD COUNTY Antero Resources Corporation, Attn: John Giannaula, Vice President – Human Resources and Administration, 1615 Wynkoop Street, Denver, Colorado 80202, Telephone: (303) 357-7373, Email: kcosgriff@anteroresources.com, c/o James S. Witwer, Courtney M. Shephard, DAVIS GRAHAM & STUBBS LLP, 1550 17th Street, Suite 500, Denver, Colorado 80202, Telephone: (303) 892-9400, Facsimile: (303) 893-1379, Email: james.witwer@dgsllaw.com, courtney.shephard@dgsllaw.com. APPLICATION FOR FINDINGS OF REASONABLE DILIGENCE. 1. Name, Address, and Telephone Number of Applicant: (see above). 2. Description of Application: Applicant seeks findings of reasonable diligence for the conditional water rights originally decreed in Case No. 99CW176 for the Riverview Ranch Well Nos. 1, 2, 3, 4, 5, and 6 (each, a “Well” and collectively, the “Riverview Ranch Wells”). 3. Names, Types, and Decreed Legal Descriptions of Structures: The following table describes the decreed location of each Well within Section 12, Township 6 South, Range 92 West of the 6th P.M. (see map attached as Exhibit A to this Application), according to Case No. 99CW176, and each Well’s WDID, permit numbers, and completed depth, according to Colorado Division of Water Resources records:

Structure	WDID	Well Permit Nos.	Distance from South Section Line (feet)	Distance from East Section Line (feet)	Completed Depth (feet)
Riverview Ranch Well No. 1	4505425	54214-F & 66672-F	1600	2800	102

Riverview Ranch Well No. 2	4505426	54215-F & 66673-F	1600	2550	82
Riverview Ranch Well No. 3	4505427	54216-F & 66674-F	1600	2300	103
Riverview Ranch Well No. 4	4505428	54217-F & 66675-F	1600	2100	110
Riverview Ranch Well No. 5	4505429	54218-F & 66676-F	1600	1850	110
Riverview Ranch Well No. 6	4505430	54219-F & 66677-F	850	1975	100

4. Description of Conditional Water Rights and Prior Decrees: A. Original Decree: The Riverview Ranch Wells were first decreed in the Application for Underground Water Rights and Plan for Augmentation of Robert M. Regulski, Case No. 99CW176 (Division 5) (decree dated May 31, 2000). B. Findings of Diligence: The District Court for Water Division 5 subsequently made findings of reasonable diligence in the completion of the appropriations for the Riverview Ranch Wells in the following cases: i. Case No. 06CW80; decree dated November 5, 2006. ii. Case No. 12CW163; decree dated May 2, 2013. C. Source of Water: Underground water tributary to the Colorado River. D. Appropriation Date: May 25, 1999. E. Amount: For each Well, 15 gallons per minute (gpm) (0.033 cubic feet per second) conditional, not to exceed 0.816 acre feet per year. F. Use: Pursuant to the decree entered in Case No. 99CW176, each Well is decreed for the following use: domestic in-house use for two single family dwellings, watering of two head of livestock, and watering of 100 square feet of home lawns and gardens. G. Augmentation Plan: Pursuant to the Plan for Augmentation approved in Case No. 99CW176, out-of-priority depletions from pumping of the Riverview Ranch Wells will be augmented through water delivered under a Colorado River Water Conservation District contract for 1 acre-foot per year. The current contract (No. CW19003) is for an initial 40-year term, with a right to renew for an additional 35-year term. The Riverview Ranch Wells are constructed in the alluvium of the Colorado River with no delayed impacts. 5. Name and Address of Land Where Water Will be Applied to Beneficial Use: Water from the Riverview Ranch Wells will be applied to beneficial use in Lots 1–6 of the Riverview Ranch Subdivision, a housing development in Garfield County, Colorado. Lots 1–6 of the Riverview Ranch Subdivision are adjacent to the Colorado River and homes have not yet been constructed on Lots 1–6. The Applicant owns Lots 1–6 of the Riverview Ranch Subdivision and the Riverview Ranch Wells (see paragraph 1 for address and contact information). No Certificate of Notice to Landowners will be filed because Applicant owns all land on which the Riverview Ranch Wells are located and the subject water rights will be used. 6. Diligence Towards Completion of Appropriation of Conditional Water Rights: A. Applicant retained Wright Water Engineers (“WWE”) to evaluate the current suitability of the Riverview Ranch Wells to provide the domestic water supply for the six residential lots in the Riverview Ranch Subdivision. As of the date of this Application, Applicant has paid over \$13,000 to WWE for ongoing evaluations of the Riverview Ranch Wells. As of the date of this Application, WWE’s engineering assessment of the Riverview Ranch Wells included: i. Review of Well permits, Well completion and pump installation reports, and associated decrees. ii. Multiple site visits with the Riverview Ranch Subdivision property manager and Samuelson Pump Company, the original well driller, to assess the current status of the Riverview Ranch Wells. Applicant paid more than \$1,900 to Samuelson Pump Company for this work. iii. Coordination, supervision, and analysis of pump tests to determine Well integrity, aquifer characteristics, and water levels during the pump tests and recovery periods. iv. Collection of water samples for organic and inorganic water quality tests by ACZ Laboratories, Inc. v. Preparation of a report summarizing findings regarding the suitability of the Riverview Ranch Wells to provide water service to the Riverview Ranch Subdivision. vi. Drafting the accounting form required for the Case No. 99CW176 Augmentation Plan and submitting the draft accounting form to the Division 5 Engineer. vii. Coordination with Samuelson Pump Company to determine the scope and cost of certain needed repairs to several Wells and a plan for completing the repairs. B. Applicant commissioned organic and inorganic water quality testing by ACZ Laboratories, Inc. for the Riverview Ranch Wells. To date, Applicant and WWE have conducted water quality tests at Well Nos. 3 and 6, and have spent more than \$1,800 on water quality testing. C. Each Well has been assigned two priorities. The first priority is for domestic use decreed under 99CW176, as further described herein, and associated with the well permits issued on July 19, 2000. The second priority is for additional irrigation use, associated with well permits issued on December 17, 2009, and is covered by the West Divide Water Conservancy District (“WDWCD”) augmentation plan decreed in Case No. 02CW123 (entered September 30, 2010). During the diligence period, Applicant hired a property manager for the Riverview Ranch Subdivision. The property manager conducted maintenance at and around the Riverview Ranch Wells and conducted annual Well meter readings to document use of several of the Wells to irrigate a portion of the Riverview Ranch Subdivision; this use was covered by the WDWCD augmentation plan approved in Case No. 02CW123. Applicant spent more than \$2,400 on Well maintenance and meter readings during the diligence period. D. Although Applicant did not pump the Wells during the diligence period under the conditional water rights decreed in Case No. 99CW176 and the associated augmentation plan approved therein, Applicant paid for replacement water from the Colorado River Water Conservancy District (“CRWCD”) to augment use future domestic use of the Riverview Ranch Wells. Applicant reinstated its contract with CRWCD during the diligence period; the application fee and cost of CRWCD contract water for 2019–2020 was more than \$900. Applicant will continue to pay for CRWCD contract water as the property is developed even though the Riverview Ranch Wells are not currently used for the domestic use decreed in Case No. 99CW176. E. Applicant maintained its contract for replacement water with the WDWCD to augment use of the Riverview Ranch Wells for additional irrigation use. For each year during the diligence period, Applicant paid an annual fee of more than \$3,000 for replacement water, totaling over \$21,000 during the diligence period. F. During the diligence period, Applicant’s lessee used Well Nos. 3, 4, and 5 for irrigation use on property within the Riverview Ranch Subdivision.

This irrigation use was augmented under Applicant's contract with the WDWCD via that District's augmentation plan approved in Case No. 02CW123. G. Applicant reinstated the Riverview Ranch of Garfield County Homeowners Association, Inc. ("HOA") by filing a Statement Curing Delinquency pursuant to C.R.S. § 7-90-904 and paying a \$100 fee. The Case No. 99CW176 Decree required establishment of an HOA to ensure that the terms of the Decree are met. The HOA manages distribution of irrigation water, public roadways, common areas, the drainage easement, erosion, and noxious weeds within the Riverview Ranch Subdivision. H. Applicant transferred electricity service for Well Nos. 1, 2, and 3 to Applicant's account with Holy Cross Energy and restored power to Well Nos. 1, 2, and 3. I. Applicant paid Holy Cross Energy for electricity service to the Riverview Ranch Subdivision; the electricity service was used for pumping several of the Riverview Ranch Wells for additional irrigation per the WDWCD augmentation plan approved in Case No. 02CW123. J. Applicant retained Vicki Lee Green Realtors of Glenwood Springs, Colorado to market and sell the Riverview Ranch Subdivision for future development, including building the homes that will utilize the Riverview Ranch Wells for the domestic use decreed in Case No. 99CW176. K. Applicant updated Division of Water Resources records to reflect changes in Applicant's name and corporate structure. L. Applicant filed an application for a change of water rights to correct the decreed locations of the Riverview Ranch Wells (see map attached as Exhibit A to this Application for the actual locations of the Riverview Ranch Wells), which is currently pending as Case No. 19CW3082. Upon approval of such change application, the corrected Well locations will be substituted as the decreed Well locations in any decree finding reasonable diligence entered in this Application. M. Applicant monitored Division 5 Water Court Resumes, evaluated applications filed by other water users, and filed statements of opposition in Water Court Case Nos. 15CW3030 and 15CW3031 (Division 5) to protect its portfolio of water rights, including the Riverview Ranch Wells. Applicant spent more than \$21,000 in legal fees during the diligence period to protect its water rights in these cases. N. Applicant engaged and paid legal counsel to assist with the activities described above.

