

DIVISION 5 WATER COURT-SEPTEMBER 2021 RESUME

1. PURSUANT TO C.R.S., §37-92-302, AS AMENDED, YOU ARE NOTIFIED THAT THE FOLLOWING PAGES COMPRISE A RESUME OF THE APPLICATIONS AND AMENDED APPLICATIONS FILED WITH THE WATER CLERK FOR WATER DIVISION 5 DURING THE MONTH OF SEPTEMBER 2021. The water right claimed by this application may affect in priority any water right claimed or heretofore adjudicated within this division and owners of affected rights must appear to object and protest within the time provided by statute or be forever barred.

21CW3121 GRAND COUNTY. Winter Park Water and Sanitation District, c/o Kent Bosshard, Manager, P.O. Box 7, Winter Park, CO 80482. Applicant is represented by Kent Whitmer and Katie Randall, The Whitmer Law Firm, LLC, P.O. Box 38, Hot Sulphur Springs, CO 80451, (970) 725-3460. APPLICATION FOR FINDING OF REASONABLE DILIGENCE. Name of Structure: Winter Park Reservoir No. 1. Source: Jim Creek, tributary to the Fraser River, tributary to the Colorado River. Legal Description: The point of storage is on a parcel of land in Township 2 South, Range 75 West, 6th P.M. in unsurveyed portion of Arapahoe National Forest, Grand County, Colorado described as follows: Commencing at SW Corner, Sec. 35, Township 1 South, Range 75 West, 6th P.M. thence East along Township Line 1725 feet; thence South 8850 feet to the point of beginning; thence East 2400 feet; thence South 1400 feet; thence West 2400 feet; thence North 1400 feet to point of beginning. The point of diversion can be described as follows: The location where the dam axis crosses Jim Creek would be approximately described as follows: A point in Township 2 South, Range 75 West, 6th P.M., in unsurveyed portion of Arapahoe National Forest, Grand County, Colorado, described as follows: Commencing at SW corner, Section 35, Township 1 South, Range 75 West, 6th P.M. thence East along Township Line 1,800 feet; thence South 9,250 feet to the point where the dam centerline intersects Jim Creek. Use: Piscatorial and municipal. Amount: 25 acre-feet, conditional. Appropriation Date: December 11, 1986. Original Decree: June 14, 1988, Case No. 86CW365, Water Division No. 5. Subsequent Decrees: September 20, 2015, Case No. 15CW3001; January 9, 2009, Case No. 07CW42; March 20, 2001, Case No. 00CW162; September 9, 1994, Case No. 94CW58; all in Water Division No. 5. Additional Information: The application and attached exhibit contain a detailed outline of the work performed during the diligence period (6 pages).

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

2. PURSUANT TO C.R.S., §37-92-302, AS AMENDED, YOU ARE NOTIFIED THAT THE FOLLOWING PAGES COMPRISE A RESUME OF THE APPLICATIONS AND AMENDED APPLICATIONS FILED WITH THE WATER CLERK FOR WATER DIVISION 5 DURING THE MONTH OF SEPTEMBER 2021. The water right claimed by this application may affect in priority any water right claimed or heretofore adjudicated within this division and owners of affected rights must appear to object and protest within the time provided by statute or be forever barred.

21CW3122 (12CW188) – GRAND COUNTY – APPLICATION TO MAKE CONDITIONAL WATER RIGHTS ABSOLUTE AND FOR FINDING OF REASONABLE DILIGENCE – 1. Name, Address, Phone Number, and E-Mail Address of Applicant. C Lazy U Ranch Holdings, LLC, c/o Triton Investment Company, 7000 E. Belleview Avenue, Suite 300, Greenwood Village, CO 80111; Phone: 970-887-5926; Email: pklees@clazyu.com. Attorneys for Applicant: Richard A. Johnson, David F. Bower, Michael S. Davidson, Johnson & Repucci LLP, 850 W. South Boulder Road, Suite 100, Louisville, Colorado 80027. **2. Overview.** Applicant owns the C Lazy U Ranch, a guest ranch and resort located north of Granby in the Willow Creek drainage. In Case No. 12CW188, Applicant was decreed conditional water rights and a plan for augmentation for the main ranch portion of the C Lazy U Ranch (the "Main Ranch") and two privately-owned lots adjacent to the Main Ranch, commonly known as Murray Lots 1 and 2. By this application, Applicant seeks to make absolute in whole and in part the rights decreed in Case No. 12CW188 and for a finding of reasonable diligence on the rights not made absolute. A map of the Main Ranch, Murray Lots 1 and 2, and the structures that are the subject of this application is attached as Exhibit A. **3. Original and Subsequent Decrees.** The decree for the subject water rights was entered on September 13, 2015, in Case No. 12CW188, Water Division 5. **4. Name of Description of Conditional Water Rights.** (a) Name of Structure. C Lazy U Well No. 1. (i) Name of Water Right. C Lazy U Well No. 1 First Enlargement. (ii) Location. SW1/4 SE1/4 of Section 2, Township 2 North, Range 77 West of the 6th P.M., 917 feet from the south section line and 2,490 feet from the east section line of said Section 2. (iii) Source. Ground water tributary to Willow Creek, tributary to the Colorado River. (iv) Amount. 60 gpm (0.1338 cfs), conditional. (v) Appropriation Date. December 31, 2012. (vi) Uses. Stock watering and fire protection. (vii) Remarks. The C Lazy U Well No. 1 was originally decreed in Case No. W-1347 for 0.1338 cfs, absolute, for domestic, fish culture, lawn irrigation, and commercial purposes. This enlargement only added stock watering and fire protection as decreed uses for the structure. (b) Name of Structure. C Lazy U Well No. 3. (i) Name of Water Right. C Lazy U Well No. 3. (ii) Location. SE1/4 SW1/4 of Section 2, Township 2 North, Range 77 West of the 6th P.M., 1,061 feet from the south section line and 2,499 feet from the west section line of said Section 2. (iii) Source. Ground water tributary to Willow Creek, tributary to the Colorado River. (iv) Amount. 60 gpm (0.1338 cfs), conditional. (v) Appropriation Date. December 31, 2012. (vi) Uses. Commercial, domestic, fire protection, irrigation, and stock watering. (c) Name of Structure. C Lazy U Well No. 4. (i) Name of Water Right. C Lazy U Well No. 4. (ii) Location. SW1/4 SE1/4 of Section 2, Township 2 North, Range 77 West of the 6th P.M., 1,122 feet from the south section line and 2,428 feet from the east section line of said Section 2. (iii) Source. Ground water tributary to Willow Creek, tributary to the Colorado River. (iv) Amount. 60 gpm (0.1338 cfs), conditional. (v) Appropriation Date. December 31, 2012. (vi) Uses. Commercial, domestic, fire protection, irrigation, and stock watering. (d) Name of Structure. C Lazy U Supplemental Well No. 1. (i) Name of Water Right. C Lazy U Supplemental Well No. 1 (Main Ranch). (ii) Location. SW1/4 SE1/4 of Section 2, Township 2 North, Range 77 West of the 6th P.M., 562 feet from the south section line and 1,528 feet from the east section line of said Section 2. (iii) Source. Ground water tributary to Willow Creek, tributary to the Colorado River. (iv) Amount.

35 gpm (0.078 cfs), conditional. (v) Appropriation Date. December 31, 2012. (vi) Uses. Commercial, domestic, fire protection, irrigation, and stock watering. (vii) Remarks. In Case No. 12CW190, C Lazy U Ranch Development, LLC and the Aspen Springs Owners Association, Inc. obtained a water right for this same gallery well structure named C Lazy U Supplemental Well No. 1 (Aspen Springs).

(e) Name of Structure. C Lazy U Kids Fish Pond. (i) Name of Water Right. C Lazy U Kids Fish Pond. (ii) Location. SE1/4 SW1/4 of Section 2, Township 2 North, Range 77 West of the 6th P.M., approximately 800 feet from the south section line and 2,600 feet from the west section line of said Section 2. (iii) Source. Ground water tributary to Willow Creek, tributary to the Colorado River. (iv) Amount. 5.15 gpm (0.0115 cfs), conditional. (v) Appropriation Date. September 30, 1953. (vi) Uses. Aesthetic, recreation, and piscatorial. (f) Name of Structure. C Lazy U Kids Fish Pond Ditch. (i) Name of Water Right. C Lazy U Kids Fish Pond Ditch. (ii) Location of Diversion Point. SE1/4 SW1/4 of Section 2, Township 2 North, Range 77 West of the 6th P.M., 1,214 feet from the south section line and 2,013 feet from the west section line of said Section 2. (iii) Source. Willow Creek, tributary to the Colorado River. (iv) Amount. 10 cfs, conditional, for fire protection and use subsequent to storage for aesthetic, recreation, and piscatorial uses; 0.334 cfs, conditional, for irrigation and stock watering. (v) Appropriation Date. September 30, 1953 for fire protection and use subsequent to storage for aesthetic, recreation, and piscatorial uses. December 31, 2012 for irrigation and stock watering. (vi) Uses. Irrigation, stock watering, fire protection, and use subsequent to storage for aesthetic, recreation, and piscatorial uses. (g) Name of Structure. C Lazy U Stock Diversion. (i) Name of Water Right. C Lazy U Stock Diversion. (ii) Location of Diversion Point. SW1/4 SE1/4 of Section 2, Township 2 North, Range 77 West of the 6th P.M., 450 feet from the south section line and 1,673 feet from the east section line of said Section 2. (iii) Source. Willow Creek, tributary to the Colorado River. (iv) Amount. 50 gpm (0.111 cfs), conditional. (v) Appropriation Date. December 31, 2012. (vi) Uses. Stock watering. (h) Name of Structure. C Lazy U Spring No. 2. (i) Name of Water Right. C Lazy U Spring No. 2 First Enlargement. (ii) Location. SW1/4 SW1/4 of Section 11, Township 2 North, Range 77 West of the 6th P.M., 260 feet from the south section line and 766 feet from the west section line of said Section 11. (iii) Source. Spring or seepage tributary to Coyote Creek, tributary to the Colorado River. (iv) Amount. 9 gpm (0.02 cfs), conditional. (v) Appropriation Date. December 31, 2012. (vi) Uses. Commercial and domestic. (vii) Remarks. The C Lazy U Spring No. 2 was originally decreed in Case No. W-9 for 0.02 cfs, absolute, for irrigation and stock watering purposes. This enlargement only added commercial and domestic as decreed uses for the structure. (i) Name of Structure. C Lazy U Spring No. 3 and Pipeline. (i) Name of Water Right. C Lazy U Spring No. 3 and Pipeline First Enlargement. (ii) Location. NE1/4 NW1/4 of Section 11, Township 2 North, Range 77 West of the 6th P.M., 366 feet from the north section line and 2,292 feet from the west section line of said Section 11. (iii) Source. Spring or seepage tributary to Willow Creek, tributary to the Colorado River. (iv) Amount. 11 gpm (0.0245 cfs), conditional, for irrigation and stock watering; 20 gpm (0.045 cfs), conditional, for commercial and domestic uses. (v) Appropriation Date. December 31, 2012. (vi) Uses. Commercial, domestic, irrigation, and stock watering. (vii) Remarks. The C Lazy U Spring No. 3 and Pipeline was originally decreed in Case No. W-10 for 0.02 cfs, absolute, for irrigation and stock watering purposes. This enlargement increased the decreed irrigation and stock watering uses by 11 gpm and added a 20 gpm commercial and domestic right to the structure. (j) Name of Structure. C Lazy U Spring No. 4. (i) Name of Water Right. C Lazy U Spring No. 4 Second Enlargement. (ii) Location. SW1/4 NE1/4 of Section 11, Township 2 North, Range 77 West of the 6th P.M., 1,720 feet south from the north line and 1,780 feet west from the east line of said Section 11. (iii) Source. Spring or seepage tributary to Willow Creek, tributary to the Colorado River. (iv) Amount. 15 gpm (0.033 cfs), conditional. (v) Appropriation Date. December 31, 2012. (vi) Uses. Commercial. (vii) Remarks. The C Lazy U Spring No. 4 was originally decreed in Case No. 01CW141 for 15 gpm, conditional, for domestic, irrigation, and stock watering purposes in association with the Main Ranch. In Case No. 08CW50, 10 gpm was made absolute for domestic purposes, and in Case No. 15CW3021, 8 gpm was made absolute for irrigation and stock watering purposes. A diligence application is currently pending in Case No. 21CW3100 for the remaining conditional 5 gpm domestic and 7 gpm stock watering and irrigation uses. In addition, the C Lazy U Spring No. 4 First Enlargement decreed in Case No. 08CW187 provides domestic, irrigation, and fire protection water to the Chimney Rock Cabins development. (k) Name of Structure. C Lazy U Fish Pond No. 2. (i) Name of Water Right. C Lazy U Fish Pond No. 2 Second Enlargement. (ii) Location of Dam Centerline. SE1/4 NE1/4 of Section 3, Township 2 North, Range 77 West of the 6th P.M., 2,050 feet from the north section line and 614 feet from the east section line of said Section 3. (iii) Sources. (A) Willow Creek, tributary to the Colorado River. (B) Runoff, springs, and seepage tributary to Willow Creek, tributary to the Colorado River. (iv) Name and Location of Filling Structures. (A) C Lazy U Fish Pond No. 2 Diversion No. 1. NW1/4 NW1/4 of Section 2, Township 2 North, Range 77 West of the 6th P.M., 1,184 feet from the north section line and 1,010 feet from the west section line of said Section 2. (B) C Lazy U Fish Pond No. 2 Diversion No. 2. SW1/4 NW1/4 of Section 2, Township 2 North, Range 77 West of the 6th P.M., 1,801 feet from the north section line and 1,220 feet from the west section line of said Section 2. (v) Rate of Fill. 10 cfs. (vi) Amount. 15.77 acre-feet, conditional, with the right to fill and refill. (vii) Appropriation Date. December 31, 2012. (viii) Uses. Augmentation, replacement, and exchange, and fire protection. (ix) Remarks. The C Lazy U Fish Pond No. 2 was originally decreed in Case No. W-11, Water Division 5, for 15.77 acre-feet (6.0 acre-feet, absolute, and 9.77 acre-feet, conditional), for irrigation, recreation, fish culture, stock watering, and domestic purposes in connection with the Main Ranch. To the extent that the 9.77 acre-feet conditional right decreed in Case No. W-11 has not been continued or cancelled by previous orders of the Water Court, Applicant requests that the right also be continued in this matter. In addition, in Case No. 08CW187, C Lazy U Ranch Development, LLC obtained a water right for this same structure named the C Lazy U Fish Pond No. 2 First Enlargement, which is associated with the plans for augmentation for Chimney Rock Cabins in Case No. 08CW187 and for Aspen Springs in Case No. 08CW185 (as amended in Case No. 12CW190). (l) Name of Structure. C Lazy U Ranch Holdings Plan for Augmentation. (i) Name of Water Right. C Lazy U Ranch Holdings Right of Exchange. (ii) Description of Exchange. As part of the plan for augmentation approved in Case No. 12CW188, a conditional appropriative right of exchange was decreed to replace out-of-priority depletions from the augmented structures at the confluence of the Colorado River and Willow Creek with Middle Park Contract water from the Windy Gap Project. (iii) Downstream Terminus. The confluence of Willow Creek with the Colorado River, located in the SE1/4 NW1/4, Section

