

DIVISION 5 WATER COURT- JANUARY 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 JANUARY 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.*

19CW1 (08CW91) GARFIELD COUNTY- TRIBUTARY TO EAST DIVIDE CREEK TRIBUTARY TO DIVIDE CREEK TRIBUTARY TO THE COLORADO RIVER. Chris Leverich; Suite 5A, 555 E. Durant; Aspen, CO 81611. (970)925-5400. Leverich Pond #1, Leverich Pond # 2, Leverich Pond #3, Leverich Pond #4, Leverich Pond #5, Leverich Pond #6, Leverich Pond #7 and Leverich #8-Application for Finding of Reasonable Diligence. Locations: Leverich Pond #1 - NW¼SE¼ of Sec. 25, T.7S, R.91W. of the 6th P.M. 1,950 ft. from the east sec. line and 1,850 ft. from the south sec. line; Leverich Pond #2- NE¼SW¼ of Sec. 25, T.7S, R.91W. of the 6th P.M. 3,650 ft. from the east sec. line and 1,750 ft. from the south sec. line. Leverich Pond #3- SE¼NE¼ of Sec. 35, T.7S, R.91W. of the 6th P.M. 725 ft. from the east sec. line and 2,750 ft. from the south sec. line. Leverich Pond #4- NE¼SE¼ of Sec. 35, T.7S, R.91W. of the 6th P.M. 600 ft. from the east sec. line and 3,000 ft. from the south sec. line. Leverich Pond #5- SE¼NE¼ of Sec. 35, T.7S, R.91W. of the 6th P.M. 500 ft. from the east sec. line and 3,300 ft. from the south sec. line. Leverich Pond #6- SW¼SE¼ of Sec. 36, T.7S, R.91W. of the 6th P.M. 2,100 ft. from the east sec. line and 400 ft. from the south sec. line. Leverich Pond #7- SW¼SE¼ of Sec. 36, T.7S, R.91W. of the 6th P.M. 2,100 ft. from the east sec. line and 600 ft. from the south sec. line. Leverich Pond #8- SW¼SE¼ of Sec. 36, T.7S, R.91W. of the 6th P.M. 2,100 ft. from the east sec. line and 850 ft. from the south sec. line. Appropriation date and Amount claimed for each structure: April 16, 1994 – 10.0 a.f., conditional. An outline of activities completed during the diligence period is included in the application.

YOU ARE HEREBY NOTIFIED THAT YOU HAVE until the last day of MARCH 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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19CW3 (12CW117) GARFIELD COUNTY-BASALT FORMATION TRIBUTARY TO CATTLE CREEK, TRIBUTARY TO THE ROARING FORK RIVER TRIBUTARY TO THE COLORADO RIVER. Anthony M. Baran; 750 C.R. 170; Carbondale, CO 81623 (970)963-8030. Baran Well-Application for Finding of Reasonable Diligence and To Make Absolute in Whole or in Part. Location: NW¼NW¼ of Sec. 17, T.7S, R.87W. of the 6th P.M. 770 ft. from the north sec. line and 1,070 ft. from the west sec. line. Appropriation: Nov.15, 1989. Amount & Uses: 0.0196 c.f.s., absolute, for in-house domestic purposes and for outside irrigation of lawn, gardens, landscaping on 600 square feet of land.

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19CW3000 (12CW85, 05CW133). 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 CRYSTAL RIVER RANCH CO., LLP, IN GARFIELD COUNTY, COLORADO. APPLICATION FOR FINDING OF REASONABLE DILIGENCE AND TO MAKE WATER RIGHTS ABSOLUTE. 1. Name and Address of Applicant: Crystal River Ranch Co., LLP, c/o Sue Anschutz Rodgers, 555 17th Street, Suite 2400, Denver, CO 80202. Direct all pleadings to: Glenn E. Porzak, Cassidy L. Woodard, Porzak Browning & Bushong LLP, 2120 13th Street, Boulder, CO 80302. 2. Name of Structures. (a) Hunter Spring (b) Little Buck Spring (c) Indian Spring (d) Red Gate Spring (collectively, the "Springs") Remark: The locations of the Springs listed above and described below in Paragraph 3 can be seen on the map attached herein as Exhibit A. 3. Description of the Conditional Water Rights. The following water rights were decreed by the District Court in and for Water Division No. 5, State of Colorado (the "Water Court") on April 20, 1999, in Case No. 98CW043. Diligence was subsequently found in Case Nos. 05CW133 and 12CW85. (a) HUNTER SPRING (i) Decreed Location: Section 17, Township 6 South, Range 87 West of the 6th P.M., at a point 4600 feet from the East Section Line

and 1975 feet from the South Section Line of said Section 17. (ii) Source: Tributary to West Coulter Creek, tributary to Coulter Creek, tributary to Cattle Creek, tributary to the Roaring Fork River, tributary to the Colorado River. (iii) Appropriation Date: 1992. (iv) Amount: 1.0 c.f.s., conditional. (v) Uses: Domestic, livestock watering and irrigation. Hunter Spring will irrigate approximately 100 acres in the SW $\frac{1}{4}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 17, Township 6 South, Range 87 West of the 6th P.M. (b) LITTLE BUCK SPRING (i) Decreed Location: Section 20, Township 6 South, Range 87 West of the 6th P.M. at a point 1650 feet from the East Section Line and 1650 feet from the South Section Line of said Section 20. (ii) Source: Tributary to West Coulter Creek, tributary to Coulter Creek, tributary to Cattle Creek, tributary to the Roaring Fork River, tributary to the Colorado River. (iii) Appropriation Date: 1992. (iv) Amount: 15 g.p.m. (0.033 c.f.s.), conditional for domestic and irrigation uses, absolute for livestock watering. (v) Uses: Domestic, livestock watering and irrigation. Little Buck Spring will irrigate one acre immediately downstream of its point of diversion. (c) INDIAN SPRING (i) Decreed Location: Section 20, Township 6 South, Range 87 West of the 6th P.M. at a point 2575 feet from the East Section Line and 475 feet from the South Section Line of said Section 20. (ii) Source: Tributary to West Coulter Creek, tributary to Coulter Creek, tributary to Cattle Creek, tributary to the Roaring Fork River, tributary to the Colorado River. (iii) Appropriation Date: 1992. (iv) Amount: 15 g.p.m. (0.033 c.f.s.), conditional for domestic and irrigation uses, absolute for livestock watering. (v) Uses: Domestic, livestock watering and irrigation. Indian Spring will irrigate one acre immediately downstream of its point of diversion. (d) RED GATE SPRING (i) Decreed Location: Section 29, Township 6 South, Range 87 West of the 6th P.M., at a point 1700 feet from the East Section Line and 1175 feet from the North Section Line of said Section 29. (ii) Source: Tributary to West Coulter Creek, tributary to Coulter Creek, tributary to Cattle Creek, tributary to the Roaring Fork River, tributary to the Colorado River. (iii) Appropriation Date: 1992. (iv) Amount: 15 g.p.m. (0.033 c.f.s.), conditional for domestic and irrigation uses, absolute for livestock watering. (v) Uses: Domestic, livestock watering and irrigation. Red Gate Spring will irrigate one acre immediately downstream of its point of diversion. 4. Detailed outline of work done to complete project and apply water to beneficial use. (a) During the subject diligence period, water has been diverted from the Little Buck Spring into a natural collection tank such that excess livestock water flows down gradient and irrigates the surrounding cattle grazing lands. (b) The collection tanks and frost-free hydrants were replaced on the Indian Spring and Red Gate Spring. (c) Applicant has spent in excess of \$62,000 on improvements to the stock ponds associated with the Little Buck, Indian and Red Gate Springs, and on systemwide improvements to the Cottonwood Ranch on which the Springs are located. 5. Claim to Make Water Rights Absolute. As detailed in Paragraph 4, the Applicant has placed Little Buck Spring to beneficial use for irrigation by diverting and applying water from that spring to the surrounding grazing land. Consequently, the Applicant is entitled to a decree finding that Little Buck Spring has been made absolute for irrigation use. 6. Name and address of the owner of the land on which the subject conditional water rights are located. Applicant. WHEREFORE Applicant requests that the Water Court issue a final decree that (1) finds that the Little Buck Spring has been made absolute for irrigation, (2) finds reasonable diligence in applying the remaining conditional portions of the Springs to beneficial use, (3) continues the conditional portions of the Springs that are not made absolute herein; and (4) grants such other and further relief as may be appropriate. (6 pages total)

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19CW3001 PITKIN COUNTY – EAST SOPRIS CREEK, TRIBUTARY TO SOPRIS CREEK, TRIBUTARY TO THE ROARING FORK RIVER, TRIBUTARY TO THE COLORADO RIVER. APPLICATION FOR FINDING OF REASONABLE DILIGENCE. Applicant: Andlinger Properties Capital Corp., c/o Sara Dunn and Eric Theile, Balcomb & Green, P.C., P.O. Drawer 790, Glenwood Springs, CO 81602, 970-945-6546. Claim for Finding of Reasonable Diligence. Prior Decrees: Case Nos. 86CW314, 93CW055, 99CW121, 05CW230 and 12CW105, Water Div. 5. Structure: Finley No. 1 – Johnson Power Plant Enlargement, a surface water right structure. Legal: Pt. of Div. is located in SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Sec. 22, T. 9 S., R. 87 W. of the 6th P.M., at a pt. 375 ft. N. of the S. Sec. line and 1,000 ft. E. of the W. Sec. line of said Sec. 22. An alt. pt. of Div. for the Finley No. 1 – Johnson Power Plant Enlargement was decreed in Case No. 97CW115, Water Div. No. 5. The alt. pt. of div. is located at a pt. 120 ft. W. of the E. Sec. line and 1,700 ft S. of the N. Sec. line of Sec. 22, T. 9 S., R. 87 W. of the 6th P.M. Source: East Sopris Creek, trib. to Sopris Creek, trib. to the Roaring Fork River, trib. to the Colorado River. Approp. Date: 8/20/86. Amount: 7.0 c.f.s., conditional. Use: Hydroelectric power generation. In the six years preceding the filing of the Application, Applicant has diligently pursued development of the subject water right. The Application on file with the Court contains a detailed outline of the work performed during the diligence period. Applicant requests that the conditional rights decreed to the Finley No. 1 – Johnson Power Plant Enlargement described herein, be continued in full force and effect for an additional six years. (5 pages, 1 exhibit)

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19CW3002 SUMMIT COUNTY- BLUE RIVER. Charles B. Fox, 5388 S. Lewiston Street, Aurora, CO 80015, c/o Michael J. Sawyer; Karp Neu Hanlon, P.C.; 201 14th Street, Suite 200, P.O. Drawer 2030, Glenwood Springs, CO 81602. Application for Finding of Reasonable Diligence. *Fox Pump and Pipeline.* Original decree: March 3, 1992, in Case No. 90CW347, Colorado District Court, Water Division 5. Subsequent decrees: Case Nos. 98CW38, 05CW66, and 2012CW12. Location: A point on the right bank of the Blue River in the SE¼ of the NE¼ of Section 19, T. 3 S., R. 78W., 6th P.M. at a point 1,500 feet from the North section line and 300 feet from the west section line of said Section 19. Appropriation date: December 15, 1990. Amount: 0.4 c.f.s., conditional. Uses: Irrigation. Place of Use: The 15 acres of land that will be irrigated by this water right is located in part of the NE¼ of Section 19 and the NW¼ of Section 20 T. 3 S., R. 78 W., 6th P.M. Depth: N/A. Name of owner of land on which structure is located: Applicant. 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. (5 pages with exhibits). **YOU ARE HEREBY NOTIFIED THAT YOU HAVE until the last day of MARCH 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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19CW3003 KURT F. PETERS, 36 Grand County Road 135, PO Box 911 Kremmling, Colorado 80459, datadeuce@yahoo.com, 720-560-3308. Attorneys: Paul F. Holleman and John D. Buchanan, Buchanan Sperling & Holleman PC, 1525 Spruce Street, Suite 200, Boulder, Colorado 80302, 303-431-9141, fholleman@tbvs.net, jbuchanan@tbvs.net. **APPLICATION FOR CHANGE OF WATER RIGHT AND FOR FINDING OF REASONABLE DILIGENCE IN THE DEVELOPMENT OF CONDITIONAL WATER RIGHTS IN GRAND COUNTY.** 2. Description of conditional water rights from previous decree: Date of Original Decree: May 16, 2006 Case No.: 2004CW248 Court: District Court in and for Water Division No.5 Date of Subsequent Diligence Decree: January 5, 2013 Case No.: 12CW81 Court: District Court in and for Water Division No.5 A. Name of structure: Craven on Creede Reservoir Type: Reservoir Legal description: The dam for the Craven on Creede Reservoir is located in the Southeast 1/4 of the Northeast 1/4 of Section 30, Township 2 North, Range 81 West of the 6th P.M., approximately 3600 feet North of the Southeast Corner of said Section 30, and 85 feet West of the East Section Line in Grand County, Colorado. Source of water: Drainage tributary to Burke Spring Creek, a tributary of Pass Creek Appropriation Date: September 30, 2002 Amount: 6 acre-feet, absolute Use: The following uses have been made absolute: domestic, stockwatering, recreation, and fish and wildlife purposes. Domestic use of this water right remains conditional. Applicant's property is zoned as forested and open space, and the Applicant may construct up to six cabins on the property. The proposed domestic use shall not exceed one-hundred gallons per day (100 gpd) and shall be limited to 3.5 people per unit. The wildlife use shall be in-place use incidental to the construction of the storage facility. The approximate actual location of the structure is illustrated on the map attached as Exhibit A. B. Name of structure: Gore Lakes Ranch Reservoir No. 1 Type: Reservoir Legal description: The dam for the Gore Lakes Ranch Reservoir No. 1 is located in the Northeast 1/4 of the Southeast 1/4 of Section 30, Township 2 North, Range 81 West of the 6th P.M. Approximately 2100 North of the Southeast Corner of said Section 30, and 780 feet West of the East Section Line in Grand County, Colorado. Source of water: Drainage tributary to Burke Spring Creek, a tributary of Pass Creek Appropriation Date: September 30, 2002 Amount: 1.5 acre-feet, conditional Use: The proposed use is for domestic, stockwatering, recreation, and fish and wildlife purposes. Applicant's property is zoned as forested and open space, and the Applicant may construct up to six cabins on the property. The proposed domestic use shall not exceed one-hundred gallons per day (100 gpd) and shall be limited to 3.5 people per unit. The wildlife use shall be in-place use incidental to the construction of the storage facility. The approximate location of the structure is illustrated on the map attached as Exhibit A. C. Name of structure: Gore Lakes Ranch Reservoir No. 2 Type: Reservoir Legal