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16. PURSUANT TO C.R.S., §37-92-302, AS AMENDED, YOU ARE NOTIFIED THAT THE FOLLOWING PAGES COMPRISE A RESUME OF THE APPLICATIONS AND AMENDED APPLICATIONS FILED WITH THE WATER CLERK FOR WATER DIVISION 5 DURING THE MONTH OF JULY 2019. *The water right claimed by this application may affect in priority any water right claimed or heretofore adjudicated within this division and owners of affected rights must appear to object and protest within the time provided by statute or be forever barred.*

19CW3087 PITKIN COUNTY. BRUSH CREEK, TRIB. OF THE ROARING FORK RIVER, TRIB. OF THE COLORADO RIVER. Application for Finding of Reasonable Diligence and to Confirm Absolute. Applicant: FaBrizio Family Trust, c/o Balcomb & Green, P.C., P.O. Drawer 790, Glenwood Springs, CO 81602; 970-945-6546. Description of Cond. Water Right: FaBrizio Hydroelectric System. The orig. decree was entered 1/15/2007 in 06CW145, Dist. Court, Water Div. 5. A decree finding reasonable diligence was entered on 7/27/2013 in 13CW02, Dist. Court, Water Div. 5. Decreed Location: NW1/4 NE1/4 of Sec. 21, T. 9 S., R. 85 W., 6th P.M. at a pt. located 483 ft. from the N. Sec. line of said Sec. 21 and 2,605 ft. from the E. Sec. line of said Sec. 21. Source: Brush Creek, trib. of the Roaring Fork River, trib. of the Colorado River. Approp. Date: 9/1/2005. Amt.: 5.5 c.f.s., cond. Use: generation of hydroelectric power and fire protection. Remarks: Applicant recorded flows on Brush Creek in 2005 ranging from 3 c.f.s. to 30 c.f.s. Based on the available flows, the Fabrizio Hydroelectric System has been designed to use double turbine nozzles, which allow the system to adjust to variable flows. The Applicant is the owner of the land upon which the pt. of diversion is located. Absolute Claim: Applicant placed the FaBrizio Hydroelectric System to beneficial use as described in in application. The Applicant seeks confirmation that the water right has been made absolute and the remaining cond. portions should be cancelled as follows: Date Applied to Beneficial Use: 10/14/2013. On this date the water right was beneficially used in priority, according to the Division of Water Resources admin. records. Use: generation of hydroelectric power and fire protection. Amt.: 3.9 c.f.s. Amt. to Be Cancelled: 1.6 c.f.s. 4 pgs., 4 Exh.

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17. PURSUANT TO C.R.S., §37-92-302, AS AMENDED, YOU ARE NOTIFIED THAT THE FOLLOWING PAGES COMPRISE A RESUME OF THE APPLICATIONS AND AMENDED APPLICATIONS FILED WITH THE WATER CLERK FOR WATER DIVISION 5 DURING THE MONTH OF JULY 2019. *The water right claimed by this application may affect in priority any water right claimed or heretofore adjudicated within this division and owners of affected rights must appear to object and protest within the time provided by statute or be forever barred.*

19CW3088 BCP-ARR Water, LLC, 1555 Blake Street, Suite 210, Denver, Colorado 80202. Please send all pleadings and correspondence to Applicant's counsel: Dulcinea Z. Hanuschak and Benjamin J. Saver, Brownstein Hyatt Farber Schreck, LLP, 410 17th Street, Suite 2200, Denver, Colorado 80202; Phone Number: (303) 223-1100; Fax Number: (303) 223-1111; Email: dhanuschak@bhfs.com and bsaver@bhfs.com. APPLICATION FOR FINDING OF REASONABLE DILIGENCE IN **EAGLE COUNTY, COLORADO.** 2. Description of conditional water rights. Date of original decree: July 25, 2013 in Case No. 99CW242

(filed by BCP-APR Water, LLC's predecessor-in-interest Kummer Development Corporation). The Subject Water Rights are more particularly described as follows.

3. Name of Structure: Schlutter Ditch, Golf Course Enlargement 3.1. Legal description: The point of diversion is in the SW ¼ of the NW ¼ of Section 36, T. 5 S., R. 84 W. of the 6th P.M., 2100 feet from the North section line, 1050 feet from the West section line. See attached Figure 1. 3.2. Source: **Brush Creek, tributary to the Eagle River, tributary to the Colorado River.** 3.3. Date of Initiation of Appropriation: March 26, 1999. 3.4. Amount claimed: 6.5 c.f.s. conditional. 3.5. Use: directly for irrigation of up to 260 acres within 540 irrigable acres, dust suppression, and fire protection; irrigation of up to 260 acres within 540 irrigable acres, fish and wildlife propagation, recreation, dust suppression, fire protection and augmentation and exchange, all that occur subsequent to the filling of Golf Course Ponds A, B, C, D, E, F, G, H, and I within the Frost Creek PUD development in Eagle County, which ponds are decreed in Case No. 99CW243, District Court, Water Division No. 5. The lands to be irrigated are located in the Frost Creek PUD, Eagle County, State of Colorado, as shown on the map attached hereto as Figure 1. This water right will also be used to fill and maintain such ponds.

4. Name of structure: Upper Frost Ditch, Golf Course Enlargement 4.1. Legal description: The point of diversion is in the NW ¼ of the NW ¼ of Section 36, T. 5 S., R. 84 W. of the 6th P.M., 1000 feet from the North section line, 1250 feet from the West section line. See attached Figure 1. 4.2. Source: Brush Creek, tributary to the Eagle River, tributary to the Colorado River. 4.3. Date of Initiation of Appropriation: March 26, 1999. 4.4. Amount Claimed: 6.5 c.f.s. conditional. 4.5. Use: directly for irrigation of up to 260 acres of 540 irrigable acres, dust suppression and fire protection; irrigation of up to 260 acres of 540 irrigable acres, fish and wildlife propagation, recreation, dust suppression, fire protection and augmentation and exchange, all that occur subsequent to the filling of Golf Course Ponds A, B, C, D, E, F, G, H, and I within the Frost Creek PUD development in Eagle County which ponds are decreed in Case No. 99CW243, District Court, Water Division No. 5. The lands to be irrigated are located in the Frost Creek PUD, Eagle County, State of Colorado, as shown on the map attached hereto as Figure 1. This water right will also be used to fill and maintain such ponds.

5. Name of Structure: Frost Ditch, Golf Course Enlargement 5.1. Legal description: The point of diversion is in the NW ¼ of the SW ¼ of Section 25, T. 5 S., R. 84 W. of the 6th P.M., 3500 feet from the North section line, 1600 feet from the West section line. See attached Figure 1. 5.2. Source: Brush Creek, tributary to the Eagle River, tributary to the Colorado River. 5.3. Date of Initiation of Appropriation: March 26, 1999. 5.4. Amount Claimed: 2.0 c.f.s. conditional. 5.5. Use: directly for irrigation of up to 80 acres of 540 irrigable acres, dust suppression and fire protection; irrigation of up to 80 acres of 540 irrigable acres, fish and wildlife propagation, recreation, dust suppression, fire protection and augmentation and exchange, all that occurs subsequent to the filling of Golf Course Ponds G, H, and I within the Frost Creek PUD development in Eagle County which ponds are decreed in Case No. 99CW243, District Court, Water Division No. 5. The lands to be irrigated are located in the Frost Creek PUD, Eagle County, State of Colorado, as shown on the map attached hereto as Figure 1. This water right will also be used to fill and maintain such ponds.

6. Name of Structure: Frost Creek Ditch, Golf Course Enlargement 6.1. Legal description: The point of diversion is in the NW ¼ of the NE ¼ of Section 35, T. 5 S., R. 84 W. of the 6th P.M., 950 feet from the North section line, 1600 feet from the East section line. See attached Figure 1. 6.2. Source: Frost Creek, tributary to Brush Creek, tributary to the Eagle River, tributary to the Colorado River. 6.3. Date of Initiation of Appropriation: March 26, 1999. 6.4. Amount claimed: 2.5 c.f.s. conditional. 6.5. Use: directly for irrigation of up to 100 acres of 540 irrigable acres, dust suppression and fire protection; irrigation of up to 100 acres of 540 irrigable acres, fish and wildlife propagation, recreation, dust suppression, fire protection and augmentation and exchange, all that occurs subsequent to the filling of Golf Course Ponds B, C, D, E, F, G, H and I within the Frost Creek PUD development in Eagle County which ponds are decreed in Case No. 99CW243, District Court, Water Division No. 5. The lands to be irrigated are located in the Frost Creek PUD, Eagle County, State of Colorado, as shown on the map attached hereto as Figure 1. This water right will also be used to fill and maintain such ponds.

7. Name of structure: East Frost Ditch, Golf Course Enlargement 7.1. Legal description: The point of diversion is located on the east bank of Brush Creek at a point whence AP.1, Tract 80, T. 5 S., R. 84 W. of the 6th P.M. bears S12°49' W. 464.99 feet that is also described as a point in the SW ¼ of the SW ¼ of Section 24, T. 5 S., R. 84 W. of the 6th P.M. 950 feet from the South section line, 1850 feet from the West section line. See attached Figure 1. 7.2. Source: Brush Creek, tributary to the Eagle River, tributary to the Colorado River. 7.3. Date of Initiation of Appropriation: March 26, 1999. 7.4. Amount Claimed: 2.0 c.f.s. conditional. 7.5. Use: directly for irrigation of up to 80 acres of 540 irrigable acres, dust suppression and fire protection; irrigation of up to 80 acres of 540 irrigable acres, fish and wildlife propagation, recreation, dust suppression, fire protection, and augmentation and exchange, all that occurs subsequent to the filling of Golf Course Pond J with the Frost Creek PUD development in Eagle County, which pond is decreed in Case No. 99CW243, District Court, Water Division No. 5. The lands to be irrigated are located in the Frost Creek PUD, Eagle County, State of Colorado, as shown on the map attached hereto as Figure 1. This water right will also be used to fill and maintain such ponds.