21, Township 2 North, Range 76 West of the 6th P.M., 2,060 feet from the north section line and 1,390 feet from the west section line. (iv) Upstream Terminus. The headgate of the C Lazy U Kids Fish Pond Ditch, located in the SE1/4 SW1/4 of Section 2, Township 2 North, Range 77 West of the 6th P.M., 1,214 feet from the south section line and 2,013 feet from the west section line of said Section 2. (v) Exchange Rate. Up to 0.036 cfs; no more than 5.0 acre-feet/year. (vi) Appropriation Date. December 31, 2012. (vii) Uses. Water will be exchanged to augment and replace out-of-priority depletions from the commercial, domestic, irrigation, stock watering, aesthetic, recreation, piscatorial, fish culture, and fire protection uses of the augmented structures. (viii) Remarks. Pursuant to the Division of Water Resources draft memorandum regarding Water Exchange Projects in Plans for Augmentation, this appropriate right of exchange may be characterized as an Exchange Project. Applicant requests that this exchange right be recognized as an appropriate right of exchange and/or Exchange Project Right, as appropriate, for the plan for augmentation to be approved and properly administered by the Division Engineer. **5. Claim to Make Absolute**. Since the decree was entered in Case No. 12CW188, Applicant has made absolute certain of the subject conditional water rights by diverting, pumping, and/or storing water in-priority for their decreed beneficial uses. An engineering memorandum prepared by Applicants' water resources consultants, BBA Water Consultants, Inc. evidencing that certain of the subject rights have been made absolute in the amount and for the uses claimed is attached hereto as Exhibit B. Applicant's request that the conditional water rights be made absolute in the amounts and for the uses as follows: (a) C Lazy U Well No. 1 First Enlargement. Water from the C Lazy U Well No. 1 has been pumped to the Main Ranch water treatment facility and beneficially used for stock watering and fire protection at a rate of 39 gpm. Accordingly, the C Lazy U Well No. 1 First Enlargement should be made absolute for 39 gpm for stock watering and fire protection. Applicant requests that the remaining 21 gpm be continued as conditional. (b) C Lazy U Kids Fish Pond. The C Lazy U Kids Fish Pond has depleted the Willow Creek alluvium by way of pond and ditch evaporation at a rate of 5.15 gpm. Accordingly, the C Lazy U Kids Fish Pond should be made absolute for 5.15 gpm for aesthetic, recreation, and piscatorial uses. (c) C Lazy U Kids Fish Pond Ditch. The C Lazy U Kids Fish Pond Ditch has diverted from Willow Creek at a rate of 2.73 cfs for fire protection and use subsequent to storage for aesthetic, recreation, and piscatorial uses. An additional 0.223 cfs has been diverted down the ditch and then pumped out for irrigation and stock watering. Accordingly, the C Lazy U Kids Fish Pond Ditch should be made absolute for 2.73 cfs, for fire protection and use subsequent to storage for aesthetic, recreation and piscatorial uses, and for 0.223 cfs for irrigation and stock watering uses. Applicant requests that the remaining 7.27 cfs for fire protection and use subsequent to storage for aesthetic, recreation, and piscatorial uses and 0.111 cfs for irrigation and stock watering be continued as conditional. (d) C Lazy U Stock Diversion. Applicant diverted water with a portable pump under the C Lazy U Stock Diversion right to fill a water truck at a rate of 50 gpm. Accordingly, the C Lazy U Stock Diversion should be made absolute for 50 gpm for stock watering. (e) C Lazy U Spring No. 3 and Pipeline First Enlargement. The C Lazy U Spring No. 3 and Pipeline was diverted by gravity to a spring collection cistern from which a booster pump delivered water to the Main Ranch water treatment facility at a rate of 20 gpm. Accordingly, the C Lazy U Spring No. 3 and Pipeline First Enlargement has been made absolute for 11 gpm for irrigation and stock watering and 20 gpm for commercial and domestic uses. (f) C Lazy U Spring No. 4 Second Enlargement. The C Lazy U Spring No. 4 has been diverted to a spring collection cistern and then delivered to treatment for subsequent use at the Main Ranch (and the Chimney Rock Cabins development) at a rate of 8 gpm. Accordingly, the C Lazy U Spring No. 4 Second Enlargement has been made absolute for 8 gpm for commercial use. Applicant requests that the remaining 7 gpm be continued as conditional. (g) C Lazy U Ranch Holdings Right of Exchange. The C Lazy U Ranch Holdings Right of Exchange has been operated at a maximum rate of 0.008 cfs for a total of 1.33 acre-feet/year. Accordingly, the C Lazy U Ranch Holdings Right of Exchange should be made absolute for 0.008 cfs and 1.33 acre-feet/year for augmentation and replacement of out-of-priority depletions from the commercial, domestic, irrigation, stock watering, aesthetic, recreation, piscatorial, fish culture, and fire protection uses of the augmented structures under the plan for augmentation approved in Case No. 12CW188. Applicant requests that the remaining 0.028 cfs and 3.67 acre-feet/year be continued as conditional. **6. Claim for Finding of Reasonable Diligence**. Applicant seeks to continue as conditional the water rights and portions thereof decreed in Case No. 12CW188 that are not recognized as absolute in this matter. A complete table listing the amounts not claimed as absolute and therefore requested to be continued by this matter is set forth in the BBA Water Consultants_report attached as Exhibit B. During the subject diligence period from August 2015 to present, the following activities were performed proving Applicant's intention to put the subject water rights to beneficial use and the actions taken by Applicant to do so: (a) Operation of Main Ranch. Applicant has operated the C Lazy U Guest Ranch, including the Main Ranch facilities served by the subject water rights. Applicant provided lodging, hosted conferences, weddings and other events, and provided a guest ranch and family vacation experience on a year-round basis, showing its ongoing use and need of the subject water rights. As part of the ongoing operations, Applicant has continued to use water provided by the subject rights to provide domestic water supply to guests and staff, irrigate lawns and other landscaping around the lodge, patio house, cabins and outbuildings, and for watering horses. Applicant has also delivered water to Murray Lots 1 and 2. (b) Plan for Augmentation. In conjunction with ranch operations, Applicant has continued to account for diversions and depletions under the Main Ranch plan for augmentation and report such accounting to the Water Commissioner. Much of the accounting and other water resources related work has been done by BBA Water Consultants and Applicant has incurred regular costs for their services. Applicant has also paid its annual contract with the Middle Park Water Conservancy District for the replacement water used under the plan for augmentation. (c) Wastewater Treatment Plant. Applicant spent over \$2 million upgrading the wastewater treatment plant for the Main Ranch, which is a component of the same water infrastructure as the subject water rights and structures. (d) Development Efforts. Applicant has expended time and energy during the diligence period to investigate new and larger capacity water infrastructure on certain of the subject structures for system resiliency and to meet growing guest services. The East Troublesome Fire temporarily delayed some of these activities and also resulted in increased urgency for certain water supply resiliency projects. (e) Easements and Rights-of-Way. The land where the C Lazy U Fish Pond No. 2 is located was recently sold by Applicant. Prior to the sale, Applicant had easements prepared and recorded in order to ensure continued access and ability to operate the C Lazy U Fish Ponds No. 2 and associated filling structures. (f) C Lazy U

Spring No. 4. Applicant is currently prosecuting a diligence application for the C Lazy U Spring No. 4 in Case No. 21CW3100. That water right is also augmented under the plan for augmentation approved in Case No. 12CW188, along with the other rights that are the subject of this matter. (g) General Legal and Engineering Costs. Applicant has also incurred significant general legal and engineering costs in performing water rights related work and in monitoring, evaluating, and participating in other related projects in order to protect the Main Ranch water rights against injury. **7. Name and Address of Landowner Upon which any New or Modified Diversion or Storage Structure is Located, Including Any Modification to the Storage Pool.** All of the subject structures are located on land owned by Applicant except the C Lazy U Spring No. 3, C Lazy U Spring No. 4, C Lazy U Fish Pond No. 2, and C Lazy U Fish Pond No. 2 Diversion Nos. 1 and 2. The landowners and addresses of those landowners as identified by the Grand County real property records is as follows: (a) the C Lazy U Spring No. 3 is on land owned by Joelle Properties West, LLC, 8889 Pelican Bay Blvd., Suite 500, Naples, Florida 34108-7512; (b) the C Lazy U Spring No. 4 is located on land owned by Jeffrey & Kimberly Nelson, 310 6th St., Atlantic Beach, Florida, 32233-5348; (c) the C Lazy U Fish Pond No. 2 is on land owned by C Lazy U Ranch Development, LLC, c/o Triton Investment Company, 7000 E. Belleview Ave., Suite 300, Greenwood Village, Colorado 80111; (d) the C Lazy U Fish Pond No. 2 Diversion Nos. 1 and 2 are on land owned by Fred G. III & Jacqueline A. M. Wacker, 611 E. Westminster, Lake Forest, Illinois 60045-2230; and (e) the C Lazy U Fish Pond No. 2 Diversion Nos. 1 and 2 pipelines cross lands owned by (1) Rancho Feliz, LLC, 8905 Shawnee Run Rd., Cincinnati, Ohio 45243-2817 and (2) Russell Tyler Smith and Andrea Stewart, 4533 Bellaire Blvd., Bellaire, Texas 77401. Pursuant to C.R.S. § 37-92-302(2)(b)(II), Applicant shall provide a copy of this application by certified mail, return receipt requested, to the above-referenced landowners within 14 days of the application being filed with the Court. WHEREFORE, Applicant respectfully requests that the Water Court enter a decree finding (i) that Applicant has made the C Lazy U Well No. 1 First Enlargement, C Lazy U Kids Fish Pond, C Lazy U Kids Fish Pond Ditch, C Lazy U Stock Diversion, C Lazy U Spring No. 3 and Pipeline First Enlargement, C Lazy U Spring No. 4 Second Enlargement, and C Lazy U Ranch Holdings Right of Exchange water rights absolute in the amounts and for the uses set forth in paragraph 5 above; (ii) that Applicant has been reasonably diligent in its efforts to make absolute the conditional rights and portions thereof not made absolute in this matter based upon the activities set forth in paragraph 6 above, and that the same be continued in full force and effect for an additional diligence period or until otherwise disposed of. (12 pages plus exhibits)

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

3. PURSUANT TO C.R.S., §37-92-302, AS AMENDED, YOU ARE NOTIFIED THAT THE FOLLOWING PAGES COMPRISE A RESUME OF THE APPLICATIONS AND AMENDED APPLICATIONS FILED WITH THE WATER CLERK FOR WATER DIVISION 5 DURING THE MONTH OF SEPTEMBER 2021. The water right claimed by this application may affect in priority any water right claimed or heretofore adjudicated within this division and owners of affected rights must appear to object and protest within the time provided by statute or be forever barred.

