

**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 MAY 2004.**

**1. 04CW68 – WILL NOT BE PUBLISHED IN THIS RESUME.**

**2. 04CW69 MESA COUNTY – PLATEAU CREEK.** Jay S. Fellhauer; 125 Grand Ave.; Grand Junction, CO 81501. 970-241-3939. Park Creek Ditch John HL-Protest to Revised Abandonment List. Location: NE¼NE¼ of Sec. 20, T.10S., R.93W. of the 6<sup>th</sup> P.M. Appropriation: July 20, 1955. Amount listed as being abandoned: 2.0 cfs. Use: irrigation. A detailed explanation of this protest is included in the application. (3 pages)

**3. 04CW70 Grand County – Unnamed tributaries to Granger Creek, a tributary of the Williams Fork River; Granger Creek, tributary to the Williams Fork River; 1. Applicant:** Carl D. and Deborah J. Wood, 11792 County Road 33, Parshall, Colorado 80463, (970) 725-3431; Please forward all correspondence or inquiries regarding this matter to attorneys for the Applicant: Carolyn F. Burr, Esq., Friedlob Sanderson Paulson & Tourtillott, LLC, 1775 Sherman Street, 21<sup>st</sup> Floor, Denver, Colorado 80203, (303) 571-1400; 2. **Application for Conditional Storage Rights:** Applicant seeks to appropriate conditional storage rights in the following structures. The water rights claimed herein are each a component of an integrated series of small, on-stream reservoirs. **2.1 Travis Reservoir:** 2.1.1 **Location of Dam:** Travis Reservoir has not been constructed. The approximate location of the dam will be in the Northeast quarter of the Southwest quarter of Section 4, Township 1 South, Range 79 West of the 6<sup>th</sup> P.M.; 2.1.2 **Surface Area of High Water Line:** 10 acres; a. Maximum height of dam: 20 feet; b. Maximum length of dam: 500 feet; 2.1.3 **Amount Claimed:** 10 acre feet **CONDITIONAL**; 2.2 **Samuel Reservoir** 2.2.1 **Location of Dam:** Samuel Reservoir has not been constructed. The approximate location of the dam will be in the Northeast quarter of the Northwest quarter of Section 8, Township 1 South, Range 79 West of the 6<sup>th</sup> P.M., Grand County, Colorado; 2.2.2 **Surface Area of High Water Line:** 10 acres; a. Maximum height of dam: 20 feet; b. Maximum length of dam: 500 feet; 2.2.3 **Amount Claimed:** 60 acre feet **CONDITIONAL**; 2.3 **Carl Reservoir;** 2.3.1 **Location of Dam:** Carl Reservoir has not been constructed. The approximate location of the dam will be in the Southeast quarter of the Southwest quarter of Section 4, Township 1 South, Range 79 West of the 6<sup>th</sup> P.M., Grand County, Colorado.; 2.3.2 **Surface Area of High Water Line:** 10 acres a. Maximum height of dam: 15 feet; b. Maximum length of dam: 500 feet; 2.3.3 **Amount Claimed:** 55 acre feet **CONDITIONAL**; 2.4 **Information applicable to all four reservoirs described above in paragraph 2.1 through 2.3;** 2.4.1 **Source:** Unnamed tributaries to Granger Creek, a tributary of the Williams Fork River; 2.4.2 **Date of Appropriation:** December 12, 1995; 2.4.3 **How Appropriation Initiated:** Applicant originally performed field work in order to locate sites for each of the proposed reservoirs and posted notice of the appropriation at the Gustafson reservoir, the proposed reservoir sites, and various other locations. 2.4.4 **Date Water Applied to Beneficial Use:** Not Applicable; 2.4.5 **Amount Claimed:** a total of 125 acre feet, **CONDITIONAL**, to be stored in one or more of the four reservoirs comprising the integrated system; 2.4.6 **Rate of Diversion:** 20 cfs; 2.4.7 **Use:** Irrigation, Stock Watering; a. Total number of acres proposed to be irrigated: 20; b. Description of lands to be irrigated: the Northwest quarter of the Northeast quarter of Section 4, Township 1 South, Range 79 West of the 6<sup>th</sup> P.M. and the Southeast quarter of the Southwest quarter and the Northeast quarter of the Southeast quarter of Section 34, Township 1 North, Range 79 West of the 6<sup>th</sup> P.M., Grand County, Colorado.; 3. **Claim for Alternate Places of Storage;** In addition to the application for storage rights for Travis, Samuel and Carl Reservoirs, the Applicant seeks to utilize those three structures, together with Gustafson Reservoir, which is an existing reservoir located downstream from Travis, Samuel and Carl Reservoirs, as an additional and alternate place of storage. **3.1 Gustafson Reservoir** 3.1.1 **Location of Dam:** The Gustafson Reservoir dam is located in the Southwest corner of the Northwest quarter of the Northeast quarter of Section 4, Township 1 South, Range 79 West of the 6<sup>th</sup> P.M, Grand County, Colorado.; 3.1.2 **Source:** Granger Creek, tributary to the Williams Fork River; 3.1.3 **Previous Decree:** Gustafson Reservoir was awarded an absolute decree for 33.64 acre feet of storage by the Grand County District Court on July 12, 1919 in Civil Action No. 356; 3.1.4 **Surface Area of High Water Line:** 30 acres' a. Maximum height of dam: 50 feet; b. Maximum length of dam: 500 feet; 3.1.5 **Total Capacity of All Four Reservoirs:** 158.64 acre feet.; a. Active capacity: 138.64 acre feet; b. Dead storage: 20 acre feet; 3.1.6 **Remarks:** The total capacity of all four reservoirs shall not exceed 158.64 acre feet. Applicant may store water in any single reservoir or combination of reservoirs up to the maximum of 158.64 acre feet; 4. **Owners of Property on which Structures are Located:** Carl D. and Deborah J. Wood. (5 pages)

**4. 04CW071 Garfield County - Roaring Fork River and Cattle Creek.** Application for Change of Water Rights. F.E. ("Bodie") and Virginia Collins c/o Scott Balcomb and Anne Marie McPhee, Balcomb & Green, P.C., P.O. Drawer 790, Glenwood Springs, CO 81601, (970) 945-6546. Decreed name of structure for which change is sought: Glenwood Ditch, Priority Numbers 213 BBBA and Priority No. 337. From previous Decree: Glenwood Ditch: 32 cfs; Priority # 214BBBA; Adjud. date: 12/05/1908; Approp. date: 11/18/1900; CA 1338, Water Div. 5. From previous Decree: Glenwood Ditch: 18 cfs; Priority # 337; Adjud. date: 08/25/1936; Approp. date: 11/18/1901; CA 3082, Water Div. 5. Decreed point of diversion: The Glenwood Ditch headgate is located approx. 100 ft. above the Sharp Ditch headgate, which is located at a point whence the N. 1/4 Corner of Sec. 28, T. 7 S., R. 88 W. of the 6<sup>th</sup> P.M. bears N 7 degrees 28' E 2159 ft. The alternate point of diversion for 2.0 cfs of the subject water rights, including Applicants' interest in the subject water rights, is located on the Westerly bank of the Roaring Fork River at a point whence the SE Corner of Sec. 12, T. 7 S., R. 89 W. of the 6<sup>th</sup> P.M. bears N. 27degrees 56' W. 2788.14 ft., commonly known as the Robertson Ditch. Historic use: Irr. Proposed change: Applicants own 1 a.f. of the 276.9 a.f. of the above-described water rights changed for diversion at the Robertson Ditch in Case No. 96CW319, Water Division 5, CO, which historically irrigated 134 acres. Under this quantification, each acre-foot of the Robertson Ditch changed in Case No. 96CW319 irrigated 0.48 acre. Applicants seek to change the place of use for their 1.0 a.f. of the subject water rights, diverted through the Robertson Ditch, for use at Lot 60, Westbank Ranch P.U.D., Filing No. 4. The property is also known as 0525 County Road 109, Glenwood Springs, CO 81601. Applicants shall limit their irrigation under the subject water

rights to 0.48 acre. Name and address of owners of land on which structure is or will be located, upon which water is or will be stored, or upon which water is or will be placed to beneficial use: Applicants. (3 pages).

**5. 04CW72 EAGLE COUNTY, COLORADO RIVER, WATER DIVISION 5, DISTRICT COURT, WATER DIVISION 5, COLORADO APPLICATION FOR WATER RIGHTS (SURFACE) 1. Name, address, telephone number of applicant:** United States of America, c/o Amelia S. Whiting, Special Assistant United States Attorney, Office of the Solicitor, Department of the Interior, Rocky Mountain Region, 755 Parfet St., Suite 151, Lakewood, CO 80215, Telephone (303) 231-5353, extension 447 **2. Name of structures:** Elk Track Spring #1 and Elk Track Spring #2 **3. Legal description of the point of diversion:** Elk Track Spring #1: Located on public lands in the NW ¼ NW ¼, Section 7, Lot 11, T3S, R86W, 6<sup>th</sup> P.M., approximately 650 feet south of the north section line and 1,450 feet east of the west section line. Elk Track Spring #2: Located on public lands in the NE ¼ NW ¼, Section 18, Lot 7, T3S, R86W, 6<sup>th</sup> P.M., approximately 750 feet south of the north section line and 2,700 feet east of the west section line. **4. Source:** Unnamed tributary to East Fork Sheep Creek/Sweetwater Creek/Colorado River **5. A. Date of appropriation:** 03/01/1999 **B. How appropriation was initiated:** BLM authorized use of the Horse Creek Allotment and its associated water sources by grazing permittees. **C. Date water applied to beneficial use:** 03/01/1999 **6. Amount claimed:** Elk Track Spring #1: 0.004 cfs, absolute, Elk Track Spring #2: 0.004 cfs, absolute **7. Uses:** Livestock watering. These springs provide water for a herd of up to 200 cattle on the Horse Creek Allotment. **8. Name(s) and address(es) of owner(s) of land on which point of diversion and place of use(s) is (are) located:** United States Department of the Interior, Bureau of Land Management, Glenwood Springs Field Office, 50629 Hwys 6 & 24, P.O. Box 1009, Glenwood Springs, CO 81602 **9. Remarks:** The East Fork Sheep Creek stream channel is normally dry. Accordingly, there is no surface water connection between these springs and Sheep Creek or Sweetwater Creek. (5 pages)