8. Detailed outline of activity during the diligence period. During the diligence period, Applicant has expended more than \$1 million dollars towards developing the Frost Creek PUD, a residential development that includes lands on which Applicant will use the subject water rights, and for which the subject water rights are part of the overall future water system for development. This following summary of Applicant's diligence activities is not exclusive and may be supplemented with additional evidence of these or of other diligence activities.

8.1. Applicant acquired the conditional water rights in 2015. 8.2. The subject water rights are part of the overall future water system for the development of lands within the Frost Creek PUD. During the diligence period, Applicant made substantial expenditures on consultants, engineers, and lawyers to further develop the property, including by:

8.2.1. Pursuing and obtaining an amendment to the Frost Creek and Salt Creek PUD a residential development that includes lands on which Applicant will use the subject water right;

8.2.2. Amending the water service agreements through which the Town of Eagle provides extraterritorial water service to the amended Frost Creek and Salt Creek PUD;

8.2.3. Constructing, improving, repairing, or maintaining new residences, improved and new golf course and other recreational amenities, and water infrastructure associated with the property. 8.2.4. Participating as an Opposer in Water Court cases in order to protect its water rights in the Brush Creek drainage, which are used on the PUD, from injury.

9. The land on which the

subject structures are located, on which the water will be stored, or on which water will be placed to beneficial use is owned by: Applicant and Eagle County, Colorado, P.O. Box 850, Eagle, CO 81631.

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

18. PURSUANT TO C.R.S., §37-92-302, AS AMENDED, YOU ARE NOTIFIED THAT THE FOLLOWING PAGES COMPRISE A RESUME OF THE APPLICATIONS AND AMENDED APPLICATIONS FILED WITH THE WATER CLERK FOR WATER DIVISION 5 DURING THE MONTH OF JULY 2019. *The water right claimed by this application may affect in priority any water right claimed or heretofore adjudicated within this division and owners of affected rights must appear to object and protest within the time provided by statute or be forever barred.*

19CW3089 EAGLE COUNTY. BCP-ARR Water, LLC, 1555 Blake Street, Suite 210, Denver, Colorado 80202. Please send all pleadings and correspondence to Applicant's counsel: Dulcinea Z. Hanuschak and Benjamin J. Saver, Brownstein Hyatt Farber Schreck, LLP, 410 17th Street, Suite 2200, Denver, Colorado 80202; Phone Number: (303) 223-1100; Fax Number: (303) 223-1111; Email: dhanuschak@bhfs.com and bsaver@bhfs.com. APPLICATION FOR FINDING OF REASONABLE DILIGENCE AND TO MAKE CONDITIONAL WATER RIGHTS ABSOLUTE IN PART 1. Description of conditional water rights. Date of original decree: July 25, 2013 in Case No. 99CW243 (filed by BCP-APR Water, LLC's predecessor-in-interest Kummer Development Corporation). The subject water rights are more particularly described as follows. **CONDITIONAL WATER RIGHT CLAIMS**

2. Name of structure: Golf Course Pond A

2.1. Legal Description: The legal description of the location of the dam is the NE ¼ of the SE ¼ of Section 35, T. 5 S., R. 84 W. of the 6th P.M., 2260 feet north of the South section line, 250 feet west of the East section line. See attached Figure 1.

2.2. Name of ditch or ditches used to fill the reservoir, claimed and legal description of each point of diversion: The following water rights decreed in Case No. 99CW242, District Court, Water Division No. 5 will be used to fill the reservoir:

2.2.1. Schlutter Ditch, Golf Course Enlargement located in the SW ¼ of the NW ¼ of Section 36, T. 5 S., R. 84 W. of the 6th P.M. 2100 feet from the North section line, 1050 feet from the West section line;

2.2.2. Upper Frost Ditch, Golf Course Enlargement located in the NW ¼ of the NW ¼ of Section 36, T. 5 S., R. 84 W. of the 6th P.M. 1000 feet from the North section line, 1250 feet from the West section line.

2.3. Source: Brush Creek, tributary to Eagle River, tributary to the Colorado River.

2.4. Date of Initiation of Appropriation: March 26, 1999.

2.5. Amount Claimed: 8.83 acre feet conditional.

2.6. Use: irrigation, fish and wildlife propagation, recreation, dust suppression, fire protection and augmentation and exchange. Applicant proposes to irrigate up to 540 acres with the water rights decreed herein that are located in the Frost Creek PUD, Eagle County, Colorado as shown on Figure 1 attached hereto.

2.7. Size of the reservoir: The surface area of the high water line is proposed to be 1.28 acres; the maximum height of the dam is proposed to be less than 10 feet; and the length of the dam is proposed to be 720 feet. The total capacity of the reservoir is proposed to be 8.83 acre feet, all of which will be active storage

Second Water Right

3. Name of Structure: Golf Course Pond B

3.1. Legal Description: The legal description of the location of the dam is the NE ¼ of the NE ¼ of Section 35, T. 5 S., R. 84 W. of the 6th P.M. 580 feet south of the North section line, 1080 feet west from the East section line. See attached Figure 1.

3.2. Name of ditch or ditches used to fill the reservoir, claimed and legal description of each point of diversion: The following water rights decreed in Case No. 99CW242, District Court, Water Division No. 5 will be used to fill the reservoir:

3.2.1. Schlutter Ditch, Golf Course Enlargement located in the SW ¼ of the NW ¼ of Section 36, T. 5 S., R. 84 W. of the 6th P.M. 2100 feet from the North section line, 1050 feet from the West section line;

3.2.2. Upper Frost Ditch, Golf Course Enlargement located in the NW ¼ of the NW ¼ of Section 36, T. 5 S., R. 84 W. of the 6th P.M. 1000 feet from the North section line, 1250 feet from the West section line;

3.2.3. Frost Creek Ditch, Golf Course Enlargement located in the NW ¼ of the NE ¼ of Section 35, T. 5 S., R. 84 W. of the 6th P.M., 950 feet from the North section line, 1600 feet from the East section line.

3.3. Source: Brush Creek, tributary to Eagle River, tributary to the Colorado River.

3.4. Date of Initiation of Appropriation: March 26, 1999.

3.5. Amount Claimed: 8.5 acre feet conditional.

3.6. Use: irrigation, fish and wildlife propagation, recreation, dust suppression, fire protection and augmentation and exchange. Applicant proposes to irrigate up to 540 acres with the water rights decreed herein that are located in the Frost Creek PUD, Eagle County, Colorado as shown on Figure 1 attached hereto.

3.7. Size of the reservoir: The surface area of the high water line is proposed to be 1.0 acres; the maximum height of the dam is proposed to be less than 10 feet; and the length of the dam is proposed to be 330 feet. The total capacity of the reservoir is proposed to be 8.5 acre feet, all of which will be active storage.

Third Water Right

4. Name of Structure: Golf Course Pond C

4.1. Legal description: The legal description of the location of the dam is the NW ¼ of the SE ¼ of Section 26, T. 5 S., R. 84 W. of the 6th P.M. 1230 feet south of the North section line, 1680 feet west of the East section line. See attached Figure 1.

4.2. Name of ditch or ditches used to fill the reservoir, claimed and legal description of each point of diversion: The following water rights decreed in Case No. 99CW242, District Court, Water Division No. 5 will be used to fill the reservoir:

4.2.1. Schlutter Ditch, Golf Course Enlargement located in the SW ¼ of the NW ¼ of Section 36, T. 5 S., R. 84 W. of the 6th P.M. 2100 feet from the North section line, 1050 feet from the West section line;

4.2.2. Upper Frost Ditch, Golf Course Enlargement located in the NW ¼ of the NW ¼ of Section 36, T. 5 S., R. 84 W. of the 6th P.M. 1000 feet from the North section line, 1250 feet from the West section line;

4.2.3. Frost Creek Ditch, Golf Course Enlargement located in the NW ¼ of the NE ¼ of Section 35, T. 5 S., R. 84 W. of the 6th P.M., 950 feet from the North section line, 1600 feet from the East section line.

