

DIVISION 5 WATER COURT-JULY 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 JULY 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.*

21CW3094 GARFIELD COUNTY – GROUNDWATER TRIBUTARY TO THE ROARING FORK RIVER AND COLORADO RIVER. Application to Make Absolute and for Finding of Reasonable Diligence. Name and address of Applicants: Clifford Cerise Ranch Co., LLLP and Michael B. Cerise and Eva B. Cerise, c/o Neil W. Goluba, Goluba & Goluba P.C., P.O. Box 931, Glenwood Springs, Colorado 81602, (970) 945-9141. Name of Structures: Clifford Cerise Ranch Company Well Nos. 1, 2 and 3. Date of Original Decree: July 12, 2015. Case No.: 14CW3028. Court: District Court, Water Division 5, Colorado. Legal Description: SW1/4 NE1/4, Section 24, Township 7 South, Range 88 West of the 6th P.M. Clifford Cerise Ranch Company Well No. 1: 1,410 feet south of the north section line and 2,320 feet west of the east section line. Clifford Cerise Ranch Company Well No. 2: 2,070 feet south of the north section line and 2,270 feet west of the east section line. Clifford Cerise Ranch Company Well No. 3: 2,320 feet south of the north section line and 1,320 feet west of the east section line (See Map attached to Application). Source: Groundwater tributary to Crystal Spring Creek, tributary to the Roaring Fork River and the Colorado River. Appropriation Date: July 1, 2013. Amount: Clifford Cerise Ranch Company Well Nos. 1, 2 and 3 were each adjudicated for 15 gallons per minute with a total annual diversion of 1.1 acre feet per year. Use: Clifford Cerise Ranch Company Well Nos. 1, 2 and 3 are each adjudicated for domestic in-house use inside one single-family dwelling and one accessory dwelling unit, watering of up to 4,000 square feet (0.093 acres) of lawn and garden and watering of up to four (4) head of livestock. Depth: Clifford Cerise Ranch Company Well No. 1: 168 feet. Clifford Cerise Ranch Company Well No. 2: 170 feet. Clifford Cerise Ranch Company Well No. 3: 102 feet. Application to Make Absolute: Clifford Cerise Ranch Company Well No. 2. The Application describes how the appropriation was completed and the water put to beneficial use. Request for Finding of Reasonable Diligence: Clifford Cerise Ranch Company Well Nos. 1 and 3. A detailed outline of activities during the diligence period is included in the Application. Name and Address of Owner of the Land Upon Which Clifford Cerise Ranch Company Well Nos. 1 and 3 are Located: Clifford Cerise Ranch Co., L.L.L.P., 86 County Road 104, Carbondale, CO 81623. Name and Address of Owner of the Land Upon Which Clifford Cerise Ranch Company Well No. 2 is Located: Michael B. Cerise and Eva B. Cerise, 175 County Road 105, Carbondale, CO 81623 (11 pages).

YOU ARE HEREBY NOTIFIED THAT YOU HAVE until the last day of SEPTEMBER 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 JULY 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.*

21CW3095 PITKIN COUNTY, WOODY CREEK, ROARING FORK RIVER, COLORADO RIVER Michael Craig, P.O. Box 1837, Carbondale, CO 81623, Kirsten M. Kurath, Williams, Turner & Holmes, P.C., 744 Horizon Court, Suite 115, Grand Junction, Colorado 81506, (970) 623-1380, kmkurath@wth-law.com. **APPLICATION FOR FINDING OF REASONABLE DILIGENCE AND TO MAKE CONDITIONAL WATER RIGHTS PARTIALLY ABSOLUTE** Structures: Cleverly Spring and Cleverly Spring Tank. Original Decree: July 12, 2015, Case No. 2013CW3043, Water Division No. 5, District Court for the State of Colorado. Subsequent Decrees: None. Cleverly Spring: Location: The point of diversion of the spring is located in the SE¼ NE¼ SE¼ of Section 15, Township 9 South, Range 85 West, 6th P.M. The UTM coordinates for the point of diversion are as follows: Northing: 4348121.357 Easting: 339586.893 UTM; Zone 13; Units: meters; NAD83; true North; taken with a Trimble Geo XT Explorer 6000 GPS unit. See map attached to Application as Figure 1. Source: Spring tributary to Woody Creek, tributary to the Roaring Fork River, tributary to the Colorado River. App. Date: August 9, 2013. Amount: 0.022 c.f.s. (10 g.p.m.), conditional, with an annual volumetric limit of 1.35 acre feet (439,900 gallons). Uses: The Cleverly Spring will be used to fill the Cleverly Spring Tank, described below. The water will then be used for fire protection purposes and for the irrigation of lawns, gardens, landscaping and other vegetation on Pitkin County Assessor Parcel No. 264314300002, which parcel is described on Exhibit A, attached hereto ("Applicant's Property"). The maximum area of Applicant's Property to be irrigated is 0.75 acre. Cleverly Spring Tank: Location: The Cleverly Spring Tank is located in the SE¼ NE¼ SE¼ of Section 15, Township 9 South, Range 85 West, 6th P.M. The UTM coordinates for the location of the tank are as follows: Northing: 4348133.276 Easting: 339569.996 UTM; Zone 13; Units: meters; NAD83; true North; taken with a Trimble Geo XT Explorer 6000 GPS unit. See map attached to Application as Figure 1. Source: The Cleverly Spring Tank is an off-channel storage facility that will be filled from the Cleverly Spring, described in the First Claim, above. The Cleverly Spring is a spring tributary to Woody Creek, tributary to the Roaring Fork River, tributary to the Colorado River. App. Date: August 8, 2013. Amount: 0.015 acre feet (5,000 gallons), conditional, together with the right to fill and refill the storage tank when water is available in priority. The right to fill and refill the storage tank shall be limited to a total amount of 1.35 acre feet (439,900 gallons) per year. The Cleverly Spring Tank will be filled by water diverted from the Cleverly Spring at a maximum rate of 0.022 c.f.s. (10 g.p.m.). Uses: The water stored in the Cleverly Spring Tank will be used for fire protection purposes and for the irrigation of up to 0.75 acre of lawns, gardens, landscaping and other vegetation on Applicant's Property. A detailed outline of what has been done toward completion or for completion of the appropriation and

application of water to a beneficial use as conditionally decreed, including expenditures, is contained in the Application. Claim to Make Partially Absolute: Cleverly Spring: Applicant first filled the Cleverly Spring Tank in 2016 using the Cleverly Spring. Since 2017, Applicant has irrigated the entire 0.75 acres of Applicant's Property as decreed. Each season Applicant stopped diverting when the call was placed on Woody Creek. In July, 2020, Applicant conducted a flow measurement test by timing the filling of a 1 gallon container and determined that the rate of flow for the Cleverly Spring was 4.1 g.p.m. (0.0091 c.f.s.). Therefore, 4.1 g.p.m. (0.0091 c.f.s.) of the Cleverly Spring water right should be made absolute for all uses. Cleverly Spring Tank: Cleverly Spring Tank first filled in 2016 while in priority. Accordingly, the full amount of the Cleverly Spring Tank water right, 0.015 acre feet, should be made absolute for all the decreed uses in accordance with C.R.S. § 37-92-301(4)(e) and C.R.S. § 37-92-103(4)(a). The maximum amount stored in the Cleverly Spring Tank was 0.17 acre feet in 2018 while in priority so the refill right should be made absolute in the amount of 0.155 acre feet. Names and addresses of Land Owner: Applicant. Applicant requests that the Court adjudge and decree that the Cleverly Spring and Cleverly Spring Tank conditional water rights be made absolute for all uses for the full amounts claimed, and in the alternative, that the Applicant has been reasonably diligent in the development of the Cleverly Spring and Cleverly Spring Tank conditional water rights to the extent the same are not decreed absolute, that the remaining conditional portions of the Cleverly Spring and Cleverly Spring Tank conditional water rights be continued in full force and effect, and that the Court grant the Applicants such other and further relief as may be appropriate. (7 pages)

YOU ARE HEREBY NOTIFIED THAT YOU HAVE until the last day of SEPTEMBER 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 JULY 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.*

21CW3096 GUNNISON COUNTY. Application for Finding of Reasonable Diligence. Applicant: Diane Joyce Holt ("Holt"), c/o Balcomb & Green, P.C., P.O. Drawer 790, Glenwood Springs, CO 81602; 970-945-6546. Pittenger Well. Orig. Decree: 2000CW13, District Court Water Division 5, 9/27/2000. Location: In the SW1/4SW1/4SE1/4 of Sec 21 T 11 S, R 88 W, 6th P.M., at a pt. approx. 2600 ft. W of the E section line and 400 Ft. N of the S section line of Sec 21. Source and Maximum Well Depth: Groundwater trib. to Crystal River, trib. of Roaring Fork River, trib. to Colorado River. Max. anticipated depth is 75 ft. Date of Approp.: 9/30/1998. Amt.: 0.033 cfs, cond. Use: In-house dom. Owner of land on which well is located: Applicant. Conditional Status: Well water right conditionally decreed on 9/7/2000. Holt acquired water right on 5/13/2021. Pursuant to C.R.S. § 37-92-301(4)(a)(I), previous owner should have filed diligence application by 9/30/2006; it did not. This omission, coupled with completion of actions statutorily required of the water court, would ordinarily provide grounds for cancellation of this conditional water right. However, actions statutorily required for cancellation of a cond. water right were not completed, so water right has not been cancelled: (1) C.R.S. § 37-92-301(4)(a)(I), "the judgment and decree of the court shall specify the month and calendar year in which a subsequent application for diligence shall be filed." C.R.S. § 37-92-301(4)(a)(III). Decree entered in 00CW13 omits this required information; *see* Decree, Pg. 4, Para. 17.A; (2) as a reminder water court "shall give notice, within not less than sixty-three days nor more than ninety-one days, by certified or registered mail to all persons to whom such conditional right was granted" prior to cancellation or expiration of cond. water right granted pursuant to decree. C.R.S. § 37-92-305(7). Review of 00CW13 did not show evidence notice was provided as required. Since statutory actions were not satisfied, cond. water right decreed to Well in 00CW13 has not been cancelled pursuant to C.R.S. § 37-92-301(4)(a)(I). "[T]he water court may not cancel a conditional water right and the conditional water right does not expire without first providing notice of cancellation or expiration under section 305(7)." As notice has not been given pursuant to C.R.S. § 37-92-305(7), deadline to file an application for finding of diligence is extended.