**6. 04CW73 (Pitkin, Roaring Fork, Water Dist. 38)** Name, address and phone number of applicant: Dwight K. Shellman, Jr., c/o Rhonda J. Bazil, Rhonda J. Bazil, P.C., 632 E. Hopkins Ave., Aspen, CO 81611 (970) 925-7171. Name of structure: Blackacre Ditch No. 1, Headgates No. 1 and 2. Type of application: to make absolute. Drainage basin: Roaring Fork. Location: Headgate No. 1: NW1/4, NE1/4, S21, T9S, R85W, 6<sup>th</sup> P.M.; Headgate No. 2: SE ¼, SW ¼, S16, T9S, R85W, 6<sup>th</sup> P.M. Type of use: irrigation, domestic, livestock watering and fire protection. Type of structure: Ditch and pipeline. Quantity: 0.1 c.f.s. Appropriation date: August 19, 1992. Name of owner of land on which structure is located. Colo. Dept. of Transportation. (4 pages)

**7. 04CW74 (89CW132, 96CW321).** APPLICATION FOR FINDING OF REASONABLE DILIGENCE, IN THE MATTER OF THE APPLICATION FOR WATER RIGHTS OF AMERICAN GYPSUM COMPANY, IN EAGLE COUNTY, COLORADO. DISTRICT COURT, WATER DIVISION NO. 5, COLORADO, STATE OF COLORADO, Garfield County Courthouse, 109 8<sup>th</sup> Street, Suite 104, Glenwood Springs, CO 81601. **1. Name, address and telephone number of applicant:** American Gypsum Products, P.O. Box 1630, Eagle, Colorado 81631, (970)524-9700. Direct all pleadings to: Michael F. Browning, Porzak Browning & Bushong LLP, 929 Pearl Street, Suite 300, Boulder, Colorado 80302. **2. Name of structure:** Eagle Gypsum Exchange. **3. Description of conditional water right:** (a) Decree: Decreed by the District Court in and for Water Division No. 5 in Case No. 89CW132 on July 13, 1990. By decree of the District Court in and for Water Division No. 5 in Case No. 91CW109 certain wells were added as additional points of exchange. (b) Decreed location: The exchange is from the confluence of the Eagle River and Colorado River up the Eagle River to the Eagle Gypsum Well Nos. 1, 2 and 3 and the Eagle Gypsum Reservoir No. 1 and other structures described in Case No. 02CW391. The Wells, Reservoir and other exchanged to structures are located in the NE/4NW/4 and NW/4NE/4 of Section 5, T. 5 S., R. 85 W. of the 6th P.M. The Reservoir is also located in the NE/4NW/4 of said Section 5. (c) Source: Eagle River. (d) Appropriation date: May 17, 1989. (e) Amount: 1 cfs with an annual limit of 270 acre feet. Of this amount, 0.835 cfs was made absolute by decree dated September 9, 1998 entered in Case No. 98CW024, with 0.165 cfs remaining conditional. (f) Use: Exchange to facilitate industrial, landscape irrigation, recreational, piscatorial and augmentation uses of the structures exchanged to. **4. Detailed outline of work done to complete project and apply water to beneficial use:** Applicant has undertaken the following specific activities which demonstrate its diligence with regard to the subject conditional right of exchange: (a) The exchange is part of an overall water augmentation plan decreed in Case No. 89CW132. In Case No. 02CW391, Applicant sought, and obtained a ruling, making various modifications to the augmentation plan, including the inclusion of additional sources of augmentation water and additional augmented structures. The subject exchange was modified to reflect the additional and supplemental points of exchange and to include the additional water rights to be exchanged. (b) By decree entered on September 9, 1998 in Case No. 98CW024, 0.835 cfs of the subject exchange was made absolute. (c) Applicant continues to operate and improve the water supply system of which the exchange is an integral feature. This includes the additional of wells to reach the full decreed rate of exchange. (d) Applicant has maintained in full force and effect contracts for 270 acre feet of water from Green Mountain Reservoir and Wolford Mountain Reservoir, which water drives the exchange. (e) In Case No. 98CW023 Applicant obtained findings of reasonable diligence with respect to the Eagle Gypsum Well Nos. 1, 2 and 3 which are exchange to points under the exchange, and made portions of such rights absolute. WHEREFORE, applicant requests that the Court enter a finding of reasonable diligence with respect to the amounts of the conditional right of exchange that remain absolute. (4 pages)

**8. 04CW75 MESA COUNTY – MESA CREEK.** Richard A. Smith; P.O. Box 141; Mesa, CO 81643 970-268-5682. Grumpy #1 Spring-Application for Water Rights (Surface). Location: NE¼SE¼ of Sec.30, T.10S., R.96W. of the 6<sup>th</sup> P.M. 2,100 ft. from the South sec. line and 1,250 ft. from the East sec. line. Appropriation: Sept. 2003. Amount: 1.0 cfs, conditional. Use: agricultural irrigation and livestock watering. (4 pages)

**9. 04CW76 SUMMIT COUNTY; APPLICATION FOR SURFACE WATER RIGHT** 1. Name, address and telephone number of Applicants. Grady and Gail Culbreath, P.O. Box 1419, Kremmling, Colorado 80459, 970.724.3667 c/o James R. Montgomery, #10989, Richard J. Mehren, #32231, Moses, Wittemyer, Harrison and Woodruff, P.C., P. O. Box 1440, Boulder, CO 80306-1440, 303.443.8782; 2. Application for surface water right. A. Name of structure: Otter Spring. B. Legal description of point of diversion: A natural spring located in the NW¼ NW¼, Section 32, Township 2 South, Range 79 West, 6<sup>th</sup> P.M., Summit County, Colorado, whence the northwest corner of said Section 32 bears North 30° 24' 27" West, a distance of 568.12 feet. C. Source of water: This spring is tributary to Otter Creek, a tributary of the Blue River, a tributary of the Colorado River. D. Appropriation: i. Date of initiation of appropriation: March 1, 1964. ii. How appropriation was initiated: By Applicants' formation of the intent to appropriate the subject water right for beneficial domestic use and by actual diversion and application of the subject water right to beneficial domestic use. iii. Date water applied to beneficial use: March 1, 1964. E. Amount claimed: 10 gallons per minute ("gpm"), ABSOLUTE. F. Use: Domestic. G. Comments: In Case No. 96CW282, District Court, Water Division No. 5 Applicants were granted an absolute water right for Otter Spring for irrigation and stock watering uses in the amount of 10 gpm with an appropriation date of December 31, 1928. In that same decree Applicants were also granted a conditional water right for Otter Spring for domestic uses in the amount of 10 gpm with an appropriation date of December 31, 1996. The conditional water right for domestic use decreed for Otter Spring in Case No. 96CW282 was based on Applicants' intent and, acts evidencing that intent, to appropriate said conditional water right as of December 31, 1996. In Case No. 03CW213, currently pending in the District Court, Water Division No. 5, Applicants' filed an application to make the conditional water right for domestic use decreed for Otter Spring in Case No. 96CW282 absolute or, in the alternative, for a finding of reasonable diligence. Applicants' claim in Case No. 03CW213 to make the conditional water right for domestic use for Otter Spring absolute is based on Applicants' diversion and application of the conditional water right to its decreed beneficial domestic use after December 31, 1996. Because of a mis-communication between Applicants and their attorney, Applicants' attorney was not aware at the time of filing the application in Case No. 96CW282 that Otter Spring had actually been used for domestic purposes for many years before 1996. In fact, water from Otter Spring has been diverted at a rate of up to 10 gpm and placed to beneficial use by Applicants since March 1, 1964 to supply domestic water to their house that is located upon approximately 765 acres of land in Summit County that Applicants reside in year-round. For that reason, Applicants hereby seek a decree granting an absolute water right for domestic use for Otter Spring at a rate of 10 gpm with an appropriation date of March 1, 1964. Upon entry of such a decree in this case, Applicants would agree to abandon the above-described conditional water right for domestic use originally decreed for Otter Spring in Case No. 96CW282. WHEREFORE, Applicants respectfully request this Court determine that Grady and Gail Culbreath are entitled to a decree granting this application and awarding them an absolute water right for domestic use for Otter Spring at a rate of 10 gpm with an appropriation date of March 1, 1964. ( 4 pages)

**10. 04CW77 (Pitkin, Roaring Fork River, Water District No. 38)** Name, address and phone number of applicant: Lowe W/J, LLC, c/o Rhonda J. Bazil, Rhonda J. Bazil, P.C., 632 E. Hopkins Ave., Aspen, Colorado 81611 (970) 925-7171. **FIRST AMENDED APPLICATION FOR CHANGE OF WATER RIGHTS AND TO AMEND PLAN FOR AUGMENTATION.** First Claim. Change of Water Rights. Name of Structures: Jaffee Well No 3, Jaffee Well No. 4 and Jaffee Well No. 5, decreed in Case No. 90CW139. Location: Jaffee Well No. 3 is located in the SE1/4 NE1/4, Section 21, Township 9 South, Range 85 West, 6th P.M., Pitkin County, at a point whence the NE corner of Section 21 bears N 19°00'17" E 2522.56 feet. Jaffee Well No. 4 is located in the NE1/4 SE1/4 Section 21, Township 9 South, Range 85 West of the 6th P.M. and 2190 feet from the south Section line and 600 feet from the East Section line. Jaffee Well No. 5 is located in the SE1/4 NE1/4, Section 21, Township 9 South, Range 85 West, 6th P.M., Pitkin County, at a point whence the NE corner of Section 21 bears N 24°51'50" E 2328.39 feet. Appropriation Date: August 24, 1987. Amount: Jaffee Well No. 3: 112 g.p.m.; Jaffee Well No. 4 75 g.p.m. and Jaffee Well No. 5, 54 g.p.m. Use: domestic, commercial, stock watering, recreation, irrigation, fire protection and aesthetic. Change: Applicant seeks a change in the place of use of Jaffee Well Nos. 3 through 5. These water rights were decreed for use on a 142.371 acre parcel of property described as the W/J Ranch Employee Housing Project. The legal description incorrectly described the property to be served. One whole area of the housing development was omitted from the description and an undeveloped meadow that is not served by the water rights was included The legal description of the land to be served by these water rights is an 80.749 acre parcel and constitutes all of the land contained within the boundaries of the W/J Metropolitan District, including W/J Ranch Subdivision Filings 1 through 5 and Parcel 2 of the W/J Ranch. Second Claim. Amendment of Plan for Augmentation. The Applicant wishes to change the mix of uses that were contained in the Decree entered in Case No. This change in the mix of uses of water will not result in an increase in the maximum depletions set forth in the Decree in Case No. 90CW139. The 1990 Decree provided for the following uses: i. Domestic uses in 60 dwelling units, 15 agricultural improvements, and a day care facility; ii. Irrigation of 2,500 sq. ft. of lawn and gardens for 75 units; and iii. Livestock watering for 130 animal units. The W/J Ranch Subdivision will contain 72 residential units at total buildout. While the number of residential units has been increased, the agricultural improvements and day care facility have been eliminated. The water use requirements for the agricultural improvements and day care facility were all calculated at the residential rate of 3.5 people per unit and 100 g.p.d. in the 1990 Decree. Therefore, the change in use from agricultural improvements and day care facility to residential will not adversely affect the original diversion and depletion analysis. The revised diversion and depletion analysis are as follows:

**TABLE 1: W/J POTABLE WATER - DIVERSION REQUIREMENTS (All values are in acre-feet)**

MONTH	IN-HOUSE (1)	DOMESTIC IRRIGATION (2)	LIVESTOCK WATERING (3)	TOTAL (4)
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January	2.397	0.000	0.010	2.408
February	2.185	0.000	0.009	2.194
March	2.397	0.000	0.010	2.408
April	2.320	0.484	0.010	2.814
May	2.397	1.373	0.010	3.781
June	2.320	1.997	0.010	4.328
July	2.397	2.155	0.010	4.562
August	2.397	1.737	0.010	4.145
September	2.320	1.253	0.010	3.583
October	2.397	0.728	0.010	3.136
November	2.320	0.000	0.010	2.330
December	2.397	0.000	0.010	2.408
<b>TOTAL</b>	<b>28.247</b>	<b>9.727</b>	<b>0.123</b>	<b>38.097</b>

**TABLE 2: W/J POTABLE WATER - DEPLETION REQUIREMENTS** *(All values are in acre-feet)*

MONTH	IN-HOUSE (5)	DOMESTIC IRRIGATION (6)	LIVESTOCK WATERING (7)	TOTAL (8)
January	0.360	0.000	0.010	0.370
February	0.328	0.000	0.009	0.337
March	0.360	0.000	0.010	0.370
April	0.348	0.387	0.010	0.745
May	0.360	1.098	0.010	1.468
June	0.348	1.598	0.010	1.956
July	0.360	1.724	0.010	2.094
August	0.360	1.390	0.010	1.760
September	0.348	1.002	0.010	1.361
October	0.360	0.582	0.010	0.952
November	0.348	0.000	0.010	0.358
December	0.360	0.000	0.010	0.370
<b>TOTAL</b>	<b>4.237</b>	<b>7.781</b>	<b>0.123</b>	<b>12.141</b>

**GENERAL NOTES FOR TABLES 1 AND 2:**

(1) 252 population equivalent at 100 gal/day/person (72 units at 3.5 people per unit) (2) 3.97 total acres irrigated by potable water supply (72 units x 2400 square feet per lot) (3) 10 horses at 11 gallons per day per horse (4) Column (1) + Column (2) + Column (3) + Column (4) (5) 15% of Column (1) (6) 80% of (2) is consumptively used (7) 100% Livestock use is depleted. Equal to Column (3) (8) Column (5) + Column (6) + Column (7) [17 pages in the application]

**11. 04CW78 MESA COUNTY – UNNAMED TRIBUTARY TO PLATEAU CREEK TRIBUTARY TO COLORADO RIVER.** John & Mike Nichols; P.O. Box 285; Mesa, CO 81643 970-268-5525. Nichols Spring Ditch, Mary's Exchange and Mike's Diversion-Application for Water Rights (Surface). Nichols Spring Ditch- SE¼SW¼ of Sec. 16, T.10S., R.96W. of the 6<sup>th</sup> Principal Meridian 700 ft. from the South sec. line and 3,250 ft. from the East sec. line. Appropriation: Jul. 1, 1950. Amount: 1.0 cfs, absolute.

Use: industrial uses associated with gravel pit operations, irrigation and stock. Mary's Exchange-Downstream Terminus: NW $\frac{1}{4}$ SW $\frac{1}{4}$  of Sec. 16, T.10S., R.96W. of the 6<sup>th</sup> P.M. 2,000 ft. from the South sec. line and 4,000 ft. from the East sec. line. Upstream Terminus: SE $\frac{1}{4}$ SW $\frac{1}{4}$  of Sec. 16, T. 10S., R.96W. of the 6<sup>th</sup> P.M. 50 ft. from the South Sec. line and 3,300 ft. from the East sec. line. Appropriation: May 1, 2004. Amount: 0.8 cfs, absolute. Use: industrial. Mike's Diversion- NW $\frac{1}{4}$ NE $\frac{1}{4}$  of Sec. 21, T.10S., R.96W. of the 6<sup>th</sup> P.M. 250 ft. from the North sec. line and 2,500 ft. from the East sec. line. Appropriation: Apr. 15, 1998. Amount: 0.5 cfs, absolute. Use: industrial. (10 pages)

**12. 04CW79 (W 3118) RIO BLANCO COUNTY – WHITE RIVER.** Monty & Rebecca Elder; P.O. Box 223; Rangely, CO 81648 970-675-2619. Robinson-Wardell Pump No. 3-Application for Change of Water Right. Decreed Point of Diversion: SE $\frac{1}{4}$ NE $\frac{1}{4}$  of Sec. 17, T.1N, R.103W. of the 6<sup>th</sup> P.M. at a point 1,056 ft. from the East Sec. line and 1,373 ft. from the North Sec. line of Sec. 17. Appropriation: Nov.11, 1895. Amount: 0.5250 cfs, absolute. Historic Use: 0.525 cfs of Priority 148 has been used for irrigation. Proposed Alternate Point of Diversion: NE $\frac{1}{4}$ NE $\frac{1}{4}$  of Sec. 12, T.2N., R.101W. of the 6<sup>th</sup> P.M. 1,267 ft. from the North sec. line and 845 ft. from the East sec. Applicant is requesting to irrigate 15 acres. Name and address of owner of the land on which structure is or will be located, upon which water is or will be stored, or upon which water is or will be placed to beneficial use: Applicant and Jim & Vicki Claybaugh, 28853 Hwy. 64, Rangely, CO 81648. (8 pages)

**13. 04CW80 – WILL NOT BE PUBLISHED IN THIS RESUME.**

**14. 04CW81 GARFIELD COUNTY - BEAR WALLOW CREEK, TRIBUTARY TO CANYON CREEK, TRIBUTARY TO THE COLORADO RIVER.** Name and address of Applicant: Lands West Ventures, Inc., c/o Bear Wallow Ranch, 1877 County Road 137, Glenwood Springs, CO 81601 (970) 945-8540, with copy to: Neil W. Goluba, Goluba & Goluba P.C., P.O. Box 931, Glenwood Springs, CO 81602. (970) 945-9141. FIRST CLAIM (Water Storage Rights) Name of Reservoir: The Bear Wallow Ranch pond system, which consists of Bull Pond Nos. 1, 2, 3 and 4 and Lower Pond Nos. 1, 2 and 3. Legal Description: The Bull Ponds and Lower Ponds are located in Sections 14 and 23, Township 5 South, Range 90 West of the 6<sup>th</sup> Principal Meridian, as depicted on the map attached hereto as Exhibit A and more particularly described as follows: Bull Pond No. 1: Located in the SW $\frac{1}{4}$ SE $\frac{1}{4}$  of said section 14; 270 feet from the south section line and 1950 feet from the east section line. Bull Pond No. 2: Located in the SW $\frac{1}{4}$ SE $\frac{1}{4}$  of said section 14; 80 feet from the south section line and 1,870 feet from the east section line. Bull Pond No. 3: Located in the SW $\frac{1}{4}$ SE $\frac{1}{4}$  of said section 14; 200 feet from the south section line and 2,180 feet from the east section line. Bull Pond No. 4: Located in the SW $\frac{1}{4}$ SE $\frac{1}{4}$  of said section 14; 100 feet from the south section line and 2,070 feet from the east section line. Lower Pond No. 1: Located in the NW $\frac{1}{4}$ NE $\frac{1}{4}$  of said section 23; 790 feet from the north section line and 1,350 feet from the east section line. Lower Pond No. 2: Located in the NE $\frac{1}{4}$ NE $\frac{1}{4}$  of said section 23; 880 feet from the north section line and 1,180 feet from the east section line. Lower Pond No. 3: Located in the NE $\frac{1}{4}$ NE $\frac{1}{4}$  of said section 23; 1,140 feet from the north section line and 1,040 feet from the east section line. Points of Diversion: Bull Ponds: The Bull Ponds are located off channel and are filled by local drainage, irrigation return flow, seeps, springs and tail waters of the DeWeese Ditch. Lower Ponds: The Lower Ponds are located on and are filled by Bear Wallow Creek. Appropriation: Date of Appropriation: Prior to January 1, 1981. How Appropriation Was Initiated: Ponds constructed and water put to beneficial use. Date Water Applied To Beneficial Use: Prior to January 1, 1981. Amount Claimed: Bull Pond No. 1: 3.0 acre feet absolute, with the right to fill and refill in priority. Bull Pond No. 2: 3.0 acre feet absolute, with the right to fill and refill in priority. Bull Pond No. 3: 2.0 acre feet absolute, with the right to fill and refill in priority. Bull Pond No. 4: 4.0 acre feet absolute, with the right to fill and refill in priority. Lower Pond No. 1: 1 acre feet absolute, with the right to fill and refill. Lower Pond No. 2: 1.5 acre feet absolute, with the right to fill and refill. Lower Pond No. 3: 2.0 acre feet absolute, with the right to fill and refill. Fill Rate: The ponds fill at the rate of 1.0 cfs. Proposed Use: Bull Pond Nos. 1, 2, 3 and 4: Water in the Bull Ponds shall be stored and used for a combination of stock watering, wildlife watering, fire protection and augmentation purposes. Lower Pond Nos. 1, 2 and 3: Water in the Lower Ponds shall be stored and used for a combination of wildlife watering, piscatorial, fire protection and aesthetic purposes. Surface Area: Bull Pond No. 1: 0.70 acres. Maximum height of dam: 6 feet. Length of dam: 100 feet. Bull Pond No. 2: 0.70 acres. Maximum height of dam: 6 feet. Length of dam: 100 feet. Bull Pond No. 3: 0.40 acres. Maximum height of dam: 120 feet. Length of dam: 7 feet. Bull Pond No. 4: 1.00 acre. Maximum height of dam: 8 feet. Length of dam: 150 feet. Lower Pond No. 1: 0.20 acres. Maximum height of dam: 10 feet. Length of dam: 90 feet. Lower Pond No. 2: 0.25 acres. Maximum height of dam: 10 feet. Length of dam: 100 feet. Lower Pond No. 3: 0.30 acres. Maximum height of dam: 10 feet. Length of dam: 110 feet. Total Capacity: Bull Pond No. 1: 3.0 acre feet. Active Storage: 3.0 acre feet. Dead Storage: 0 acre feet. Bull Pond No. 2: 3.0 acre feet. Active Storage: 3.0 acre feet. Dead Storage: 0 acre feet. Bull Pond No. 3: 2.0 acre feet. Active Storage: 2.0 acre feet. Dead Storage: 0 acre feet. Bull Pond No. 4: 4.0 acre feet. Active Storage: 4.0 acre feet. Dead Storage: 0 acre feet. Lower Pond No. 1: 1.0 acre feet. Active Storage: 0.75 acre feet. Dead Storage: 0.25 acre feet. Lower Pond No. 2: 1.5 acre feet. Active Storage: 1.0 acre feet. Dead Storage: 0.5 acre feet. Lower Pond No. 3: 2.0 acre feet. Active Storage: 1.5 acre feet. Dead Storage: 0.5 acre feet. Name and Address of Owner of Land Upon Which Structure Will Be Located, Upon Which Water Will Be Stored or Upon Which Water Will Be Placed To Beneficial Use: Applicant. SECOND CLAIM (Approval of Plan For Augmentation) Names of Structures To Be Augmented: Lower Pond Nos. 1, 2 and 3. Are there other water rights diverted from this structure? Yes. Previous Decree For Water Right To Be Used For Augmentation: There is no previous decree. The water stored in Bull Pond Nos. 1, 2, 3 and 4 as described in Applicant's First Claim above shall be used for augmentation of Lower Pond Nos. 1, 2 and 3. Statement of Plan For Augmentation: Applicant seeks approval of a plan for augmentation to replace out-of-priority evaporative depletions associated with Lower Pond Nos. 1, 2 and 3 described in Applicant's First Claim above. Bull Pond Nos. 1, 2, 3 and 4 will be filled and refilled in priority with the initial fill occurring during the spring