4.3. Source: Brush Creek, tributary to Eagle River, tributary to the Colorado River.

4.4. Date of Initiation of Appropriation: March 26, 1999.

4.5. Amount Claimed: 53.3 acre feet conditional.

4.6. Use: irrigation, fish and wildlife propagation, recreation, dust suppression, fire protection and augmentation and exchange. Applicant proposes to irrigate up to 540 acres with the water rights decreed herein that are located in the

Frost Creek PUD, Eagle County, Colorado as shown on Figure 1 attached hereto. 4.7. Size of the reservoir: The surface area of the high water line is proposed to be 5.34 acres; the maximum height of the dam is proposed to be less than 10 feet; and the length of the dam is proposed to be 910 feet. The total capacity of the reservoir is proposed to be 53.3 acre feet, all of which will be active storage. Fourth Water Right 5. Name of Structure: Golf Course Pond D 5.1. Legal Description: The legal description of the location of the dam is the NE ¼ of the SE ¼ of Section 26, T. 5 S., R. 84 W. of the 6th P.M. 1100 feet south of the North section line, 1240 feet west of the East section line. See attached Figure 1. 5.2. Name of ditch or ditches used to fill the reservoir, claimed and legal description of each point of diversion: The following water rights decreed in Case No. 99CW242, District Court, Water Division No. 5 will be used to fill the reservoir: 5.2.1. Schlutter Ditch, Golf Course Enlargement located in the SW ¼ of the NW ¼ of Section 36, T. 5 S., R. 84 W. of the 6th P.M. 2100 feet from the North section line, 1050 feet from the West section line; 5.2.2. Upper Frost Ditch, Golf Course Enlargement located in the NW ¼ of the NW ¼ of Section 36, T. 5 S., R. 84 W. of the 6th P.M. 1000 feet from the North section line, 1250 feet from the West section line; 5.2.3. Frost Creek Ditch, Golf Course Enlargement located in the NW ¼ of the NE ¼ of Section 35, T. 5 S., R. 84 W. of the 6th P.M., 950 feet from the North section line, 1600 feet from the East section line. 5.3. Source: Brush Creek, tributary to Eagle River, tributary to the Colorado River. 5.4. Date of Initiation of Appropriation: March 6, 1999. 5.5. Amount Claimed: 31.3 acre feet conditional. 5.6. Use: irrigation, fish and wildlife propagation, recreation, dust suppression, fire protection and augmentation and exchange. Applicant proposes to irrigate up to 540 acres with the water rights decreed herein that are located in the Frost Creek PUD, Eagle County, Colorado as shown on Figure 1 attached hereto. 5.7. Size of the reservoir: The surface area of the high water line is proposed to be 3.3 acres; the maximum height of the dam is proposed to be less than 10 feet; and the length of the dam is proposed to be 730 feet. The total capacity of reservoir is proposed to be 31.3 acre feet, all of which will be active capacity Fifth Water Right 6. Name of Structure: Golf Course Pond E 6.1. Legal description: The legal description of the location of the dam is the NW ¼ of the NW ¼ of Section 36, T. 5 S., R. 84 W. of the 6th P.M. 140 feet south of the North section line, 320 feet east of the West section line. See attached Figure 1. 6.2. Name of ditch or ditches used to fill the reservoir, claimed and legal description of each point of diversion: The following water rights decreed in Case No. 99CW242, District Court, Water Division No. 5 will be used to fill the reservoir: 6.2.1. Schlutter Ditch, Golf Course Enlargement located in the SW ¼ of the NW ¼ of Section 36, T. 5 S., R. 84 W. of the 6th P.M. 2100 feet from the North section line, 1050 feet from the West section line; 6.2.2. Upper Frost Ditch, Golf Course Enlargement located in the NW ¼ of the NW ¼ of Section 36, T. 5 S., R. 84 W. of the 6th P.M. 1000 feet from the North section line, 1250 feet from the West section line; 6.2.3. Frost Creek Ditch, Golf Course Enlargement located in the NW ¼ of the NE ¼ of Section 35, T. 5 S., R. 84 W. of the 6th P.M., 950 feet from the North section line, 1600 feet from the East section line. 6.3. Source: Brush Creek, tributary to Eagle River, tributary to the Colorado River. 6.4. Date of Initiation of Appropriation: March 26, 1999. 6.5. Amount Claimed: 11.4 acre feet conditional. 6.6. Use: irrigation, fish and wildlife propagation, recreation, dust suppression, fire protection and augmentation and exchange. Applicant proposes to irrigate up to 540 acres with the water rights decreed herein that are located in the Frost Creek PUD, Eagle County, Colorado as shown on Figure 1 attached hereto. 6.7. Size of the reservoir: The surface area of the high water line is proposed to be 1.34 acres; the maximum height of the dam is proposed to be less than 10 feet; and the length of the dam is proposed to be 580 feet. The total capacity of reservoir is proposed to be 11.4 acre feet, all of which will be active capacity. Sixth Water Right 7. Name of Structure: Golf Course Pond F 7.1. Legal description: The legal description of the location of the dam is the SW ¼ of the NW ¼ of Section 25, T. 5 S., R. 84 W. of the 6th P.M. 2580 feet south of the North section line, 870 feet east of the West section line. See attached Figure 1. 7.2. Name of ditch or ditches used to fill the reservoir, claimed and legal description of each point of diversion: The following water rights decreed in Case No. 99CW242, District Court, Water Division No. 5 will be used to fill the reservoir: 7.2.1. Schlutter Ditch, Golf Course Enlargement located in the SW ¼ of the NW ¼ of Section 36, T. 5 S., R. 84 W. of the 6th P.M. 2100 feet from the North section line, 1050 feet from the West section line; 7.2.2. Upper Frost Ditch, Golf Course Enlargement located in the NW ¼ of the NW ¼ of Section 36, T. 5 S., R. 84 W. of the 6th P.M. 1000 feet from the North section line, 1250 feet from the West section line; 7.2.3. Frost Creek Ditch, Golf Course Enlargement located in the NW ¼ of the NE ¼ of Section 35, T. 5 S., R. 84 W. of the 6th P.M., 950 feet from the North section line, 1600 feet from the East section line. 7.3. Source: Brush Creek, tributary to Eagle River, tributary to the Colorado River. 7.4. Date of Initiation of Appropriation: March 26, 1999. 7.5. Amount Claimed: 42.64 acre feet conditional. 7.6. Use: irrigation, fish and wildlife propagation, recreation, dust suppression, fire protection and augmentation and exchange. Applicant proposes to irrigate up to 540 acres with the water rights decreed herein that are located in the Frost Creek PUD, Eagle County, Colorado as shown on Figure 1 attached hereto. 7.7. Size of the reservoir: The surface area of the high water line is proposed to be 4.37 acres; the maximum height of the dam is proposed to be less than 10 feet; and the length of the dam is proposed to be 1200 feet. The total capacity of reservoir is proposed to be 42.64 acre feet, all of which will be active capacity. Seventh Water Right 8. Name of Structure: Golf Course Pond G. 8.1. Legal description: The legal description of the location of the dam is the NW ¼ of the NW ¼ of Section 25, T. 5 S., R. 84 W. of the 6th P.M. 660 feet south of the North section line, 620 feet east of the West section line. See attached Figure 1. 8.2. Name of ditch or ditches used to fill the reservoir, claimed and legal description of each point of diversion: The following water rights decreed in Case No. 99CW242, District Court, Water Division No. 5 will be used to fill the reservoir: 8.2.1. Schlutter Ditch, Golf Course Enlargement located in the SW ¼ of the NW ¼ of Section 36, T. 5 S., R. 84 W. of the 6th P.M. 2100 feet from the North section line, 1050 feet from the West section line; 8.2.2. Upper Frost Ditch, Golf Course Enlargement located in the NW ¼ of the NW ¼ of Section 36, T. 5 S., R. 84 W. of the 6th P.M. 1000 feet from the North section line, 1250 feet from the West section line; 8.2.3. Frost Ditch, Golf Course Enlargement located in the NW ¼ of the SW ¼ of Section 25, T. 5 S., R. 84 W. of the 6th P.M. 3500 feet from the North section line, 1600 feet from the West section line; 8.2.4. Frost Creek Ditch, Golf Course Enlargement located in the NW ¼ of the NE ¼ of Section 35, T. 5 S., R. 84 W. of the 6th P.M., 950 feet from the North section line, 1600 feet from the East section line. 8.3. Source: Brush Creek, tributary to Eagle River, tributary to the Colorado River. 8.4. Date of Initiation of Appropriation: March 26, 1999. 8.5. Amount Claimed: 45.36 acre feet conditional. 8.6. Use: irrigation, fish and wildlife propagation, recreation, dust