description: The dam for the Gore Lakes Ranch Reservoir No. 2 is located in the Southeast 1/4 of the Northeast 1/4 of Section 30, Township 2 North, Range 81 West of the 6th P.M. approximately 3100 feet North of the Southeast Corner of said Section 30, and 700 feet West of the East Section Line in Grand County, Colorado. Source of water: Drainage tributary to Burke Spring Creek, a tributary of Pass Creek Appropriation Date: September 30, 2002 Amount: 0.5 acre-feet, absolute Use: The following uses have been made absolute: domestic, stockwatering, recreation, and fish and wildlife purposes. Domestic use of this water right remains conditional. Applicant's property is zoned as forested and open space, and the Applicant may construct up to six cabins on the property. The proposed domestic use shall not exceed one-hundred gallons per day (100 gpd) and shall be limited to 3.5 people per unit. The wildlife use shall be in-place use incidental to the construction of the storage facility. The approximate actual location of the structure is illustrated on the map attached as Exhibit A. 3. Provide a detailed outline of what has been done toward completion of the appropriations including expenditures: Applicant's efforts toward development of the subject conditional water rights during the subject diligence period include, but are not limited to, the following. Applicant has spent approximately \$2,500 to purchase dam and fill material to construct the dam for Gore Lakes Ranch Reservoir No. 1 and has investigated and identified a new location for construction of the dam as set forth in paragraph four below. The dam and fill materials are staged at the new dam location and Applicant has installed a culvert. Applicant has also spent approximately \$3,000 on an auger drain to adjust water levels on the existing Craven on Creede Reservoir and Gore Lakes Ranch Reservoir No. 2. Applicant has continued to operate and maintain these existing reservoirs, including draining the ponds during spring runoff. **Application for Change of Water Right** 4. Description of Water Right: Gore Lakes Ranch Reservoir No. 1, described in paragraph 2(B) above. a. Amount of Water that Applicant Intends to Change: 1.5 acre-feet, conditional. b. Detailed Description of Proposed Change: Applicant will move the location of the dam approximately 350 feet downstream to a point located in the NE1/4 of the SE1/4 of Section 30, Township 2 North, Range 81 West of the 6th P.M., approximately 830 feet from the East Section line and 2,620 feet from the South Section line, at the following GPS coordinates: 40° 06' 45" N, 106° 30' 16" W. There are no intervening water rights that divert along the stretch of the drainage tributary to Burke Spring Creek between the decreed and proposed new location of the dam. 5. Name(s) and address(es) of owner(s) or reputed owners of the land upon which any new diversion or storage structure, or modification to any existing diversion or storage structure is or will be constructed or upon which water is or will be stored, including any modification to the existing storage pool: Applicant. WHEREFORE, Applicant requests the court enter a decree finding that Applicant has exercised reasonable diligence in the development of the above-described conditional water rights, changing the location of the dam for the Gore Lakes Ranch Reservoir No. 1 water right, and granting such other and further relief as may be appropriate. (5 pages + exhibit)

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19CW3004 PITKIN COUNTY – CRYSTAL RIVER, TRIBUTARY TO THE ROARING FORK AND COLORADO RIVERS. APPLICATION FOR FINDING OF REASONABLE DILIGENCE AND TO CONFIRM ABSOLUTE, IN PART. Applicant: Julia S. Marshall, c/o Sara Dunn and Erika Gibson, Balcomb & Green, P.C., PO Drawer 790, Glenwood Springs, CO 81602, 970-645-6546. Prior Decrees: Case Nos. 04CW120, 11CW158. Structure: **Marshall Well**, a groundwater right. Legal: NW1/4 NE1/4 of Sec. 6, T. 11 S., R. 88 W., 6th P.M., 3,050 ft. S. of the N. Sec. line and 3,150 ft. E. of the W. Sec. line. (UTM Coordinates X: 304408.5 and Y: 4333872.5). Source: Groundwater trib. to the Crystal River. Approp. Date: 8/16/02. Use: dom. Amount: 0.1 c.f.s., (45 g.p.m.), of which 0.033 c.f.s., (15 g.p.m.) is absolute for dom use inside two dwelling units, with 0.067 c.f.s. (30 g.p.m.) remaining cond. Depth: 50 ft. Remarks: The well operates pursuant to the plan for aug. decreed in Case No. 04CW120 and Well Permit No. 64842-F. Dom. use is limited to ordinary household purposes inside six dwelling units. Structure: **Placita Springs, First Enlargement**, a surface water right. Legal: NW1/4 NE1/4 of Sec. 6, T. 11 S., R. 88 W., 6th P.M. 2,708 ft. E. and 2,312 ft. S. of the NW corner of Sec. 6. Source: spring trib. to the Crystal River. Approp. Date: 8/16/02. Use: irr. and aug. Amount: 0.23 c.f.s., cond., of which 0.01 c.f.s. (5 g.p.m.) is absolute for delivery of water to Marshall Pond for subsequent irr. and aug. use, with 0.22 c.f.s., remaining cond. for such uses and 0.23 c.f.s. remaining cond. for irr. Remarks: Water may be used for irr. through direct diver. from the spring or delivered into the Marshall Pond for subsequent use for irr. or aug. Irr. use is limited to 1.1 acres of lawn and gardens around 6 dwelling units located in the NW1/4 NE1/4 of Sec. 6, T. 11 S., R. 88 W., 6th P.M. Structure: **Marshall Pump and Pipeline**, a surface water right. Legal: NW1/4 NE1/4 of Sec. 6, T. 11 S., R. 88 W., 6th P.M., 2,250 ft. from the N. Sec. line and 3,350 ft. from the W. Sec. line. Source: Crystal River. Approp. Date: 8/16/02. Use: Irr., pisc., fire prot., aug. and dom. Amount: 0.5 c.f.s., cond. Remarks: Water may be used for irr., fire prot., and dom. use by direct diver. through the Marshall Pump and Pipeline or delivered to the Marshall Pond for subs. use for irr., pisc., fire prot.,

aug. and dom. use. Irr. use is limited to 1.1 acres in the NW1/4 NE1/4 of Sec. 6, T. 11 S., R. 88 W., 6th P.M. Structure: **Marshall Pond**, a storage water right. Legal: NW1/4 NE1/4 of Sec. 6, T. 11 S., R. 88 W., 6th P.M., 2,350 ft. S. of the N. Sec. line and 3,250 ft. E. of the W. Sec. line. Source: Crystal River and spring trib. to the Crystal River. Approp. Date: 8/16/02. Use: Irr., pisc., and aug. Amount: 3.0 a.f., cond., of which 0.3 a.f. is absolute for irr. and aug., with 2.7 a.f. remaining cond. for such uses and 3.0 a.f. for pisc. uses. Rate of Fill: 0.5 c.f.s., cond. Surface Area: 0.5 acre, of which 0.08 acre has been constructed. Dam Height: 10 ft; to date, the dam has been constructed to a height of 5 ft. Dam Length: 150 ft. Capacity: 3.0 a.f., of which 0.3 a.f. has been constructed. Remarks: Irr. is limited to 1.1 acres in the NW1/4 NE1/4 of Sec. 6, T. 11 S., R. 88 W., 6th P.M. Marshall Pond is an off-channel pond that may be filled using the Marshall Pump and Pipeline and/or the Placita Springs First Enlargement. The Subj. Water Rights are part of an integrated water supply for Applicant's property as decreed in Case No. 04CW120. In the six years preceding filing this App., Applicant has been reasonably diligent in the development of the cond. water rights. Activities demonstrating diligence are listed in the App. on file with the Court. Summary of Absolute Claim for Marshall Pond: Amount and Use: 0.3 a.f., for pisc. use. Date Applied to Beneficial Use: The pond was initially filled on 9/25/05 and has been filled periodically since that date as water is legally and physically available. The Court confirmed in Case No. 11CW158 that the Appl. diverted and stored 0.3 a.f. of water for irr. and aug. purposes since 9/25/05. Amount Remaining Cond.: 2.7 a.f. for irr., pisc., and aug. uses. (8 pages, 2 exhibits).

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19CW3005 GARFIELD COUNTY – ALLUVIUM OF DIVIDE CREEK, TRIB. TO COLORADO RIVER. APPLICATION FOR FINDINGS OF REASONABLE DILIGENCE AND TO CONFIRM ABSOLUTE, IN PART. Applicant: William D. Yeik, c/o Sara Dunn and Erika Gibson, Balcomb & Green, P.C., P.O. Drawer 790, Glenwood Springs, CO 81602, 970-945-6546. Prior Decrees: Case Nos. 98CW36, 05CW11, 12CW73. Structure: **Van Every Well**, a groundwater right. Legal: NE1/4 SE1/4, Sec. 24, T6S, R92W, 6th P.M., 1,550 ft. from the S. Sec. line and 400 ft. from the E. Sec. line. Depth: 175 ft. Approp. Date: 3/16/98. Use: dom. livestock, fire prot., and irr. of 6,000 sq.ft. of lawns and garden located in the NE1/4 SE1/4, Sec. 24, T6S, R92W of 6th P.M. Amount: 15 g.p.m., of which 2.3 g.p.m. is absolute for dom. purposes (12CW73), and for livestock, fire prot., and irr. purposes (05CW11). Remarks: The Van Every Well operates pursuant to the plan for aug. decreed in Case No. 98CW36 and under Well Permit No. 64163-F. Annual div. from the well are not to exceed 1 a.f. In the 6 yrs preceding filing this App., Applicant has been reasonably diligent in the development of the cond. water rights. Activities demonstrating diligence are listed in the App. on file with the Court. Applicant placed add'l water from the Van Every Well to ben. use and seeks conf. that the well has been made absolute. Date Applied to Beneficial Use: 5/1/16; div. from the well were in priority, according to the Div. of Water Resources admin. call records. Amounts and Uses: an add'l 1.7 g.p.m. for dom., livestock, fire prot., and irr. purposes, for a total of 5 g.p.m., absolute. Amounts and Uses Remaining Conditional: 10 g.p.m., for dom., livestock, fire prot., and irr. purposes. Place of Beneficial Use: Land located in the NE1/4 SE1/4, Sec. 24, T6S, R92W, of the 6th P.M. (5 pages, 1 exhibit).

YOU ARE HEREBY NOTIFIED THAT YOU HAVE until the last day of MARCH 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 JANUARY 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.*

19CW3006 (08CW66, 01CW38). DISTRICT COURT, WATER DIVISION NO. 5, STATE OF COLORADO, 109 8th Street, Suite 104, Glenwood Springs, Colorado 8160. IN THE MATTER OF THE APPLICATION FOR WATER RIGHTS OF BARBER BASIN, LLC AND PEAK RANCH, INC, IN GRAND COUNTY, COLORADO. APPLICATION FOR FINDING OF REASONABLE DILIGENCE. 1. Name, Address, and Telephone Number of Applicants: Barber Basin, LLC, attn: David and Karen Hammer, 12210 U.S. Highway 40, Kremmling, CO 80459, 970.724.3400. Peak Ranch, Inc., attn: David and Karen Hammer, 12210 U.S. Highway 40,

