

DIVISION 5 WATER COURT- APRIL 2019 RESUME

1. PURSUANT TO C.R.S., §37-92-302, AS AMENDED, YOU ARE NOTIFIED THAT THE FOLLOWING PAGES COMPRISE A RESUME OF THE APPLICATIONS AND AMENDED APPLICATIONS FILED WITH THE WATER CLERK FOR WATER DIVISION 5 DURING THE MONTH OF APRIL 2019. *The water right claimed by this application may affect in priority any water right claimed or heretofore adjudicated within this division and owners of affected rights must appear to object and protest within the time provided by statute or be forever barred.*

**19CW8 GRAND COUNTY- REED CREEK TRIBUTARY TO THE COLORADO RIVER (a/k/a 1918 Wise Creek a/k/a 1998 Spring Creek).** Steven R. Murphy; P.O. Box 956; Granby, CO 80446 (970)531-3203. Reed Ditch #1 and Hardin Ditch #2-Application for Conditional Water Rights (Surface). Location- UTM: E0416008 N4437911Z13; SW¼SE¼ of Sec. 35, T.2N, R.77W. of the 6<sup>th</sup> P.M. Reed Ditch #1-at a point 830 ft. from the north of south line of said quarter quarter and 225 ft. east of west line of said quarter quarter. Hardin Ditch #2- at a point 180 ft. west of east line of said quarter quarter and 280 ft. north of the south line of said quarter quarter. Appropriation: April 4, 2019. Amounts: Reed Ditch #1- 2.5 c.f.s., conditional and Hardin Ditch #2-1.3 c.f.s., conditional. Uses: irrigation and livestock. The applicant states that this is a new filing on abandoned water rights of Thomas David Sherman and Jane Murphy Sherman, Granby, CO. Diversion of Hardin Ditch #2-1.3 c.f.s. is out of East Wind #1 Reservoir (Case No. 98CW1) which is his water storage. Diversion of Reed Ditch 348 #1-2.5 c.f.s. is out of Reed Creek approximately 1,300 ft. west of the old 1918 diversion. All in SW quarter/SE quarter S35 T2N R77W 6<sup>th</sup>. Owned by Steven R. Murphy, applicant.

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**19CW3043 (11CW166) GRAND COUNTY – GRAND COUNTY WATER AND SANITATION DISTRICT #1,** c/o Bruce Hutchins, General Manager. Attorney for Applicant: David A. Bailey, Law Office of David A. Bailey, P.O. Box 350433, Westminster, Colorado 80035-0433, Telephone: (303) 898-6531, [dbailey@NRattorney.com](mailto:dbailey@NRattorney.com). Please direct all inquiries, correspondence and pleadings regarding this matter to counsel for the District identified herein. **APPLICATION FOR A FINDING OF REASONABLE DILIGENCE.** 1. **Name, address and telephone number of Applicant:** Grand County Water and Sanitation District #1 ("District"), P.O. Box 3077, Winter Park, Colorado 80482, Telephone: (970) 726-5583. 2. **Name of Structure:** Sitzmark Pond No. 1. 3. **Description of conditional water right:** A. Legal description of Sitzmark Pond No. 1: NE¼SW¼ of Section 28, Township 1 South, Range 75 West, 6<sup>th</sup> P.M., 1900 feet from the south section line and 2100 feet from the west section line. B. Sitzmark Pond No. 1 is an off-channel reservoir fed by Sitzmark Ditch No. 1 with capacity and diversion rate of 1.0 cfs. whose headgate is located in the NE1/4SW1/4, Section 28, Township 1 South, Range 75 West, 6<sup>th</sup> P.M., 1700 feet from south section line and 2150 feet from the west section line. C. Source: Fraser River, tributary to the Colorado River. D. Appropriation date: June 15, 2011. E. Adjudication date: April 26, 2013. F. Amount claimed: 8.0 acre-feet, conditional. G. Uses: All municipal uses, exchange, augmentation, fire protection and piscatorial. H. Legal description of land where water will be used: The District's service area includes parts of Sections 27, 28, 29, 32, 33, and 34, Township 1 South, Range 75 West, 6<sup>th</sup> P.M., which would include any areas to be irrigated. 4. **Outline of work that has been done toward completion or for completion of the appropriation and application of water to a beneficial use as conditionally decreed, including expenditures, during the previous diligence period.** A detailed outline of activity during the diligence period is included in the Application. 5. **Name and address 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.** The Town of Winter Park is the owner of the land on which the Sitzmark Pond No. 1 is located. The Town's address is c/o Keith Riesberg, Town Manager, 50 Vasquez Road, P.O. Box 3327, Winter Park, CO 80482.