runoff period. Water releases from Bull Pond Nos. 1, 2, 3 and 4 shall be made into Bear Wallow Creek as necessary to replace out-of-priority evaporative depletions from Lower Pond Nos. 1, 2 and 3. The table attached as Exhibit B summarizes the estimated monthly evaporation from Lower Pond Nos. 1, 2 and 3, having a total surface area of 0.75 acres. The total estimated evaporative consumption for the ponds is estimated at 2.1 acre feet per year. Name and Address of Owner of Land Upon Which Structure is Located, Upon Which Water Will Be Stored, or Upon Which Water Will Be Put To Beneficial Use: Applicant. ( 8 pages)

**15. 04CW82 Mesa County, Harrison Creek, tributary to the Colorado River.** Name, address and telephone number of Applicant: Donald J. and Gladys R. McClaskey; 1370 Saddle Ridge Road; Loma, Colorado 81524-9651; (970) 858-8910. Name of attorney, address and telephone number: John T. Howe, Esq., Hoskin, Farina, Aldrich & Kampf, Professional Corporation, Post Office Box 40, Grand Junction, Colorado 81502; (970) 242-4903. Name of structure: McC Spring No. 1 and McC Spring No. 2. Type of application: Application to Make Absolute and for Finding of Reasonable Diligence. Source: Harrison Creek, tributary to Buzzard Creek, tributary to Plateau Creek, tributary to the Colorado River. Location: NE $\frac{1}{4}$ NE $\frac{1}{4}$ , Section 22, T9S, R93W, 6<sup>th</sup> P.M. The point of diversion is located in Section 22, T9S, R93W, 6<sup>th</sup> P.M., as to McC Spring No. 1 at a point S 73°17'20" W 555.38 feet from the NE Corner of said Section 22; as to McC Spring No. 2 at a point S 50°38'55" W 572.5 feet from the NE Corner of said Section 22. Type of Use: Irrigation, stockwatering, domestic, fish, wildlife and storage uses. Appropriation Date: June 1, 1993. Type of structure: Springs. Quantity: McC Spring No. 1 - .009 c.f.s.; McC Spring No. 2 - .012 c.f.s. Additional information: The Application seeks to make the McC Spring No. 1 absolute for domestic, fish, wildlife and storage uses, the McC Spring No. 2 absolute for fish, wildlife and storage uses for and continuing the McC Spring No. 2 conditional as to domestic use. (3 pages)

**16. 04CW083 Garfield County - Groundwater tributary to the Colorado River.** Application for Finding of Reasonable Diligence and to make water rights absolute. Asgard Water Company, 2055 Odin Dr., Silt, CO 81652, c/o Chris Geiger, Balcomb & Green P.C., P.O. Drawer 790, Glenwood Springs, CO 81602, (970) 945-6546. Name of Structure: McVey Well No. 1 First Enl. Decree Date: 05/01/1998. Case No.: 95CW364. Water Ct., Water Div. 5. Legal Desc: In the SW 1/4 NW 1/4, Sec. 25, T. 5 S., R. 92 W., 6<sup>th</sup> P.M., at a pt. whence the W. qtr. corner of Sec. 25, T. 5 S., R. 92 W. of the 6<sup>th</sup> P.M. bears S. 18 deg. 03' 26" W. a distance of 194.0 ft. The well can be plotted approx. 2,824.45 ft. from the S. sec. line and 60.13 ft. from the W. sec. line. Approp. Date: 09/28/1979. Amt : 50 g.p.m. cond., alone or in comb. with the Asgard Well No. 1 (1995 right) and/or Asgard Well No. 2 (1995 right). Use: Livestock and dom. for water service aug. under the decree entered in Case No. 79CW257. Depth: Approx. 77 ft. Formation: Wasatch-Williams Fork Formation. Remarks: The McVey Well No. 1 First Enl. is decreed alt. pts. of diversion at the Asgard Well No. 1 and Asgard Well No. 2 desc. herein. Name of Structure: Asgard Well No. 1 (1995 Right). Decree Date: 05/01/1998. Case No.: 95CW364. Water Ct. Water Div. 5. Legal Description: In the SE 1/4 NE 1/4 of Sec. 26, T. 5 S., R. 92 W., 6<sup>th</sup> P.M., at a pt. whence the E. qtr. corner of Sec. 26, T. 5 S., R. 92 W. 6<sup>th</sup> P.M. bears S. 62 deg. 55'44" E. a distance of 61.6 ft. The well can be approx. plotted 2,668.03 ft. from the S. sec. line and 54.85 ft. from the E. sec. line. Amount : 50 g.p.m. cond., alone or in comb. with McVey Well No. 1 First Enl. and/or Asgard Well No. 2 (1995 right). Depth: Approx. 235 ft. Remarks: The Asgard Well No. 1 is decreed alt. pts. of diversion at McVey Well No. 1 First Enl. and/or Asgard Well No. 2 (1995 right). Name of Structure: Asgard Well No. 2 (1995 Right). Decree Date: 05/01/1998. Case No.: 95CW364. Water Ct., Water Div. 5. Legal Desc.: In the SE 1/4 NE 1/4 of Sec. 26, T. 5 S., R. 92 W., 6<sup>th</sup> P.M., at a pt. whence the E. qtr. corner of Sec. 26, T. 5 S., R. 92 W. 6<sup>th</sup> P.M. bears S. 49 deg. 55'14" E., a dist. of 228.5 ft. The well can be approx. plotted 2,787.12 ft. from the S. sec. line and 174.99 ft. from the E. sec. line. Amount : 50 g.p.m. cond., alone or in comb. with McVey Well No. 1 First Enl. and/or Asgard Well No. 1 (1995 right). Depth: Approx. 305 ft. Remarks: The Asgard Well No. 2 is decreed alt. pts. of div. at McVey Well No. 1 First Enl. and Asgard Well No. 1 (1995 right). The sub. cond. water rights are part of an integrated water supply sys. comprised of several water rights components intended for use by Applicant's shareholders who are lot owners in a res. dev. project located near the Town of Silt, Colorado. The Application on file with the Ct. contains a detailed outline of the work performed toward the beneficial use of these water rights. Applicant prays for a Decree finding that it has been reasonably diligent in the development of the subject water rights and that each of the water rights have been made absolute by application to beneficial use. (7 pgs.)

**17. 04CW084 Eagle, Grand and Pitkin Counties.** Squaw Creek, a tributary of the Eagle River, a tributary of the Colorado River. Colorow at Squaw Creek Homeowners Association, c/o Edward B. Olszewski, Esq., Nicole D. Garrimone, Esq., Leavenworth & Karp, P.C., P.O. Drawer 2030, Glenwood Springs, CO 81602. Application for Underground Water Rights and for Approval of Plan for Augmentation. Background: The Applicant operates a decreed plan for augmentation for domestic, irrigation and fire protection water uses supplied by several groundwater wells within the Colorow at Squaw Creek Subdivision. The subdivision is located in Eagle County in the drainage of Squaw Creek, a tributary of the Eagle River. By this Application, the Applicant seeks confirmation for additional domestic water supplies and a new livestock watering use and for approval of a plan for augmentation to augment depletions associated with the new and increased uses. First Claim; Application for Underground Water Rights. Structures: Colorow Well Nos. 1-23; Shapiro Well Nos. 1 and 2; Connors Well No. 1. The original decreed name, point of diversion and place of use for each structure (as decreed in Case Nos. 86CW182 and 87CW194) is as follows: Each of the wells is located in the Colorow at Squaw Creek Subdivision, located in Sections 13 and 24, Township 5 South, Range 83 West of the 6<sup>th</sup> P.M., Eagle County, Colorado, according to the Independent Resurvey of said Township and Range as approved by the U.S. Surveyor General in Denver, Colorado on June 30, 1922. The original subdivision plat for the Colorow at Squaw Creek Subdivision is recorded as Reception No. 209208 in Book 312 at Page 831 and as Reception No. 209846 in Book 313 at Page 470 in the records of the Eagle County, Colorado Clerk and Recorder's Office. The name, legal description and place of use for each well, as decreed in Case Nos. 86CW182 and 87CW194, as