Kremmling, CO 80459, 970.724.3400. Direct all pleadings to: Glenn E. Porzak, Cassidy L. Woodard, Porzak Browning & Bushong LLP, 2120 13th Street, Boulder, CO 80302. 2. Name of Structure. Barber Basin Reservoir No. 2. 3. Description of the Conditional Water Right. (i) Original Decree: Decree entered by the District Court in and for Water Division No. 5, State of Colorado (the "Water Court") on March 14, 1979, in Case No. W-3268. (ii) Prior Diligence Decrees: Previous findings of reasonable diligence were entered by the Water Court in Case Nos. 83CW66, 87CW56, 93CW172, 01CW38, and most recently in Case No. 08CW66 on January 9, 2013. (iii) Decreed Location: The southerly terminus of the axis of the dam and the initial point of survey of the high water line of the reservoir is located at a point whence the Northwest corner of Section 28, Township 4 North, Range 82 West of the 6th P.M. bears South 9°31' West a distance of 4,382 feet. See **Exhibit A**. (v) Source: Muddy Creek, tributary to the Colorado River. (vi) Appropriation Date: June 1, 1964. (vii) Amount: 4,594 acre-feet, conditional. (viii) Uses: Domestic, municipal, irrigation, industrial, mining, recreation, and generation of electric power and energy. 4. Detailed outline of work done to complete project and apply water to beneficial use. Applicants have made substantial progress toward putting the subject water right to beneficial use. Applicants intend to develop the subject water right, together with Barber Basin Reservoir No. 3, as part of a storage project within the Muddy Creek water basin (the "Basin Reservoir Storage Project"). Evidence of diligence activities undertaken by Applicants and/or their appointed Managers includes, but is not limited to, the following: (a) Completion of a preliminary firm yield analysis for the subject water right and Barber Basin Reservoir No. 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, an integral water right in the 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 the above work for the Basin Reservoir Storage Project, including accrued interest; (h) Co-Applicant Peak Ranch, LLC owns Peak Ranch, where the subject water right is located. As confirmed in Case No. 10CW193, all the water rights utilized on Peak Ranch, as identified in Exhibit B to this decree, constitute an integrated system. As such, for purposes of demonstrating reasonable diligence, work performed and expenses incurred in connection with Peak Ranch and the water rights listed in Exhibit B shall be considered to further the diligent development of Barber Basin Reservoir No. 2. During the subject diligence period, title to a number of senior water rights was settled and a major project was completed on Binco Dam at the direction of the State Engineer, with total costs of approximately \$134,000. The Applicants believe that they can and will complete the appropriation within a reasonable time and intend to perfect the subject water right. 5. Name and address of the owner of the land on which the Subject Water Right is stored. New survey monuments which are incorporated into the survey work completed by McLaughlin Water Engineers for the Barber Basin Reservoir No. 2 indicates that portions of the subject water right may be on land owned by the United States Forest Service, attn: District Ranger, 300 Roselawn Ave., P.O. Box 7, Yampa, CO 80483. Additionally, such survey work shows that the subject water right is at or near the boundary of property held by the Colorado State Land Board, attn: Northwest District Office, 1127 Sherman Street, Denver, CO 80203. Both the USFS and Colorado State Land Board will be sent notices of this Application. 6. Remarks. Peak Ranch, Inc. owns and leases over 100,000 acres of land in Grand County, Colorado, where all or portions of the subject water right can be used. In addition, Applicants entered into a Water Storage and Agency Agreement with the Eagle River Water & Sanitation District ("District") and the Upper Eagle Regional Water Authority ("Authority") which designated Applicants as the agents in fact of the District and Authority for purposes of C.R.S. § 37-92-103(3)(a)(8) to develop the subject water right. The District and the Authority provide water service from Vail to Wolcott in Eagle County, Colorado, where up to 1,500 acre feet of the firm annual yield of the subject water right may potentially be used. Furthermore, by stipulation and the decree in Water Court Case No. W-3268, the place of use of the water from the Barber Basin Reservoir No. 2 can be used within the boundaries of the Colorado River Water Conservation District. WHEREFORE Applicants request that the Water Court issue a final decree that (i) finds that the Applicants were reasonably diligent with respect to the Barber Basin Reservoir No. 2; (ii) retains the conditional status of the Barber Basin Reservoir No. 2 in the amount of 4,594 acre-feet and for all the decreed uses; (iii) confirms that water from the Barber Basin Reservoir No. 2 can be used within the boundaries of the Colorado River Water Conservation District; and (iv) grants such other and further relief as may be appropriate. (7 pages total including exhibits) **YOU ARE HEREBY NOTIFIED THAT YOU HAVE until the last day of MARCH 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 JANUARY 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.

19CW3007 (12CW57) EAGLE AND GARFIELD COUNTIES, TRIBUTARY TO THE ROARING FORK RIVER. Application for Finding of Reasonable Diligence and to Make Conditional Water Rights Absolute. Applicant: Mid Valley Metropolitan District, c/o Garfield & Hecht, P.C., 901 Grand Ave., Suite 201, Glenwood Springs, CO 81601, (970)947-1936. Name of structure: Mid Valley Metropolitan District Well No. 4. Decree Information: Original decree entered on May 31, 1999 in Case No. 92CW094, District Court, Water Div. 5. Subsequent decrees finding reasonable diligence: Case Nos. 05CW108 and 12CW057. Legal Description: A point located in the SE1/4 of the NW1/4 of Section 11, Township 8 South, Range 87 West of the 6th P.M., located approximately 2,830 feet from the South section line and 2,550 feet from the West section line. Source: Groundwater tributary to the Roaring Fork River, trib. to the Colorado River. Date of appropriation: May 21, 1992. Amount: 500 gpm, conditional. Use: Municipal. Depth of Well: 83 feet. Well Permit No. 61423-F. Name and address of owner or reputed owner of the land upon which MVMD Well No. 4 is constructed: Oak Grove Townhouse Association, P.O. Box 653, Basalt, CO 81621. Name of Structure: Mid Valley Metropolitan District Mount Sopris Well No. 6. Decree Information: Original Decree: Entered on November 1, 1999 in Case No. 95CW303, District Court, Water Div. 5 (as originally decreed, the well was called the Mid Valley Metropolitan District Well No. 11). Subsequent decrees finding reasonable diligence: Case Nos. 05CW108 and 12CW057. By decree entered in Case No. 10CW217, the MVMD Well No. 11 location was changed and its name was changed to the Mid Valley Metropolitan District Mount Sopris Well No. 6. Legal Description: A point located in the NW1/4 of the NE1/4 of Section 3, Township 8 South, Range 87 West of the 6th P.M., located approximately 787 feet from the North section line and 1,456 feet from the East section line of said Section 3. Source: Groundwater tributary to the Roaring Fork River, trib. to the Colorado River. Date of appropriation: December 11, 1995. Amount: 500 gpm, conditional. Use: Municipal. Depth of Well: 125 feet. Well Permit No. 76973-F. Name and address of owner or reputed owner of the land upon which MVMD Mount Sopris Well No. 6 is constructed: Eagle County, P.O. Box 850, Eagle, CO 81631. Name of Structures: Mid Valley Metropolitan District Well Nos. 5, 6, 7, 9, 10, and 12. Decree Information: Original decree entered on November 1, 1999 in Case No. 95CW303, District Court, Water Div. 5. Subsequent decrees finding reasonable diligence: Case Nos. 05CW108 and 12CW057. Legal Descriptions: Well No. 5: Located in the NW1/4 of the NW1/4 of Section 3, Township 8 South, Range 87 West of the 6th P.M., at a point 40 feet from the North section line and 480 feet from the West section line of said Section 3. Well No. 6: Located in the SW1/4 of the SW1/4 of Section 34, Township 7 South, Range 87 West of the 6th P.M., at a point 800 feet from the South section line and 100 feet from the West section line of said Section 34. Well No. 7: Located in the SE1/4 of the SE1/4 of Section 33, Township 7 South, Range 87 West of the 6th P.M., at a point 1000 feet from the South section line and 600 feet from the East section line of said Section 33. Well No. 9: Located in the NW1/4 of the SE1/4 of Section 33, Township 7 South, Range 87 West of the 6th P.M., at a point 1750 feet from the South section line and 1520 feet from the East section line of said Section 33. Well No. 10: Located in the SE1/4 of the NW1/4 of Section 11, Township 8 South, Range 87 West of the 6th P.M., at a point 2300 feet from the North section line and 2160 feet from the West section line of said Section 11. Well No. 12: Located in the SW1/4 of the NW1/4 of Section 11, Township 8 South, Range 87 West of the 6th P.M., at a point 2250 feet from the North section line and 1240 feet from the West section line of said Section 11. Source: Groundwater tributary to the Roaring Fork River, trib. to the Colorado River. Date of appropriation: December 11, 1995. Amount: 500 gpm, conditional, for each well. Use: All municipal uses. Names and addresses of owners or reputed owners of the land upon which the wells are or will be constructed: MVMD Well No. 5: Summit Vista Homeowners Association, P.O. Box 2682, Basalt, CO 81621. MVMD Well No. 6: Fields Development Group, 1009 Cattle Creek Ridge Road, Carbondale, CO 81623. MVMD Well No. 7: Rivada LLC, 21 St. Finnbar Farm Road, Carbondale, CO 81623. MVMD Well No. 9: Applicant. MVMD Well No. 10: Oak Grove Townhouse Association, P.O. Box 653, Basalt, CO 81621. MVMD Well No. 12: Michael P. Knapp Family Trust, 3516 Goodwood Drive SE, Grand Rapids, MI 49546-7226. Name of Structure: Chokecherry Well. Decree Information: Original decree entered on July 24 2006 in Case No. 03CW77, District Court, Water Div. 5. Subsequent decree finding reasonable diligence: Case No. 12CW57. Legal Description: Located in the SE1/4 of the NW1/4 of Section 33, Township 7 South, Range 87 West of the 6th P.M., at a point 1702 feet from the North section line and 1922 feet from the West section line. Source: Groundwater tributary to the Roaring Fork River, trib. to the Colorado River. Date of appropriation: February 15, 2001. Amount: 100 gpm, conditional. Uses: domestic, irrigation, and municipal. Name and address of owner or reputed owner of the land upon which Chokecherry Well is or will be constructed: Brenda Broxton, P.O. Box 909, Basalt, CO 81621. Integrated System. The subject water rights are part of an integrated water supply system serving the Mid Valley Metropolitan District. Pursuant to C.R.S. § 37-92-301(4)(b), work on any one feature of the water supply system shall be considered in finding that reasonable diligence has been shown in the development of water rights for all features of the system as a whole. Claim for Finding of Reasonable Diligence. The application includes a detailed outline of what has been done toward or for completion of the appropriation and application of water to beneficial use as conditionally decreed, including expenditures. Claims to Make Absolute. Applicant requests the Court to determine and decree that the following water rights have been made absolute in the amounts and for the uses described below. To the extent that the Court does not determine that the following water rights have been made absolute, the Applicant requests a decree finding reasonable diligence in the development of the subject water rights and continuing them in full force and effect. Mid Valley Metropolitan District Well No. 4 has been applied to beneficial use in the amount of 200 gpm, as set forth below. Applicant requests a finding of reasonable diligence for the remaining 300 gpm decreed to the well. Date applied to beneficial use: December 27, 2006. There was no downstream call on the Roaring Fork River or Colorado River, and diversions were made in priority. Amount: 200

gpm. Use: municipal. Description of place of use: Within Applicant's water service area, as it currently exists and as it may be expanded through the inclusion of additional lands. The current District boundaries are shown on Exhibit A to the Application. Mid Valley Metropolitan District Mount Sopris Well No. 6 has been applied to beneficial use in the amount of 450 gpm, as set forth below. Applicant requests a finding of reasonable diligence for the remaining 50 gpm decreed to the well. Date applied to beneficial use: July 31, 2016. There was no downstream call on the Roaring Fork River or Colorado River, and diversions were made in priority. Amount: 450 gpm. Use: municipal. Description of place of use: Within Applicant's water service area, as it currently exists and as it may be expanded through the inclusion of additional lands. The current District boundaries are shown on Exhibit A. Applicant requests the court to determine, adjudge and decree as follows: Mid Valley Metropolitan District Well No. 4 has been made absolute in the amount of 200 gpm for municipal use. Further, Applicant has shown reasonable diligence in the development of the remaining conditional amount of MVMD Well No. 4 in the amount of 300 gpm, which conditional amount shall be continued in full force and effect; and Mid Valley Metropolitan District Mount Sopris Well No. 6 has been made absolute in the amount of 450 gpm for municipal use. Further, Applicant has shown reasonable diligence in the development of the remaining conditional amount of MVMD Mount Sopris Well No. 6 in the amount of 50 gpm, which conditional amount shall be continued in full force and effect; and the Applicant has shown reasonable diligence in the development of the conditional water rights for the Mid Valley Metropolitan District Well Nos. 5, 6, 7, 9, 10, and 12 and the Chokeycherry Well, and such conditional water rights shall be continued in full force and effect.

YOU ARE HEREBY NOTIFIED THAT YOU HAVE until the last day of MARCH 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 JANUARY 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.*

19CW3008 DISTRICT COURT, WATER DIVISION NO. 5, COLORADO, STATE OF COLORADO, Garfield County Courthouse, 109 8th Street, Suite 104, Glenwood Springs, CO 81601. IN THE MATTER OF THE APPLICATION FOR WATER RIGHTS OF WINGSPREAD WEST, LLC, IN GRAND COUNTY, COLORADO. APPLICATION TO MAKE CONDITIONAL WATER RIGHTS ABSOLUTE AND, IN THE ALTERNATIVE, FOR FINDINGS OF REASONABLE DILIGENCE. 1. Name, address and telephone number of applicant: Wingspread West, LLC, 12026 NW Highway 464B, Ocala, FL 34482, Telephone: 434-977-1448, Direct all pleadings to: Michael F. Browning, Steven J. Bushong, Porzak Browning & Bushong LLP, 212013th Street, Boulder, Colorado 80302. 2. Name of structures: Infanger Reservoir Nos. 1, 2 and 3. 3. Description of conditional water rights: (a) Decree: The subject conditional water rights were decreed by the District Court in and for Water Division No. 5 in Case No. 96CW356 by decree dated April 27, 1998. Prior findings of reasonable diligence were obtained in Case Nos. 04CW66 and 12CW065. Portions of the subject conditional water rights were also made absolute in Case No. 12CW065., (b) Decreed locations: Infanger Reservoir No. 1: The reservoir is located in the SE1/4 of the NE1/4, and the NE1/4 of the SE1/4 of Section 31, and the SW1/4 of the NW1/4, and the NW1/4 of the SW1/4 of Section 32, T. 3 N., R. 81 W. of the 6th P.M. The right (southeast) end of the dam is located at a point whence the NE corner of Section 6 T. 2 N., R. 81 W. of the 6th P.M. bears approximately South 28 degrees West, approximately 3,100 feet., Infanger Reservoir No. 2: The reservoir is located in the SW1/4 of the NE1/4 of Section 31, T. 3 N., R. 81 W. of the 6th P.M. The right (southeast) end of the dam is located at a point whence the NE corner of Section 6, T. 2 N., R. 81 W. of the 6th P.M. bears approximately South 5 degrees 30 minutes East, approximately 3,550 feet., Infanger Reservoir No. 3: The reservoir is located in the SW1/4 of the NW1/4 of Section 32, T. 3 N., R. 81 W. of the 6th P.M. The right (east) end of the dam is located at a point whence the NE corner of Section 6, T. 2 N., R. 81 W. of the 6th P.M. bears approximately South 28 degrees West, approximately 3,600 feet., (c) Sources: Deer Creek by diversion through the Infanger Supply Ditch, located on the right (south) bank of Deer Creek in the South 1/2 of the NW1/4 of Section 31 T. 3 N., R. 81 W. of the 6th P.M., at a point at whence the NE corner of Section 6, T. 2 N., R. 81 W. of the 6th P.M. bears approximately South 38 degrees East, approximately 4,300 feet., Red Dirt Creek by diversion through the McMahan Ditch, the headgate of which is located at a point on Red Dirt Creek whence the NE corner of Section 10, T. 2 N., R. 82 W. of the 6th P.M. bears North 12 degrees 8 minutes East, 1,049.92 feet., (d) Appropriation dates: December 20, 1996 for each., Amounts: Infanger Reservoir No. 1: Originally decreed for 38.97 acre feet conditional, with the right to fill and refill the Reservoir as necessary to maintain storage at the high water line. Of this amount, 6.5 acre feet was decreed absolute in Case No. 12CW065 for fish propagation, stock watering, recreation and aesthetic uses, with 32.17 acre feet and irrigation use remaining conditional., Infanger Reservoir No. 2: Originally decreed for 20.32 acre feet conditional, with the right to fill and refill the Reservoir as necessary to maintain storage at the high water line. Of this amount, 15.5 acre feet was decreed absolute in Case No. 12CW065 for fish propagation, stock watering, recreation and aesthetic uses, with 4.82 acre feet and irrigation use remaining conditional., Infanger Reservoir No. 3: 4.92 acre feet conditional, with the right to fill and refill the Reservoir as necessary to maintain storage at the high water line., (f) Rate of Diversion into Reservoirs: The three reservoirs are filled from one or both of the