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**19CW3044 GARFIELD COUNTY. A SPRING, TRIB. TO AN UNNAMED TRIB. (LOCALLY KNOWN AND HEREINAFTER REFERRED TO AS GREEN DRAW), TRIB. TO THE COLORADO RIVER. Application for Finding of Reasonable Diligence.** Applicants: Alicia Mendoza Prado and Jesus Prado, c/o Balcomb & Green, P.C., P.O., Drawer 790, Glenwood Springs, CO 81602; 970-945-6546. This application requests a finding of reasonable diligence for the water rights decreed to the Tamburello Spring 1st Enlargement and Tamburello Pond No. 1. **Tamburello Spring 1st Enlargement.** Prior Decree Info.: Orig. Decree: Case No. 94CW145, District Court, Water Division No. 5, 1/11/1997. Subsequent Decrees Granting Diligence: Case No. 04CW209, 3/3/2006 and Case No. 12CW43, 3/17/2013, District Court, Water Division No. 5. Decreed location: A spring gathering pt. situated in the NW1/4, SE1/4, Sec. 2, T. 6 S., R. 93 W., 6th P.M. commencing at the S.E. 1/16 corner of Sec. 2, an aluminum cap L. S. No. 27925 found in place, thence N 41 deg. 10 min. 28 sec. W., 865.55 feet to said gathering pt., a concrete manhole in place. Date of approp.: 3/31/1994. Source: A spring, trib. to an unnamed trib. (locally known and hereinafter referred to as Green Draw), trib. to the Colorado River. Amt.: 0.033 c.f.s. cond. Use: In-house dom. use in six single-family dwellings and livestock watering (two animals per residence). Structure: **Tamburello Pond No. 1.** Information from prior decrees: Orig. Decree: Case No. 94CW145, District Court, Water Division No. 5, 1/11/1997. Subsequent Decrees Granting Diligence: Case No. 04CW209, 3/3/2006 and Case No. 12CW43, 3/17/2013, District Court, Water Division No. 5. Decreed location: at a pt. 1,700 feet from E. Sec. line and 1,950 feet from S. Sec. line of Sec. 2, T. 6 S., R. 93 W., 6th P.M., which appears to be located in the in the NW1/4, SE1/4 of Sec. 2. Date of approp.: 3/31/1994. Source: Unnamed trib. known locally as Green Draw, trib. to Colorado River and aug. credits from Applicants' water rights in the Lower Cactus Valley Ditch is also stored in the pond pursuant to the decree entered in Case No. 94CW145. Amt.: A total of 10.0 AF, cond. Uses: 10 AF for pisc. and livestock watering and 5.021 AF cond. for aug. A complete list of diligence activities is on file with this court. Applicants own 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. 5 pgs.