suppression, fire protection and augmentation and exchange. Applicant proposes to irrigate up to 540 acres with the water rights decreed herein that are located in the Frost Creek PUD, Eagle County, Colorado as shown on Figure 1 attached hereto. 8.7. Size of the reservoir: The surface area of the high water line is proposed to be 4.47 acres; the maximum height of the dam is proposed to be less than 10 feet; and the length of the dam is proposed to be 190 feet. The total capacity of reservoir is proposed to be 45.36 acre feet, all of which will be active capacity. Eighth Water Right 9. Name of Structure: Golf Course Pond H. 9.1. Golf Course Pond H: The legal description of the location of the dam is the NW ¼ of the NW ¼ of Section 25, T. 5 S., R. 84 W. of the 6th P.M. 480 feet south of the North section line, 860 feet east of the West section line. See attached Figure 1. 9.2. Name of ditch or ditches used to fill the reservoir, claimed and legal description of each point of diversion: The following water rights decreed in Case No. 99CW242, District Court, Water Division No. 5 will be used to fill the reservoir: 9.2.1. Schlutter Ditch, Golf Course Enlargement located in the SW ¼ of the NW ¼ of Section 36, T. 5 S., R. 84 W. of the 6th P.M. 2100 feet from the North section line, 1050 feet from the West section line; 9.2.2. Upper Frost Ditch, Golf Course Enlargement located in the NW ¼ of the NW ¼ of Section 36, T. 5 S., R. 84 W. of the 6th P.M. 1000 feet from the North section line, 1250 feet from the West section line; 9.2.3. Frost Ditch, Golf Course Enlargement located in the NW ¼ of the SW ¼ of Section 25, T. 5 S., R. 84 W. of the 6th P.M. 3500 feet from the North section line, 1600 feet from the West section line; 9.2.4. Frost Creek Ditch, Golf Course Enlargement located in the NW ¼ of the NE ¼ of Section 35, T. 5 S., R. 84 W. of the 6th P.M., 950 feet from the North section line, 1600 feet from the East section line. 9.3. Source: Brush Creek, tributary to Eagle River, tributary to the Colorado River. 9.4. Date of Initiation of Appropriation: March 26, 1999. 9.5. Amount Claimed: 60.52 acre feet conditional. 9.6. Use: irrigation, fish and wildlife propagation, recreation, dust suppression, fire protection and augmentation and exchange. Applicant proposes to irrigate up to 540 acres with the water rights decreed herein that are located in the Frost Creek PUD, Eagle County, Colorado as shown on Figure 1 attached hereto. 9.7. Size of reservoir: The surface area of the high water line is proposed to be 5.8 acres; the maximum height of the dam is proposed to be less than 10 feet; and the length of the dam is proposed to be 260 feet. The total capacity of reservoir is proposed to be 60.52 acre feet, all of which will be active capacity. Ninth Water Right 10. Name of Structure: Golf Course Pond I. 10.1. Legal description: The legal description of the location of the dam is the NW ¼ of the NW ¼ of Section 25, T. 5 S., R. 84 W. of the 6th P.M. 320 feet south of the North section line, 1270 feet east of the West section line. See attached Figure 1. 10.2. Name of ditch or ditches used to fill the reservoir, claimed and legal description of each point of diversion: The following water rights decreed in Case No. 99CW242, District Court, Water Division No. 5 will be used to fill the reservoir: 10.2.1. Schlutter Ditch, Golf Course Enlargement located in the SW ¼ of NW ¼ of Section 36, T. 5 S., R. 84 W. of the 6th P.M. 2100 feet from the North section line, 1050 feet from the West section line. 10.2.2. Upper Frost Ditch, Golf Course Enlargement located in the NW ¼ of the NW ¼ of Section 36, T. 5 S., R. 84 W. of the 6th P.M. 1000 feet from the North section line, 1250 feet from the West section line; 10.2.3. Frost Ditch, Golf Course Enlargement located in the NW ¼ of the SW ¼ of Section 25, T. 5 S., R. 84 W. of the 6th P.M. 3500 feet from the North section line, 1600 feet from the West section line; 10.2.4. Frost Creek Ditch, Golf Course Enlargement located in the NW ¼ of the NE ¼ of Section 35, T. 5 S., R. 84 W. of the 6th P.M., 950 feet from the North section line, 1600 feet from the East section line. 10.3. Source: Brush Creek, tributary to Eagle River, tributary to the Colorado River. 10.4. Date of Appropriation: March 26, 1999. 10.5. Amount Claimed: 53.5 acre feet conditional. 10.6. Use: irrigation, fish and wildlife propagation, recreation, dust suppression, fire protection and augmentation and exchange. Applicant proposes to irrigate up to 540 acres with the water rights decreed herein that are located in the Frost Creek PUD, Eagle County, Colorado as shown on Figure 1 attached hereto. 10.7. Size of the reservoir: The surface area of the high water line is proposed to be 5.17 acres; the maximum height of the dam is proposed to be less than 10 feet; and the length of the dam is proposed to be 580 feet. The total capacity of reservoir is proposed to be 53.5 acre feet, all of which will be active capacity. Tenth Water Right 11. Name of Structure: Golf Course Pond J 11.1. Legal description: The legal description of the location of the dam is the SE ¼ of the NW ¼ of Section 24, T. 5 S., R. 84 W. of the 6th P.M. 2610 feet south of the North section line, 2480 feet east of the West section line. See attached Figure 1. 11.2. Name of ditch or ditches used to fill the reservoir, claimed and legal description of each point of diversion: The following water rights decreed in Case No. 99CW242, District Court, Water Division No. 5 will be used to fill the reservoir: 11.2.1. East Frost Ditch, Golf Course Enlargement with a diversion point that is located on the east bank of Brush Creek at a point near whence AP.1, Tract 80, T. 5 S., R. 84 W. of the 6th P.M. bears S12°49'W 464.99 feet, otherwise described as SW ¼ of the SW ¼ of Section 24, T. 5 S., R. 84 W. of the 6th P.M. 950 feet north of the South section line, 1850 feet east of the West section line. 11.3. Source: Brush Creek, tributary to Eagle River, tributary to the Colorado River. 11.4. Date of Initiation of Appropriation: March 26, 1999. 11.5. Amount Claimed: 1.4 acre feet conditional. 11.6. Use: irrigation, fish and wildlife propagation, recreation, dust suppression, fire protection, and augmentation and exchange. Applicant proposes to irrigate up to 540 acres with the water rights decreed herein that are located in the Frost Creek PUD, Eagle County, Colorado as shown on Figure 1 attached hereto. 11.6.1. Size of the reservoir: The surface area of the high water line is proposed to be 0.32 acres; the maximum height of the dam is proposed to be less than 10 feet; and the length of the dam is proposed to be 200 feet. The total capacity of reservoir is proposed to be 1.4 acre feet, all of which will be active capacity. CLAIMS TO MAKE CONDITIONAL WATER RIGHTS ABSOLUTE, IN PART 12. Water was applied to beneficial use for Golf Course Pond F (as described fully in Paragraph 8 herein) in the manner described below. 12.1. Date water diverted and applied to beneficial use: On or about May 1, 2007. 12.2. Amount: 16.81 acre-feet absolute. Any amount not decreed absolute shall remain conditional. 12.3. Use: as described in Paragraph 8.6 above. 12.4. Surface area: 2.40 acres. 12.5. Place of use: As described in Paragraph 8.6, the Frost Creek PUD, including but not limited to the lower half of the Frost Creek golf course. CONDITIONAL EXCHANGES 13. There are several exchange reaches and amounts, described as follows. 14. Wolford Matheny Tabor Exchange: This exchange is for Wolford Mountain Reservoir water releases pursuant to a water supply contract between the River District and Applicant and the reach is between the confluence of the Eagle River and the Colorado River up the Eagle River and Brush Creek to the Matheny Tabor Ditch. 14.1. Upstream Terminus: Matheny Tabor Ditch. 14.1.1. Original decree entered in Case No. 385, District Court in and for Eagle County, Colorado, in the amount of 2.0 c.f.s. as Priority 186 with an appropriation date of April

26, 1899 and an adjudication date of March 5, 1901. The Court approved a change in diversion point for this structure in Case No. 02CW347 to allow this water right to divert at the Miles Ditch which is located in the SW ¼ of the SW ¼ of Section 36, T.5S., R.84W. of the 6th P.M., 770 feet from the West section line and 550 feet from the South section line. 14.2. Downstream Terminus: Legal description of the confluence of Eagle River and Colorado River located in the SW ¼ of the NE ¼ of Section 5, T. 5 S., R. 86 W. of the 6th P.M., at a point approximately 2400 feet from the north section line and 1900 feet from the east section line. 14.3. Appropriation Date: August 30, 1999. 14.4. Rate of exchange: up to 6.5 cfs, conditional. 15. Ruedi Matheny Tabor Exchange: This exchange is for the Ruedi Reservoir water releases pursuant to a water supply contract between the River District and Applicant and the reach is between the confluence of the Roaring Fork River and the Colorado River, up the Colorado River, Eagle River and Brush Creek, to the Matheny Tabor Ditch. 15.1. Upstream Terminus: Matheny Tabor Ditch, as described in Paragraph 15.1 above. 15.2. Downstream Terminus: Legal description of the confluence of Roaring Fork River and Colorado River located in the SE ¼ of the NW ¼ of Section 9, T. 6 S., R. 89 W. of the 6th P.M., at a point approximately 2200 feet from the north section line and 2350 feet from the west section line. 15.3. Appropriation Date: August 30, 1999. 15.4. Rate of exchange: Up to 6.5 cfs, conditional. 16. Eagle Park Matheny Tabor Exchange: This exchange is for the Eagle Park Reservoir Water releases pursuant to a water supply contract between the River District and Applicant and the reach is between the confluence of Brush Creek and the Eagle River up to the Matheny Tabor Ditch. 16.1. Upstream Terminus: Matheny Tabor Ditch, as described in Paragraph 15.1 above. 16.2. Downstream Terminus: Legal description of the confluence of Brush Creek and the Eagle River located in the SE ¼ of the NE ¼ of Section 6, Township 5 South, Range 84 West of the 6th P.M., at a point 1650 feet from the north section line and 50 feet from the east section line. 16.3. Appropriation Date: August 30, 1999. 16.4. Rate of exchange: Up to 6.5 cfs, conditional. 17. Detailed outline of activity during the diligence period. During the diligence period, Applicant has expended more than \$1 million dollars towards developing the Frost Creek PUD, a residential development that includes lands on which Applicant will use the subject water rights and for which the subject water rights are part of the overall future water system for development. This following summary of Applicant's diligence activities is not exclusive and may be supplemented with additional evidence of these or of other diligence activities. 17.1. Applicant acquired the conditional water rights in 2015. 17.2. The subject water rights are part of the overall future water system for the development of lands within the Frost Creek PUD, in particular for the golf course components of the development. During the diligence period, Applicant engaged consultants, engineers, and lawyers to further develop the property, including by: 17.2.1. Pursuing and obtaining an amendment to the Frost Creek and Salt Creek PUD a residential development that includes lands on which Applicant will use the subject water right; 17.2.2. Amending the water service agreements through which the Town of Eagle provides extraterritorial water service to the amended Frost Creek and Salt Creek PUD; 17.2.3. Constructing, improving, repairing, or maintaining new residences, improved and new golf course and other recreational amenities, and water infrastructure associated with the property. 17.2.4. Participating as an Opposer in Water Court cases in order to protect its water rights in the Brush Creek drainage, which are used on the PUD, from injury. 18. The land on which the subject structures are located, on which the water will be stored, or on which water will be placed to beneficial use is owned by: Applicant, Eagle County, Colorado, P.O. Box 850, Eagle, CO 81631, and the U.S. Bureau of Land Management, Northwest District Office, 2300 River Frontage Road, Silt, CO, 81652.

