

DIVISION 5 WATER COURT-MARCH 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 MARCH 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.*

21CW3026 EAGLE COUNTY. Deep Creek Ranch, LLLP c/o Stephen C. Larson, Adam K. Alexander, Johnson & Repucci LLP, 850 W. South Boulder Road, suite 100, Louisville, Colorado 80027; (303) 442-1900, Fax: (303) 442-0191, E-mail: sclarson@j-rlaw.com; akalexander@j-rlaw.com. APPLICATION FOR CORRECTION OF ESTABLISHED BUT ERRONEOUSLY DESCRIBED POINTS OF DIVERSION PURSUANT TO C.R.S. § 37-92-305(3.6). 1. **Applicant:** Deep Creek Ranch, LLLP c/o Kirsten Lerner, Managing Partner P.O. Box 827 Rancho Santa Fe, California 92067. 2. **Overview.** Applicant owns a ranch located in Garfield and Eagle Counties. Applicant owns certain water rights in the Deep Creek Ditch arising from decrees in the following three (3) Division 5 Water Court cases: Case No. CA295 (decree entered in 1890); Case No. CA1123 (decree entered in 1956); and Case No. 82CW381 (decree entered in 1982). Each of Applicant's three (3) decrees erroneously describes the point of diversion believed to be existing since the time of the original decree. The latter two decrees use the same legal description for the point of diversion, although it is a different legal description than appearing in the original Case No. CA295. The points of diversion in all three decrees are erroneously described as compared to the historically established point of diversion. Through this Application, Applicant seeks to correct the established but erroneously described point of diversion for its water rights in the Deep Creek Ditch pursuant to C.R.S. § 37-92-305(3.6). 3. **Decreed Water Right for Which Corrections are Sought.** (a) Name of Structure. Deep Creek Ditch (b) Original Decree and Enlargements. (i) Original Decree: Case No. CA295 entered November 20, 1890 (ii) First Enlargement: Case No. CA295 entered November 20, 1890 (iii) Second Enlargement: Case No. CA1123 entered February 7, 1956 (iv) Third Enlargement: Case No. 82CW0381 entered December 31, 1982 (c) Decreed Appropriation Dates and Amounts. (i) Original Decree: June 1, 1887-1.8 cfs (ii) First Enlargement: September 18, 1889-2.0 cfs (iii) Second Enlargement: April 1, 1906-1.2 cfs (iv) Third Enlargement: June 1, 1967-3.0 cfs (d) Decreed Source of water. Deep Creek, tributary to the Colorado River. (e) Uses. Irrigation and livestock. 4. **Legal Descriptions of Decreed Points of Diversion.** (a) Original Decree (includes First Enlargement). The description of the point of diversion in the Case No. CA295 decree states: The headgate of said ditch is located on the north bank of Deep Creek, at a point about 500 feet west from 2 rocks or needles standing on each side of the Creek running easterly between Eagle and Garfield Counties. (b) Second Enlargement. The description of the point of diversion in the Case No. CA1123 decree states: the headgate and point of diversion is located at a point on the northerly bank of Deep Creek whence the East quarter corner of Section 25, Township 4 South, Range 87 West of the 6<sup>th</sup> Principal Meridian, which is identified with Corner No. 4 of Tract 47, Township 4 South, Range 86 West of the 6<sup>th</sup> Principal Meridian, bears South 57°04' East 4084.1 feet. (c) Third Enlargement. The description of the point of diversion in the Case No. 82CW0381 decree is the same as for the Second Enlargement, above, and states: the point of diversion is located on the Northeasterly bank of Deep Creek at a point whence the East Quarter Corner of Section 25, T.4S., R.87W. of the 6<sup>th</sup> P.M. bears S. 57°04' E. 4,084.1 feet. A map of the erroneously described points of diversion is attached hereto as Exhibit A, which also depicts the historically established point of diversion. 5. **Legal Description of Established Point of Diversion.** The historically established point of diversion is located on the Northeasterly bank of Deep Creek in the Northeast Quarter of the Northwest Quarter of Section 25, Township 4 South, Range 87 West of the 6<sup>th</sup> Principal Meridian, Eagle County, Colorado at a point 1,116 feet south of the north section line and 2,691 feet east of the west section line. A map of the established point of diversion is attached hereto as Exhibit A, which also depicts the erroneously described decreed points of diversion. 6. **Detailed Description of Proposed Correction.** Applicant seeks to correct the erroneously described points of diversion of the Deep Creek Ditch in the decrees entered in Case No. CA295, Case No. CA1123 and Case No. 82CW0381 as set forth in Section 4 above, to the established point of diversion as set forth in Section 5 above. A. Applicant is the owner of the water rights in the Deep Creek Ditch described herein. B. Applicant believes that the actual point of diversion for Deep Creek Ditch has been established at the same physical location of the existing headgate since the date of the Original Decree, or at least since the enactment of the Adjudication Act of 1943. C. Applicant has diverted water and used its water rights in the Deep Creek Ditch pursuant to the Decrees. D. The established point of diversion is more than 500 feet away from the erroneously described point of diversion. 7. **Name and Address of Landowner Upon which any New or Modified Diversion or Storage Structure is Located.** No new or modified structures are required by this application, and instead this Application merely seeks to correct the description of a previously established point of diversion and existing headgate. (5 pages, plus exhibit)

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

21CW3027 GRAND COUNTY. Peper Stagecoach Estates Owners Association, c/o Richard Sisung, President, P.O. Box 1759, Grand Lake, CO 80447. Applicant is represented by Kent Whitmer and Katie Randall, The Whitmer Law Firm, LLC, P.O. Box 38, Hot Sulphur Springs, CO 80451, (970) 725-3460. APPLICATION FOR FINDING OF REASONABLE DILIGENCE. Name of Structures for

Underground Water Rights: Stagecoach Well Nos. 1-5. Source: Groundwater tributary to Shadow Mountain Reservoir, tributary to the Colorado River. Well Locations: Stagecoach Well No. 1: in the SW1/4 NE1/4, Section 12, Township 3 North, Range 76 West of the 6<sup>th</sup> P.M., 1400 feet from the North section line of said Section 12 and 2500 feet from the East section line of said Section 12. Stagecoach Well No. 2: in the SW1/4 NE1/4, Section 12, Township 3 North, Range 76 West of the 6<sup>th</sup> P.M., 1940 feet from the North section line of said Section 12 and 2490 feet from the East section line of said Section 12. Stagecoach Well No. 3: in the SW1/4 NE1/4, Section 12, Township 3 North, Range 76 West of the 6<sup>th</sup> P.M., 1958 feet from the North section line of said Section 12 and 2568 feet from the East section line of said Section 12. Stagecoach Well No. 4: in the SW1/4 NE1/4, Section 12, Township 3 North, Range 76 West of the 6<sup>th</sup> P.M., 2312 feet from the North section line of said Section 12 and 2164 feet from the East section line of said Section 12. Stagecoach Well No. 5: in the SW1/4 NE1/4, Section 12, Township 3 North, Range 76 West of the 6<sup>th</sup> P.M., 2600 feet from the North section line of said Section 12 and 1700 feet from the East section line of said Section 12. Depth: Stagecoach Well No. 1: 280 feet. Stagecoach Well No. 2: 375 feet. Stagecoach Well No. 3: 375 feet. Stagecoach Well No. 4: 190 feet. Stagecoach Well No. 5: 160 feet. Use: Stagecoach Well Nos. 1-5 are each decreed for in-house use and 4,000 square feet of outside irrigation. All irrigation use occurs within the boundaries of Peper Stagecoach Estates Subdivision, consisting of five lots. Type of Structure: Wells. Quantity: 15 gallons per minute (“g.p.m.”) per well. The total demand is limited to 0.466 acre-feet per year (“af/yr”) per well. Appropriation Date for Wells: June 15, 2000. Conditional Appropriative Right of Exchange: Stagecoach Wells Exchange. Exchange Reach: Upstream Termini: the points of diversion for Stagecoach Well Nos. 1-5, as set forth above. Downstream Terminus: Colorado River to a point where releases from Wolford Mountain Reservoir meet the Colorado River (confluence of Muddy Creek with the Colorado River). 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 6<sup>th</sup> 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. Appropriation Date for Exchange: January 8, 1997. Exchange Amount: 0.0167 cubic feet per second (“c.f.s.”), limited to 1.0 af/yr. Source of Exchange Water: The subject water rights will operate pursuant to the plan for augmentation decreed in Case No 00CW154. Augmentation will be provided by Granby Reservoir or Wolford Mountain Reservoir. Decrees: April 30, 2001, Case No. 00CW154; October 9, 2008, Case No. 07CW82; March 22, 2015, Case No. 14CW3102; all in Water Court Division No. 5. Additional Information: The previous decrees set 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 MAY 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 MARCH 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.***

**21CW3028 GRAND COUNTY.** Brinning Homeowners Association, c/o James Olvey, President, P.O. Box 1440, Maricopa, AZ 85139. Applicant is represented by Kent Whitmer and Katie Randall, The Whitmer Law Firm, LLC, P.O. Box 38, Hot Sulphur Springs, CO 80451, (970) 725-3460. APPLICATION FOR FINDING OF REASONABLE DILIGENCE. Name of Structures for Underground Water Rights: NQGP Well Nos. 1-3. Source: Groundwater from the unconsolidated sand and gravel, and from bedrock formations, hydraulically connected to the Colorado River. Well Locations: The previous Decrees affecting the subject water rights indicate that the Wells will be located generally within the exclusive boundaries of the Brinning Subdivision Exemption, which consists of three lots in the SW1/4 of Section 6, Township 3 North, Range 75 West of the 6<sup>th</sup> P.M. In the present Application, Applicant specifies the following: NQGP Well No. 1 has not been drilled, and the precise location is not yet known. NQGP Well No. 2 is located in the NW1/4 SW1/4 of Section 6, Township 3 North, Range 75 West of the 6<sup>th</sup> P.M., a distance of 2390 feet from the South line of said Section 6 and 200 feet from the West line of said Section 6. NQGP Well No. 3 is located in the NW1/4 SW1/4 of Section 6, Township 3 North, Range 75 West of the 6<sup>th</sup> P.M., a distance of 1944 feet from the South line of said Section 6 and 639 feet from the West line of said Section 6. Depth: NQGP Well No. 1 has not yet been drilled. NQGP Well No. 2: 270 feet. NQGP Well No. 3: 400 feet. Use: In-house uses only. One residence per lot for a total of 3 single family residences. Type of Structure: Wells. Quantity: 15 gallons per minute (“g.p.m.”) per well, limited to 0.942 acre-feet per year (“af/yr”). Appropriation Date for Wells: December 14, 1999. Conditional Appropriative Right of Exchange: Brinning HOA Exchange. Exchange Reach: Upstream Termini: the points of diversion for NQGP Well Nos. 1-3, as set forth above. Downstream Terminus: Colorado River to a point where releases from Wolford Mountain Reservoir meet the Colorado River (confluence of Muddy Creek with the Colorado River). 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 6<sup>th</sup> 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. Appropriation Date for Exchange: December 14, 1999. Exchange Amount: 0.00495 cubic feet per second (“c.f.s.”), limited to 0.2 af/yr. Source of Exchange Water: The subject water rights will operate pursuant to the plan for augmentation decreed in Case No 00CW17. Augmentation will be provided by Granby Reservoir or Wolford Mountain Reservoir. Decrees: September 27, 2000, Case No. 00CW17; October 9, 2008, Case No. 06CW213; March 22, 2015, Case No. 14CW3114; all in Water Court Division No. 5. Additional Information: The previous decrees set 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 MAY 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 MARCH 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.***

**21CW3029** Div. 5. DISTRICT COURT, WATER DIVISION NO. 5, STATE OF COLORADO, 109 Eighth Street, Suite 104, Glenwood Springs, CO 81601. CONCERNING THE APPLICATION FOR WATER RIGHTS OF THE EAGLE RIVER WATER & SANITATION DISTRICT AND THE UPPER EAGLE REGIONAL WATER AUTHORITY IN **EAGLE, GRAND AND PITKIN COUNTIES, COLORADO. APPLICATION FOR WATER RIGHTS AND APPROVAL OF PLAN FOR AUGMENTATION AND EXCHANGE.** 1. Name and Address of the Applicant: Eagle River Water & Sanitation District ("District"), Upper Eagle Regional Water Authority ("Authority"), c/o General Manager, 846 Forest Road, Vail, Colorado 81657. Copies of All Pleadings to: Kristin H. Moseley, Cassidy L. Woodard, Porzak Browning & Bushong LLP, 2120 13<sup>th</sup> Street, Boulder, Colorado 80302. 2. Description of the Water Rights to be Adjudicated and Augmented: Bolts Lake consisting of the following storage and direct flow water rights: (a) Legal Description for Bolts Lake: the existing off-channel reservoir is located in Homestead Entry Survey No. 40, Homestead Entry No. 021, containing a portion of the W $\frac{1}{2}$  of Section 1 and the E $\frac{1}{2}$  of Section 2, Township 6 South, Range 81 West of the 6<sup>th</sup> P.M. Eagle County, Colorado, and in Homestead Entry Survey No. 41, Homestead Entry No. 022, containing a portion of the SW $\frac{1}{4}$  of Section 1, S $\frac{1}{2}$  of Section 2, N $\frac{1}{2}$  of Section 11 and NW $\frac{1}{4}$  of Section 12, Township 6 South, Range 81 West of the 6<sup>th</sup> P.M., Eagle County, Colorado. The enlarged Bolts Lake will be located in the E $\frac{1}{2}$  of Section 2, Township 6 South, Range 81 West and the W $\frac{1}{2}$  of Section 1, Township 6 South, Range 81 West of the 6<sup>th</sup> P.M., Eagle County, Colorado. All section and portions are projected, as this area is unsurveyed, (b) The approximate coordinates of the center of the proposed Bolts Lake dam are Lat. 39° 33' 22.828" N, Long. 106 ° 24' 11.831" W, (c) Water will be diverted at the following alternate points of diversion on Eagle River and Cross Creek to fill Bolts Lake: (1) Bolts Eagle River Diversion No. 1 to be located on the west bank of the Eagle River in the NE $\frac{1}{4}$  of the NE $\frac{1}{4}$  of Section 11, Township 6 South, Range 81 West, 6<sup>th</sup> P.M. at a point 190 feet from the East section line and 610 feet from the North section line. A supplemental description for this location is the following UTM coordinates: UTM NAD 83 Zone 13N, Easting 379309, Northing 4378339, (2) Bolts Eagle River Diversion No. 2 to be located on or adjacent to the Eagle River in an unsurveyed portion of Eagle County that, when surveyed, will likely be in the NE $\frac{1}{4}$  of NE $\frac{1}{4}$  of Section 11 of Township 6 South, Range 81 West, of the 6<sup>th</sup> P.M. Eagle County, Colorado, at a point 5,465 feet West of the line common to Range 80 and 81 West, and 7,265 feet South of the line common to Townships 5 and 6 South, (3) Bolts Eagle River Diversion No. 3 to be located on or adjacent to the Eagle River in an unsurveyed portion of Eagle County that, when surveyed, will likely be in the NW $\frac{1}{4}$  of SW $\frac{1}{4}$  of Section 1 of Township 6 South, Range 81 West, of the 6<sup>th</sup> P.M. Eagle County, Colorado, at a point 4,000 feet from the North section line and 4,465 feet from the East section line, (4) Bolts Ditch Headgate located at a point on Cross Creek from whence the SW corner of Section 35, Township 5 South, Range 81 West of the 6<sup>th</sup> P.M. bears North 28 degrees West 6,350 feet. The GPS coordinates for the point of diversion have been confirmed to be Lat. 39.550483 N, Long. 106.421317 W, (5) Bolts Ditch Headgate Alternate Diversion Points located as follows: (i) Arminda Ditch Headgate: located on the east (right) bank of Cross Creek at a point whence the SW Corner of Section 36, Township 5 South, Range 81 West, 6<sup>th</sup> P.M., bears North 27°38' East 2,718 feet, (ii) Bolts Ditch Pumpstation No. 1: located within 500 feet upstream or downstream of a point on the east (right) bank of Cross Creek that is approximately 9,178 feet west of the line common to Range 80 and 81 West and 4,001 feet South of the line common to Townships 5 and 6 South of the 6<sup>th</sup> P.M., (iii) Bolts Ditch Pumpstation No. 2: located within 500 feet upstream or downstream of a point on the east (right) bank of Cross Creek that is approximately 8,911 feet west of the line common to Range 80 and 81 West and 3,692 feet South of the line common to Townships 5 and 6 South of the 6<sup>th</sup> P.M. (6) Maloit Park Diversion Point to be located within 500 feet upstream or downstream of a point on the right bank of Cross Creek that is approximately 9,131 feet west of the line common to Range 80 and 81 West and 1,238 feet south of the line common to Townships 5 and 6 South of the 6<sup>th</sup> P.M. in Eagle County, (7) Lower Cross Creek Diversion Point to be located within 500 feet upstream or downstream of a point on the right bank of Cross Creek that is approximately 357 feet east of the west section line and 93 feet north of the south section line of Section 36, Township 5 South, Range 81 West of the 6<sup>th</sup> P.M. in Eagle County, (d) Sources: Eagle River and Cross Creek, a tributary of the Eagle River, (e) Diversion rates to fill Bolts Lake: 30 cfs, conditional at any one or combination of the alternate points described above for diversions from Cross Creek; 50 cfs, conditional at any one or combination of the alternate points described above for diversion from the Eagle River, (f) Appropriation Date: March 12, 2021, (g) Amount: 1,210 acre-feet, conditional, together with the right to refill in the amount of 1,210 acre feet, (h) Claimed Uses: Municipal, domestic, irrigation (including watering of lawns, landscaping, parks and grounds), snowmaking, wetlands and habitat purposes, recreation, industrial, commercial, fire protection, construction, street sprinkling, piscatorial, augmentation, replacement, substitution and exchange, with the right for reuse and successive use to extinction. A map of Bolts Lake and the alternate points of diversion is attached as Figure 1. 3. Description of the Water Rights to be Used as the Source of Augmentation Water Directly or by Exchange: (a) 902 acre feet of the historic consumptive use water associated with the District's historic irrigation

water rights, described in Exhibit A. The historic consumptive use values of those rights were previously quantified by the Water Court in Case Nos. W-2256, W-2664, 79CW124 or 82CW328 and decreed for municipal, augmentation and other uses. The historic consumptive use values determined in Case Nos. W-2256, W-2664, and 79CW124 were established in those cases and are *res judicata* in this action as the Water Court ruled in its Order dated August 16, 1984. The monthly distribution of the availability of those consumptive use credits is as follows: Maximum Annual Availability of Historic Consumptive Use Water (Units = Acre-feet)

Ditch	Decree	May	Jun	Jul	Aug	Sep	Oct	Total
Mann and 1 <sup>st</sup> Enl.	W-2256	3.1	11.3	9.9	6.5	6.5	2.7	40.0
Webb and 1 <sup>st</sup> Enl.	W-2256 & 79CW124	2.3	8.5	7.4	4.9	4.9	2.0	30.0
Larzalere and 1 <sup>st</sup> Enl.	W-2256	6.2	22.8	20.0	13.1	13.1	5.8	81.0
Frank Larzalere and 1 <sup>st</sup> Enl.	W-2256	1.4	5.1	4.4	2.9	2.9	1.3	18.0
Scoville	W-2256	1.7	6.2	5.4	3.6	3.6	1.5	22.0
Sawmill and 1 <sup>st</sup> Enl.	W-2256	7.5	27.4	24.0	15.7	15.7	6.7	97.0
Shively	W-2256	2.2	8.2	7.2	4.7	4.7	2.0	29.0
Sandstone and 1 <sup>st</sup> Enl.	W-2256	1.3	4.8	4.2	2.8	2.8	1.1	17.0
Park	W-2256	0.5	2.0	1.7	1.1	1.1	0.6	7.0
Spraddle	W-2256	2.4	8.7	7.7	5.0	5.0	2.2	31.0
Spraddle No. 2	W-2256	0.8	2.8	2.5	1.6	1.6	0.7	10.0
Katsos	W-2256	1.5	5.4	4.7	3.1	3.1	1.2	19.0
Katsos No. 2	W-2256	0.4	1.4	1.2	0.8	0.8	0.4	5.0
Black Gore	79CW124	3.4	12.5	10.9	7.2	7.2	3.0	44.2
Main Gore	79CW124	2.0	7.3	6.4	4.2	4.2	1.9	26.0
McMonagle	79CW124	1.2	4.5	3.9	2.6	2.6	1.0	15.8
Rose and 1 <sup>st</sup> Enl.	79CW124	0.4	1.6	1.4	0.9	0.9	0.6	5.8
Edward	79CW124	1.5	5.5	4.8	3.1	3.1	1.4	19.4
Mike	79CW124	1.5	5.5	4.8	3.2	3.2	1.4	19.6
Bryant Lower and 1 <sup>st</sup> Enl.	79CW124 & W-2664	13.8	50.6	44.4	29.1	29.1	12.6	179.6
Buffehr and Rose and 1 <sup>st</sup> Enl.	79CW124	5.3	19.4	17.0	11.1	11.1	4.9	68.8
Kiahtipes No. 1	79CW124	1.2	4.4	3.9	2.5	2.5	1.1	15.6
Kiahtipes No. 2	79CW124	2.0	7.3	6.4	4.2	4.2	1.9	26.0
Kiahtipes No. 3	79CW124	2.9	10.6	9.3	6.1	6.1	2.7	37.7
Kiahtipes No. 6	79CW124	0.5	1.8	1.6	1.1	1.1	0.4	6.5
Ruder No. 1 and 1 <sup>st</sup> Enl.	82CW328	2.4	8.7	7.7	5.0	5.0	2.2	31.0
<b>TOTALS</b>		<b>69.4</b>	<b>254.3</b>	<b>222.8</b>	<b>146.1</b>	<b>146.1</b>	<b>63.3</b>	<b>902.0</b>

(b) Up to 1,210.8 acre-feet of water per year under Contract Nos. CW02020, CW03005, CW08010 and CW08011 with the Colorado River Water Conservation District (the "Colorado River District"). 500 acre feet of this amount is controlled by the District, and 710.8 acre feet of this amount is controlled by the Authority. The above-listed contracts provide that water supplied will derive from either (1) Wolford Mountain Reservoir (as decreed for storage by the Colorado River District in Case Nos. 87CW283, 95CW281, and 98CW237 or additional storage water right decrees that may be obtained by the Colorado River District in the future); or (2) the Colorado River District's contractual rights to water deliveries from Ruedi Reservoir (further described below). Contract Nos. CW08010 and CW08011 also provide that water supplied under such contracts may also derive from other supplies that the Colorado River District may acquire suitable for use in its Water Marketing Program. Wolford Mountain Reservoir is decreed as follows: (1) Case No. 87CW283: Date: November 20, 1989, Legal description of point of diversion or place of storage: The dam is located in the SW¼ of the NE¼ of Section 25, T. 2 N., R. 81 W., 6th P.M. The intersection of the dam axis with the right abutment will occur at a point which bears S. 54°54'20" E. a distance of 3,716.46 feet from the NW Corner of said Section 25, Source: Muddy Creek and its tributaries, Amount: 59,993 acre feet conditional; of this amount, 32,986 acre feet have been made absolute for piscatorial and recreational uses by decree entered in Water Court Case No. 95CW281, Appropriation Date: December 14, 1987, Decreed Use: All beneficial uses, including but not limited to domestic, municipal, agricultural and recreational uses, (2) Case No. 95CW281: Date: August 26, 1997, Legal description of point of diversion or place of storage: The dam is located in the SW¼ of the NE¼ of Section 25, T. 2 N., R. 81 W., 6th P.M. The as-built intersection of the dam axis (Sta. D19+35.61) with the West Access Road (Sta. WR50+55.05), as shown on the Colorado River Water Conservation District, Wolford Mountain Project, Ritschard Dam construction drawing "Dimensional Dam Layout" sheet 8 of 94, occurs at a point which bears S. 53°24'56" E. a distance of 3,395.51 feet from the NW Corner of said Section 25; the bearing of said dam axis from Sta. 19+35.61 to Sta. 0+00 being S. 75° 28' 29" E., Source: Muddy Creek and its tributaries, Amount: 6,000 acre feet conditional, Appropriation Date: January 16, 1995, Decreed Use: All beneficial uses by and for the benefit of the inhabitants of the Colorado River Water Conservation District, including but not limited to domestic, municipal, industrial, irrigation, agricultural, piscatorial and recreational; such uses will include environmental mitigation, including environmental mitigation requirements associated with the Wolford Mountain Project; such uses will be made directly or by substitution, augmentation, or

exchange, (3) Case No. 98CW237: Decree Date: July 6, 2000, Legal Description of place of storage: Same as for 95CW281, Source: Muddy Creek and its tributaries, Amount: 30,000 acre feet conditional with 15,895 AF being absolute for recreational and piscatorial and flood control, Appropriation Date: November 17, 1998, Use: Certain of the beneficial uses previously adjudicated for Wolford Mountain Reservoir in Case No. 87CW283, District Court for Colorado Water Division No. 5 (November 20, 1989 Judgment and Decree), and Case No. 95CW281, District Court for Colorado Water Division No. 5 (August 26, 1997 Judgment and Decree). The Colorado River District holds Contracts No. 009D6C0111, 009D6C0118, 039F6C0011, and 078D6C0106 from the United States Bureau of Reclamation for 6,730 acre feet of annual supply from Ruedi Reservoir and may obtain additional contracts in the future. Ruedi Reservoir is located in Sections 7, 8, 9, 11 and 14 through 18, T. 8 S., R. 84 W., 6th P.M., in Eagle and Pitkin Counties. The dam axis intersects the right abutment at a point whence the SW corner of Section 7, T. 8 S., R. 84 W. of the 6th P.M. bears N. 82°10'W. a distance of 1,285 feet. The source is the Fryngpan River. Ruedi Reservoir is decreed as follows: (1) Civil Action No. 4613: Decree Date: June 20, 1958, Court: Garfield County District Court, Amount: 140,697.3 acre feet, reduced to 102,369 acre feet pursuant to order of the Water Court in Case No. W-789-76. The full amount was made absolute in Case No. 88CW85, Appropriation Date: July 29, 1957, Use: Domestic, municipal, irrigation, industrial, generation of electrical energy, stock watering and piscatorial, (2) Case No. 81CW34: Decree Date: April 8, 1985, Court: District Court, Water Div. No. 5, Amount: 101,280 acre feet (refill); of this amount, 44,509 acre feet were made absolute in Case No. 95CW95 and 25,257 acre feet were made absolute in Case No. 01CW269, for a total of 69,766 acre feet absolute, Appropriation Date: Jan. 22, 1981, Use: Irrigation, domestic, municipal, generation of electrical energy, stock watering, industrial, piscatorial, recreation and maintenance of sufficient storage reserves to fulfill contractual obligations and provide stored water for recreation in times of drought, (c)Up to 1,026.06 acre-feet of water per year from Eagle Park Reservoir. 432.81 acre feet of this amount is owned by the District, and 593.25 acre feet of this amount is owned or controlled by the Authority. Eagle Park Reservoir is decreed by the Water Court in Case Nos. 92CW340 and 93CW301 for a combined total capacity of 27,600 acre feet, with an appropriation date of March 16, 1991, for 5,300 acre feet, and May 18, 1993, for 22,300 acre feet, together with the right to divert at the rate of 80 cfs under the August 10, 1956 appropriation date of the Pando Feeder Canal pursuant to the decree of the Water Court in Case No. 97CW288, for mining, milling, industrial, snowmaking, municipal, domestic, stock watering, recreation, fish and wildlife, irrigation, agricultural, exchange, replacement, augmentation and all other beneficial purposes. The north abutment of the dam crest is located approximately 160 feet north of the south section line and 650 feet east of the west section line of Section 28, T. 7 S., R. 79 W., 6th P.M., Eagle County, Colorado. Eagle Park Reservoir is augmented by exchange by decree of the Water Court in Case No. 95CW348. Eagle Park Reservoir Company has made absolute 3,148 acre-feet of the original 5,300 acre-feet by decree of the Water Court entered in Case No. 00CW210. The source of Eagle Park Reservoir is the East Fork of the Eagle River including runoff, surface flow and seepage from the area above the reservoir and tributary thereto, and water tributary to Tenmile Creek a tributary of the Blue River. In addition to the tributary area upstream of the reservoir, the specific points of diversion into storage for Eagle Park Reservoir are as follows: (1) The East Fork Interceptor Ditch, which has a capacity of 48 cfs and diverts from unnamed tributaries of the East Fork of the Eagle River at the following points, all of which are located in Eagle County, Colorado: (i)900 feet south of the north section line and 1100 feet west of the east section line of Section 5, T. 8 S., R. 79 W., 6th P.M., (ii) 1250 feet south of the north section line and 700 feet east of the west section line of Section 4, T. 8 S., R. 79 W., 6th P.M., (iii) 1200 feet north of the south section line and 800 feet east of the west section line of Section 33, T. 7 S., R. 79 W., 6th P.M., (iv) Runoff, surface flow, and seepage from the area above the East Fork Interceptor Ditch as it runs between the above-described points of diversion and Eagle Park Reservoir, (2) The Chalk Mountain Interceptor Ditch, which has a capacity of 12 cfs and diverts runoff and seepage as it runs a distance of approximately 3.4 miles from Fremont Pass, located in the W1/2 of Section 11, T. 8 S., R. 79 W., 6th P.M., northwesterly along State Highway 91 and the South side of Robinson Tailing Pond, thence westerly to the south of Chalk Mountain Reservoir and Robinson Reservoir, thence northwesterly to Eagle Park Reservoir. The Chalk Mountain Interceptor Ditch diverts water from the headwaters of Tenmile Creek in Summit County and from the headwaters of the East Fork of the Eagle River in Eagle County, (3)The East Interceptor Ditch, which has a capacity of 20 cfs and runs northeasterly from a point whence the northeast corner of Section 2, T. 8 S., R. 79 W., 6th P.M. bears North 77°20' East a distance of 850 feet at the north fork of McNulty Creek, thence along the east side of Robinson and Tenmile Tailing Ponds into Supply Canal No. 1 described below. The East Interceptor Ditch diverts water from the north fork of McNulty Creek and surface flow, seepage, and runoff from watersheds above it that are tributary to Tenmile Creek, (4)The Supply Canal No. 1, which has a capacity of 10 cfs and diverts water from the following tributaries of Tenmile Creek at the following points: (i) On the west bank of Humbug Creek at a point whence the southwest corner of Section 18, T. 7 S., R. 78 W. bears South 71°35' West a distance of 3250 feet, (ii) On the south bank of Mayflower Creek at a point whence the northeast corner of Section 24, T. 7 S., R. 79 W., 6th P.M. bears North 16°55' East a distance of 2250 feet, (iii) Runoff, surface flow, and seepage from the area above the Supply Canal No. 1 as it runs between the above-described points of diversion and the Climax Mill, (5) The Supply Canal No. 2, which has a capacity of 10 cfs and diverts water from the following tributaries of Tenmile Creek at the following points: (i) On the west bank of Searle Creek at a point whence U.S.L.M. Kokomo bears South 45°58' East 3740 feet (located in the NW¼ of the SE¼ of Section 13, T. 7 S., R. 79 W., 6th P.M.), (ii) On the south bank of Kokomo Creek at a point whence U.S.L.M. Kokomo bears North 39°36' east 2635 feet (located in the SE¼ of Section 22, T. 7 S., R. 79 W., 6th P.M.), (iii) Runoff, surface flow, and seepage from the area above the Supply Canal No. 2 as it runs between the above-described points of diversion and the Climax Mill, (6) The East Fork Pumping Plant, which has a capacity of 6 cfs and diverts from the East Fork of the Eagle River at a point in the SE¼ NE¼ of Section 32, T. 7 S., R. 79 W., 6th P.M. at a point whence the NE corner of said Section 32 bears N. 31°53' E. a distance of 2414 feet. The East Fork Pumping Plant is augmented by exchange by decree of the Water Court in Case No. 03CW211, (d) Up to 506.5 acre-feet of water per year from Homestake Reservoir. The District is the owner of 250 shares of Class B stock in the Eagle Park Reservoir Company which entitles the District to the annual release of up to 250 acre feet of water from Homestake Reservoir. The Authority is the owner of 256.5 shares of Class B stock in the Eagle Park Reservoir

Company which entitles the Authority to the annual release of up to 256.5 acre-feet of water from Homestake Reservoir. The right to the annual release of this Homestake Reservoir water is obtained pursuant to the 2004 Water Exchange Agreement dated June 21, 2004, among the City of Aurora, the Eagle Park Reservoir Company, the Colorado River Water Conservation District, the Authority, the District, and Vail Associates, Inc., as modified by the Consolidated Water Exchange Agreement dated as of January 5, 2010, among the Cities of Aurora and Colorado Springs and the Eagle Park Reservoir Company, the Colorado River Water Conservation District, the Authority, the District, and Vail Associates, Inc. Homestake Reservoir, also known as Elliott-Weers Reservoir, was decreed by the Eagle County District Court in Civil Action No. 1193 for 83,338.98 acre feet conditional, 43,504.7 acre feet of which is now absolute. This reservoir is located on Homestake Creek with a dam being located whence the NW Corner of Section 31, T. 7 S., R. 80 W., 6th P.M. bears N. 58°30.6' E. 24,659 feet from the East dam abutment and N. 62°25.8' E. 25,746 feet from the West dam abutment. The sources of supply of said reservoir are the East Fork of Homestake Creek, the Middle Fork of Homestake Creek and Homestake Creek.