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**19CW3045 EAGLE COUNTY. Application for Finding of Reasonable Diligence Applicant Information:** Gail Newman, c/o Robert M. Noone, Esq., The Noone Law Firm, P.O. Box 39, Glenwood Springs, CO 81602. **Prior Diligence Decrees** entered in Case No. 85CW615, 01CW339, and 11CW193 (See most recent Decree entered December 31, 2012). **Names of structures:** Burnison Ditch, Burnison No. 2 Ditch, Burnison No. 2 Ditch Second Enlargement, and Cornwell Pond No. 1. **Description of conditional water rights:** **Burnison Ditch**, 2.4 cfs, conditional, for commercial, domestic, and livestock watering purposes, either by direct flow or into storage for augmentation as contemplated by the augmentation plan decreed in case No. 85CW615, Water Division 5, with an appropriation date of June 30, 1984.. **Burnison No. 2 Ditch**, 0.40 cfs, conditional, for commercial, domestic and livestock watering purposes, either by direct flow or into storage for augmentation as contemplated by the augmentation plan decreed in case No. 85CW615, Water Division 5, with an appropriation date of June 30, 1984. **The Burnison No. 2 Ditch Second Enlargement**, 0.40 cfs, conditional, for commercial, domestic, livestock watering, storage and augmentation purposes as contemplated by the augmentation plan decreed in case No. 85CW615, Water Division 5, with an appropriation date of June 30, 1984. The Burnison No. 2 Ditch Second Enlargement is a natural spring located on Applicant's property on the west bank of Burnison Creek, aka Beard Creek, at a point whence the Southwest corner of Section 32 Township 4 South, Range 82 West of the 6<sup>th</sup> P.M. bears S 38°30' W a distance of 3600 feet. **The Cornwell Pond No. 1** 0.2 af, absolute, and 2.5 af, conditional, for irrigation, domestic, commercial, livestock watering, and augmentation as contemplated by the augmentation plan decreed in case No. 85CW615, Water Division 5, with appropriation date of June 30. **Date of original decree:** February 8, 1988 Case No.: 85CW615, District Court, Water Division 5 **Location:** **The Burnison Ditch** is located on the east bank of Burnison Creek in the NW¼, NE¼, Section 32, Township 4 South, Range 82 West, 6<sup>th</sup> P. M. at a point whence the Southwest corner of said Section 32 bears S 33°33'07" W a distance of 6284.00 feet. **The Burnison No. 2 Ditch** is located on the east bank of Burnison Creek in the SE¼, NW¼, Section 32, Township 4 South, Range 82 West, 6<sup>th</sup> P. M. at a point whence the Southwest corner of said Section 32 bears S 39°28'27" W a distance of 3769.20 feet. **The Burnison No. 2 Ditch Second Enlargement** is a natural spring located on Applicant's property on the W. bank of Burnison Creek, aka Beard Creek, at a point whence the SW Corner of Sec. 32 T. 4 S., R. 82 W. of the 6<sup>th</sup> P.M. bears S 38°30' W. a distance of 3600 ft. Water diverted at the Burnison No. 2 Ditch Second Enlargement, located on the W. side of Burnison Creek, is delivered via a pipeline to, and is a supplementary source of supply for the Burnison No. 2 Ditch, on the east side of **Burnison Creek, aka Beard Creek, a tributary of the Eagle River**, and groundwater tributary thereto, and the Cornwell Pond, described below. **The Cornwell Pond No.1.** The Cornwell Pond No. 1 is located on east bank of Burnison Creek on Applicant's

property and the right abutment of Cornwell Pond No. 1 is located at a point whence the Southwest corner of Section 32, Township 4 South, Range 82 West of the 6<sup>th</sup> P.M. bears S 50° W a distance of 3300 feet. **Source:** The source of supply for the **Burnison Ditch** is Burnison Creek, *aka* Beard Creek, a tributary of the Eagle River, and groundwater tributary thereto. The source of supply for the **Burnison No. 2 Ditch** is Burnison Creek, *aka* Beard Creek, a tributary of the Eagle River, and groundwater tributary thereto, including the Burnison No. 2 Ditch Second Enlargement described below. The source of supply for the **Burnison No. 2 Ditch Second Enlargement** is a natural spring located on Applicant's property on the W. bank of Burnison Creek, *aka* Beard Creek. The source of supply for the **Cornwell Pond No. 1** is Burnison Creek *aka* Beard Creek, a tributary of the Eagle River, and groundwater tributary thereto, including the Burnison No. 2 Ditch Second Enlargement, described above. **Appropriation Date:** June 30, 1984. **Amount:** (1) **Burnison Ditch**, 2.4 cfs, conditional, for commercial, domestic, and livestock watering purposes. (2) **Burnison No. 2 Ditch**, 0.40 cfs, conditional, for commercial, domestic and livestock watering purposes (3) **Burnison No. 2 Ditch, Second Enlargement**, 0.1 cfs, absolute, and 0.4 cfs, conditional, for irrigation, commercial, domestic, livestock watering, storage and augmentation purposes. (4) **Cornwell Pond**, 0.2 af, absolute, and 2.5 af, conditional, for irrigation, domestic, commercial, livestock, and augmentation purposes. **Use:** irrigation, domestic, commercial, livestock watering, municipal, storage and augmentation. **Provide a detailed outline in addition to the work described in the Application for Finding of Reasonable Diligence previously filed herein, during the applicable diligence period, the Applicant has performed the following work towards developing the Spring and applying the water diverted therefrom for the decreed beneficial uses:** During the previous diligence period, Applicant expended time and efforts to maintain all improvements associated with the subject conditional water rights. Applicant engaged in ongoing marketing and negotiations with prospective buyers of the subject water rights. During the previous diligence period, Applicant maintained and constructed infrastructure improvements to the Cornwell Pond Dam. The projects have included dam reinforcement and stabilization, culvert/spillway improvements, algae control, and new oxidization pups, all amounting to a cost of approximately \$5,000.00. Applicant also incurred costs and expenses in excess of \$15,000.00, including the cost of engineering and legal fees and expenses necessary to protect and preserve the subject conditional water rights and the easement rights necessary for the development, utilization and maintenance of the subject conditional water rights and related structures. **Name and address of owner of the land upon which any structure is or will be located, upon which water is or will be stored, or upon which water is or will be placed to beneficial use:** The structures described herein are existing structures. The only structures contemplated to be modified in the future, the cistern and pipelines associated with the Burnison No. 2 Ditch Second Enlargement and the Cornwell Pond, are located on Applicant's property. No additional modifications to any other structures are contemplated at this time. (5 Pages)