YOU ARE HEREBY NOTIFIED THAT YOU HAVE until the last day of SEPTEMBER 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 JULY 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.*

21CW3097 EAGLE COUNTY. Alluvial formation that is hydraulically connected to the Eagle River and the Colorado River system. Application for Finding of Reasonable Diligence. Applicant: Mervyn Lapin, c/o Scott Grosscup, Balcomb & Green, P.C., PO Drawer 790, Glenwood Springs, CO 81602; 970-945-6546. Structure: Wolcott Comm. Well. Original decree: Case No. 93CW178, entered 8/8/1994, Dist. Ct., Water Div. No. 5. Subsequent decrees finding diligence: Cases 00CW151, 08CW008, and 15CW3002, Dist. Ct.,

Water Div. No. 5. Location: Wolcott Comm. Well is located in the SE1/4SE1/4, Sec 15, T 4 S, R 83 W, 6th P.M., at a pt. 750 ft. from the S Sec. line and 500 ft. from the E Sec. line of said Sec. 15. Approp. Date: 11/22/1992. Amt.: 50 gpm (0.11 c.f.s.) cond. Well Permit Information: Well Permit No. 68772-F. Well Permit No. 65604-F previously issued for well, which permit had expired and was replaced by Well Permit No. 68772-F. A copy of the valid well permit is attached as Exhibit B to application. Use: Ind., comm., and irr. of one acre located in Sec 15, T 4 S, R 83 W, 6th P.M. Remarks: Wolcott Comm. Well is augmented pursuant to decree entered in Case No. 93CW178, Dist. Ct., Water Div. 5, and subject to terms and conditions decreed therein. Names and address of land owners upon which any new diversion or storage structure of 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: Applicant, through his trust, the Mervyn Lapin Revocable Trust.

YOU ARE HEREBY NOTIFIED THAT YOU HAVE until the last day of SEPTEMBER 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 JULY 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.*

21CW3098 PITKIN COUNTY – ROARING FORK RIVER, TRIBUTARY TO THE COLORADO RIVER Aspen Club Group, Inc. c/o Scott C. Miller and Jason M. Groves, Patrick, Miller & Noto, P.C., 229 Midland Ave., Basalt, CO 81621, (970) 920-1030. APPLICATION FOR CHANGE OF WATER RIGHT. Applicant leases fully consumable, excess historical consumptive use credits associated with the Nellie Bird Ditch quantified in Case No. 14CW3096, Water Division 5. Applicant seeks to change the Excess HCU credits to be diverted at the Crystal Lake Pump and Pipeline for subsequent storage and use in Applicant's Crystal Lake, decreed in Case No. 2008CW186, Water Division 5. Description of Water Right: Nellie Bird Ditch. Original Decree: August 25, 1936, CA 3082 Garfield County District Court. Legal: whence the east corner of Section 7, Township 10 South, Range 84 West of the 6th P.M. bears North 2°40' West 5,703 feet. Source: Roaring Fork River, tributary to the Colorado River. Appropriation date: June 9, 1885. Amount: 3.94 c.f.s. Use: irrigation and storage. Amount to be changed: 0.01 c.f.s., 1.07 acre-feet of excess HCU credits. Proposed change: Applicant requests to add alternate points of diversion and storage for the leased Excess HCU credits at the Crystal Lake Pump and Pipeline and Crystal Lake for the additional uses described below. Locations: Crystal Lake Pump and Pipeline: SW ¼, NE ¼ of Section 18, Township 10 South, Range 84 West of the 6th P.M., 1,550 feet from the East section line and 2,600 feet from the North section line. Crystal Lake: SE ¼, NE ¼ of Section 18, Township 10 South, Range 84 West of the 6th P.M., 1,175 feet from the East section line and 2,050 feet from the North section line, as further described in Case No. 18CW3121. Change in type of use: Applicant seeks to add storage, augmentation of evaporation, recreation, aesthetic, piscatorial and wildlife watering, all for Crystal Lake. Landowner info: (Nellie Bird Ditch) Stillwater Ranch Condominium Association, Inc., PO Box 3217, Aspen, CO 81612. (Crystal Lake Pump and Pipeline and Crystal Lake) Applicant. Map on file with the court as Exhibit A.

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

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

21CW3099 Water District 38, GARFIELD COUNTY-APP FOR FINDING OF REASONABLE DILIGENCE Know Limits Ranch LLC c/o Sherry A Caloia, P.C. PO Box 443, Glenwood Springs CO 81602, Name: **Stainton Pond # 7**: Decree: 10/14/1993, Case No. 92CW261 Water Div No. 5, Legal description: The center of Stainton Pond # 7 dam is located in the NW¼ NE¼ Section 27, T 7 S, R 89 W, 6th P.M. at a pt 800 feet from the N section line and 2150 feet from the E section Line. Source of water to fill the pond: Lynch Ditch which diverts from **Four Mile Creek, Trib to Roaring Fork River and Colorado River**. Lynch Ditch diverts at a point whence the NE corner sec 34, T7S R89W 6th P.M. bears N 65°37' E 5091.25 feet. Capacity 8 c.f.s. Approp Date: 8/1/1989 for irrigation and livestock watering and 6/22/2006 for Fire Protection Amt: 45 AF cond (4.74 af abs) Use: irrigation, livestock watering and fire protection Acres to be irrigated: 40 acres within Applicant's property along Four Mile Creek South of Glenwood Springs, CO. The property is located in portions of the N½ Section 27, SW¼, and portions of the NW ¼ NE ¼ and SE ¼ Section 22, T7S, R89W, 6th P.M. Name: **Stainton Pond # 8** Decree: 10/14/1993, 92CW261 Water Div No 5, center of the Stainton Pond # 8 dam is located in the SW¼ SE¼ Section 22, T7S, R89W, 6th P.M. at a point 756 feet from the South section line and 2109 feet from the East section Line of said section 22. Source of water to fill the pond: Lynch Ditch and/or the Lignite #2 ditch both of which divert from Four Mile Creek, Trib to Colorado River. Approp Date: 8/1/1989 for irrigation and livestock watering and 6/22/2006 for Fire Protection, Amount 49.766 af cond

(0.224 acre feet abs) Use: irrigation, livestock watering and fire protection. Acres to be irrigated 20 acres within Applicant's property along Four Mile Creek S of Glenwood Springs, CO. Applicant's property located in portions of N½ of Section 27, and all of the SW¼, and portions of NW¼ NE¼ and SE¼ Sec 22, T7S, R89W 6th P.M. A detailed outline of what has been done toward completion or for completion of the appropriation and application of water to a beneficial use as conditionally decreed, including expenditures, during the previous diligence period provided. Names of owner: Applicant. 6 pages.

YOU ARE HEREBY NOTIFIED THAT YOU HAVE until the last day of SEPTEMBER 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 JULY 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.*

21CW3100 (15CW3021) (08CW50) (01CW141) – GRAND COUNTY – APPLICATION 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. Name and Description of Conditional Water Right.** (a) Name of Structure. C Lazy U Spring No. 4. (b) Original and Subsequent Decrees. The decree for the C Lazy U Spring No. 4 water right was originally entered on May 28, 2002, in Case No. 01CW141, Water Division 5. Portions of the right were made absolute and the remaining right was continued as conditional pursuant to the decrees entered on March 18, 2009, in Case No. 08CW50, Water Division 5, and on July 19, 2015, in Case No. 15CW3021, Water Division 5. In addition, the C Lazy U Spring No. 4 was included in the plan for augmentation for the C Lazy U Main Ranch (the "Main Ranch") approved in Case No. 12CW188, Water Division 5, dated September 13, 2015. (c) Originally Decreed Legal Description of Structure. At a point in the NE¼ 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. A map showing the location of the spring is attached hereto as Exhibit A. (d) Source. A spring or seepage tributary to Willow Creek, which is tributary to the Colorado River. (e) Decreed Amount and Use. 15 gpm for domestic, irrigation, and stock watering. The irrigation uses are limited to approximately 4 acres of lawn and garden areas in the vicinity of the lodge, patio house, and guest cabins. The domestic use is to serve the lodge, patio house, outbuildings, and approximately 20 cabins. In Case No. 08CW50, 10 gpm was made absolute for domestic purposes. In Case No. 15CW3021, 8 gpm was made absolute for irrigation and stock watering purposes. In total, there remains conditional 5 gpm for domestic purposes and 7 gpm for stock watering and irrigation. (f) Appropriation Date. February 28, 2001. (g) Remarks. There are two other water rights decreed to the C Lazy U Spring No. 4. The First Enlargement was decreed in Case No. 08CW187, Water Division 5, to provide domestic, irrigation, and fire protection water from the C Lazy U Spring No. 4 to the C Lazy U Chimney Rock Cabins development. This First Enlargement is included in the plan for augmentation for the Chimney Rock Cabins approved in Case No. 08CW187. The Second Enlargement was decreed in Case No. 12CW188, Water Division 5, to add commercial to the decreed uses of the structure for the Main Ranch. The Second Enlargement right is included in the plan for augmentation for the Main Ranch approved in Case No. 12CW188. **3. Claim for Finding of Reasonable Diligence.** Applicant seeks to continue as conditional the water right decreed to the C Lazy U Spring No. 4 as described above. During the subject diligence period from July 2015 to present, the following activities were performed proving Applicant's intention to put the subject water right to beneficial use and the actions taken by Applicant to do so: (a) Continued Operation of Main Ranch. Applicant has continued to operate the C Lazy U Guest Ranch, including the Main Ranch facilities served by the C Lazy U Spring No. 4 water right. 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 right. As part of the ongoing operations, Applicant has continued to use water provided by the C Lazy U Spring No. 4 (and other rights covered under the plan for augmentation approved in Case No. 12CW188) to provide the domestic water supply to guests and staff, irrigate lawns and other landscaping around the lodge, patio house, cabins and outbuildings, and for watering horses. (b) Plan for Augmentation. In conjunction with guest ranch operations, Applicant has continued to account for all 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 Applicant's water resources consultants, BBA Water Consultants, Inc., 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) Development Efforts. Applicant and the C Lazy U Chimney Rock Cabins Owners Association, Inc., as the owner of the First Enlargement, have expended time and energy during the diligence period to investigate larger capacity water infrastructure to meet growing water demands. These activities were temporarily delayed by the East Troublesome Fire but have again become a priority for both the Main Ranch and Chimney Rock Cabins. (d) 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, including the subject C Lazy U Spring No. 4, against injury. **4. Name and Address of Landowner Upon which any New or Modified Diversion or Storage Structure is Located, Including Any Modification to the Storage Pool.** There

are no new or modified structures associated with this application. Applicant has the right to use the real property where the C Lazy U Spring No. 4 is located pursuant to the Easement Agreement (C Lazy U Spring #4) dated September 29, 2009 and recorded in the Grand County real property records on October 12, 2009 at Reception No. 2009009773, as amended by the Amendment to Easement Agreement (C Lazy U Spring #4) dated December 31, 2015 and recorded in the Grand County real property records on May 5, 2016 at Reception No. 2016003112. WHEREFORE, Applicant respectfully requests that the Court enter a decree finding that it has been reasonably diligent in its efforts to develop, and to continue in full force and effect for an additional six years or until otherwise disposed of, the remaining portion of the C Lazy U Spring No. 4 conditional right originally decreed in Case No. 01CW141 for 5 gpm for domestic purposes, 7 gpm for stock watering, and 7 gpm for irrigation. (4 pages plus exhibit)