4. Description of the Plan for Augmentation and Exchange: By this application, the District and the Authority seek the right to divert and store water in Bolts Lake described in paragraph 2 above on a year-round basis for use throughout the District's and Authority's service areas, as those service areas may expand from time to time, and the Battle Mountain development and the Town of Minturn water service area. The District's current service area is depicted and described on the attached Figure 2, and the Authority's current service area is depicted and described on the attached Figure 3. At times when such diversions are out of priority, the District and Authority will replace such out of priority storage in accordance with the following plan for augmentation and exchange: (a) Augmentation Plan. To permit the requested out of priority diversions, the District and Authority propose to either: (1) use the District's consumptive use credits described in paragraph 3(a) above in an amount up to 902 consumptive acre feet; (2) cause the release of or otherwise commit to the Colorado River up to 1,210.8 acre-feet of water per year from Wolford Mountain Reservoir and/or Ruedi Reservoir described in paragraph 3(b) above; (3) cause the release of or otherwise commit to the Eagle River up to 1,026 acre-feet of water per year from Eagle Park Reservoir described in paragraph 3(c) above; and (4) cause the release of or otherwise commit to the Eagle River up to 506.5 acre-feet of water per year from Homestake Reservoir described in paragraph 3(d) above, or a combination thereof, (b) Exchange Plan Reach and Rate: The District and Authority seek approval of a plan to augment by exchange out of priority diversions into Bolts Lake described in paragraph 2 above, when augmented by the water rights described in paragraph 3 above. (1) The downstream terminus of the exchange involving the District's historic consumptive use credits described in paragraph 3(a) shall be the confluence of Gore Creek and the Eagle River. (2) The downstream terminus of the exchange involving Wolford Mountain Reservoir water and Green Mountain Reservoir water is the confluence of the Colorado River and the Eagle River. (3) The downstream terminus of the exchange involving Ruedi Reservoir water is the confluence of the Roaring Fork River and the Colorado River. (4) The downstream terminus of the exchanges involving Eagle Park and Homestake Reservoir water shall be the confluence of Cross Creek and the Eagle River for the Cross Creek diversion points. (5) The upstream terminus of the subject exchanges are the diversions into Bolts Lake described in paragraph 2(c) above. The maximum rate of exchange is 50 cfs, conditional to the water rights and/or structures identified in paragraph 2 above. A map showing the subject exchange reaches, including Wolford Mountain Reservoir and Ruedi Reservoir, is attached hereto as Figure 4, (c) Priority Date: The Authority seeks a March 12, 2021 priority date in connection with the subject plan for exchange, (d) In Priority Diversions: The Authority shall have the right to divert the water right described in paragraph 2 whenever it is in priority. The sources of augmentation water described in paragraph 3 need only be utilized when the water right and structures described in paragraph 2 are out of priority. 5. Terms and Conditions: (a) So as to ensure proper operation of the subject plan for augmentation and exchange, the District and Authority will install and maintain such measuring devices and implement such accounting procedures as may be required by the State or Division Engineers to administer the terms of the decree entered in this case, (b) The proposed exchanges will only operate when in priority and will not operate when any intervening water right within the exchange reach that is senior to the priority of the exchanges places a call that is recognized and administered by the Division Engineer. The Division Engineer's administration of a call is a water matter subject to review by the Water Court. Nothing herein will change any measurement obligation, if any, of any other water user. 6. Name and Address of Owner of the Land Upon Which a New Diversion or Storage Structure or Modification to Any Existing Diversion or Storage Structure is or Will be Constructed or Upon Which Water is or Will be Stored, Including Any Modification to the Existing Storage Pool: Please see the attached Exhibit B. WHEREFORE, the District and Authority request that this Court enter a decree which: 1. Confirms the water right described in paragraph 2 above for the Bolts Lake and its alternate points of diversion; 2. Approves the plan for augmentation and exchange described in paragraph 4 above; and 3. Finds that as a result of the subject plan for augmentation and exchange, there will be no injury to any owner of or persons entitled to use water under a vested water right or decreed conditional water right. (13 pages + Exhibits)

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

**21CW3030 Div. 5. DISTRICT COURT, WATER DIVISION NO. 5, STATE OF COLORADO, 109 Eighth Street, Suite 104, Glenwood Springs, CO 81601. CONCERNING THE APPLICATION FOR WATER RIGHTS OF THE EAGLE RIVER WATER & SANITATION DISTRICT AND THE UPPER EAGLE REGIONAL WATER AUTHORITY IN EAGLE, GRAND AND PITKIN COUNTIES, COLORADO. APPLICATION FOR WATER RIGHTS AND APPROVAL OF PLAN FOR AUGMENTATION AND EXCHANGE.**

1. Name and Address of the Applicants: Eagle River Water & Sanitation District (“District”), Upper Eagle Regional Water Authority (“Authority”), c/o General Manager, 846 Forest Road, Vail, Colorado 81657, Copies of All Pleadings to: Kristin H. Moseley, Cassidy L. Woodard, Porzak Browning & Bushong LLP, 2120 13<sup>th</sup> Street, Boulder, Colorado 80302.

2. Description of the Water Rights to be Adjudicated and Augmented: (a) Points of Diversion: The following alternate points of diversion: (1) Bolts Eagle River Diversion No. 1 to be located on the west bank of the Eagle River in the NE<sup>1</sup>/<sub>4</sub> of the NE<sup>1</sup>/<sub>4</sub> of Section 11, Township 6 South, Range 81 West, 6<sup>th</sup> P.M. at a point 190 feet from the East section line and 610 feet from the North section line. A supplemental description for this location is the following UTM coordinates: UTM NAD 83 Zone 13N, Easting 379309, Northing 4378339, (2) Bolts Eagle River Diversion No. 2 to be located on or adjacent to the Eagle River in an unsurveyed portion of Eagle County that, when surveyed, will likely be in the NE<sup>1</sup>/<sub>4</sub> of the NE<sup>1</sup>/<sub>4</sub> of Section 11 of Township 6 South, Range 81 West, of the 6<sup>th</sup> P.M. Eagle County, Colorado, at a point 5,465 feet West of the line common to Range 80 and 81 West, and 7,265 feet South of the line common to Townships 5 and 6 South, (3) Bolts Eagle River Diversion No. 3 to be located on or adjacent to the Eagle River in an unsurveyed portion of Eagle County that, when surveyed, will likely be in the NW<sup>1</sup>/<sub>4</sub> of the SW<sup>1</sup>/<sub>4</sub> of Section 1 of Township 6 South, Range 81 West, of the 6<sup>th</sup> P.M. Eagle County, Colorado, at a point 4,000 feet from the North section line and 4,465 feet from the East section line, (4) Bolts Eagle River Diversion No. 4 to be located within a reach of the Eagle River within 500 feet downstream or upstream of a point in the NW<sup>1</sup>/<sub>4</sub> of the SW<sup>1</sup>/<sub>4</sub> of Section 1, Township 6 South, Range 81 West, of the 6<sup>th</sup> P.M., Eagle County, Colorado, at a point 473 feet east of the west section line and 2,408 feet north of the south section line, (5) Minturn Eagle River Diversion to be located within a reach of the Eagle River within 1,000 feet downstream or upstream of a point described as located in the SE<sup>1</sup>/<sub>4</sub> of the SW<sup>1</sup>/<sub>4</sub> of Section 36, Township 5 South, Range 81 West of the 6<sup>th</sup> P.M., at a point 1,328 feet from the South section line and 2,193 feet from the West section line. The Minturn Eagle River Diversion will be a surface diversion or a headgate well, (b) Sources: Eagle River, (c) Diversion Amounts: 2 c.f.s., conditional at any one or combination of the alternate points described above for diversion from the Eagle River, (d) Appropriation Date: March 12, 2021, conditional, (e) Claimed Uses: Municipal, domestic, irrigation (including watering of lawns, landscaping, parks and grounds), snowmaking, wetlands and habitat purposes, recreation, industrial, commercial, fire protection, construction, street sprinkling, piscatorial, augmentation, replacement, substitution and exchange, with the right for reuse and successive use to extinction. A map of the alternate points of diversion is attached as Figure 1.

3. Description of Decreed Water Rights to be Augmented: (a) The Minturn Municipal Diversion decreed to the Town of Minturn by the Water Court in and for Water Division No. 5 (“Water Court”) in the Corrected Decree in Case No. 07CW225, entered on November 11, 2011, *nunc pro tunc* October 5, 2010, with an appropriation date of December 19, 2007, for aesthetics, piscatorial, recreational, domestic, irrigation, commercial, industrial and municipal purposes at a diversion rate of 8 cfs conditional, at any one or combination of the following diversion points: (1) Minturn Water System Ditch, located at a point on the Westerly bank of Cross Creek from whence the section corner common to Sections 35 and 36 of Township 5 South, Range 81 West of the 6<sup>th</sup> P.M. bears North 38°43’20” East a distance of 2531.38 feet. A supplemental description for this location is the following GPS Coordinates: Lat. 39.561318 N, Long 106.419787 W, (2) Minturn Water System Ditch Diversion Structure No. 2: Located on the right (east) bank of Cross Creek at a point approximately 9,748 feet west of the line common to Range 80 and 81 West and 1,967 feet South of the line common to Townships 5 and 6 South of the 6<sup>th</sup> P.M. A supplemental description for this location is the following GPS Coordinates: Lat 39.561356 N. Long. 106.419239 W, (3) Bolts Ditch Headgate located at a point on Cross Creek from whence the SW corner of Section 35, Township 5 South, Range 81 West of the 6<sup>th</sup> P.M. bears North 28 degrees West 6,350 feet. The GPS coordinates for the point of diversion have been confirmed to be Lat. 39.550483 N, Long. 106.421317 W., including the following Bolts Ditch Headgate Alternate Points of Diversion decreed in Case No. 16CW3124: (i) Arminda Ditch Headgate: located on the east (right) bank of Cross Creek at a point whence the SW Corner of Section 36, Township 5 South, Range 81 West, 6<sup>th</sup> P.M., bears North 27°38’ East 2,718 feet, (ii) Bolts Ditch Pumpstation No. 1: located within 500 feet upstream or downstream of a point on the east (right) bank of Cross Creek that is approximately 9,178 feet west of the line common to Range 80 and 81 West and 4,001 feet South of the line common to Townships 5 and 6 South of the 6<sup>th</sup> P.M., (iii) Bolts Ditch Pumpstation No. 2: located within 500 feet upstream or downstream of a point on the east (right) bank of Cross Creek that is approximately 8,911 feet west of the line common to Range 80 and 81 West and 3,692 feet South of the line common to Townships 5 and 6 South of the 6<sup>th</sup> P.M., (4) Maloit Park Diversion Structure to be located within 500 feet upstream or downstream of a point on the right bank of Cross Creek that is approximately 9,131 feet west of the line common to Range 80 and 81 West and 1,238 feet south of the line common to Townships 5 and 6 South of the 6<sup>th</sup> P.M. in Eagle County, (5) Lower Cross Creek Diversion Structure to be located within 500 feet upstream or downstream of a point on the right bank of Cross Creek that is approximately 357 feet east of the west section line and 93 feet north of the south section line of Section 36, Township 5 South, Range 81 West of the 6<sup>th</sup> P.M. in Eagle County, (6)Minturn Well No. 3 Enlargement: Located in the NW<sup>1</sup>/<sub>4</sub> of the NW<sup>1</sup>/<sub>4</sub>, Section 2, Township 6 South, Range 81 West of the 6<sup>th</sup> P.M. at a point 950 feet from the North line and 1200 feet from the West line, (7) Minturn Well No. 4 Enlargement. Located in the SE<sup>1</sup>/<sub>4</sub> of the SE<sup>1</sup>/<sub>4</sub> of Section 35, Township 5 South, Range 81 West of the 6<sup>th</sup> P.M., at a point 66 feet from the South line and 430 feet from the East line, (b) The following water rights decreed by the Water Court to the Town of Minturn in Case No. 05CW263, with an appropriation date of December 20, 2005 for municipal purposes at a cumulative maximum rate of diversion of 2.5 c.f.s.: (1) Minturn Wellfield No. 1: in the alluvium within 100 feet on either side of a reach of Cross Creek commencing at a point described as 1,177 feet south and 1,440 feet west of the southwest corner of Section 36, Township 5 South, Range 81 West and continuing downstream along Cross Creek (100 feet on either side), to a point near the confluence of Cross Creek and the Eagle River described as 1,174 feet north and 1,965 feet east of the southwest corner of Section 36, Township 5 South, Ranch

81 West. Minturn Well Field No. 1 is located in areas where the Section lines, Township and Range have not been mapped by the United States Geological Service (“USGS”). Thus, the location of Well Field No. 1 is described above in terms of distances from the nearest mapped Section lines on the USGS Minturn Quadrangle map dated 1987. The Well Field No. 1 may also be described as beginning at a point with UTM coordinates approximately 378118 Easting and 4380283 Northing, and continuing downstream along Cross Creek to the confluence with the Eagle River with UTM coordinates approximately 379172 Easting and 4381014 Northing, (2)Minturn Well Field No. 2: in the alluvium within 100 feet on either side of a reach of the Eagle River commencing at a point described as 1,580 feet south and 1,727 feet west of the southeast corner of Section 36, Township 5 South, Range 81 West and continuing downstream along the Eagle River (100 feet on either side), to a point 7, 325 feet south and 2,677 feet west of the southeast corner of Section 36, Township 5 South, Ranch 81 West. Minturn Well Field No. 2 is located in areas where the Section lines, Township and Range have not been mapped by the USGS. Thus, the location of Well Field No. 2 is described above in terms of distances from the nearest mapped Section lines on the USGS Minturn Quadrangle map dated 1987. The Well Field No. 2 may also be described as beginning at a point with UTM coordinates approximately 379329 Easting and 4378407 Northing, and continuing downstream along the Eagle River to a point with UTM coordinates approximately 379652 Easting and 4380103 Northing. A map of the foregoing decreed diversion points is attached hereto as Figure 2. 4. Description of the Water Rights to be Used as the Source of Augmentation Water Directly or by Exchange: (a) 100 acre-feet of the 902 acre-feet of historic consumptive use water associated with the District’s historic irrigation water rights, described in Exhibit A. The historic consumptive use values of those rights were previously quantified by the Water Court in Case Nos. W-2256, W-2664, 79CW124 or 82CW328 and decreed for municipal, augmentation and other uses. The historic consumptive use values determined in Case Nos. W-2256, W-2664, and 79CW124 were established in those cases and are *res judicata* in this action as the Water Court ruled in its Order dated August 16, 1984. The monthly distribution of the availability of the 902 acre-feet of consumptive use credits is as follows: Maximum Annual Availability of Historic Consumptive Use Water (Units = Acre-feet)

Ditch	Decree	May	Jun	Jul	Aug	Sep	Oct	Total
Mann and 1 <sup>st</sup> Enl.	W-2256	3.1	11.3	9.9	6.5	6.5	2.7	40.0
Webb and 1 <sup>st</sup> Enl.	W-2256 & 79CW124	2.3	8.5	7.4	4.9	4.9	2.0	30.0
Larzalere and 1 <sup>st</sup> Enl.	W-2256	6.2	22.8	20.0	13.1	13.1	5.8	81.0
Frank Larzalere and 1 <sup>st</sup> Enl.	W-2256	1.4	5.1	4.4	2.9	2.9	1.3	18.0
Scoville	W-2256	1.7	6.2	5.4	3.6	3.6	1.5	22.0
Sawmill and 1 <sup>st</sup> Enl.	W-2256	7.5	27.4	24.0	15.7	15.7	6.7	97.0
Shively	W-2256	2.2	8.2	7.2	4.7	4.7	2.0	29.0
Sandstone and 1 <sup>st</sup> Enl.	W-2256	1.3	4.8	4.2	2.8	2.8	1.1	17.0
Park	W-2256	0.5	2.0	1.7	1.1	1.1	0.6	7.0
Spraddle	W-2256	2.4	8.7	7.7	5.0	5.0	2.2	31.0
Spraddle No. 2	W-2256	0.8	2.8	2.5	1.6	1.6	0.7	10.0
Katsos	W-2256	1.5	5.4	4.7	3.1	3.1	1.2	19.0
Katsos No. 2	W-2256	0.4	1.4	1.2	0.8	0.8	0.4	5.0
Black Gore	79CW124	3.4	12.5	10.9	7.2	7.2	3.0	44.2
Main Gore	79CW124	2.0	7.3	6.4	4.2	4.2	1.9	26.0
McMonagle	79CW124	1.2	4.5	3.9	2.6	2.6	1.0	15.8
Rose and 1 <sup>st</sup> Enl.	79CW124	0.4	1.6	1.4	0.9	0.9	0.6	5.8
Edward	79CW124	1.5	5.5	4.8	3.1	3.1	1.4	19.4
Mike	79CW124	1.5	5.5	4.8	3.2	3.2	1.4	19.6
Bryant Lower and 1 <sup>st</sup> Enl.	79CW124 & W-2664	13.8	50.6	44.4	29.1	29.1	12.6	179.6
Buffehr and Rose and 1 <sup>st</sup> Enl.	79CW124	5.3	19.4	17.0	11.1	11.1	4.9	68.8
Kiahtipes No. 1	79CW124	1.2	4.4	3.9	2.5	2.5	1.1	15.6
Kiahtipes No. 2	79CW124	2.0	7.3	6.4	4.2	4.2	1.9	26.0
Kiahtipes No. 3	79CW124	2.9	10.6	9.3	6.1	6.1	2.7	37.7
Kiahtipes No. 6	79CW124	0.5	1.8	1.6	1.1	1.1	0.4	6.5
Ruder No. 1 and 1 <sup>st</sup> Enl.	82CW328	2.4	8.7	7.7	5.0	5.0	2.2	31.0
TOTALS		69.4	254.3	222.8	146.1	146.1	63.3	902.0

(b) Up to 60 acre-feet of water per year under Contract Nos. CW02020, CW03005, CW08010 and CW08011 with the Colorado River Water Conservation District (the “Colorado River District”), 25 acre feet of this amount is controlled by the District, and 35 acre feet of this amount is controlled by the Authority. The above-listed contracts provide that water supplied will derive from either (1) Wolford Mountain Reservoir (as decreed for storage by the Colorado River District in Case Nos. 87CW23, 95CW284, and 98CW237 or additional storage water right decrees that may be obtained by the Colorado River District in the future); or (2) the Colorado River District’s contractual rights to water deliveries from Ruedi Reservoir (further described below). Contract Nos. CW08010 and 08011 also provide that water supplied under such contracts may also derive from other supplies that the Colorado River District may acquire

suitable for use in its Water Marketing Program. Wolford Mountain Reservoir is decreed as follows: (1) Case No. 87CW283: Date: November 20, 1989, Legal description of point of diversion or place of storage: The dam is located in the SW<sup>1</sup>/<sub>4</sub> of the NE<sup>1</sup>/<sub>4</sub> of Section 25, T. 2 N., R. 81 W., 6th P.M. The intersection of the dam axis with the right abutment will occur at a point which bears S. 54°54'20" E. a distance of 3,716.46 feet from the NW Corner of said Section 25, Source: Muddy Creek and its tributaries, Amount: 59,993 acre feet conditional; of this amount, 32,986 acre feet have been made absolute for piscatorial and recreational uses by decree entered in Water Court Case No. 95CW281, Appropriation Date: December 14, 1987, Decreed Use: All beneficial uses, including but not limited to domestic, municipal, agricultural and recreational uses, (2) Case No. 95CW281: Date: August 26, 1997, Legal description of point of diversion or place of storage: The dam is located in the SW<sup>1</sup>/<sub>4</sub> of the NE<sup>1</sup>/<sub>4</sub> of Section 25, T. 2 N., R. 81 W., 6th P.M. The as-built intersection of the dam axis (Sta. D19+35.61) with the West Access Road (Sta. WR50+55.05), as shown on the Colorado River Water Conservation District, Wolford Mountain Project, Ritschard Dam construction drawing "Dimensional Dam Layout" sheet 8 of 94, occurs at a point which bears S. 53°24'56" E. a distance of 3,395.51 feet from the NW Corner of said Section 25; the bearing of said dam axis from Sta. 19+35.61 to Sta. 0+00 being S. 75° 28' 29" E., Source: Muddy Creek and its tributaries, Amount: 6,000 acre feet conditional, Appropriation Date: January 16, 1995, Decreed Use: All beneficial uses by and for the benefit of the inhabitants of the Colorado River Water Conservation District, including but not limited to domestic, municipal, industrial, irrigation, agricultural, piscatorial and recreational; such uses will include environmental mitigation, including environmental mitigation requirements associated with the Wolford Mountain Project; such uses will be made directly or by substitution, augmentation, or exchange, (3) Case No. 98CW237: Decree Date: July 6, 2000, Legal Description of place of storage: Same as for 95CW281, Source: Muddy Creek and its tributaries, Amount: 30,000 acre feet conditional with 15,895 AF being absolute for recreational and piscatorial and flood control, Appropriation Date: November 17, 1998, Use: Certain of the beneficial uses previously adjudicated for Wolford Mountain Reservoir in Case No. 87CW283, District Court for Colorado Water Division No. 5 (November 20, 1989 Judgment and Decree), and Case No. 95CW281, District Court for Colorado Water Division No. 5 (August 26, 1997 Judgment and Decree). The Colorado River District holds Contracts No. 009D6C0111, 009D6C0118, 039F6C0011, and 078D6C0106 from the United States Bureau of Reclamation for 6,730 acre feet of annual supply from Ruedi Reservoir and may obtain additional contracts in the future. Ruedi Reservoir is located in Sections 7, 8, 9, 11 and 14 through 18, T. 8 S., R. 84 W., 6th P.M., in Eagle and Pitkin Counties. The dam axis intersects the right abutment at a point whence the SW corner of Section 7, T. 8 S., R. 84 W. of the 6th P.M. bears N. 82°10'W. a distance of 1,285 feet. The source is the Fryingpan River. Ruedi Reservoir is decreed as follows: (1) Civil Action No. 4613: Decree Date: June 20, 1958, Court: Garfield County District Court, Amount: 140,697.3 acre feet, reduced to 102,369 acre feet pursuant to order of the Water Court in Case No. W-789-76. The full amount was made absolute in Case No. 88CW85. Appropriation Date: July 29, 1957, Use: Domestic, municipal, irrigation, industrial, generation of electrical energy, stock watering and piscatorial, (2) Case No. 81CW34: Decree Date: April 8, 1985, Court: District Court, Water Div. No. 5., Amount: 101,280 acre feet (refill); of this amount, 44,509 acre feet were made absolute in Case No. 95CW95 and 25,257 acre feet were made absolute in Case No. 01CW269, for a total of 69,766 acre feet absolute, Appropriation Date: Jan. 22, 1981, Use: Irrigation, domestic, municipal, generation of electrical energy, stock watering, industrial, piscatorial, recreation and maintenance of sufficient storage reserves to fulfill contractual obligations and provide stored water for recreation in times of drought, (c) Up to 100 acre-feet of water per year from Eagle Park Reservoir. Eagle Park Reservoir is decreed by the Water Court in Case Nos. 92CW340 and 93CW301 for a combined total capacity of 27,600 acre feet, with an appropriation date of March 16, 1991, for 5,300 acre feet, and May 18, 1993, for 22,300 acre feet, together with the right to divert at the rate of 80 cfs under the August 10, 1956 appropriation date of the Pando Feeder Canal pursuant to the decree of the Water Court in Case No. 97CW288, for mining, milling, industrial, snowmaking, municipal, domestic, stock watering, recreation, fish and wildlife, irrigation, agricultural, exchange, replacement, augmentation and all other beneficial purposes. The north abutment of the dam crest is located approximately 160 feet north of the south section line and 650 feet east of the west section line of Section 28, T. 7 S., R. 79 W., 6th P.M., Eagle County, Colorado. Eagle Park Reservoir is augmented by exchange by decree of the Water Court in Case No. 95CW348. Eagle Park Reservoir Company has made absolute 3,148 acre-feet of the original 5,300 acre-feet by decree of the Water Court entered in Case No. 00CW210. The source of Eagle Park Reservoir is the East Fork of the Eagle River including runoff, surface flow and seepage from the area above the reservoir and tributary thereto, and water tributary to Tenmile Creek a tributary of the Blue River. In addition to the tributary area upstream of the reservoir, the specific points of diversion into storage for Eagle Park Reservoir are as follows: (1) The East Fork Interceptor Ditch, which has a capacity of 48 cfs and diverts from unnamed tributaries of the East Fork of the Eagle River at the following points, all of which are located in Eagle County, Colorado: (i) 900 feet south of the north section line and 1100 feet west of the east section line of Section 5, T. 8 S., R. 79 W., 6th P.M., (ii) 1250 feet south of the north section line and 700 feet east of the west section line of Section 4, T. 8 S., R. 79 W., 6th P.M., (iii) 1200 feet north of the south section line and 800 feet east of the west section line of Section 33, T. 7 S., R. 79 W., 6th P.M., (iv) Runoff, surface flow, and seepage from the area above the East Fork Interceptor Ditch as it runs between the above-described points of diversion and Eagle Park Reservoir, (2) The Chalk Mountain Interceptor Ditch, which has a capacity of 12 cfs and diverts runoff and seepage as it runs a distance of approximately 3.4 miles from Fremont Pass, located in the W<sup>1</sup>/<sub>2</sub> of Section 11, T. 8 S., R. 79 W., 6th P.M., northwesterly along State Highway 91 and the South side of Robinson Tailing Pond, thence westerly to the south of Chalk Mountain Reservoir and Robinson Reservoir, thence northwesterly to Eagle Park Reservoir. The Chalk Mountain Interceptor Ditch diverts water from the headwaters of Tenmile Creek in Summit County and from the headwaters of the East Fork of the Eagle River in Eagle County, (3) The East Interceptor Ditch, which has a capacity of 20 cfs and runs northeasterly from a point whence the northeast corner of Section 2, T. 8 S., R. 79 W., 6th P.M. bears North 77°20' East a distance of 850 feet at the north fork of McNulty Creek, thence along the east side of Robinson and Tenmile Tailing Ponds into Supply Canal No. 1 described below. The East Interceptor Ditch diverts water from the north fork of McNulty Creek and surface flow, seepage, and runoff from watersheds above it that are tributary to Tenmile Creek, (4) The Supply Canal No. 1, which has a capacity of 10 cfs and diverts water from the following