ditches on Deer Creek and Red Dirt Creek described above at a combined rate of flow no greater than 7 cfs., (g) Use: Irrigation of approximately 20 acres adjacent to and downstream of the Reservoirs, fish ropropagation, stock watering, recreation and aesthetics., (h) Augmentation: Evaporative losses from the Reservoirs are replaced pursuant to an augmentation plan approved in Case No. 96CW356. 4. Claim to Make Portions of Conditional Water Rights Absolute: (a) Infanger Reservoir No. 1 has been constructed with a capacity of 38.97 acre feet and in June of 2013 such amount of water was placed into storage and captured, possessed and controlled during free river conditions. Accordingly, Applicant seeks to make absolute the 32.17 acre feet that remains decreed conditional. Pursuant to C.R.S. 37-92-301(4)(e), Applicant also seeks to have the remaining conditional use of irrigation made absolute., (b) Infanger Reservoir No. 2 has been constructed with a capacity of 25.64 acre feet. In June of 2013, at least the decreed 20.32 acre feet was placed into storage and captured, possessed and controlled. Accordingly, Applicant seeks to make absolute the 4.82 acre feet that remains decreed conditional. Pursuant to C.R.S. 37-92-301(4)(e), Applicant also seeks to have the remaining conditional use of irrigation made absolute., (c) Infanger Reservoir No. 3 has been constructed to at least its decreed capacity. In June of 2013 at least 4.92 acre feet of water was placed into storage and captured, possessed and controlled. Accordingly, Applicant seeks to make the decreed 4.92 acre feet absolute. Pursuant to C.R.S. 37-92-301(4)(e), Applicant seeks to have a such amount made absolute for all decreed purposes. 5. Alternate Claim for Finding of Reasonable Diligence: If and to the extent any of the subject conditional water rights are not absolute as requested, Applicant seeks a finding of reasonable diligence. Applicant has undertaken the following specific activities since the last diligence application in Case No. 12CW065 that demonstrate its diligence with regard to any portion of the subject conditional rights not made absolute herein: (a) Infanger Reservoir Nos. 1 and 2 were surveyed and area-capacity curves generated., (b) As discussed above, the Reservoirs have all been constructed and water diverted into storage therein., (c) Applicant installed control structures on Infanger Reservoir No. 2 and the normal and emergency spillway was reworked., (d) The filling ditches were cleaned and repaired and their headgates rebuilt., (e) Annually, Applicant has cleaned the filling ditches and irrigation ditches fed by the Reservoirs, inspected the dams and made necessary repairs, monitored flows, and monitored and remediated damages caused by beavers. 6. Ownership. Applicant owns the land on which the Reservoirs are located and upon which the decree uses are made. A USGS map is attached hereto depicting the locations of the Reservoirs. WHEREFORE, Applicant requests that the conditional amounts and uses decreed to the subject Reservoir be made absolute. In the alternative, Applicant seeks a finding of diligence with respect to any amounts or uses that are not made absolute. (6 pages)

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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 JANUARY 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.*

19CW3009 (12CW79, 98CW297), Spruce Valley Ranch Foundation, P.O. Box 1582, Breckenridge, CO 80424, (970) 390-9159; Please direct future correspondence to Matthew A. Montgomery, Hill & Robbins, P.C., 1660 Lincoln Street, Suite 2720, Denver, CO 80264. **APPLICATION FOR FINDING OF REASONABLE DILIGENCE, in SUMMIT COUNTY.** 2. Name of structures: A. Spruce Valley Augmentation Well and Pump, B. Spruce Valley Recharge Facility, C. Spruce Valley Injection Wells: IW #1, IW #2, IW #3, IW #4, IW #5, IW #6, IW #7, IW #8, and IW #9. 3. Describe conditional water right (as to each structure) giving the following from the Decree: Date of Original Decree: May 8, 2006; Case No. 98CW297, Court: Water Division 5. A. Legal description: i. Spruce Valley Ranch: Sections 7, 8, 17, and 18, Township 7 South, Range 77 West, 6th P.M. ii. Spruce Valley Augmentation Well and Pump: Commencing at the SE corner of Section 8 Township 7 South, Range 77 West and bearing S72°W a distance of 2,153 feet to location of the Spruce Valley Augmentation Pump. iii. Spruce Valley Recharge Facility: Commencing at the SE corner of Section 8 Township 7 South, Range 77 West and bearing S85°W a distance of 1,644 feet to a point described as the approximate center of the Spruce Valley Recharge Facility. B. Source of water: Indiana Creek (use is attributable to the historical use of the Carwood Ditch water right pursuant to the exchange decreed in Case No. 98CW297). C. Appropriation Date: April 17, 1998. D. Amount: 0.714 c.f.s., conditional (maximum exchange rate); 10-acre feet (annual volumetric limitation). E. Use: In Case No. 98CW297, the Court entered a decree granting a change in use for water rights from Carwood Ditch from irrigation to augmentation. The Court also granted a conditional right of exchange to use the Carwood Ditch water on Indiana Creek to augment out-of-priority depletions from irrigation in Spruce Valley Ranch. The decree provided that the exchanged water was to be pumped from the alluvium of Indiana Creek to the location of the recharge facility. The reach of the exchange is the confluence of Miner's Creek and the Blue River up the Blue River to its confluence with Indiana Creek and then up Indiana Creek to the Spruce Valley Augmentation Pump. Applicant has since constructed the Augmentation Pump and has used the recharge facility to offset depletions from well use at Spruce Valley Ranch. F. Depth: i. Spruce Valley Ranch Augmentation Well, Permit No. 65285-F: 23 Feet. ii. Spruce Valley Ranch Recharge Facility (Exfiltration Gallery): i.

Permit No. 273815, IW #1: 55 Feet. ii. Permit No. 273816, IW #2: 55 Feet. iii. Permit No. 269665, IW #3: 50 Feet. iv. Permit No. 273817, IW #4: 50 Feet. v. Permit No. 273818, IW #5: 50 Feet. vi. Permit No. 273819, IW #6: 50 Feet. vii. Permit No. 273820, IW #7: 50 Feet. viii. Permit No. 273822, IW #8: 51 Feet. ix. Permit No. 273823, IW #9: 51 Feet. G. Amount made absolute: In Case No. 12CW79, the Water Court, Water Division 5, found that the Applicant had made absolute 0.075 c.f.s. of the maximum rate of exchange, and 5.46 acre-feet of the annual volumetric limitation. 4. Activities toward completion of the appropriation and application of water to beneficial use: Spruce Valley Ranch maintains and operates an integrated water system under the decrees entered in Case Nos. W3662, 94CW191, 89CW102 and 98CW297 (Water Div. 5). Applicant uses this system to provide irrigation and domestic water for residents' individually drilled wells, and to maintain various common areas. Towards these ends, Applicant monitors the residential wells, maintains common areas and related infrastructure, and performs both routine and as-needed maintenance. In addition, Applicant continues to submit monthly recharge projections and accounting, and performs its irrigation area certification every three years. Applicant has expended approximately \$41,000 on maintenance, legal and engineering services during the diligence period. 5. Claim to make absolute: N/A. 6. Prayer for Relief: The Applicant requests that the Water Court enter a decree finding that the Applicant has pursued the remaining portion of the above-described conditional exchange right with reasonable diligence and continuing this conditional right.

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19CW3010(12CW127, 04CW234), EAGLE COUNTY, COLORADO, ALKALI CREEK, TRIBUTARY TO THE EAGLE RIVER. Application for Findings of Reasonable Diligence. Applicants: Herbert and Catherine Wigder, c/o Edward B. Olszewski, Esq., Olszewski, Massih & Maurer, P.C., P.O. Box 916, Glenwood Springs, CO 81602, (970) 928-9100. Names of Structures: Waterford Ranch Spring Sp8-3, Wigder Enlargement; Wigder Spring No. 2; and Waterford Ranch Pond P8-2, Wigder Enlargement. **Waterford Ranch Spring Sp8-3, Wigder Enlargement**: Decrees (for all structures): *Original*: 04CW234, 08/03/2006, *Subsequent*: 12CW127, 01/14/2013. Location: The spring is located in the Northwest 1/4 of the Southwest 1/4 of Section 8, Township 3 South, Range 83 West of the 6th P.M., at a point 850 feet from the West section line and 2,090 feet from the South section line of said Section 8. Source: An unnamed spring tributary to Alkali Creek, tributary to the Eagle River. Appropriation Date (for all structures): 09/25/1997. Amounts: 0.11 c.f.s., absolute for wildlife propagation and pond filling, conditional for domestic, irrigation, stock watering and fire protection. Uses: wildlife propagation, pond filling, domestic (seasonal cabin), irrigation, stock watering and fire protection. If irrigation: (i) 4 acres historically irrigated, (ii) lands located in the Northwest 1/4 of the Southeast 1/4 of Section 8, Township 3 South, Range 83 West of the 6th P.M., (iii) If non-irrigation, domestic (seasonal cabin), stockwatering, wildlife propagation, pond filling and fire protection. **Wigder Spring No. 2**: Location: The spring is located in the Northwest 1/4 of the Southwest 1/4 of Section 8, Township 3 South, Range 83 West of the 6th P.M., at a point 850 feet from the West section line and 2,090 feet from the South section line of said Section 8. Source: An unnamed spring tributary to Alkali Creek, tributary to the Eagle River. Amounts: 0.11 c.f.s., absolute for wildlife propagation, conditional for domestic, irrigation, stock watering and fire protection. Uses: wildlife propagation, domestic (seasonal cabin), irrigation, stock watering and fire protection. If irrigation: (i) 4 acres historically irrigated, (ii) lands located in the Northwest 1/4 of the Southeast 1/4 of Section 8, Township 3 South, Range 83 West of the 6th P.M., (iii) If non-irrigation, domestic (seasonal cabin), stockwatering, wildlife propagation, pond filling and fire protection. **Waterford Ranch Pond P8-2, Wigder Enlargement**: Location: The dam is located in the Northwest 1/4 of the Southwest 1/4 of Section 8, Township 3 South, Range 83 West of the 6th P.M., at a point 910 feet from the West section line and 2,000 feet from the South section line of said Section 8. Source: An unnamed spring tributary to Alkali Creek, tributary to the Eagle River, and the Waterford Ranch Spring Sp8-3, Wigder Enlargement, identified above. Amounts: 2.5 acre-feet, absolute for wildlife propagation, stock watering and piscatorial uses, and conditional for irrigation and fire protection. (a) Surface area of high-water line: 0.5 acre, (b) Height of dam: 9.0 feet, (c) Length of dam: 90 feet, (d) Total capacity of reservoir: 2.5 acre-feet, i. Active capacity: 2.5 acre-feet, ii. Dead storage: 0 acre-feet. Uses: wildlife propagation, stock watering, piscatorial, irrigation and fire protection. If irrigation: (i) 1 acres historically irrigated, (ii) lands located in the Northwest 1/4 of the Southeast 1/4 of Section 8, Township 3 South, Range 83 West of the 6th P.M., (iii) If non-irrigation, fire protection. A detailed outline of what has been done toward placing water to beneficial use, including expenditures, is including in the Application. Landowner Notification: Applicants. Applicants pray for a decree of this Court, finding the Applicants' have exercised reasonable diligence toward the development of the aforementioned water rights and any such other and further relief as the Court may deem appropriate. (6 pages, incl. 1 map, 4 photos)