21CW3123 GRAND COUNTY, Application for Conditional Groundwater and Approval of Plan for Augmentation and Exchange. Applicant: Town of Winter Park; please direct all correspondence to Applicant's attorneys: Mary Elizabeth Geiger, Garfield & Hecht, P.C., 901 Grand Avenue, Suite 201, Glenwood Springs, CO 81601, (970)947-1936, megeiger@garfieldhecht.com. Applicant requests approval of a groundwater right: **Town of Winter Park Bus Barn Well.** Location: UTM: 13N Easting 427773, Northing 4424322, also being described as in the NW ¼ SW ¼ of Section 13, Township 1 South, Range 76 West of 6th P.M., 1,360 feet from the west section line and 2,260 feet from the south section line as shown on **Figure 1** attached to the Application. Source: groundwater from unconsolidated sand and gravel hydraulically connected to Crooked Creek, tributary to the Fraser River, tributary to the Colorado River. Date of appropriation: August 9, 2021. How appropriation was initiated: By the granting of the application for a water allotment by the Middle Park Water Conservancy District at a public meeting. Amount: 30 g.p.m., 1.74 acre-feet, year. Uses: all municipal uses, including but not limited to, bus and equipment washing, industrial, commercial and domestic. Depth of well: approximately 120 feet. Owner of land upon which well is located: Applicant. Remarks: This well is currently subject to the terms and conditions of the decree entered by this Court in Case No. W-485 and Well Permit No. 10186-A and is known as the Smith Well. The purpose of this application is to expand the use of the existing well above and beyond the use and amounts presently authorized and augment these expanded uses. The existing uses are: fire protection, ordinary household uses inside not more than one single-family dwelling and one apartment, the irrigation of not more than 8,000 square feet of home gardens and lawns, and the watering of domestic animals. These existing uses are not the subject of this application and remain undisturbed. The well is located on property owned by Applicant adjacent to the property Applicant is leasing from Grand County for the construction and operation of a bus barn facility. 600 foot spacing statement: There are no wells located within 600 feet of the Town of Winter Park Bus Barn Well. Applicant requests approval of an augmentation plan described as follows: Description of water rights to be augmented: **Town of Winter Park Bus Barn Well**, described in Section 2, above. Sources of Augmentation Water: Applicant has received approval of a water allotment contract from the Middle Park Water Conservancy District ("MPWCD") for water to be released from Windy Gap Reservoir and/or Wolford Mountain Reservoir pursuant to the terms and conditions to provide Applicant the right to an annual entitlement of up to 3.4 acre-feet of water, 1.7 acre-feet from any available source. This water is a portion of the 3,000 acre-feet which the Municipal Subdistrict, Northern Colorado Water Conservancy District has agreed to annually place in storage in Granby Reservoir, which is located on the Colorado River upstream from the confluence of the Fraser and Colorado Rivers in Grand County, Colorado. Additional provisions of this Agreement are outlined in the

Agreement Concerning the Windy Gap Project and the Azure Reservoir and Power Project, dated and signed April 30, 1980 and approved by the Water Court, Water Division No. 5, Civil Action 1768, by Interlocutory Decree dated October 27, 1980, and Supplement to Agreement of April 30, 1980, dated March 29, 1985, and duly decreed in Case No. 85CW135. Granby Reservoir is located in parts of Township 3 North, Township 2 North, Range 76 West, and Township 2 North, Range 75 West, 6th P.M. Wolford Mountain Reservoir: As an alternate source of supply, Applicant may use a portion of the storage right adjudicated in Case No. 87CW283, decree entered November 20, 1989, District Court, Water Division No. 5. Middle Park Water Conservancy District has an interest in 3,000 acre-feet of this Wolford Mountain water by virtue of an agreement between the Colorado River Water Conservation District, the Board of County Commissioners of Grand County, and the Middle Park Water Conservancy District, dated December 17, 1992. The legal description of the place of storage is: Wolford Mountain Reservoir, the dam of which is located in the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 25, Township 2 North, Range 81 West of the 6th P.M. Pursuant to said agreements, water will be provided from Granby Reservoir or Wolford Mountain Reservoir to replace depletions to the Colorado River caused by Applicant's diversion at the locations described above, in amounts as determined by the Division Engineer, Water Division No. 5, and at such times as diversions by the Applicant would ordinarily be curtailed due to the call of senior water rights downstream from the Applicant's point of diversion. Water hauled to where the 4 Bar 4 Road crosses Crooked Creek as shown on **Figure 1** to the Application and released therefrom. Statement of Plan for Augmentation: Applicant is a municipality that operates a bus transit system. The property where the bus barn operations will be located is outside any municipal or special district water service boundaries and thus cannot be served by a municipal supply. Therefore, Applicant is applying for a water right for the Town of Winter Park Bus Barn Well described herein, as expanded uses of the existing Smith Well, to provide potable water service to the facility to be used for employees in the office/shop (restroom and shower use) and for water to be used for the bus washing station, among other uses. Water from these uses will be returned to Crooked Creek via the OWTS system serving the property. However, evaporative losses from bus washing and maintenance operations as well as the water loss associated with the sedimentation basin cleanout and sedimentation removal and offsite disposal will not be returned through the OWTS system. A table of the uses, demands and depletions is attached to the Application as **Exhibit A**. This augmentation plan shall only apply to the proposed expanded uses of the Smith Well, which expanded uses are described herein as the Town of Winter Park Bus Barn Well. The affected stream reach is Crooked Creek, Fraser River, and Colorado River from the Town of Winter Park Bus Barn Well location described above to a point where Windy Gap Reservoir or Wolford Mountain Reservoir releases reach the Fraser River and Colorado River, respectively. In the event there is a valid, enforceable call on Crooked Creek, Applicant shall haul water to be released at the point where the 4 Bar 4 Road crosses Crooked Creek as shown on **Figure 1** in amounts and timing as directed by the Division Engineer. Conditional Appropriative Rights of Exchange: In order to operate the augmentation plan described herein, Applicant requests approval of the following conditional appropriative rights of exchange: **Town of Winter Park Windy Gap Reservoir Exchange Reach No. 1:** Upstream Terminus: Point of impact of Well on Crooked Creek: UTM: 13S 427149 4423881; in the SE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 14, Township 1 South, Range 76 West, 6th P.M., 4496 feet from the west section line and 3697 feet from the south section line. Downstream Terminus: confluence of the Fraser and Colorado Rivers which is currently located in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 25, T. 2 N., R. 77. W, 6th P.M., at a point 4700 feet from the east section line and 590 feet from the south section line. Described as UTM 416,964 Easting and 4,439,326 Northing and shown on **Figure 2** attached to the Application. Amount: 30 g.p.m., 1.7 acre-feet per year. Appropriation date: August 9, 2021, the date upon which Middle Park Water Conservancy District awarded the water allotment contracts. **Town of Winter Park Wolford Mountain Reservoir Exchange Reach No. 2:** Upstream Terminus: Point of impact of Well on Crooked Creek: UTM: 13S 427149 4423881; in the SE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 14, Township 1 South, Range 76 West, 6th P.M., 4496 feet from the west section line and 3697 feet from the south section line. Downstream Terminus: confluence of the Muddy Creek and Colorado River which is currently located in the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 19, T. 1 N., R. 80 W., 6th P.M., at a point 1980 feet from the east section line and 5110 feet from the south section line. Described as UTM 380,762 Easting and 4,433,469 Northing as shown on **Figure 3** attached to the Application. Amount: 30 g.p.m., 1.7 acre-feet per year. Appropriation date: August 9, 2021, the date upon which Middle Park Water Conservancy District awarded the water allotment contracts. (7 pages).

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

4. PURSUANT TO C.R.S., §37-92-302, AS AMENDED, YOU ARE NOTIFIED THAT THE FOLLOWING PAGES COMPRISE A RESUME OF THE APPLICATIONS AND AMENDED APPLICATIONS FILED WITH THE WATER CLERK FOR WATER DIVISION 5 DURING THE MONTH OF SEPTEMBER 2021. The water right claimed by this application may affect in priority any water right claimed or heretofore adjudicated within this division and owners of affected rights must appear to object and protest within the time provided by statute or be forever barred.

21CW3124 EAGLE & SUMMIT COUNTIES. Applicant The City and County of Denver, acting by and through its Board of Water Commissioners ("Denver Water" or "Applicant"), 1600 West 12th Avenue, Denver, CO 80204, (303) 682-6460. Attorneys for Denver Water: Jessica R. Brody, General Counsel, Daniel J. Arnold, No. 35458, James M. Wittler, No. 44050, Andrew J. Hill, No. 47896, daniel.arnold@denverwater.org, james.wittler@denverwater.org, andrew.hill@denverwater.org. **CONCERNING THE APPLICATION FOR WATER RIGHTS OF THE CITY AND COUNTY OF DENVER ACTING BY AND THROUGH ITS BOARD OF WATER COMMISSIONERS. APPLICATION FOR FINDING OF REASONABLE DILIGENCE** Application: ten (10) pages. 2. Name of Structure: Eagle-Colorado Collection System and Straight Creek Conduit Unit (the "Subject Water Rights") 3. Description of conditional