tributaries of Tenmile Creek at the following points: (i) On the west bank of Humbug Creek at a point whence the southwest corner of Section 18, T. 7 S., R. 78 W. bears South 71°35' West a distance of 3250 feet, (ii) On the south bank of Mayflower Creek at a point whence the northeast corner of Section 24, T. 7 S., R. 79 W., 6th P.M. bears North 16°55' East a distance of 2250 feet, (iii) Runoff, surface flow, and seepage from the area above the Supply Canal No. 1 as it runs between the above-described points of diversion and the Climax Mill, (5) The Supply Canal No. 2, which has a capacity of 10 cfs and diverts water from the following tributaries of Tenmile Creek at the following points: (i) On the west bank of Searle Creek at a point whence U.S.L.M. Kokomo bears South 45°58' East 3740 feet (located in the NW¼ of the SE¼ of Section 13, T. 7 S., R. 79 W., 6th P.M.), (ii) On the south bank of Kokomo Creek at a point whence U.S.L.M. Kokomo bears North 39°36' east 2635 feet (located in the SE¼ of Section 22, T. 7 S., R. 79 W., 6th P.M.), (iii) Runoff, surface flow, and seepage from the area above the Supply Canal No. 2 as it runs between the above-described points of diversion and the Climax Mill, (6) The East Fork Pumping Plant, which has a capacity of 6 cfs and diverts from the East Fork of the Eagle River at a point in the SE¼ NE¼ of Section 32, T. 7 S., R. 79 W., 6th P.M. at a point whence the NE corner of said Section 32 bears N. 31°53' E. a distance of 2414 feet. The East Fork Pumping Plant is augmented by exchange by decree of the Water Court in Case No. 03CW211, (d) Up to 100 acre-feet of water per year from Homestake Reservoir. The right to the annual release of this Homestake Reservoir water is obtained pursuant to the 2004 Water Exchange Agreement dated June 21, 2004, among the City of Aurora, the Eagle Park Reservoir Company, the Colorado River Water Conservation District, the Authority, the District, and Vail Associates, Inc., as modified by the Consolidated Water Exchange Agreement dated as of January 5, 2010, among the Cities of Aurora and Colorado Springs and the Eagle Park Reservoir Company, the Colorado River Water Conservation District, the Authority, the District, and Vail Associates, Inc. Homestake Reservoir, also known as Elliott-Weers Reservoir, was decreed by the Eagle County District Court in Civil Action No. 1193 for 83,338.98 acre feet conditional, 43,504.7 acre feet of which is now absolute. This reservoir is located on Homestake Creek with a dam being located whence the NW Corner of Section 31, T. 7 S., R. 80 W., 6th P.M. bears N. 58°30.6' E. 24,659 feet from the East dam abutment and N. 62°25.8' E. 25,746 feet from the West dam abutment. The sources of supply of said reservoir are the East Fork of Homestake Creek, the Middle Fork of Homestake Creek and Homestake Creek, (e) Up to 100 acre-feet of water per year from Bolts Lake, the application for which is pending in Water Court Case No. 21CW3029, (1) Legal Description for Bolts Lake: the existing off-channel reservoir is located in Homestead Entry Survey No. 40, Homestead Entry No. 021, containing a portion of the W½ of Section 1 and the E½ of Section 2, Township 6 South, Range 81 West of the 6th P.M. Eagle County, Colorado, and in Homestead Entry Survey No. 41, Homestead Entry No. 022, containing a portion of the SW¼ of Section 1, S½ of Section 2, N½ of Section 11 and NW¼ of Section 12, Township 6 South, Range 81 West of the 6th P.M., Eagle County, Colorado. The enlarged Bolts Lake will be located in the E½ of Section 2, Township 6 South, Range 81 West and the W½ of Section 1, Township 6 South, Range 81 West of the 6th P.M., Eagle County, Colorado. All section and portions are projected, as this area is unsurveyed, (2) The approximate coordinates of the center of the proposed Bolts Lake dam is Lat. 39d 33m 22.828s N, Long. 106d 24m 11.831s W, (3) Water will be diverted at the following alternate points of diversion on Eagle River and Cross Creek to fill Bolts Lake: (i) Bolts Eagle River Diversion No. 1 to be located on the west bank of the Eagle River in the NE¼ of the NE¼ of Section 11, Township 6 South, Range 81 West, 6th P.M. at a point 190 feet from the East section line and 610 feet from the North section line. A supplemental description for this location is the following UTM coordinates: UTM NAD 83 Zone 13N, Easting 379309, Northing 4378339, (ii) Bolts Eagle River Diversion No. 2 to be located on or adjacent to the Eagle River in an unsurveyed portion of Eagle County that, when surveyed, will likely be in the NE¼ of NE¼ of Section 11 of Township 6 South, Range 81 West, of the 6th P.M. Eagle County, Colorado, at a point 5,465 feet West of the line common to Range 80 and 81 West, and 7,265 feet South of the line common to Townships 5 and 6 South, (iii) Bolts Eagle River Diversion No. 3 to be located on or adjacent to the Eagle River in an unsurveyed portion of Eagle County that, when surveyed, will likely be in the NW¼ of SW¼ of Section 1 of Township 6 South, Range 81 West, of the 6th P.M. Eagle County, Colorado, at a point 4,000 feet from the North section line and 4,465 feet from the East section line, (iv) Bolts Ditch Headgate located at a point on Cross Creek from whence the SW corner of Section 35, Township 5 South, Range 81 West of the 6th P.M. bears North 28 degrees West 6,350 feet. The GPS coordinates for the point of diversion have been confirmed to be Lat. 39.550483 N, Long. 106.421317 W, (v) Bolts Ditch Headgate Alternate Diversion Points located as follows: (A) Arminda Ditch Headgate: located on the east (right) bank of Cross Creek at a point whence the SW Corner of Section 36, Township 5 South, Range 81 West, 6th P.M., bears North 27°38' East 2,718 feet, (B) Bolts Ditch Pumpstation No. 1: located within 500 feet upstream or downstream of a point on the east (right) bank of Cross Creek that is approximately 9,178 feet west of the line common to Range 80 and 81 West and 4,001 feet South of the line common to Townships 5 and 6 South of the 6th P.M., (C) Bolts Ditch Pumpstation No. 2: located within 500 feet upstream or downstream of a point on the east (right) bank of Cross Creek that is approximately 8,911 feet west of the line common to Range 80 and 81 West and 3,692 feet South of the line common to Townships 5 and 6 South of the 6th P.M., (vi) Maloit Park Diversion Structure to be located within 500 feet upstream or downstream of a point on the right bank of Cross Creek that is approximately 9,131 feet west of the line common to Range 80 and 81 West and 1,238 feet south of the line common to Townships 5 and 6 South of the 6th P.M. in Eagle County, (vii) Lower Cross Creek Diversion Structure to be located within 500 feet upstream or downstream of a point on the right bank of Cross Creek that is approximately 357 feet east of the west section line and 93 feet north of the south section line of Section 36, Township 5 South, Range 81 West of the 6th P.M. in Eagle County, (4) Sources: Eagle River and Cross Creek, a tributary of the Eagle River, (5) Diversion rates to fill Bolts Lake: 30 cfs, conditional at any one or combination of the alternate points described above for diversions from Cross Creek; 50 cfs, conditional at any one or combination of the alternate points described above for diversion from the Eagle River, (6) Appropriation Date: March 12, 2021, (7) Amount: 1,210 acre-feet, conditional, together with the right to refill in the amount of 1,210 acre feet, (8) Claimed Uses: Municipal, domestic, irrigation (including watering of lawns, landscaping, parks and grounds), snowmaking, wetlands and habitat purposes, recreation, industrial, commercial, fire protection, construction, street sprinkling, piscatorial, augmentation, replacement, substitution and exchange, with the right for reuse and successive use to extinction. 5. Description of the Plan for Augmentation and

Exchange: By this application, the District and the Authority seek approval of this plan for augmentation, including exchange, to replace all out-of-priority depletions associated with the diversion of the water rights described in paragraphs 2 and 3 above on a year-round basis up to a maximum of 153 consumptive acre-feet for use at the Battle Mountain development and within the Town of Minturn service area (as it may expand over time). A map including the location of the Battle Mountain development and showing the Town of Minturn current and anticipated water service area is attached hereto as Figure 3. At times when such depletions are out of priority, the District and Authority will replace such out of priority depletions in accordance with the following plan for augmentation and exchange: (a) Augmentation Plan. To permit the requested out of priority depletions, the District and Authority propose to either: (1) use the District's consumptive use credits described in paragraph 4(a) above in an amount up to 100 consumptive acre feet; (2) cause the release of or otherwise commit to the Colorado River up to 60 acre-feet of water per year from Wolford Mountain Reservoir and/or Ruedi Reservoir described in paragraph 4(b) above; (3) cause the release of or otherwise commit to the Eagle River up to 100 acre-feet of water per year from Eagle Park Reservoir described in paragraph 4(c) above; (4) cause the release of or otherwise commit to the Eagle River up to 100 acre-feet of water per year from Homestake Reservoir described in paragraph 4(d) above; (5) cause the release of or otherwise commit to the Eagle River up to 100 acre-feet of water per year from Bolts Lake described in paragraph 4(e) above, or a combination thereof, (b) Consumptive Use Assumptions: For purposes of determining the consumptive use resulting from the out-of-priority diversions augmented herein, the following assumptions shall be used: (1) The consumptive use of in-building municipal diversions shall be 5%, (2) The consumptive use of lawn irrigation diversions shall be 85%, (c) Exchange Plan Reach and Rate: The District and Authority seek approval of a plan to augment by exchange out of priority depletions from the water rights described in paragraphs 2 and 3 above, when augmented by the water rights described in paragraph 4 above. (1) The downstream terminus of the exchange involving the District's historic consumptive use credits described in paragraph 4(a) shall be the confluence of Gore Creek and the Eagle River. (2) The downstream terminus of the exchange involving Wolford Mountain Reservoir water is the confluence of the Colorado River and the Eagle River. (3) The downstream terminus of the exchange involving Ruedi Reservoir water is the confluence of the Roaring Fork River and the Colorado River. (4) The downstream terminus of the exchanges involving Eagle Park and Homestake Reservoir water shall be the confluence of Cross Creek and the Eagle River for the Cross Creek diversion points, described in paragraph 3. (5) The upstream terminus of the subject exchanges are the points of diversion described in paragraphs 2(a)(1) and 3(a)(3) above. The maximum rate of the exchange is 2 cfs, conditional, to the water rights and/or structures identified in paragraph 2 and 3 above. A map showing the subject exchange reaches, including Wolford Mountain Reservoir and Ruedi Reservoir, is attached hereto as Figure 4, (d) Priority Date: The District and Authority seek a March 12, 2021 priority date in connection with the subject plan for exchange, (e) In Priority Diversions: The water rights described above in paragraphs 2 and 3 shall be entitled to divert whenever in priority. The sources of augmentation and exchange water described in paragraph 4 need only be utilized when the water right and structures described in paragraphs 2 and 3 are out of priority, (f) Point of Augmentation Water Replacement. The District and Authority will provide replacement of depletions at or above the point of a senior calling right, (g) Return Flows: In-building wastewater will be centrally collected and treated at wastewater treatment plants in Avon and Edwards. Return flows from irrigation use will accrue to the Eagle River, (h) Reuse of Replacement Supplies: The District and Authority retain the right to reuse of all replacement augmentation supplies exceeding depletions that accrue at or below the Avon Wastewater Treatment Plant resulting from the water rights being augmented herein. Such reuse shall occur throughout the District's and Authority's service areas, as those service areas may expand from time to time. The District's current service area is depicted and described on the attached Figure 5, and the Authority's current service area is depicted and described on the attached Figure 6. 6. Terms and Conditions: (a) So as to ensure proper operation of the subject plan for augmentation and exchange, the District and Authority will install and maintain such measuring devices and implement such accounting procedures as may be required by the State or Division Engineers to administer the terms of the decree entered in this case, (b) The proposed exchanges will only operate when in priority and will not operate when any intervening water right within the exchange reach that is senior to the priority of the exchanges places a call that is recognized and administered by the Division Engineer. The Division Engineer's administration of a call is a water matter subject to review by the Water Court. Nothing herein will change any measurement obligation, if any, of any other water user. 7. Name and Address of Owner of the Land Upon Which a New Diversion or Storage Structure or Modification to Any Existing Diversion or Storage Structure is or Will be Constructed or Upon Which Water is or Will be Stored, Including Any Modification to the Existing Storage Pool: Please see the attached Exhibit B. WHEREFORE, the District and Authority request that this Court enter a decree which: 1. Confirms the conditional water rights described in paragraph 2 above; 2. Approves the plan for augmentation and exchange described in paragraph 5 above; and 3. Finds that as a result of the subject plan for augmentation and exchange, there will be no injury to any owner of or persons entitled to use water under a vested water right or decreed conditional water right.(17 pages + Exhibits)

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

**21CW3031** Gold Medal Ranch LLC, P.O. Box 25, Winter Park, CO 80482. c/o Joseph Dischinger, Fairfield and Woods, P.C., 1801 California Street, Suite 2600, Denver, CO 80202. Application for Groundwater Rights, Plan for Augmentation, and Appropriative Rights of Exchange in **GRAND COUNTY**. Applicant, Gold Medal Ranch, LLC (“Gold Medal”) seeks water rights to offset depletions caused by a groundwater well used for domestic purposes associated with a single family residence. 1. **Conditional Groundwater Rights**. 1.1. **Name of Well**: Elk Creek Vista Well. The parcel where the well will be located is described and depicted on the map attached as Figure 1. This well will be located in the SW¼ NE¼ of Section 30, Township 1 South, Range 75 West of the 6th P.M. The well may be located anywhere on the lot depicted in Figure 1. 1.2. **Source of Water**: Groundwater tributary to Elk Creek, tributary to the Fraser River and the Colorado River. 1.3. **Appropriation Date**: March 18, 2021. 1.4. **Annual Diversions**: 0.9 acre-feet per year. 1.5. **Uses**: Domestic use in a single-family house with caretaker’s quarters, hot tub, 1,000 square feet of landscape irrigation, and fire protection. 1.6. **Rate of Diversion**: 15 g.p.m. 2. **Plan for Augmentation**. 2.1. **Augmented Structure**: Elk Creek Vista Well. 2.2. **Diversions, Depletions, and Return Flows**: Depletions from the Elk Creek Vista Well will be limited to 0.2 acre-feet per year. Indoor use is estimated to be 0.78 acre-feet per year, and all outdoor uses (irrigation and hot tub) are estimated to be 0.12 acre-feet per year. Return flows from indoor use will be returned to Elk Creek through an onsite septic leach field, with return flows calculated at 90 percent of indoor use. Hot tub use is estimated to be 0.08 acre feet per year with no return flows (100 percent consumptive). Irrigation demand is estimated to be 0.04 acre-feet per year based on an estimated area of 1000 square feet of irrigation with return flows at twenty percent of diversions. Irrigation depletions are calculated to be 0.033 acre-feet per year. 2.3. Pumping the Elk Creek Vista Well creates lagged depletions that accrue to Elk Creek, and return flows from the on-site septic system and irrigation are returned to Elk Creek. 2.4. **Sources of Replacement Water**: 2.4.1. **Middle Park Water Conservancy District Water Allotment Contract**. Applicant has been approved for a Water Allotment Contract with the Middle Park Water Conservancy District (“MPWCD”) for 0.25 acre-feet per year (the “MPWCD Contract”). The augmentation water available under the MPWCD Contract is more specifically described as follows: 2.4.1.1. Windy Gap Water Rights Stored in Granby Reservoir. The MPWCD Contract represents a portion of the 3,000 acre-feet produced from the Municipal Subdistrict, Northern Colorado Water Conservancy District available under the Windy Gap water rights. Granby Reservoir is located upstream of the confluence of the Fraser and Colorado Rivers, on the Colorado River, Grand County, Colorado and its outlet is located in NE1/4 SE1/4, Section 11, T2N, R76W, 6<sup>th</sup> P.M., approximately 2,588 feet from South section line and 391 feet from East section line. The Windy Gap water rights were decreed in C.A. 1768, Grand County District Court, and W-4001, 80CW108, District Court, Water Division 5. Subsequent decrees include Case Nos. 88CW169, 88CW170, 88CW171, 89CW298, 84CW110, 84CW111, 84CW112, 95CW033, 01CW203, and 08CW92. 3.4.1.2. Wolford Mountain Reservoir. Applicant may utilize water stored in Wolford Mountain Reservoir, located in the SW1/4 NE1/4 of Section 25, T2N, R81W of the 6<sup>th</sup> P.M. in Grand County Colorado. The water is a portion of the storage right located at Wolford Mountain Reservoir, as adjudicated in Case No. 87CW283, decree entered November 20, 1989, District Court, Water Division 5. Wolford Mountain Reservoir is located on Muddy Creek. 2.4.2. The Elk Creek Vista Appropriative Rights of Exchange Nos. 1 and 2, decreed herein. 2.5 **Augmentation Plan Operation**: Augmentation water will be released from Granby Reservoir and/or Wolford Mountain Reservoir to replace up to 0.2 acre-feet of out-of-priority depletions to the Colorado River system caused by Applicant’s diversions, in accordance with Applicant’s MPWCD Contracts, the Elk Creek Vista Appropriative Rights of Exchange Nos. 1 and 2, or as otherwise allowed based on additional or alternative augmentation supplies Applicant may acquire. 3. **Appropriative Rights of Exchange**. 3.1. **Elk Creek Vista Exchange No. 1**. 3.1.1. **Upstream Termini (Exchange to Point)**. The location of depletions of the Elk Creek Vista Well on Elk Creek, located in the SW ¼ NE ¼, Sec. 30, T1S, R75W, 6th P.M., Grand County, Colorado, approximately, 1630 ft. west of the east section line and 2630 ft. south of the north section line of section 30. Northing: 4420327m, Easting 43088m (NAD83 UTM Zone 13N). 3.1.2. **Downstream Termini (Exchange From Point)**. Confluence of the Colorado and Fraser Rivers, located in the SW1/4 SW1/4 of Section 25, T2N, R77W, 6th P.M. Grand County, Colorado. 3.1.3. **Description of Exchange**. Water released from the outlet of Granby Reservoir will flow down the Colorado River to its confluence with the Fraser River, then be exchanged upstream to the confluence of the Fraser River with Elk Creek, then upstream on Elk Creek to approximately the SW ¼ NE ¼, Sec. 30, T1S, R75W, 6th P.M., Grand County, Colorado to the location of depletions from pumping the Elk Creek Vista Well, as depicted on Figure 2. 3.1.4. **Source of replacement water**: Described in paragraph 2.4. 3.1.5. **Date of appropriation**: March 18, 2021, the date of filing this Application. 3.1.6. **Amount**: 0.1 c.f.s., conditional. 3.1.7. **Maximum exchange volume**: 0.25 acre-feet per year. 3.1.8. **Use**: Augmentation. 3.2 **Elk Creek Vista Exchange No. 2**: 3.2.1. **Upstream Termini (Exchange to Point)**. The location of depletions of the Elk Creek Vista Well on Elk Creek, located in the SW ¼ NE ¼, Sec. 30, T1S, R75W, 6th P.M., Grand County, Colorado, approximately, 1630 ft. west of the east section line and 2630 ft. south of the north section line of section 30. Northing: 4420327m, Easting 43088m (NAD83 UTM Zone 13N). 3.2.2. **Downstream Termini (Exchange from Point)**. Confluence of Muddy Creek and the Colorado River, located in the NW1/4 NE1/4 of Section 19, T1N, R80W, 6th P.M. Grand County, Colorado. 3.2.3. **Description of Exchange**: Water released from the outlet of the Wolford Mountain Reservoir will flow down Muddy Creek to its confluence with the Colorado River, then be exchanged upstream on the Colorado River to its confluence with the Fraser River, then upstream to the confluence of the Fraser River with Elk Creek, then upstream on Elk Creek to approximately the SW ¼ NE ¼, Sec. 30, T1S, R75W, 6th P.M., Grand County, Colorado, approximately, 1630 ft. west of the east section line and 2630 ft. south of the north section line of section 30. Northing: 4420327m, Easting 43088m (NAD83 UTM Zone 13N), and depicted on Figure 2. 3.2.4. **Source of replacement water**: Described in paragraph 2.4. 3.2.5. **Date of Appropriation**: March 18, 2021, the date of filing this Application. 3.2.6. **Amount**: 0.1 c.f.s., conditional. 3.2.7. **Maximum exchange volume**: 0.25 acre-feet per year. 3.2.8. **Use**: Augmentation. 4. **Name and Address of the Owner of the Land Upon Which Structures are Located**: 4.1. Applicant owns the land upon which the Elk Creek Vista Well will be located.

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

**21CW3032 GRAND COUNTY.** Shores of Shadow Mountain Homeowners Association, Inc. c/o Ralph Fitch, President, P.O. Box 1260, Grand Lake, CO 80447. Applicant is represented by Kent Whitmer and Katie Randall, The Whitmer Law Firm, LLC, P.O. Box 38, Hot Sulphur Springs, CO 80451, (970) 725-3460. APPLICATION FOR FINDING OF REASONABLE DILIGENCE. Name of Structures for Underground Water Rights: Shore Well Nos. 1-10. Source: Groundwater tributary to Shadow Mountain Reservoir, tributary to the Colorado River. Legal Description: Shore Well No. 1 is located in the SW1/4 NE1/4 of Section 24, Township 3 North, Range 76 West of the 6<sup>th</sup> P.M., a distance of 1956 feet from the North line of said Section 24 and 1947 feet from the East line of said Section 24. Shore Well Nos. 2-10 have not yet been drilled, but will be located within the Subdivision, as indicated in the map attached to the Application. Depth: Shore Well No. 1: 60 feet. Shore Well Nos. 2-10 have not yet been drilled. Uses: Domestic uses within 54 dwelling units, irrigation, reverse osmosis water treatment and fire protection, as described in 99CW288 and 01CW39. All irrigation use happens within the boundaries of the Subdivision. Type of Structure: Wells. Amount: Shore Well No 1: 25 g.p.m. per minute ("g.p.m.") conditional, 25 g.p.m. absolute. Shore Well Nos. 2-10: 50 g.p.m. per well, conditional. Shore Well Nos. 1-10 are limited to a total combined demand of 25.94 acre-feet per year ("af/yr"). Conditional Appropriative Right of Exchange: Shadow Mountain Central Water Supply System Exchange. Exchange Reach: Upstream Termini: the points of diversion for Shore Well Nos. 1-10. Presently, only Shore Well No. 1 is in operation. Until such time as the Applicant drills additional wells, the upstream terminus shall be the point of diversion for Shore Well No. 1, as set forth above. Downstream Terminus: Colorado River to a point where releases from Wolford Mountain Reservoir meet the Colorado River (confluence of Muddy Creek with the Colorado River). 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 6<sup>th</sup> 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. Exchange Amount: 0.0014 cubic feet per second ("c.f.s."), annual depletions of 1.01 af/yr, absolute. 0.0011 c.f.s., annual depletions of 0.79 af/yr, conditional. Source of Exchange Water: The subject water rights will operate pursuant to the plan for augmentation decreed in Case No 99CW288, as amended by 01CW39. Augmentation will be provided by Granby Reservoir or Wolford Mountain Reservoir. Appropriation Date for Wells and Exchange: November 30, 1999. Decrees: Case No. 99CW288, dated July 6, 2000, as amended by Case No. 01CW39, dated July 30, 2001; Case No. 06CW164, dated October 9, 2008; Case No. 14CW3111, dated March 22, 2015; all in Water Court Division No. 5. Additional Information: The previous decrees set 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 MAY 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 MARCH 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.***

**21CW3033 GARFIELD COUNTY. COLORADO AND ROARING FORK RIVERS.** Application for Change of Water Right to Correct Decreed Location. Applicant: Susan J. Rudd c/o Balcomb & Green, P.C., P.O. Drawer 790, Glenwood Springs, CO 81602; 970-945-6546. Structure: Patton Well No. 1. Original decree: Case No. 84CW385, Water Div. 5. Subsequent diligence decrees: Case Nos. 07CW115, 14CW3075, Water Div. 5. Legal description: Lot A of the Shultz Subdivision, Sec. 32, T7S, R87W of 6<sup>th</sup> P.M. at a point 2,850 ft. N. of the S. line and 1,650 ft. W. of the E. line of said Sec. 32. Source: Roaring Fork River, trib. to Colorado River. Date of appropriation: 11/26/1984. Decreed amount: 0.033 c.f.s. (15 g.p.m.), conditional. Use: Dom. for single-family dwelling, watering of dom. animals, fire protection, and lawn and garden irr. of up to 2,000 s.f. Depth of well: Approx. 38 feet. Well Permit No.: 041847-F. Claim for change of water right: Applicant requests a change in the decreed point of diversion for the Patton Well No. 1 to conform to the structure's actual location. The actual location is 219 ft. from the decreed location, (see map attached as Ex. A to the App). Applicant also filed a well permit app. with the Div. of Water Resources to relocate the well in conformance with C.R.S. § 37-90-137(2)(b)(II)(C). A copy of the permit app. is attached as Ex. B. to the App. Actual location: Lot A of the Shultz Subdivision, Sec. 32, T7S, R87W, 6<sup>th</sup>

P.M. at a point 2,694 feet N. of the S. line and 1,470 feet W. of the E. line of said Sec. 32. Owner of the land upon which the existing structure is located: Applicant. (Pgs. 3 Exhibits 2.)

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

**21CW3034 GARFIELD COUNTY. COLORADO AND ROARING FORK RIVERS.** Application for Finding of Reasonable Diligence and Confirm Absolute, in Part. Applicant: Susan J. Rudd c/o Balcomb & Green, P.C., P.O. Drawer 790, Glenwood Springs, CO 81602; 970-945-6546. Structure: Patton Well No. 1. Original decree: Case No. 84CW385, Water Div. 5. Subsequent diligence decrees: Case Nos. 07CW115 and Case No. 14CW3075, Water Div. 5. Legal description: Lot A of the Shultz Subdivision, Sec. 32, T7S, R87W of 6th P.M. at a point 2,850 ft. N. of the S. line and 1,650 ft. W. of the E. line of said Sec. 32. Source: Roaring Fork River, trib. to Colorado River. Date of appropriation: 11/26/1984. Decreed amount: 0.033 c.f.s. (15 g.p.m.), conditional. Use: Dom. for single-family dwelling, watering of dom. animals, fire protection, and lawn and garden irr. of up to 2,000 s.f. Depth of well: approx. 38 ft. Well Permit No.: 041847-F. Owner of the land upon which the existing structure is located: Applicant. Diligence Claim. Applicant's diligence activities are listed in the App. on file with the Court. Absolute Claim: 12 g.p.m., absolute for watering of dom. animals, lawn and garden irr., and fire protection. Amount and uses remaining conditional: 3 g.p.m. for watering of dom. animals, fire protection, lawn and garden irr. of up to 2,000 s.f.; 15 g.p.m. for dom. use for single-family dwelling. Date of beneficial use: 06/05/2019. Applicant submitted evidence in support of the absolute claim with the App. Place of use: Lot A of the Shultz Subdivision located in Sec. 32, T7S, Range 87 W., 6th P.M.: 16311 Hwy 82, Carbondale, CO 81623. Actual location of the structure: Lot A of the Shultz Subdivision, Sec. 32, T7S, Range 87 W., 6th P.M. at a point 2,694 ft. N. of the S. line and 1,470 ft. W. of the E. line of said Sec. 32. This location is 219 ft. from the decreed location. Applicant applied for a change of water right in Case No. 21CW3033 to conform the decreed point of diversion for the Patton Well No. 1 to the structure's actual location. (Pgs. 4 Exhibits 4)

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

**21CW3035 GRAND COUNTY.** Winter Park Water and Sanitation District, c/o Kent Bosshard, Manager, P.O. Box 7, Winter Park, CO 80482. Applicant is represented by Kent Whitmer and Katie Randall, The Whitmer Law Firm, LLC, P.O. Box 38, Hot Sulphur Springs, CO 80451, (970) 725-3460. APPLICATION FOR FINDING OF REASONABLE DILIGENCE. Name of Structures: Winter Park Water & Sanitation District Pipeline Nos. 2 and 3. Source: Fraser River, tributary to the Colorado River. Legal Description: Pipeline No. 2: Proposed point of diversion on Fraser River near Moffat Tunnel on property owned by Winter Park Recreational Association: Located on the west bank of the Fraser River, near the Moffat Tunnel and just south of the train trestle, in the SE1/4 NE1/4 unsurveyed Section 10, Township 2 South, Range 75 West, 6th P.M. at a point approximately 7,880 feet south of the south section line of Section 34 Township 1 South Range 75 West of the 6th P.M., and approximately 3,890 feet east of a line extended south from the west section line of Section 34 Township 1 South Range 75 West of the 6th P.M. Pipeline No. 3: Proposed point of diversion on Fraser River above Cooper Creek: Located on the west bank of the Fraser River, just upstream of Cooper Creek, in the SE1/4 SW1/4 unsurveyed Section 3, Township 2 South, Range 75 West, 6th P.M. at a point approximately 4,530 feet south of the south section line of Section 34 Township 1 South, Range 75 West of the 6th P.M., and 1,890 feet east of a line extended south from the west section line of Section 34 Township 1 South Range 75 West of the 6th P.M. Use: All municipal uses including irrigation, industrial, recreational, snowmaking, domestic, commercial, augmentation and exchange. All permitted uses shall generally be within the District boundaries. Amount: 2.25 cubic feet per second total for both points of diversion, conditional. Appropriation Date: December 14, 2005. Decrees: November 5, 2008, Case No. 05CW269 and March 27, 2015, Case No. 14CW3128; Water Court Division No. 5. Additional Information: The application and attached exhibits contain a detailed outline of the work performed during the diligence period (6 pages).