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**19CW3046 (04CW70, 12CW29) CARL D. AND DEBORAH J. WOOD**, 11792 County Road 33, Parshall, Colorado 80463, Telephone: (720) 899-2274, Email: [Carlwood1179@gmail.com](mailto:Carlwood1179@gmail.com). Please direct all correspondence or inquiries regarding this matter to the attorneys for the Applicants: Carolyn F. Burr, James M. Noble, Jens Jensen, WELBORN SULLIVAN MECK & TOOLEY, P.C., 1125 – 17<sup>th</sup> Street, Suite 2200, Denver, Colorado 80202, Telephone: (303) 830-2500. APPLICATION FOR A FINDING OF REASONABLE DILIGENCE AND A DETERMINATION THAT A PORTION OF CONDITIONAL WATER RIGHTS HAVE BEEN MADE ABSOLUTE IN GRAND COUNTY, COLORADO. 2. **Names of Structures:** A. Travis Reservoir B. Samuel Reservoir C. Carl Reservoir D. Gustafson Reservoir. 3. **Description of Water Rights:** This application concerns conditional storage rights for Samuel Reservoir and Carl Reservoir that are components of an integrated system of water storage that also includes previously decreed absolute storage rights in Travis Reservoir and Gustafson Reservoir, all of which are used for stock watering and irrigation of 20 acres in Grand County. A map depicting these structures is attached hereto as **Exhibit A**. A. **Original Decrees:** i. The conditional storage rights for Travis Reservoir, Samuel Reservoir, and Carl Reservoir were originally decreed in Case No. 04CW70 on February 16<sup>th</sup>, 2006, for a combined storage amount of 125 acre feet, with each of these and the Gustafson Reservoir as alternate places of storage. ii. Gustafson Reservoir is a decreed alternate place of storage for the conditional rights decreed in Case No. 04CW70, and it is part of Applicants' integrated system of water storage. Gustafson Reservoir is also the subject of a separate storage water right that was decreed on July 12, 1919 by the Grand County District Court in Civil Action No. 356 for 33.64 acre feet, absolute. B. **Subsequent Decree and Finding of Diligence:** In the decree entered in Case No. 12CW29 on March 17, 2013, the Court granted a change in the location of Travis Reservoir to conform to the as built location, and a change of the location of use of the water rights originally decreed in Case No. 04CW70. While this change increased the amount that can be stored in Travis Reservoir from 10 acre feet to 19.53 acre feet, the overall