water right and information from previous decrees: A. Original Decree and Appellate Decision: (1) Civil Action Nos. 2371, 1529, and 1548, Court: Water Division 5, Date: January 21, 1987. (2) City and County of Denver v. Colorado River Water Conservation District, 82SA259, 696 P.2d 730 (Colo. 1985). B. Subsequent Decrees Awarding Findings of Diligence: (1) Case No. 1993CW007, Court: Water Division No. 5, Date of Decree: May 13, 1996. (2) Case No. 2002CW125, Court: Water Division No. 5, Date of Decree: November 28, 2007. (3) Case No. 2007CW214, Court: Water Division No. 5, Date of Decree: September 17, 2010. (4) Case No. 2013CW3086, Court: Water Division No. 5, Date of Decree: September 20, 2015. C. Description of Subject Water Rights: The following is a description of the Subject Water Rights. The Eagle-Colorado Collection System and Straight Creek Unit are also generally depicted on **Figure 1** and **Figure 2**, respectively: (1) Straight Creek Conduit Unit: The Straight Creek Conduit Unit is to be a series of canals and conduits, a diversion dam, and other water-carrying and control devices that will divert water from Straight Creek and its tributary drainage and transport it approximately two and one-half miles to Dillon Reservoir. (2) Eagle-Colorado Collection System: Denver Water proposes to use the Eagle-Colorado Collection System to divert water from the Colorado and Eagle Rivers and from Alkali Creek, a tributary of the Eagle River, into the proposed Eagle-Colorado Reservoir to be constructed on Alkali Creek near Wolcott. The claims comprising the Eagle-Colorado Collection System are as follows: i. Eagle River Unit: Denver Water proposes to divert from the Eagle River at a pump diversion point near Wolcott and to transport the water by conduit to the proposed Eagle-Colorado Reservoir. ii. Colorado River Unit: Denver Water proposes to divert from the Colorado River near State Bridge by pumps, then carry the water into the Eagle River drainage by a series of pipelines, pumping plants, tunnels and conduits and deposit it into the proposed Eagle-Colorado Reservoir. D. Legal Description: (1) Straight Creek Conduit Unit: i. Point of Diversion No.1: Beginning at a point on the south bank of Straight Creek at a point whence the West Quarter corner of Section 4, Township 5 South, Range 77 West of the 6th P.M. bears South 65°27' West a distance of 960 feet, Summit County, Colorado. ii. Point of Diversion No. 2: On the south bank of Straight Creek being a point whence the Southwest corner of Section 5, Township 5 South, Range 77 West of the 6th P.M. bears South 55°30' West a distance of 349 feet, Summit County, Colorado. (2) Eagle-Colorado Collection System: i. Eagle-Colorado Reservoir: The proposed Eagle-Colorado Reservoir will store water behind a dam to be located across the channel of Alkali Creek located in Sections 9 and 10, Township 4 South, Range 83 West, 6th P.M. The reservoir will be located in Sections 27, 33, 34 and 35, Township 3 South, Range 83 West and Sections 2, 3, 4, 9 and 10 in Township 4 South, Range 83 West, 6th P.M. in Eagle County, Colorado. ii. Colorado River Diversion Point: State Bridge Pumping Plant will be located in the Northwest Quarter of Section 26, Township 2 South, Range 83 West, of the 6th P.M. at or above elevation 6700 feet above mean sea level in Eagle County, Colorado. iii. Eagle River Diversion Point: Eagle River Pumping Plant will be located in Sections 15 and 16, Township 4 South, Range 83 West, 6th P.M. in Eagle County, Colorado. E. Source: (1) Straight Creek Conduit Unit: Straight Creek and its tributaries. (2) Eagle-Colorado Collection System: Colorado River, Eagle River, and Alkali Creek and intervening tributary drainage. F. Appropriation Dates: (1) Straight Creek Conduit Unit: January 21, 1957 (2) Eagle-Colorado Collection System: December 31, 2007. G. Amount: (1) Straight Creek Conduit Unit: 115 cfs, conditional (2) Eagle-Colorado Collection System: i. Eagle-Colorado Diversion: 600 cfs conditional from the Colorado River and 500 cfs conditional from the Eagle River. ii. Eagle-Colorado Reservoir: 350,000 acre-feet conditional (combined capacity with the River District's Wolcott Reservoir pursuant to amended 1986 MOU). H. Use: All municipal uses, including domestic use, irrigation, mechanical use, manufacturing use, generation of electrical power, power generally, fire protection, use for sewage treatment, street sprinkling, watering of parks, lawns and grounds, the maintaining of adequate storage reserves, replacement, exchange and the adjustment and regulation of the units of the Denver Municipal system within themselves and with other water users, such use to be repetitive to the fullest extent possible in the limit of physical and economic feasibility as found by Denver, together with the practice of using any of said waters for the purpose of effectuating exchange or transfer of water by the use of any public stream or its water in substitution of water supplied or taken by Claimant, including the right to precedence over others claiming or using like or similar process. The Eagle-Colorado Collection System shall only be used for the following purposes: on-site recreation, direct beneficial uses within the Colorado River basin, indirect beneficial uses within Denver (as described above) by replacement, substitution or exchange by West Slope and East Slope water users and endangered fish flow purposes. **CLAIM FOR FINDING OF REASONABLE DILIGENCE** 4. Diligence Activities. The following activities describe Denver Water's steady application of effort to complete the appropriation in a reasonably expedient and efficient manner under all the facts and circumstances: A. Colorado River Cooperative Agreement: On September 26, 2013, the CRCA became effective between Denver Water and West Slope Signatories resolving longstanding issues between the parties. The following activities demonstrate Denver Water's commitment towards the resolution of those issues, specifically relating to its Roberts Tunnel Collection System and the proposed Eagle-Colorado Collection System: (1) Denver Water continues to pursue the full development of its recycled water system with the capacity to provide 17,500 acre-feet of nonpotable water annually, of which, Blue River basin water is a primary source. (2) Denver Water is actively developing 30,000 acre-feet of gravel pit storage downstream of Denver on the South Platte River to maximize the use of Blue River basin water through exchange operations. Mining operations are currently on-going in portions of the gravel pit complexes. (3) Denver Water committed \$1,000,000 upon execution of the CRCA to offset the impacts of lower Dillon Reservoir levels or reduced outflows on permitted wastewater dischargers in Summit County. (4) Denver Water also committed \$1,000,000 upon execution of the CRCA for environmental enhancement projects in Summit County. (5) Denver Water committed \$9,000,000 to be used for a wide range of water infrastructure projects in Summit County. \$4,500,000 was provided upon resolution of Blue River Decree issues and the other half is to be provided upon issuance and acceptance of permits necessary for the enlargement of Gross Reservoir. (6) Upon resolution of Blue River Decree issues, Denver Water provides 250 acre-feet and 1493 acre-feet annually from Dillon Reservoir, pursuant to the terms of prior agreements, to various Summit County entities. (7) Summit County agreed to extend and not challenge the validity of the 1041 permit for the Straight Creek Conduit Unit so that a new permit will not be required to proceed with the project as permitted in 1985. Denver Water agreed that it will develop the Straight Creek Conduit Unit only with the prior approval of Summit County Commissioners and the Colorado River Water Conservancy District. (8)

Denver Water agreed any development and use of the Eagle-Colorado Reservoir shall be in compliance with the terms of the settlement agreement with the Eagle River Water & Sanitation District and the Upper Eagle Regional Water Authority. B. Programmatic Biological Opinion (“PBO”): Throughout the diligence period, Denver Water and other Front Range water entities continued to participate with entities on the West Slope in the Recovery Implementation Program of the Endangered Fish Species in the Upper Colorado River Basin (“Recovery Program”). The Recovery Program and PBO contemplate a permanent commitment by Colorado water users to release 10,825 acre-feet of water per year. The commitment is a joint obligation shared equally between east and west slope water users. C. Dillon Reservoir: (1) Denver Water completed annual dam safety inspections with the State Engineer’s Office (“SEO”) and the Federal Energy Regulatory Commission (“FERC”), conducted drills of the Emergency Action Plan, and surveyed Dillon Dam for movement. (2) Denver Water maintains monthly accounting sheets which track all water diverted or exchanged under Dillon Reservoir operations on a daily basis. Additional accounting sheets are maintained daily to track the use of water supplies originating from the Blue River basin, within Denver Water’s Service Area. Water available as reusable supply is then recaptured and successively used to extinction to maximize the use of transbasin diversions. (3) In accordance with the October 5, 1995 Stipulation in Consolidated Cases Civil Action Numbers 2782, 5016, and 5017, Denver Water provides the United States Bureau of Reclamation an annual report detailing Denver Water’s diversion, use, return flow, and successive use of Colorado River water during the water year. (4) Beyond its primary objective of storing water for use within the Denver Water Service Area, Denver Water also balances operations at Dillon Reservoir for the secondary objectives of maintaining reservoir levels for summertime marina operation at Dillon and Frisco and reducing high flows downstream during spring runoff. Staff continues to communicate directly with Summit County Emergency Management and provides e-newsletters to members of the public regarding changing conditions below Dillon Dam. (5) Denver Water and the United States Geologic Survey (“USGS”) continue to partner in the necessary measurement of water flow in streams pursuant to annual cooperative agreements. Denver Water uses data available from these gages for water rights administration, water supply analysis, and long-term trend analysis. During the diligence period, Denver Water has contributed approximately \$1,740,000 towards this effort. The following gages are relevant to operations at Dillon Reservoir: i. Blue River near Dillon ii. Snake River near Montezuma iii. Keystone Gulch near Dillon iv. Tenmile Creek below North Tenmile Creek v. Blue River below Dillon vi. Straight Creek below Laskey Gulch (6) In 2015, North Line GIS was contracted to set up a consortium for the collection of aerial and light detection and ranging (“LIDAR”) terrain data to support the Dillon Dam operational release mapping. The total project cost was approximately \$47,000. (7) In 2015, CDM Smith, Inc. provided engineering services on the Dillon Reservoir outflow hydraulic modeling and inundation mapping project. The total project cost was approximately \$59,000. (8) In 2016, Sturgeon Electric Company, Inc. completed the Dillon Dam hydropower switchgear and protective relay replacement. The total project cost was approximately \$3,513,000. (9) In 2017, ASI Marine LP conducted an underwater inspection of the buoy line anchor cables at Dillon Reservoir. The total project cost was approximately \$10,000. (10) In 2019, Denver Water entered into an Intergovernmental Agreement with the Colorado Water Conservation Board to fund Airborne Snow Observatory (“ASO”) flights over the Blue River basin above Dillon Reservoir. The ASO program used LIDAR equipped aircraft to determine the amount of water contained within the snowpack on a watershed scale. Quantum Spatial, Inc. performed the observatory flights and the data processing. The total project cost through the diligence period was approximately \$315,000. D. Roberts (Montezuma) Tunnel: (1) In 2016, Lithos Engineering LLC conducted a detailed inspection of the Roberts Tunnel and produced a report of inspection findings. The total project cost was approximately \$11,000. (2) In 2016, Denver Water entered into a power wheeling agreement with Intermountain Rural Electric Association to transmit power generated at the Roberts Tunnel. The total project cost was approximately \$113,000. (3) In 2017, Kumar & Associates, Inc. performed a geotechnical engineering study for planned hydro upgrades to the Roberts Tunnel. The total project cost was approximately \$48,000. (4) In 2018, Sturgeon Electric Company, Inc. provided cost estimating services for hydroelectric upgrades at the east portal of the Roberts Tunnel. The total project cost was approximately \$81,000. (5) In 2019, Rock Solid Solutions Corporation completed rockfall mitigation improvements at the east portal of the Roberts Tunnel. The total project cost was approximately \$481,000. (6) Starting in 2019, Voith Hydro Inc. furnished a replacement runner, required ancillary equipment, and parts for the hydro turbine of the east portal of the Roberts Tunnel. Currently, the total project cost is approximately \$189,000. (7) In 2019, Gracon, LLC began a maintenance teardown of the hydroelectric unit at the east portal of the Roberts Tunnel. The teardown includes the replacement of a governor system and turbine runner in the hydroelectric unit, installation of new brakes and speed systems for the generator, and a new electrical power distribution system. Currently, the total project cost is approximately \$9,031,000. E. Amounts Expended: Over the last diligence period, Denver Water has spent at least \$14,000,000 on work to enhance the yield of the Eagle-Colorado and Roberts Tunnel Collection Systems, inclusive of the amounts set forth above. 5. Names and Addresses of Landowners Where Structures are Located: The following list includes the names and addresses of owners of the land upon which any new diversion or storage structure or modification to any existing diversion or storage structure or existing storage pool is or will be constructed or upon which water is or will be stored. Denver Water is providing notice to the following entities because this application relates to certain structures and property in which the following entities may have a property interest. A. Eagle-Colorado Collection System: (1) United States of America, c/o BLM, 2300 River Frontage Road, Silt, CO 81652-8633 (2) Piney Valley Ranches Trust, PO Box 640, Vail, CO 81658-0640 (3) Eagle County, PO Box 850, Eagle, CO 81631-0850 B. Straight Creek Unit: (1) United States Dept of Agriculture, Forest Service, c/o District Ranger, PO Box 620, Silverthorne, CO 80498-0620 (2) Town of Dillon, PO Box 8 Dillon, CO 80435-0008.

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

5. PURSUANT TO C.R.S., §37-92-302, AS AMENDED, YOU ARE NOTIFIED THAT THE FOLLOWING PAGES COMPRISE A RESUME OF THE APPLICATIONS AND AMENDED APPLICATIONS FILED WITH THE WATER CLERK FOR WATER DIVISION 5 DURING THE MONTH OF SEPTEMBER 2021. The water right claimed by this application may affect in priority any water right claimed or heretofore adjudicated within this division and owners of affected rights must appear to object and protest within the time provided by statute or be forever barred.