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

**21CW3036 (14CW3112, 07CW162, 00CW286, 94CW337, 87CW261) IN GRAND COUNTY APPLICATION FOR FINDING OF REASONABLE DILIGENCE** Three Lakes Water and Sanitation District (“District”) (c/o Jennifer M. DiLalla, John E. Peckler, Moses, Wittemyer, Harrison and Woodruff, P.C., 2595 Canyon Blvd., Suite 300, Boulder, CO 80302) 2. Name of structure: Three Lakes District Collection System and Treatment Plant (“Three Lakes System”). 3. Conditional water right - Willow Creek/Granby Reservoir Exchange: 3.1 Original decree: December 19, 1988, in Case No. 87CW261 in the District Court for Water Division No. 5. 3.2 Subsequent decrees awarding findings of diligence: May 16, 1995, in Case No. 94CW337; September 6, 2001, in Case No. 00CW286; October 4, 2008, in Case No. 07CW162; and March 27, 2015, in Case No. 14CW3112; all in the District Court for Water Division No. 5. 3.3 Legal description: 3.3.1 Exchange-from point: The downstream terminus of the exchange reach is the outlet structure for Granby Reservoir, which is located on the Colorado River in the NE1/4 SE1/4 of Section 11, T2N, R76W of the 6th P.M., in Grand County, Colorado. 3.3.2 Exchange-to points: The upstream termini of the exchange reach are the points on the Colorado River where return flows from pumping of exempt wells connected to the Three Lakes System are owed to the stream system of origin (“Exempt Well Return Flow Location”). The upstream-most Exempt Well Return Flow Location is in the NW1/4 NW/14 of Section 1, T4N, R75W of the 6th P.M., in Grand County, Colorado. The locations of the exchange reach and the District’s boundaries are shown on the map attached as **Exhibit A**. 3.4 Source of substitute supply: 200 acre-feet of water in Granby Reservoir from the Middle Park Water Conservancy District (“Middle Park”). This water is available from Middle Park as part of the 3,000 acre-feet of water which the Municipal Subdistrict, Northern Colorado Water Conservancy District has agreed to provide annually to Middle Park in accordance with the Windy Gap Agreement dated April 30, 1980, and the supplement thereto (“MPWCD/Windy Gap Water”). The MPWCD/Windy Gap water available to the District will be produced by the water rights for the Windy Gap Project in accordance with the decrees entered in Case Nos. CA 1768, W-4001, 80CW108, and 85CW135, all in the District Court for Water Division No. 5. 3.5 Appropriation date: September 23, 1986. 3.6 Amount: 0.55 cfs, conditional (limited to 200 acre-feet annually). 3.7 Use: Domestic, municipal, irrigation, commercial, industrial, wastewater treatment, augmentation, substitution, and recreational uses. 3.8 Remark: All wastewater collected by the Three Lakes System is treated at the District’s water treatment plant and discharged to Willow Creek, which flows into the Colorado River below Lake Granby. 4. Outline of work and expenditures during the diligence period toward completion of the appropriation and application of water to beneficial use: 4.1 The Willow Creek/Granby Reservoir Exchange is a component of the District’s integrated water supply system. “When a project or integrated system is comprised of several features, work on one feature of the project or system shall be considered in finding that reasonable diligence has been shown in the development of the water rights for all features of the entire project or system.” C.R.S. § 37-92-301(4)(b). 4.2 The diligence period for the Willow Creek/Granby Reservoir Exchange is March 2015 through March 2021 (“Diligence Period”). During the Diligence Period, the District worked diligently to develop the Willow Creek/Granby Reservoir Exchange, complete the appropriation, and place the water to beneficial use, as demonstrated by the following representative but non-exhaustive list of activities and expenditures: 4.2.1 Septic-to-Sewer Program: The District has begun the process of developing a septic-to-sewer conversion program (“Septic-to-Sewer Program”) to incentivize property owners on septic systems within the District’s boundaries to connect to the Three Lakes System. Under the Septic-to-Sewer Program, the District will seek potential sources of federal funding to offset well owners’ cost of connecting to the Three Lakes System. Connection to the Three Lakes System can be expensive depending upon individual circumstances and topography, and the District believes that using federal grants to offset some of the cost would help encourage connections. The program would expand the Three Lakes System as contemplated when the District appropriated the Willow Creek/Granby Reservoir Exchange. Because over 50% of the properties within the District are still on septic systems, the District could see a significant increase in demand—requiring operation of the Willow Creek/Granby Reservoir Exchange—if the Septic-to-Sewer Program is successful in helping the District reach full buildout. The District anticipates that implementation of the Septic-to-Sewer Program will take several years, and further anticipates that full buildout of the Three Lakes System will take up to fifty years. The following is a non-exhaustive list of the District’s activities and expenditures related to the Septic-to-Sewer Program during the Diligence Period: 4.2.1.1 District staff have spent significant time consulting with an expert in the field of water/wastewater public affairs, compliance, regulatory/technology innovations, and business development and procurement (“Project Consultant”). The Project Consultant has volunteered his time to begin developing a plan of action for the Septic-to-Sewer Program. The District’s Manager and the Project Consultant have devoted approximately eight hours to in-person meetings to discuss the Septic-to-Sewer Program, and also have devoted many hours to discussions by videoconference. District staff and the Project Consultant have spent time researching the feasibility of the Septic-to-Sewer Program and developing a federal funding strategy for the program to present to the District’s Board of Directors (“Board”). District staff and the Project Consultant also have engaged in discussions of the Septic-to-Sewer Program with an environmental expert. 4.2.1.2 The District Manager, Superintendent, Lead Operator, and Board Treasurer spent several hours touring the District’s System with the Project Consultant to look for opportunities for the Septic-to-Sewer Program. 4.2.1.3 District staff have spent approximately ten hours discussing the Septic-to-Sewer Program with the District’s Board. After discussion during a public meeting, the Board directed staff to continue to pursue the program. 4.2.2 Asset management plan and rate study: District staff contracted out an asset management plan

and rate study that provided information about a potential buildout of the Three Lakes System. 4.2.3 Middle Park contracts: Each year of the Diligence Period, the District paid Middle Park \$2,000 to maintain the allotment contract for the MPWCD/Windy Gap Water, which is the source of substitute supply for the Willow Creek/Granby Reservoir Exchange. 4.2.4 System repairs and improvements: The District spent approximately \$680,404 for repair and maintenance of the Three Lakes System and approximately \$9,447,699 for improvements and capital expenses related to the system. 4.2.5 Legal and engineering fees: The District incurred costs of approximately \$6,811 for legal fees related to development, protection, and exercise of the District's water rights and water interests, including the Willow Creek/Granby Reservoir Exchange. 5. Names and addresses of owners or reputed owners of the land upon which any new diversion or storage structure or modification to any existing diversion or storage structure is or will be constructed or upon which water is or will be stored, including any modification to the existing storage pool: Bureau of Reclamation, Eastern Colorado Area Office, 11056 W. County Road 18E, Loveland, Colorado 80537-9711. WHEREFORE, the District requests that the Court enter a decree (i) granting this Application; (ii) finding that the District has exercised reasonable diligence in developing and completing the appropriation of the Willow Creek/Granby Reservoir Exchange during the Diligence Period; and (iii) continuing the Willow Creek/Granby Reservoir Exchange in full force and effect for six years from the month in which a final decree is entered in this case.

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

**21CW3037 PITKIN COUNTY, FRYINGPAN RIVER, ROARING FORK RIVER, AND COLORADO RIVER.** Application for Finding of Reasonable Diligence and Confirming Absolute in Part. Applicant: Barbara J. Sullan Revocable Trust c/o Balcomb & Green, P.C., P.O. Drawer 790, Glenwood Springs, CO 81602; 970-945-6546. Desc. of conditional water right: Sullan Exchange. Orig. decree: 07CW248 entered 10/4/2008, Water Div. 5. Subsq. decree: 14CW3117 entered 3/25/2015, Water Div. 5. Legal desc.: When diverting by exchange from Green Mountain Reservoir pursuant to plan for aug. decreed in Case No. 07CW248 and Applicant's water allotment contract with Basalt Water Conservancy District, downstream terminus is at confluence of Colorado River and Roaring Fork River located at the SE1/4 NW1/4 of Sec. 9, T. 6 S., R. 89 W. of 6<sup>th</sup> P.M., at a point approximately 2,200 ft. from N. sec. line and 2,350 ft. from W. sec. line. When diverting by exchange from Ruedi Reservoir pursuant to the plan for aug. decreed in 07CW248 and Applicant's water allotment contract with BWCD downstream terminus is located at confluence of Fryingpan River and the Roaring Fork River located in SW1/4 SE1/4 of Sec. 7, T. 8 S., R. 86 W. of 6<sup>th</sup> P.M., at a point approximately 750 ft. from S. sec. line and 1,500 ft. from the E. sec. line. Upstream terminus: Sullan Enlargement of Bright Ditch, decreed in 07CW248 and described as located whence the NE Corner of Lot 8, Sec. 2, T. 9 S., R. 86 W. of 6<sup>th</sup> P.M. bears N., 13 deg., W. 1,015 ft., and also being described as being located in NE1/4 SE1/4 of Sec. 2, T. 9 S., R. 86 W. of 6<sup>th</sup> P.M. at a point 1,880 ft. from S. sec. line and 950 ft. from E. sec. line of said Sec. 2. A map depicting the exchange reach is attached as Ex. A to the App. Rate of exchange: Not to exceed 1.0 c.f.s.; max. vol. of 1.0 a.f. annually. Amt.: 0.86 c.f.s., conditional. Court confirmed 0.14 c.f.s. as absolute in 14CW3117. Date of approp.: 11/30/2007. Name and address of owner of land upon which the existing structure is located: The headgate of the Sullan Enlargement of the Bright Ditch is located on property owned by 3500 Creekside LLC, 7211 Delmar Blvd., St. Louis, MO 63130 according to the Pitkin County Assessor's records. The Sullan East and Sullan West Ponds are located on property owned by the Applicant. Claim for finding of reasonable diligence: In the diligence period preceding the filing of this App., Applicant pursued development of the subject conditional water right. Examples of diligence activities are on file with the court. Claim to confirm absolute: Applicant placed an additional 0.27 c.f.s. of the Sullan Exchange to beneficial use pursuant to Applicant's plan for aug. and BWCD Contract No. 535. Date of beneficial use: 8/31/2017 to 9/27/2017 when the Grand Valley Canal placed a call on the Colorado River. Amount claimed as absolute: 0.27 c.f.s. in addition to the 0.14 c.f.s. decreed as absolute in 14CW3117. Amount to remain conditional: 0.59 c.f.s. (Pgs. 4 Exhibits 2)

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

**21CW3038 EAGLE COUNTY, EAGLE RIVER AND SPRINGS TRIBUTARY TO COLORADO RIVER.** CJC Properties Limited Partnership, Attention: Peter Joufflas, Limited Partner, 1000 Black Canyon Way, Montrose, CO 81403, Telephone: (970) 261-

0403, Email: pjouflas@yahoo.com, C/O Kirsten M. Kurath, Williams, Turner & Holmes, P.C., 744 Horizon Court, Suite 115, Grand Junction, CO 81506, (970) 242-6262, kmkurath@wth-law.com; **Application For Finding of Reasonable Diligence.** Name of Structures: Chris Jouflas Lake and Lake Constance; Orig. Decree: November 30, 1994, Case No. 93CW330, Div. 5; Subsequent Decrees: Case No. 00CW225, Div. 5, April 16, 2001; Case No. 07CW80, Div. 5, October 4, 2008; Case No. 2014CW3118, Div. 5, March 22, 2015; Decreed Place of Storage: Chris Jouflas Lake is located in the SW1/4 SW1/4, Section 14, and in the NW1/4 NW1/4, Section 23, both in Township 4 South, Range 83 West, 6th P.M., Eagle County, Colorado. The southwest bank of the lake is located approximately 400 feet east of the Southwest corner of said Section 14; Sources: The names and capacities of the ditch and springs used to fill the Chris Jouflas Lake and the legal descriptions of the points of diversion are as follows: i. O'Neill-Holland Ditch, Chris Jouflas Enlargement, decreed for 8.0 c.f.s. in Case No. 93 CW 330, District Court for Water Division No. 5, by decree dated November 30, 1994. The point of diversion of the O'Neill-Holland Ditch, Chris Jouflas Enlargement is as follows: on the West bank of the Eagle River, at a point 1400 feet East of the West Section Line and 1850 feet South of the North Section Line of Section 36, Township 4 South, Range 83 West, 6th P.M. ii. C. Jouflas Spring No. 2, decreed for 0.033 c.f.s. in Case No. 84 CW 548, District Court for Water Division No. 5, by decree dated May 21, 1985. The point of diversion for the C. Jouflas Spring No. 2 is located in the SW1/4 SW1/4 of Section 23, Township 4 South, Range 83 West of the 6th P.M. at a point 356 feet East of the West line and 1230 feet North of the South line of said Section 23. iii. Jouflas Pipeline, decreed for 0.043 c.f.s. in Case No. W-410, District Court for Water Division No. 5, by decree dated April 18, 1972. The point of diversion for the Jouflas Pipeline is located at a point whence the Southwest Corner of Section 23, Township 4 South, Range 83 West of the 6th P.M., bears South 44°07'30" West a distance of 2,180 feet. iv. The source of the O'Neill-Holland Ditch, Chris Jouflas Enlargement, is the Eagle River. The sources of the other two structures listed above are springs tributary to the Eagle River; App. Dates: May 26, 1969, for irrigation, livestock watering, and wildlife purposes; January 1, 1993, for domestic, recreational, piscatorial, replacement, augmentation, fire protection, and industrial uses; Amounts: i. 41.12 acre feet, absolute, and 38.88 acre feet, conditional, for irrigation purposes. ii. 50.12 acre feet, absolute, and 28.88 acre feet, conditional, for livestock watering and wildlife purposes. iii. 9 acre feet, absolute, and 71 acre feet, conditional, for fire protection, piscatorial and recreational purposes. iv. 80 acre feet, conditional, for domestic, replacement, augmentation and industrial uses; Uses: Irrigation, livestock watering, wildlife, domestic, recreational, piscatorial, replacement, augmentation, fire protection, and industrial uses. Changes Granted: An alternate place of storage for 9.9 acre feet of the Water Right, at a structure called Lake Constance, was granted in Case No. 98CW071, by decree entered on March 9, 1999. 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. Name and Address of Land Owners: Applicant (7 pages)

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**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 MARCH 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.***

**21CW3039 PITKIN COUNTY – ROARING FORK RIVER OR ITS TRIBUTARIES.** SUSAN G. RUDD c/o Paul L. Noto, Esq., Patrick, Miller & Noto, P.C., 229 Midland Ave., Basalt, CO 81621 (970) 920-1030. APPLICATION TO MAKE ABSOLUTE IN PART AND FOR FINDINGS OF REASONABLE DILIGENCE Name of water right: Pastures Pump and Pipeline. Description of conditional water right: Original decree: Case No. 93CW327, District Court, Water Division No. 5, entered on June 27, 1994. Previous diligence cases: Case No. 00CW107, February 8, 2001. Case No. 07CW22, May 18, 2008. Case No. 14CW3064, March 22, 2015. Legal description: In the SW ¼ of the SW ¼ of Section 5, Township 9 South, Range 85 West of the 6<sup>th</sup> P.M., at a point approximately 590 feet from the South section line and 210 feet from the West section line (Pitkin County). On file with the court as **Figure 1 and 2**. Source: Roaring Fork River, tributary to the Colorado River. Appropriation date: June 24, 1993. Amount: 0.55 c.f.s. (250 g.p.m.), conditional. Uses: Irrigation, stockwatering, piscatorial, and recreation, including water delivery into Pastures Pond. The application contains a detailed outline of the work done to complete the appropriation. Claim to make absolute: Date water applied to beneficial use: June 15, 2015. Amount: 0.55 c.f.s. (250 g.p.m.). Uses: Irrigation and stock watering. Supporting evidence: See Affidavit of Marc Kiernan on file with the court as **Exhibit A**. Applicant requests a finding of reasonable diligence for the piscatorial and recreation, including delivery of water into Pastures Pond, uses in the amount of 0.55 c.f.s. Name of water right: Pastures Pond. Description of conditional water right: Original Decree: Case No. 93CW327, District Court, Water Division No. 5, entered on June 27, 1994. Previous diligence cases: Case No. 00CW107, February 8, 2001. Case No. 07CW22, May 18, 2008. Case No. 14CW3064, March 22, 2015. Legal description: In the SW ¼ of the SW ¼ of Section 5, Township 9 South, Range 85 West of the 6<sup>th</sup> P.M. at a point approximately 500 feet from the South section line and 200 feet from the West section line (Pitkin County). See on file with the court **Figure 1 and 2**. Source: Roaring Fork River, tributary to the Colorado River. Appropriation date: June 24, 1993. Amount: 15 acre-feet, conditional, with the right to fill and refill whenever water is physically and legally available and in priority. Maximum height of dam: Less than 10 feet. Length of dam: Less than 150 feet. Total capacity of reservoir: 15 acre-feet. Active capacity of reservoir: 15 acre-feet. Dead storage: 0 acre-feet. Uses: Irrigation, piscatorial, recreation, and augmentation and exchange subject to the plan for augmentation

approved in Case No. 93CW328. The application contains a detailed outline of work toward completion of the appropriation. Applicant owns the land upon which the structures are located and where water will be put to beneficial use. The Pastures Pump and Pipeline and Pastures Pond are part of an integrated water supply project for Applicant's property.

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

**21CW3040 EAGLE COUNTY, Application to Make Water Rights Partially Absolute and for Findings of Reasonable Diligence.**

**Applicant:** John F. Dorn; please direct all correspondence to Applicants' attorneys: Mary Elizabeth Geiger, Garfield & Hecht, P.C., 901 Grand Avenue, Suite 201, Glenwood Springs, CO 81601, (970)947-1936, [megeiger@garfieldhecht.com](mailto:megeiger@garfieldhecht.com). *Description of conditional appropriative right of exchange to be made partially absolute, and for findings of reasonable diligence:* John F. Dorn Appropriative Right of Exchange. *Legal description of upstream termini:* John Dorn Well No. 1: at a point located in the SW1/4 of the SE1/4 of Section 19, Township 5 South, Range 82 West of the 6<sup>th</sup> P.M., Eagle County, Colorado, being 1,260 feet North of the South section line, and 2610 feet West of the East section line of said Section 19. John Dorn Well No. 2: at a point located in the NW1/4 of the SE1/4 of Section 19, Township 5 South, Range 82 West of the 6<sup>th</sup> P.M., Eagle County, Colorado, being 1640 feet North of the South section line, and 2400 feet West of the East section line of said Section 19. John Dorn Well No. 3: at a point located in the NW1/4 of the SE1/4 of Section 19, Township 5 South, Range 82 West of the 6<sup>th</sup> P.M., Eagle County, Colorado, being 2150 feet North of the South section line, and 2250 feet West of the East section line of said Section 19. *Legal description of downstream termini:* The confluence of the Eagle River and Lake Creek is located in the NE ¼ of the NE ¼ of Section 6, Township 5 South, Range 82 West, in the 6<sup>th</sup> P.M. at a point 600 feet from the north section line, and 110 feet from the east section line. The lower terminus of the Exchange is a point at the confluence of the Eagle River and the Colorado River currently located in the SW ¼ of the NE ¼ of Section 5, Township 5 South, Range 86 West of the 6<sup>th</sup> P.M. at a point approximately 2400 feet from the North section line and 1900 feet from the East section line of said Section 6. The lower terminus of the Exchange is a point at the confluence of the Roaring Fork River and the Colorado River currently located in the SE ¼ of the NW ¼ of Section 9, Township 6 South, Range 89 West of the 6<sup>th</sup> P.M. at a point approximately 2200 feet from the North section line and 2350 feet from the West section line of said Section 9. *Appropriation date:* September 1, 2005. *Date applied to beneficial use:* August 31, 2020 for 0.72 acre-feet for Colorado River Exchange; September 30, 2018 for 0.6 acre-feet for Eagle River exchange for a total of 0.78 acre-feet. *Amount/Rate:* 25 g.p.m.; volumetric limit of 3 acre-feet per year. *Use:* exchange to enable the decreed uses for the John Dorn Well Nos. 1-3. *Water rights used in exchange:* Pursuant to the augmentation plan approved in Case No. 98CW264, Applicant has a contract with the Colorado River Water Conservation District ("River District") for releases of water from the following sources: *Wolford Mountain Reservoir.* The River District owns and operates Wolford Mountain Reservoir (f/k/a Gunsight Pass Reservoir). *Legal description of place of storage:* The dam is located in the SW1/4 of the NE1/4 of Section 25, T. 2 N., R. 81 W., 6th P.M. The intersection of the dam axis (Sta. D19+35.61) with the West Access Road (Sta. WR50+55.05) occurs at a point which bears S. 53°24'56" E. a distance of 3,395.51 feet from the NW corner of said Section 25; the bearing of said dam axis from Sta. 19+35.61 to Sta. 0+00 being S. 75° 28' 29" E. *Source:* Muddy Creek and its tributaries, tributary to the Colorado River. *Previous storage decrees:* Case No. 87CW283: Decree Date: Nov. 20, 1989, District Court, Water Div. No. 5. Amount: 59,993 a.f. Appropriation Date: Dec. 14, 1987. Use: All beneficial uses, including but not limited to domestic, municipal, agricultural and recreational uses. Case No. 95CW281: Decree Date: Aug. 26, 1997, District Court, Water Div. No. 5. Amount: 6,000 a.f. (enlargement). Appropriation Date: Jan. 16, 1995. Use: All beneficial uses by and for the benefit of the inhabitants of the River District, including but not limited to domestic, municipal, industrial, irrigation, agricultural, piscatorial, recreational and environmental mitigation. Case No. 98CW237: Decree Date: July 6, 2000, District Court, Water Div. No. 5. Amount: 30,000 a.f. (refill). Appropriation Date: Nov. 17, 1998. Use: Certain of the beneficial uses previously adjudicated for Wolford Mountain Reservoir in Cases No. 87CW283 and 95CW281. *Ruedi Reservoir.* The River District is entitled to deliveries of water from Ruedi Reservoir pursuant to contract with the U.S. Bureau of Reclamation. *Legal description of place of storage:* Ruedi Reservoir is located in Sections 7, 8, 9, 11 and 14 through 18, T. 8 S., R. 84 W., 6th P.M., in Eagle and Pitkin Counties. The dam axis intersects the right abutment at a point whence the SW corner of Section 7, T. 8 S., R. 84 W. of the 6th P.M. bears N. 82°10'W. a distance of 1,285 feet. *Source:* *Fryingpan River.* *Previous storage decrees:* Civil Action No. 4613: Decree Date: June 20, 1958, Garfield County District Court. Amount: 140,697.3 a.f., reduced to 102,369 a.f. pursuant to order of the District Court, Water Div. No. 5 in Case No. W-789-76. Appropriation Date: July 29, 1957. Use: Domestic, municipal, irrigation, industrial, generation of electrical energy, stock watering and piscatorial. Case No. 81CW34: Decree Date: April 8, 1985, District Court, Water Div. No. 5. Amount: 101,280 a.f. (refill). Appropriation Date: Jan. 22, 1981. Use: Irrigation, domestic, municipal, generation of electrical energy, stock watering, industrial, piscatorial, recreation and maintenance of sufficient storage reserves to fulfill contractual obligations and provide stored water for recreation in times of drought. *River District Eagle River Supply Sources.* Eagle Park Reservoir Company owns and operates the Eagle Park Reservoir Project located in the headwaters of the Eagle River. The River District is a shareholder in Eagle Park Reservoir

Company and is entitled to yield from the Eagle Park Reservoir Project and exchange supplies provided by Aurora and Colorado Springs pursuant to contract. *Eagle Park Reservoir Project*. Eagle Park Reservoir was decreed by the District Court, Water Div. No. 5, in Cases No. 92CW340 and 93CW301, for a total capacity of 27,600 a.f., with an appropriation date of March 16, 1991, for 5,300 a.f., and May 18, 1993, for 22,300 a.f., together with the right to divert at the rate of 80 c.f.s. under the Aug. 10, 1956 appropriation date of the Pando Feeder Canal pursuant to the decree of the District Court, Water Div. No. 5, entered in Case No. 97CW288, for mining, milling, industrial, snowmaking, municipal, domestic, stock watering, recreation, fish and wildlife, irrigation, agricultural, exchange, replacement, augmentation and all other beneficial purposes. Eagle Park Reservoir is augmented by exchange by decree of the District Court, Water Div. No. 5, entered in Case No. 95CW348. The north abutment of the dam crest is located approximately 160 feet north of the south section line and 650 feet east of the west section line of Section 28, T. 7 S., R. 79 W., 6th P.M., Eagle County, Colorado. The source of Eagle Park Reservoir is the East Fork of the Eagle River including runoff, surface flow and seepage from the area above the reservoir and tributary thereto and water tributary to Tenmile Creek, a tributary of the Blue River. *Arkansas Well*. The Arkansas Well water consists of the first 455 a.f. per year of historic transbasin diversions from an undivided 1/7th interest in and to the Stevens and Leiter Ditch, originally decreed by the Chaffee County District Court for 38 c.f.s. with a priority date of Sept. 1, 1873, as changed by the Chaffee County District Court in Civil Action No. 5276, to a new point of diversion which is a well located on the East Fork of the Arkansas River in Lake County, Colorado in the E1/2 SE1/4 SE1/4 of Section 10, T. 8 S., R. 79 W. of the 6th P.M. whence the SE corner of Section 10 bears South 17°37' East a distance of 364.8 feet. The new point of diversion was confirmed by the District Court, Water Div. No. 2, in Case No. 91CW028, providing that the water could be diverted at the rate of 1.086 c.f.s., with an annual volumetric limit of 786 a.f., to the Colorado River Basin without any return flows to the Arkansas River Basin, together with the right to use, reuse and successively use said water to extinction. *Homestake Project*. Homestake Reservoir, a/k/a Elliott-Weers Reservoir, was decreed by the Eagle County District Court in Civil Action No. 1193 for 83,338.98 a.f. The reservoir is located on Homestake Creek with the dam being located whence the NW corner of Section 31 T. 7 S., R. 80 W., 6th P.M. bears N. 58°30.6' E. 24,659 feet from the East dam abutment and N. 62°25.8' E. 25,746 feet from the West dam abutment. The sources of supply are the East Fork of Homestake Creek, the Middle Fork of Homestake Creek and Homestake Creek, tributary to the Eagle River, tributary to the Colorado River. *Camp Hale Project*. Aurora and Colorado Springs may provide to the River District water released from those surface water storage rights decreed to Aurora and Colorado Springs in Cases No. 88CW449 and 95CW272A, District Court, Water Div. No. 5. *Owners of land upon which structures are located*: John Dorn Wells Nos. 1-3: Applicant. Wolford Mountain Reservoir: Colorado River Water Conservation District, P.O. Box 1120, Glenwood Springs, CO 81602. Eagle Park Reservoir and other Eagle River Water Supply Sources: The Colorado River Water Conservation District is a shareholder in the Eagle Park Reservoir Company, and it is through the Contract with the River District that Applicant is entitled to the use of water from these sources. Ruedi Reservoir is owned by the U.S. Bureau of Reclamation, 11056 West County Road 18E, Loveland, CO 80537; Applicant's use of water from this source is through his contract with the River District. The Application includes a detailed description of activities undertaken during the diligence period toward the application of the subject water rights to beneficial use. (7 pages).