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

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

21CW3101 GRAND COUNTY, COLORADO. Winter Park Christian Church c/o Glen Chambers P.O. Box 518 Tabernash, CO 80478. 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 AND TO MAKE ABSOLUTE IN PART. Original Decree: January 9, 2009, Case No. 06CW59, Water Div. 5. Subsequent Decree: July 12, 2015, Case No. 15CW3003, Water Div. 5. Name of Structures for Underground Water Rights: WPCC Well Nos. 1-3. Type of Structures: Wells. Source: Ground water from unconsolidated sand and gravel, and from bedrock formations, hydraulically connected to an unnamed creek, tributary to Crooked Creek, tributary to the Fraser River, tributary to the Colorado River. Legal Descriptions: WPCC Well No. 1 is located in the SW1/4 NW1/4 of Section 2, Township 1 South, Range 76 West of the 6th P.M., 2400 feet from the North line of said Section 2 and 960 feet from the West line of said Section 2. WPCC Well Nos. 2 and 3 have not yet been permitted or drilled, but will be located on Applicant's property in Section 2, Township 1 South, Range 76 West of the 6th P.M. Depth: WPCC Well No. 1: 200 ft. Well Nos. 2 and 3 have not yet been drilled. Uses: Commercial, domestic, irrigation, and filling of WPCC Storage Tank for subsequent uses of augmentation and fire protection. Any and all irrigation use to occur on Applicant's Property. Amount: 50 g.p.m. per well, conditional. The combined demand for WPCC Well Nos. 1-3 shall not exceed 3.63 af/yr. Appropriation Date: September 20, 2005. Conditional Appropriative Right of Exchange: WPCC Wells Exchange. Appropriation Date: April 26, 2006. Exchange Amount: Middle Park Contract: 0.111 c.f.s., limited to 0.7 af/yr, conditional. WPCC Storage Tank: 0.111 c.f.s., limited to 0.7 af/yr, conditional. Exchange Reach: Upstream Termini: The points of diversion for WPCC Well Nos. 1-3. Until such time as the Applicant drills additional wells, the upstream terminus shall be the point of diversion for WPCC Well No. 1, described above. Downstream Terminus: Colorado River to a point where releases from Wolford Mountain Reservoir meet the Colorado River in the NW1/4 NE1/4 of Section 19, Township 1 North, Range 80 West of the 6th P.M., at a point approximately 2,000 feet from the East line of said Section 19 and 200 feet from the North line of said Section 19. Source of Augmentation/Exchange Water: The subject water rights will operate pursuant to the plan for augmentation decreed in Case No 06CW59. Augmentation water to be provided as follows: Middle Park Water Conservancy District Contract: Augmentation will be provided by Wolford Mountain Reservoir or Granby Reservoir pursuant to Applicant's contract with MPWCD; see application for further details. Localized Augmentation Source/WPCC Storage Tank: To protect the stream system from a localized call that may not be fully augmented by releases from either Granby Reservoir or Wolford Mountain Reservoir, during October of each year Applicant will pump from WPCC Wells No. 1, 2 and/or 3 sufficient water to fill a fully enclosed storage tank (WPCC Storage Tank) with up to 0.23 af of water (74,200 gallons). Conditional Water Rights – WPCC Storage Tank: Legal Description: WPCC Storage Tank will be located on Applicant's Property in the SE1/4 NW1/4 of Section 2, Township 1 South, Range 76 West of the 6th P.M., 2350 feet from the North line of said Section 2 and 1400 feet from the West line of said Section 2. Source: WPCC Well Nos. 1-3, described above. Appropriation Date: December 8, 2006. Amount: 0.23 af/yr (74,200 gallons per year), conditional. Uses: Augmentation and fire protection. Claim to Make Absolute in Part: Applicant has placed WPCC Well No. 1 and a portion of the WPCC Wells Exchange water rights to beneficial use for the decreed purposes as follows. WPCC Well No. 1 (Permit No. 221872) was completed on January 20, 1999, drilled to a total depth of 200 ft. with a pump installed and tested at a rate of 13 g.p.m. on the same day. WPCC Well No. 1 currently operates to supply the Church and Learning Center with water for decreed uses. Applicant requests that 13 g.p.m. of the WPCC Well No. 1 right be made absolute, with 37 g.p.m. remaining conditional. Appropriative Rights of Exchange: during the diligence period, Applicant has legally exchanged water in priority to replace depletions associated with the operation of WPCC Well No. 1 via releases made pursuant to Applicant's contract with Middle Park Water Conservancy District. Applicant requests that the appropriative rights of exchange attributed to its Middle Park Contract be made absolute in the amount of 0.23 acre-feet, with the remaining 0.47 acre-feet attributed to the Middle Park contract continued conditionally. WPCC Storage Tank has not yet been constructed; Applicant requests that the entire 0.111 c.f.s. of exchange (limited to 0.7 af/yr) attributed to releases from WPCC Storage Tank be continued conditionally. Additional Information: The original decree at Case No. 06CW59 sets forth additional terms and

conditions, including a plan for augmentation, that continue to be in effect for the water rights of this application. The application and attached exhibits contain a detailed outline of the work performed during the diligence period (21 pages).

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

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

21CW3102 GARFIELD COUNTY. FOUR MILE CREEK, TRIB. TO THE ROARING FORK RIVER, TRIB. TO THE COLORADO RIVER. Application for Finding of Reasonable Diligence. Applicant: Sunlight, Inc., c/o Balcomb & Green, P.C., P.O. Drawer 790, Glenwood Springs, CO 81602; 970-945-6546. Summary: To seek findings of reasonable diligence on conditional water rights decreed in Case Nos. 14CW3132 and 07CW58. Structure: Sunlight Roaring Fork Pump and Pipeline. Orig. Decree: Case No. 07CW58, 11/4/2008 by the Dist. Ct., Water Div. No. 5. Subseq. Decree: Case No. 14CW3132, 7/12/2015 by the Dist. Ct., Water Div. No. 5. Locations: Pt. of Diversion No. 1: SE1/4, NE1/4, Sec. 34, T. 6 S., R. 89 W., 6th P.M. at a pt. 1,727 ft. from the N. Sec. line and 524 ft. from the E. Sec. line of said Sec. 34. Pt. of Diversion No. 2: NW1/4 SW1/4, Sec. 22, T. 22 S., R. 89 W., 6th P.M., 600 ft. from the W. Sec. line and 1,700 ft. from the S. Sec. line. Uses: Dom., irr., comm., snowmaking uses; and to fill and refill Babbish Gulch Reservoir Pond No. 1, Babbish Gulch Reservoir Four Mile Snowmaking Pond Alt., and/or Babbish Gulch Reservoir Snowboard Park Reservoir Alt., for such uses; and to fill Parks Reservoir for snowmaking use. Reuse and successive use for the foregoing purposes by diverting wastewater treatment discharges and snowmaking return flows by exchanges at those storage facilities or at Sunlight's surface diversions from Four Mile Creek and for augmenting out-of-priority depletions from diversions from the Roaring Fork River and Four Mile Creek. Water that may be diverted by exchange for reuse and successive use is that amt. of return flows attributed to the Sunlight Roaring Fork Pump and Pipeline less the amt. used to augment depletions from Four Mile Creek described in the plan for aug. decreed in Case No. 07CW58. The amount of water that may be reused by exchange will vary based upon actual stream conditions, water availability, and return flows. The right to reuse and successive use of the water diverted by the Sunlight Roaring Fork Pump and Pipeline is limited to the uses decreed in Case No. 07CW58 for the purpose of limiting the amount necessary to be diverted from the Roaring Fork River. Amt.: 1.0 c.f.s. cond. Source: Roaring Fork River, trib. to the Colorado River. Date of Approp.: 3/30/2007. Place of use: Sunlight Resort is located within SW1/4 of Sec. 33, T. 7 S., R. 89 W., 6th P.M., and in Sec. 4 and 5, T. 8 S., R. 89 W., 6th P.M. The Sunlight Roaring Fork Pump and Pipeline will deliver water to water treatment facilities or pre-treatment regulatory storage at Sunlight Resort; into Four Mile Creek for storage in any or all ponds and reservoirs described in the appl.; or to Four Mile Creek for aug. of Four Mile Creek trib. diversions made at the Sunlight Resort pursuant to the plan for aug. decreed in 07CW58. Water will be discharged into Four Mile Creek at a pt. located in the SW1/4 NW1/4, Sec. 33, T. 7 S., R. 89 W., 6th P.M. at a pt. located 800 ft. from the W. Sec. line and 2,365 ft. from the N. Sec. line, and/or at any pt. downstream on Four Mile Creek selected to provide delivery for use by calling senior rights pursuant to the plan for aug. The pt. of discharge of Sunlight's wastewater treatment plant to Four Mile Creek for implementation of the reuse and successive use of water is located in the NE1/4 SW1/4 of Sec. 33, T. 7 S., R. 89 W., 6th P.M., 2,700 ft. from the W. Sec. line and 2300 ft. from the S. Sec. line. Remarks: Use of Sunlight Pump and Pipeline is subject to terms and conditions of Case No. 07CW58. Names of Structures: In Case No. 07CW58, Applicant was awarded cond. water storage rights for Parks Reservoir and approval of fill and refill rights for the following storage structure water rights: Babbish Gulch Reservoir Pond No. 1; Babbish Gulch Reservoir Four Mile Snowmaking Pond Alt.; Babbish Gulch Reservoir Snowboard Park Reservoir Alt.; and Parks Reservoir, (collectively referred to as "Sunlight Reservoirs"). Legal Description:

Name of Reservoir	Location
Babbish Gulch Reservoir Pond No. 1	NW1/4 of Sec. 32, T. 7 S., R. 89 W. of the 6th P.M.; beginning at a pt. whence the NW corner of said Sec. 32 bears N. 43°30'00" W., a distance of 3,050 ft. to the mid pt. of the centerline of the dam
Babbish Gulch Reservoir Four Mile Snowmaking Pond Alt.	As changed in Case No. 11CW111: SW1/4 NE1/4 of Sec. 32, T. 7 S., R. 89 W. of the 6th P.M., 2,382 ft. from E sec. line and 3,416 ft. from S. sec. line of Sec. 32. UTM (Zone 13) Coord. Northing 4364207 Easting 297468.2
Babbish Gulch Reservoir Snowboard Park Reservoir Alt.	SW1/4 SW1/4 of Sec. 33, T. 7 S., R. 89 W. of the 6th P.M.; beginning at the mid-pt. of the centerline of said dam whence the W. quarter corner of said Sec. 33 bears N. 24°08'51" W. a distance of 2,167.55 ft.