amount of storage in the entire integrated system remains limited to 125 acre feet for the water rights decreed in Case No. 04CW70, plus the originally decreed 33.64 acre feet that can be stored only in Gustafson reservoir pursuant to the water right decreed in C.A. 356. In Case No. 12CW29, the Court also found that Applicants were diligently pursuing the appropriation of the remaining conditional rights decreed in Case No. 04CW70. 4. **Detailed Description for Each Reservoir:** A. **Travis Reservoir:** The Court changed and declared the full storage rights associated with Travis Reservoir absolute in Case No. 12CW29. The following description is included herein to fully describe Applicants' integrated water storage system for the remaining conditional rights decreed in Case No. 04CW70 that are the subject of this diligence application. i. Legal Description: The dam is located 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, at a point 3,100 feet from the East Section line and 375 feet from the North Section line, which equates to GPS coordinates North 39°59'09" East 106°15'20". ii. Source: An unnamed tributary of Granger Creek, a tributary of the Williams Fork River. iii. Appropriation Date and Amount Decreed: April 30, 2004 for 19.53 acre feet, ABSOLUTE. iv. Use: Irrigation and stock watering. B. **Samuel Reservoir:** The storage right for Samuel Reservoir remains conditional. i. Legal Description: In the Southeast quarter of the Southeast quarter of Section 5, Township 1 South, Range 79 West of the 6<sup>th</sup> P.M., Grand County, Colorado, approximately 650 feet west of the East Section line and 4,008 feet south of the North Section line. The dam will be approximately 20 feet high and 500 feet long, and the surface area of the high water line is anticipated to be 10 acres at full build out. ii. Source: An unnamed tributary of Granger Creek, a tributary of the Williams Fork River. iii. Appropriation Date and Amount Decreed: April 30, 2004 for 60 acre feet, CONDITIONAL. iv. Use: Irrigation and stock watering. C. **Carl Reservoir:** The storage right for Carl Reservoir remains conditional. In this Application Applicants seek to have 12.18 acre feet declared absolute and a finding that Applicants are diligently pursuing the appropriation of the remaining conditional rights. i. Legal Description: In the Northeast quarter of the Northeast quarter of Section 8, Township 1 South, Range 79 West of the 6<sup>th</sup> P.M., Grand County, Colorado, approximately 710 feet west of the East Section line and 275 feet south of the North section line. The storage capacity of Carl Reservoir as built is 12.18 acre-feet. ii. Source: An unnamed tributary of Granger Creek, a tributary of the Williams Fork River. iii. Appropriation Date and Amount Decreed: April 30, 2004 for 55 acre feet, CONDITIONAL. iv. Use: Irrigation and stock watering. D. **Gustafson Reservoir.** Gustafson Reservoir was decreed as an alternate place of storage for the conditional and absolute water right decreed in Case No. 04CW70 and changed in Case No. 12CW29. Gustafson Reservoir is also the subject of a separate storage right was decreed absolute on July 12, 1919 by the Grand County District Court in Civil Action No. 356, which is not subject to this diligence application. i. Legal Description: The 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. ii. Source: Granger Creek, a tributary of the Williams Fork River. iii. Appropriation Date and Amount Decreed: April 30, 2004 (as an alternate place of storage for the water rights decreed in Case No. 04CW70 and changed in Case No. 12CW29). iv. Use: Irrigation and stock watering. 5. **Detailed Outline of Work Performed toward Completion:** During the diligence period, Applicants undertook the following diligence activities to develop this integrated system: A. Partially completed Carl Reservoir to a current capacity of 12.18 acre feet of storage. B. In constructing Carl Reservoir to its current capacity and making it operational, Applicants used approximately 9,300 cubic yards of material to construct the dam embankment at a cost of \$26,900, and installed a 1,000 foot pipe irrigation system connected to the reservoir outlet at a cost of \$6,000. C. Diverted water into Carl Reservoir for beneficial use each year from 2014 to present. D. Applied water stored in Carl Reservoir to beneficial use for irrigation of the lands shown on **Exhibit A**. E. Partially constructed Samuel Reservoir to a current capacity of approximately 8.47 acre feet by erecting a 6,300 cubic yard embankment at a cost of \$22,500. F. An additional 1,500 cubic yards was added to buttress the existing embankment of the Gustafson Reservoir at a cost of \$5,250. G. Applicants have continued to use the water from its integrated storage system for the intended irrigation and stock water uses. Applicants have grown and baled hay from the irrigated areas, and used the irrigated areas as pasture for grazing cattle. 6. **Claim to Make Absolute.** Applicants have partially completed Carl Reservoir to a total capacity of 12.18 acre feet, which they have filled and used for irrigation. Applicants therefore now seek to make 12.18 acre feet of storage in Carl Reservoir absolute, pursuant to C.R.S. § 37-92-301(4)(e) and for 42.82 acre feet of the Carl Reservoir water right to remain conditional. A. Dates and Amount of Beneficial Use: The Carl Reservoir was first filled, in priority, to its current capacity of 12.18 acre feet in May, 2014. This water was applied to irrigate grassland acreage below the reservoir for hay and grazing during the 2014 growing season. The reservoir has been filled to this capacity, and the same area has been irrigated with that water and used for grazing, each year since. See attached **Exhibit B**, showing that there was no call on the main stem of the Colorado River or the tributaries where these reservoirs are located in May, 2014. B. Description of Place of Beneficial Use: This acreage irrigated with the water stored in Carl Reservoir is depicted on the map attached as **Exhibit A**, and it is located within the place of use described in paragraph 4.3 of the decree entered in Case No. 12CW29. 7. **Owners of Property on which Structures are Located:** The structures are located or to be located on land owned by Hazel L. Wood-Palmer Family Partnership LLLP, of which Applicant, Carl D. Wood, is a general partner. No landowner notice is therefore required. WHEREFORE, Applicants request that the Court enter a decree finding that Applicants have satisfied the statutory standard of steady application of effort to complete the appropriation in a reasonably expedient and efficient manner under all the facts and circumstances, that reasonable diligence was performed during the diligence period, that a portion of the conditional storage rights for Carl Reservoir, in the amount of 12.18 acre feet, should be made absolute, and that the remaining conditional portions of the water rights should continue, in the amount of 60 acre feet for Samuel Reservoir, and 42.82 acre feet for Carl Reservoir.