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19CW3011 (Prior Case Nos. W-684; W-684-76; 80CW205; 84CW120; 88CW164; 95CW238; 02CW92; 10CW118) DISTRICT COURT, WATER DIVISION 5, COLORADO, 109 8th Street, Suite 104, Glenwood Springs, CO, 81601. CONCERNING THE APPLICATION FOR WATER RIGHTS OF CAM – COLORADO LLC, IN MESA AND GARFIELD COUNTIES COLORADO. APPLICATION FOR FINDING OF REASONABLE DILIGENCE. 1. Name, Address and Telephone of Applicant. CAM-Colorado LLC, c/o Whitney Kegley, Vice President, Secretary, and General Counsel, Rhino Resource Partners LP, 424 Lewis Hargett Circle, Suite 250, Lexington, Kentucky, 40503. *Please direct all pleadings and correspondence to Alan E. Curtis, Virginia M. Sciabarrasi, WHITE & JANKOWSKI LLP, 511 Sixteenth Street, #500, Denver, Colorado, 80202.* 2. Name of Structure. Mack Pumping Pipeline. 3. Description of Water Right for Mack Pumping Pipeline. The water right for the Mack Pumping Pipeline (“Mack Pumping Pipeline Water Right”) is described as follows: a. Previous Decrees. i. Original Decree. Case No. 13368, District Court in and for Mesa County, April 13, 1972. ii. Alternate Point of Diversion. Case No. W-2052, Water Division 5, May 29, 1974. iii. Previous Diligence Decrees. Decrees entered in the following Division 5 Water Court cases: (1) 10CW118 (January 12, 2013) (“10CW118 Decree”); (2) 02CW92 (April 30, 2004) (“02CW92 Decree”); (3) 95CW238 (April 23, 1996); (4) 88CW164 (October 13, 1989); (5) 84CW120 (February 20, 1985); (6) 80CW205 (January 12, 1982); (7) W-684-76 (January 30, 1980); and (8) W-684 (November 22, 1972). b. Legal Description of Locations of Points of Diversion. i. Original Point of Diversion. The originally decreed point of diversion for the Mack Pumping Pipeline Water Right is on the right bank of the Colorado River whence the witness corner of the unlocated corner common to Sections 5, 6, 7 and 8, Township 10 South, Range 103 West, 6th P.M., Mesa County, Colorado, bears North 41 degrees 40 minutes West, a distance of 3,025 feet. The original decreed point of diversion for the Mack Pumping Pipeline is located in the SE¼ of the NW¼ of Section 8, T10S, R103W of the 6th P.M., 2,167 feet from the North Section Line, and 2,118 feet from the West Section Line. ii. Alternate Point of Diversion. The decreed alternate point of diversion for the Mack Pumping Pipeline Water Right is on the north bank of the Colorado River at a point whence the northeast corner of Section 11, Township 1 North, Range 3 West of the Ute Meridian bears North 02 degrees 46 minutes East, a distance of 4,322.7 feet. The decreed alternate point of diversion for the Mack Pumping Pipeline is located in the SE¼ of the SE¼ of Section 11, T1N, R03W, Ute P.M., 4,319 feet from the North Section Line, and 34 feet from the East Section Line. iii. The original and alternate points of diversion for the Mack Pumping Pipeline Water Right are shown on the map attached as Figure 1. c. Source. Colorado River. d. Date of Initiation of Appropriation. May 20, 1965. e. Amount. 150 c.f.s. i. The Mack Pumping Pipeline Water Right was originally decreed for 300 c.f.s. The 02CW92 Decree cancelled 150 c.f.s., leaving 150 c.f.s., conditional. f. Uses. Industrial, domestic, municipal and recreational purposes. 4. Findings in the 10CW118 Decree Regarding Mack Pumping Pipeline Water Right. a. CAM’s Entities and Business Operations. “CAM and its parent company, Rhino Energy LLC, are engaged in coal mining in Central and Northern Appalachia, the Illinois Basin and the western United States, including western Colorado.” 10CW118 Decree ¶ 8.f.i at 3. b. Use of Mack Pumping Pipeline Water Right. “Based upon previous diligence activity explanations, it appears that CAM will use the Mack Pumping Pipeline Water Right as needed to provide an alternative or supplemental water supply for coal mining at the Red Cliff Mine in Mesa and Garfield Counties and for related mining uses. The Red Cliff Mine is a coal mine which is under development by CAM. The Red Cliff Mine will be comprised of all coal reserves associated with: (1) the McClane Mine; (2) the Munger Mine; and (3) additional coal reserves on lands managed by the Bureau of Land Management.” *Id.* c. Locations of McClane and Munger Mines. “The McClane and Munger Mines are adjacent to each other at a location extending from approximately 12 to 14 miles north of the towns of Loma and Mack, Colorado. The location of the lands associated with the McClane and Munger Mines is as follows: T. 7 S., R. 102 W., 6th P.M., in sections 3, 4, 5, 8, 9, 10, 15, 16, 21, 22, 27, 28, 33, and 34, and T. 8 S., R. 102 W. 6th P.M., in sections 2, 3, and 4, all in Garfield County, Colorado.” *Id.* d. Location of Additional Coal Reserves. “The additional coal reserves on lands managed by the Bureau of Land Management are located in: T. 7 S., R. 101 W., 6th P.M., in sections 7, 8, 13, 14, 16, 17, 18, 19, 20, 21, 25, 26, 28, 29, 30, 31, 32, 33, 35 and 36, and T. 8 S., R. 101 W., 6th P.M., in sections 1, 4, 5, 6, 7, 8, 9 and 12, all in Garfield County, Colorado. *Id.* e. Fruita Development, LLC Stipulation. “As part of its stipulation with Fruita Development, LLC, the following term and condition applied. CAM does not currently have the right, and nothing in this Decree creates or shall be construed to create any right of CAM to use Fruita Development’s land or structures for the diversion or carriage of water under the Mack Pumping Pipeline Water Right. Before diverting or carrying water on or across Fruita Development’s property, CAM must acquire the right to do so by agreement, purchase, through the power of eminent domain or other appropriate means. Prior to using the power of eminent domain or other appropriate means to obtain such rights, CAM will work with

Fruita Development to determine a mutually agreeable location for the Mack Pumping Pipeline diversion and carriage facilities to the extent located on Fruita Development's property. In doing so, CAM will reasonably consider whether it can locate the pipeline according to the 'Proposed Water Line Route' developed by CAM's consultants and identified on Sheet 1 of Appendix B to the Mack Pumping Pipeline Water Right Feasibility Study prepared by Souder, Miller & Associates dated May 3, 2010, which report is on file in this case, but nothing in this Decree requires the pipeline to be so located." *Id.* ¶ 17, at 5. 5. Diligence Claim for Mack Pumping Pipeline Water Right. a. Integrated System. The decrees in the following Division 5 Water Court cases confirm that the water supply system for CAM's Colorado mining operations and attendant diversion, distribution, delivery, collection and treatment systems comprise an integrated water supply system: (1) 09CW166 (November 5, 2011 at ¶ 15); (2) 10CW118 Decree at ¶ 9; and (3) 17CW3212 (May 27, 2018 at ¶ 10.a) ("17CW3212 Decree). Paragraph 9 of the 10CW118 Decree states with respect to the Mack Pumping Pipeline Water Right: [T]he integrated water supply system for the Red Cliff Mine currently consists of the following water rights and the diversion, distribution, delivery, collection and treatment systems associated with such water rights: (1) SCMC Pump No. 1; (2) the Mack Pumping Pipeline; (3) Tavistock Diversion No. 1; and (4) Tavistock Diversion No. 2. The Court finds that, pursuant to C.R.S. § 37-92-301(4)(b), efforts, activities and expenditures on the Red Cliff Mine and CAM's integrated water supply system for the Red Cliff Mine shall be considered evidence of diligence on the Mack Pumping Pipeline Water Right. b. Diligence Period. The period for diligence for the Mack Pumping Pipeline Water Right extends from January 12, 2013, when the 10CW118 Decree was entered, to January 31, 2019 ("Diligence Period"). c. Activities and Expenditures. During the Diligence Period CAM, with the assistance of White & Jankowski LLP and other consultants, completed activities and expended funds exceeding Two Million Four Hundred Thousand Dollars (\$2,400,000). These actions and expenditures confirm CAM's steady and diligent effort to complete the appropriation of the Mack Pumping Pipeline Water Right by putting it to beneficial use. These activities and expenditures include, without limitation: i. Red Cliff Mine. Expanding, improving and continuing operations at the Red Cliff Mine, through actions including, without limitation: (1) Preparing documentation to support required permitting; (2) Acquiring additional leases to continue and expand mining operations; (3) Conducting or funding engineering and other studies, including: (a) hydrogeological investigations and analyses to determine potential impacts to groundwater from mining operations; (b) U.S. Bureau of Land Management ("BLM") National Environmental Policy Act ("NEPA") analyses; (c) investigations to support a permit application for a rail load out facility near the Town of Fruita (the "Load Out Facility"); and (d) engineering and design for a beneficiation plant; (4) Conferring with state and federal agencies responsible for permitting and regulation of the Red Cliff Mine and Load Out Facility, including, without limitation: (a) the Colorado Division of Reclamation, Mining and Safety; (b) the Colorado Department of Wildlife; and (c) BLM officials regarding requirements for NEPA analyses and other environmental assessments for expansion of the Red Cliff Mine; (5) Operating, maintaining, and preparing for expanded mining activities including, without limitation: (a) work and capital expenditures on transmission and utility corridors; and (b) underground and surface structures and facilities; (6) Continuing mine reclamation activities, including land and wildlife habitat restoration and revegetation; and (7) Conducting and funding public meetings to obtain input on proposed mining operations from stakeholders. ii. McClane Mine. During the Diligence Period, CAM undertook activities to expand and improve the operation of the McClane Mine, including without limitation the following: (1) Conducting engineering studies supporting the expansion of the McClane Mine. These engineering analyses were performed by Stover and Associates, Edge Consulting, and HydroGeo; and (2) Conducting studies and other work to support McClane Mine operations and maintenance, and to prepare for expanded mining activities at the McClane Mine. iii. Water Availability Analyses. CAM retained Bishop-Brogden Associates, Inc. ("BBA") of Denver, Colorado to prepare an analysis of continuing water availability for the Mack Pumping Pipeline Water Right. BBA concluded that water continues to be available in amounts sufficient to satisfy the full decreed amount of the Mack Pumping Pipeline Water Right for all decreed uses. iv. 17CW3212 Decree. CAM obtained the 17CW3212 Decree continuing the conditional water rights for the Tavistock Diversion No. 1 and Tavistock Diversion No. 2 water rights, which will be used in combination with the Mack Pumping Pipeline Water Right to supply coal mining operations at the Red Cliff Mine as described in 4.b, above. 6. Names and Addresses of Owners of Lands or Reputed Owners of Lands Upon Which New or Modified Diversion or Storage Structures Are or Will Be Constructed. a. CAM, at the address shown in ¶ 1, above. b. United States of America, BLM Colorado State Office, 2850 Youngfield St., Lakewood, CO 80215. c. Fruita Development LLC, 11990 San Vicente Blvd., Suite 200, Los Angeles, CA 90049. d. Union Pacific Railroad Company, 1400 W. 52nd Ave., Denver, CO 80221. Based on the foregoing, CAM requests a decree confirming CAM: (1) has diligently pursued application of the Mack Pumping Pipeline Water Right to beneficial use; (2) has a continuing plan and intent to use the Mack Pumping Pipeline Water Right for all decreed purposes; (3) can and will apply the Mack Pumping Pipeline Water Right to beneficial use within a reasonable time; and (4) the Mack Pumping Pipeline Water Right is continued in full force and effect in its full decreed amount for all decreed purposes (6 Pages, 1 Exhibit)

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19CW3012 PITKIN COUNTY, ROARING FORK RIVER. Application of 153 LLC for Absolute Water Surface Right, c/o Jeff Hought & Ryan Jarvis of Beattie, Hought & Jarvis, 932 Cooper Ave, Glenwood Springs, 970-945-8659. Paradise Mesa Ditch: Location of alternate points of diversion: (1) NE¼ NE¼ of Sec 22, T 9 S, R 85 W 6th PM at a point approx 200 ft from N sec line and 1,135 ft from E sec line, Pitkin County. UTM Zone 13N, NAD 83. Easting 339253.09 meters and Northing 4347519.24 meters. (2) NE¼ NE¼ of Sec 22, T 9 S, R 85 W 6th PM at a point approx 470 ft from N sec line and 900 ft from E sec line, Pitkin County. UTM Zone 13N, NAD 83. Easting 339323.17 meters and Northing 4347433.18 meters. Source: Runoff, return flows, and tailwater captured from an unnamed drainage trib to the Roaring Fork River. Appropriation date: 05/01/04. Date water applied to beneficial use: 05/01/04. Amount: 1.0 cfs, absolute. Use: Irrigation. Number of acres irrigated: Approx 175 acres. Location of irrigated area: Parcel 8, First Amended Plat of Craig Ranch Parcels, recorded 06/20/06 in Plat Book 79 at Page 81, which is located in the W½ of Sec 15, T 9 S, R 85 W 6th PM, Pitkin County. Owner of land: MAM Aspen LLC, 1418 33rd St, NW, Washington, DC 20007. This application involves the same source of water derived from the same points of diversion from the same stream as the structure that is the subject of Case No. 18CW3184, which was filed in this Court by MAM Aspen LLC in November, 2018. Applicant has filed a Statement of Opposition in that case. Pursuant to C.R.S. §37-92-306.1, the filing date of this application shall relate back to the filing date of the application filed in Case No. 18CW3184. (4 pages)

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19CW3013 SUMMIT COUNTY, BLUE AND COLORADO RIVERS. Application of Copper Mountain Consolidated Metropolitan District for Findings of Reasonable Diligence, c/o Beattie, Hought & Jarvis, 932 Cooper Ave, Glenwood Springs, 970-945-8659. All structures: Original decree entered 05/13/92 in 80CW416/81CW486; subsequent decrees entered in 98CW88, 05CW58, and 11CW174. Source: Groundwater trib to W Tennile Creek, trib to Tennile Creek, trib to Blue & Colo Rivers. Depth: 100 ft. Copper Mountain Well No. 1A: Location: SW¼ NE¼, Sec 30, T 6 S, R 78 W 6th PM at a point whence the E¼ Corner of said Sec 30 bears S 58°46' E a distance of 1,600 ft., also described as 1,730 ft from N line and 1,405 ft from E line of said Sec 30. Appropriation date: 09/20/88. Amounts & uses: 1.2 cfs, absolute, for irrigation, municipal, domestic, industrial, commercial, fire protection, recreation and aesthetic; 1.2 cfs, conditional, for snowmaking. Copper Mountain Well No. 2: Location: SE¼ NE¼, Sec 30, T 6 S, R 78 W 6th PM at a point whence the E¼ Corner of said Sec 30 bears S 44°42' E a distance of 640 ft., also described as 2,140 ft from N line and 475 ft from E line of said Sec 30. Appropriation date: 09/20/88. Amounts & uses: 1.5 cfs, absolute, for irrigation, municipal, domestic, industrial, commercial, fire protection, recreation and aesthetic; 1.5 cfs, conditional, for snowmaking. Copper Mountain Well No. 3: Location: SW¼ NE¼, Sec 30, T 6 S, R 78 W 6th PM at a point whence the E¼ Corner of said Sec 30 bears S 70°29' E a distance of 2,050 ft., also described as 1,950 ft from N line and 1,970 ft from E line of said Sec 30. Appropriation date: 11/01/91. Amounts & uses: 1.54 cfs, absolute, for irrigation, municipal, domestic, industrial, commercial, fire protection, recreation and aesthetic; 1.46 cfs, conditional, for irrigation, municipal, domestic, industrial, commercial, fire protection, recreation and aesthetic; 3.0 cfs, conditional, for snowmaking. The Application on file with the court includes a list of activities demonstrating diligence. Owner of land on which wells are located: Powder-Copper Participation LLC, 0800 Copper Road, #3001, Copper Mountain, Colorado 80443. (7 pages)