well as the names and addresses of the owners of land on which the wells are located are described as follows: (All structures are located in Township 5 South, Range 83 West of the 6th P.M.) Shapiro Well No. 1: NW1/4 NE1/4 Sec. 24, Lot 8, Shelley Hill Gile, Michael L. Sanner, P.O. Box 1498, Edwards, CO 81632. Shapiro Well No. 2: NE1/4 SW1/4 Sec. 13, 2580' N/S and 4060' W/E, Lot 3, Wendalyn Williams, Noel P. Kullavanijaya, 2503 Broadway, San Francisco, CA 94115. Connors Well No. 1: SW1/4 SE1/4 Sec. 13, Lot 7, Philip R. Connors, P.O. Box 1664, Vail, CO 81658. Colorow Well No. 1: SW1/4 NE1/4 Sec. 24, 2460' S/N and 2940' W/E, Lot 10, Diana P. Cecala, PMB 180, P.O. Box 3000, Edwards, CO 81632. Colorow Well No. 2: SE1/4 SE1/4 Sec. 13, 90' N/S and 1850' W/E, Lot 7, Richard A. Lind, 5725 View Lane, Edina, MN 55435. Colorow Well No. 3: SE1/4 NW1/4 Sec. 13, 3520' N/S and 5060' W/E, Lot 1, Steven E. Roosa, P.O. Box 1333, Edwards, CO 81632. Colorow Well No. 4: SE1/4 NW1/4 Sec. 13, 2450' N/S and 5050' W/E, Lot 1, Deanna L. Turner, Nicolaas H. Swanepoel, P.O. Box 3332, Avon, CO 81620. Colorow Well No. 5: SE1/4 NW1/4 Sec. 13, 3590' N/S and 4260' W/E, Lot 2, John Rasmussen, Beverly Brennand, P.O. Box 1457, Edwards, CO 81632. Colorow Well No. 6: SW1/4 NE1/4 Sec. 13, 3765' N/S and 3250' W/E, Lot 2, Matthew and Kathleen Prowse, P.O. Box 1566, Edwards, CO 81632. Colorow Well No. 7: SW1/4 NE1/4 Sec. 13, 3890' N/S and 2800' W/E, Lot 4, Jack K. Snow, Sally Brainerd, P.O. Box 3378, Vail, CO 81658. Colorow Well No. 8: SW1/4 NE1/4 Sec. 13, 3910' N/S and 2420' W/E, Lot 4, Kensington Partners, P.O. Box 988, Edwards, CO 81632. Colorow Well No. 9: NW1/4 SE1/4 Sec. 13, 1690' N/S and 3140' W/E, Lot 5, Melissa J. Curtiss, 58 Guilder Hollow Road, Sheffield, MA 01257. Colorow Well No. 10: NW1/4 SE1/4 Sec. 13, 1470' N/S and 2550' W/E, Lot 5, C.L. and Paula Farabi, P.O. Box 1924, Pittsburgh, KS 66762. Colorow Well No. 11: SW1/4 SE1/4 Sec. 13, 530' N/S and 2740' W/E, Lot 6, Tom Ward, Jeffery Komenda, 1643 So. Trenton Street, Denver, CO 80231. Colorow Well No. 12: SW1/4 SE1/4 Sec. 13, 1160' N/S and 1990' W/E, Lot 6, David and Jennifer Adkins, P.O. Box 2691, Edwards, CO 81632. Colorow Well No. 13: NW1/4 NE1/4 Sec. 24, 960' S/N and 2380' W/E, Lot 10, Leslie and Maureen Shapiro, P.O. Box 407, Edwards, CO 81632. Colorow Well No. 14: NE1/4 NE1/4 Sec. 24, 450' S/N and 1800' W/E, Lot 8, Joseph and Joan Goltzman, 107 Meadowbrook, Ballwin, MO 63011. Colorow Well No. 15: NW1/4 NE1/4 Sec. 24, 120' S/N and 2950' W/E, Lot 9, Kurt and Suzanne Bassett, P.O. Box 2351, Edwards, CO 81632. Colorow Well No. 16: NW1/4 NE1/4 Sec. 24, 940' S/N and 3160' W/E, Lot 9, Kevin M. Weaver, P.O. Box 3000-393, Edwards, CO 81632. Colorow Well No. 17: NE1/4 NE1/4 Sec. 24, 716' S/N and 548' W/E \*, Lot 11, Salkinder Family Partnership LTD, P.O. Box 4660, Edwards, CO 81632. Colorow Well No. 18: NE1/4 NE1/4 Sec. 24, 1100' S/N and 1350' W/E, Lot 11, Paul G. Smith Revocable Trust, 1044 N. 115 Street, #400, Omaha, NE 68154. Colorow Well No. 19: SE1/4 NE1/4 Sec. 24, 1810' S/N and 1860' W/E, Lot 12, Diana P. Cecala, PMB 180, P.O. Box 3000, Edwards, CO 81632. Colorow Well No. 20: SE1/4 NE1/4 Sec. 24, 2190' S/N and 1500' W/E, Lot 12, Wilbur Family Living Trust, 3406 Croosgate Cir S, Colleyville, TX 76034. Colorow Well No. 21: SW1/4 NE1/4 Sec. 24, 2450' S/N and 1860' W/E, Lot 13, Donald and Georgia Gogel, 31 Masterton Road, Bronxville, NY 10708. Colorow Well No. 22: SE1/4 NE1/4 Sec. 24, 2330' S/N and 1370' W/E, Lot 13, Donald and Georgia Gogel, 31 Masterton Road, Bronxville, NY 10708. Colorow Well No. 23: NW1/4 SE1/4 Sec. 13, 2595' N/S and 3280' W/E, Lot 3, Keith S. Gores, 19355 Baythorne Way, Brookfield, WI 53045. \* Location changed as adjudicated in Case No. 00CW51. Source: Groundwater from bedrock aquifers hydraulically connected to Squaw Creek, a tributary of the Eagle River, a tributary of the Colorado River. Date of appropriation: October 17, 2003. How was appropriation initiated: By formation of intent to appropriate water and preparation of engineering data to support appropriation. Date water applied to beneficial use: N/A. Amount Claimed: The new uses claimed herein, in addition to the uses decreed in Case Nos. 86CW182 and 87CW194, shall not exceed 0.033 c.f.s. (15 g.p.m.) per well. The new uses are conditional. Proposed Uses: domestic and livestock watering. If non-irrigation, describe purpose fully: Domestic in-house use for 26 oversized houses and livestock watering use for up to 52 horses (2 horses per lot), which uses are more fully described in Paragraph 6.B below. Well Permit: Once a decree is issued in this case, applications to amend the existing well permits and applications for new well permits, as applicable, will be submitted to the Colorado Division of Water Resources consistent with the new amounts and uses decreed for Colorow Well Nos. 1-23, Shapiro Well Nos. 1-2 and Connors Well No. 1 in this case. Remarks: The combined new uses of groundwater from the Colorow Well Nos. 1-23, Shapiro Well Nos. 1-2 and Connors Well No. 1 shall not exceed 15.87 acre-feet annually. Second Claim: Application for Approval of Plan for Augmentation. Structures and Water Rights to be Augmented: (collectively referred to as the "New Uses for the Subdivision Wells"). Colorow Well Nos. 1-23, Shapiro Well Nos. 1-2, and Connors Well No. 1. Water Rights to be Used for Augmentation: The Colorado River Water Conservation District ("River District") owns and controls water supplies through its Colorado River Water Projects Enterprise. Those supplies are available for contracting under the Enterprise's Water Marketing Policy. Applicant will apply for a contract with the River District for the delivery of 3.2 acre-feet of reservoir storage water to replace out-of-priority depletions associated with New Uses for the Subdivision Wells. Prior to the entry of a ruling or decree, the Applicant will provide evidence to the Court of the existence of a contract for the amount of augmentation storage water required for the plan to replace out-of-priority depletions to the Eagle River and the Colorado River associated with the New Uses for the Subdivision Wells. The River District's augmentation water supply sources are described below. Colorado River Supply 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. Previous storage decrees: Case No. 87CW283; Decree Date: Nov. 20, 1989. Court: 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. Court: 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. Court: 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. 82E10'W. a distance of 1,285 feet. Source: Fryingpan River. Previous storage decrees: Civil Action No. 4613: Decree Date: June 20, 1958. Court: 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. Court: 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. 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. 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 cfs 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 on August 19, 1999 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 cfs 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 17E37' 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 cfs, 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. Exchange Supply. 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. Camp Hale Project. Aurora and Colorado Springs may provide to the River District water released from those surface and ground water storage rights sought by Aurora and Colorado Springs in Cases No. 88CW449 and 95CW272, District Court, Water Div. No. 5. Statement of Plan for Augmentation: General statement of purpose. Applicant is the Homeowners Association for the Colorow at Squaw Creek Subdivision in Eagle County, Colorado. The Applicant operates a plan for augmentation decreed in Case No. 86CW182 for domestic, irrigation and fire protection uses supplied by several groundwater wells within the Subdivision. By the current Application, the Applicant seeks approval of a separate, new plan to augment the New Uses for the Subdivision Wells resulting from the livestock watering use and the additional in-house diversions requested herein. The purpose of the augmentation plan requested herein is to protect the New Uses for the Subdivision Wells by augmenting of out-of-priority depletions. Estimated water demands, consumptive uses and augmentation requirements. Annual diversions are estimated at 15.87 acre-feet, and related annual consumptive use is estimated at 2.88 acre-feet. Transit losses associated with the delivery of the augmentation water are calculated to be ten percent (10%) of releases, and have been calculated into the total augmentation release requirement of 3.16 acre-feet proposed herein. In-house Domestic Use. The increased in-house water use for the Colorow at Squaw Creek Subdivision will require a water supply for 26 oversized houses. The in-house water demand for each residence is 525 gallons per day on a year-round basis, based on 3.5 people per residence using 150 gallons of water per person per day. All of the residences are served by septic tank/leach field systems with a 15% consumptive use assumption, resulting in an annual in-house consumptive use of 2.29 acre-feet. Stock Watering Use. The livestock watering use provides water for up to 52 horses within the Subdivision (up to 2 horses per lot). The livestock watering demand was computed at 10 gallons per day per horse for up to 52 horses, for an annual water demand of 0.58 acre-feet. Livestock watering is presumed to be 100% consumptive, for an