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**19CW3047 GRAND COUNTY.** Amy Joy Gibson and Matthew David Gibson, PO Box 1752, Grand Lake, CO 80447, 970-531-1630, c/o Kent Whitmer and Sean Lemieux, The Whitmer Law Firm, LLC, PO Box 38, Hot Sulphur Springs, CO 80451, (970) 725-3460. APPLICATION FOR ABSOLUTE UNDERGROUND WATER RIGHT AND ABSOLUTE WATER RIGHT FOR AUGMENTATION PLAN INCLUDING EXCHANGE OR FOR A FINDING OF REASONABLE DILIGENCE. Name of Structure: Jordan Well No. 1. Source: Ground water from unconsolidated sand and gravel, and from bedrock formations and other materials hydraulically connected and tributary to the Colorado River and Granby Reservoir. Source of Exchange Water: Wolford Mountain Reservoir. Exchange Reach: The upstream terminus is a point where depletions resulting from the pumping of Jordan Well No. 1 impact the Colorado River and Granby Reservoir as described in the application. The downstream terminus is the confluence of Muddy Creek and the Colorado River in Section 19, Township 1 North, Range 80 West, 6<sup>th</sup> P.M. at approximately 2000 feet west of the east line and 100 feet south of the north line. Well Location: Applicants are the owners of real property located at 75 Grand County Road 444, Grand Lake, Grand County, Colorado. Jordan Well No. 1 is located on Applicants' property in the NW ¼ SE ¼ of Section 23, Township 3 North, Range 76 West of the Sixth Principal Meridian, a distance of 1600 feet from the south section line and a distance of 1550 feet from the east section line. Depth: 140 feet. Use: In-house use within two (2) single family residences. Type of Structure: Well. Quantity: 15 gpm conditional, limited to 0.628 for diversion, up to 0.2 a.f./yr. of depletions. Appropriation Date: April 11, 2005. Decree: December 12, 2006, Case No. 05CW78, Water Court Division No. 5. Additional Information: The original application was for underground water right and augmentation including exchange to well involving Wolford Mountain Reservoir under a contract with Middle Park Water Conservancy District. Applicants seek an absolute decree for 7 GPM for well and 0.2 af/yr. for exchange. The application and attached exhibits contain a detailed outline of the work performed during the diligence period. (26 pages)