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

19. PURSUANT TO C.R.S., §37-92-302, AS AMENDED, YOU ARE NOTIFIED THAT THE FOLLOWING PAGES COMPRISE A RESUME OF THE APPLICATIONS AND AMENDED APPLICATIONS FILED WITH THE WATER CLERK FOR WATER DIVISION 5 DURING THE MONTH OF JULY 2019. *The water right claimed by this application may affect in priority any water right claimed or heretofore adjudicated within this division and owners of affected rights must appear to object and protest within the time provided by statute or be forever barred.*

19CW3090 GRAND COUNTY. DEBERARD DRAW; THE FRASER RIVER; THE COLORADO RIVER. Application for Finding of Reasonable Diligence and to Make Absolute, in Part. Applicant: Granby Realty Holdings, LLC (hereinafter GRH or Applicant), c/o Christopher L. Geiger, Balcomb & Green, P.C., P.O. Drawer 790, Glenwood Springs, CO 81602; 970-945-6546. Storage Rights: Lake Val Moritz Alt. No. 1. Legal Desc.: located in the E1/2 SW1/4 of Sec. 9, T. 1 N., R. 76 W., 6th P.M. The right (E.) abutment of the dam at its centerline is located at a pt. 1,310 ft. from the S. line and 2,380 ft. from the W. line of said Sec. 9. Sources: DeBerard Draw; the Fraser River via the SilverCreek Pump and Pipeline No. 1; and groundwater trib. to the Fraser River diverted via the SilverCreek Mun. Well Nos. 5 through 10, all trib. to the Colorado River. Date of approp.: 12/22/1997. Amt.: 74 AF, cond. Rates of diversion for filling the reservoir: 10 c.f.s. from the Fraser River. 5 c.f.s. from the SilverCreek Mun. Well Nos. 5 through 10. Uses: Use of this 1997 priority for Lake Val Moritz Alt. No. 1 will be limited to provide one refill of the structure for rec. (including without limitation use as a golf course water hazard) and pisc. purposes after the structure is first filled under the Lake Val Moritz priority changed for storage at this location in Case No. 97CW290. Water remaining in storage under this 1997 priority after Oct. 31 of any year will be booked over for the next year as storage under the orig. Lake Val Moritz priority decreed in Case W-2119 as changed in Case No. 97CW290. Surface area of high water line (8,150 ft. elevation): 246,000 sq. ft. (5.65 acres). Max. height of dam: 29 ft.; Length of dam: 490 ft.; Total capacity of reservoir: 74 AF; Active capacity: 74 AF; Dead storage: 0 AF. The reservoir and dam are located entirely on land owned by GRH. Lake Val Moritz Alt. No. 9 (a/k/a "Reservoir B"). Legal Desc.: located in the SW1/4 of Sec. 9, T. 1 N., R. 76 W., 6th P.M. The right (E.) abutment of the dam at its centerline is located at a pt. approx. 980 ft. from the S. line and 1,540 ft.

from the W. line of said Sec. 9. Sources: Local runoff; DeBerard Draw via the SilverCreek Gravity Pipeline Diversion; the Fraser River via the SilverCreek Pump and Pipeline No. 1; and groundwater trib. to the Fraser River diverted the SilverCreek Mun. Well Nos. 5 through 10, all trib. to the Colorado River. Date of approp.: 12/22/1997. Amt.: 320 AF, cond. Rates of diversion for filling the reservoir: 10 c.f.s. from DeBerard Draw. 10 c.f.s. from the Fraser River. 5 c.f.s. from the SilverCreek Mun. Well Nos. 5 through 10. Uses: Use of this 1997 priority for Lake Val Moritz Alt. No. 9 will be limited to provide one refill of the structure for rec. (including without limitation use as a golf course water hazard) and pisc. purposes after the structure is first filled under the Lake Val Moritz priority changed for storage at this location in in Case No. 97CW290. Water remaining in storage under this 1997 priority after Oct. 31 of any year will be booked over for the next year as storage under the orig. Lake Val Moritz priority decreed in Case W-2119 as changed in Case No. 97CW290. Surface area of high water line (8,141 ft. elevation): 13.7 acres. Max. height of dam: 40 ft. Length of dam: 1,155 ft. Total capacity of reservoir: 320 AF. Active capacity: 320 AF. Dead storage: 0 AF. The reservoir and dam are located on land owned by GRH. The reservoir may be constructed in stages, up to the total capacity of 320 AF. Lake Val Moritz Alt. No. 11. Legal Desc.: located in the NE1/4 NW1/4 of Sec. 21, T. 1 N., R. 76 W., 6th P.M. The right (E.) abutment of the dam at its centerline is located at a pt. 540 ft. from the N. line and 1880 ft. from the W. line of said Sec. 21. Sources: DeBerard Draw, both direct and via the SilverCreek Pump and Pipeline No. 3; the Fraser River via the SilverCreek Pump and Pipeline No. 1; and groundwater trib. to the Fraser River diverted via the SilverCreek Mun. Well Nos. 5 through 10, all trib. to the Colorado River. Date of approp.: 12/22/1997. Amt.: 93.5 AF, cond. Rates of diversion for filling the reservoir: 10 c.f.s. from the Fraser River. 5 c.f.s. from the SilverCreek Mun. Well Nos. 5 through 10. 10 c.f.s. from DeBerard Draw. Uses: Use of this 1997 priority for Lake Val Moritz Alt. No. 11 will be limited to provide one refill of the structure for rec. (including without limitation use as a golf course water hazard) and pisc. purposes after the structure is first filled under the Lake Val Moritz priority changed for storage at this location in in Case No. 97CW290. Water remaining in storage under this 1997 priority after Oct. 31 of any year will be booked over for the next year as storage under the orig. Lake Val Moritz priority decreed in Case W-2119 as changed in Case No. 97CW290. Surface area of high water line (8513 ft. Elev.): 208,000 sq. ft. (4.78 acres). Max. height of dam: 48 ft. Length of dam: 400 ft. Total capacity of reservoir: 93.5 AF. Active capacity: 93.5 AF. Dead storage: 0 AF. The reservoir and dam are located entirely on land owned by GRH. Lake Val Moritz Alt. No. 12. Legal Desc.: located in the SW1/4 NE1/4 of Sec. 16, T. 1 N., R. 76 W., 6th P.M. The right (E.) abutment of the dam at its centerline is located at a pt. 2,590 ft. from the N. line and 2,190 ft. from the E. line of said Sec. 16. Sources: DeBerard Draw, trib. of the Fraser River via the SilverCreek Pump and Pipeline No. 3; the Fraser River via the SilverCreek Pump and Pipeline No. 1; and groundwater trib. to the Fraser River diverted via the SilverCreek Mun. Well Nos. 5 through 10, all trib. to the Colorado River. Date of approp.: 12/22/1997. Amt.: 30 AF, cond. Rates of diversion for filling the reservoir: 10 c.f.s. from the Fraser River. 10 c.f.s. from DeBerard Draw. 5 c.f.s. from the SilverCreek Mun. Well Nos. 5 through 10. Uses: Use of this 1997 priority for Lake Val Moritz Alt. No. 12 will be limited to provide one refill of the structure for rec. (including without limitation use as a golf course water hazard) and pisc. purposes after the structure is first filled under the Lake Val Moritz priority changed for storage at this location in in Case No. 97CW290. Water remaining in storage under this 1997 priority after Oct. 31 of any year will be booked over for the next year as storage under the orig. Lake Val Moritz priority decreed in Case W-2119 as changed in Case No. 97CW290. Surface area of high water line (8382 ft. elevation): 77,100 sq. ft. (1.77 acres). Max. height of dam: 35 ft. Length of dam: 390 ft. Total capacity of reservoir: 30 AF. Active Capacity: 30 AF. Dead storage: 0 AF. The reservoir and dam are located entirely on land owned by GRH. Lake Val Moritz – Wetlands. GRH may construct mitigation wetlands in the area of the channel of DeBerard Draw in the SW1/4 of Sec. 4, T. 1 N., R. 76 W., 6th P.M. GRH will provide a more specific legal Desc. when the construction has been completed. Sources: DeBerard Draw, trib. of the Fraser River; the Fraser River via the DeBerard Ditch and SilverCreek Pump and Pipeline No. 1; and groundwater trib. to the Fraser River diverted via the SilverCreek Mun. Well Nos. 5 through 10, all trib. to the Colorado River. Date of approp.: 12/22/1997. Amt.: 10 AF, cond. Rate of diversion for filling the reservoir: 0.5 cfs. Use: Wetlands creation and maintenance. The wetlands will be filled and maintained under the orig. Lake Val Moritz priority (see ¶ I.19.B of the decree entered in Case No. 97CW290) or the 1997 priority described here. The wetlands are located entirely on lands owned by GRH. The structure shall not be constructed to expose groundwater. Prior to the initial fill of this structure, GRH shall provide the Division Engineer with reasonable opportunity to inspect the structure on a day within the months of May through Sept. so that the Division Engineer may confirm that the structure does not expose groundwater. If the structure is found to expose groundwater, GRH will either be required to obtain a well permit, or to line or fill the structure to prevent interception of groundwater. The Lake Val Moritz Wetlands will have both open water surface and evapotranspirative vegetation. Any out-of-priority evaporative depletions from the Lake Val Moritz Alt. Nos. 1, 9, 10, 11, 12, and the Lake Val Moritz - Wetlands shall be augmented directly or by exchange pursuant to the terms and conditions of the plans for aug. decreed in Case Nos. W-1881 and 82CW43 and the approp. rights of exchange decreed in 90CW236. See decree in Case No. W-1881, ¶ 6 at page 6, ¶1.b at page 11; and the decree entered in Case No. 97CW290. Diversions made under the 1997 priorities described herein (and not under the orig. priority decreed to Lake Val Moritz in Case No. W-2119 as changed in Case No. 97CW290) to fill the Lak Val Moritz Alt. Nos. 1, 9, 11 and 12 and to maintain the Lake Val Moritz – Wetlands, whether made through the wells or the surface water rights designated in para. 2 – 6 above, will be administered under a 12/22/1997 approp. date, and 12/31/1997 adjud. date. The 1997 adjud. date for the said priorities makes them junior to the Fraser River minimum stream flow approp. claimed by the CWCB in Case No. 90CW308. This paragraph is not a subordination of the Lake Val Moritz priority decreed in Case No. W-2119 to the instream flow; the said alt. reservoirs may also be filled senior to the said min. stream flow under the Lake Val Moritz W-2119 priority and/or the Case No. 90CW236 exchange, subject to the terms and conditions of the decree entered in Case No. 97CW290. *See also* decree, Case No. 90CW308, paragraph 4.1.a. GROUNDWATER RIGHTS (WELLS), Names of Wells: SilverCreek Mun. Well No. 5; SilverCreek Mun. Well No. 6; SilverCreek Mun. Well No. 7; SilverCreek Mun. Well No. 8; SilverCreek Mun. Well No. 9; SilverCreek Mun. Well No. 10. Legal Desc.s: SilverCreek Mun. Well No. 5: located in the NW1/4 SW1/4 of Sec. 4, T. 1 N., R. 76 W., 6th P.M. at a pt. 2,590 ft. from the S. line and 300 ft. from the W. line of said Sec. 4. SilverCreek Mun. Well No.