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

**21CW3041 EAGLE COUNTY, Application for Findings of Reasonable Diligence. Applicants:** Donna Watson, Donald Nelson, Donna Lou Watson, Adam Mitchell Nelson, Luke David Nelson, Sara Van Vactor, James Cherveney, Michael Ples Kerr, Debby Lynn Devine; please direct all correspondence to Applicants' attorneys: Mary Elizabeth Geiger, Garfield & Hecht, P.C., 901 Grand Avenue, Suite 201, Glenwood Springs, CO 81601, (970)947-1936, [megeiger@garfieldhecht.com](mailto:megeiger@garfieldhecht.com). The Applicants request findings of reasonable diligence with regard to the following conditional water rights: *Name of structure:* **Earl V. Nelson Mountain Creek Ranch Spring. Legal description:** The spring is located in the NE1/4 of the NW1/4, Section 9, Township 8 South, Range 84 West of the 6<sup>th</sup> P.M., 570 feet from the North Section line and 1700 feet from the West section line of Section 9. *Source:* Spring tributary to Smith Creek, tributary to the Frying Pan River, tributary to the Roaring Fork River, tributary to the Colorado River. *Appropriation Date:* June 30, 1953 for livestock and wildlife watering; November 29, 2006 for irrigation and to fill the Linda J. Nelson Pond described below. *Date water applied to beneficial use:* June 30, 1953 for watering approximately 50 head of livestock and wildlife watering. *Amount:* 0.1 c.f.s., absolute for stockwatering and wildlife watering, conditional for irrigation and to fill the Linda J. Nelson Pond described below. *Uses:* Irrigation of approximately 4 acres within the E1/2 NW1/4 and N1/2 SW1/4 of Section 9, Township 8 South, Range 84 West of the 6<sup>th</sup> P.M. (conditional). Livestock watering (50 head) and wildlife watering (absolute). To fill the Linda J. Nelson Pond (conditional) as described below. *Owner of land upon which point of diversion is located:* Applicants. *Name of structure:* **Linda J. Nelson Pond. Legal description:** Location of dam: The dam will be located in the NE1/4 of the NW1/4 of Section 9, Township 8 South, Range 84 West of the 6<sup>th</sup> P.M., 770 feet from the North Section line and 1610 feet from the West Section line of Section 9. If off-channel reservoir, name

and capacity of ditch or ditches used to fill reservoirs, and legal description of each point of diversion: Earl V. Nelson Mountain Creek Ranch Spring, as described in Paragraph 2 above, and local surface runoff. *Source:* Earl V. Nelson Mountain Creek Ranch Spring, described in paragraph 4 above, and local surface runoff tributary to Smith Creek, tributary to the Frying Pan River, tributary to the Roaring Fork River, tributary to the Colorado River. *Appropriation date:* November 29, 2006. *How appropriation was initiated:* Formation of intent to appropriate and site inspection, filing of Application. *Amount:* 0.04 acre-feet, conditional. *Uses:* Irrigation of approximately 4 acres within the E1/2 NW1/4 and N1/2 SW1/4 of Section 9, Township 8 South, Range 84 West of the 6<sup>th</sup> P.M. Recreation, piscatorial, stockwatering and fire protection. Maximum height of dam in feet: less than 10 feet. Length of dam in feet: 20 feet. Total capacity of reservoir in acre-feet: 0.04 acre-feet. Active capacity in acre feet: 0.04 acre-feet. *Owners of land on which structure is located:* Applicants. The Application includes a detailed description of activities undertaken during the diligence period toward the application of the subject water rights to beneficial use. (5 pages).

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

**21CW3042 (14CW3078) (07CW138) EAGLE COUNTY. APPLICATION TO MAKE CONDITIONAL WATER RIGHTS ABSOLUTE IN PART AND FOR FINDING OF REASONABLE DILIGENCE 1. Name, Address, Phone Number, and E-Mail Address of Applicant.** Roundup River Ranch c/o Ruth B. Johnson, President and CEO P.O. Box 8589 Avon, Colorado 81620 E-mail: ruth@roundupriverranch.org. Copies of all pleadings to: David F. Bower Richard A. Johnson Johnson & Repucci LLP 850 W. South Boulder Road, Suite 100, Louisville, Colorado 80027 **2. Overview.** Roundup River Ranch ("Applicant") is a non-profit organization that owns and operates a free camp for kids with chronic and life-threatening illnesses and their families in Eagle County. The camp is located on approximately 124 acres of land located along the Colorado River. A general location map depicting the camp and the location of the subject structures is attached as Exhibit A. This application seeks to make portions of the conditional rights decreed to the camp absolute and for a finding of reasonable diligence with respect to the portions not made absolute. **3. Original and Subsequent Decrees.** The conditional water rights that are the subject of this application were originally decreed in Case 07CW138, Water Division 5, dated June 13, 2008. The rights were continued in their entirety pursuant to the diligence decree entered in Case No. 14CW3078, Water Division 5, dated March 22, 2015. **4. Description of Conditional Underground Water Rights.** (a) Name of Structures. (i) Roundup River Ranch Well No. 1. (ii) Roundup River Ranch Well No. 2. (b) Legal Description of Structures. (i) Roundup River Ranch Well No. 1 is located in the NW1/4 of the SE1/4 of Section 3, Township 4 South, Range 86 West of the 6<sup>th</sup> P.M., at a point approximately 2,370 feet from the east section line and 1,660 feet from the south section line of said Section 3. (ii) Roundup River Ranch Well No. 2 will be located in the NW1/4 of the SE1/4 of Section 3, Township 4 South, Range 86 West of the 6<sup>th</sup> P.M., at a point approximately 2,380 feet from the east section line and 1,810 feet from the south section line of said Section 3. (c) Source. Alluvial groundwater tributary to the Colorado River. (d) Amounts and Uses. Both Roundup River Ranch Well Nos. 1 and 2 are decreed for 0.223 cfs (100 gpm), conditional, for domestic, commercial, irrigation of not more than three acres, fire protection, and recreational, piscatorial, wildlife watering, and aesthetic uses subsequent to delivery into storage in the Roundup River Ranch Pond and limited to the in place use consistent with the construction of the Roundup River Ranch Pond. (e) Date of Appropriation. June 20, 2007. **5. Description of Conditional Surface Water Right.** (a) Name of Structure. Roundup River Ranch Pump Station. (b) Legal Description of Structure. The Roundup River Ranch Pump Station is located along the Colorado River in the SE1/4 of the NW1/4 of Section 3, Township 4 South, Range 86 West of the 6<sup>th</sup> P.M., at a point approximately 3,200 feet from the east section line and 2,350 feet from the north section line of said Section 3. (c) Source. Colorado River. (d) Amount and Uses. 2.0 cfs, conditional, for irrigation of not more than three acres, fire protection, and recreational, piscatorial, wildlife watering, and aesthetic uses subsequent to delivery into storage in the Roundup River Ranch Pond and limited to the in place use consistent with the construction of the Roundup River Ranch Pond. (e) Date of Appropriation. June 20, 2007. **6. Description of Conditional Water Storage Right.** (a) Decreed Name of Structure. Roundup River Ranch Pond. (b) Legal Description of Structure. Roundup River Ranch Pond is located in the SW1/4 of the NE1/4 of Section 3, Township 4 South, Range 86 West of the 6<sup>th</sup> P.M., at a point approximately 2,180 feet from the east section line and 2,060 feet from the north section line of said Section 3. (c) Sources. Colorado River directly through the Roundup River Ranch Pump Station, via the Roundup River Ranch Well Nos. 1 and 2, natural runoff, and surface drainage. (d) Amounts and Uses. 20 acre-feet, conditional, with the right to fill and refill, for domestic, commercial, irrigation of not more than three acres, fire protection, and recreational, piscatorial, wildlife watering, and aesthetic uses. (e) Rate of Fill. Up to 2.0 cfs. (f) Date of Appropriation. June 20, 2007. (g) Remarks. The Roundup River Ranch Pond is an excavated lined structure that does not intercept groundwater. Any and all filling and refilling of the Roundup River Ranch Pond only occurs in priority, except any refilling to replace evaporative depletions that are covered under Applicant's plan for augmentation approved in Case No. 07CW138. **7. Description of Conditional Appropriative Right of Exchange.** (a) Exchanged Water Right. Water released from Ruedi Reservoir pursuant to Contract No. CW07004 with the Colorado River Water Conservation District. (b) Exchange Reach. (i) Downstream Terminus. From the confluence of the Colorado River and the Roaring Fork River, located in the SE1/4 of the

NW1/4 of Section 9, Township 6 South, Range 89 West of the 6th P.M. (ii) Upstream Terminus. Up the Colorado River to the Roundup River Ranch Well Nos. 1 and 2, which are located in the NW1/4 of the SE1/4 of Section 3, Township 4 South, Range 86 West of the 6th P.M. (c) Exchange Rate. Up to 0.10 cfs. (d) Date of Appropriation. June 20, 2007. **8. Claim to Make Absolute**. The Roundup River Ranch Well No. 1, Roundup River Ranch Pump Station, Roundup River Ranch Pond, and appropriative right of exchange have all been made absolute for the amounts and uses set forth below. An engineering report, prepared by Applicant's water resources consultant BBA Water Consultants, Inc. ("BBA"), demonstrating that the rights were put to beneficial use as claimed, is attached as Exhibit B. (a) Roundup River Ranch Well No. 1. The 0.223 cfs (100 gpm) conditional underground water right associated with the Roundup River Ranch Well No. 1 has been made absolute in the amount of 0.043 cfs (19.5 gpm) for domestic, commercial, irrigation, and fire protection purposes. The 0.179 cfs (80.5 gpm) not made absolute, and the 0.223 cfs (100 gpm) for recreational, piscatorial, wildlife watering, and aesthetic uses, remain conditional. (b) Roundup River Ranch Pump Station. The 2.0 cfs conditional surface water right associated with the Roundup River Ranch Pump Station has been made absolute in the amount of 0.75 cfs for all decreed uses. The 1.25 cfs not made absolute remains conditional. (c) Roundup River Ranch Pond. The 20 acre-foot conditional water storage right associated with the Roundup River Ranch Pond has been made absolute in the amount of 9.1 acre-feet for all decreed uses. The 10.9 acre-feet not made absolute remains conditional. (d) Appropriative Right of Exchange. The 0.10 cfs conditional appropriative right of exchange has been made absolute for its full decreed amount. The exchange was operated in conjunction with the plan for augmentation for the Roundup River Ranch Well No. 1. **9. Claim for Finding of Reasonable Diligence**. During the subject diligence period, Applicant operated the Roundup River Ranch Well No. 1, Roundup River Ranch Pump Station, Roundup River Ranch Pond, and appropriative right of exchange for the amounts and uses set forth above, which shows reasonable diligence in the development of these rights. Furthermore, the Roundup River Ranch Well No. 2 and all other components of Applicant's augmentation plan approved in Case No. 07CW138 are features of an integrated water supply system, and work on one feature of the system must be considered in finding that reasonable diligence has been shown in the development of the water rights for all features of the system pursuant to C.R.S. § 37-92-301(4)(b) and paragraph 15 of the decree entered in Case No. 07CW138. Therefore, the use of the developed rights also shows diligence for the structures that are not yet constructed. In addition to the diversion and beneficial use of water under the subject water rights, the following activities were undertaken during the diligence period of March 22, 2015 through present toward completion and application of the conditional rights to their decreed beneficial uses. (a) Camp Facilities and Operations. Applicant has continued to operate the camp over the last six years (except for the summer of 2020 because of the Covid-19 pandemic), welcoming kids and their families to the property. As part of this, Applicant has continued to divert, pump, and store the subject water rights for the camp's water supply system for the decreed uses described above. Applicant has expended financial and staff resources to maintain and utilize the camp water rights and to maintain and operate the camp water supply system, including for indoor water use, landscape irrigation, and the pond. The camp's water system work has included well pump and motor maintenance; water measurement meters installation, replacement, and maintenance; river pump equipment installation and maintenance; landscape irrigation system maintenance; and engineering for the existing and planned water treatment and wastewater treatment systems and facilities. (b) Water Resources Engineering Work. BBA has also continued to perform regular water resource engineering work for the camp during this time period. In addition to preparing and submitting monthly accounting for the subject water rights, BBA has also made regular site visits to the camp for water planning and water right observations, has helped the camp with long-term water resources and water rights planning for general camp operations and the pending camp expansion, mapped the subject rights, surveyed the pond and analyzed its volume, and monitored river flow and call conditions affecting the subject water rights. (c) Roundup River Ranch Well No. 2. In addition to the general water rights engineering work, BBA has helped plan the location, design, and construction for Roundup River Ranch Well No. 2. The well is planned as an additional water supply source for the camp water supply system as part of the camp's ongoing operations and expansion efforts. (d) River District Contract. Applicant has continued to make payments to the Colorado River Water Conservation District Contract for its augmentation water under the approved plan for augmentation. (e) Other Costs. Applicant has also incurred general costs in performing water rights related work and in monitoring, evaluating, and participating in other water rights related projects in order to protect the subject water rights against injury. **10. Name and Address of Landowner Upon which any New or Modified Diversion or Storage Structure is Located, Including Any Modification to the Storage Pool**. No new or modified structures are required by this application. All structures are located on land owned by Applicant. (12 pages)

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

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

**21CW3043 (14CW3123, 07CW027). DISTRICT COURT, WATER DIVISION NO. 5, STATE OF COLORADO, 109 Eighth Street, Suite 104, Glenwood Springs, CO 81601. CONCERNING THE APPLICATION FOR WATER RIGHTS OF CAROL COLLINS IN THE COLORADO RIVER AND ITS TRIBUTARIES IN EAGLE COUNTY, COLORADO. APPLICATION FOR FINDING OF REASONABLE DILIGENCE AND TO MAKE WATER RIGHTS ABSOLUTE. 1. Name and address of Applicant: Carol Collins,**

Drawer 2820, Beaver Creek, CO 81620. Direct all pleadings to: Glenn E. Porzak, Porzak Browning & Bushong LLP, 2120 13<sup>th</sup> Street, Boulder, CO 80302. 2. Name of Structure: Red Creek Ditch No. 2. 3. Description of Conditional Water Right. (a) Original Decree: The Red Creek Ditch No. 2 was originally decreed by the District Court in and for Water Division No. 5, State of Colorado (the "Water Court") on October 3, 2008, in Case No. 07CW027. (b) Legal description of the point of diversion: Red Creek Ditch No. 2 is located in Section 32, Township 6 South, Range 84 West of the 6<sup>th</sup> P.M., at a point 950 feet from the south section line and 1300 feet from the east section line of said Section 32. A map showing the approximate location of the point of diversion is attached hereto as Exhibit A. (c) Source: Red Creek, tributary to Gypsum Creek, tributary to the Eagle River, tributary to the Colorado River. (d) Date of Appropriation: February 26, 2007. (e) Amount: 2.0 cubic feet per second conditional. (f) Use: Irrigation of 20 acres in the E1/2 SE1/4 of said Section 32, livestock and wildlife watering, and fire protection. A map of the general area to be irrigated by the water rights is shown on the attached Exhibit A. 4. Detailed outline of work done to complete the project and apply water to beneficial use: During this diligence period, the Applicant has undertaken the following specific activities that demonstrate diligence with regard to the subject conditional rights: (a) The Applicant has executed annual grazing leases with Bowdrie Maurello to use the property for livestock grazing. (b) The Applicant installed a weir at the headgate to measure the amount of water diverted for its beneficial uses. (c) The Applicant has placed 1.5 cfs of the water to use for all decreed purposes as described below. 5. Claim to make conditional rights absolute: 1.5 cfs of the 2.0 cfs of the Red Creek Ditch No. 2 water right was diverted from June 8, 2015 until August 9, 2015, and was used to irrigate the 20 acres described above. Water was also taken in 2016, 2017, and 2019. The diversion records are attached as Exhibit B. The water used to irrigate these lands was also consumed by livestock that graze the land and wildlife in the area. 6. Names and Addresses of Owners of Land upon which Structures are Located, or upon which Water is or will be Placed to Beneficial Use: Applicant. WHEREFORE, Applicant requests that the Court enter a finding that (1) 1.5 cfs of water right decreed to Red Creek Ditch No. 2 has been made absolute for the irrigation of 20 acres in the E1/2 SE1/4 of said Section 32, livestock and wildlife watering, and fire protection purposes; (2) enter an order finding that the Applicant has exercised reasonable diligence in the development of any portion of the Red Creek Ditch No. 2 not made absolute herein; (3) and granting such other relief as the Court may see fit. (Original Application: 7 pages total including exhibits)

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

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

**21CW3044(07CW256)**. District Court, Water Division No. 5, State of Colorado, 109 Eighth Street, Suite 104, Glenwood Springs, CO 81601. CONCERNING THE APPLICATION FOR WATER RIGHTS OF POPISH, LLC, IN PITKIN COUNTY, COLORADO. **APPLICATION FOR ALTERNATE PLACE OF STORAGE**. 1. Name and address of Applicant: Popish, LLC ("Popish"), 420 E. Main Street, Suite #210, Aspen, CO 81611, With copy to: Kristin H. Moseley, Gunnar J. Paulsen, Porzak Browning & Bushong LLP, 2120 13<sup>th</sup> Street, Boulder, CO 80302. 2. Overview: Clear W Pond C was conditionally decreed by the Division 5 Water Court in Case No. 07CW256 on August 7, 2016 ("07CW256 Decree"). Popish has since acquired the land and water rights from the applicant in Case No. 07CW256. Clear W Pond C remains conditional and has not been constructed. The application in this case seeks to establish an alternate place of storage for Clear W Pond C given modified land use plans for the property. All sizing, rates of diversion and uses of Clear W Pond C shall remain the same as specified in the 07CW256 Decree, including the requirement that it may not intercept groundwater and must be lined before water may be stored in Clear W Pond C. All terms and conditions applicable to Clear W Pond C in the 07CW256 Decree shall apply to the proposed alternate place of storage, including Clear W Pond C's use in the plan for augmentation decreed therein, other than the alternate place of storage of Clear W Pond C and the point of return of water released to Wildcat Creek and Clear W Ponds A and B. **CLAIM FOR RELIEF: ESTABLISHING ALTERNATE PLACE OF STORAGE FOR CLEAR W POND C**. 3. Popish seeks to add an alternate place of storage for Clear W Pond C, which was decreed as follows in Division No. 5 Water Court in Case No. 07CW256: A. Legal description of location of dam: Outlet of the pond is located in the NW ¼ NW ¼ of Section 26, T. 9 S., R. 86 W. of the 6<sup>th</sup> P.M. at a point 1270 feet from the North section line and 230 feet from the West section line. *See Figure 1*. B. Source: East Snowmass Creek, tributary to Snowmass Creek, tributary to the Roaring Fork River, tributary to the Colorado River. C. Date of appropriation: December 31, 2008. D. Amount: 5 acre-feet, conditional. E. Rate of diversion in cfs for filling the reservoir: 2.0 cfs, conditional. F. Use: Fire protection, piscatorial, wildlife watering, recreation, augmentation and aesthetic. The piscatorial, wildlife watering, recreation and aesthetic uses are all in-reservoir uses. G. Surface area of highwater line: 0.75 acres. (1) Maximum height of dam: 10 feet. The Clear W Pond C will be a partially excavated and fully lined pond. (2) Length of dam: 150 feet. H. Total capacity of reservoir in acre-feet: 5.0 acre-feet. (1) Active capacity: 5.0 acre-feet. (2) Dead storage: 0.00 acre-feet. 4. Description of the Proposed Alternate Place of Storage: Clear W Pond C Alternate Place of Storage: In the SW1/4 NW1/4 of Section 26, Township 9 South, Range 86 West of the 6<sup>th</sup> P.M. at a point 2,041 feet from the North section line and 348 feet from the West section line (UTM NAD83 Z13: 329859m E, 4345545mN). A map depicting the Clear W Pond C Alternate Place of Storage and point of return of water released to Wildcat Creek and Clear W Ponds A and B is attached hereto as **Figure 1**. 5. Names and addresses of owners of land upon which

structures are or will be located, upon which water is or will be stored, or upon which water is or will be placed to beneficial use: Popish. WHEREFORE, Popish respectfully requests that this Court enter a decree which finds that (a) Clear W Pond C Alternate Place of Storage is established as an alternate place of storage for Clear W Pond C; and (b) provides such other relief as may be appropriate and consistent with this application.

(4 pages + Figure)

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

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

**21CW3045 GARFIELD COUNTY, CANYON CREEK, TRIBUTARY TO THE COLORADO RIVER. APPLICATION FOR FINDING OF REASONABLE DILIGENCE.** Name and address of Applicant: Town of New Castle, c/o Town Administrator, P.O. Box 90, New Castle, CO 81647. Please direct all pleadings and correspondence to Michael J. Sawyer or Danielle T. Skinner, KARP NEU HANLON, P.C., 201 14th Street, Suite 200, P.O. Drawer 2030, Glenwood Springs, CO 81602 (970) 945-2261. Name of structure: *Williams Canal New Castle Enlargement.* Date of original decree: September 24, 2008, in Case No. 03CW72, in the District Court in and for Water Division No. 5. Subsequent decrees awarding findings of diligence: March 22, 2015, in Case No. 2014CW3100 in the District Court in and for Water Division No. 5. Point of Diversion: The Williams Canal headgate is located 868 feet from the North section line and 1,224 feet from the West section line of the NW1/4 of the NW1/4 of Section 24, Township 5 South, Range 90 West of the 6<sup>th</sup> P.M. Source: Canyon Creek, tributary to the Colorado River. Amount: 6.0 c.f.s., conditional, for diversion during the non-irrigation season (October 1 through April 30). Date of Appropriation: April 15, 2003. Uses: Municipal, commercial, domestic, irrigation, industrial, fire protection, recreation, and piscatorial. Remarks: The Decree in Case No. 03CW72 recognized and noted that the Williams Canal New Castle Enlargement will be used to provide a non-irrigation season municipal water supply for lands located to the east of Applicant's municipal boundary, lands already included within Applicant's municipal boundary, and water contractees located outside of the municipal boundary, but within Applicant's water service area. Name and address of owner of land on which structure is located: Frank W. Collins, 2123 County Road 137, Glenwood Springs, CO 81601-9796. The following exhibits are on file with the Water Court: a map depicting the location of the structures and the Applicant's planned-for water service area and current municipal boundaries (Exhibit A), and detailed outline of what has been done toward completion of the appropriation and application to beneficial use of the Williams Canal New Castle Enlargement water, including expenditures (Exhibit B) (5 pp. with Exhibits).

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

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

**21CW3046 PITKIN COUNTY – BRUSH CREEK.** SLC Residential LLC, c/o Patrick, Miller & Noto, P.C., Scott C. Miller, Esq. and Jason M. Groves, Esq., 229 Midland Ave. Basalt, CO 81621, (970) 920-1030. APPLICATION FOR FINDING OF REASONABLE DILIGENCE. Name of structure: Snowmass Reservoir. Date of original Decree: November 5, 1971. Case No. W-5884, Garfield County District Court. Subsequent decrees: 84CW163, 88CW182, 94CW110, 01CW315, 08CW79, Water Div. 5. Legal description: The reservoir is located in the channel of Brush Creek in Section 31, Township 9 South, Range 85 West of the 6<sup>th</sup> P.M. The initial point of survey of the high water line of the reservoir is located at a point whence the Northeast corner of said Section 31, bears North 19°41' East 1,920.9 feet, Pitkin County. The Colorado Division of Water Resources, Office of the State Engineer's Aquamap online web application indicates the reservoir is located in the SW ¼, NE ¼, Section 31, Township 9 South, Range 85 West of the 6<sup>th</sup> P.M. approximately 2,080 feet from the North Section Line and 1,508 feet from the East Section Line. This estimate, however, should not be considered as changing the decreed legal description of the Snowmass Reservoir. Map on file with Court as Exhibit A. Source: Brush Creek, tributary to Roaring Fork River, tributary to Colorado River. Appropriation date: April 4, 1965. Amount: 500 acre feet with right to refill. Uses: Domestic, municipal, recreational, industrial, and irrigation uses. A detailed outline of diligence activities on file with Court as Exhibit B. Landowner information: Town of Snowmass Village, P.O. Box 5010, Snowmass Village, CO 81615. Remarks: The subject water right is a component part of an integrated water supply plan.

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

**22. 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 MARCH 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.***

**21CW3047 (14CW3034) (07CW213) (00CW295) EAGLE COUNTY.** APPLICATION TO MAKE ABSOLUTE, OR IN THE ALTERNATIVE, FOR FINDING OF REASONABLE DILIGENCE **1. Name, Address, Phone Number, and E-Mail Address of Applicant.** Ute Forest, LLC c/o Arthur L. Cahoon 56 Edwards Village Boulevard, #124 Edwards, Colorado 81632 Phone: (904) 502-2626 E-mail: acahoon@rockcreekcapital.com Copies of all pleadings to: David F. Bower Stephen C. Larson Johnson & Repucci LLP 850 W. South Boulder Road, Suite 100 Louisville, Colorado 80027. **2. Overview.** Applicant is the owner of a residential property located near the top of Warren Gulch, west of Edwards, Colorado, as shown on the general location map attached as **Exhibit A.** The property is landscaped and includes one pond that stores water for irrigation of the landscaping, as well as for fire protection, recreation, and piscatorial uses. Conditional storage and groundwater rights and a plan for augmentation for the property were originally decreed in Case No. 00CW295, Water Division 5, and were changed and amended to correspond with the final buildout of the water features in Case No. 14CW3034, Water Division 5. This application seeks to make the conditional water rights for the property absolute, or in the alternative, for a finding of reasonable diligence to continue the rights. **3. Name and Description of Conditional Water Storage Right.** (a) **Name of Structure.** Consolidated Weber Pond. (b) **Original and Subsequent Decrees.** The Consolidated Weber Pond was decreed on March 22, 2015, in Case No. 14CW3034, Water Division 5. The consolidated Weber Pond is the result of the change, consolidation, and renaming of the Weber Pond No. 1 and Weber Pond No. 2 water rights originally decreed on November 27, 2001, in Case No. 00CW295, Water Division 5, and continued on August 27, 2009 in Case No. 07CW213, Water Division 5. (c) **Legal Description.** The Consolidated Weber Pond is located in the SW1/4 of the SE1/4 of Section 4, Township 5 South, Range 83 West, of the 6th P.M., at a point 1,934 feet west of the east section line and 600 feet north of the south section line of said Section 4. A map showing the location of the Consolidated Weber Pond is attached as **Exhibit B.** (d) **Source.** Groundwater tributary to Warren Gulch, tributary to the Eagle River, tributary to the Colorado River, via the Weber Well No. 1 as more fully described below. (e) **Legal Description of Point of Diversion.** The legal description of the Weber Well No. 1 is set forth below. (f) **Rate of Fill.** 0.033 cubic feet per second. (g) **Appropriation Date.** October 26, 2000. (h) **Volume.** 0.75 acre-feet, conditional. (i) **Decreed Uses.** Fire protection, piscatorial, recreation, augmentation, and irrigation of up to one acre of lawns and gardens. **4. Name and Description of Conditional Groundwater Right.** (a) **Name of Structure.** Weber Well No. 1. (b) **Original and Subsequent Decrees.** The Weber Well No. 1 was originally decreed on November 27, 2001, in Case No. 00CW295, Water Division 5, and continued on August 27, 2009 in Case No. 07CW213, Water Division 5. By decree entered on March 22, 2015 in Case No. 14CW3034, Water Division 5, the decreed legal description, source of water, and uses for the Weber Well No. 1 were changed and the conditional water right was continued. (c) **Legal Description.** The Weber Well No. 1 is located in the SW1/4 of the SE1/4 of Section 4, Township 5 South, Range 83 West, of the 6th P.M., at a point 1,860 feet west of the east section line and 513 feet north of the south section line of said Section 4. A map showing the location of the Weber Well No. 1 is attached as **Exhibit B.** (d) **Source.** Groundwater tributary to Warren Gulch, tributary to the Eagle River, tributary to the Colorado River. (e) **Amount.** 0.033 cubic feet per second (2.82 acre-feet annually). (f) **Appropriation Date.** October 26, 2000. (g) **Decreed Uses.** Irrigation of up to 1.0 acre of lawns and gardens, fire protection, pond filling, and evaporative replacement. **5. Description of Conditional Appropriative Rights of Exchange.** (a) **Original and Subsequent Decrees.** An appropriative right of exchange associated with the plan for augmentation for the subject property was originally decreed on November 27, 2001 in Case No. 00CW295, Water Division 5, and was continued by the decree entered on August 27, 2009 in Case No. 07CW213, Water Division 5. By decree entered on March 22, 2015 in Case No. 14CW3034, Water Division 5, an additional appropriative right of exchange was decreed to extend the exchange reach as more fully set forth below. (b) **Summary of Exchange.** The appropriative right of exchange decreed in Case No. 00CW295 provided for the exchange of water from the confluence of Warren Gulch and the Eagle River up to the points of diversion on the subject property. In Case No. 14CW3044, an additional appropriative right of exchange was decreed from the confluence of the Colorado River and the Eagle River and from the confluence of the Roaring Fork River and the Colorado River, up the Colorado River, up the Eagle River, to Warren Gulch, where it would continue to be exchanged under the exchange right decreed in Case No. 00CW295, to the point where depletions from Weber Well No. 1 impact Warren Gulch. (c) **Description of Original Exchange.** The exchange up Warren Gulch to the point of depletion of the Weber Well No. 1 decreed in Case No. 00CW295 is described as follows. (i) **Downstream Terminus.** The confluence of the Eagle River and Warren Gulch, located in the SW1/4 of the NW1/4, Section 25, Township 4 South, Range 84 West of the 6th P.M., at a point approximately 1,214 feet east of the west section line and 1,312 feet south of the north section line of said Section 25. (ii) **Upstream Terminus.** The Weber Well No. 1, as described above. (iii) **Exchange Rate.** Up to 0.006 cubic feet per second, or 0.0123 acre-feet per day. The maximum amount of water exchanged is 2.18 acre-feet/year. (iv) **Appropriation Date.** December 31, 2000. (v) **Remarks.** The original exchange decreed in Case No. 00CW295 provided for the exchange of 2.45 acre-feet of water. Unless it is otherwise determined that the full 2.45 acre-feet is needed to operate the plan, this application only seeks to continue the 2.18 acre-feet/year, at the rates and amounts set forth above, consistent with the requirements of the amended plan for augmentation in Case No. 14CW3034. (d) **Description**

of Exchange Extension. The extension of the exchange from the point where replacement water is released into the Colorado River, up the Colorado River, up the Eagle River, to Warren Gulch, as decreed in Case No. 14CW3034, is described as follows. (i) Downstream Terminus – Wolford Mountain Reservoir. The confluence of the Eagle River and the Colorado River, located in the SW1/4 of the NE1/4, Section 5, Township 5 South, Range 86 West of the 6th P.M., at a point approximately 2,105 feet west of the east section line and 2,602 feet south of the north section line of said Section 5. (ii) Downstream Terminus – Ruedi Reservoir. The confluence of the Roaring Fork River and the Colorado River, located in the SE1/4 of the NW1/4, Section 9, Township 6 South, Range 89 West of the 6th P.M., at a point approximately 2,386 feet east of the west section line and 2,162 feet south of the north section line of said Section 9. (iii) Upstream Terminus. The confluence of Warren Gulch and the Eagle River, located in the SW1/4 of the NW1/4, Section 25, Township 4 South, Range 84 West of the 6th P.M., at a point approximately 1,214 feet east of the west section line and 1,312 feet south of the north section line of said Section 25. (iv) Exchange Rate. Up to 0.006 cubic feet per second, or 0.0123 acre-feet per day. The maximum amount of water exchanged is 2.18 acre-feet/year. (v) Appropriation Date. March 31, 2014. **6. Claim to Make Absolute**. Applicant is requesting that the 0.75 acre-feet storage right decreed to the Consolidated Weber Pond, the 0.033 cubic feet per second groundwater right decreed to the Weber Well No. 1, and the 0.006 cubic feet per second appropriative rights of exchange associated with the plan for augmentation for the property all be recognized as absolute in their entirety. As shown in the diversion records for the Consolidated Weber Pond, the Weber Well No. 1, and the appropriative rights of exchange, water was diverted and stored under the subject water rights and depletions were fully replaced under an active Colorado River Water Conservation District Contract, all as provided for under the plan for augmentation approved for the Weber Well No. 1 in Case No. 14CW3034. As fully-augmented structures, the water rights may be recognized as absolute based on their historical use and pursuant to the Division of Water Resources Written Instruction 2020-01. **7. Alternative Claim for Finding of Reasonable Diligence**. If the Water Court determines that Applicant has not made the subject water rights absolute, Applicant seeks to continue as conditional the water rights decreed to the Consolidated Weber Pond, the Weber Well No. 1, and the appropriative rights of exchange as described above. In addition to actually pumping and storing water as set forth above, during the subject diligence period, the following activities were performed proving Applicant's intention to put the subject water rights to beneficial use and the actions taken by Applicant to do so: (a) Acquisition of Property. In August 2017, Applicant acquired the subject property and all of its associated water rights and structures from Robert and Karin Weber. The water rights structures, including the pond and landscaping, were a critical reason for Applicant's acquisition and investment in the property. (b) Landscaping and Pond Maintenance. Since Applicant has taken ownership of the property, Applicant has continued the previous owner's efforts to maintain and operate the ponds and water rights associated with the property. (c) General Costs. Applicant has also incurred general costs during the subject diligence period in operating, protecting, and perfecting its water rights, including the preparation of this diligence application. **8. Name and Address of Landowner Upon which any New or Modified Diversion or Storage Structure is Located, Including Any Modification to the Storage Pool**. The Consolidated Weber Pond and Weber Well No. 1 are on land owned by Applicant. (8 pages)