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**19CW3048 (2012CW22, 2005CW70, 98CW153, 92CW068, 86CW110, W-3895) EAGLE COUNTY, EAGLE RIVER OR ITS TRIBUTARIES.** APPLICATION FOR FINDING OF REASONABLE DILIGENCE AND TO MAKE CONDITIONAL WATER RIGHTS ABSOLUTE. Name, Address, and Telephone Number of Applicant: The Enclave at Travis Creek Association, Inc., a Colorado Nonprofit Corporation, c/o Alan Teran, President, 2126 Knollwood Dr., Boulder, Colorado 80302, Telephone: (303) 588-8853. Mailing Address for Purposes of this Application: David L. Kueter, Esq., Holsinger Law, LLC, 1800 Glenarm Place, Suite 500, Denver, Colorado 80202, Telephone: (303) 722-2828. **2. Names of structures:** 2.a. Wyatt Well No. 777(4), also known as Wyatt Well No. 774(4); 2.b. Wyatt Well No. 776(5); 2.c. Wyatt Well No. 779(6); and 2.d. Wyatt Well No. 783(9). **3. Date of original decree:** April 15, 1982 in Case No. W-3895, District Court, Water Division No. 5, State of Colorado. **4. Subsequent decree(s) awarding findings of diligence:** 4.a. September 26, 1986 in Case No. 86CW110, District Court, Water Division No. 5, State of Colorado; 4.b. August 24, 1992 in Case No. 92CW068, District Court, Water Division No. 5, State of Colorado; 4.c. April 12, 1999 in Case No. 98CW153, District Court, Water Division No. 5, State of Colorado; 4.d. February 17, 2006 in Case No. 2005CW70, District Court, Water Division No. 5, State of Colorado; and 4.e. March 17, 2013 in Case No. 2012CW22, District Court, Water Division No. 5, State of Colorado. **5. Decreed Locations:** 5.a. Wyatt Well No. 777(4) [also known as Wyatt Well No. 774(4)] is located in the SW¼ SW¼ of Section 26, Township 4 South, Range 83 West of the 6th P.M. at a point whence the Northwest Corner of said Section 26 bears N. 07°48'17" W. 4,763.13 feet. 5.b. Wyatt Well No. 776(5) is located in the SW¼ SW¼ of Section 26, Township 4 South, Range 83 West of the 6th P.M. at a point whence the Northwest Corner of said Section 26 bears N. 08°52'04" W. 5,064.76 feet. 5.c. Wyatt Well No. 779(6) is located in the

SW¼ SW¼ of Section 26, Township 4 South, Range 83 West of the 6th P.M. at a point whence the Northwest Corner of said Section 26 bears N. 15°10'11" W. 4,783.54 feet. 5.d. Wyatt Well No. 783(9) is located in the NE¼ NW¼ of Section 35, Township 4 South, Range 83 West of the 6th P.M. at a point whence the North Quarter Corner of said Section 35 bears N. 17°10'11" E. 1,188.70 feet. The decreed locations of Wyatt Well No. 777(4) [also known as Wyatt Well No. 774(4)], Wyatt Well No. 776(5), Wyatt Well No. 779(6), and Wyatt Well No. 783(9) are shown on the attached Exhibit A. **6. Decreed Sources of Water:** 6.a. The source of the water for Wyatt Well No. 777(4) [also known as Wyatt Well No. 774(4)], is a well having a depth of 140 feet and being tributary to the Eagle River, tributary to the Colorado River. 6.b. The source of the water for Wyatt Well No. 776(5) is a well having a depth of 265 feet and being tributary to the Eagle River, tributary to the Colorado River. 6.c. The source of the water for Wyatt Well No. 779(6) is a well having a depth of 170 feet and being tributary to the Eagle River, tributary to the Colorado River. 6.d. The source of the water for Wyatt Well No. 783(9) is a well having a depth of 160 feet and being tributary to the Eagle River, tributary to the Colorado River. **7. Appropriation dates:** 7.a. Wyatt Well No. 777(4) [also known as Wyatt Well No. 774(4)] - June 6, 1978. 7.b. Wyatt Well No. 776(5) - June 7, 1978. 7.c. Wyatt Well No. 779(6) - June 8, 1978. 7.d. Wyatt Well No. 783(9) - June 13, 1978. **8. Decreed amounts of water:** Each well was decreed a conditional water right for 0.033 cubic foot of water per second of time ("c.f.s."). **9. Decreed amounts and uses of water:** Domestic and irrigation purposes. **10. Provide 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:** In Case No. 2012CW22, the Water Judge ordered that an application for reasonable diligence be made during the month of March, 2019 to maintain these conditional water rights in full force and effect. By notice dated February 21, 2019, the Court extended the diligence due period through April 2019. 10.a. Applicant has spent in excess of \$1,466.16 in legal fees and costs since March 2013 in connection with Applicant's water rights, including the rights which are the subject of this application. 10.b. Wyatt Well No. 777(4) [also known as Wyatt Well No. 774(4)], Wyatt Well No. 776(5), Wyatt Well No. 779(6), and Wyatt Well No. 783(9) are subject to the plan for augmentation decreed in Case No. 94CW084, to the extent said wells are used to irrigate over 0.07 acre for each well or used for domestic use by more than one single-family dwelling for each well. 10.c. During the diligence period, Applicant paid \$1,500.00 to the United States Bureau of Reclamation for Green Mountain Reservoir water for use in its augmentation plan pursuant to the decrees in Case No. 94CW084. 10.d. During the diligence period, Applicant paid \$12,912.00 to the Colorado River Water Conservation District for Eagle Park Reservoir water for use in its augmentation plan pursuant to the decrees in Cases Nos. 94CW084 and 2005CW71. **11. Claim to make conditional water rights absolute:** Applicant requests that the Court decree the following water right has been made absolute: 11.a. Wyatt Well No. 777(4) [also known as Wyatt Well No. 774(4)] was constructed pursuant to Well Permit No. 66972-F, and was originally pumped at the rate of 0.033 c.f.s. (15 g.p.m.) on August 12, 2008. The well has been used consistently pursuant to the decree in Case No. W-3895 since construction. 11.b. Applicant further requests that the Court make absolute any additional portions of the conditional water rights identified above which may be diverted and placed to beneficial use prior to the date of the decree to be entered herein. **12. Name and address 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.** 12.a. Wyatt Well No. 777(4) [also known as Wyatt Well No. 774(4)] - John L. and Annette D. Budzak, P.O. Box 121, Wolcott, CO 81655. 12.b. Wyatt Well No. 776(5) - Belly Ache Ridge Properties, LLC, c/o Mark Pak, 10 Bellamy Pl., Stockbridge, Georgia 30381-4459. 12.c. Wyatt Well No. 779(6) - Alan A. and Janet C. Teran, 2126 Knollwood Dr., Boulder, Colorado 80302. Mr. Teran is the president of Applicant the Enclave at Travis Creek Association, Inc. 12.d. Wyatt Well No. 783(9) - Elbert Johnson, Jr., 1639 Arlington Street, Houston, Texas 77008. WHEREFOR, Applicant requests the Court to enter its decree and ruling as follows: A. To make absolute 0.033 c.f.s. decreed conditional to Wyatt Well No. 777(4) [also known as Wyatt Well No. 774(4)]; and B. To enter a finding of reasonable diligence with respect to the conditional water rights decreed to Wyatt Well No. 776(5); Wyatt Well No. 779(6) and Wyatt Well No. 783(9), and that the Court order said rights to be continued in full force and effect. (8 pages, including 1 page of exhibits.)