21CW3125 GARFIELD COUNTY, CRYSTAL RIVER, TRIBUTARY TO THE ROARING FORK RIVER, TRIBUTARY TO THE COLORADO RIVER. APPLICATION FOR UNDERGROUND WATER RIGHTS, WATER STORAGE RIGHT, APPLICATION FOR SURFACE WATER RIGHT, AND PLAN FOR AUGMENTATION Name and address of Applicant: Mystery Ranch LLC, 2551 Dolores Way, Carbondale, CO 81623. Please direct all correspondence, motions, and pleadings to Michael J. Sawyer or Danielle T. Skinner, KARP NEU HANLON, P.C., 201 14th Street, Suite 200, P.O. Drawer 2030, Glenwood Springs, CO 81602 (970) 945-2261. **FIRST CLAIM – APPLICATION FOR UNDERGROUND WATER RIGHT** Name of structure: Mystery Ranch Well Field. Legal description: Up to nine groundwater wells will be developed within a well field, generally described as an area containing approximately 102 acres located in the South ½ of Section 11, Township 8 South, Range 88 West of the 6th P.M. Source: Alluvial groundwater tributary to the Crystal River, tributary to the Roaring Fork River, tributary to the Colorado River. Depth of Wells: Wells will be between 150 feet to 400 feet. Date of appropriation: December 15, 2020. How appropriation was initiated: Applicant purchased the property that is the subject of this Application with intent to subdivide and appropriate a water supply. Date water applied to beneficial use: N/A. If well is tributary: Amount claimed in cubic feet per second (cfs): 135 gpm or 0.3 cfs, cumulatively from all wells within the well field, conditional. Amount claimed in acre feet annually: 9.5 acre-feet, conditional. If well operates pursuant to a decreed plan for augmentation: See Fifth Claim for Relief. Uses: Domestic use inside 9 single family residential units and 9 accessory dwelling units, Irrigation of up to 60,000 square feet or 1.38 acres, use in up to 9 hot tubs and 6 swimming pools. If irrigation, complete the following: Lawn, garden and landscape irrigation within the Mystery Ranch subdivision. Irrigation shall be limited to 9,000 square feet on 6 Lots and 2,000 square feet on 3 Lots If non-irrigation, describe purpose fully: The subject water shall be used to serve single family and accessory dwelling units within the Mystery Ranch subdivision. Remarks: The Mystery Ranch subdivision shall have a combined maximum of 60,000 square feet of lawn, garden and landscape irrigation, 9 hot tubs, and 6 swimming pools with a total swimming pool surface area of 5,400 square feet. These uses may be made from any of Mystery Ranch Well Nos. 1-9 so long as the combined irrigation, hot tub and swimming pool uses do not cumulatively exceed the limitations in this paragraph. **SECOND CLAIM – APPLICATION FOR WATER STORAGE RIGHT.** Name of structure: FDRW Pond, Mystery Ranch Enlargement. Legal description: The center of the dam is located in the NE1/4 of the NE1/4 of Section 22, Township 8 South, Range 88 West of the 6th P.M. at a point 450 feet south of the North section and 800 feet west of the East section line of said Section 22. UTM NAD 83 Zone 13 Coordinates: Northing 4358069 meters, Easting 310294 meters. Source of Fill: East Mesa Ditch, Mystery Ranch Enlargement and FDRW Ditch, Mystery Ranch Enlargement. Appropriation date: December 15, 2020. How appropriation was initiated: Applicant purchased the property that is the subject of this Application with intent to subdivide and appropriate a water supply. Amount: 6.6 acre feet, conditional, with the right to fill and refill in priority. Uses: piscatorial, recreation, aesthetic, and augmentation. Surface area of high water line: 1.0 acre for the Mystery Ranch Enlargement, 0.5 acres for the FDRW Pond, for a total of 1.5 acres. Vertical height of dam: 10 feet. Length of dam: Approximately 300 feet Total capacity of reservoir: 11.6 acre-feet Active capacity: 6.6 acre-feet for the Mystery Ranch Enlargement, 5.0 acre-feet for the FDRW Pond, for a total of 11.6 acre-feet. Dead storage: 0.0 acre-feet. **THIRD CLAIM – APPLICATION FOR SURFACE WATER RIGHT** Name of structure: East Mesa Ditch, Mystery Ranch Enlargement. Legal description: The point of diversion of the East Mesa Ditch, Mystery Ranch Enlargement is located in the NE1/4 of the SE1/4 of Section 9, Township 9 South, Range 88 West of the 6th P.M. at a point 3,000 feet south of the North section line and 800 feet west of the East section line of said Section 9. UTM NAD 83 Zone 13 Coordinates: Northing 4358069 meters, Easting 308941 meters. Source: Crystal River, tributary to Roaring Fork River, tributary to the Colorado River. Appropriation date: December 15, 2020. How appropriation was initiated: Applicant purchased the property that is the subject of this Application with intent to subdivide and appropriate a water supply. Amount: The flow rate for the East Mesa Ditch, Mystery Ranch Enlargement water right is 0.75 c.f.s., conditional. Uses: Fill of the FDRW Pond, Mystery Ranch Enlargement. Remarks: Uses of water from the East Mesa Ditch, Mystery Ranch Enlargement will occur in the FDRW Pond, Mystery Ranch Enlargement. **FOURTH CLAIM – APPLICATION FOR SURFACE WATER RIGHT.** Name of structure: FDRW Ditch, Mystery Ranch Enlargement. Legal description: The point of diversion is located in the NE1/4 of the NE1/4 of Section 22, Township 8 South, Range 88 West of the 6th P.M. at a point 800 feet south of the North section line and 450 feet west of the East section line of said Section 22. UTM NAD 83 Zone 13 Coordinates: Northing 4357960 meters, Easting 310400 meters. Source: Thomas Creek, tributary to Crystal River, tributary to Roaring Fork River, tributary to the Colorado River. Appropriation date: December 15, 2020. How appropriation was initiated: Applicant purchased the property that is the subject of this Application with intent to subdivide and appropriate a water supply. Amount: The flow rate for the FDRW Ditch, Mystery Ranch Enlargement is 1.0 c.f.s., conditional. Uses: Fill of the FDRW Pond, Mystery Ranch Enlargement. Remarks: Uses of water from the East Mesa Ditch, Mystery Ranch Enlargement will occur in the FDRW Pond, Mystery Ranch Enlargement. **FIFTH CLAIM – APPLICATION FOR APPROVAL OF PLAN FOR AUGMENTATION INCLUDING EXCHANGE.** The Applicant requests approval of a plan for augmentation including exchange as more fully described herein. Name of structures to be augmented: Mystery Ranch Well Field as described in First Claim for Relief. Water rights to be used for augmentation: FDRW Pond, Mystery Ranch Enlargement, as described in Second Claim for Relief. Applicant is applying for a Water Supply Contract with the West Divide Water Conservancy District (“the District”) for 0.4 acre-feet per year of augmentation water to replace out-of-priority depletions associated with use of water from the Augmented Water Rights at times when there is not a call on Crystal River or its tributaries, plus ten percent to cover transit losses. The District’s augmentation

water supply sources are described below. District's Sources of Supply: The District water rights used for augmentation are: Ruedi Reservoir. Source: Frying Pan River, tributary to Colorado River. Legal Description: On-channel reservoir located in Sections 7, 8, 9, 11, and 14 through 18, Township 8 South, Range 84 West, 6th P.M. Adjudication date: July 20, 1958. Appropriation date: July 29, 1957. Case No.: C.A. 4613. Court: Garfield County District Court. Decreed Amount: 102,369 acre feet. Uses: Generation of electric energy, domestic, municipal, piscatorial, industrial, irrigation and stock watering. Remarks: Applicant, West Divide, has an interest in 600 acre feet of water from Ruedi Reservoir pursuant to Contracts between West Divide and the Bureau of Reclamation. West Divide may increase the amount of Ruedi Reservoir water under contract with the Bureau of Reclamation. Green Mountain Reservoir. Source: Blue River, tributary to Colorado River. Legal Description: Located approximately 16 miles Southeast of the Town of Kremmling, Colorado in all or parts of Sections 11 through 15 and 24 of Township 2 South, Range 80 West, and in Sections 17 through 21, 28, 29 and 34, Township 2 South, Range 79 West, 6th P.M. Adjudication date: October 12, 1955 Appropriation date: August 1, 1935. Case Nos.: 2782, 5016 and 5017. Court: U.S. District Court, District of Colorado. Decreed Amount: 154,645 acre feet. Uses: in accordance with paragraph 5(a), (b), and (c) of the section entitled "Manner of Operation of Project Facilities and Auxiliary Facilities" in Senate Document 80. Remarks: Applicant, West Divide, has an interest in 200 acre feet of water from Green Mountain Reservoir pursuant to Contract Number 8-07-60-W0726, dated October 21, 1998, between West Divide and the Bureau of Reclamation. West Divide may increase the amount of Green Mountain Reservoir water under contract with the Bureau of Reclamation. Wolford Mountain Reservoir. The Colorado River Water Conservation District owns and operates Wolford Mountain Reservoir (f/k/a Gunsight Pass Reservoir) which has the following water rights: Case No. 87CW283. Decree Date: November 20, 1989 Legal description of place of storage: The dam is located in the SW1/4 of the NE1/4 of Section 25, T. 2 N., R. 81 W., 6th P.M. The intersection of the dam axis with the right abutment will occur at a point which bears W. 54°54'20" E. a distance of 3,716.46 feet from the NW Corner of said Section 25. Source: Muddy Creek and its tributaries. Amount: 59,993 acre feet conditional; of this amount, 32,986 acre feet were made absolute for piscatorial and recreational uses by decree entered in Water Court Case No. 95CW251. Appropriation Date: December 14, 1987. Use: All beneficial uses, including but not limited to domestic, municipal, agricultural and recreational uses, which uses satisfy the requirements of the Windy Gap Settlement made with the Municipal Subdistrict of the Northern Colorado Water Conservancy District; use to meet the water requirements of the inhabitants of the River District for all uses, including uses in the Middle Park area; and use to meet the terms of a lease agreement executed March 3, 1987 between the River District and the City and County of Denver. Case No. 95CW281: Decree Date: August 26, 1997. Legal description of place of storage: The dam is located in the SW1/4 of the NE1/4 of Section 25, T. 2 N., R. 81 W., 6th P.M. The as-built intersection of the dam axis (Sta. D19+35.61) with the West Access Road (Sta. WR50+55.05), as shown on the Colorado River Water Conservation District, Wolford Mountain Project, Ritschard Dam construction drawing "Dimensional Dam Layout" sheet 8 of 94, occurs at a point which bears S. 53°24'56" E. a distance of 3,395.51 feet from the NW Corner of said Section 25; the bearing of said dam axis from Sta. 19+35.61 to Sta. 0+00 being S. 75°28'29" E. Source: Muddy Creek and its tributaries. Amount: 6,000 acre feet conditional. Appropriation Date: January 16, 1995. Use: All beneficial uses by and for the benefit of the inhabitants of the Colorado River Water Conservation District, including but not limited to domestic, municipal, industrial, irrigation, agricultural, piscatorial and recreational; such uses will include environmental mitigation, including environmental mitigation requirements associated with the Wolford Mountain Project; such uses will be made directly or by substitution, augmentation, or exchange. None of the water stored in the exercise of the right will be delivered directly or by exchange, substitution, or otherwise for use outside of Colorado Water Division No. 5. Case No. 98CW237: Decree Date: July 6, 2000. Legal Description of place of storage: Same as for 95CW281. Source: Muddy Creek and its tributaries. Amount: 30,000 acre feet conditional with 15,895 AF being absolute for recreational and piscatorial and flood control. Appropriation Date: November 17, 1998. Use: Certain of the beneficial uses previously adjudicated for Wolford Mountain Reservoir in Case No. 87CW283, District Court for Colorado Water Division No. 5 (November 20, 1989 Judgment and Decree), and Case No. 95CW281, District Court for Colorado Water Division No. 5 (August 26, 1997 Judgment and Decree). 87CW283: The reservoir will be used to satisfy the requirements of the Windy Gap Settlement made with the Municipal Subdistrict of the Northern Colorado Water Conservancy District. This will involve all uses, including but not limited to domestic, municipal, agricultural, and recreational uses. The reservoir will also be used to meet the water requirements of the inhabitants of the River District for all uses, including uses in the Middle Park area. 95CW281: All beneficial uses by and for the benefit of the inhabitants of the Colorado River Water Conservation District, including but not limited to domestic, municipal, industrial, irrigation, agricultural, piscatorial and recreational; such uses will include environmental mitigation, including environmental mitigation requirements associated with the Wolford Mountain Reservoir Project; such uses will be made directly or by substitution, augmentation, or exchange. Remarks: The Refill Right described herein will be exercised to provide supply for the Western Slope uses of water from Wolford Mountain Reservoir described above, including flood control, other operational purposes, and environmental mitigation and enhancement for the benefit of uses within the District. The Refill Right will not be used in conjunction with the Reservoir capacity (24,000 a.f.) which is allocated for the supply of water to the Denver Board of Water Commissioners under the River District's contractual relationship with Denver, or the Reservoir capacity (6,000 AF) which is allocated for Colorado River endangered fish releases. Remarks: Any use of Wolford Mountain Reservoir shall be pursuant to West Divide having in force a water allotment contract from the Colorado River Water Conservation District. West Divide currently has a contract in place for 10 acre feet of the River District's Colorado River water supplies, which includes Wolford Mountain Reservoir. West Divide may increase the amount of Wolford Mountain Reservoir water under contract with the Colorado River Water Conservation District. Statement of Plan for Augmentation, Estimated Water Demands, Consumptive Uses and Augmentation Requirements: It is anticipated that spring runoff will provide adequate water to fill the FDRW Pond, Mystery Ranch Enlargement during free river conditions. For purposes of developing this Plan for Augmentation, free river conditions are expected to occur in May and June. In dry years, a Colorado mainstem call is expected to occur for 16 days in April; 7 days in May; 14 days in June; all of July, August, September, and October; and 7 days in