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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 JANUARY 2019. *The water right claimed by this application*

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19CW3014 GARFIELD COUNTY – GROUNDWATER TRIBUTARY TO ROARING FORK RIVER & THE ROARING FORK RIVER VIA DELIVERIES FROM C&M DITCH. Barretta, LLC, a Colorado limited liability company, c/o Kevin L. Patrick, Esq., Paul L. Noto, Esq., and John M. Sittler, Esq., Patrick, Miller & Noto, P.C., 229 Midland Ave., Basalt, CO 81621, (970) 920-1030. APPLICATION TO MAKE WATER RIGHTS ABSOLUTE. **First Claim:** Douglas Cerise Well No. 2; Permit No. 76170-F. Original decree: April 11, 1988, Case No. 86CW08. Legal: The NW ¼ NE ¼ of Section 24, Township 7 S., Range 88 W. of the 6th P.M., at a point approximately 390 feet from the North section line and 2,290 feet from the East section line. Source: Groundwater tributary to Roaring Fork River. Appropriation date: October 1, 1985. Amount: 25 g.p.m. (0.056 c.f.s.) conditional. Use: Commercial, livestock, and municipal. Depth: 130 ft. Claim for absolute: Date of beneficial use: November 16, 1998. Amount: 25 g.p.m. (0.056 c.f.s.). Use: Commercial, livestock, and municipal. **Second Claim:** Cache Pond. Original decree: April 11, 1988, Case No. 86CW08. Legal: The NW ¼ NE ¼ of Section 24, Township 7 S., Range 88 W. of the 6th P.M., at a point approximately 200 feet from the North section line and 1,450 feet from the East section line. Source: The Roaring Fork River via deliveries from the C&M Ditch. Appropriation date: October 1, 1985. Amount: 2.22 acre-feet conditional, with right to re-fill May through September. Use: Municipal and augmentation. Claim for absolute: Date of beneficial use: June 1, 1999. Amount: 2.22 acre-feet. Use: Municipal and augmentation. A map of water rights is on file with the court as Exhibit A. A summary of diligence activities is on file with the court as Exhibit B. Applicant owns the land where structures are located and where water is put to beneficial use.

YOU ARE HEREBY NOTIFIED THAT YOU HAVE until the last day of MARCH 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 JANUARY 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.*

19CW3015 (07CW211) APPLICATION FOR FINDINGS OF REASONABLE DILIGENCE AND TO MAKE CONDITIONAL WATER RIGHTS PARTIALLY ABSOLUTE. IN SUMMIT COUNTY, COLORADO. Applicant: Board of County Commissioners of Summit County (“Summit County”) c/o Scott Vargo, County Manager, Post Office Box 68, Breckenridge, Colorado 80424. Copies of all pleadings to: Charles B. White, No. 9241, Thomas W. Korver, No. 36924, Petros & White, LLC, 1999 Broadway, Suite 3200, Denver, CO 80202, Phone: (303) 825-1980. Claim for Findings of Reasonable Diligence. Name of water right: Blumenhein Well Nos. 1 and 2 (the “Conditional Water Rights”). Description of Conditional Water Rights: A. Date of original decree: The Blumenhein Well Nos. 1 and 2 were originally adjudicated by the decree entered on March 17, 1973 in Case No. W-1204, District Court, Water Division No. 5, Colorado. B. Subsequent diligence decree: November 14, 2001 in Case No. 01CW153, January 12, 2013 in Case No. 07CW211 (Part 1 of 2), District Court, Water Division No. 5, Colorado. C. Subsequent decrees: i. The Blumenhein Well Nos. 1 and 2 were included as augmented structures in Summit County's augmentation plan decreed in Case No. 95CW122, District Court, Water Division No. 5. ii. By corrected decree in Case No. 07CW211 (Part 2 of 2), entered on August 19, 2013 (the “Change Decree”), the Blumenhein Well Nos. 1 and 2 were changed to the locations of wells in the Bill's Ranch Well Field, as described in subparagraph D below. D. Legal Descriptions: i. The original decreed location of Blumenhein Well No. 1 is in the SE1/4 SW1/4 of Section 35, Township 5 South, Range 78 West of the 6th P.M. at a point 2,000 feet east of the west line and 1,000 feet north of the south line of said Section 35. ii. The original decreed location of Blumenhein Well No. 2 is in the NW1/4 SE1/4 of Section 35, Township 5 South, Range 78 West of the 6th P.M., at a point 3,000 feet east of the west line and 1,500 feet north of the south line of said Section 35. iii. The locations of the Blumenhein Well Nos. 1 and 2, as changed to existing and future wells in the Bill's Ranch Well Field by the Change Decree, entered on August 19, 2013, are as follows: The Bill's Ranch Well Field consists of all lots within the Bill's Ranch subdivisions, as described in the plat(s) recorded in the real property records of Summit County, Colorado that are listed in Exhibit A*. The Well Field is generally located in the S 1/2 of Section 35, Township 5 South, Range 78 West of the 6th P.M., and more particularly described as being located within portions of the SE 1/4 of the SW 1/4, Section 35 and the SW 1/4, SE 1/4, NE ¼, and NW 1/4 of the SE 1/4, Section 35, and encompasses an area of approximately 96 acres, as depicted on Exhibit B*. The specific locations of such existing and additional wells shall be subsequently identified in accordance with the requirements of State Engineer's Policy Memorandum 99-1. iv. The Blumenhein Well Nos. 1 and 2 will not be constructed at their originally decreed locations; the water rights decreed thereto will be exercised only at the alternate point of diversion wells in the Bill's Ranch Well Field as provided herein. E. Source and depth: Groundwater tributary to Miners Creek and the Blue River. The wells to be included within the Well Field range in depths from approximately 30 feet to 350 feet. F. Appropriation date: June 26, 1972. G. Amount: 0.50 c.f.s. each, for a total of 1.0 c.f.s. The Change Decree provided that the average monthly aggregate pumping rate from the water rights decreed for the Blumenhein

Well Nos. 1 and 2 at alternate points of diversion in the Bill's Ranch Well Field shall not exceed 0.2 c.f.s., although peak pumping rates may exceed that value, up to an aggregate of 1.0 c.f.s. The aggregate volume of water pumped at alternate points of diversion in the Bill's Ranch Well Field shall not exceed 75 acre-feet per year. H. Use: Domestic, mechanical, municipal, industrial, and irrigation. I. Inclusion in augmentation plan: Upon application by the owner of the land on which the well is beneficially used and approval of a water supply contract by Summit County, the wells located in the Well Field will be operated as alternate points of diversion for the Blumenhein Well Nos. 1 and 2, and will also be included as augmented structures in Summit County's augmentation plan decreed in Case No. 95CW122, Water Division No. 5, on May 10, 2004, subject to the terms and conditions of that decree including, without limitation, paragraphs 6.f and 8.a thereof. Execution of a water supply contract with Summit County and inclusion in the augmentation plan in Case No. 95CW122 shall be prerequisites to the operation of any well as an alternate point of diversion for the Blumenhein Well Nos. 1 and 2. Evidence of reasonable diligence: The Conditional Water Rights are part of an integrated system for supplying the water demands of Summit County. The application contains a summary of specific projects and work undertaken during the diligence period (from January 12, 2013 to January 31, 2019) and is available at the Division 5 Water Clerk or via Colorado Courts E-filing. The list is not intended to be all inclusive and may be supplemented by additional evidence at any hearing in this matter. Can and will. The remaining Conditional Water Rights can and will be diverted, stored, or otherwise captured, possessed, and controlled, and will be beneficially used, with diligence in a reasonable time. C.R.S. § 37-92-305(9)(b). Claim to Make Conditional Water Rights Partially Absolute. Exercise and beneficial use of Conditional Water Rights: A. Date, amount, and use of water applied to beneficial use: During the most recent accounting year that began on April 1, 2018, the metered volumetric data from the contracted alternate point of diversion wells in the Bill's Ranch Well Field indicate that the wells diverted at a maximum average daily rate of 0.005 c.f.s. of the decreed 1.0 c.f.s. of the Blumenhein Well Nos. 1 and 2 water rights. The highest annual aggregate metered volume diverted during the diligence period occurred in the 2017-2018 accounting year (4/1/2017-3/31/2018) and was 1.723 AF. These figures are not representative of actual diversions, in that they are based on user-supplied monthly volumetric data that is incomplete and does not reflect actual peak pumping rates. More reliable diversion data are a maximum aggregate pumping rate of 0.022 c.f.s. in July of 2018 and an annual aggregate volume of 13.66 AF in the 2017-2018 accounting year. These figures are based on the monthly diversion rates calculated for each contract using engineering values set forth in Summit County's umbrella augmentation plan decreed in Case No. 95CW122. B. Supporting evidence that applicant diverted water in-priority and applied such water to the beneficial uses claimed in the amounts claimed: Exhibit C-1* contains diversion records and engineered values reflecting the application of the Conditional Water Rights to beneficial use pursuant to the Change Decree and the augmentation plan decreed in Case No. 95CW122. In accordance with paragraph 10.C of the Change Decree, Exhibits C-1 and C-2* list the specific point(s) of diversion and the amounts of water withdrawn at each alternate point of diversion well. The locations of these points of diversion are shown on Exhibit C-2*. C. Description of place of use where water is applied to beneficial use: Land within the Bill's Ranch subdivisions, as described in the plat(s) recorded in the real property records of Summit County, Colorado that are listed in Exhibit A. D. Locations of wells within the Bill's Ranch Well Field that are operating as alternate points of diversion for the Blumenhein Wells No. 1 and 2 pursuant to the Change Decree: i. Alternate point of diversion wells in the Bill's Ranch Well Field that were operating as of the date of the Change Decree were identified in Exhibit C to the Change Decree. ii. In accordance with paragraph 10.F of the Change Decree, Exhibit C-3* identifies the additional specific alternate points of diversion in the Well Field that have new permit numbers and/or locations. Those alternate points of diversion are shown on Exhibit C-2*. E. Terms and conditions: Summit County does not believe that any additional terms and conditions, in addition to those specified in the Change Decree, are necessary to avoid injury to other water rights from wells pumping at the additional points of diversion described in Exhibit C-3*. Names, and addresses of owners or reputed owners of the land upon which any new diversion or storage structure, or modification to any existing diversion or storage structure is or will be constructed or upon which water is or will be stored, including any modification to the existing storage pool: It is not possible to ascertain the names and addresses of the owners of land located in Summit County on which future structures that may be operated as alternate points of diversion for the Blumenhein Well Nos. 1 and 2 will be located. The participation of such owners in the change of water rights decreed in the Change Decree will be voluntary and pursuant to agreement between each owner and Summit County. WHEREFORE, Summit County respectfully requests that this Court enter Findings of Fact, Conclusions of Law, and a Judgment and Decree: (1) finding that Summit County has been reasonably diligent in the development of the Conditional Water Rights as described in the preceding paragraphs; (2) making the Conditional Water Rights absolute in the amount of 0.022 c.f.s. of the decreed 1.0 c.f.s.; (3) continuing the remaining Conditional Water Rights in full force and effect; and (4) granting such other relief as may be appropriate. * Exhibits A, B, C-1, C-2, and C-3 are attached to the application and available for inspection at the office of the Division 5 Water Clerk or via Colorado Courts E-filing, and incorporated herein by this reference.

YOU ARE HEREBY NOTIFIED THAT YOU HAVE until the last day of MARCH 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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19CW3016 SUMMIT COUNTY, BLUE RIVER, TRIBUTARY TO THE COLORADO RIVER. Application for Findings of Reasonable Diligence. Summit Silverthorne, LLC c/o Mr. Russ Larsen, The Kilgore Companies, 556 Struthers Ave., Grand Junction, CO 81501, and Christopher L. Thorne, Esq. and Kylie J. Crandall, Esq., Holland & Hart LLP, 555 17th St., Denver, CO 80202. Name of structure: Hawk Hill Pump and Pipeline. Original Decree: 89CW167, October 23, 1991, Garfield County District Court, Water Division No. 5. Subsequent Diligence Cases: Case Nos. 97CW239, 04CW61, and 10CW280. Legal Description: A point on the right bank of the Blue River in the Southwest 1/4 of the Southwest 1/4 of Section 20, T. 3 S., R. 78 W., 6th P.M. at a point whence the Northeast Corner of said Section 20 bears North 48 degrees 45' East a distance of 6,480 feet. Source: Blue River, tributary to the Colorado River, Appropriation Date: June 7, 1989. Amount: 2.0 cubic feet per second, conditional. Use: Irrigation. A detailed description what has been done by Applicant and its predecessor in interest, Julie Hillyard, toward completion of the appropriation and application of water to beneficial use as conditionally decreed, including expenditures, is included in the Application and in Exhibit A to the Application, which is on file with the Court. The Hawk Hill Pump and Pipeline is located on land owned by Applicant.