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

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

**21CW3048 EAGLE COUNTY, COLORADO, West Lake Creek, tributary to Lake Creek and the Eagle and Colorado Rivers, APPLICATION FOR FINDING OF REASONABLE DILIGENCE AND TO CONFIRM WATER RIGHTS AS ABSOLUTE IN PART. 1. Applicant:** Thomas Gart, 299 Milwaukee Street, Suite 500, Denver, Colorado 80206; TGart@gartco.com; (303) 270-0321. Please direct communications to Matthew L. Merrill, MERRILL LAW LLC, (303) 947-4453 (telephone), matthew@merrillwaterlaw.com (email). 2. Names of Structures and Water Rights: a. Gart Pond (reservoir) and Gart Pond Diversion (ditch and surface pump). b. In addition to the water rights decreed to the Gart Pond and Gart Pond Diversion, the Original Decree in Case No. 04CW216 decreed conditional appropriative rights of exchange. c. Collectively, the water rights for Gart Pond, the Gart Pond Diversion, and the appropriative rights of exchange are the "Gart Water Rights." 3. Description of Gart Pond and Gart Pond Diversion from Previous Decrees: a. Original Decree: May 29, 2007, Case No. 04CW216, Water Division 5. b. Subsequent Decrees (all in Water Division 5): i. Changes to the Gart Pond, Gart Pond Diversion and appropriative rights of exchange were decreed on December 19, 2010 in Case No. 09CW32. ii. In the decree in Case No. 13CW3021, the Water Court found reasonable diligence in the development of the Gart Water Rights and confirmed portions as absolute. iii. This is the second application for a finding of reasonable diligence for the Gart Water Rights. c. Legal Description: i. Gart Pond is in the NW¼ SE¼, Section 19, Township 5 South, Range 82 West, 6th P.M. in Eagle County, Colorado. The center of the Pond is located approximately 1,800 feet from the east section line and 1,800 feet from the south section line, which is within Parcel B, Donlon Ranch, Edwards, Colorado. ii. Gart Pond Diversion: the inlet vault is on the east bank of West Lake Creek in the NW¼ SE¼, Section 19, Township 5 South, Range 82 West, 6th P.M., in Eagle County, Colorado, 1,828 feet from the south section line, and 1,927 feet from the east section line. iii. Outlet Ditch: Water released from Gart Pond is returned to West Lake Creek within Parcel B, Donlon Ranch at approximately: a point on the east bank of West Lake Creek in the NW¼ SE¼, Section 19, Township 5 South, Range 82 West, 6th P.M.,

in Eagle County, Colorado, 2,000 feet from the east section line and 1,900 feet from the south section. iv. The street address is 2179 West Lake Creek Road, Edwards, Colorado, 81632. d. Source: West Lake Creek, tributary to Lake Creek, tributary to the Eagle River, tributary to the Colorado River. e. Appropriation Date: August 1, 2004. f. Amounts: i. Gart Pond Diversion: 2.0 cubic feet per second (cfs), of which 1.1 cfs was decreed absolute in Case No. 13CW3021 and .9 cfs remains conditional. ii. Gart Pond: 1.25 acre-feet (AF), of which 1.22 AF was decreed absolute in Case No. 13CW3021 and .03 AF remains conditional. The full capacity is decreed as active storage capacity. g. Uses: Piscatorial, wildlife, recreation, aesthetic, fire protection and irrigation. Irrigation use occurs on Parcel B of the Donlon Ranch as shown on Exhibit 1 to the application (General Location map; copies of exhibits are available from the water court or Applicant's counsel; all exhibits are incorporated into the application). All uses other than fire protection and irrigation shall be made within the Pond and its inlet ditch and outlet ditch. 4. Description of Exchange Water Right from Previous Decrees: a. Original and Subsequent Decrees: see paragraphs 3.a and 3.b above. b. Legal Description of Exchange Reaches: i. Exchanges using Wolford Mountain Reservoir and Green Mountain Reservoir augmentation supplies: From the confluence of the Eagle River and the Colorado River in the SW $\frac{1}{4}$  NE $\frac{1}{4}$  of Section 5, Township 5 South, Range 86 West, 6th P.M., Eagle County, to the confluence of the Eagle River and Lake Creek in the NE $\frac{1}{4}$  NE $\frac{1}{4}$  of Section 6, Township 5 South, Range 82 West, 6th P.M., Eagle County, then to the Gart Pond Diversion described above. ii. Exchanges using Eagle River augmentation supplies: From the confluence of the Eagle River and Lake Creek in the NE $\frac{1}{4}$  NE $\frac{1}{4}$  of Section 6, Township 5 South, Range 82 West, 6th P.M., Eagle County, to the Gart Pond Diversion described above. iii. Exchanges using Ruedi Reservoir augmentation supplies: From the confluence of the Roaring Fork River and the Colorado River in the SE $\frac{1}{4}$  NW $\frac{1}{4}$  of Section 9, Township 6 South, Range 89 West, 6th P.M., Garfield County, to the confluence of the Eagle and Colorado rivers, described in 4.b.i above, then to the confluence of Lake Creek and the Eagle River described in 4.b.ii above, then to the Gart Pond Diversion described above. c. Appropriation Date: August 1, 2004. d. Rate of Exchange: .75 cfs. Exchanges from the Eagle River and Colorado River confluence to Gart Pond Diversion and the Lake Creek and Eagle River confluence to Gart Pond Diversion were decreed fully absolute for .75 cfs in Case No. 13CW3021. The exchange from the confluence of the Roaring Fork River and Colorado River is conditional. e. Uses: Exchange of water to for all uses decreed to the Gart Pond and Gart Pond Diversion, as described in paragraph 3.g above. 5. Summary of what has been done toward completion of the appropriation and application of water to beneficial use, including expenditures, during the previous diligence period: a. Mr. Gart previously constructed the structures associated with the Gart Pond, Gart Pond Diversion, and the exchange water rights. During the diligence period, Mr. Gart maintained and replaced structures and equipment as needed. b. Mr. Gart has operated the Gart Water Rights and related augmentation plan in coordination with the Water Commissioner and District. c. Mr. Gart paid the Colorado River Water Conservation District ("District") each year in compliance with his long-term contracts with the District for augmentation water. d. Mr. Gart has also incurred legal and consulting costs to monitor the water resumes in Division 5 and to participate in water cases to protect the Gart Water Rights from injury. e. Mr. Gart spent more than \$65,133.00 during the diligence period on these activities. f. This Application includes a summary of diligence activities and costs. Mr. Gart may present additional evidence and detail regarding the activities summarized above or other diligence activities and costs related to development of the Gart Water Rights. The activities summarized in paragraph 5.a – 5.d are ongoing. 6. Amounts Claimed as Absolute: a. Gart Pond and Gart Pond Diversion. i. Date of diversion June 26, 2020. There was no call below the Gart Pond Diversion on this date as shown in the Division 5 river call summary for June 26, 2020 attached as Exhibit 2. ii. Amount: 2.0 cfs. iii. Date water was applied to beneficial use: June 26, 2020. iv. Uses: Storage in Gart Pond for decreed uses and subsequent use for irrigation on lands shown on Exhibit 1. v. A copy of Mr. Gart's 2020 water accounting submitted to the Division Engineer is attached as Exhibit 3. b. Appropriative Right of Exchange from confluence of Roaring Fork River and Colorado River. i. Date of diversion by exchange. August 14, 2020. On August 14, 2020, the calling location below the Gart Pond Diversion was the Grand Valley Canal (administrative number 22729.21241) as shown in the Division 5 river call summary attached as Exhibit 4. Notice had been provided to the Water Commissioner in advance of operation of the exchange. Mr. Gart's diversion from West Lake Creek was substituted at the confluence of the Roaring Fork River and Colorado Rivers with water released from Ruedi Reservoir. The release amount of .84 cfs included transit loss from Ruedi Reservoir to the confluence of the Roaring Fork and Colorado Rivers. ii. Amount of diversion by exchange: .75 cfs. iii. Date water was applied to beneficial use: August 14, 2020. iv. Uses: Storage in Gart Pond for decreed uses and subsequent use for irrigation on lands shown in Exhibit 1. v. A copy of Mr. Gart's 2020 water accounting submitted to the Division Engineer is attached as Exhibit 3. c. Mr. Gart provides notice that he may confirm any amount of remaining conditional Gart Water Rights as absolute without further notice or publication, based on diversion and beneficial use up to the time of any hearing in these proceedings. 7. Remarks: a. Mr. Gart has a specific plan and intent to complete the conditional appropriation of the Gart Water Rights and can and will complete them in a reasonable time and divert water in priority for the decreed beneficial uses. b. The Gart Water Rights described above are an integrated system pursuant to C.R.S. § 37-92-301(4)(b). c. The Gart Water Rights will be constructed and operated pursuant to the terms in the Original Decree as modified by the decree in Case No. 09CW32, including operation of the plan for augmentation, to prevent injury to other water rights. This case does not seek to change the Gart Water Rights or any terms and conditions in prior decrees. 8. Name(s) and address(es) of owner(s) or reputed owners of the land upon which any new diversion or storage structure, or modification to any existing diversion or storage structure is or will be constructed or upon which water is or will be stored, including any modification to the existing storage pool: Applicant. 9. Prayer for Relief: Mr. Gart respectfully requests that the Court confirm the Gart Water Rights are absolute in the amounts claimed above and as may be perfected before a hearing, find that he has exercised reasonable diligence with respect to the conditional Gart Water Rights, continue all conditional portions of the Gart Water Rights in full force and effect for the period allowed by law, and award such other relief as the Court deems just and proper. (Application includes 7 pages plus 4 exhibits.)

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

**24. 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 MARCH 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.***

**21CW3049 (05CW300), PITKIN COUNTY, COLORADO, ROARING FORK RIVER OR TRIBUTARIES, APPLICATION FOR FINDING OF REASONABLE DILIGENCE Applicant:** City of Aspen, Colorado (“Aspen”), c/o Tyler Christoff, Utilities Director, 130 S. Galena Street, Aspen CO 81611, 970.920.5110. Direct all communications and pleadings to counsel for the applicant, Cynthia F. Covell, Andrea L. Benson, and Gilbert Y. Marchand, Jr., Alperstein & Covell P.C., 1391 Speer Blvd., Suite 730, Denver, CO 80204. **Names of structures:** Aspen Reuse Water Diversion, Aspen Reuse Pond, Smaller Ponds. The Smaller Ponds are described on Tables 2 and 3 of the original decree in Case No. 95CW300 (“Original Decree”) and are collectively decreed for 13.11 acre-feet, of which 4.56 acre-feet were decreed conditional. These ponds are referred to herein as the “Smaller Ponds.” The Original Decree provides that so long as the Smaller Ponds collectively do not exceed the decreed capacity of 13.11 acre-feet, they may be reconfigured or relocated without a change of water right so long as they remain within Sections 2, 11 and 12, Township 10 South, Range 85 West of the 6<sup>th</sup> P.M. and within the area outlined on Figure 3 to the Original Decree. A copy of Figure 3 from the Original Decree is filed with this application. **Date of Original Decree:** March 22, 2015. **Case Number:** 05CW300. **Diligence Decrees:** This is the first diligence proceeding. **Court:** Water Division 5. **Decreed locations:** **Aspen Reuse Water Diversion:** The Aspen Reuse Water Diversion is located at the ACSD point of discharge on the left bank of the Roaring Fork River within the NE 1/4 of the SE 1/4 of Section 34, Township 9 South, Range 85 West of the 6<sup>th</sup> P.M., at a point approximately 205 feet west of the East section line and 2,040 feet north of the south section line, in Pitkin County, Colorado. **Aspen Reuse Pond:** The Aspen Reuse Pond is an off-channel excavated pond located on the Aspen Municipal Golf Course. The pond is located within the NW1/4 of the SW1/4 of Section 12, Township 10 South, Range 85 West of the 6<sup>th</sup> P.M. The center of the pond is approximately 865 feet east of the West section line and 2,610 feet north of the South section line. The Aspen Reuse Pond is shown on Figure 3 from the Original Decree (designated as “E”). **Smaller Ponds:** All ponds are located in T. 10 S., R. 85 W. of the 6<sup>th</sup> P.M. in Pitkin County, Colorado. These structures are shown on Figure 3. **Source:** **Aspen Reuse Water Diversion:** Treated municipal effluent from the Aspen Consolidated Sanitation District wastewater treatment plant, which effluent originates from Castle Creek, Maroon Creek, and/or the Roaring Fork River, all tributary to the Colorado River. **Aspen Reuse Pond:** Castle Creek, Maroon Creek and the Roaring Fork River through the Aspen Reuse Water Diversion (described above), and Castle Creek, diverted from the Holden Ditch headgate, with a decreed location at a point on the westerly bank of Castle Creek whence the northwest corner of Section 13, Township 10 South, Range 85 West of the 6<sup>th</sup> P.M. bears North 39° 52' West a distance of 1923.4 feet and Castle Creek, diverted from the Marolt Ditch headgate with a decreed location on the west bank of Castle Creek at a point whence the west quarter corner of Section 12, Township 10 South, Range 85 West of the 6<sup>th</sup> P.M. bears North 26° 36' West a distance of 3542 feet. **Smaller Ponds:** Castle Creek via the Holden-Marolt Ditch system, with headgates located as described above. **Use of Water:** **Aspen Reuse Water Diversion:** Irrigation, snowmaking, recreation, aesthetic, piscatorial, wildlife propagation, fire protection and augmentation, and to fill and refill the Aspen Reuse Pond for said purposes. **Aspen Reuse Pond:** Water stored in the Aspen Reuse Pond will be used directly, or stored for later release, for irrigation, snowmaking, recreation, aesthetic, piscatorial, wildlife propagation, fire protection and for augmentation pursuant to the decree entered in Case No. 06CW54. **Smaller Ponds:** The Smaller Ponds are decreed for municipal uses, including recreation, aesthetic, piscatorial, wildlife propagation, and fire protection. In addition, Ponds V, W, X and Y, described on Table 3 in the Original Decree as “Maroon Creek Wetlands Ponds” are decreed for wetland maintenance. **Amounts and appropriation dates:** **Aspen Reuse Water Diversion:** 3.0 cfs. (Appropriation date: April 11, 2005). **Aspen Reuse Pond:** 19.32 acre-feet, conditional, with the right to fill and refill when in priority. (Appropriation date: April 11, 2005). **Smaller Ponds:** The Smaller Ponds are collectively decreed for 13.11 acre-feet, of which 8.55 acre-feet were decreed absolute in the Original Decree. The remaining 4.56 acre-feet were decreed conditional. (Appropriation date: December 30, 2005). **Detailed outline of what has been done toward completion or for completion of the appropriations and application of water to beneficial use as conditionally decreed, including expenditures:** Aspen owns and operates an integrated water supply system which provides a water supply for municipal uses. Aspen's current infrastructure includes water rights, diversion facilities, ditches and other raw water delivery infrastructure, and water treatment plants, wells, water mains, lines and distribution systems, and related infrastructure, all of which provide untreated and treated water supplies for use by Aspen itself, and by Aspen's customers within the city and extraterritorially. The water rights described in this application are part of Aspen's integrated water supply system. Pursuant to §37-92-301(4)(b), C.R.S., when an integrated system is composed of several features, as is the case here, work on one feature of the system is considered in finding that reasonable diligence has been shown in the development of water rights for all features of the entire system. During this diligence period, Aspen performed work and made expenditures that demonstrate the steady application of effort to complete the appropriation of these conditional water rights in a reasonably expedient and efficient manner under all the facts and circumstances. In 2017, Aspen undertook a comparison of sites for a reuse pump station at the Aspen Consolidated Sanitation District facility. In 2018, Aspen entered into a Professional Services

Agreement with Deere & Ault Consultants, Inc., pursuant to which the consultants were engaged to obtain survey data and river flow data in order to develop a schematic design and hydraulic analysis of the reuse diversion structure, to provide a timeline for design and construction, and to provide a cost estimate. In 2019, the consultants provided a summary of their conceptual design and related matters. Aspen expended approximately \$25,243 related to the reuse project during this diligence period. Aspen is currently evaluating the timing for implementation of design and construction of the reuse project, estimated to cost approximately \$400,000. Since the date of the Original Decree, Aspen has maintained and repaired the Aspen Reuse Pond, and the Smaller Ponds described in the Original Decree. Expenditures for operation, maintenance and repair of the Aspen Reuse Pond and the Smaller Ponds described in the Original Decree during this diligence period totaled \$291,901. During this diligence period, Aspen obtained a decree in Case No. 15CW3119, which decreed additional augmentation supplies for the Aspen Reuse Water Diversion and provided for augmentation of depletions from the Aspen Reuse Pond. During this diligence period, Aspen has continued to improve, operate and maintain its integrated water supply system (which provides both raw water and treated water supplies). The conditional rights decreed in the Original Decree are a part of Aspen's integrated water supply system. During this diligence period, in order to enable Aspen to more effectively provide for the city's own water needs, and to provide reliable water service to its existing and future customers, Aspen has spent in excess of \$14,423,000 in the operation, maintenance, construction, repair and improvement of its water system infrastructure and related infrastructure and projects that are part of the efficiency, operation and maintenance of its integrated water supply system. These efforts have allowed Aspen to continue to provide reliable water service. Aspen has maintained, protected and defended its water rights, including the water rights decreed in the Original Decree. Aspen obtained diligence decrees for other city water rights during this diligence period, and also opposed water right applications filed by others in cases in which Aspen has determined that injury to its water rights could occur in the absence of appropriate protective terms and conditions. During this diligence period, Aspen has expended approximately \$478,000 in water counsel attorney fees for representation in water court proceedings in order to maintain, protect and defend its water rights. Names and addresses of owners of the land upon which any new diversion or storage structure or modification to any existing diversion or storage structure or existing storage pool is or will be constructed or upon which water is or will be stored: Infrastructure for the Aspen Reuse Water Diversion will be located on land owned by Aspen Consolidated Sanitation District, 565 N. Mill Street, Aspen CO 81611. The Aspen Reuse Pond, Smaller Ponds, Holden Ditch headgate and Marolt Ditch headgate are located on lands or easements owned by Aspen.

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

**25. 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 MARCH 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.**

**21CW3050 (06CW54), PITKIN AND EAGLE COUNTIES, COLORADO, ROARING FORK RIVER, FRYINGPAN RIVER, OR TRIBUTARES, APPLICATION FOR FINDING OF REASONABLE DILIGENCE.** Applicant: City of Aspen, Colorado ("Aspen"), c/o Tyler Christoff, Utilities Director, 130 S. Galena Street, Aspen CO 81611, 970.920.5110. Direct all communications and pleadings to counsel for the applicant, Cynthia F. Covell, Andrea L. Benson, and Gilbert Y. Marchand, Jr., Alperstein & Covell P.C., 1391 Speer Blvd., Suite 730, Denver, CO 80204. Name of conditional water right: Aspen Reuse Project Exchange. Description of conditional water right: Date of Original Decree ("Original Decree"): March 22, 2015. Case Number: 06CW54. Diligence Decrees: This is the first diligence proceeding. Court: Water Division 5. Decreed exchange reach: Upstream terminus: Headgate of the Holden Ditch, with a decreed location at a point on the westerly bank of Castle Creek whence the northwest corner of Section 13, Township 10 South, Range 85 West of the 6<sup>th</sup> P.M. bears North 39° 52' West a distance of 1923.4 feet. Downstream terminus: Confluence of the Roaring Fork and Fryingpan Rivers in the SW¼ SE¼ of Section 7, Township 8 South, Range 86 West of the 6<sup>th</sup> P.M. at a point approximately 1,490 feet from the east section line and 640 feet from the south section line. Use of Water: Water exchanged pursuant to this exchange may be used for irrigation, snowmaking, recreation, aesthetic, piscatorial, wildlife propagation, fire protection, and augmentation as described in the Original Decree, and to fill and refill the Aspen Reuse Pond for such purposes, subject to reservation of 0.57 acre-feet to augment out of priority evaporative depletions from certain ponds as described in Table 4 of the Original Decree. Rate of Exchange: 3.0 cfs conditional, limited to the amount of water available to Aspen pursuant to its Water Supply Contract with the Colorado River Water Conservation District ("River District"), which entitles Aspen to receive 30 acre-feet of fully-consumable water annually, which will be released from Ruedi Reservoir and delivered to the downstream terminus of the exchange. That amount may be increased pursuant to a written amendment or subsequent contract with the River District. Appropriation Date: September 1, 2011. Detailed outline of what has been done toward completion or for completion of the appropriation and application of water to beneficial use as conditionally decreed, including expenditures: Aspen owns and operates an integrated water supply system which provides a water supply for municipal uses. Aspen's current infrastructure includes water rights, diversion facilities, ditches and other raw water delivery infrastructure, and water treatment plants, wells, water mains, lines and distribution systems, and related infrastructure, all of which provide untreated and treated water supplies for use by Aspen itself, and by Aspen's customers within the city and extraterritorially. The conditional exchange described in this application is part of Aspen's integrated water supply

system. Pursuant to §37-92-301(4)(b), C.R.S., when an integrated system is composed of several features, as is the case here, work on one feature of the system is considered in finding that reasonable diligence has been shown in the development of water rights for all features of the entire system. During this diligence period, Aspen performed work and made expenditures that demonstrate the steady application of effort to complete the appropriation of this conditional exchange in a reasonably expedient and efficient manner under all the facts and circumstances. In 2017, Aspen undertook a comparison of sites for a reuse pump station at the Aspen Consolidated Sanitation District facility. In 2018, Aspen entered into a Professional Services Agreement with Deere & Ault Consultants, Inc., pursuant to which the consultants were engaged to obtain survey data and river flow data in order to develop a schematic design and hydraulic analysis of the reuse diversion structure, to provide a timeline for design and construction, and to provide a cost estimate. In 2019, the consultants provided a summary of their conceptual design and related matters. Aspen expended approximately \$25,243 related to the reuse project during this diligence period. Aspen is currently evaluating the timing for implementation of design and construction of the reuse project, estimated to cost approximately \$400,000. Since the date of the Original Decree, Aspen has maintained and repaired the Aspen Reuse Pond, and the other ponds described in the Original Decree. Expenditures for operation, maintenance and repair of the Aspen Reuse Pond and the other ponds described in the Original Decree during this diligence period totaled \$291,901. During this diligence period, Aspen obtained a decree in Case No. 15CW3119, which decreed additional augmentation supplies for the Aspen Reuse Water Diversion and provided for augmentation of depletions from the Aspen Reuse Pond. During this diligence period, Aspen has continued to improve, operate and maintain its integrated water supply system (which provides both raw water and treated water supplies). The conditional exchange decreed in the Original Decree is a part of Aspen's integrated water supply system. During this diligence period, in order to enable Aspen to more effectively provide for the city's own water needs, and to provide reliable water service to its existing and future customers, Aspen has spent in excess of \$14,423,000 in the operation, maintenance, construction, repair and improvement of its water system infrastructure and related infrastructure and projects that are part of the efficiency, operation and maintenance of its integrated water supply system. These efforts have allowed Aspen to continue to provide reliable water service. Aspen has maintained, protected and defended its water rights, including the water rights decreed in the Original Decree. Aspen obtained diligence decrees for other city water rights during this diligence period, and has also opposed water right applications filed by others in cases in which Aspen has determined that injury to its water rights could occur in the absence of appropriate protective terms and conditions. During this diligence period, Aspen has expended approximately \$478,000 in water counsel attorney fees for representation in water court proceedings in order to maintain, protect and defend its water rights. Names and addresses of owners of the land upon which any new diversion or storage structure or modification to any existing diversion or storage structure or existing storage pool is or will be constructed or upon which water is or will be stored: No new diversion or storage structure or modification to any existing diversion or storage structure or existing storage pool is or will be constructed in connection with the exchange decreed in the Original Decree. Nevertheless, Aspen states that water delivered to the "exchange from" location pursuant to Aspen's Water Supply Contract with the Colorado River Water Conservation District is stored in Ruedi Reservoir, which is owned by the United States Bureau of Reclamation, c/o Great Plains Regional Office, P.O. Box 36900, Billings MT 59107-6900. The upstream terminus of the exchange and other structures described in the Original Decree are located on land or easements held by Aspen.