November. A local call on the Crystal River is expected to occur year round, excluding May and June. During times when there is only a mainstem call, the Mystery Ranch Well Field will continue to operate and out-of-priority depletions will be replaced by exchange pursuant to a water supply contract with the West Divide Water Conservancy District and in accordance with the summary of depletions and augmentation supply. In the event of a valid administered call on the Crystal River or its tributaries, the Mystery Ranch Well Field will continue to operate and out-of-priority depletions will be replaced with releases from the FDRW Pond, Mystery Ranch Enlargement. The FDRW Pond, Mystery Ranch Enlargement will be lined to maximize storage retention so that it is capable of storing adequate volume to replace out-of-priority depletions while simultaneously incurring its own evaporation losses. Water requirements for evaporation were developed based on an annual evaporation of 45-inches as shown in NOAA Technical Report NWS-33 and distributed monthly for elevations above 6,500 feet for hot tubs and pools on Mystery Ranch and for elevations below 6,500 feet for the FDRW Pond, Mystery Ranch Enlargement Pond in accordance with Senate Bill 89-120. Evaporation demands were assumed to be 100% consumptive. Water use requirements for indoor uses were estimated assuming 100 gallons per person per day with an average household equivalent of 3.5 persons per day and an average ADU equivalent of 2.0 persons per day. Indoor domestic demands were assumed to be 10% consumptive. Water use requirements for outdoor irrigation were calculated in State CU using the Blaney-Criddle (Pochop) methodology for a bluegrass crop. Outdoor irrigation demands were assumed to be 90% consumptive. The depletive impact from diversions to meet indoor domestic demands, outdoor irrigation demands, and evaporative losses from hot tubs and pool were then lagged to the Crystal River based on the Glover method. Transit loss associated with the delivery of augmentation water from the District is estimated to be 1.5 percent. Description of augmentation exchange reaches: This plan will operate by exchange between the decreed locations for the District's sources of supply and the location of the Mystery Ranch Well Field. **SIXTH CLAIM – APPLICATION FOR APPROPRIATIVE RIGHT OF EXCHANGE.** The Applicant requests an appropriative right of exchange more fully described below: The Plan for Augmentation will operate, at times, by exchange of District contract water from the District's Sources of Supply described the Fifth Claim for Relief. Lower Terminus: Ruedi Reservoir: The lower terminus of the exchange is at the confluence of the Roaring Fork River and the Crystal River for the Ruedi Reservoir water. The confluence of the Roaring Fork River and the Crystal River is located in the SW ¼ of the NW ¼ of Section 28, Township 7 South, Range 88 West of the 6th P.M. Green Mountain Reservoir / Wolford Mountain Reservoir. The lower terminus of the Green Mountain Reservoir / Wolford Mountain Reservoir exchange is at the confluence of the Roaring Fork River and the Colorado River. The confluence of the Roaring Fork River and the Colorado River is located in the SE1/4 of the NW1/4 of Section 9, Township 6 South, Range 89 West of the 6th P.M. at a point 2,300 feet East of the West section line and 2,110 feet South of the North section line of said Section 9. Upper Terminus: Mystery Ranch Well Field, as described above. Source: Crystal River, tributary to Roaring Fork River, tributary to the Colorado River. Rate of the exchange: 5 gpm or 0.01 c.f.s., or 0.40 acre-feet, annually. Date of appropriation of the exchange: December 15, 2020. How appropriation initiated: Applicant purchased the property that is the subject of this Application with intent to subdivide and appropriate a water supply. Names and addresses of owners of land upon which structures are located: Mystery Ranch Well Field: Applicant. FDRW Ditch, Mystery Ranch Enlargement and FDRW Pond, Mystery Ranch Enlargement: Karen L. Brown, 14 Vasco Dr., Mill Valley, CA 94941; Thomas H. Harvey, 6 Compton Cir. Mill Valley, CA 94941; Richard J. Holmstrom, 2765 Sand Hill Road #200, Menlo Park, CA 94025; Kate M. Ridgway, 2765 Sand Hill Road #200, Menlo Park, CA 94025. East Mesa Ditch, Mystery Ranch Enlargement: East Mesa Ditch Company, P.O. Box 632, Carbondale, CO 81623. The following exhibits are on file with the Water Court: a map depicting the well field location, a map depicting the area to be irrigated from the well field, a map depicting the location of the structures to be decreed, a summary of augmentation replacement, projected demands & lagged depletion analysis (19 pp. with exhibits)

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6. PURSUANT TO C.R.S., §37-92-302, AS AMENDED, YOU ARE NOTIFIED THAT THE FOLLOWING PAGES COMPRISE A RESUME OF THE APPLICATIONS AND AMENDED APPLICATIONS FILED WITH THE WATER CLERK FOR WATER DIVISION 5 DURING THE MONTH OF SEPTEMBER 2021. The water right claimed by this application may affect in priority any water right claimed or heretofore adjudicated within this division and owners of affected rights must appear to object and protest within the time provided by statute or be forever barred.

21CW3126 GRAND COUNTY, GROUNDWATER TRIBUTARY TO THE COLORADO RIVER. Applicant: Martha E. Smiley; direct all pleadings to: Austin Hamre, Hamre, Rodriguez, Ostrander & Dingess, P.C., 3600 South Yosemite St., #500, Denver, Colorado 80237; 303.779.0200; mail@hrodllaw.com. **APPLICATION TO MAKE ABSOLUTE OR IN THE ALTERNATIVE FOR A FINDING OF REASONABLE DILIGENCE.** 2. Name of Structure: Smiley Well No. 1. 3. Description of conditional water right: a. Original Decree: Case No. 14CW3126, Water Division 5, entered February 28, 2016. b. Subsequent decrees granting findings of diligence: N/A. c. Legal description of well: On Lot R-15, Mountain Shadows Estates Subdivision. The well location is in the SE¼ SW¼, Section 24, Township 3 North, Range 76 West, 6th P.M., at a point approximately 500 feet from the South section line and 1,650 feet from the West section line. The approximate location of the well is shown on the attached Exhibit A. i. Source: Ground water tributary to the Colorado River at and upstream of Granby Reservoir. ii. Depth: 244 feet d. Date of appropriation: October 13, 1999 as to indoor uses, October 31, 2014 as to outdoor uses. i. How appropriation was initiated: By obtaining a well permit and constructing a well in conjunction with the construction of a residence wherein the water will be used. ii. Date water applied to beneficial use: May, 2000. e. Amount claimed: 5 gpm, absolute. f. Proposed use: Domestic, outdoor hot tub and watering of 500 sq. ft. of flowerbeds and

landscaping. 4. Outline of what has been done to complete the appropriation: Following the entry of the original decree identified above, Smiley Well No. 1 was re-permitted as Permit #79802, issued on April 15, 2016. Since that time, Applicant has pumped water at the full decreed flow rate, applied it to all decreed purposes, and maintained her allotment contract for augmentation water from the Middle Park Water Conservancy District in full force and effect. 5. Claim to make absolute: a. Date water applied to beneficial use: Water was lawfully applied to indoor uses pursuant to the original exempt well permit, and the water right was made absolute as to indoor uses in Case No. 14CW3126. This residence is a second home for Applicant, who lives out of state. Water was applied to the listed outdoor uses during the summer following issuance of Well Permit #79802, on or before August 31, 2016. b. Evidence supporting claim: Attached as Exhibit B hereto is the Diversion Record Report from CDSS, showing amounts diverted by Smiley Well No. 1 in 2016, 2019 and 2020. The reason diversions are not shown for 2017 and 2018 is unknown. Applicant did report diversions to the Division 5 Engineer for those years as well; copies of the reports submitted to the DEO are attached as Exhibit C. c. Description of location of place of beneficial use: Lot R-15, described in paragraph 3.c., above. 6. Names(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: a. Smiley Well #1 has been in existence for twenty-one years; no new structures or modification of existing structures are necessary or anticipated in connection with this claim. Smiley Well #1 is located on land owned by Applicant. (9 pages, including exhibits)

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

7. PURSUANT TO C.R.S., §37-92-302, AS AMENDED, YOU ARE NOTIFIED THAT THE FOLLOWING PAGES COMPRISE A RESUME OF THE APPLICATIONS AND AMENDED APPLICATIONS FILED WITH THE WATER CLERK FOR WATER DIVISION 5 DURING THE MONTH OF SEPTEMBER 2021. The water right claimed by this application may affect in priority any water right claimed or heretofore adjudicated within this division and owners of affected rights must appear to object and protest within the time provided by statute or be forever barred.

21CW3127 (15CW3077, 06CW10, 00CW84, 97CW294); Climax Molybdenum Company ("Climax"); % Aaron Hilshorst; Henderson Mine; P.O. Box 68; Empire, Colorado 80438; Telephone: (720) 942-3420. APPLICATION FOR A FINDING OF REASONABLE DILIGENCE in **GRAND COUNTY**. Please direct all correspondence or inquiries regarding this matter to the attorneys for the Applicant: Brian M. Nazarenus, Esq., Sheela S. Stack, Esq., Nazarenus Stack & Wombacher LLC; 5299 DTC Blvd., Suite 610; Greenwood Village, Colorado 80111; Telephone: (720) 647-5661. 2. Background. Climax is the owner of the Henderson Mine and Mill. The Henderson Mine is generally located beneath the Continental Divide in Clear Creek and Grand Counties. The Henderson Mill is located in the Williams Fork River basin in Grand County. Molybdenum ore is mined at the Henderson Mine and conveyed to the Henderson Mill via a 14.6 mile long conveyance mechanism, 9.6 miles of which are located underground. At the Henderson Mill, the ore is milled, processed, and refined; water is an integral component of these processes. This application relates to the Henderson Mill water rights decreed in Case No. W-528 ("the W-528 Water Rights") and is known as the "Henderson Mine Water System." (Despite the title "Henderson Mine Water System," the water system that is the subject of the W-528 Decree provides water for beneficial use at the Henderson Mill, not the Henderson Mine).¹ The Henderson Mine Water System is an integrated system comprised of the alternate points of diversion and/or places of storage described below. By this application, Climax seeks a finding of reasonable diligence and to continue as conditional the remaining 2,489 acre-feet of the W-528 Water Rights. A location map is attached as Exhibit 1. 3. Description of Water Rights. 3.1. Original and Subsequent Decrees. The W-528 Water Rights were originally owned by the Middle Park Water Conservancy District and were decreed as a 73,248 acre-feet conditional storage right in Ute Park Reservoir on May 22, 1957, in Grand County District Court, Case No. 1175. Subsequently, the water rights were purchased by Climax. 3.1.1. Case No. W-528. On February 20, 1973, the water rights were changed to allow a maximum of 6,000 acre-feet of water to be diverted and used for direct use purposes or stored for subsequent beneficial use within the Henderson Mill industrial system in Case No. W-528, Division 5 Water Court. The remaining portion of the conditional storage right was abandoned. 3.1.2. Case No. 80CW155. Under the decree entered on November 25, 1980, in Case No. 80CW155, 2,000 acre-feet was made absolute at East Branch Reservoir, 100 acre-feet was made absolute at Ute Creek Reservoir, and 3,900 acre-feet was continued as conditional. 3.1.3. Case No. 97CW294. The W-528 Water Rights were continued as conditional pursuant to the decree entered on January 25, 2000, in Case No. 97CW294. 3.1.4. Case No. 06CW10. On January 29, 2009, in Case No. 06CW10, the Court decreed 1,411 acre-feet of the W-528 Water Rights absolute and continued 2,489 acre-feet as conditional. 3.1.5. Case No. 15CW3007. Under the decree entered on September 20, 2015, in Case No. 15CW3007, the Court continued 2,489 acre-feet of the W-528 Water Rights as conditional. 3.2. Points of Diversion and Places of Storage. 3.2.1. Intake 1 - Williams Fork Pipeline. The headgate of the Williams Fork Pipeline is at the Williams Fork Pumping Station and consists of a diversion structure from the Williams Fork River, located at a point whence the Southeast corner of Section 36, Township 2 South, Range 78 West of the 6th P.M. bears South 7°51'48" East 7,924.52 feet. 3.2.2. Intake 2 - Henderson Mill Potable Water Pipeline. The headgate of the Henderson Mill Potable Water Pipeline is located at a point whence the Southeast corner of Section 36, Township 2 South, Range 78 West of the 6th P.M. bears South 61°48'41" East 9,407.35 feet. 3.2.3. Intake 3 - Ute Creek Pipeline. The headgate of the Ute Creek