Name of Reservoir	Location
Parks Reservoir	NW1/4 SE1/4 of Sec. 4, T. 8 S., R. 89 W. of the 6th P.M.; beginning at the mid-pt. of the centerline of said dam whence the NW corner of said Sec. 4 bears N. 46°20'00" W. a distance of 4,500 ft.

Structures used to fill and refill reservoir, and legal description of each pt. of diversion: Sunlight Reservoirs are filled and refilled using the following structures: Sunlight Roaring Fork Pump and Pipeline described above at a rate up to 1.0 c.f.s. Sunlight Feeder Ditch Four Mile Creek Alt. Diversion Pt. at a rate up to 1.5 c.f.s., which diverts from Four Mile Creek and is located in the SW1/4 NE1/4, Sec. 32, T. 7 S., R. 89 W., 6th P.M., 2,550 ft. from the E. line and 2,100 ft. from the N. line. Date of Approp.: 3/30/2007. Uses: Parks Reservoir will be used for snowmaking purposes. Babbish Gulch Reservoir Pond No. 1, Babbish Gulch Reservoir Four Mile Snowmaking Pond Alt., and Babbish Gulch Reservoir Snowboard Park Reservoir Alt. fill and refill rights will be used for: dom., irr., comm., snowmaking and aug. of such uses; reuse and successive use for foregoing purposes by diverting wastewater treatment discharges and snowmaking return flows by exchanges at those storage facilities or at Sunlight's surface diversions from Four Mile Creek consistent with the plan for aug. decreed in Case No. 07CW58. Surface area of high water line: See Table 1 in the appl. Cumulative Storage Limitation: Total annual (Water Year) storage by fill and refill by all of the cond. water storage rights do not exceed 135 AF. Wastewater Effluent Exchange: Amt.: 1 c.f.s., cond. Location: Upstream terminus: Sunlight Feeder Ditch Four Mile Creek Alt. Diversion Pt., described in subpara. 4.c.(ii) of appl. Downstream terminus: Outfall of the Resort wastewater treatment plant to Four Mile Creek, described in appl. Uses: Dom., irr., comm., snowmaking and aug. of such uses; to fill and refill Babbish Gulch Reservoir Pond No. 1, Babbish Gulch Reservoir Four Mile Snowmaking Pond Alt., and/or Babbish Gulch Reservoir Snowboard Park Reservoir Alt. for such uses; and to fill and refill Parks Reservoir for snowmakng. Reuse and successive use for foregoing purposes by diverting wastewater treatment discharges and snowmaking return flows by exchanges at those storage facilities or at Sunlight's surface diversions from Four Mile Creek. Aug. of foregoing uses pursuant to plan for aug. and exchanges decreed in Case No. 07CW58. Date of Approp.: 3/30/2007. Total Exchange: Max. amt. of water exchanged from wastewater effluent exchange and snowmaking and irr. exchange is 155.4 AF per year. Remarks: Operation of Wastewater Effluent Exchange is subject to terms and conditions of Case No. 07CW58. Snowmaking Return Flow Exchange: Amt.: 1.0 c.f.s. Location: Upstream terminus: Sunlight Feeder Ditch Four Mile Creek Alt. Diversion Pt., described in appl. Downstream terminus: Reach of Four Mile Creek within which snowmaking and irr. return flows accrue: upstream terminus: SE1/4 NW1/4 Sec. 32, T. 7 S., R. 89 W., 6th P.M.; downstream terminus: SE1/4 NE1/4 Sec. 33, T. 7 S., R. 89 W., 6th P.M. Uses: Dom., irr., comm., snowmaking and aug. of such uses; to fill and refill Babbish Gulch Reservoir Pond No. 1, Babbish Gulch Reservoir Four Mile Snowmaking Pond Alt., and/or Babbish Gulch Reservoir Snowboard Park Reservoir Alt. for such uses; and to fill and refill Parks Reservoir for snowmaking. Reuse and successive use for foregoing purposes by diverting wastewater treatment discharges and snowmaking return flows by exchanges at those storage facilities or at Sunlight's surface diversions from Four Mile Creek. Aug. of foregoing uses pursuant to Sunlight's plan for aug. decreed in Case No. 07CW58. Date of Approp.: 3/30/2007. Total Exchange: Maximum amt. of water exchanged from wastewater effluent exchange and snowmaking and irr. exchange is 155.4 AF per year. Remarks: Operation of Snowmaking Exchange is subject to terms and conditions of Case No. 07CW58. Integrated System: As decreed in Case No. 07CW58, Subject Cond. Water Rights are part of an integrated water supply for Applicants' property. "When a project or integrated system is comprised of several features, work on one feature of the project or system shall be considered in finding that reasonable diligence has been shown in the development of water rights for all features of the entire project or system." C.R.S. § 37-92-301(4)(b). Names and addresses of owners or reputed owners of the land upon which any new diversion or storage structure, or modification to any existing diversion or storage structure is or will be constructed or upon which water is or will be stored, including any modifications to the existing storage pool: Sunlight Resort Roaring Fork Pump and Pipeline Pt. of Diversion No. 1: Roaring Fork Land No. 6 LLC, 333 SE 2nd Ave. 4400, Miami FL 33131. Sunlight Resort Roaring Fork Pump and Pipeline Pt. of Diversion No. 2: City of Glenwood Springs, 101 W. Eighth Street, Glenwood Springs, CO 81601. Babbish Gulch Reservoir Pond No. 1: Applicant. Babbish Gulch Reservoir Four Mile Snowmaking Pond Alt.: Applicant. Babbish Gulch Reservoir Snowboard Park Reservoir Alt.: Applicant. Parks Reservoir: United States Forest Service, White River National Forest, 900 Grand Avenue, Glenwood Springs, CO 81601.

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

21CW3103(13CW3094), Div. 5. DISTRICT COURT, WATER DIVISION NO. 5, STATE OF COLORADO, 109 8th Street, Suite 104, Glenwood Springs, CO 81601. CONCERNING THE APPLICATION FOR WATER RIGHTS OF THE TOWN OF BRECKENRIDGE, IN SUMMIT COUNTY, COLORADO. **APPLICATION TO MAKE ABSOLUTE AND FOR FINDINGS OF REASONABLE DILIGENCE.** 1. Name and Address of Applicant: Town of Breckenridge (“Breckenridge”), c/o Town Manager, P.O. Box 168, Breckenridge, CO 80424. Direct All Pleadings to: Glenn E. Porzak, Porzak Browning & Bushong LLP, 2120 13th Street, Boulder, CO 80302. 2. Description of Conditional Water Right: (a) Name of Water Right: Breckenridge Pipeline Enlargement, (b) Legal Description: i. The point of diversion for the Breckenridge Pipeline Enlargement is located on the west bank of the Blue River in the SW 1/4 SE 1/4 of Section 31, T. 5 S., R. 77 W., of the 6th P.M. at a point 705 feet from the South Section line and 1,625 feet from the East Section line of said Section 31, ii. An alternate point of diversion will be located on the east bank of the Blue River in the SW1/4 SE1/4 of Section 31, T. 5 S., R. 77 W., of the 6th P.M., at a point 705 feet from the South Section line and 1,605 feet from the East Section line of said Section 31. A map of the Breckenridge Pipeline Enlargement point of diversion and alternate point of diversion is attached as **Figure 1**, (c) Source: Blue River, tributary to the Colorado River, (d) Appropriation Date: November 26, 2013, (e) Amount: 5.6 cfs, conditional, cumulatively at both points of diversion, (f) Uses: municipal, domestic, commercial, industrial, irrigation, fire fighting, and snowmaking purposes. 3. Conditional Exchange Plan: Breckenridge obtained approval of an appropriate right of exchange to augment the out-of-priority diversions by the Breckenridge Pipeline Enlargement and 5.6 cfs of the Breckenridge Pipeline, at its alternate points of diversion described in paragraph 2(b) above. The Breckenridge Pipeline was decreed by the District Court in and for Water Division No. 5, State of Colorado (the “Water Court”), in Consolidated Case Nos. 80CW444, 81CW107, 81CW487, and 81CW488 (the “Consolidated Cases”) and in Case No. 83CW51, as modified in Case No. 84CW289, and as augmented in the Consolidated Cases, and Case Nos. 83CW51 and 92CW299, (a) Legal Description of the Termini: i. Downstream Terminus: The downstream terminus of the exchanges involving Clinton Gulch Reservoir and Dillon Reservoir is the Blue River inlet to Dillon Reservoir, in the NW1/4 of the SE1/4 of Section 31, T. 5 S., R. 77 W. of the 6th P.M., at a point approximately 1,640 feet from the east section line and 1,410 feet from the south section line of said Section 31, which is the location of the high water line of Dillon Reservoir and not necessarily the downstream terminus when the reservoir is not full, ii. Upstream Terminus: The upstream terminus are the points of diversion of the Breckenridge Pipeline Enlargement and the alternate diversion points of the Breckenridge Pipeline as described above, (b) Priority Date. November 26, 2013, (c) Rate: The rate of the exchange is 2.8 cfs, with a total annual volumetric limit of 241.93 acre-feet, (d) Uses: municipal, domestic, industrial, commercial, firefighting, sewage treatment, irrigation, snowmaking purposes, augmentation, and exchange, (e) Remarks: The exchange reach from the high water line of Dillon Reservoir is a distance of approximately 400 feet, but the actual distance will depend on the existing water line of Dillon Reservoir at the time of the exchange. The exchange will operate only when Breckenridge uses augmentation water from Clinton Gulch Reservoir and/or Dillon Reservoir, described as follows: i. Clinton Gulch Reservoir. 133.93 acre-feet out of the 158.93 acre-feet to which Breckenridge is entitled each year in Clinton Gulch Reservoir, decreed by the Water Court in Case Nos. 92CW65 and 06CW252 for 4,460 acre-feet for industrial, domestic, municipal, irrigation, recreation, fish and wildlife propagation, snowmaking, and augmentation uses, together with the refill right decreed in Case No. 92CW65, as operated pursuant to and entitled to the benefits of the Clinton Reservoir-Fraser River Water Agreement dated July 21, 1992, as amended, between Denver Water and, among other parties, Breckenridge. The source of Clinton Gulch Reservoir is Clinton Creek, tributary to the Ten Mile Creek, a tributary of the Blue River, and the dam is located at a point in the SW ¼ NW ¼ of Section 25, T. 7 S., R. 79 R., 6th P.M., at a point whence the North quarter corner of said Section 25 bears N. 33°51'50" E. 2840.44 feet. Nothing contained herein shall modify the terms of the decree in Water Court Case Nos. 92CW65, 92CW299 and 06CW252, ii. Dillon Reservoir. 108 acre-feet of water per year from Dillon Reservoir which is located on the Blue River in Sections 7, 8, 17, 18, 19, 20, 21, 30 and 31, all in T. 5 S., R. 77 W. of the 6th P.M., and in Sections 13, 23, 24, 25, 26, 35 and 36, all in T. 5 S., R. 78 W. of the 6th P.M., pursuant to the terms of Article III.B.14 of the Colorado River Cooperative Agreement with Denver Water. The replacement water to Denver Water for the 108 acre-feet of Dillon Reservoir water will be furnished from 151 acre-feet of the historic consumptive use credits from the water rights described in the attached **Exhibit A** which are stored in Green Mountain Reservoir pursuant to the decrees in the Consolidated Cases and Case No. 83CW51, or another source acceptable to Denver Water. 4. Request to Make Absolute: On March 18, 2021, Breckenridge diverted 5.6 cfs of the Breckenridge Pipeline and an additional 1.9 cfs of the Breckenridge Pipeline Enlargement at the alternate point of diversion described in paragraph 2 (b)(ii) to test the chlorine system of the treatment plant at maximum production. Since then the diversions have continued at a rate of up to 5.0 cfs to operate the water treatment plant. In addition, Breckenridge operated the exchange described in paragraph 3 above by the use of water from Clinton Reservoir at the maximum rate of 1.23 cfs on June 11, 2021. By this application, Breckenridge seeks to make absolute the 1.9 cfs of the Breckenridge Pipeline Enlargement, and 1.23 cfs of the above described exchange for all decreed uses. 5. Request for Finding of Reasonable Diligence: For all portions of the Breckenridge Pipeline Enlargement and the exchange described in paragraph 3 above not made absolute, Breckenridge requests a finding that it has exercised reasonable diligence in the development of the subject conditional water rights. In support of its claim for findings of reasonable diligence of the above described conditional water rights, the subject water rights are the sources of supply for Breckenridge new North Water Treatment plant that serves Breckenridge’s service area. During the subject diligence period, Breckenridge spent \$54,416,576 on the construction and development of its North Treatment plant. In addition, Breckenridge operates an integrated water system, i.e., a single unified municipal water system in which work done on any component of the system advances and benefits the whole. Breckenridge has accrued capital costs and expenditures of approximately \$84,865,284 during the diligence period to operate, protect, maintain, upgrade and expand its water facilities. This includes over \$6,754,103 on the upgrade of the dam and spillway for Goose Pasture Tarn. All such expenditures are necessary steps in the development of