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

**26. 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 MARCH 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.**

**21CW3051** (96CW354, 07CW116, 14CW3014) COLORADO DIVISION OF PARKS AND WILDLIFE AND THE PARKS AND WILDLIFE COMMISSION, 6060 Broadway, Denver, CO 80216 (Please address all correspondence and inquiries regarding this matter to Ema I. G. Schultz, 720-508-6307, and Tarn Udall, 720-508-6266, Office of the Attorney General, 1300 Broadway, 7<sup>th</sup> Floor, Denver, CO 80203.) Application for Findings of Reasonable Diligence in GARFIELD COUNTY, COLORADO. 1. Name, mailing address, e-mail address, and telephone number of Applicant: Colorado Division of Parks and Wildlife ("CPW"), Attn: Ed Perkins, Water Rights Administrator, 6060 Broadway, Denver, Colorado 80216, 303-291-7466; ed.perkins@state.co.us. 2. Description of structures and conditional water rights: A. The Narrows Springs Nos. 1 through 5 (collectively, the "Narrows Springs"). i. Original Decree: Case No. 96CW354, District Court, Water Division 5, entered on June 12, 2001. ii. Subsequent Decrees: Case No. 07CW116, Water Division 5, entered on January 23, 2008 and Case No. 14CW3014, Water Division 5, entered on March 22, 2015. iii. Legal Description: The Narrows Springs are in a spring and seep area located in the N ½ NW ¼ and the SW ¼ NW ¼ of Section 11, T4S, R92W, 6th P.M. in Garfield County (see depiction on Exhibit A). Spring water will be collected through perforated pipes. The points of diversion are located as follows: a. Narrows Spring No. 1 is located at a point South 89° 15' E. from the NW corner of Section 10, T4S, R92W, 6th P.M., a distance of 6630 feet. Narrows Spring No.1 is in the NE ¼ of the NW ¼ of Section 11, T4S, R92W, 6th P.M. at a point 87 feet from the North section line and 1349 feet from the West section line of Section 11. b. Narrows Spring No. 2 is located at a point 86° 30' E. from the NW corner of Section 10, T4S, R92W, 6th P.M., a distance of 6670 feet. Narrows Spring No. 2 is in the NE ¼ of the NW ¼ of Section 11, T4S, R92W, 6th P.M., a distance of 407 feet from the North section line and 1378 feet from the West section line of

Section 11. c. Narrows Spring No. 3 is located at a point South 83° 30' E. from the NW corner of Section 10, T4S, R92W, 6th P.M., a distance of 6630 feet. Narrows Spring No. 3 is in the NW ¼ of the NW ¼ of Section 11, T4S, R92W, 6th P.M., a distance of 751 feet from the North section line and 1307 feet from the West section line of Section 11. d. Narrows Spring No. 4 is located at a point South 79° 45' E. from the NW corner of Section 10, T4S, R92W, 6th P.M., a distance of 6400 feet. Narrows Spring No. 4 is in the NW ¼ of the NW ¼ of Section 11, T4S, R92W, 6th P.M., a distance of 1139 feet from the North section line and 1018 feet from the West section line of Section 11. e. Narrows Spring No. 5 is located at a point South 74° 20' E. from the NW corner of Section 10, T4S, R92W, 6th P.M., a distance of 6490 feet. Narrows Spring No. 5 is in the SW ¼ of the NW ¼ of Section 11, T4S, R92W, 6th P.M., a distance of 1753 feet from the North section line and 969 feet from the West section line of Section 11. iv. Source: All spring sources are tributary to East Rifle Creek, tributary to Rifle Creek, tributary to the Colorado River. v. Appropriation Date: December 9, 1996. vi. Amount: The total combined amount for the Narrows Springs in the spring seep area is 9.0 cfs, conditional. vii. Uses: The Narrows Springs will be used for piscatorial purposes to provide water for the rearing and distribution of fish in the operation of CPW's Rifle Falls Hatchery located in the S ½ SE ¼ of Section 15, the NE ½ of Section 22, and the NW ¼ NE ¼ of Section 27, all in Township 4 South, Range 92 West, 6th P.M. in Garfield County, Colorado. viii. Remarks: As provided in the original decree, the following terms and conditions will be included in any proposed or final decree: a. The instream flow water rights decreed to the Colorado Water Conservation Board ("CWCB") immediately below the diversion point of the Narrows Spring No. 5 will be continually measured, and CPW will curtail or partially curtail its diversions from all Narrows Springs in order to maintain the instream flow at 6 cfs, even if the CWCB subsequently reduces the 6 cfs instream flow right. b. CPW shall install and maintain, at its sole expense, a measuring device located at or near the points of diversion of the Narrows Springs. The measuring device shall be approved by the City of Rifle and the Division Engineer. c. Diversions at the Narrows Springs (for this case and any future appropriation at these points of diversion) will be limited to a maximum of 9 cfs. 3. Integrated system: The Narrows Springs are a feature of an integrated water system for the Rifle Falls Fish Hatchery (the "Hatchery"). CPW seeks a finding in this diligence proceeding that the Narrows Springs are a feature of the Hatchery's integrated water system, and that work on one feature of this system shall be considered in determining whether diligence has been shown in the development of the subject conditional water rights. See § 37-92-301(4)(b), C.R.S. 4. Outline of work completed toward diligence: The Hatchery was constructed in 1954 and is the largest trout hatchery in Colorado, producing millions of Whirling Disease ("WD") negative trout per year. The Hatchery initially used surface water from East Rifle Creek as its water source to rear fish. Due to the contamination of the surface water with WD, the Hatchery was declared WD-positive in 1994. Through a variety of efforts, CPW was able to rid the Hatchery of WD, and the Hatchery was declared WD-negative in April 2003. To maintain a WD-negative hatchery, CPW must use non-contaminated, secure water sources. Spring or well water, rather than surface water, both serve this purpose. CPW has therefore worked diligently to develop spring water to increase the Hatchery's production of WD-negative fish. The Narrows Springs water rights are critical to the full development and sustainability of the Hatchery. In 2013, CPW completed installation of an underground seep line (the "Seepline") to deliver water to the Hatchery from several spring sources. The Seepline delivers water to the Hatchery's Rifle East Auxiliary unit (the "REX Unit"). CPW designed the Seepline to be extended further upstream to transport water from the Narrows Springs to the REX Unit. The REX Unit can produce 25,000, 10- to 12-inch rainbow trout annually. A detailed outline of what has been done toward completion or for completion of the appropriations and application of water to a beneficial use as conditionally decreed, including expenditures, during the diligence period (March 2015 through March 2021) follows. This list is not intended to be exclusive and may be supplemented by additional evidence. A. CPW continues to maintain and improve the Seepline as an integral part of the water system that supplies supplemental WD-free spring water to the Hatchery for fish propagation and rearing. B. In 2016, the Seepline tested positive for WD. The initial effort to de-contaminate the Seepline was extensive and cost CPW over \$5,000. C. The Aquatic Animal Health Lab in Brush, Colorado required CPW to take additional preventative measures to minimize WD exposure after the 2016 decontamination efforts. In 2017, CPW built a fence around the REX Unit raceways. Hatchery staff also constructed aluminum panels for the REX Unit to prevent water loss to the empty raceways. The REX Unit has tested negative for WD since CPW replaced fish in the REX Unit in January 2018. These additional WD-prevention efforts cost CPW over \$6,000 during the diligence period. D. From 2018 to 2020, CPW revised its accounting forms for the augmentation plan for the Hatchery, as decreed in Case No. 94CW53, District Court, Water Division 5, and installed meters at various points in the Hatchery's water system. The updated accounting format was approved by the Division Engineer for Water Division 5. E. In 2019, CPW launched a multi-phase effort to modernize its statewide hatchery system. This modernization study aims to evaluate the hatchery system to ensure its continued operation and growth. In 2020, CPW completed the first phase of the modernization plan, and the second phase is ongoing. The draft report for the Hatchery was released in February 2021 and includes detailed analysis of the Hatchery's water supply, water quality, and water treatment systems. CPW has thus far expended over \$300,000 on the modernization study. F. CPW has performed monthly reviews of the Water Court resume to determine whether filing of statements of opposition is necessary to protect its water rights in Water Division 5, including the Narrows Spring rights. 5. Name of owners of land upon which structures are located: CPW, 6060 Broadway, Denver, CO 80216; and City of Rifle, 202 Railroad Avenue, Rifle, CO 81650. WHEREFORE, CPW respectfully requests this Court enter a decree finding that CPW has exercised reasonable diligence in the development of the conditional water rights, and to continue the conditional water rights in full force as decreed, and for such other relief as this Court deems just and proper. (6 pages.)

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

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**21CW3052 GRAND COUNTY, COLORADO.** APPLICATION FOR A FINDING OF REASONABLE DILIGENCE. 1. Name, address, telephone number(s) of Applicant: YMCA of the Rockies, Attn: CEO, P.O. Box 20800, Estes Park, CO 80511-2800, (970) 887-2152. Direct pleadings to: Peter D. Nichols, Megan Gutwein, Berg Hill Greenleaf Ruscitti LLP, 1712 Pearl Street, Boulder, Colorado 80302. 2. Description of Conditional Water Rights: A. Ruesch Spring No. 2 i. Date of Original Decree & Subsequent Diligence Decrees: July 3, 1984 in Case No. 83CW80 (Water Div. 5). This Court entered findings of diligence and continued the subject conditional water right in full force and effect in Case Nos. 88CW99 (August 24, 1988), 94CW178 (January 5, 1995), 01CW12 (October 15, 2001), 07CW191 (October 9, 2008) (cancelled municipal use), and 14CW3110 (March 22, 2015). ii. Location: The originally decreed point of diversion is located within the NW1/4, NW1/4 of Section 14, Township 1 South, Range 77 West of the 6th P.M., at a point 150 feet south of the North section line and 100 feet east of the West section line of said Section 14, in Grand County, Colorado. In Case No. 16CW3037, the point of diversion was changed to two points depicted as Points B and C on Figure 1, located as follows: Point B: The point of diversion is located within the SW1/4 of the SE1/4 of Section 6, Township 1 South, Range 76 West of the 6th P.M. at a point 1403 feet west of the East section line and 440 feet north of the South section line of said Section 6 in Grand County, Colorado. The UTM coordinates for Point of Diversion B are NAD 1983 Zone 13 South, Easting: 420487 meters, Northing: 4426137 meters. Point C: The point of diversion is located within the SW1/4 of the SW1/4 of Section 5, Township 1 South, Range 76 West of the 6th P.M., at a point 690 feet east of the West section line and 900 feet north of the South section line of said Section 5 in Grand County, Colorado. The UTM coordinates for Point C are NAD 1983 Zone 13 South, Easting: 421120 meters, Northing: 4426274 meters. See Figure 1. iii. Source: A spring on Pole Creek, tributary to Crooked Creek, tributary to the Fraser River, tributary to the Colorado River. iv. Appropriation Date: December 4, 1980 Administration Date: January 1, 1983 v. Amount: 0.445 c.f.s. (200 g.p.m.), conditional. vi. Use: Domestic, irrigation, commercial, recreational, and fire protection. vii. Land ownership information: Applicant. B. Ruesch Spring No. 3 i. Date of Original Decree & Subsequent Diligence Decrees: July, 3, 1984 in Case No. 80CW434 (Water Div. 5). This Court entered findings of diligence and continued the subject conditional water right in full force and effect in Case Nos. 88CW97 (August 24, 1988), 94CW178 (January 5, 1995), 01CW12 (October 15, 2001), 07CW191 (October 9, 2008) (cancelled municipal use), and 14CW3110 (March 22, 2015). ii. Location: The originally decreed point of diversion is located within the SW1/4, SW1/4 of Section 13, Township 1 South, Range 77 West of the 6th P.M., at a point 900 feet from the West section line and 750 feet from the South section line of said Section 13, in Grand County, Colorado. In Case No. 16CW3037, the point of diversion was changed to two points depicted as Points B and C on Figure 1, located as described in paragraph 2.A.ii, above. See Figure 1. iii. Source: A spring on Pole Creek, tributary to Crooked Creek, tributary to the Fraser River, tributary to the Colorado River. iv. Appropriation Date: December 4, 1980. v. Amount: 0.445 c.f.s. (200 g.p.m.), conditional. vi. Use: Domestic, irrigation, commercial, recreational, and fire protection. vii. Land ownership information: Applicant. C. Ruesch Spring No. 5 i. Date of Original Decree & Subsequent Diligence Decrees: July 3, 1984 in Case No. 82CW106 (Water Div. 5). This Court entered findings of diligence and continued the subject conditional water right in full force and effect in Case Nos. 88CW98 (August 24, 1988), 94CW178 (January 5, 1995), 01CW12 (October 15, 2001), 07CW191 (October 9, 2008) (cancelled municipal use), and 14CW3110 (March 22, 2015). ii. Location: The originally decreed point of diversion is located within the NE1/4, SE1/4 of Section 14, Township 1 South, Range 77 West of the 6th P.M., at a point 2,500 feet north of the South section line and 1,250 feet west of the East section line of said Section 14, in Grand County, Colorado. In Case No. 16CW3037, the point of diversion was changed to two points depicted as Points B and C on Figure 1, located as described in paragraph 2.A.ii, above. See Figure 1. iii. Source: A spring on Pole Creek, tributary to Crooked Creek, tributary to the Fraser River, tributary to the Colorado River. iv. Appropriation Date: May 31, 1982. v. Amount: 0.445 c.f.s. (200 g.p.m.), conditional. vi. Use: Domestic, irrigation, commercial, recreational, and fire protection. vii. Land ownership information: Applicant. 3. Application for Finding of Reasonable Diligence. Applicant seeks a finding of reasonable diligence for the Ruesch Springs Nos. 2, 3 and 5 conditional water rights. These conditional water rights are part of an integrated water supply and potable water distribution system. The system includes, among other things, the Gaylord Reservoir (f/k/a/ Snow Mountain Reservoirs Nos. 1 and 2), the Ruesch Spring, Ruesch Springs Nos. 2, 3, and 5, the YMCA (Just) Spring, Well Nos. 1 and 2, the Gaylord (f/k/a Snow Mountain) Feeder Ditch and Pipeline, the augmentation plan decreed in Case No. 96CW175 (HOA and Pole Creek Golf Course) and associated facilities. Pursuant to the decrees in Case Nos. 07CW191, 94CW178, 83CW80, 80CW434, 82CW106, 82CW35, 96CW182, 04CW159, and 14CW3110, this Court has found that diligence on one part of this system is diligence on the entire system. Outline of Work Done Toward Completion of Project and Application of Water to Beneficial Use: During the interval of time since this Court's last finding of diligence concerning Ruesch Springs Nos. 2, 3 and 5 in Case No. 14CW3110, in continuing the development of the water rights which are the subject of this Application, Applicant has engaged in additional planning, design and construction work related to the improvement of their storage, treatment, and distribution system for delivering water for beneficial use, and have engaged in the legal defense and protection of their rights. Work performed to develop the subject conditional water rights includes, but is not limited to: A. YMCA made a significant number of improvements to the water supply and distribution systems at Snow Mountain Ranch, including: i. Installed new water service to the Yurt Village II, Adam's Promise Building, Dog Park, Tilghman Park Restrooms, and Blue Ridge Cabin at a total cost of approximately \$54,000. ii. Upgraded the Ruesch Water Plant at a cost of \$250,000. iii. Repaired water service line leaks throughout the system at a total cost of approximately \$20,000. iv. Repaired the Just water pump at a cost of \$10,500. v. Repaired leak in the main line on the 220,000 gallon tank at a cost of \$1,000. vi. Repaired water leak in the main line by the Mini Golf

Course at a cost of \$2,400. vii. Completed extensive work in the Camp Chief Ouray area including new water mains and infrastructure, new Bunk House service main, new fire hydrants, new water main loop to the existing system, and new water service lines to the existing buildings and the Ball Field sprinkler system at a total cost of approximately \$500,000. B. W.W. Wheeler and Associates, Inc. prepared monthly and annual accounting for the Snow Mountain Ranch water supply system at a cost of approximately \$21,000. In addition, W.W. Wheeler performed engineering analyses for YMCA in Case No. 16CW3037, which decreed changes of the Ruesch Springs, at a cost of approximately \$18,000. C. YMCA continued to protect and improve its legal water supplies for Snow Mountain Ranch that are integrated with the subject water rights, including: i. Obtaining a decree to make absolute Gaylord Reservoir on January 27, 2019 in Case Number 18CW3066. ii. Obtaining a decree for a finding of reasonable diligence for the Gaylord Feeder Ditch and Pipeline on September 17, 2017 in Case No. 17CW3050. iii. Obtaining a decree for changed points of diversion for the subject water rights on November 12, 2017 in Case No. 16CW3037. iv. Monitoring applications for water rights which could adversely affect the Applicant's water rights decrees. v. Expenditures by YMCA during this diligence period in connection with the above activities were approximately \$28,000. WHEREFORE, Applicant prays this Court enter a decree that Applicant has exercised reasonable diligence in the development of the Ruesch Spring Nos. 2, 3, and 5 water rights described above and continuing all portions of these water rights in full force and effect. (8 pages with Figure)

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**21CW3053 MESA COUNTY - COLORADO RIVER;** Dean E. Arrants and Kelli Arrants; c/o John R. Pierce, DUFFORD WALDECK, 744 Horizon Court, Suite 300, Grand Junction, CO 81506, (970) 248-5865; APPLICATION FOR SURFACE RIGHTS, STORAGE RIGHTS, PLAN FOR AUGMENTATION, AND APPROPRIATIVE RIGHT OF EXCHANGE; Name, mailing address, and telephone number of applicants: Dean E. and Kelli Arrants; 3022 Big Bird Avenue; Grand Junction, CO 81504; (970) 778-5094; Request for surface water right: Name of structure: Arrants Pump and Pipeline; Location of structure: SE/4 SE/4 of Section 18, Township 1 South, Range 2 East, of the Ute PM, at a point 400 feet from the south section line and 1060 feet from the east section line (Zone 13 NAD83; Easting: 205121.03m; Northing: 4329398.75m); Source: Sink Creek, tributary to the Colorado River; Date of appropriation: August 15, 2020; How appropriation was initiated: By contacting water counsel and hydrologist regarding necessary steps to file a claim for water rights and by arranging for a site visit; Amount: 0.223 c.f.s. conditional; Uses: Irrigation, filling and refilling the Arrants Pond; If irrigation: Will be used to irrigate up to 3 acres of orchard, grapes, and/or strawberry plants located in Section 18, T1S, R2E, Ute P.M.; Request for storage right: Name of structure: Arrants Pond; Location of structure: SE/4 of the SE/4 of Section 18, Township 1 South, Range 2 East of the Ute PM, at a point approximately 1,245 feet north of the south section line and approximately 1,050 feet west of the east section line of said Section 18 (Zone 13 NAD83; Easting: 205148.94m; Northing: 4329643.37m); Source: Diversions from Sink Creek; If filled from a ditch: Will be filled with diversions from the Arrants Pump and Pipeline, requested above; Date of appropriation: August 15, 2020; How appropriation was initiated: By contacting water counsel and hydrologist regarding necessary steps to file a claim for water rights and by arranging for a site visit; Amount claimed/total capacity of reservoir: 6.13 a.f. conditional, all dead storage; Uses: Irrigation, recreation, fire protection; If irrigation: Will be used to irrigate 0.5 acres of bluegrass and up to 3 acres of orchard, grapes, and/or strawberry plants located in Section 18, T1S, R2E, Ute P.M.; Surface area of high-water line: 0.75 acres; Height of dam: n/a (The Arrants Pond will be excavated to a depth of approximately 10 feet but no dam will be constructed); Request for approval of plan for augmentation: Structures to be augmented: Arrants Pump and Pipeline, Arrants Pond; Water rights to be used for augmentation: Wolford Mountain Reservoir (fka Gunsight Pass Reservoir): Case No. 87CW283; Decree Date: November 20, 1989. Name of Structure: Gunsight Pass Reservoir. Legal description of place of storage: SW1/4 of the NE1/4 of Section 25, T. 2 N., R. 81 W., 6th P.M. The intersection of the dam axis with the right abutment will occur at a point which bears S. 54°54'20" E. a distance of 3,716.46 feet from the NW Corner of said Section 25; Source: Muddy Creek and its tributaries, all tributary to the Colorado River; Amount: 59,993 a.f. conditional; of this amount, 32,986 a.f. were made absolute for piscatorial and recreational uses by decree entered in Water Court Case No. 95CW251, and the full amount was made absolute for all purposes by decree entered in Water Court Case No. 02CW107; Appropriation Date: December 14, 1987; Case No. 95CW281; Decree Date: August 26, 1997; Name of Structure: Wolford Mountain Reservoir Enlargement; Legal description of place of storage: SW1/4 of the NE1/4 of Section 25, T. 2 N., R. 81 W., 6th P.M.; Source: Muddy Creek and its tributaries, all tributary to the Colorado River; Amount: 6,000 a.f., conditional; Appropriation Date: January 16, 1995; Case No. 98CW237; Decree Date: July 6, 2000; Amount: 30,000 a.f. conditional, with 15,895 a.f. being absolute for recreational and piscatorial and flood control; Appropriation Date: November 17, 1998; Ruedi Reservoir: Case No. C.A. 4613; Court: Garfield County District Court. Decreed Amount: 102,369 a.f.; Decreed Uses: Domestic, municipal, irrigation, industrial, generation of electrical energy, stock watering and piscatorial uses consistent with the Operating Principles for the Fryingpan-Arkansas Project; Source: Fryingpan River, tributary to the Roaring Fork River, tributary to the Colorado River; Legal Description: In Eagle and Pitkin Counties, in parts of Sections 7, 8, 9, 11, and 14 through 18, of Township 8 South, Range 84 West, 6th P.M. The dam is located in the NW¼ of Section 18, Township

8 South, Range 84 West, 6th P.M.; Adjudication Date: June 20, 1958; Appropriation Date: July 29, 1957; Statement of plan for augmentation: Summary: Applicants' irrigation will take place in two phases. The water use in Phase 1 will occur in priority and will not be augmented. The Arrants Augmentation Plan will only be used during Phase 2. During Phase 1, Applicants will operate the Arrants Pump and Pipeline and the Arrants Pond when in priority to irrigate 0.5 acres of bluegrass, as described above. In the event of a call, Applicants will cease diversions from the Arrants Pump and Pipeline during Phase 1. During Phase 2, Applicants will continue the uses under Phase 1 and will also divert water directly from the Arrants Pump and Pipeline and the Arrants Pond to irrigate up to 3 acres of orchard, grapes, and/or strawberries. All potential out-of-priority depletions from the irrigation of the orchard, grapes, and/or strawberries will be offset with releases from Wolford Mountain Reservoir or Ruedi Reservoir pursuant to a water service contract with the Colorado River District. That purchase obligation is 1.38 a.f. for each acre of orchard, 0.12 a.f. for each acre of strawberry plants, and 1.27 a.f. for each acre of grapes. During Phase 2 Applicants will notify the Division Engineer on or before April 15 of each year of the acreage of orchard, grapes, and/or strawberries to be irrigated that year. If that acreage has not changed relative to the previous year, no notice shall be necessary; Depletions: Evaporative losses: Evaporative losses from the Arrants Pond are projected to be 3.06 a.f. annually, 2.64 a.f. during the irrigation season, and 1.26 a.f. during the potential call period. Maximum evaporation is projected to occur in July, with a monthly rate of 0.49 a.f.; Irrigation: Diversions from the Arrants Pond and the Arrants Pump and Pipeline will be used to irrigate 0.5 acres of bluegrass, as well as up to 3 acres of orchards, grapes, and/or strawberries. The maximum irrigation demand for bluegrass, orchard, and berry plants is projected to occur in July. For bluegrass and strawberries, a diversion rate of 75 g.p.m. (0.17 c.f.s.) will supply the water required to meet the maximum monthly demand in July. For an orchard and for grapes, a diversion rate of 100 g.p.m. (0.22 c.f.s.) will supply the water required to meet the maximum monthly demand in July; Depletions: Depletions to Sink Creek during Phase 2 will occur in response to diversions made through the Arrants Pump and Pipeline both to fill and refill Arrants Pond and to provide for irrigation. The pond will be refilled to replace evaporative losses and diversions from the pond for lawn irrigation. The projected consumptive losses associated with lawn irrigation were estimated based on the average irrigation water requirements for 0.5 acres of bluegrass at the Applicants' property, assuming sprinkler irrigation with 85 percent irrigation efficiency and that the diversions from the pond would be sufficient to meet the irrigation water requirements. The remaining 15 percent of the irrigation diversions will accrete to Sink Creek through deep percolation irrigation return. Additional depletions to Sink Creek will occur during Phase 2 in response to diversions made through the Arrants Pump and Pipeline for irrigation of an orchard, grapes, and/or strawberry plants. Irrigation will be accomplished either by pumping water from the creek through the Arrants Pump and Pipeline or by pumping water stored in the Arrants Pond. Consumptive losses from orchard irrigation were estimated based on the average irrigation water requirements for an orchard without cover, assuming sprinkler irrigation with 85 percent efficiency. The remaining 15 percent of the irrigation diversions will accrete to Sink Creek through deep percolation. Applicants may modify the ratio of their crop irrigation from year to year by varying the acreage of orchard, grapes, and/or strawberries. Net depletions to Sink Creek for each crop are provided on a per-acre basis to permit the Division Engineer to administer the augmentation plan as such changes occur. The consumptive losses from irrigation of strawberry plants were estimated based on 85 percent irrigation efficiency. The remaining 15 percent of irrigation diversions will accrete to Sink Creek through deep percolation irrigation return. The consumptive losses associated with irrigation of grapes were estimated based on the average irrigation water requirements for grapes, assuming sprinkler irrigation with 85 percent irrigation efficiency. The remaining 15 percent of the irrigation diversions will accrete to Sink Creek through deep percolation irrigation return. Potential call period: There is potential for a call on the Colorado River downstream of the Sink Creek confluence from July 1 through September 30 by the Minimum Instream Flow Right decreed in Case No. 92CW286; Request for appropriative right of exchange: Arrants Sink Creek Exchange; Summary: Reservoir releases made pursuant to the Arrants' Augmentation Plan will be exchanged up Sink Creek from the confluence of Sink Creek and the Colorado River (Downstream Terminus) up to the point of depletion to Sink Creek (Upstream Terminus); Location: Downstream terminus: The downstream terminus of the Arrants Exchange is located within the SW1/4 NW1/4 of Section 18, Township 1 South, Range 2 East, Ute P.M., at a point 2,335 feet from the north section line and 370 feet from the west section line (Zone 13, NAD83, Easting 204010.08m, Northing 4330217.46m); Upstream terminus: The upstream terminus of the Arrants Exchange is located within SE1/4 of the SE1/4 of Section 18, Township 1 South, Range 2 East, of the Ute PM, at a point approximately 400 feet north of the south section line and 1,060 west of the east section line (Zone 13 NAD83; Easting: 205121.03m; Northing: 4329398.75m); Date of appropriation: August 15, 2020; How appropriation was initiated: By contacting water counsel and hydrologist regarding necessary steps to file a claim for water rights and by arranging for a site visit; Amount: 0.04 c.f.s. conditional (based on the maximum monthly irrigation demand for a 3-acre orchard). (8 pages)

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**29. 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 MARCH 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.***

**2021CW3054 PITKIN COUNTY. ROARING FORK RIVER. COLKAMKEL, LLC, c/o, Corona Water Law, Craig Corona, Esq., 1018 Lauren Lane, Basalt, CO 81621, (970) 948-6523. APPLICATION FOR FINDING OF REASONABLE DILIGENCE AND TO**

MAKE ABSOLUTE. CLAIM 1: For Finding of Reasonable Diligence and to Make Absolute. Name: Gerbaz Extension of the Snowmass Divide Ditch. Original decree: November 5, 1971. Case No. CA5884, Garfield County District Court. Legal description: Located at a point on the right bank of the Snowmass Creek, whence the SW Corner of Section 12, Township 9 South, Range 86 West of the 6<sup>th</sup> P.M. bears north 28°39'43" east a distance of 2,231.6 feet (1,958 feet from the north section line and 1,070 feet from the east section line, in the SE ¼ NE ¼ of Section 14). Source: Snowmass Creek. Appropriation date: March 23, 1967. Amount: 0.034 c.f.s. Uses remaining conditional: Fire protection, piscatorial, recreation, augmentation, exchange, aesthetic, wildlife, stockwatering, and to fill and refill a pond for the above purposes, as well as for a swimming pool. Uses absolute: Irrigation. Place of use: 1601 Watson Divide Road, Snowmass, CO 81654. An outline of diligence activities is on file with the Court. Claim to make absolute: Date: approximately October 15, 2018. Amount: 0.034 c.f.s. Uses: Fire protection and filling the swimming pool. Copies of the application may be obtained from Craig Corona at [cc@craigcoronalaw.com](mailto:cc@craigcoronalaw.com).