Pipeline is located at a point whence the Southeast corner of Section 36, Township 2 South, Range 78 West of the 6th P.M. bears South 61°54'25" East 9,341.93 feet. 3.2.4. Intake 4 - Lower Ute Creek Intake. The Lower Ute Creek Intake is located at a point whence the Southeast corner of Section 36, Township 2 South, Range 78 West of the 6th P.M. bears South 53°10'0" East 7,854.93 feet. 3.2.5. Intake 5 - Lost Creek Intake (unconstructed). The point of diversion of the Lost Creek Intake will be at the Lost Creek Pumping Station, located at a point whence A.P. 8 of the Bureau of Land Management Exchange Survey No. 375 in the Arapahoe National Forest in unsurveyed Township 2 South, Ranges 78 and 79 West of the 6th P.M., located in Section 8, Township 2 South, Range 78 West of the 6th P.M. bears North 87°58'0" West 3,278 feet. 3.2.6. East Branch Reservoir. The East Branch Reservoir derives its supply of water from the East Branch of Ute Creek, a tributary of the Williams Fork River, and from water diverted through Henderson Mine Water System Intakes 1 through 5. The initial point of survey at the highwater line of the Reservoir is at a point whence the Southeast corner of Section 36, Township 2 South, Range 78 West of the 6th P.M. bears South 38°01'56" East 7,825.77 feet. 3.2.7. Ute Creek Reservoir. The Ute Creek Reservoir derives its supply of water from Ute Creek, a tributary of the Williams Fork River. The initial point of survey at the highwater line of the Reservoir is at a point whence the Southeast corner of Section 36, Township 2 South, Range 78 West of the 6th P.M. bears South 61°58'37" East 9,278.92 feet. 3.2.8. Lost Creek Reservoir (unconstructed). The Lost Creek Reservoir will derive its supply of water from Lost Creek, a tributary of the Williams Fork River. The initial point of survey is at a point whence A.P. 8 of Bureau of Land Management Exchange Survey No. 375 in the Arapahoe National Forest in unsurveyed Township 2 South, Ranges 78 and 79 West of the 6th P.M., located in Section 8, Township 2 South, Range 78 West of the 6th P.M. bears North 81°37'30" West 3,543 feet. 3.2.9. Henderson Mill Tailings Pond. The Henderson Mill Tailings Pond was decreed as an alternate place of storage for the W-528 Water Rights on September 29, 2004, in Case No. 00CW84, Division 5 Water Court. The Henderson Mill Tailings Pond is located in portions of Sections 14, 15, 16, 21, 22, 23, 26, and 27, Township 2 South, Range 78 West of the 6th P.M., in Grand County, Colorado, and is entirely within the drainage basin of Ute Creek and its tributaries. The current water storage capacity of the Henderson Mill Tailings Pond at its operational level is approximately 8,000 acre-feet but varies as the facility is used for tailing disposal. Water may enter into the Henderson Mill Tailings Pond through the following structures and/or sources: (i) diversions by the Henderson Mine Water System facilities described above; or (ii) direct impoundment of flows tributary to Ute Creek. 3.3. Source. The sources for the W-528 Water Rights are the Williams Fork River and the following tributaries to the Williams Fork River: Ute Creek, the East Branch of Ute Creek, and Lost Creek. 3.4. Decreed Amount. The W-528 Water Rights are decreed for 6,000 acre-feet per year to be diverted, stored, and beneficially used in the Henderson Mine System of which 3,511 acre-feet has been made absolute and 2,489 acre-feet has been continued as conditional. This application seeks to continue diligence as to the remaining 2,489 acre-feet. 3.5. Appropriation Date. The appropriation date for the W-528 Water Rights is September 8, 1954. 3.6. Uses. The W-528 Water Rights are decreed to be diverted for direct use purposes or stored for subsequent use within the Henderson Mine Water System. Beneficial use within the Henderson Mine Water System includes industrial, domestic, municipal, recreational, irrigation, replacement and re-use including uses for mining, processing, refining, transportation and production of minerals and mineral products. 4. Detailed Outline of Work Done For the Completion of the Conditional Appropriation and the Application of Water to a Beneficial Use. The activities described below support Climax's claims for a finding of reasonable diligence. 4.1. Engineering Costs. During the diligence period, engineering costs were expended related to the Henderson Mill water rights portfolio, to perform water rights planning, water rights protection and opposition, and water rights accounting. The total amount is approximately \$45,000.00. 4.2. Maintenance and Improvement Costs. During this diligence period, Climax engaged in extensive maintenance projects and made substantial improvements to the components of the Henderson Mine Water System, including: (1) completion of the Ute Park Extraction Wellfield Project Phases II and III in order to capture and return seepage water, (2) completion of Phase I and Phase II of the 3 Dam Buttress Project to stabilize the 3 Dam; (3) improved grading on 3 Dam to improve slope stability; (4) raised the seepwater road to improve containment of significant hydrologic events and emergency storage during upsets; (5) completion of the Tailings Pond Sand Seam Project to mitigate potential seepage through sandstone bedrock units; and (6) construction of the Seep Soil Storage Facility to hold and drain spoils excavated from the TSF seep water collection and return system, maintaining seep water collection capacity. The total amount is approximately \$3,643,500.00. 4.3. Legal Fees. Legal fees were expended during the diligence period in water rights protection and opposition on behalf of Climax for its Henderson Mine Water System. The total amount is approximately \$50,000.00. WHEREFORE, Climax respectfully requests that this Court enter an order finding that reasonable diligence has been exercised in the development of the W-528 Water Rights and that the 2,489 acre-feet be continued as conditional. (6 pages, 1 exhibit)

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21CW3128 PITKIN COUNTY. OWL CREEK MEADOWS, LLC c/o Kristin H. Moseley, Somach Simmons & Dunn, 2033 11th St., Suite 5, Boulder, CO 80302, (303) 449-2834. APPLICATION FOR ABSOLUTE AND CONDITIONAL SPRING WATER RIGHTS. Name of Structure: New Spring. Location: The location of the spring is in the SE1/4 SW1/4 of Section 4, Township 10 South, Range

85 West, of the 6th P.M. (UTM NAD83 Z13 – Easting: 336952.9, Northing: 4341300.2) as shown on Figure 1 attached to the Application on file with the court. Source: Spring tributary to Owl Creek, tributary to Roaring Fork River, tributary to Colorado River. Appropriation Date: May 13, 2021. How appropriation was initiated: Applicant diverted the water and placed it to beneficial use as described in paragraph 8 of the Application on file with the Court. Date water applied to beneficial use: May 13, 2021. Amount claimed: 0.134 cubic feet per second (“cfs”) or 60 gallons per minute (“gpm”), of which 0.042 cfs or 18.8 gpm is absolute, and 0.092 cfs or 41.2 gpm is conditional. Uses or Proposed Uses: Irrigation and livestock. Names of owners of land upon which this spring is located: Applicant. Remarks: Meadows utilized 0.042 cfs or 18.8 gpm for irrigation purposes on approximately 0.55 acres of land commencing on May 13, 2021. The area of irrigation is denoted on a map and in a photograph attached as Figure 2 and Figure 3, respectively, to the Application on file with the Court.

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21CW3129 PITKIN COUNTY – TRIBUTARY TO THE ROARING FORK RIVER AND THE COLORADO RIVER. DOVFAM Willoughby LP c/o Paul L. Noto, Esq. and John M. Sittler, Esq., Patrick, Miller & Noto, P.C., 229 Midland Ave., Basalt, CO 81621, (970) 920-1030. APPLICATION FOR STORAGE WATER RIGHT AND APPROVAL OF PLAN FOR AUGMENTATION INCLUDING EXCHANGE. **First Claim (Storage):** DOVFAM Pond System. Legal Description: The DOVFAM Pond System consists of three small ponds with interconnecting channels on Applicant’s property. DOVFAM Pond System is located in the NE 1/4 NE 1/4 of Section 12, Township 10 South, Range 85 West of the 6th P.M., within the upper and lower termini, described as: Upper Pond System Terminus: UTM NAD83 Zone 13 Easting 342386.5, Northing 4340883.8. Lower Pond System Terminus: UTM NAD83 Zone 13 Easting 342366.5., Northing 4340845.8. A map is on file with the court as Figure 1. Source: Applicant’s lateral pipe off the Salvation Ditch, tributary to the Roaring Fork River, tributary to the Colorado River. If filled from a ditch: Name of ditch used to fill and capacity in c.f.s.: A lateral of the Salvation Ditch at 50 g.p.m. Legal description of point of diversion: The decreed point of diversion for the Salvation Ditch is on the north bank of the Roaring Fork River from whence the East quarter corner of Section 7 in Township 10 South, Range 84 West of the 6th Principal Meridian bears north 2 degrees 48 minutes west 5633.4 feet. D. Date of appropriation: May 19, 2009 by construction of the water feature and application of water to beneficial use. Date water applied to beneficial use: May 19, 2009. Amount and uses: 0.03 acre-feet, with the right to fill and refill in priority or as augmented for recreation, fire protection, aesthetic, wildlife watering, and as a pumping forebay for irrigation using Applicant’s existing senior Salvation Ditch rights. If non-irrigation, describe purpose fully: The DOVFAM Pond System is a water feature on Applicant’s property, comprised of three interconnected ponds. The DOVFAM Pond System provides recreation, fire protection, aesthetic, and wildlife watering benefits to Applicant’s property. Surface area of highwater line: 0.1926 acre. Vertical height of dam: Less than 5 feet. Length of dam: Varies based on individual pond locations within the pond system. Upper pond – 20 feet. Middle pond – 10 feet. Lower pond – 20 feet. Total capacity of reservoir: 0.03 acre-feet. Active capacity: 0 acre-feet. Dead storage: 0.03 acre-feet. **Second Claim (Aug Plan):** Structure to be augmented: DOVFAM Pond System. Legal Description: See First Claim. Legal descriptions of water rights to be used for augmentation: Basalt Water Conservancy District (“BWCD”) Allotment Contract for 1.0 acre foot from the following sources: Green Mountain Reservoir located approximately 16 miles Southeast of the Town of Kremmling in Summit County, Colorado, and more particularly in all or parts of Sections 11, 12, 13, 14, 15, and 24 of Township 2 South, Range 80 West, and in Sections 17, 18, 19, 20, 21, 28, 29, and 34, Township 2 South, Range 79 West of the 6th P.M.; Ruedi Reservoir located in Sections 7, 8, 9, 11, and 14 through 18, Township 8 South, Range 84 West of the 6th P.M.; Troy Ditch located in the NW¼, NE¼, Section 14, Township 8 S., Range 84 W. of the 6th P.M., 285 feet from the South section line and 967 feet from the East section line; Edith Ditch located in the SW¼, SW¼, Section 12, Township 8 S., Range 84 W. of the 6th P.M., 326 feet from the South section line and 981 feet from the West section line; Robinson Ditch located in the NW¼, SE¼, Section 11, Township 8 S., Range 87 W. of the 6th P.M., 2307 feet from the South section line and 2309 feet from the East section line; Favre Domestic Pipeline Spring No. 1: Located at a point whence the E ¼ corner, Section 34, Township 7 South, Range 87 West, 6th P.M. bears South 34 degrees 26’ East, 890.9 feet and Spring No. 2: Located at a point whence the E ¼ corner, Section 34, Township 7 South, Range 87 West, 6th P.M. bears South 37 degrees 24’ East 721.4 feet. A complete statement of the plan for augmentation is included in the Application, on file with the court. Calculations are included in Tables 1 and 2, on file with the court. **Third Claim (Exchange):** DOVFAM Exchange. Legal Description: Downstream termini: The points of replacement on the Roaring Fork and Colorado Rivers of the BWCD’s water rights are shown on Figure 3, on file with the court, and described as follows: Green Mountain Reservoir water: The confluence of the Roaring Fork and Colorado Rivers, located in the SE ¼ NW ¼ of Section 9, Township 6 South, Range 89 West of the 6th P.M., at a point approximately 2,200 feet from the North section line and 2,350 feet from the West section line; Ruedi Reservoir and/or Troy and Edith Ditch water: The confluence of the Roaring Fork and Frying Pan Rivers located in the SW ¼ SE ¼ of Section 7, Township 8 S., Range 86 W. of the 6th P.M., at a point 647 feet from the South section line and 1,475 feet from the East section line; Robinson Ditch water: The point of diversion as decreed is located on the