Breckenridge's integrated water supply system and the subject conditional water rights. 6. Ownership: The alternate points of diversion of the subject conditional water rights are located on land owned by the City and County of Denver acting by and through its Board of Water Commissioners. ("Denver Water") Breckenridge has the right to use these points of diversion by easement agreement obtained from Denver Water. The address of Denver Water is 1600 W. 12th Avenue, Denver, Colorado 80204, Attention: Chief Engineering Officer. WHEREFORE, Breckenridge respectfully requests that the Court enter a decree (1) making 1.9 cfs of the Breckenridge Pipeline Enlargement absolute, (2) making 1.23 cfs of the subject exchange absolute, (3) a finding of reasonable diligence for all of the subject water rights not made absolute, and (4) granting such other and further relief as the Court deems appropriate.

(5 pages + Exhibit and Figure)

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

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

21CW3104 (06CW217, 14CW3116, 15CW3106) Attorneys for Board of County Commissioners for County of Grand, Colorado, David C. Taussig, Virginia Sciabarrasi, WHITE & JANKOWSKI, LLC, 1333 W. 120th Ave., Suite 302, Westminster, Colorado 80234. Tele: (303) 595-9441, Fax: (303) 825-5632, davet@white-jankowski.com, virginias@white-jankowski.com. **APPLICATION FOR FINDING OF REASONABLE DILIGENCE AND TO MAKE ABSOLUTE.** COMES NOW, the Board of County Commissioners for the County of Grand, Colorado ("**Grand County**"), by and through its attorneys, White & Jankowski, LLC, and submits this Application for a Finding of Reasonable Diligence and To Make Absolute: 1. Name, address and telephone number of Applicant: Board of Commissioners for the County of Grand, State of Colorado, c/o Ed Moyer, County Manager, P.O. Box 264, Hot Sulphur Springs, CO 80451, (970) 725-3347. Please direct communications related to this application to counsel for Applicants listed in the caption. 2. Introduction and Background: On behalf of Grand County, the Middle Park Water Conservancy District ("Middle Park") adjudicated conditional water rights for the Landfill Well No. 1 and a plan for augmentation including an appropriate right of exchange ("Exchange Right") in a decree entered October 5, 2008 in Case No. 06CW217, Div. 5 ("Original Decree"). Middle Park conveyed the Landfill Well No. 1 and the Exchange Right (collectively "Original Landfill Water Rights"), along with the plan for augmentation to Grand County by a deed recorded October 27, 2008. In Case No. 14CW3116, Water Division 5, the Water Court entered a decree finding reasonable diligence and continued the conditional water rights for the Original Landfill Water Rights, except that 5-gpm of Landfill Well No. 1 was relinquished to the stream leaving 10-gpm, conditional, for this water right. A map showing the Granby Landfill and the Landfill Well No. 1 is attached as Exhibit 1. The Granby Landfill experienced subsidence and accordingly was officially closed in June 2010, which in turn prompted the need for changes of the Original Landfill Water Rights and the augmentation plan associated with the Granby Landfill. As a result, in Case No. 15CW3106, Grand County obtained changes to the type and place of use of the Original Landfill Water Rights to conform to anticipated uses due to closure of the Granby Landfill site. In addition, Case No. 15CW3106 awarded a new conditional water rights for an increased rate and amount to be augmented ("New Conditional Water Rights") for the Landfill Well No. 1 and Exchange Right. For ease of administration, Grand County requested, and the decree in Case No. 15CW3106 confirmed, the Original Landfill Water Rights and New Conditional Water Rights (collectively referred to as "Landfill Water Rights") would be administered with the same priority date, i.e. November 2, 2015, and a combined diligence filing of July 2021 for the Landfill Water Rights was ordered. Finally, in Case No. 15CW3106 the decree simplified the calculations of depletions and accounting procedures in the augmentation plan from the Original Decree and instead provided for a one-for-one replacement of diversions. The decree in Case No. 15CW3106 decreed the Landfill Water Rights as a multi-purpose water supply for a variety of uses throughout Grand County and offsetting that pumping with augmentation water under a Middle Park Water Conservancy District contract, not to exceed 15 acre-feet per year. By this application Grand County seeks a finding of reasonable diligence in the development of the Landfill Water Rights and a decree confirming those water rights absolute. 3. Name of structure: Landfill Well No. 1. 4. Description of Conditional Water Rights including information from previous decrees: a. Landfill Well No. 1 and Enlargement. i. Date of Original Decree: October 5, 2008, Case No. 06CW217, Water Division 5. ii. Subsequent Decrees: Decree in Case No. 2014CW3116, entered July 14, 2015 and Decree in Case No. 15CW3106 entered September 25, 2016. iii. Appropriation Date: November 2, 2015. iv. Uses: Beneficial uses including but not limited to, domestic, industrial, fire-fighting, stock watering, commercial, municipal, irrigation, storage, and replacement, dust suppression, water for bike trails, including pumping from the well to fill trucks for transportation to other locations in Grand County. Uses must be associated with generally accepted county operations. In addition to use at Granby Landfill, the water diverted will be used throughout Grand County including filling trucks to transport the water to other locations where the water is needed. v. Depth: 150 feet. vi. Source: Tributary ground water from unconsolidated sand and gravel and from bedrock formations, hydraulically connected to the Coyote Creek, tributary to the Colorado River. i. Amount: 10-gpm conditional. The annual appropriation shall not exceed 15 acre-feet. ii. Point of Diversion: Located in NW1/4 SE1/4 of Section 23, T2N, R77W of the 6th P.M., 1,701 feet from the South line of said Section 23 and 1,715 feet from the East line of said Section 23, Grand County, Colorado, as shown on the map attached as Exhibit 1. b. Landfill Exchange and Enlargement. i. Legal Description of Exchange Reach:

The exchange reach of this exchange is shown on the map attached as Exhibit 2. 1. Upstream Terminus: The point of diversion for the Landfill Well No. 1 is in the NW1/4 SE1/4 of Section 23, T2N, R77W of the 6th P.M., 1,701 feet from the South line of said Section 23 and 1,715 feet from the East line of said Section 23. 2. Downstream Terminus: Colorado River to a point where releases from Wolford Mountain Reservoir meet the Colorado River (confluence of the Muddy Creek with the Colorado River). Releases from Wolford Mountain Reservoir meet the Colorado River in the NW1/4 NE1/4 of Section 19, T1N, R80W, of the 6th P.M., at a point approximately 2,000 feet from the East line of said Section 19 and 200 feet from the North line of said Section 19. ii. Date of Appropriation: November 2, 2015. iii. Amount: 10-gpm conditional. The annual appropriation shall not exceed 15 acre-feet. iii. Uses. Beneficial uses including but not limited to, domestic, industrial, fire-fighting, stock watering, commercial, municipal, irrigation, storage, and replacement, dust suppression, water for bike trails, including pumping from the well to fill trucks for transportation to other locations in Grand County. Uses must be associated with generally accepted county operations. In addition to use at Granby Landfill, the water diverted will be used throughout Grand County including filling trucks to transport the water to other locations where the water is needed. iv. Source of Exchange Water: Grand County has a right to augmentation water stored in Granby Reservoir or Wolford Mountain Reservoir pursuant to a Water Allotment Contract with Middle Park Water Conservancy District. 5. Claim to make absolute. a. Grand County operated the Landfill Water Rights and put the water to beneficial use in 2018, 2019, 2020, and 2021. Accounting forms confirming this use were submitted in each year to the Division 5 Engineers office, except for 2021 which is not due until November. Grand County requests that 9.5-gpm of the 10-gpm absolute, based on a pumping test done in July 2021. 6. Detailed outline of what has been done to perfect the water right: The period for diligence for the Landfill Water Rights extends from July 14, 2015 to July 31, 2021 (“Diligence Period”). During the Diligence Period, Grand County engaged in the following efforts and expended money in perfecting the Landfill Water Rights: a. Obtained Decree in Case No. 2015CW3106. To accommodate the needs of closure of the landfill as described in paragraph 1 above, Grand County obtained the decree in Case No. 2015CW3106 which was entered September 25, 2016. b. Re-permitting of Landfill Well No. 1. Paragraph 21.f of the decree in 2015CW3106 required the County obtain a new well permit, which it did, and Well Permit No. 80825-F was issued April 20, 2017. c. Diversion and Use of Water and Operation of Exchange. As described above in paragraph 5, Grand County used the Landfill Water Rights in 2018, 2019, 2020, and 2021. d. Accounting for Landfill Water Rights. Annual accounting forms have been prepared and submitted each year during the Diligence Period. e. Notice of Operation of Plan for Augmentation. Pursuant to paragraph 22 of the decree in 2015CW3106, on July 23, 2021, Grand County filed its Notice of Operation of the Plan for Augmentation, triggering the retained jurisdiction period. f. Work on Landfill. Grand County continues to conduct maintenance and monitoring of the Landfill pursuant a post-closure plan. 7. Names and addresses of owners of land upon which structures are located: Grand County owns the Granby Landfill where the Landfill Well No. 1 is located. WHEREFORE, Grand County respectfully requests that the Court find that Grand County has exercised reasonable diligence in the development of the Landfill Water Rights, and confirm that the Landfill Well No. 1 and Enlargement is absolute in the amount of 9.5-gpm and the Land Fill Exchange and Enlargement absolute at the rate of 9.5-gpm with 0.5-gpm relinquished to the stream. (6 Pages, 2 Exhibits).

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

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

21CW3105 (90CW129, 90CW320, 98CW222, 05CW0074, 15CW3005) PITKIN COUNTY– THOMAS CREEK. Ranch Lake IV, LLC, c/o Paul Noto, Esq. and Lisa Claxton, Esq., Patrick, Miller & Noto, P.C., 229 Midland Ave., Basalt, CO 81621 (970) 920-1030. APPLICATION FOR FINDING OF REASONABLE DILIGENCE. Polo Pond. Date of original decree: November 13, 1992. Case Nos. 90CW129 and 90CW230 (consolidated), Division 5 Water Court. Previous diligence decrees: April 12, 1999, Case No. 98CW222; January 29, 2009, Case No. 05CW74; July 12, 2015, Case No. 15CW3005. Legal: NE ¼ SE ¼, Section 22, Township 8 South, Range 88 West of the 6th P.M., approximately 2,550 feet from the South section line and 550 feet from the East section line (Pitkin County). Map is on file with the court as Figure 1. Source: **Thomas Creek, tributary to the Crystal River, Roaring Fork River, and Colorado River.** Off-channel reservoir fill source: Polo Ditch. The Court decreed the Polo Ditch for 1.0 c.f.s. conditional in Case Nos. 90CW129 and 90CW230 (consolidated). The Court made the Polo Ditch absolute in Case No. 98CW222. Appropriation date: May 1, 1990. Amount: 20.0 acre-feet, of which 19.0 acre-feet is conditional. The Court decreed 1.0 acre-foot absolute in Case No. 98CW222. Use: Irrigation of approximately 10 acres located near the center of Section 22, Township 8 South, Range 88 West of the 6th P.M. A detailed outline of work performed toward completion of the appropriation and application of water during the relevant diligence period, including expenditures is included as part of the application. Applicant owns the land upon which the structure is located and where water will be put to beneficial use.

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

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

21CW3106 EAGLE COUNTY. UNNAMED TRIBUTARY TO THE FRYINGPAN RIVER. Application for Finding of Reasonable Diligence. Applicant: Frying Pan River Partners, c/o Balcomb & Green, P.C., P.O. Drawer 790, Glenwood Springs, CO 81602; 970-945-6546. Structure: **King Ranch Ditch No. 2.** Previous decrees: Orig. Decree: CA 4613, Water ds 5 6/20/1958. Subsequent Decrees: Case No. 06CW160 dated 9/20/2008; Case No. 14CW3106, dated 7/14/2015. Legal Description: The headgate and point of diversion of said ditch is located in Eagle Cty, CO, at a point on the Westerly bank of an unnamed tributary to the Frying Pan River whence the NE Corner of Sec. 7, T. 8 S. R. 85 W. 6th P.M. bears N. 81 deg 37'. E. 2,624.9 ft. Source: Unnamed tributary to the Fryingpan River. Approp.: 3/29/1957. Amt.: 6.05 c.f.s., conditional, of which Applicant asserts ownership of an undivided 26.5 percent (1.60 c.f.s.) interest. The amt continued as conditional in 14CW3106 was in addition to the 4.45 c.f.s. continued as conditional by decree entered January 18, 2015, in Case No. 14CW3105. Use: Irr., pisc., and aesthetic uses. Legal description of acreage to be irrigated: Approx. 1.1 acres described as Lot 1 on the Final Plat of the King Ranch, according to the Plat recorded December 19, 1979 in Book 279 at Page 813 in the records of Eagle Cty, CO. Located in the NE 1/4 of the NW 1/4 of Sec. 7, T. 8 S., R. 85 W. 6th P.M. Applicant. Name(s) and address(es) of owner(s) of land the decreed point of diversion for King Ranch Ditch No. 2: Karinga/King Ranch LLC, P.O. Box 1657, Basalt CO, 81621-1657.

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

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

21CW3107 MESA COUNTY - COLORADO RIVER; Sharmaine T. Hillard; c/o John R. Pierce, DUFFORD WALDECK, 744 Horizon Court, Suite 300, Grand Junction, CO 81506, (970) 248-5865; APPLICATION FOR SURFACE RIGHTS AND STORAGE RIGHTS; Name, mailing address, and telephone number of applicant: Sharmaine T. Hillard, 887 25 Road, Grand Junction, CO 81505; (512) 213-8888; Request for storage right: Name of structure: Hillard Pond No. 1; Location of structure: NE¼ of the NE¼ of Section 28, Township 1 North, Range 1 West, Ute P.M., at a point approximately 730 feet from the north section line and 511 feet from the east section line; Zone 13N, NAD83, 189567.9m E; 4337713.1m N; Source: Unnamed tributary to the Colorado River; If filled from a ditch: Filled with diversions from Wilderness Pump & Pipeline No. 1 and Wilderness Pump & Pipeline No. 2; Date of appropriation: March 17, 2021; How appropriation was initiated: By conducting an onsite meeting with hydrologists to discuss applying for the water rights sought in this case; Amount claimed: 2.43 a.f., conditional; Uses: piscatorial, wildlife watering, stock watering, fire protection, recreation, and irrigation; If irrigation: 6.19 acres of bluegrass and 5.35 acres of pasture grass located in Section 28, Township 1 North, Range 1 West, Ute P.M.; Surface area of high water line: 0.3 acres; Height of dam: Less than 10 feet; Total capacity of reservoir: 2.43 a.f., all dead storage; Request for storage right: Name of structure: Hillard Pond No. 2; Location of structure: NE¼, NE¼, Section 28, Township 1 North, Range 1 West, Ute P.M., at a point approximately 979 feet from the north section line and 675 feet from the east section line; Zone 13N, NAD83, 189514.2m E; 4337639.6m N.; Source: Unnamed tributary to the Colorado River; If filled from a ditch: Filled with diversions from Wilderness Pump & Pipeline No. 1 and the Wilderness Pump & Pipeline No. 2, as described below; Date of appropriation: March 17, 2021; How appropriation was initiated: By conducting an onsite meeting with hydrologists to discuss applying for the water rights sought in this case; Amount claimed: 0.05 a.f., conditional; Uses: Piscatorial, wildlife watering, fire protection, recreation; Surface area of high-water line: 0.02 acres; Height of dam: The pond is excavated to a depth of approximately six feet; Total capacity of reservoir: 0.06 a.f., all dead storage; Request for surface right: Name of structure: Wilderness Pump & Pipeline No. 1; Location of structure: NE¼, NE¼, Section 28, Township 1 North, Range 1 West, Ute P.M., at a point approximately 630 feet from the north section line and 890 feet from the east section line; Zone 13N, NAD83, 189452.6m E; 4337747.7m N; Source: Unnamed tributary to the Colorado River; Date of appropriation: March 17, 2021; How appropriation was initiated: By conducting an onsite meeting with hydrologists to discuss applying for the water rights sought in this case; Date water applied to beneficial use: May 10, 2021; Amount: 0.223 c.f.s. (100 g.p.m.), absolute; Uses: Irrigation, filling and refilling Hillard Pond Nos. 1 and 2; If irrigation: Irrigation of 11.54 acres of lawn and pasture grass located in Section 28, Township 1 North, Range 1 West, Ute P.M.; Request for surface right: Name of structure: Wilderness Pump & Pipeline No. 2; Location of structure: NE¼, NE¼, Section 28, Township 1 North, Range 1 West, Ute P.M., at a point approximately 360 feet from the north section line and 335 feet from the east section line; Zone 13N, NAD83, 189625.3 E; 4337823.1m N; Source: Unnamed tributary to the Colorado River; Date of appropriation: March 17, 2021; How appropriation was

initiated: By conducting onsite meeting with hydrologists to discuss the water rights requested in this case; Amount: 0.223 c.f.s. (100 g.p.m.), conditional; Uses: Irrigation, filling and refilling Hillard Pond Nos. 1 and 2; If irrigation: Irrigation of 11.54 acres of lawn and pasture grass located in Section 28, Township 1 North, Range 1 West, Ute P.M. (6 pages)