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**30. 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 MARCH 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.***

**21CW3056 GARFIELD COUNTY - COLORADO RIVER.** United Companies of Mesa County; c/o John R. Pierce, DUFFORD WALDECK, 744 Horizon Court, Suite 300, Grand Junction, CO 81506, (970) 248-5865; APPLICATION FOR FINDING OF REASONABLE DILIGENCE; Name, address, and telephone number of applicant: United Companies of Mesa County; 2273 River Road; Grand Junction, CO 81503; (970) 243-4900; Request for finding of diligence: Name of structure: Scott Pit, Well Permit No. 62558-F; Description of conditional water right: Case No. and date of original decree: Case No. 2004CW158 on May 29, 2008; Subsequent decrees awarding diligence: 2014CW3055; Legal description of well: The Scott Pit Expansion of the Chambers Pit will be located in Section 15, T6S, R93W, 6<sup>th</sup> P.M. Area No. 1 of the pit will be located 2,900 feet east of the west section line and 2,800 feet south of the north section line; Area No. 2 of the Scott Expansion of the Chambers Pit will be located 1,500 feet west of the east section line and 2,100 feet south of the north section line; Area No. 3 will be located 500 feet west of the east section line and 2,500 feet south of the north section line; Source: Groundwater tributary to the Colorado River; Appropriation date: August 1, 2003; Amount: 158.52 a.f., annually, conditional (56.17 a.f. of the total 214.69 a.f. was made absolute in Case No. 2014CW3055); Use: Industrial, including dust suppression, evaporation, and dewatering, as well as for aesthetic, piscatorial, and recreational purposes; Depth: 25 feet; Outline of what has been done toward completion of appropriation and application of water to beneficial use: During the diligence period, Applicant has continued its gravel mining operation at the Scott Pit, averaging 18,500 tons per year with a maximum of 92,210 tons in 2016. Applicant has continued to dewater portions of the pit and has continued dust control up to two times per day. Gravel crushing occurs during the months of June through August when gravel production is in operation. The pit currently exposes 10.9 acres of groundwater with annual gross evaporative depletion of 40.9 a.f. The maximum annual depletions during the diligence period were slightly lower than the water rights in the Scott Pit made absolute in Case No. 14CW3055. As a result, Applicant does not request to make any of the remaining conditional water rights absolute at this time, but instead requests a finding of diligence to continue the conditional rights in the Scott Pit in full force and effect for another six years. (4 pages)

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**31. 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 MARCH 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.***

**21CW3057 IN GRAND COUNTY, COLORADO.** Northern Colorado Water Conservancy District, c/o Kyle Whitaker, 220 Water Avenue, Berthoud, Colorado 80513, Telephone: (800) 369-7246, Email: [kwhitaker@northernwater.org](mailto:kwhitaker@northernwater.org). Please address all correspondence to: Douglas M. Sinor and Mirko L. Kruse, Trout Raley, 1120 Lincoln Street, Suite 1600, Denver, CO 80203, Telephone: (303) 861-1963. **APPLICATION FOR WATER RIGHTS AND APPROVAL OF PLAN FOR AUGMENTATION** 1. Names, mailing address, email address and telephone numbers of applicant(s): See above. 2. Claim for Groundwater Right. West Slope Campus Well No. 1: A. Location: Within 200 feet of 40.139467 degrees North and 105.908157 degrees West (UTM: 422637 E 4443632 N; Zone 13), as shown on Figure 1. B. Source: Alluvial groundwater, tributary to Willow Creek, tributary to the Colorado River. C. Date of appropriation: March 31, 2021. D. How appropriation was initiated: The filing of this application. E. Amount: 30 g.p.m., absolute. To

the extent that Applicant does not apply water to beneficial use for the claimed purposes during the pendency of this adjudication, Applicant reserves the right to claim all or a portion of the water right conditional without amending the Application. F. Use: Commercial, including for indoor sanitary purposes, industrial, including for initial construction of Northern Water’s West Slope Campus, irrigation, fire suppression, and all uses associated with Northern Water’s West Slope Campus and related maintenance of Northern Water’s West Slope facilities. G. Storage: The West Slope Campus Pond No. 1, as described in paragraph 3. 3. Claim for Storage Right. West Slope Campus Pond No. 1: A. Location: Approximately 40.139859 degrees North and 105.906161 degrees West (UTM: 422808 E 4443674 N; Zone 13), as shown on Figure 1. B. Source: Natural inflows captured by the pond or at times when natural inflows are insufficient, fill from the West Slope Campus Well No. 1, as described in paragraph 2. C. Date of appropriation: March 31, 2021. D. How appropriation was initiated: The filing of this application. E. Amount: 2.6 acre-feet, absolute. To the extent that Applicant does not store water from the claimed sources during the pendency of this adjudication, Applicant reserves the right to claim all or a portion of the water right conditional without amending the Application. F. Use: Fire suppression 4. Claim for Plan for Augmentation, Including Replacement by Exchange. A. Name of structures to be augmented: West Slope Campus Well No. 1 and West Slope Campus Pond No. 1, as described in paragraphs 2 and 3 above. 5. Water rights to be used for augmentation: Augmentation water will be delivered into the Colorado River pursuant to a Water Allotment Contract between Applicant and the Middle Park Water Conservancy District (“Middle Park”) that entitles Applicant to the delivery of 2.5 acre feet annually from the two sources described below: A. Windy Gap Project: A portion of the 3,000 acre feet which the Municipal Subdistrict, Northern Colorado Water Conservancy District has agreed to annually place in storage in Granby Reservoir, which is located on the Colorado River upstream from the confluence of the Fraser and Colorado Rivers in Grand County, Colorado. B. Wolford Mountain Reservoir: As an alternative source of supply, Applicant may use a portion of the storage right confirmed by decree entered November 20, 1989, in Case No. 87CW283, District Court, Water Division No. 5. Middle Park has an interest in 3,000 acre feet of this Wolford Mountain water by virtue of an agreement between the Colorado River Water Conservation District, the Board of County Commissioners of Grand County, and Middle Park, dated December 17, 1992. 6. Applicant does not intend to change a water right to provide its augmentation source. 7. Complete statement of plan for augmentation: Applicant will replace all out-of-priority depletions caused by withdrawals from the West Slope Campus Well No. 1 and West Slope Campus Pond No. 1. Depletions will be replaced with an Allotment Contract with Middle Park. A detailed description of Applicant’s demands and depletions is set forth below: A. Estimate of depletions. Depletions will result from the diversion of 3.08 acre-feet annually from the West Slope Campus Well No. 1 and result in a total depletion of 2.5 acre-feet annually. Withdrawals will create depletions from (1) indoor use within the Northern Water’s West Slope Campus, with estimated demands of 0.48 acre-feet annually and applying a 10% consumptive use rate; (2) landscaping at the West Slope Campus, with estimated demands of 0.71 acre-feet annually at an 80% irrigation efficiency; (3) refilling of the West Slope Campus Pond No. 1 to maintain water levels to replace evaporative losses, at a rate of 1.65 acre-feet annually at a 100% consumptive use rate; and (4) truck filling for dust control, compaction, and other maintenance activities, with estimated demands of 0.24 acre-feet annually assuming 100% consumption. At times there will be natural inflows captured by the West Slope Campus Pond No. 1. These inflows will either be bypassed or fully augmented if such inflows are stored out-of-priority. B. The applicant reserves the right to change the mix of uses described above. There will be variability in uses over time causing specific amounts of diversions and depletions to vary as well as the replacement source. Diversions and depletions will be accounted for by use and total depletions will not exceed a total of 2.5 acre-feet annually. The source of water used for augmentation may also vary between Windy Gap Project or Wolford Mountain Reservoir water released pursuant to Applicant’s Allotment Contract with Middle Park. C. Location of depletions. Depletions will impact Willow Creek above the confluence with the Colorado River at a point of depletion shown on Figure 1. D. Timing of depletions. There will be little variation in the monthly distribution of depletions and the full impact of depletions will not affect the stream for several years. To be conservative, Applicant will supply augmentation water to the stream at levels of full depletions from the beginning of the augmentation plan to protect downstream water rights. Applicant calculated lagged depletions using the Glover Method with parameters of 5,880 ft (distance to the stream), 0.15 (specific yield), and 5,000 gpd/ft (transmissivity).

**Diversions (acre-feet)**

<b>Demand</b>	<b>Jan</b>	<b>Feb</b>	<b>Mar</b>	<b>Apr</b>	<b>May</b>	<b>Jun</b>	<b>Jul</b>	<b>Aug</b>	<b>Sep</b>	<b>Oct</b>	<b>Nov</b>	<b>Dec</b>	<b>Annual Total</b>
Indoor Use	0.04	0.04	0.04	0.04	0.04	0.04	0.04	0.04	0.04	0.04	0.04	0.04	0.48
Landscaping	0	0	0	0	0.14	0.14	0.14	0.14	0.14	0	0	0	0.71
Pond Evap.	0	0	0	0.18	0.24	0.30	0.31	0.25	0.21	0.15	0	0	1.65
Truck Filling	0.02	0.02	0.02	0.02	0.02	0.02	0.02	0.02	0.02	0.02	0.02	0.02	0.24
<b>Total</b>	<b>0.06</b>	<b>0.06</b>	<b>0.06</b>	<b>0.24</b>	<b>0.45</b>	<b>0.50</b>	<b>0.51</b>	<b>0.46</b>	<b>0.42</b>	<b>0.21</b>	<b>0.06</b>	<b>0.06</b>	<b>3.08</b>

**Lagged Depletions (acre-feet)**

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Annual Total
Lagged Depletions	0.21	0.21	0.21	0.21	0.21	0.21	0.21	0.21	0.21	0.21	0.21	0.21	2.50

E. Replacement of depletions. Out-of-priority depletions resulting from the operation of the West Slope Campus Well No. 1 and the West Slope Campus Pond No. 1 will be replaced with water released into the Colorado River from the sources described above pursuant to a Water Allotment Contract between Applicant and Middle Park. The contract will entitle Applicant to the release of 2.5 acre feet annually from the sources identified in paragraphs 5.A and 5.B above, in accordance with the lagged-depletions schedule provided above.

F. Replacement by exchange. In connection with the plan for augmentation, Applicant requests an appropriate right of exchange as follows: i. Downstream termini: The downstream termini of the exchange will be either (1) the confluence of Muddy Creek and the Colorado River, or (2) the confluence of Willow Creek and the Colorado River, depending on the source from which augmentation water is being released: a. Wolford Mountain Reservoir: A point located on the north bank of the Colorado River at the confluence with Muddy Creek that is 40 feet north of the south section line and 1,850 feet west of the east section line in the SW 1/4 SE 1/4 of Section 18, Township 1 North, Range 80 West of the 6th P.M. b. Windy Gap Project: A point on the Colorado River at the confluence with Willow Creek that is 2,490 feet north of the south section line and 110 feet east of the west section line in NW 1/4 SW 1/4 of Section 21, Township 2 North, Range 76 West of the 6th P.M., resulting from releases into the Colorado River from Granby Reservoir located in parts of Township 3 North, Range 76 West, and Township 2 North, Range 75 West, 6th P.M. ii. Upstream terminus: The uppermost point on Willow Creek, tributary to the Colorado River, affected by depletions from the West Slope Campus Well No. 1 and West Slope Campus Pond No. 1, as shown on Figure 1 and located at a point 1,580 feet north of the south section line and 280 feet east of the west section line in NW 1/4 SW 1/4 of Section 16, Township 2 North, Range 76 West (Lat: 40.13126 Long: -105.9199). iii. Appropriation date: March 31, 2021. iv. How appropriation was initiated: By the filing of this application. v. Annual Volume: 2.5 acre-feet vi. Maximum rate of exchange: 0.0035 cfs. 8. Name and address of owners of the land upon which any new diversion or storage structure will be constructed: Applicant. (7 pages)

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**32. 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 MARCH 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.**

**21CW3058 GRAND COUNTY. Application for Finding of Reasonable Diligence.** Co-Applicants: **GP Granby Holdings, LLC** ("GPGH") c/o Mark Meyer 1155 Crain St., Ste. 5, Menlo Park, CA 94025; c/o Christopher L. Geiger and Margaret L. Casey Balcomb & Green, P.C., P.O. Drawer 790, Glenwood Springs, CO 81602; 970-945-6546. **SilverCreek Water and Sanitation District** ("SilverCreek" or "the District") 336 Spruce Dr., P.O. Box 4014, SilverCreek, CO 80446; 970-887-2850, c/o Jennifer M. DiLalla and Joshua B. Boissevain Moses, Wittemyer, Harrison and Woodruff, P.C., 2595 Canyon Blvd., Ste. 300, Boulder, CO 80302-6744; 303-443-8782. **Town of Granby** ("Town") c/o Town Clerk, P.O. Box 440, Granby, CO, 80446, c/o Scotty P. Krob, and Nathan Krob, 8400 E. Prentice Ave., Penthouse, Greenwood Village, CO 80111; 303-694-0099. Summary of Application: Co-Applicants seek a finding of reasonable diligence in the development of the conditional Windy Gap Exchange described in paragraphs 4 through 10 below and also referred to herein as the "Subject Water Right." Subject Water Right: Windy Gap Exchange (the "Exchange"). Previous decrees: Original Decree: 5/17/1994, 90CW236, Div. 5. Related decree: 7/31/2013, 97CW290, Div. 5. The 97CW290 decree approved a change of the conditional portion of the Exchange to add the alternate points of diversion as upstream termini. Prior diligence decrees: 00CW071 dated 9/12/2001, 07CW171 dated 5/10/2008, 14CW3052 dated 3/22/2015, all Div. 5. Sources: Granby Reservoir: Colorado River. Wolford Mountain Reservoir: Muddy Creek, a tributary of the Colorado River. Approp. Date: 7/11/1990. Amt: 5.0 c.f.s., of which 1.78 c.f.s. was confirmed absol. in 90CW236 and 3.22 c.f.s. remains cond. 97CW290 Alt. Points: The cumulative rate of diversion at the 97CW290 Alt. Points by exchange from Granby Reservoir or Wolford Mountain Reservoir, including both the conditional and absolute portions of this exchange priority, is limited to 4.4 c.f.s. per decree in 97CW290. Use: All municipal purposes, incl. dom., commercial, irr., rec., snowmaking, piscatorial, wetlands, and aug., diversions to storage and direct flow. Structures to which water is exchanged: Original decree: Val Moritz Well Nos. 1 – 4. 97CW290 Alt. Points: SilverCreek Municipal Wells No. 5 – 10; SilverCreek Pump and Pipeline No. 1; SilverCreek Pump and Pipeline No. 3; DeBerard Ditch. Previous decrees for structures to which water is exchanged: W-1748; W-1748-76; W-1881; 80CW297; 82CW043 and 82CW181 (Cons.); 80CW485; 84CW454; 88CW419; 95CW102; 97CW290; 01CW307; 09CW106. Location of structures to which water is exchanged: Val Moritz Well No. 1: As changed in 09CW106, NE1/4NW1/4 of Sec. 6, T1N, R76W of the 6th P.M. at a point 1,219 ft. from the N. sec. line and 2,219 ft. from the W. sec. line of said

Sec. 6. Val Moritz Well No. 2: SW1/4NE1/4 of Sec. 6, T1N, R76W of the 6<sup>th</sup> P.M. at a point 1,400 ft. S. of the N. line and 1,900 ft. W. of the E. line of said Sec. 6. Val Moritz Well No. 3: As changed in 09CW106, SE1/4NE1/4 of Sec. 6, T1N, R76W of the 6<sup>th</sup> P.M. at a point 1,584 ft. from the N. sec. line and 1,186 ft. from the E. sec. line of said Sec. 6. Val Moritz Well No. 4: As changed in 09CW106, SE1/4NE1/4 of Sec. 6, T1N, R76W of the 6<sup>th</sup> P.M. at a point 1,835 ft. from the N. sec. line and 469 ft. from the E. sec. line of said Sec. 6. SilverCreek Municipal Well No. 5: NW1/4SW1/4 of Sec. 4, T1N, R76W of the 6<sup>th</sup> P.M. at a point 2,590 ft. from the S. line and 300 ft. from the W. line of said Sec. 4. SilverCreek Municipal Well No. 6: NW1/4SW1/4 of Sec. 4, T1N, R76W of the 6<sup>th</sup> P.M. at a point 2,260 ft. from the S. line and 890 ft. from the W. line of said Sec. 4. SilverCreek Municipal Well No. 7: NE1/4SW1/4 of Sec. 4, T1N, R76W of the 6<sup>th</sup> P.M. at a point 1,780 ft. from the S. line and 1,760 ft. from the W. line of said Sec. 4. SilverCreek Municipal Well No. 8: SW1/4SE1/4 Sec. 4, T1N, R76W of the 6<sup>th</sup> P.M. at a point 1,260 ft. from the S. line and 2,290 ft. from the E. line of said Sec. 4. SilverCreek Municipal Well No. 9: SW1/4SE1/4 of Sec. 4, T1N, R76W of the 6<sup>th</sup> P.M. at a point 870 ft. from the S. line and 1,440 feet from the E. line of said Sec. 4. SilverCreek Municipal Well No. 10: SE1/4SE1/4 of Sec. 4, T1N, R76W of the 6<sup>th</sup> P.M. at a point 340 ft. from the S. line and 700 ft. from the E. line of said Sec. 4. SilverCreek Pump and Pipeline No. 1: May divert at the following three decreed alternate points: DeBerard Ditch: At the existing headgate on the left (W.) bank of the Fraser River in the SE1/4NW1/4 of Sec. 10, T1N, R76W of the 6<sup>th</sup> P.M., at a point whence the NW corner of Sec. 10 bears N 38° 00' W a distance of 3,100 ft. Alternate Point A: A point of diversion on the left (W.) bank of the Fraser River in the NE1/4NE1/4 of Sec. 9, T1N, R76W of the 6<sup>th</sup> P.M. at a point 300 ft. from the N. line and 20 ft. from the E. line of said Sec. 9. Alternate Point B: A point of diversion on the left (S.) bank of the Fraser River in the SE1/4NE1/4 of Sec. 5, T1N, R76W of the 6<sup>th</sup> P.M. at a point 1,900 ft. from the N. line and 340 ft. from the E. line of said Sec. 5. SilverCreek Pump and Pipeline No. 3: on the right (E.) bank of DeBerard Draw in the NW1/4SW1/4 of Sec. 16, T1N, R76W of the 6<sup>th</sup> P.M. at a point 2,200 ft. from the S. line and 1,250 ft. from the W. line of said Sec. 16. DeBerard Ditch: The left (W.) bank of the Fraser River in the SE1/4NW1/4 of Sec. 10, T1N, R76W of the 6<sup>th</sup> P.M., at a point whence the NW corner of Sec. 10 bears N 38° 00' W a distance of 3,100 ft. A map of structure locations is on file with the court as Exhibit A to the Application. Sources diverted by exchange: Granby Reservoir. Wolford Mountain Reservoir (a/k/a Gunsight Pass Reservoir). Decrees for water to be used by exchange: Nos. 1768, W-4001, 80CW108, 85CW135, 87CW238. Granby Reservoir (a/k/a Lake Granby) on the Colorado River in all or part of Sec. 25, 26, 27, 34, 35, 36, T3N, R76W, Sec. 29, 30, 32, T3N, R75W; Sec. 1, 2, 3, 10, 11, 12, 13, 15, T2N, R76W; and Sec. 5, 6, 7, 8, 9, 14, 15, 16, 17, 18, 21, 22, 23, T2N, R75W. Station 11 + 00 of the dam axis bears N 90°37' W a dist. of 2,635.3 ft. from the SE corner of Sec. 11, T2N, R76W, 6<sup>th</sup> P.M. Wolford Mountain Reservoir (a/k/a Gunsight Pass Reservoir) on Muddy Creek, a tributary of the Colorado River. The dam is in the SW1/4NE1/4 of Sec. 25, T2N, R81W of the 6<sup>th</sup> P.M. The intersection of the dam axis with the right abutment occurs at a point which bears S. 54°54'20" E. a dist. of 3,716.46 ft. from the NW corner of said Sec. 25. Integrated System: Decree in 00CW071 confirmed the Exchange is part of an integrated water supply system that also includes absolute and conditional water rights and a plan for augmentation decreed in Nos. W-1748; W-1881; 80CW297, 82CW043, 82CW181 (Consol.); and 90CW236. The Exchange and other rights parts of the integrated water supply system for Co-Applicants' project and service areas. In the diligence period preceding the filing of this Application, Co-Applicants have diligently pursued development of the Subject Water Rights. Examples of work done to establish diligence are on file with this Court. Co-Applicants have no intention of abandoning any portion of the subject water right. No new, modified or enlarged structures are contemplated in connection with this application **YOU ARE HEREBY NOTIFIED THAT YOU HAVE until the last day of MAY 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.**

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**21CW3059 GRAND COUNTY. APPLICATION FOR SURFACE WATER RIGHT AND APPROVAL OF A PLAN FOR AUGMENTATION. 1. Name, Address, Phone Number, and E-Mail Address of Applicant. Jeff & Kirsten Eldridge 197 Baxter Farm Lane Erie, Colorado 80516 Phone: (303) 444-1442 E-mail: jeff@libertypuzzles.com and kirstenvs3@yahoo.com Copies of all pleadings to: Richard A. Johnson, David F. Bower, Johnson & Repucci LLP, 850 W. South Boulder Road, Suite 100, Louisville, Colorado 80027**

**2. Overview.** Applicants are the owners of a single-family residence located on the north shore of Grand Lake, southeast of the Town of Grand Lake. By this application, Applicants are claiming a conditional surface water right for a domestic water supply and limited landscape irrigation for the property. Applicants also seek approval of a plan for augmentation and appropriate right of exchange to replace out-of-priority depletions associated with the property. A map of the subject property and diversion structure is attached as Figure 1.

**3. Claim for Conditional Surface Water Right.** (a) Name of Structure. Eldridge House Diversion. (b) Location. NE1/4 SE1/4 of Section 5, Township 3 North, Range 75 West of the 6<sup>th</sup> P.M., at a point described as Zone 13, NAD83, Easting 431167.7 m, Northing 4455414.4 m. (c) Source. Grand Lake, tributary to the Colorado River. (d) Appropriation Date. Date of application. (e) Amount. 0.033 cfs (15 gpm), conditional. (f) Uses. Domestic, irrigation, and fire protection. Irrigation will be for landscaping anywhere on the subject property. (g) Remarks. The Eldridge House Diversion is an existing structure that has historically withdrawn water from Grand Lake.

**4. Request for Approval of Plan for Augmentation.** (a) Name of Structures to be Augmented. Eldridge House Diversion, as claimed in paragraph 3 above. (b) Water Rights to be Used for Augmentation. (i) Middle Park Contract Water, which will be provided by the

Middle Park Water Conservancy District (“Middle Park”) from supplies that Middle Park owns or controls in (1) Granby Reservoir pursuant to its Windy Gap allotment contract, (2) Wolford Mountain Reservoir, (3) the Sunset Ridge Pond, (4) and/or alternative storage structures. Applicants’ application for a Middle Park contract is in the process of being submitted. (ii) Additional or Alternative Sources. Pursuant to C.R.S. § 37-92-305(8), Applicants reserve the right to use additional or alternative sources of water for replacement on a temporary or permanent basis, subject to approval by the Water Court and/or the State Engineer’s Office. (c) Detailed Description of Plan for Augmentation. Applicants will replace all out-of-priority depletions from the Eldridge House Diversion with Middle Park Contract Water. Applicants will be using water for indoor household use, sprinkler irrigation of lawn, landscaping, and trees, and an outdoor hot tub. Applicants’ total water demand is estimated to be approximately 0.5 acre-feet/year and the total depletion is estimated to be 0.1 acre-feet/year. A detailed description of Applicants’ demands and depletions are set forth below. For the purpose of evaluating the amount of replacement water needed to operate the plan for augmentation, 100% of the depletions are assumed to be out-of-priority. (i) Projected Demands. The total indoor/household domestic and hot tub demand for the property is estimated to be up to 0.4 acre-feet/year. The irrigation demand from lawn, landscaping, and trees is estimated to be up to 0.1 acre-feet/year. (ii) Projected Depletions. Depletions from the Eldridge House Diversion will result in lagged depletions to Grand Lake. Wastewater from the domestic use will be treated via a central sewage treatment facility operated by Three Lakes Water and Sanitation District. Accordingly, indoor/household domestic use is expected to be 5% consumptive and the hot tub use is assumed to be 100% consumptive, which results in a depletion of up to ~0.02 acre-feet/year. Landscape irrigation from lawn, landscaping, and trees is all assumed to be 80% consumptive, resulting in an anticipated depletion of up to ~0.08 acre-feet/year. (d) Exchange Reach. Because the Middle Park Contract Water supplies are downstream of the Eldridge House Diversion, the proposed plan for augmentation may at times operate by substitution and/or exchange. Therefore, to the extent necessary in order to properly operate this plan for augmentation, Applicants claim an appropriate right of exchange and/or exchange project right from the furthest downstream point where replacement water may be released into the Colorado River up to the Eldridge House Diversion on Grand Lake. The components of this exchange right are as follows: (i) Downstream Terminus. The confluence of Muddy Creek and the Colorado River, which is located in the NW1/4 of the NE1/4 of Section 19, Township 1 North, Range 80 West of the 6th P.M. (Zone 13, NAD 83, Easting 380748.2 m, Northing 4433448.3 m). (ii) Upstream Terminus. The Eldridge House Diversion, as described above in paragraph 3(b) above. (iii) Exchange Rate. 0.033 cfs (15 gpm), up to 0.1 acre-feet/year. (iv) Date of Appropriation. Date of application. (v) Uses. Water will be exchanged to augment and replace out-of-priority depletions from the domestic, landscape irrigation, and fire protection uses of the Eldridge House Diversion. (vi) Remarks. Applicants will only operate the requested exchange at such times when deliveries of the replacement water at the downstream exchange terminus will satisfy the downstream calling water right. **5. Name and Address of Landowner Upon which any New or Modified Diversion or Storage Structure is Located, Including Any Modification to the Storage Pool.** According to the real estate records of Grand County, the Eldridge House Diversion is located on or overlying land owned by the United States of America, Shadow Mountain National Recreation Area, Washington, D.C. 20013. (6 pages)

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**21CW3060 PITKIN COUNTY. APPLICATION FOR FINDINGS OF REASONABLE DILIGENCE.** Snowmass Water and Sanitation District, c/o Mark E. Hamilton, Esq., and Hayley K. Siltanen, Esq., Holland & Hart LLP, 600 E. Main St., Ste. 104, Aspen, CO 81611-1991, (970) 925-3476, mehamilton@hollandhart.com, hksiltanen@hollandhart.com. **2. Names of Structures:** East Fork Brush Creek Pipeline; Snowmass Reservoir. **3. Descriptions of Conditional Water Rights:** A. East Fork Brush Creek Pipeline: i. Date of Original Decree: decree entered on 4/29/1986 in Case No. 85CW624, Water Div. 5. ii. Subsequent Decrees Awarding Findings of Diligence: Case No. 90CW071, Water Div. 5, decree dated 4/30/1991; Case No. 97CW149, Water Div. 5, decree dated 11/7/1997; Case No. 03CW305, Water Div. 5, decree dated 9/9/2004; and Case No. 10CW269, Water Div. 5, decree dated 3/3/2015. iii. Legal Description: The point of diversion is located in the SE1/4 SE1/4 of Sec. 12, T. 10S., R. 86W., 6th P.M., at a point whence the SE Corner of said Sec. 12 bears S. 89° 00’ E. 403 feet, also described as approximately 7 feet W. of the E. section line and 403 feet N. of the S. section line, Sec. 12, T. 10S., R. 86W. of the 6th P.M. See the map attached to the Application as Exhibit A. iv. Source: East Fork Brush Creek, tributary to Brush Creek, tributary to the Roaring Fork River, tributary to the Colorado River. v. Approp. Date: 7/30/1985. vi. Amount: 3.0 c.f.s., cond. vii. Uses: domestic, municipal, irrigation, recreational, industrial and hydroelectric uses. Use of water available under this water right for irrigation will be limited to the District’s then-current service area. viii. Remarks: This water right is a component part of the District’s integrated water supply system. B. Snowmass Reservoir: i. Date of Original Decree: decree entered on 11/5/1971 in Civil Action No. 5884, Garfield County District Court. ii. Subsequent Decrees Awarding Findings of Diligence: Case No. 80CW153, Water Div. 5; Case No. 84CW163, Water Div. 5; Case No. 88CW182, Water Div. 5, decree dated 11/14/1989; Case No. 94CW110, Water Div. 5, decree dated 12/7/1995; Case No. 01CW315, Water Div. 5, decree dated 6/24/2002; and Case No. 08CW79, Water Div. 5, decree dated 3/3/2015. iii. Legal Description: The Snowmass Reservoir is located in the channel of Brush Creek in Sec. 31, T. 9 S.,

R. 85 W. of the 6th P.M. The initial point of survey of the high water line of the reservoir is located at a point whence the NE corner of said Sec. 31, bears N. 19°41' E. 1,920.9 feet, Pitkin County, also described as in the SW1/4, NE1/4, Sec. 31, T. 9 S., R. 85 W. of the 6th P.M. approximately 2080 feet from the N. section line and 1508 feet from the E. section line. See the map attached to the Application as Exhibit A. iv. Source: Brush Creek, a tributary of the Roaring Fork River, tributary to the Colorado River. v. Approp. Date: 4/4/1965. vi. Amounts and Uses: 59.3, abs., for irrigation. 750 acre-feet, cond., including the right to refill, for domestic, municipal, recreation, industrial, and irrigation uses (this application only pertains to the District's 250 acre-foot interest in the 750 acre-feet that remains conditionally decreed to Snowmass Reservoir at this time). vii. Remarks: 1) The District acquired 250 of the 750 acre-feet that remains cond. decreed to the Snowmass Reservoir water storage right by Bargain and Sale Deed recorded on November 9, 2018 at Reception No. 651850 in the records of Pitkin County. 2) The Snowmass Reservoir cond. water storage right is subordinated to the District's most junior water right, which was decreed in C.A. 5884, with an approp. date of 3/22/1967 and an adj. date of 11/5/1971. 3) Storage diversions for the Snowmass Reservoir cond. water right are limited to the time period from Jan. 1 through Oct. 14 of each water year. 4. Integrated System: Integrated system findings have previously issued as to both of the subject cond. water rights. As confirmed in 10CW269, the East Fork Brush Creek Pipeline water right is part of the integrated water supply system owned and operated by the District to serve the Town of Snowmass Village, the Snowmass Ski Area, and other portions of the District's service area. As confirmed in 08CW79 and prior related decrees, the Snowmass Reservoir Water right was originally decreed in C.A. 5884 to operate as part of an integrated system for the "Snowmass at Aspen Project", which project was contemplated to include direct flow water rights for the East Snowmass Brush Creek Pipeline, the Snowmass Creek Pipeline, and the West Fork Brush Creek Pipeline, all of which direct flow water rights are presently owned and operated by the District in connection with its integrated water supply system. 5. Outline of what has been done toward completion of the appropriation and application of water to a beneficial use as conditionally decreed: A detailed outline of activities and expenditures by the Applicant during the diligence period is included in the Application. 6. Names and addresses of owners of land on which structure is located and upon which water is placed to beneficial use: A. East Fork Brush Creek Pipeline: U.S. Forest Service, White River Nat'l Forest, 900 Grand Ave., Glenwood Springs, CO 81601. B. Snowmass Reservoir: Town of Snowmass Village, P.O. Box 50101, Snowmass Village, CO 81615. (9 pages including map exhibit)

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