annual consumptive use total of 0.58 acre-feet. Augmentation Water Supplies. Augmentation water will be provided from the sources identified above as necessary to augment out-of-priority depletions caused to the Eagle River and the Colorado River by the New Uses of the Subdivision Wells. A portion of the annual consumptive use may occur at times when there is no call on the Eagle River and/or Colorado River. Nevertheless, the plan provides for full replacement of depletions from Applicant's New Uses of the Subdivision Wells. Prior to the entry of a ruling or decree, the Applicant will provide evidence to the Court of the existence of a contract for the amount of augmentation storage water required for the plan to replace out-of-priority depletions to the Eagle River and the Colorado River associated with the New Uses for the Subdivision Wells, plus transit losses, calculated at ten percent (10%) of releases. Third Claim; Application for Appropriative Right of Exchange. Squaw Creek Exchange: Location: The exchange reach follows Squaw Creek from the points of diversion for the Colorow Well Nos. 1-23, Shapiro Well Nos. 1 and 2, and Connors Well No. 1 located within the Colorow at Squaw Creek Subdivision and extends to the confluence of Squaw Creek with the Eagle River. Upper Termini: Points of diversion for the Colorow Well Nos. 1-23, Shapiro Well Nos. 1 and 2, and Connors Well No. 1. Lower Terminus: The confluence of Squaw Creek and the Eagle River. Appropriation Date: October 17, 2003. How Appropriation Was Initiated: The exchange appropriation was initiated by the formation of intent to appropriate water and preparation of engineering data to support the appropriation. Rate of Exchange: 0.869 c.f.s. (390 g.p.m.), conditional. Proposed Uses: Domestic and livestock watering. If non-irrigation, describe purpose fully: Domestic in-house use for 26 oversized houses and livestock watering use for up to 52 horses (2 horses per lot). Source of Exchange Deliveries: Exchange water will be delivered from the Eagle Park Reservoir or other augmentation water supply sources identified in Paragraph 5 above to the confluence of the Eagle River and Squaw Creek, the lower terminus of the exchange reach. The exchange water will then be delivered up Squaw Creek from the confluence with the Eagle River to the points of diversion for the Colorow Well Nos. 1-23, Shapiro Well Nos. 1 and 2, and Connors Well No. 1 located within the Colorow at Squaw Creek Subdivision. Operation of Exchange: When the New Uses for the Subdivision Wells divertable at the Colorow Well Nos. 1-23, Shapiro Well Nos. 1 and 2, and Connors Well No. 1 are not in priority because of a valid call by senior adjudicated water rights, then the well owners will continue to divert water at those structures and the Applicant will deliver water from the augmentation water supply sources identified above, as needed to satisfy the call. Additional Information. Names and addresses of owners of land on which structures are located: Colorow Well Nos. 1-23; Shapiro Well Nos. 1-2; Connors Well No. 1: See Paragraph 3.A above. Eagle Park Reservoir: Eagle Park Reservoir Company, c/o Tamara Underwood, Registered Agent, P.O. Box 7, Vail, CO 81658. Homestake Reservoir: U.S. Forest Service, White River National Forest, P. O. Box 948, Glenwood Springs, CO 81602. Wolford Mountain Reservoir: Colorado River Water Conservation District, P.O. Box 1120, Glenwood Springs, Colorado 81602; Bureau of Land Management, 1116 Park Avenue, Kremmling, Colorado 80459. Ruedi Reservoir: U.S. Bureau of Reclamation, E. Colorado Projects Office, 11056 W.C.R. 18E, Loveland, CO 80537, operates Ruedi Reservoir on lands owned by U.S. Forest Service, White River National Forest, P.O. Box 948, Glenwood Springs, CO 81602. Exhibits: Attached to this Application are the following exhibits: Exhibit A: Table 1 – Water Demand, Consumptive Use, and Release Summary. Exhibit B: Map of Colorow Exchange Reach. WHEREFORE, Applicant requests that the Court enter a decree: (1) confirming the conditional underground water rights as described herein; (2) approving the plan for augmentation described herein; (3) approving the appropriative right of exchange described herein; and (4) granting such additional relief as the Court deems appropriate. (Application - 19 pages. Attachments - 2 pages)

**18. 04CW85 Garfield County, Colorado.** APPLICATION FOR DILIGENCE AND ABSOLUTE IN PART. Applicant: Springridge Place Homeowners' Assoc. c/o Billie Burchfield -Attorney, P. O. Box 475, Parachute, CO 81635 - (970) 285-7990. Structure: Springridge Place Well No. 1, First Enlargement. Description: well is located in Sec.10, T. 7 So., R. 89 W. of 6<sup>th</sup> P.M., 2150 ft from south and 2050 ft from east line of said Sec.10. May 19<sup>th</sup>, 1998, in Case No. 97 CW 177, Div. 5 Water Court awarded Springridge Place Well No. 1 First Enlargement 0.24 AF per year conditional for domestic in-house use in 4 single family dwellings, appropriation date May 25, 1997. Source is groundwater tributary to Fourmile Creek/Roaring Fork River. Applicant has done the following toward completion of the appropriation and application of water to beneficial use as follows: 2 of 4 houses are constructed and ½ of water has been applied to the beneficial use as decreed and Applicant has continuing plans to construct remaining two dwellings. Applicant request 0.12 AF be made absolute and finding that Applicant has exercised reasonable diligence in the development of the remaining 0.12 AF of conditional water right. (2 pages )

**19. 04CW86 (94CW198) GARFIELD COUNTY- GROUNDWATER TRIBUTARY TO CATTLE CREEK AND THE ROARING FORK AND COLORADO RIVERS.** Steven M. Atchison, David G. Faulkner and Susan M. B. Faulkner, and Arthur H. Rothman and Maureen E. Rothman, c/o Tom Kinney, Esq., Hill, Edwards, Edwards & Kinney, LLC, 502 Main Street, Suite 201, Carbondale, Colorado 81623, (970) 963-3900. Application for Absolute Water Right and Finding of Reasonable Diligence. Applicants request entry of a Decree awarding an absolute water right for an additional undivided one-third (a) of 0.033 cfs, and also finding that they have shown reasonable diligence in completing the appropriation of water under the remaining undivided one-third (a) of 0.033 cfs decreed in the M/K Ranch Well No. 1. Applicants also request that their undivided one-third (a) of 0.033 cfs, conditional, in the M/K Ranch Well No. 1 be continued in full force and effect. The decreed point of diversion for the M/K Ranch Well No. 1 is located in the NE¼NW¼ of Sec. 17, T.7S., R.87W., 6<sup>th</sup> P.M. at a point 300 feet from the North section line and 1,400 feet from the West section line of said Sec. 17. The M/K Ranch Well No. 1 is decreed for the diversion of 0.033 cfs for in-house domestic and fire protection uses, and irrigation of not more than 2,500 square feet of lawns, landscaping and gardens, on each of the three (3) M/K Ranch lots with an appropriation date of September 27, 1978. The original Decree for the M/K Ranch Well No. 1 was

entered on October 15, 1980 in Case No. 79CW66. The most recent Decree awarding an absolute water right, finding reasonable diligence, and continuing 0.033 cfs, conditional, in the M/K Ranch Well No. 1 was entered on May 19, 1998 in Case No. 94CW198. The Application filed in Case No. 04CW86 contains a detailed listing of the Applicants' efforts and costs towards diligently completing the appropriation of 0.033 cfs, conditional, during the preceding diligence period. (7 pages).

**20. 02CW124 Garfield County, CO.** Amended Application Applicant Bob/Jackie Adams, c/o Billie Burchfield, P. O. Box 475, Parachute, CO 81635, Application is amended to add the following additional source of augmentation: Colo. Water Conservation District holds Contracts No. 009D60C111 and 009D6C0118 from U.S. Bureau of Reclamation for 1,200 AF annually from Ruedi Reservoir that may be used in addition/substitution for Wolford Mountain Reservoir when physically equivalent to Wolford water. Ruedi Reservoir was decreed in Civil Action No. 4613 for domestic, municipal, irrigation, industrial, generation of electrical energy, stock watering and piscatorial uses, with appropriation date of July 29, 1957, and in Case No. W-789-76, the amount of this reservoir was fixed at 102,369 AF. Ruedi Reservoir is located in Sec. 7, 8, 9, 11, and 14 through 18, T. 8 S., R. 84 W., 6<sup>th</sup> P.M., in Eagle and Pitkin Counties, and derives its water supply from the Fryngpan River. Case No. 81CW34 Ruedi Reservoir was decreed a refill right of 101,280 AF cond. and Water Case No. 95CW95, 44,509 AF was made absolute. All other aspects of the application remain unchanged. (4 pages)