6: located in the NW1/4 SW1/4 of Sec. 4, T. 1 N., R. 76 W., 6th P.M. at a pt. 2,260 ft. from the S. line and 890 ft. from the W. line of said Sec. 4. SilverCreek Mun. Well No. 7: located in the NE1/4 SW1/4 of Sec. 4, T. 1 N., R. 76 W., 6th P.M. at a pt. 1,780 ft. from the S. line and 1,760 ft. from the W. line of said Sec. 4. SilverCreek Mun. Well No. 8: located in the SW1/4 SE1/4 of Sec. 4, T. 1 N., R. 76 W., 6th P.M. at a pt. 1,260 ft. from the S. line and 2,290 ft. from the E. line of said Sec. 4. SilverCreek Mun. Well No. 9: located in the SW1/4 SE1/4 of Sec. 4, T. 1 N., R. 76 W., 6th P.M. at a pt. 870 ft. from the S. line and 1,440 ft. from the E. line of said Sec. 4. SilverCreek Mun. Well No. 10: located in the SE1/4 SE1/4 of Sec. 4, T. 1 N., R. 76 W., 6th P.M. at a pt. 340 ft. from the S. line and 700 ft. from the E. line of said Sec. 4. The SilverCreek Mun. Well Nos. 5 through 10 are located upon GRH's property. GRH may locate the wells to a pt. more than 200 ft. from the locations described above, provided that: The well(s) will be located on lands owned by GRH or its successors, or, subject to future agreement, may be located on lands owned by Silver Creek or its successors; The well(s) will be located in the same quarter-quarter secs. described above, and will be located more than 600 ft. from any wells owned by third parties absent the consent of any such third parties or the approval of the Division Engineer after notice and hearing pursuant § 37-90-137(2)(b); The well(s) will be located in the Fraser River alluvium downstream of the DeBerard Ditch headgate; In Case No. 97CW290, GRH submitted evidence that diversions from the wells at their decreed locations in the Fraser River alluvium will have an instantaneous effect on the Fraser River; there will be no delayed impact. Should one or more of the wells be constructed at a location more than 100 ft. from the stream or outside of the alluvium, GRH will provide the Division Engineer with a revised analysis of the operation for each such well at its new location in order to determine if the change in location results in delayed impacts to the Fraser River. GRH will be required to identify and implement measures adequate to prevent injury to other water rights from any such delayed impacts. Any such measures shall be reviewed and approved by the Division Engineer, subject to water court review, before operation of the subject well or wells associated with such delayed impacts. Within 60 days of completion of construction of each well pursuant to a well permit, GRH must notify both the Water Court and the Division of Water Resources of the precise location of the well; For any well drilled at a location more than 200 ft. from the location described above in paragraph 9.a, GRH shall, no later than the application to make the cond. water right(s) absolute, identify the specific pt. of diversion and any terms and conditions, including as provided in paragraph I.14.B.3(b) of the decree entered in Case No. 97CW290, necessary to avoid injury to other water rights from well pumping at that location. Source: Groundwater that is trib. to the Fraser River, trib. to the Colorado River. Depths of Wells: 70 ft. (approx.). Date of approp.: 12/22/1997. Amt.: 500 gpm from each of the six wells, 3,000 gpm in total, cond. Uses: Mun., dom., comm., rec., snowmaking, and irr. uses, which may be made either by diversion into storage for subsequent use or by direct diversion to use; and, pisc., mitigation wetlands maintenance for Lake Val Moritz - Wetlands, and aug. uses, which will be made only through diversion into storage for subsequent use. SURFACE WATER RIGHTS. SilverCreek Pump and Pipeline No. 1. Legal Desc.: At the existing headgate of the DeBerard Ditch, located on the left (W.) bank of the Fraser River in the SE1/4 NW1/4 of Sec. 10, T. 1 N., R. 76 W., 6th P.M., at a pt. whence the N.W. corner of said Sec. 10 bears N 38° 00' W a distance of 3,100 ft. Alt. Pts.: This water right may also divert at one or both of the following Alt. pts.: Alt. Pt. A: A pt. of diversion located on the left (W.) bank of the Fraser River in the NE1/4 NE1/4 of Sec. 9, T. 1 N., R. 76 W., 6th P.M. at a pt. 300 ft. from the N. line and 20 ft. from the E. line of said Sec. 9. Alt. Pt. B: A pt. of diversion located on the left (S.) bank of the Fraser River in the SE1/4 NE1/4 of Sec. 5, T. 1 N., R. 76 W., 6th P.M. at a pt. 1,900 ft. from the N. line and 340 ft. from the E. line of said Sec. 5. Source: Fraser River, trib. to the Colorado River. Date of approp.: 12/22/1997. Amt.: 10 c.f.s., cond. Uses: Mun., dom., comm., rec., snowmaking, and irr. uses through diversion into storage for subsequent use or by direct diversion to use; and, pisc., mitigation wetlands maintenance for Lake Val Moritz - Wetlands, and aug. uses only through diversion into storage for subsequent use. Use of water diverted by the SilverCreek Pump and Pipeline No. 1 into storage will be made from Lake Val Moritz at the orig. and/or alt. locations, described in para. 2 - 5 above, and the Lake Val Moritz - Wetlands described in paragraph 6 above. This right may divert at up to 10 c.f.s. for delivery into Lake Val Moritz at its orig. or alt. locations for uses made through storage. The cumulative diversion rate for all uses made by direct diversion, except for irr., through this SilverCreek Pipeline No. 1 and the Silver Creek Pipeline No. 3 described below is limited to 10 c.f.s. The cumulative diversion rate for irr. uses made by direct diversion through this SilverCreek Pipeline No. 1, the SilverCreek Pipeline No. 3 described below, and the SilverCreek Gravity Pipeline Diversion described below is limited to 6.0 c.f.s for irr. of up to 240 acres, at a rate of 1.0 c.f.s. for each 40 acres. The majority of this irr. use is anticipated to occur within those two golf course areas shown on the map attached as Exhibit 1. Use of this water right for snowmaking purposes, directly or through storage, will be made within the location of the Ski Granby Ranch ski area shown on Exhibit 1. This structure may include both open-ditch secs. or piped-ditch secs. or both in its final construction. If the final construction includes open-ditch secs., GRH shall advise the Division Engineer of the surface area of such open secs. before diverting this right out-of-priority, and may be required to augment out-of-priority evaporative depletions associated with that surface area. The pts. of diversion are located on Applicant's property. A portion of the hist. DeBerard Ditch crosses federal lands managed by the BLM, over which Applicant has a hist. easement for the ditch. See decree in Case No. 97CW290, paragraph I.15.H.(2). SilverCreek Pump and Pipeline No. 3. Legal Desc.: The pt. of diversion is located on the right (E.) bank of DeBerard Draw in the NW1/4 SW1/4 of Sec. 16, T. 1 N., R. 76 W., 6th P.M. at a pt. 2,200 ft. from the S. line and 1,250 ft. from the W. line of said Sec. 16. Source: DeBerard Draw, including intercepted return flow from waters used for snowmaking, trib. to the Fraser River, trib. to the Colorado River. Date of approp.: 12/22/1997. Amt.: 10 c.f.s., cond. Uses: Mun., dom., comm., rec., snowmaking, and irr. uses, through diversion into storage for subsequent use or by direct diversion to use; and, pisc. and aug. uses, which will be made only through diversion into storage for subsequent use. Use of water diverted by the SilverCreek Pipeline No. 3 into storage will be made from Lake Val Moritz Alt. Nos. 11 and 12, see para. 4, 5, 7 and 8 above. This right may divert at up to 10 c.f.s. for delivery into Lake Val Moritz at its orig. or alt. locations for uses made through storage. The cumulative diversion rate for all uses made by direct diversion, except for irr., through this SilverCreek Pipeline No. 3 and the Silver Creek Pipeline No. 1 described above is limited to 10 c.f.s. The cumulative diversion rate for irr. uses made by direct diversion through this SilverCreek Pipeline No. 3, the SilverCreek Pipeline No. 1 described above, and the Silver Creek Gravity Pipeline Diversion