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19CW3017 (88CW270, 97CW195, 04CW114, 12CW87), GRAND COUNTY. APPLICATION FOR FINDING OF REASONABLE DILIGENCE. Stillwater Ranch-11, LLC ("SWR-11"), c/o Ray Trimble, PO Box 2147, Grand Lake, CO 80447-2147, c/o Jennifer M. DiLalla, Atty. Reg. No. 40319, Moses, Wittemyer, Harrison and Woodruff, P.C., 2595 Canyon Blvd., Suite 300, Boulder, Colorado 80302, (303) 443-8782, jdilalla@mwhw.com. 2. Ranch Resort Lake No. 1 2.1 Original decree: Case No. 88CW270, District Court, Water Division No. 5 (Aug. 5, 1991). 2.2 Subsequent decrees awarding findings of diligence: Case No. 97CW195 (July 10, 1998); Case No. 04CW114 (May 22, 2006); Case No. 12CW87 (Jan. 12, 2013), all in District Court, Water Division No. 5. 2.3 Other relevant decree: The decree entered on August 24, 1992, in Case No. 92CW11, District Court, Water Division No. 5, approved a change in point of diversion for Ranch Resort Lake No. 1, to the location described in paragraph 2.4 of the application and as follows. 2.4 Legal description of decreed point of diversion: The dam is decreed to be located at a point approximately 250 feet downstream from where Stillwater Creek crosses the south section line of Section 22 (the north section line of Section 27), T3N, R76W of the 6th P.M., in the NE1/4 of the NW1/4 of said Section 27, as shown on **Exhibit A** to the application. (UTM coordinates as given on CDSS: 423952.9 X, 4450137.7 Y, NAD 83, Z13.) 2.5 Source: Stillwater Creek, tributary to Lake Granby. 2.6 Appropriation date: July 12, 1988. 2.7 Amount: 25 acre-feet, conditional. 2.8 Use: Recreation, fish propagation, municipal, domestic, commercial, firefighting, irrigation, and augmentation uses. By handwritten note of the Referee on the decree entered in Case No. 04CW114, the Court ordered that if a special district has not been organized or the development and the subject water right have not been annexed into a municipality upon Applicant's making the subject water right absolute in full, Applicant shall abandon the municipal use designation. SWR-11 does not seek to make any portion of Ranch Resort Lake No. 1 absolute in this case. 2.9 Legal description of land to be irrigated: Land in Sections 22 and 27, T3N, R76W of the 6th P.M. in Grand County, Colorado, as shown on **Exhibit A** attached to the application. 3. Detailed outline of diligence period work and expenditures toward completion of the appropriation and storage of water for subsequent beneficial use: The diligence period runs from January 2013 through January 2019 ("Diligence Period"). During the Diligence Period, SWR-11 worked diligently to develop Ranch Resort Lake No. 1, complete the appropriation, and divert water to storage for subsequent beneficial use, as demonstrated by the following activities and expenditures: 3.1 By Warranty Deed and Bargain and Sale Deed dated February 10, 2017, and for valuable consideration, SWR-11 acquired the real property known as "Stillwater Ranch" and its appurtenant water rights, including the conditional water right for Ranch Resort Lake No. 1, from Stillwater Ranch Development Company. The water rights and associated infrastructure, easements, and other real property interests conveyed by the Bargain and Sale Deed make up an integrated water supply system for Stillwater Ranch for purposes of C.R.S. § 37-92-301(4)(b). A copy of the recorded Bargain and Sale Deed is attached to the application as **Exhibit B**. 3.2 Since acquiring Stillwater Ranch and its appurtenant water rights in early 2017, SWR-11 has worked diligently with its technical consultants, JVA Consulting Engineers ("JVA"), ERO Resources, Inc., and Bishop-Brogden Associates, Inc. ("BBA"), to finalize the Stillwater Ranch site development plan, which was approved by the Grand

County Planning Commission on December 11, 2018. SWR-11 incurred expenses of approximately \$27,000 for these consulting services in working to obtain approval of the final site development plan. 3.3 Since August of 2017, SWR-11 has been working with JVA to study and design the water system, including Ranch Resort Lake No. 1, that will be part of the Stillwater Ranch development. SWR-11 also is working with JVA on a plan for water quality management within the integrated water system. SWR-11 has incurred expenses of approximately \$19,000 for this work. 3.4 SWR-11 is working with the U.S. Army Corps of Engineers to obtain approval for construction of an access road to serve the Stillwater Ranch Development. SWR-11 has incurred expenses of approximately \$1,500 for this work. 3.5 Since acquiring Stillwater Ranch and its appurtenant water rights in early 2017, SWR-11 has worked diligently with undersigned counsel with respect to legal aspects of water rights planning and operations on Stillwater Ranch. SWR-11 has incurred expenses of approximately \$1,704 for this work. 3.6 Since acquiring Stillwater Ranch and its appurtenant water rights in early 2017, SWR-11 has worked diligently with its water rights engineering consultants at BBA with respect to technical aspects of water rights planning and operations on Stillwater Ranch. SWR-11 has incurred expenses of approximately \$3,900 for this water rights-related work; those expenses are included within and are not in addition to the \$27,000 of expenses described in paragraph 3.2 of the application and above. 3.7 At a cost of approximately \$25,000, SWR-11 has reconstructed the infrastructure separating the Red Top Ditch from Stillwater Creek on Stillwater Ranch. 4. Names and addresses of owners or reputed owners of the land upon which any new diversion or storage structure or modification to any existing diversion or storage structure is or will be constructed, or upon which water is or will be stored, including any modification to the existing storage pool: SWR-11. WHEREFORE, SWR-11 requests that the Water Court enter a decree finding that SWR-11 has exercised reasonable diligence with respect to Ranch Resort Lake No. 1 and continuing that conditional water right in full force and effect for an additional diligence period. 9 pages, including Exhibit A (1 page) and Exhibit B (3 pages).

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

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

19CW3018 PITKIN COUNTY. SNOWMASS CREEK, TRIB. TO THE ROARING FORK RIVER. Application for Finding of Reasonable Diligence and to Confirm Absolute, in Part. Applicant: Windstar Valley Ranch LLC, c/o Balcomb & Green, P.C., P.O. Drawer 790, Glenwood Springs, CO 81602; 970-945-6546. Prior Decrees: CA-5884, W-810, W-810-76, 80CW226, 84CW108, 88CW118, 94CW93, and 07CW56 all in Dist. Court, Water Div. 5. The Court approved a change of the Subject Water Rights in 07CW56. Name of Surface Water Right: Gerbaz Extension of the Snowmass Divide Ditch. Source: Snowmass Creek. Approp. Date: 3/23/1967, as revised in Case No. 94CW93. Uses (as clarified in Case No. 07CW56): Irr., hydropower, fire prot., pisc., rec., aug., exchange, aesthetic, wildlife watering, and stock watering. Amt.: 5.032 c.f.s., cond., which is the Applicant's interest in the 26.2 c.f.s. decreed under this priority. Legal Descript.: headgate is located at a pt. on the right bank of Snowmass Creek, whence the SW Corner of Sec. 12, T. 9 S., R. 86 W., 6th P.M. bears N. 28°39'43" E. at a distance of 2,231.6 ft. (1,958 ft. from the N. Sec. line and 1,070 ft. from the E. Sec. line, in the SE1/4, NE1/4, Sec. 14). Alt. Pt. of Diversion: As changed in Case No. 07CW56, 5.032 c.f.s. of Applicant's interest in the Gerbaz Extension of the Snowmass Divide Ditch water right may be diverted at the Walker Wonder Ditch. The headgate is located on the W. bank of Snowmass Creek whence the N.E. Corner of Sec. 14, T. 9 S., R. 86 W., 6th P.M. bears N. 44°49' E., 1,630.42 ft. Remarks: In Case No. 07CW56, the Court cancelled the decreed cond. uses of dom., ind., manufacturing, and "other beneficial uses" associated with Applicant's interest in the water right. Diversions at the alt. pt. of diversion shall be limited to the amt. of water legally and physically available at the orig. pt. of diversion. Name of Storage Water Right: Aspen Gerbaz Water System Reservoir. Source: Snowmass Creek. As decreed in Case No. CA-5884, the Aspen Gerbaz Water System Reservoir is an off-channel reservoir to be filled by the Gerbaz Extension of the Snowmass Divide Ditch. Approp. Date: 3/23/1967, as revised in Case No. 94CW93. Amt.: 175 a.f., cond., which is the Applicant's interest in the 322.1 a.f. decreed under this priority. Depth: 42 ft. Surface Area: 10.7 acres. Uses (as clarified in Case No. 07CW56): Irr., hydropower, fire prot., pisc., rec., aug., exchange, aesthetic, wildlife watering, and stock watering. Legal Descript.: The high water line at the N. abutment of the proposed dam for the reservoir is located at a pt. whence the W. Quarter Corner of Sec. 1, T. 9 S., R. 86 W., 6th P.M. bears N. 46°47'03" W. a distance of 869.7 ft. (2,044 ft. from the S. Sec. line and 634 ft. from the W. Sec. line, in the NW1/4, SW1/4, Sec. 1). Changed Places of Storage: As changed in Case No. 07CW56, 175 a.f. of Applicant's interest in the water right may be stored at locations on Applicant's property including, but not limited to, the locations of Windstar Ponds No. 1-5. All locations are calculated from the centerline of the dam. All ponds capacities are active storage, and have a max dam ht. of less than 10 ft. Windstar Pond No. 1: SW1/4 SW1/4, Sec. 2, T. 9 S., R. 86 W., 6th P.M. a distance of 4,090 ft. S. and 360 ft. E. of the Sec. line. Capacity: 25 a.f. Surface Area: 1.95 acres. Dam Length: 350 ft. Windstar Pond No. 2: SE1/4 NE1/4,

Sec. 3, T. 9 S., R. 86 W., 6th P.M. a distance of 2,207 ft. S. and 338 ft. W. of the Sec. line. Capacity: 1.25 a.f. Surface Area: 0.18 acres. Dam Length: 100 ft. Windstar Pond No. 3: SE1/4 NE1/4, Sec. 3, T. 9 S., R. 86 W., 6th P.M. a distance of 1,882 ft. S. and 675 ft. W. of the Sec. line. Capacity: 0.75 a.f. Surface Area: 0.13 acres. Dam Length: 100 ft. Windstar Pond No. 4: SE1/4 NE1/4, Sec. 3, T. 9 S., R. 86 W., 6th P.M. a distance of 1,865 ft. S. and 895 ft. W. of the Sec. line. Capacity: 2.5 a.f.. Surface Area: 0.36 acres. Dam Length: 200 ft. Windstar Pond No. 5: SE1/4 NE1/4, Sec. 3, T. 9 S., R. 86 W., 6th P.M. a distance of 1,877 ft. S. and 525 ft. E. of the Sec. line. Capacity: 0.75 a.f. Surface Area: 0.13 acres. Dam Length: 100 ft. Remarks: In Case No. 07CW56, the Court cancelled the cond. uses of dom., ind., manufacturing, and "other beneficial uses" decreed to Applicant's interest in the Aspen Gerbaz Water System Reservoir; the Court also cancelled 16.1 a.f. of the Applicant's 191.1 a.f. interest in the water right. Case No. 07CW56 provides that "Windstar Ponds No. 1 through 4 have been constructed to the specifications detailed [therein]. To utilize the 175 a.f. available under the Aspen Gerbaz Water System Reservoir water right, Applicant intends to enlarge some or all of the Windstar Ponds No. 1 through 4 and construct new ponds, including, without limitation, Windstar Pond No. 5. Windstar Pond No. 5 will be built to specifications listed [therein] or larger." As decreed in Case No. 07CW56, the Subject Water Rights are components of the Applicant's integrated water supply system. C.R.S. § 37-92-301. Diligence activities and expenditures are listed in the App. Claim to Confirm Absolute: On 6/15/2014, Applicant placed the Gerbaz Extension of the Snowmass Divide Ditch to beneficial use by diverting water at the Walker Wonder Ditch to fill the Windstar Ponds No. 1-4 for subsequent beneficial use, as described in paragraph 10 of the App. Amt.: 0.848 c.f.s., absolute, with 4.184 c.f.s. remaining cond. Use: All decreed uses, through storage. On 6/15/2014, Applicant stored a total of 29.5 a.f. of water in the Windstar Ponds No. 1 through 4 under the Aspen Gerbaz Water System Reservoir priority for subsequent beneficial use for all decreed uses. C.R.S. § 37-92-301(4)(e). Applicant constructed the Windstar Ponds No. 1 through 4 prior to entry of the decree in Case No. 07CW56 at the specs. described therein and at para. 5.6 of the App. Windstar Pond No. 1; Amt.: 25 a.f., absolute; as-built surface area is 2.47 acres. Windstar Pond No. 2; Amt.: 1.25 a.f., absolute; as-built surface area is 0.14 acres. Windstar Pond No. 3; Amt.: 0.75 a.f., absolute; as-built surface area is 0.13 acres. Windstar Pond No. 4; Amt.: 2.5 a.f., absolute; as-built surface area is 0.37 acres. Applicant reserves the right to modify the date of beneficial use. 8 pgs; 1 exh.