**21. 02CW281 (1 of 2) Garfield, Mesa and Pitkin Counties.** West Divide Water Conservation District, c/o Edward B. Olszewski, Esq., Leavenworth & Karp, P.C., P.O. Drawer 2030, Glenwood Springs, CO 81602. First Amendment to Application and Claim for Conditional Appropriative Rights of Exchange. The original application in this case was filed on October 31, 2002, for the purpose of adjudicating a change of water rights and batch plan for augmentation to augment several structures within West Divide's "Area A" service area. Since the date the original application was filed, Applicant has issued water supply contracts, pursuant to its Temporary Substitute Supply Plan, to various contractees for the purpose of augmenting additional structures within Applicant's Area A. Applicant seeks to add those additional structures as alternate points of diversion for the Avalanche Canal and Siphon and as structures to be augmented pursuant to the augmentation plan claimed in the within case. Applicant's Area A can generally be described as an area along the mainstem of the Colorado River from Glenwood Springs to Debeque, Colorado, where no intervening calling water rights are present between the points of diversion and the mainstem. Applicant's Area A was developed by Applicant and the Division Engineer's Office. Points of diversion lying within Area A can be augmented using Applicant's augmentation rights without causing injury to other water rights. A map depicting Area A was attached to the original application and a copy can be obtained by contacting Applicant's counsel. Applicant's First Amendment also adds conditional appropriative rights of exchange between the Roaring Fork and Colorado Rivers and the points of diversion for wells, surface water rights, and reservoirs to be covered by Applicant's plan for augmentation. Amendment to Claim for Alternate Points of Diversion. Decreed name of structure for which change is sought: Avalanche Canal and Siphon. From previous decree: Date entered: June 20, 1958. Case No.: C.A. 4613. Court: Garfield County District Court. Headgate No. 1, being the initial point of diversion for the Avalance Canal and Siphon, is located on the right bank of the Crystal River at a point whence the witness corner at the Southwest Corner of Section 9, Township 10 South, Range 88 West, 6<sup>th</sup> P.M. bears North 03deg9' West 546 feet, said point being at the outlet of the Osgood Reservoir. Headgate No. 2, being the second point of diversion for the Avalance Canal and Siphon, is located on the right bank of Avalanche Creek at a point whence the West Quarter Corner Section 28, Township 9 South, Range 88 West, 6<sup>th</sup> P.M. bears North 67deg15' West 4,538.1 feet. Source: Crystal River or Avalanche Creek or both sources. Appropriation Date: April 22, 1957. Amount: 830 cfs, conditional. Use: Generation of electric energy, domestic and municipal, industrial, irrigation and stockwatering. Proposed change: Applicant seeks alternate points of diversion for the Avalanche Canal and Siphon to the additional points referenced below. Remarks: All alternate points of diversion shall be located in Area A. When water is not legally and physically available at the decreed points of diversion for the Avalanche Canal and Siphon, depletions at the alternate points of diversion will be augmented via releases from Ruedi and/or Green Mountain Reservoirs pursuant to the augmentation plan described below. Amendment to Plan for Augmentation. Additional Structures to be augmented are listed by Contract No., Contract Amount, Consumptive Use amount, Structure Name and Legal Description and are as follows: **010628BP(a)**, 350 AF contract, 259.76AF C.U., Direct Hauling; **020530DI(a)**, 20 AF contract, 20AF C.U., Direct Hauling; **020530RB(b)**, 1 AF contract, 1 AF C.U., Brandt Parcel 3 Well, NW1/4SW1/4, S24, T5S, R90W 6th P.M. 2580 ft from South; 4120 ft from East; **020530SLT(a)**, 4 AF contract, 4 AF C.U., Direct Hauling, Una Bridge by Parachute and Debeque area; **020807PDC(a)**, 25 AF contract, 25 AF C.U., Direct Hauling, S27 & 28, T8S, R97W; **021121GE(a)**, 1 AF contract, 0.108AF C.U., Gilco Well, SW1/4NE1/4 S18, T6S, R93W, 6th P.M. 1450 ft S of the N section line; 2050 ft W of the E section line.; **021121JBW(a)**, 1 AF contract, 0.336AF C.U., Willey Well, NW1/4NE1/4 S7, T6S, R92W, 6th P.M. 650 ft from N section line; 2000 ft from W section line.; **030101HR(a)**, 2 AF contract, 1.64AF C.U., Haas Spring, NE1/4SW1/4, S9, T6S, R93W, 6th P.M. 2281 ft from W; 3744 ft from North; **030101ST(a)**, 1 AF contract, 0.739AF C.U., Torres Well, NW1/4NW1/4 S34, T5S, R92W 6th P.M. 800 ft from N section line; 950 ft from W section line.; **030227DCC(a)**, 7 AF contract, 6.469AF C.U., Casey Well #1, SW1/4SW1/4 S11, T6S, R93W, 6th P.M. 1200 ft from W; 100 ft from S.; **030227JMR(a)**, 1 AF contract, 0.12AF C.U., Rhine Well, SE1/4SE1/4, S5, T6S, R91W 6th P.M. 341 ft from S section line; 9 ft from E section line.; **030227LP(a)**, 1 AF contract, 0.711 AF C.U., Passmore Well, NW1/4 NW1/4, S6, T6S, R91W, 6th P.M. 4440 ft from South; 4350 ft from East; **030227MSB(b)**, 1 AF contract, 0.626 AF C.U., Brickey Well, NW1/4SE1/4, S5, T6S, R92W, 6th P.M. 1669 ft from S section lines; 2337 ft from E section lines.; **030320DS(a)**, 1 AF contract, 0.046 AF C.U., Scott Well #1, SE1/4NE1/4, S15, T6S, R93W, 6th P.M. 2910 ft from South; 450 ft from East; **030520DM(b)**, 1 AF contract, 1 AF C.U., Maves Well, NE1/4NW1/4 S6, T6S, R91W, 6th P.M. 200 ft from North; 2440 ft from

West; **030520GC(a)**, 1 AF contract, 0.875 AF C.U., GMCO Corp. Well No. 1, SE1/4NW1/4 S11, T6S, R93W, 6th P.M. 2300 ft from North; 2300 ft from West.; **030520RK(a)**, 2.5 AF contract, 2.443 AF C.U., Kittay-Ripp Well, SE1/4SW1/4 S34, T5S, R92W, 6th P.M. 100 ft from South; 1400 ft from West.; **030612BC(a)**, 1 AF contract, 0.21 AF C.U., Collins Well, NW1/4NW1/4 S17, T6S, R92W, 6th P.M. 900 ft from North; 600 ft from West.; **030612GM(a)**, 1 AF contract, 0.67 AF C.U., Graber Well, NE1/4SE1/4 S34, T5S, R92W, 6th P.M. 1590 ft from South; 245 ft from East.; **030612GS(a)**, 1 AF contract, 0.271 AF C.U., Sherick Well #1, SE1/4SE1/4 S12, T7S, R89W, 6th P.M. 800 ft from S; 730 ft from E.; 1 AF contract, 0.271 AF C.U., Sherick Well #2, SE1/4SE1/4 S12, T7S, R89W, 6th P.M. 500 ft from S; 665 ft from E.; **030612ST(a)**, 4 AF contract, 3.996 AF C.U., Direct Hauling, Una Bridge by Parachute and DeBeque; **030724KML(a)**, 1 AF contract, 0.989AF C.U., Latham Well, NW1/4NW1/4 S11, T6S, R93W, 6th P.M. 890 ft from N; 870 ft from W.; **030821LC(a)**, 1.32 AF contract, 1.32 AF C.U., GP Well No. 1, SW1/4NW1/4 S4, T6S, R92W, 6th P.M. 2940 ft from S; 4920 ft from E; **030821LP(a)**, 1.76 AF contract, 1.76 AF C.U., McPherson Well, NE1/4NW1/4 S4, T6S, R92W, 6th P.M. 75 ft from N section line; 1685 ft from West section line.; **030925HS#1(a)**, 1 AF contract, 0.228AF C.U., Sparrow Well, SW1/4SW1/4 S32 T5S R91W, 6th P.M. 800 ft from S; 550 ft from W.; **030925HS#2(a)**, 1 AF contract, 0.228 AF C.U., Robin Well, SW1/4SW1/4 S32 T5S, R91W, 6th P.M. 1040 ft from S; 735 ft from W.; **030925HS#3(a)**, 1 AF contract, 0.228 AF C.U., Meadowlark Well, SW1/4SW1/4 S32 T5S, R91W, 6th P.M. 590 ft from S; 735 ft from W.; **030925HS#4(a)**, 1 AF contract, 0.228 AF C.U., Goldfinch Well, SW1/4SW1/4 S21 T5 S, R91W, 6th P.M. 590 ft from S; 280 ft from W.; **030925KK(a)**, 1 AF contract, 1 AF C.U., Kriz Well, SW1/4SE1/4 S10, T6S, R93W, 6th P.M. 150 ft from South; 1380 ft from East.; **030925TEL(a)**, 1 AF contract, 0.966 AF C.U., Lippitt Well, SW1/4NE1/4 S6, T6S, R92W, 6th P.M. 2340 ft from East; 3340 ft from South; **031016CAD(a)**, 1 AF contract, 0.235AF C.U., Dechert Well, SE1/4NE1/4 S5 T6S, R92W, 6th P.M. 3250 ft from S; 190 ft from E.; **031120HE(a)**, 3 AF contract, 3 AF C.U., Direct Hauling, Una Bridge, Parachute; **031120SK(a)**, 7 AF contract, 7 AF C.U., Una Ranch Spring, SW1/4SE1/4 S33, T7S, R96W, 6th P.M. 1200 ft from S line; 1700 ft from E line.; **040219DM(a)**, 1 AF contract, 0.749 AF C.U., Meade Well, NE1/4SW1/4 S7, T6S, R91W, 6th P.M. 1400 ft from S line; 1060 ft from W line.; **040219EC(a)**, 55 AF contract, 54.996 AF C.U., Direct Hauling, Latham Pond; **040219WC(a)**, 7.64 AF contract, 7.64AF C.U., Lazier-Sills No. 2 Well, SW1/4SE1/4 S 23, T6S, R93W, 6th P.M. 850 ft from S line; 2450 ft from E line.; **040316JJB(a)**, 1 AF contract, 0.813 AF C.U., Brownson Well, SE1/4SE1/4 S32, T5S, R92W, 6th P.M. 672 ft from S section line; 60 ft from E section line.; **040415RCS(a)**, 1 AF contract, 0.63 AF C.U., Stillman Well, NW1/4SW1/4 S25, T5S, R90W, 6th P.M. 1900 ft from S section line; 4475 ft from E section line.; **890607GCC(a) [#1]**, 15 AF contract, 0.08 AF C.U., Una Bridge, S34, T7S, R96W; 15 AF contract, 0.08 AF C.U., Rifle Creek at C. R. 251, 15 AF contract, 0.08 AF C.U., Rifle Creek at County Road 251; Garfield Co., S10, T6S, 92W; 15 AF contract, 0.08 AF C.U., West Bank Bridge, S36, T6S, R89W; 15 AF contract, 0.08 AF C.U., Rifle Bridge, S16, T6S, R93W; **890607GCC(a) [#2]**, 15 AF contract, 4.88 AF C.U., Direct Hauling; **890607GCC(a) [#3]**, 15 AF contract, 5.03 AF C.U., Direct Hauling; **890607GCC(a) [#4]**, 15 AF contract, 1.75 AF C.U., Direct Hauling; **911227TSR(a)**, 2 AF contract, 1.91 AF C.U., Rumery Well, NE1/4NE1/4 S5, T6S, R91W, 6th P.M. 4400 ft from South section line; 20 ft from East section line.; **970707DAJ(b)**, 1 AF contract, 0.822 AF C.U., Johnson Well, SE1/4SE1/4 S14, T6S, R94W, 6th P.M. 111 ft from South section line; 142 ft from East section line.; **970930ELW(b)**, 1 AF contract, 0.658 AF C.U., Wills Well #2, SE1/4NE1/4 S4, T6S, R92W, 6th P.M. 1600 ft from North section line; 1150 ft from East section line.; **R940613BEI(a)**, 12 AF contract, 12 AF C.U., Direct Hauling, Parachute Creek, Debeque Pond, Mamm Creek. All direct hauling contracts are diverted directly from the Colorado River and may be augmented directly using Ruedi or Green Mountain Reservoirs. Water rights to be used for augmentation: Ruedi Reservoir and/or Green Mountain Reservoir. Ruedi Reservoir. Source: Frying Pan River, tributary to Colorado River. Legal Description: On-channel reservoir located in Sections 7, 8, 9, 11, and 14 through 18, Township 8 South, Range 84 West, 6<sup>th</sup> P.M. Adjudication date: July 20, 1958. Appropriation date: July 29, 1957. Case No.: C.A. 4613. Court: Garfield County District Court. Decreed Amount: 102,369 acre feet. Uses: Generation of electric energy, domestic, municipal, piscatorial, industrial, irrigation and stock watering. Remarks: Applicant has an interest in 600 acre feet of water from Ruedi Reservoir pursuant to Contracts between Applicant and the Bureau of Reclamation. Green Mountain Reservoir. Source: Blue River, tributary to Colorado River. Legal Description: Located approximately 16 miles Southeast of the Town of Kremmling, Colorado in all or parts of Sections 11 through 15 and 24 of Township 2 South, Range 80 West, and in Sections 17 through 21, 28, 29 and 34, Township 2 South, Range 79 West, 6<sup>th</sup> P.M. Adjudication date: October 12, 1955. Appropriation date: August 1, 1935. Case Nos.: 2782, 5016 and 5017. Court: U.S. District Court, District of Colorado. Decreed Amount: 154,645 acre feet. Uses: in accordance with paragraph 5(a), (b), and (c) of the section entitled "Manner of Operation of Project Facilities and Auxiliary Facilities" in Senate Document 80. Remarks: Applicant has an interest in 200 acre feet of water from Green Mountain Reservoir pursuant to Contract Number 8-07-60-W0726, dated October 21, 1998, between Applicant and the Bureau of Reclamation. Statement of Plan for Augmentation. This plan for augmentation augments the out-of-priority depletions associated with the additional structures referenced above. Augmentation will only be required during such times as the Avalanche Canal and Siphon is out of priority. Augmentation will come via releases from Ruedi and/or Green Mountain Reservoirs. The depletions associated with the diversions at the alternate points of diversion within Area A will be based upon the assumptions contained in the original Application. Transit losses of 5% will be applied to all releases from Ruedi Reservoir and/or Green Mountain Reservoir. Total additional diversions are estimated to be 458.54 acre feet. Total additional depletions are estimated to be 414.33 acre feet. The Simmons Well as referenced in the original application has total depletions of 19.78 acre feet, not 0.962 acre feet as originally claimed. Applicant will provide detailed accounting of diversions and depletions to the State and Division Engineers as required by the State and Division Engineers to administer the within augmentation plan. Measuring devices will be required for all surface and groundwater diversions Names and addresses of owners or reputed owners of land upon which