North bank of the Roaring Fork River one-half mile below the mouth of Sopris Creek in Section 11, T. 8 S. R 87 West, 6th P.M. Upstream terminus: The point of diversion for the Salvation Ditch as described in the First Claim. Source: The water rights owned or controlled by the BWCD as described in paragraph 7.A of Application. Date of appropriation: September 30, 2021 by field inspection, formulation of intent to apply water to beneficial use, and subsequent application to the Basalt Water Conservancy District for Allotment Contract. Amount and uses: 0.00019 c.f.s., up to 0.046 acre-feet per year, conditional, for exchange to implement the plan for augmentation described in the Second Claim of the Application.

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

10. PURSUANT TO C.R.S., §37-92-302, AS AMENDED, YOU ARE NOTIFIED THAT THE FOLLOWING PAGES COMPRISE A RESUME OF THE APPLICATIONS AND AMENDED APPLICATIONS FILED WITH THE WATER CLERK FOR WATER DIVISION 5 DURING THE MONTH OF SEPTEMBER 2021. The water right claimed by this application may affect in priority any water right claimed or heretofore adjudicated within this division and owners of affected rights must appear to object and protest within the time provided by statute or be forever barred.

21CW3130 GARFIELD COUNTY, CANYON CREEK, COLORADO RIVER. Application for Findings of Reasonable Diligence and to Make Absolute. Franklin Mountain Glenwood Springs, LLC c/o Beattie Houpt & Jarvis, PO Box 1669, Basalt, 970-945-8659. Original decree for the Subject Water Rights entered 09/13/15 in 12CW191. As decreed in 12CW191, the Subject Water Rights are components of an integrated water supply system. Inyanga Hydropower Pipeline: Location of headgate: in the SW1/4 NW1/4, Sec 12, T 5 S, R 90 W 6th PM, at a point 2,355 ft from N sec line and 1,300 ft from W sec line of said Sec 12. Source: Canyon Creek. Appropriation date: 12/31/12. Amounts: 4.0 cfs, cond., during the irrigation season each year, from Apr 1 through Oct 31; and 2.0 cfs, cond., during the non-irrigation season each year, from Nov 1 through Mar 31. Use: Hydroelectric power generation. This water right allows Applicant to generate power with water diverted at the west point of diversion on Inyanga Ranch. The Inyanga Hydropower Pipeline shall be piped and the system maintained to be non-consumptive. The point of return to Canyon Creek will be above the headgate of the Williams Canal. Decreed info. shared by the Rock-N-Pines Pond Nos. 1-8 (the "Ponds"): Source: Rock-N-Pines No. 2 Ditch Enlargement (03CW130, 12CW140, 12CW191, and 19CW3127), local spring flow, runoff and irrigation tailwater trib. to Canyon Creek, trib. to the Colorado River. Name and capacity of ditch used to fill reservoirs: Rock-N-Pines No. 2 Ditch Enlargement with a capacity of 2.0 cfs. Appropriation dates: 03/12/03. Dam heights: Less than 10 ft. Uses: Piscatorial, recreational, aesthetic, fire protection, and dust control. The Ponds operate pursuant to the plan for augmentation decreed in 03CW131 and 12CW191. Total cumulative refills in the Ponds shall not exceed 23.5 af per year. Rock-N-Pines Pond No. 1: Location of dam centerline: In the SW1/4 NW1/4, Sec 13, T 5 S, R 90 W 6th PM, at a point 3,540 ft from S sec line and 685 ft from W sec line of Sec 13. Amount: 9.56 af, cond., with the right to fill and refill in priority. Surface area: 1.54 acres. Length: 580 ft. Total capacity: 9.56 af, all active storage. Absolute claim: 5.2 af made absolute on 09/16/20 for all decreed purposes pursuant to CRS § 37-92-301(4)(e). Rock-N-Pines Pond No. 2: Location of dam centerline: In the SW1/4 NW1/4, Sec 13, T 5 S, R 90 W 6th PM, at a point 3,440 ft from S section line and 670 ft from W sec line of said Sec 13. Amount: 0.32 af, cond., with the right to fill and refill in priority. Surface area: 0.10 acres. Length: 140 ft. Total capacity: 0.32 af, all active storage. Absolute claim: 0.16 af made absolute on 09/16/20 for all decreed purposes pursuant to CRS § 37-92-301(4)(e). Rock-N-Pines Pond No. 3: Location of dam centerline: In the SW1/4 NW1/4, Sec 13, T 5 S, R 90 W 6th PM, at a point 3,120 ft from S sec line and 460 ft from W sec line of said Sec 13. Amount: 4.40 af, cond., with the right to fill and refill in priority. Surface area: 0.77 acres. Length: 420 ft. Total capacity: 4.40 af, all active storage. Absolute claim: 2.7 af made absolute for all decreed purposes on 09/16/20 pursuant to CRS § 37-92-301(4)(e). Rock-N-Pines Pond No. 4: Location of dam centerline: In the SW1/4 NW1/4, Sec 13, T 5 S, R 90 W 6th PM, at a point 2,675 ft from S sec line and 80 ft from W sec line of said Sec 13. Amount: 3.54 af, cond., with the right to fill and refill in priority. Surface area: 0.87 acres. Length: 450 ft. Total capacity: 3.54 af, all active storage. Absolute claim: 1.65 af made absolute for all decreed purposes on 09/16/20 pursuant to CRS § 37-92-301(4)(e). Rock-N-Pines Pond No. 5: Location of dam centerline: In the NW1/4 SW1/4, Sec 13, T 5 S, R 90 W 6th PM, at a point 2,390 ft from S sec line and 165 ft from W sec line of said Sec 13. Amount: 2.88 af, cond., with the right to fill and refill in priority. Surface area: 0.52 acres. Length: 210 ft. Total capacity: 2.88 af, all active storage. Absolute claim: 1.6 af made absolute on 09/16/20 for all decreed purposes pursuant to CRS § 37-92-301(4)(e). Rock-N-Pines Pond No. 6: Location of dam centerline: In the NW1/4 SW1/4, Sec 13, T 5 S, R 90 W 6th PM, at a point 2,400 ft from S sec line and 20 ft from W sec line of said Sec 13. Amount: 1.03 af, cond., with the right to fill and refill in priority. Surface area: 0.32 acres. Length: 310 ft. Total capacity: 1.03 af, all active storage. Absolute claim: 1.03 af made absolute on 09/16/20 for all decreed purposes pursuant to CRS § 37-92-301(4)(e). Rock-N-Pines Pond No. 7: Location of dam centerline: In the NW1/4 SW1/4, Sec 13, T 5 S, R 90 W 6th PM, at a point 2,230 ft from S sec line and 190 ft from W sec line of said Sec 13. Amount: 4.93 af, cond., with the right to fill and refill in priority. Surface area: 0.90 acres. Length: 410 ft. Total capacity: 4.93 af, all active storage. Absolute claim: 3.7 af made absolute on 09/16/20 for all decreed purposes pursuant to CRS § 37-92-301(4)(e). Rock-N-Pines Pond No. 8: Location of dam centerline: In the NW1/4 SW1/4, Sec 13, T 5 S, R 90 W 6th PM, at a point 2,025 ft from S sec line and 320 ft from W sec line of said Sec 13. Amount: 2.50 af, cond., with the right to fill and refill in priority. Surface area: 0.54 acres. Length: 320 ft. Total capacity: 2.50 af, all active storage. Absolute claim: 2.35 af made absolute on 09/16/20 for all decreed purposes pursuant to CRS § 37-92-301(4)(e). Inyanga Canyon Creek Exchange No. 1: Downstream terminus: The confluence of Canyon Creek and the Colo River, located in the NW1/4 NW1/4, Sec 36, T 5 S, R 90 W 6th PM, at a point approx 2,000 ft from S sec line and 1,050 ft from W sec line of said Sec 36. Upstream

terminus: Rock-N-Pines No. 2 Ditch located, as confirmed in 12CW191, in the SW1/4 NW1/4 of Sec 13, T 5 S, R 90 W 6th PM at a point approx 3,825 ft from S sec line and 600 ft from W sec line of said Sec 13. Max rate of exchange: 0.07 cfs, cond. (max of 16.8 af annually). Appropriation date: 12/31/12. Use: Augmentation pursuant to the plan for augmentation decreed in 12CW191. Absolute claim: 0.07 cfs made absolute on 07/11/21 for augmentation purposes. The Application on file with the court includes a list of activities demonstrating diligence. Owner of land: Applicant. (15 pages; 3 exhibits.)

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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 SEPTEMBER 2021. The water right claimed by this application may affect in priority any water right claimed or heretofore adjudicated within this division and owners of affected rights must appear to object and protest within the time provided by statute or be forever barred.

21CW3131 GARFIELD COUNTY. COLORADO RIVER. Jennifer and Jared Street, c/o, Corona Water Law, Craig Corona, Esq., 1018 Lauren Lane, Basalt, CO 81621, (970) 948-6523. **APPLICATION FOR FINDING OF REASONABLE DILIGENCE AND TO MAKE ABSOLUTE.** CLAIM: For Finding of Reasonable Diligence and to Make Absolute. Name: L & T Pump Station – Street Diversion. Date of original decree: May 16, 1994. Case No. 93CW306, Division 5 Water Court. Originally decreed location: 2,120 feet from the West section line; 1,875 feet from the South section line, Section 27, T6S R92W; 6th P.M. Legal description pending in 21CW3055: NE SW Section 27, T6S R92W, 6th P.M. UTM: Easting: 271725. Northing: 4375180. Zone: 13. Source: **Dry Hollow Creek, tributary to the Colorado River.** Appropriation date: July 14, 1992. Total amount decreed: 2.1 c.f.s.; 2.0 c.f.s. for irrigation and 0.1 c.f.s. for domestic and livestock purposes. Amount owned by Applicants: 0.875 c.f.s., conditional, for irrigation. Use of Applicants' interest in water right: Irrigation. Place of use: 3692 331 County Road, Silt, CO 81652. An outline of diligence activities is on file with the Court. Claim to make absolute: Date: May – July 2016. Amount: 0.875 c.f.s. Uses: Irrigation. The L& T Pump Station – Street Diversion is on land owned by Platzer Family Trust, 3694 331 County Road, Silt, CO 81652.

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