described below is limited to 6.0 c.f.s for irr. of up to 240 acres, at a rate of 1.0 c.f.s. for each 40 acres. The majority of this irr. use is anticipated to occur within those two golf course areas shown on the map attached as Exhibit 1. Use of this water right for snowmaking purposes, directly or through storage, will be made within the location of the Ski Granby Ranch ski area shown on Exhibit 1. This structure may include both open ditch secs. or piped ditch secs. or both in its final construction. If the final construction includes open-ditch Secs., GRH shall advise the Division Engineer of the surface area of such open Secs. before diverting this right out-of-priority, and may be required to augment out-of-priority evaporative depletions associated with that surface area. The pt. of diversion, pump station and pipeline will be located entirely on lands owned by GRH. SilverCreek Gravity Pipeline Diversion. Legal Desc.: The pt. of diversion is located on the left (W.) bank of DeBerard Draw in the NW1/4 SW1/4 of Sec. 16, T. 1 N., R. 76 W., 6th P.M. at a pt. 2,400 ft. from the S. line and 1,330 ft. from the W. line of said Sec. 16. Source: DeBerard Draw, including intercepted return flow from waters used for snowmaking, trib. to the Fraser River, trib. to the Colorado River. Date of approp.: 12/22/1997. Amt.: 10 cfs, cond. Uses: Mun., dom., comm., rec., snowmaking, and irr. uses, through diversion into storage for subsequent use or by direct diversion to use; and, pisc. and aug. uses, which will be made only through diversion into storage for subsequent use. Use of water diverted by the SilverCreek Gravity Pipeline into storage will be made from Lake Val Moritz Alt. No. 9 (a/k/a Reservoir B). See also para. 2, 7 and 8 above. This right may divert at up to 10 c.f.s. for delivery into Lake Val Moritz at its orig. or alt. locations for uses made through storage. The cumulative diversion rate for all uses made by direct diversion, except for irr., through this SilverCreek Gravity Pipeline, the SilverCreek Pipeline No. 1 above, and the SilverCreek Pipeline No. 3 described above, is limited to 6.0 c.f.s. for irr. of up to 240 acres, at a rate of 1.0 c.f.s. for each 40 acres, the majority of which is anticipated to occur within those two golf course areas shown on the map attached as hereto. Use of this water right for snowmaking purposes, directly or through storage, will be made within the location of the Sol Vista Basin ski area shown on Exhibit 1 hereto. This structure may include both open ditch secs. or piped ditch secs. or both in its final construction. If the final construction includes open-ditch secs., GRH shall advise the Division Engineer of the surface area of such open secs. before diverting this right out-of-priority under this plan for aug., and may be required to augment out-of-priority evaporative depletions associated with that surface area. The pt. of diversion and pipeline will be located entirely on lands owned by GRH. Integrated System: The Subject Water Rights are each a component of the integrated water supply system for Applicant described in the decree entered in Case No. 97CW290 and intended to serve Granby Realty Holdings, LLC's residential and comm. Granby Ranch development (which includes a ski area and golf course), and also an adjacent metropolitan service area in and near the Town of Granby that was orig.ly part of the overall project contemplated at the entry of the decrees in Case Nos. W-1881, W-2119 and 90CW236. The Subject Water Rights are used in conjunction with the plan for aug. decreed in Case No. W-1881 (as confirmed final in Case No. 97CW290) and associated appropriative rights of exchange confirmed in Case No. 90CW236, the storage rights decreed in Case W-2119, and each other. "When a project or integrated system is comprised of several features, work on one feature of the project or system shall be considered in finding that reasonable diligence has been shown in the development of water rights for all features of the entire project or system." C.R.S. § 37-92-301(4)(b). A complete list of diligence activities and expenditures are summarized in the application and on file with this court. Name and address of owners of land on which structures are or will be located, upon which water is or will be stored, or upon which water is or will be placed to beneficial use: Applicant. Applicant has no intention of abandoning any portion of the subject water right. Maps showing the location of the cond. water right are attached as Exhibit 2 and Exhibit 3. Claim to make Absolute, in Part: During the diligence period, Applicant has placed the following water right to beneficial use as described below. The SilverCreek Pump and Pipeline No. 1 water right was put to beneficial use, in part, in the amts. and for the uses described below. Point of Diversion: SilverCreek Pump and Pipeline No. 1, at the location described in paragraph 10.a above. Date of beneficial use: 6/25/2018. Applicant reserves the right to submit evidence establishing diversion and beneficial use on other dates as well. Admin. Conditions: Hist. call record data maintained by the Colorado Division of Water Resources indicates that no admin. calls were in effect on the Fraser River or Colorado River between 6/1 and 6/28/2018. Applicant diverted and used all of its portion, which is less than 51 percent or 28.56 AF, of the 112 AF of consumptive use credits confirmed in Case W-1881 and allowed for diversion at this same structure on or before 6/21/2018. The subject cond. right, therefore, was the senior right available to Applicant for diversion at this structure. Amt: 3.44 c.f.s., measured through a 24-inch flume maintained by Applicant on its property. Uses: Comm., rec., snowmaking, and irr. uses through diversion into storage at Lake Val Moritz at its decreed alternate places of storage for subsequent use or by direct diversion to use; and, pisc., mitigation wetlands maintenance for Lake Val Moritz - Wetlands. Wherefore, Applicant requests: 1) a finding of reasonable diligence in the development of all the cond. water rights decreed in Case No. 97CW290; and, 2) that the Silver Creek Pump and Pipeline No. 1 water rights has been made absolute in part as described in the Application; and, 3) that any portion of the cond. water rights first decreed in Case No. 97CW290 and not confirmed as absolute in this matter be continued as cond. water rights for an additional six years after entry of any decree issued in this case.

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

20. PURSUANT TO C.R.S., §37-92-302, AS AMENDED, YOU ARE NOTIFIED THAT THE FOLLOWING PAGES COMPRISE A RESUME OF THE APPLICATIONS AND AMENDED APPLICATIONS FILED WITH THE WATER CLERK FOR WATER DIVISION 5 DURING THE MONTH OF JULY 2019. The water right claimed by this application may affect in priority any water right claimed or heretofore adjudicated within this division and owners of affected rights must appear to object and protest within the time provided by statute or be forever barred.

18CW3212 ROUTT COUNTY, COLORADO RIVER. Amended Application for Findings of Reasonable Diligence and to Make Absolute. Betsy Hatt, c/o Jeff Hought & Ryan Jarvis of Beattie, Hought & Jarvis, 932 Cooper Ave, Glenwood Springs, 970-945-8659. All structures: Original decree entered 05/16/06 in 04CW247; subsequent decree entered 12/16/12 in 12CW75. Appropriation date: 08/01/98. Irrigated area: Up to 560 acres within the Hatt Ranch comprised of the S $\frac{1}{2}$ S $\frac{1}{2}$ of Sec 15, S $\frac{1}{2}$ S $\frac{1}{2}$ of Sec 16, N $\frac{1}{2}$ N $\frac{1}{2}$ of Sec 22, and N $\frac{1}{2}$ NE $\frac{1}{4}$ of Sec 21, all in T 1 N, R 84 W of the 6th P.M. Place of use where water is applied to beneficial use: Applicant's property as described below. Lana Reservoir (aka Hatt Reservoir No. 2): Location: In the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Sec 22, T 1 N, R 84 W of the 6th P.M. at a point 2,233 ft E of W Sec Line and 578 ft S of N Sec Line. Structures used to fill reservoir: Filled with water diverted from King Creek via the Quaker Ditch, and from Egeria Creek via the Royal Flush Ditch. Source: King & Egeria Creeks, trib to Colo River. Amount: 200 af, conditional, with the right to fill and refill in priority. Uses: Irrigation, stockwatering, recreation, piscatorial, wildlife habitat and watering. Surface area of high water line: 15 acres. Maximum height of dam: Less than 10 ft. Length of dam: 1,980 ft. Total capacity of reservoir: 200 af. Active storage: 200 af. Dead storage: 0 af. Date water applied to beneficial use: 05/08/19. Amount of water applied to beneficial use: 34.92 af. Uses: Pursuant to CRS §37-92-301(4)(e), Applicant claims that the subject water right has been made absolute for all purposes set forth above. Remarks: The first phase of Lana Reservoir, having a capacity of approx 35 af, was completed in 2018. The reservoir was filled, in priority, with water diverted from King Creek via the Quaker Ditch in May, 2019. This structure may also be used to store water imported from Yamcolo Reservoir, in which Applicant owns shares representing 300 af. The water is delivered from Yamcolo Reservoir via the Royal Flush Ditch. Royal Flush Ditch, First Enlargement: Location: In the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Sec 17, T 1 N, R 84 W of the 6th P.M. at a point on the right bank of Egeria Creek whence the SE Corner of said Sec 17 bears S 40°30' E a distance of 1,510 ft. Source: Egeria Creek, trib to the Colo River. Amount: 6.0 cfs, conditional. Uses: Irrigation, stockwatering, and to fill Lana Reservoir and Vicki Reservoir. Stockwatering occurs in-place along the ditch and at the reservoir. Date water diverted and applied to beneficial use: 05/11/19. Amount of water applied to beneficial use: 6.0 cfs. Uses applied to beneficial use: Irrigation and stockwatering. Remarks: The original water right for the Royal Flush Ditch was decreed by the District Court in and for Eagle County on June 29, 1921 in C.A. 738 for the diversion of 2.0 cfs from Egeria Creek for irrigation. The Application on file with the court includes a list of activities demonstrating diligence. Owner of land: Applicant (7 pages)

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