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19CW3019 ROUTT COUNTY. SPRING TRIB. TO ELK CREEK, TRIB. TO THE COLORADO RIVER. Application for Finding of Reasonable Diligence and to Make Absolute, in part. Applicant: L&J Ranch Investments, LLC, c/o Balcomb & Green, P.C., P.O. Drawer 790, Glenwood Springs, CO 81602; 970-945-6546. Name of Structure: **Lapin Spring No. 1.** Decree information: Orig. decree: Case No. 98CW281, District Court, Water Division No. 5, 8/3/1999. Subsequent decree awarding diligence, Case No. 05CW166, District Court, Water Division No. 5, 6/1/2006, Case No. 12CW112, District Court, Water Division 5, 12/12/2013. Decreed location: Located in Sec. 21, T. 1 S., R. 84 W., 6th P.M. at a pt. 2,100 ft. W. of the E. Sec. line and 600 ft. N. of the S. Sec. line of said Sec. 21. Source: Spring trib. to Elk Creek, trib. to the Colorado River. Date of Approp.: 7/1/1998. Amt.: 10 gpm, (0.022 cfs) cond. Use: to fill Wohler Reservoir. Name of Structure: **Lapin Spring No. 2.** Decree information: Orig. decree: Case No. 98CW281, District Court, Water Division No. 5, 8/3/1999. Subsequent decree awarding diligence, Case No. 05CW166, District Court, Water Division No. 5, 6/1/2006, Case No. 12CW112, District Court, Water Division 5, 1/12/2013. Decreed location: Located in Sec. 21, T. 1 S., R. 84 W., 6th P.M. at a pt. 600 ft. W. of the E. Sec. line and 1400 ft. N. of the S. Sec. line of said Sec. 21. Source: Spring trib. to Elk Creek, trib. to the Colorado River. Date of Approp.: 7/1/1998. Amt.: 25 gpm, (0.055 cfs) cond. for irr. use; 50 g.p.m. (0.111 c.f.s.) cond. to fill Wohler Reservoir (25 g.p.m. made absolute for irr. use, Case No. 12CW112). Use: Irr. and to fill Wohler Reservoir. Name of structure: **Buck Pond, Lapin First Enlargement.** Decree information: Orig. decree: Case No. 98CW282, District Court, Water Division No. 5 8/3/1999. Subsequent decree awarding diligence: Case No. 05CW162, District Court, Water Division No. 5 6/1/2006, Case No. 12CW112, District Court, Water Division 5, 1/12/2013. Decreed location: NE1/4, NW1/4, Sec. 22, T. 1 S., R. 84 W., 6th P.M. at a pt. whence the NW corner of said Sec. 22 bears N. 69° 21' W. a distance of 2,428 ft. and 2,282 ft. from the W. Sec. line and 906 ft. from the N. Sec. line. Source: Spring trib. to Antelope Creek, trib. to the Colorado River. Date of Approp.: 5/15/1992. Amt.: 12.2 AF, cond. for irr. of 10 acres located in the NE1/2, N1/2 of Sec. 22, and the SE1/4 SW1/4 and SW1/4 SE1/4 Sec. 15, T. 1 S., R. 84 W., 6th P.M. in Routt County, Colorado. Use: irr. Surface area of high-water line: 3.5 acres. Max. Ht. of dam in ft.: 10 ft. Length of dam in ft.: 350 ft. Total capacity of reservoir: 16.8 AF as decreed in Case No. 91CW92. Active capacity: 16.8 AF. Dead storage: 0 AF. Remarks: Pursuant to the decrees entered in Cases No. 05CW162 and 05CW166, the cond. water rights described above are individual components of an integrated water supply system that provide water for uses upon Applicant's property known as Elk Creek Ranch. The integrated water system is currently

comprised of the subject water right as well as the following water rights: Water rights decreed or confirmed in Case No. 91CW92, which include: Russell Pond No. 1, Buck Pond, Oak Knoll Ditch, Buck Pond Ditch, McSweeney Spring No. 2, Russell No. 1 Ditch, Wohler Reservoir, and Wohler Ditch. Water rights decreed in Case No. 01CW355, Parts I and II, which include: Lapin Wells A, B, D, E, F, I and J, Lapin Well C and Lapin Springs G and H. All water rights decreed in Case No. 98CW281 and 98CW282, which include: Lapin Springs Nos. 1 and 2 and Buck Pond, Lapin First Enlargement. All water rights decreed to Wohler Reservoir in Civil Action No. 560, Case No. W-389 and Case No. 91CW92. A list of diligence activities and expenditures describing what has been done toward completion of the appropriations and application of water to beneficial use is on file with this court. Request to Make Absolute. Applicant requests a finding that the following water rights are absolute through the application to beneficial use. **Buck Pond, Lapin First Enlargement:** Date water applied to beneficial use: July 1, 2014, by storage of water in the Buck Pond for its decreed beneficial use. C.R.S. §37-92-301(4)(e). Amt. claimed: 12.2 AF for irr. of 10 acres located in the NE1/2, N1/2 of Sec. 22, and the SE1/4 SW1/4 and SW1/4 SE1/4 Sec. 15, T. 1 S., R. 84 W., 6th P.M. in Routt County, Colorado. Diversion Records maintained by the Division Engineer are attached. Names and addresses of owners of the land upon which any structure is or will be located, upon which water is or will be stored, or upon which water is or will be placed to beneficial use: Applicant. 7 pgs

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

19CW3020 GRAND COUNTY – TROUBLESOME FORMATION, TRIBUTARY TO FRASER AND COLORADO RIVERS.

Cornerstone Winter Park Holdings, LLC and Rendezvous Colorado, LLC, c/o Kevin L. Patrick, Esq. and Danielle L. Van Arsdale, Esq., Patrick, Miller & Noto, P.C., 229 Midland Ave., Basalt, CO 81621, (970) 920-1030 & The Town of Fraser, c/o Christopher L. Throne, Esq. and C. Tarn Udall, Esq., Holland and Hart, LLP, 555 Seventeenth Street, Ste., 3200, P.O. Box 8749, Denver, CO 80201-8749, (303) 295-8000. APPLICATION TO MAKE ABSOLUTE IN PART AND FOR FINDINGS OF REASONABLE DILIGENCE. **First Claim:** Maryvale Well No. 1, Permit No. 53751-FR; Maryvale Well No. 2; Maryvale Well No. 3. Original decree: December 31, 2002, Case No. 99CW313 Division 5 Water Court. Legal Descriptions: Maryvale Well No. 1: SE ¼ NW ¼ of Section 28, Township 1 S., Range 75 W. of the 6th P.M., at a point 1,849 feet from the North section line and 1,554 feet from the West section line. Maryvale Well No. 2: NE ¼ NE ¼ of Section 29, Township 1 S., Range 75 W. of the 6th P.M., at a point 51 feet from the North section line and 1,264 feet from the East section line. Maryvale Well No. 3: SW ¼ SE ¼ of Section 20, Township 1 S., Range 75 W. of the 6th P.M., at a point 751 feet from the South section line and 2,585 feet from the East section line. Source: Troublesome Formation, tributary to Fraser and Colorado Rivers. Appropriation dates: Maryvale Well No. 1: November 17, 1999. Maryvale Well Nos. 2 and 3: February 24, 1986. Amount: The maximum cumulative diversions from Maryvale Wells and Rendezvous Well Field Nos. 1-3 (Case No. 00CW294) shall not exceed 3.57 c.f.s. (1,600 g.p.m.) with a total annual volumetric limit of 892.4 acre-feet. The claim for each individual Maryvale Well is 0.5 c.f.s. (225 g.p.m.) with an annual volumetric limit of 360 acre-feet. Use: Domestic, irrigation, commercial, municipal, stock watering, and fire protection. Depth: Maryvale Well No. 1: 282 feet. Maryvale Well Nos. 2 and 3: N/A. Claim for absolute: Maryvale Well No. 1. Date of beneficial use: May 31, 2018. Amount: 0.20 c.f.s. (89.3 g.p.m.). Use: Municipal. A map of water rights is on file with the court as Exhibit A. A map of the irrigated area is on file with the court as Exhibit B. A summary of diligence activities is on file with the court as Exhibit C. Evidence of beneficial use and call records are on file with the court as Exhibits D and E. Applicant Rendezvous owns the land where Maryvale Well No. 1 is located. Applicants Rendezvous and/or Fraser own the land where Maryvale Well Nos. 2 and 3 will be located. Applicants own the land where water is and will be put to beneficial use. The Maryvale Wells are component part of an integrated water supply system for Applicants Cornerstone's and Rendezvous' properties.

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19CW3021 GRAND COUNTY, APPLICATION FOR FINDING OF REASONABLE DILIGENCE. The Town of Fraser, c/o Christopher Thorne, Esq. and Tarn Udall, Esq., Holland & Hart LLP, 555 17th Street, Suite 3200, Denver, CO 80201, (303) 295-8000, cthorne@hollandhart.com, ctudall@hollandhart.com. Names of structures: Fraser Wells Nos. 1, 2, 4, and 5; the Gaskill Ditch; Wells RM-5, RM-6 and RM-7; Detention Reservoirs K-1a, K-1b, K-2, J-2, J-3, E-F; and Maryvale Reservoir (the "Fraser Structures"). Decree information: *Original Decree:* Case No. 90CW234. *Date Entered:* June 8, 1995. *Court:* District Court, Water Division No. 5. Appropriation date (all structures): August 1, 1989. Decreed point of diversion: *Fraser Well No. 1:* In the SE1/4NE1/4 of Section 19, Township 1 South, Range 75 West of the 6th P.M. at a point 1,550 feet South of the North line and 450 feet West of the East line of said Section 19. *Fraser Well No. 2:* In the NE1/4NE1/4 of Section 19, Township 1 South, Range 75 West of the 6th P.M. at a point 950 feet South of the North line and 325 feet West of the East line of said Section 19. *Fraser Well No. 4:* In the NE1/4NE1/4 of Section 19, Township 1 South, Range 75 West of the 6th P.M. at a point 475 feet South of the North line and 375 feet West of the East line of said Section 19. *Fraser Well No. 5:* In the NE1/4NE1/4 of Section 19, Township 1 South, Range 75 West of the 6th P.M. at a point 50 feet South of the North line and 475 feet West of the East line of said Section 19. *Gaskill Ditch:* The point of diversion is located on the East Bank of the St. Louis Creek at a point whence the SW corner of Section 25, Township 1 South, Range 76 West of the 6th P.M. bears South 27°19'30" West, 3,896.2 feet. *Well RM-5:* In the SE1/4SE1/4, Section 20, Township 1 South, Range 75 West of the 6th P.M., 425 feet from South section line and 225 feet from East section line. *Well RM-6:* In the SE1/4SE1/4, Section 20, Township 1 South, Range 75 West of the 6th P.M., 800 feet from South section line and 225 feet from East section line. *Well RM-7:* In the SW1/4SE1/4, Section 20, Township 1 South, Range 75 West of the 6th P.M., 1,300 feet from South section line and 2,300 feet from East section line. *One or more of six Detention Reservoirs to be located as follows:* K-1a, located in the NW1/4NE1/4, Section 29, volume in acre-feet: 7.0. K-1b, located in the NE1/4NE1/4, Section 29, volume in acre-feet: 5.0. K-2, located in the NE1/4NE1/4 and SE1/4NE1/4, Section 29, volume in acre-feet: 10.0. J-2, located in NE1/4NE1/4, Section 29 and NW1/4NW1/4, Section 28, volume in acre-feet: 2.0. J-3, located in the NW1/4NW1/4 and SW1/4NW1/4, Section 28, volume in acre-feet: 6.0. E-F, located in the SE1/4NW1/4, Section 28, volume in acre-feet: 6.0. The decreed locations for the six detention reservoirs are the same locations as six of the storage ponds described in the Application in Case No. 99CW314, where the detention ponds are titled Maryvale K-1a Reservoir, Maryvale K-1b Reservoir, Maryvale K-2 Reservoir, Maryvale J-2 Reservoir, Maryvale J-3 Reservoir, and Maryvale E-F Reservoir. *Maryvale Reservoir:* In the S1/2NW1/4 Section 28, T1S, R75W. The initial point of the survey of the high water line of the Reservoir is located at a point whence the West Quarter Corner of Section 28, T. 1S., R. 75W. of the 6th P.M. bears S. 51°10'W. a distance of 1753.8 feet. Exchange Reach: The affected reach of the Fraser River is between the location of the Fraser Structures, and the point of confluence of the Fraser and the Colorado Rivers in Section 25, Township 2 North, Range 77 West of the 6th P.M. The downstream terminus of the exchange at the confluence of the Fraser and Colorado Rivers is more particularly described as the SW1/4 of the SW1/4 of Section 25, Township 2 North, Range 77 West approximately 575 feet north of the southern section boundary and 682 feet east of the western section boundary. Source of Exchange Water: Applicant has entered into a Water Allotment Contract dated August 1, 1989, with the Middle Park Water Conservancy District for the water right to an annual entitlement of 80 acre feet. This water is a portion of the 3,000 acre feet which the Northern Colorado Water Conservancy District, Municipal Subdistrict, agreed to annually place in storage in Granby Reservoir, which is located on the Colorado River upstream of the confluence of the Fraser and Colorado Rivers, **GRAND COUNTY, Colorado.** Amount: The amount of water claimed to be utilized in the exchange is 80 acre feet from a combination of the Fraser Structures. The specific flow rates for the exchange to each structure shall be as follows: *Fraser Well No. 1:* 119 gpm; *Fraser Well No. 2:* 119 gpm; *Fraser Well No. 4:* 70 gpm; *Fraser Well No. 5:* 18 gpm; *Gaskill Ditch:* 1 cfs; *Wells RM-5, RM-6, RM-7:* 225 gpm total; *Maryvale Reservoir:* 0.5 cfs. Use of exchange water: Water diverted pursuant to this decreed exchange may be used for the following purposes at the following structures: Wells RM-5, RM-6 and RM-7 for irrigation purposes; Fraser Well Nos. 1, 2, 4 and 5 for irrigation, domestic, industrial and all other municipal uses; the Gaskill Ditch for irrigation, domestic, fire and sanitation district purposes, garden and lawn irrigation and other household uses; the Detention Reservoirs for irrigation, aesthetic, piscatorial, recreation, municipal, commercial, industrial, and for augmentation and exchange purposes; and Maryvale Reservoir for domestic, recreational, irrigation, fish culture uses, and augmentation (pursuant to the decree entered in Case No. 98CW041, Water Division No. 5). The water exchanged to the Fraser Structures under the subject exchange will be used within the municipal boundaries and/or service area of the Town, as those boundaries and/or service area currently exist and as they may be modified in the future. Integrated System: The Fraser Structures and associated conditional water rights are components of an integrated water supply system, as confirmed by the Water Court in paragraph 21 in the final decree entered in Case No. 08CW64. Outline of Diligence: A detailed outline of activity during the diligence period is included in the Application. Location of Structures: Applicant; Rendezvous Colorado, LLC, P.O. Box 149, Winter Park, CO 80482; Cornerstone Holdings, P.O. Box 30, Winter Park, CO 80482; Daniel D. and Anne O. Berkeley, 5046 W. Hinsdale Circle, Littleton, CO 80128. (9 pages)

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