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

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

21CW3108 EAGLE COUNTY. GYPSUM CREEK, EAGLE RIVER, AND COLORADO RIVER. Town of Gypsum, c/o Patrick, Miller & Noto, P.C., 229 Midland Avenue, Basalt, CO 81621, Kevin L. Patrick, Esq. and Jason M. Groves, Esq., (970) 920-1030. APPLICATION FOR FINDINGS OF REASONABLE DILIGENCE. **First Claim: For Finding of Reasonable Diligence.** Name of structure: Little G Intake, First Enlargement. Date of original Decree: February 20, 2009, Case No. 03CW325, Water Division 5. Legal description: at a surveyed location within 200 feet of the original decreed location, at a point in the NE¼ SE¼ of Section 5, Township 6 South, Range 85 West of the 6th P.M., whence the East ¼ Corner of said Section 5 bears North 09°34'37" East a distance of 974 feet (Eagle County). Source: Gypsum Creek, tributary to the Eagle River, tributary to the Colorado River. Appropriation date: December 31, 2003. Amount: 7.5 c.f.s., conditional. Use: All year-round municipal purposes, including but not limited to domestic, commercial, industrial, fire protection, irrigation, street washing and dust suppression. A detailed outline of work performed toward completion of the appropriation is on file with the court. The Little G Intake, First Enlargement is located on land owned by Cygnet Ranch LLC 7711 Silver Wells Rd. Las Vegas, NV 89149. Water will be put to use within the Town of Gypsum water service area. **Second Claim: For Finding of Reasonable Diligence.** Name of exchanges: Colorado River Water Exchange. Eagle River Water Exchange. Stratton and Company Return Flow Exchange. Date of original Decree: February 20, 2009, Case No. 03CW325, Water Division 5. Legal descriptions: Colorado River Water Exchange: Downstream terminus for Ruedi Reservoir Exchange Reach: The confluence of the Roaring Fork and Colorado Rivers. Downstream terminus for Wolford Reservoir Exchange Reach: The confluence of the Colorado and Eagle Rivers. Upstream termini: Little G Intake described in first claim. The Norgaard Ditch, Town Enlargement: NW¼ NW¼, Section 8, Township 5 South, Range 85 West, of the 6th P.M. on the east bank of Gypsum Creek at a point whence the Northwest Corner of Section 8, Township 5 South, Range 85 West, 6th P.M. bears North 79°30' West, a distance of 1510 feet (1550 feet from the west section line and 250 feet from the north section line of Section 8)(Eagle County). The Town of Gypsum Gravity System Water Works: at a point whence the East Quarter Corner of Section 5, Township 6 South, Range 85 West of the 6th P.M. bears North 9°38' East 1012.96 feet, and changed to the point on Mosher Creek whence the Section Corner common to Sections 9, 10, 15 and 16, Township 6 South, Range 85 West of the 6th P.M., bears North 11°18' West 3778.3 feet (Eagle County). The Eye Lake Supply Ditch, as changed in Case No. 02CW235, located at a point on an unnamed stream tributary to an unnamed tributary within the Gypsum Creek drainage which delivers water into the LEDE Reservoir described as: 500 feet west and 1530 feet south of the Southwest Corner of Section 1, Range 84 West, Township 7 South of the 6th P.M. The Gypsum Eagle River Pumping Pipeline on the south bank of the Eagle River in the NW¼ NW¼ of Section 5, Township 5 South, Range 85 West, 6th P.M., at a point whence the NW Corner of said Section 5 bears North 37°30' West a distance of 1730 feet (Eagle County). LEDE Reservoir located 860 feet west and 125 feet south of the Southwest Corner of Section 1, Range 84 West, Township 7 South of the 6th P.M. Eagle River Water Exchange: Downstream terminus: The confluence of Gypsum Creek and the Eagle River. Upstream termini: Same as described in Paragraphs 7.C.i.c.I-VI above. Stratton and Company Return Flow Exchange: Downstream terminus: The outfall of Applicant's municipal wastewater treatment plant located 1370 feet south of the north section line and 2443 feet west of the east section line in Section 6, Township 5 South, Range 85 West of the 6th P.M. (Eagle County). Upstream termini: The Little G Intake, the Norgaard Ditch, the Town of Gypsum Gravity System Water Works, and the LEDE Reservoir described in Paragraphs 7.C.i.c.I, II, III and VI above. Source: Water supply contracts between the Applicant and the CRWCD described in 03CW325 and unconsumed HCU credits quantified in 03CW325. Appropriation dates: Colorado River Water and Eagle River Water Exchanges: July 14, 1998. Stratton and Company Return Flow Exchange: June 30, 2005. Amounts: Colorado River Exchange: 206 acre-feet, maximum flow rate 7.5 c.f.s., cumulative. Eagle River Exchange: 46.8 acre-feet, maximum flow rate 7.5 c.f.s.. Stratton and Company Return Flow Exchange: Consumptive use credits decreed to the Stratton and Company Ditch in Case No. 03CW325 will not be fully-consumed for municipal purposes. Applicant will exchange return flows from the consumptive use credits after the initial municipal use for the acre-feet and maximum flow rate shown in the table on file with the Court. The actual amount available for exchange will vary and will be calculated using the estimated depletion formula represented in the accounting on file with the Court, as such depletions are adjusted over time. The exchange water will be available for direct reuse or for storage for later use in the Applicant's municipal system one time after the consumptive use credits' initial municipal use. Use: Augmentation by exchange. A detailed outline of work performed toward completion of the appropriation is on file with the Court. Remarks: The exchanges shall be subject to the minimum instream flows decreed to the Colorado Water Conservation Board in Case Nos. 80CW116, 80CW117, and 80CW124.

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

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

21CW3109 GARFIELD COUNTY, COLORADO RIVER. Application for Findings of Reasonable Diligence. Iron Mountain Hot Springs LLC c/o Beattie, Houpt & Jarvis, PO Box 1669, Basalt, 970-945-8659. All structures: Original decree entered 07/12/15 in 14CW3133. Source: A spring tributary to the Colo River. Appropriation date: 11/19/14. Amounts: 56 gpm (0.125 cfs), each. Uses: Commercial, heating, recreational, bathing, swimming, therapeutic and medicinal purposes. Iron Mountain Spring No. 2A: Location: The point of diversion of this spring is located in Garfield County in the NW¼ of the NW¼ of Sec 9, T 6 S, R 89 W 6th PM, at a point 472 ft from the N sec line and 1,160 ft from the W sec line of said Sec 9. UTM coordinates: Northing: 4,380,867, Easting: 299,377, NAD83, Zone: 13. Iron Mountain Spring No. 2B: Location: The point of diversion of this spring is located in Garfield County in the NW¼ of the NW¼ of Sec 9, T 6 S, R 89 W 6th PM, at a point 478 ft from the N sec line and 1,008 ft from the W sec line of said Sec 9. UTM coordinates: Northing: 4,380,867, Easting: 299,424, NAD83, Zone: 13. Application on file with the court includes a list of activities demonstrating diligence. Owners of land: CDOT, 202 Centennial St, Glenwood Springs (Spring No. 2A) and Applicant (Spring No. 2B). (5 pages)

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

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

21CW3110 PITKIN COUNTY, Application for Approval of Amendments to Augmentation Plans and Appropriative Rights of Exchange. Applicant: Gateway of Snowmass Metropolitan District; 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 is a metropolitan district that provides potable water service to the Gateway of Snowmass Mesa Subdivision and certain real property adjacent thereto (see **Figure 1** attached to the Application). Applicant currently operates its water system pursuant to an augmentation plan approved by decree of this court in Case No. 91CW263, as amended by decree entered in Case No. 02CW392. Since the entry of those decrees and as the service by Applicant has expanded with development of the lots served, Applicant has tracked actual diversions and depletions which have changed in certain months, from the tables included in these decrees, as these decrees did not take into account early and late season irrigation and the extent of actual usage. Therefore, the purpose of this Application is to update the tables of demands, diversions and depletions and provide for the additional augmentation water Applicant has obtained from the Basalt Water Conservancy District ("BWCD") pursuant to Contract No. 235 (copy attached to the Application). *Water rights and structures to be augmented* (all shown on **Figure 2** attached to the Application): Gateway Mesa Well No. 2, decreed for 0.11 c.f.s. on June 27, 1973, in Case No. W-1440, District Court in and for Water Division No. 5. Gateway Mesa Well No. 2, First Enlargement, decreed for 50 g.p.m. on December 28, 1998 in Case No. 91CW261, District Court in and for Water Division No. 5. Gateway Mesa Well No. 3, decreed for 100 g.p.m. on December 28, 1998 in Case No. 91CW261, District Court in and for Water Division No. 5. Adger Pond System, decreed for 3.2 acre-feet on December 18, 1995 in Case No. 94CW184, District Court in and for Water Division No. 5. Wooden Spring No. 1, First Enlargement, decreed for 0.1 c.f.s. on December 18, 1995 in Case No. 94CW184, District Court in and for Water Division No. 5. Wooden Spring No. 2, First Enlargement, decreed for 0.1 c.f.s. on December 18, 1995 in Case No. 94CW184, District Court in and for Water Division No. 5. *Sources of Augmentation Water:* Applicant has contracted with BWCD for 29.4 acre-feet of water (Contract No. 235) from the BWCD's sources described as follows: Information from previous decree for **Ruedi Reservoir:** Source: Fryingpan River, tributary of Colorado River. Legal Description: An on-channel reservoir located in Sections 7, 8, 9, 11, and 14 through 18, Township 8 South, Range 84 West of the 6th P.M. The reservoir is located in portions of Eagle and Pitkin counties. Adjudication Date: June 20, 1958. Appropriation Date: July 29, 1957. Case No.: C.A. 4613. Court: Garfield County District Court. Decreed Amount: 102,369 AF (Originally decreed for 140,697.3 AF; reduced to 102,369 AF in Case No. W-789-76). The full amount was made absolute in Case No. 88CW85. Decreed Uses: Generation of electric energy, domestic, municipal, piscatorial, industrial, and irrigation. Refill: By decree of the Water Court in Case No. 81CW34, Ruedi Reservoir was decreed a refill right in the amount of 101,280 AF, conditional. In Water Court Case No. 95CW95, 44,509 AF of the refill right was made absolute. In Water Court Case 01CW269, an additional 25,257 AF of the refill right was made absolute, for a total of 69,766 AF absolute in the refill right. District Interest: The District holds contract numbers 2-07-70-W0546, 009D6C0014, 039F6C0012 and 139D6C0099

with the United States Bureau of Reclamation. These four contracts collectively entitle the District to delivery of 1790 AF of water annually from the regulatory capacity of Ruedi Reservoir, subject to the terms and conditions of the contracts between the District and Bureau of Reclamation. Information from previous decree for **Green Mountain Reservoir**: Source: Blue River, tributary of Colorado River. Legal Description: 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. Adjudication Date: October 12, 1955. Appropriation Date: August 1, 1935. Case Nos.: 2782, 5016, and 5017. Court: United States District Court, District of Colorado. Decreed Amount: 154,645 AF. Decreed 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. District Interest: The District holds Contract No. 8-07-60-W0727 with the United States Bureau of Reclamation. This contract entitles the District to delivery of 1000 AF of water annually from the marketable yield of Green Mountain Reservoir, subject to the terms and conditions of the contracts between the District and Bureau of Reclamation. Information from previous decrees for **Troy Ditch and Edith Ditch** rights:

Structure	Priority	Case No.	Adj. Date	App. Date	Decreed Amount (CFS.)	Use (4)	AMOUNT SOLD, TRANSFERRED OR RESERVED					AMOUNT REMAINING FOR DISTRICT (10)	
							(5)	(6)	(7)	(8)	(9)	CFS	AF
Troy Ditch (1)	370	3082	08/25/1936	05/01/1906	5.10	I	0.000	0.000	0.095	0.064	0.035	4.906	N/A
Troy Ditch 1st Enlg	427	3082	08/25/1936	05/01/1928	10.80	I	0.000	0.000	0.200	0.134	0.073	10.393	N/A
Troy Ditch 2nd Enlg	669	4613	06/20/1958	06/01/1942	6.20	I	0.000	0.000	0.115	0.077	0.042	5.966	N/A
Edith Ditch	353	3082	08/25/1936	05/01/1904	2.72	I	0.110	0.1320	0.050	0.000	0.018	2.410	N/A
Edith Ditch 1st Enlg	673	4613	06/20/1958	07/01/1946	3.23	I	0.000	0.000	0.060	0.000	0.022	3.148	N/A
Troy Ditch Water System a.k.a. Lower Headgate	(2)	W-2281			15.50(3)	I, D, M, C, P	0.110	0.1320	0.520	0.275	0.190	14.273	412.89

Originally diverted from Miller Creek. All others originally diverted from Fryngpan River. Alternate point for all priorities of Troy and Edith Ditches. Combined amount limited to 15.5 cfs. and 453 AF of consumptive use, 300 AF of which can be stored. I = Irrigation, D = Domestic, M = Municipal, C = Industrial and P = Piscatorial. Transferred to Edith Ditch Well in Case No. 80CW1 with 1.0 AF. Transferred to three springs on Cap K Ranch in Case No. 82CW189 (1.29 AF assumed to be included). Deeded to George Yates with 15.4 AF in 1983. 0.2 cfs and 10.60 cfs was included in Case No. 82CW357 for Ruedi South Shores plan for augmentation. Deeded to Joan Wheeler in 1987 for diversion at the Troy Ditch 1st and 2nd Enlargement (16.9 AF assumed to be included). Reserved for augmentation of Cap K Ponds with 5.52 AF. Case No. 91CW220. A total of 40.11 AF of the original 453.00 AF has been sold or transferred. In Case No. W-2281, Division 5, the Court decreed that 453 AF of annual consumptive-use credits were available to these ditches, and that 300 AF could be stored in an unnamed reservoir. Applicant owns 412.89 AF of the 453 AF and makes the water rights available to contract allottees for use pursuant to an approved substitute supply plan or decree of Court. This Court changed the use of the 412.89 AF to include augmentation and exchange in Case Nos. 98CW26 and 98CW89 (Consolidated). The Troy and Edith augmentation water can be delivered to the Fryngpan, Roaring Fork or Colorado rivers by bypassing water at the headgate on the Fryngpan River. Information from previous decrees for **Robinson Ditch** rights:

STRUCTURE	DECREED AMOUNT/ (CFS)	AMOUNT OWNED BY DISTRICT (CFS)(1)	ADJ. DATE	APP. DATE	PRIORITY	CASE NO. (2)
ROBINSON DITCH	5.00	1.21	05/11/1889	06/15/1882	38	132

STRUCTURE	DECREED AMOUNT/ (CFS)	AMOUNT OWNED BY DISTRICT (CFS)(1)	ADJ. DATE	APP. DATE	PRIORITY	CASE NO. (2)
ROBINSON DITCH	2.50	0.60	05/11/1889	04/15/1886	140	132
ROBINSON DITCH	2.00	0.48	05/11/1889	11/15/1886	167	132
ROBINSON DITCH	10.70	2.59	12/29/1903	04/25/1899	212C	1061
ROBINSON DITCH	20.06	4.85	08/25/1936	04/25/1900	326	3082

The District owns 441 shares of Class 1 stock issued by the Robinson Ditch Company. The said 441 shares equal 24.16% of the total shares and are associated with 9.73 cfs of the 40.26 cfs decreed to the Robinson Ditch. District Court in and for Garfield County. **Legal Description:** 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, Township 8 South, Range 87 West, 6th P.M. **Historical Use:** Irrigation of approximately 137.2 acres of hay and pasture under District’s interest in the Robinson Ditch water rights. In Case No. 93CW319, the Court decreed that 360 AF of annual consumptive-use credits are associated with said irrigation. In that case, the Court also decreed a change of use of District’s Robinson Ditch rights to include augmentation. The District makes the credits available to contract allottees for use pursuant to an approved substitute supply plan or decree of Court. The District applies the credits principally to the augmentation of Blue Creek and the Roaring Fork River. **Historic Consumptive Use Credits as Quantified in Case No. 02CW392:** Applicant is entitled to the use of 2.94 acre feet of consumptive use credits from the Williams No. 4 Ditch (originally decreed in CA 968, Garfield County District Court) from August through October when there is a valid enforceable call on Snowmass Creek. The Applicant owns water rights in the *Adger Pond System* which are available for releases for augmentation: **Prior decrees:** December 18, 1995, Case No. 94CW184 (1 of 3), District Court in and for Water Division No. 5; made absolute by decree entered in Case No. 18CW3064, District Court in and for Water Division No. 5. **Location:** The centerline of the dam axis of the Adger Pond System is located in the SE1/4 of Section 4, Township 9 South, Range 86 West of the 6th P.M. at a point 1,375 feet east of the West section line and 875 feet north of the South section line. **Source:** Wooden Springs Nos. 1 and 2 as decreed in Case No. 94CW184 (3 of 3), and unnamed springs tributary to the Roaring Fork River, tributary to the Colorado River. **Appropriation Date:** April 10, 1992. **Amount:** 3.5 acre-feet, with the right to fill and refill when and if water is legally and physically available. **Uses:** aesthetic, augmentation and exchange. **Length of dam:** 250 feet. **Total capacity of reservoir:** 3.5 acre-feet; Active storage: 3.5 acre-feet; dead storage: 0 acre-feet. The Applicant owns water rights in the *Oh-Be-Joyful Pond* which are available for releases for augmentation: **Original Decree:** Case No. 87CW138, District Court in and for Water Division No. 5, entered on October 29, 1987; Case No. 96CW186, District Court in and for Water Division No. 5, entered on November 5, 1996, with regard to Applicant’s uses. **Legal Description as Corrected by Decree entered in Case No. 19CW3051:** The point of diversion and place of storage is at a point in Section 34, Township 8 South, Range 86 West of the 6th P.M. being 1689 feet from the North section line and 2650 feet from the West section line. **Source:** spring runoff, Snowmass Creek, tributary to the Roaring Fork River and the Gateway Mesa Wastewater Ditch (as decreed in Case No. 96CW185), all tributary to the Colorado River. **Appropriation Date:** September 1, 1962; December 8, 1991 (for Applicant’s uses). **Amount:** 1.72 acre-feet, absolute, 1.3 acre-feet of which is for Applicant’s uses for augmentation and exchange. **Use:** piscatorial and irrigation; augmentation and exchange. **Description of Amendment to Plans for Augmentation:** As stated above, Applicant is a metropolitan district that provides potable water service to the Gateway at Snowmass Mesa Subdivision and certain surrounding properties (**Figure 1**). This Application does not alter the general framework of the augmentation plans previously approved in Case Nos. 91CW263 and 02CW392, which are incorporated herein by reference. Instead, Applicant substitutes the attached **Table 2** (a complete outline of the water use for the Applicant’s service area – diversions and depletions), **Table 3** (summary of augmentation requirements necessary to replace for the depletions along with a delayed pumping and proposed transit losses), **Table 4** (amounts and sources of augmentation to be used on a monthly basis), as well as an updated BWCD Contract No. 235 in the amount of 29.4 acre-feet. **Augmentation By Ruedi Reservoir Releases:** At times when an administrative call is placed on the mainstem of the Colorado River and/or the Roaring Fork River up to its confluence with the Fryingpan River, the Applicant’s out-of-priority depletions will be augmented by water released from Ruedi Reservoir pursuant to the Applicant’s water allotment contract with the BWCD and/or historic consumptive use credits from the Williams No. 4 Ditch. It is anticipated that the Applicant’s well or wells may frequently be placed on call by the Cameo demand from the period of April and June through October in various years. **Augmentation Pond Releases:** In those rare instances when a valid administrative call is placed on Snowmass Creek or any portion of the Roaring Fork River above the Fryingpan River to its confluence with Snowmass Creek, Applicant will release water from the Adger Pond System or the Oh-Be-Joyful Pond to augment its out-of-priority depletions, as well as use of the historic consumptive use credits from the Williams No. 4 Ditch. **Claim for Conditional Appropriative Rights of Exchange: Exchange Reach No. 1: Lower terminus:** Confluence of the Fryingpan River and the Roaring Fork River The confluence of the Roaring Fork and Fryingpan Rivers, located in the SW ¼, SE ¼, Section 7, Township 8 South, Range 86 West of the 6th P.M., at a point approximately 647 feet from the South section line and 1,475 feet from the East section line (Eagle and Pitkin Counties). **Upper terminus:** Point of diversion for Wooden Spring No. 2 which is the most upstream point of diversion for Applicant’s water system, located at in the SW ¼ of the SW ¼ of Section 4, Township 9 South, Range 86 West of the 6th P.M. at a point 1,105 feet east of the West section line and 800

feet north of the South section line. *See Figure 2* attached to the Application. **Exchange Reach No. 2. Lower terminus:** Confluence of the Roaring Fork River and Colorado River generally located in the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 9, Township 6 South, Range 89 West of the 6th P.M., at a point approximately 2200 feet from the North section line and 2350 feet from the West section line (Garfield County). *Upper terminus:* Point of diversion for Wooden Spring No. 2 which is the most upstream point of diversion for Applicant's water system, located at in the SW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 4, Township 9 South, Range 86 West of the 6th P.M. at a point 1,105 feet east of the West section line and 800 feet north of the South section line. *See Figure 2* attached to the Application. *Appropriation date of exchanges:* June 2, 1992, by the filing of the application in the original augmentation plan in Case No. 91CW263, District Court in and for Water Division No. 5. *Exchange rate for each Exchange:* 0.15 c.f.s, conditional, with a volumetric limit of 29.4 acre-feet. (10 pages) **YOU ARE HEREBY NOTIFIED THAT YOU HAVE until the last day of SEPTEMBER 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.**