augmentation structures are located: Ruedi Reservoir and Green Mountain Reservoir: United States Department of Interior, Bureau of Reclamation, Eastern Colorado Area Office, 11056 West County Road 18E, Loveland, CO 80537-9711. Claim for Conditional Appropriative Rights of Exchange. Applicant claims conditional appropriative rights of exchange within its Area A Service Area. The reach of the first exchange shall be between the Roaring Fork River and the points of diversion for wells, surface water rights and reservoirs as referenced in the original application in this case and the within First Amendment. The reach of the second exchange shall be between the Colorado River and the points of diversion for wells, surface water rights and reservoirs as referenced in the original application in this case and the within First Amendment. The date of appropriation for Applicant's exchanges shall be January 1, 2004. The appropriation was initiated by formation of intent to adjudicate the exchanges as claimed herein. The rate of exchange shall be up to 10 cfs with total annual depletions not to exceed 556 acre feet. At timely intervals as required by statute, Applicant shall file an application for finding of reasonable diligence for the conditional appropriative rights of exchange claimed herein. All remaining claims contained in the original application remain the same. Approval of the subject Application will not result in injury to any vested or decreed conditional water rights. (Application – 8 pages. Attachments – 2 pages)

**22. 03CW147 (97CW31) SUMMIT COUNTY-ALLUVIUM AND FRACTURED BEDROCK TRIBUTARY TO THE SWAN RIVER.** Kenneth & Susan Williams; 11 Halfmoon Ct; The Woodlands, TX 77380 281-364-1978. SE-66 –Well Permit #048065 F-Amended Application to Make Absolute. Location: SE $\frac{1}{4}$ SW $\frac{1}{4}$  of Sec. 16, T.6S., R.77W. of the 6<sup>th</sup> P.M. 350 ft. from the South sec. line and 2,310 ft. from the West sec. line. Appropriation: Oct. 30, 1989. Amount: 0.033 cfs, absolute. Use: Household use only in a single family dwelling. An outline of work completed during the diligence period is included in the application. (2 pages)

**23. 03CW228 MESA COUNTY, AMENDMENT TO APPLICATION TO MAKE WATER RIGHT ABSOLUTE,** Central Appalachia Mining LLC, c/o David F. Jankowski, Sarah A. Klahn, WHITE & JANKOWSKI, LLP, 511 - 16<sup>th</sup> Street, Suite 500, Denver, CO 80202 ph.: 303-595-9441. The application in this matter was filed in October, 2003, to make absolute the conditional water right in the SCMC Pump No. 1, the point of diversion of which is decreed to be located on Mack Wash in the SE  $\frac{1}{4}$  SE  $\frac{1}{4}$ , Section 33, T.9S., R.103W., 6<sup>th</sup> P.M., Mesa County, Colorado, at a point whence the southeast corner of said Section 33 bears south 46 degrees, 14 minutes 14 seconds east a distance of 1458.57 feet. After the application was filed, Applicant determined that the October, 2003, diversion of the water right described in the application had not occurred at the decree diversion point. Applicant subsequently diverted the water right at the decreed point of diversion. The application is amended as follows: Paragraph 4.b. is amended to add that the Applicant diverted 3.0 c.f.s. of water under the water right for the SCMC Pump No. 1 during April and May, 2004, in priority and in compliance with the decree for the water right, and applied the water to use for industrial and domestic purposes for operation of the McClane Canyon mine and related office and washing facilities and for dust control. Applicant is continuing to divert water under the SCMC Pump No. 1 water right and to apply it to the stated beneficial uses. The remainder of the application is unchanged. (3 pages)

**24. 04CW06 EAGLE COUNTY-CENTER CREEK, TRIBUTARY TO THE FRYINGPAN RIVER.** Robert & Ginger Janssen; P.O. Box 1506; Basalt, CO 81621-1506 970-927-8253. Janssen Power & Light Pipeline-Amended Application for Water Rights(Surface). Location: NW $\frac{1}{4}$ SE $\frac{1}{4}$  of Sec. 5, T.8S., R.86W. of the 6<sup>th</sup> P.M. 2,640 ft. from the South sec. line and 1,750 ft. from the East sec. line. Appropriation: Jul. 7, 1997. Amount: 150 gpm, conditional. Use: hydroelectric generation and fire suppression. Name and address of owner of the land on which structure is or will be located, upon which water is or will be stored, or upon which water is or will be placed to beneficial use: Applicant and Jinx Franz Stone, 1904 Cedar Ct., Basalt, CO 81621. (2 pages)

**25. 04CW07 MESA COUNTY - Swede Flatts Spring, Swede Flatts Carrier Ditch, and Swede Flatts Pond, Tributary to Plateau Creek.** Robert E. Fuoco c/o Keith G. Mumby, Golden, Mumby, Summers, Livingston & Kane, RLLP, P.O. Box 398, Grand Junction, CO 81502, (970) 242-7322. AMENDED APPLICATION FOR WATER RIGHTS (SURFACE) ABSOLUTE. Name of structure: Swede Flatts Spring, and Swede Flatts Carrier Ditch. Legal description of point of diversion: Swede Flatts Spring is located in that part of the South of Section 25 Township 9 South Range 94 West 6th PM lying east and north of county road 1140 feet from South Section Line and 1830 feet from East Section Line; Source: Swede Flatts Spring, tributary to Plateau Creek. Description of structure: Wooden diversion box approximately 1 foot deep, 2 feet wide and 4 feet long to channel water to pipe for delivery to small stock tank and subsequently to Swede Flatts Pond. Amount: .111 C.F.S. (50 g.p.m.); APPLICATION FOR STORAGE WATER RIGHTS. Conditional for Swede Flatts Pond of less than 90 acre feet for livestock, and piscatorial. Date of appropriation: January 22, 2004; Use: Livestock, and piscatorial. The point of diversion and use of the subject water rights are located on land owned by the Applicant. (4 pages)

**26. 04CW67 Eagle, Garfield, Grand, Pitkin, and Summit Counties; Roaring Fork River and Four Mile Creek.** MidFirst Bank, a federally chartered savings association c/o Edward B. Olszewski, Esq., Leavenworth & Karp, P.C., P.O. Drawer 2030, Glenwood Springs, CO 81602. First Amendment to Application for Change of Water Rights and Plan for Augmentation. **FIRST AMENDMENT TO APPLICATION.** In its Fourth Claim for Change of Water Rights, Applicant inadvertently claimed to change only 4.96 acre feet of the ten acre feet decreed to the Four Mile Ranch Reservoir to be stored in the Four Mile Ranch Pond Nos. 1- 6. Applicant actually intends to change 5.99 acre feet decreed to the Four Mile Ranch Reservoir to be stored in the Four Mile Ranch Pond Nos. 1- 6 as reflected in paragraph 13.A of the Application. **SECOND AMENDMENT TO APPLICATION.** The Atkinson Ditch water right referenced in Paragraph 20.D. of the Application is owned by the West Divide Water Conservancy District and not by Applicant. Any use of the Atkinson Ditch water right shall be pursuant to a contract with the West Divide Water Conservancy District. (3 pages)

**YOU ARE HEREBY NOTIFIED THAT YOU HAVE until the last day of JULY 2004 to file with the Water Clerk in quadruplicate a verified statement of opposition setting forth facts as to why a certain 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: \$70.00) KATHY HALL, Water Clerk, Water Division 5; 109 8th Street, Suite 104 Glenwood Springs, CO 81601.**