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

**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 APRIL 2019. The water right claimed by this application may affect in priority any water right claimed or heretofore adjudicated within this division and owners of affected rights must appear to object and protest within the time provided by statute or be forever barred.**

**19CW3049 (2012CW137, 2005CW095, 98CW249, 91CW033) EAGLE COUNTY, IN THE EAGLE RIVER AND ITS TRIBUTARIES. APPLICATION FOR FINDING OF REASONABLE DILIGENCE. 1. Name, Address, and Telephone Number of Applicant:** Wind Rose Properties, LLC, d/b/a The Club at Cordillera, c/o Patrick Wilhelm, P.O. Box 988, Edwards, Colorado 81632, Telephone: (970) 569-6414. Mailing Address for Purposes of this Application: David L. Kueter, Esq., Holsinger Law, LLC, 1800

Glenarm Place, Suite 500, Denver, Colorado 80202, Telephone: (303) 722-2828. 2. Names of structures: 2.a. Groff Ditch-Cottonwood Enlargement; 2.b. Cottonwood Pump and Pipeline; 2.c. Golf Course Pond No. 2; 2.d. Golf Course Pond No. 3; 2.e. Golf Course Pond No. 4; and 2.f. Golf Course Pond No. 5. 3. Date of original decree: December 8, 1992, Case Number 91CW033, Water Division No. 5, State of Colorado. 4. Subsequent decree(s) awarding findings of diligence: 4.a. May 23, 1999 in Case No. 98CW249, District Court, Water Division No. 5, State of Colorado; 4.b. August 24, 2006 in Case No. 2005CW95, District Court, Water Division No. 5, State of Colorado; and 4.c. March 17, 2013 in Case No. 2012CW137, District Court, Water Division No. 5, State of Colorado. In Case No. 2012CW137, the Water Judge ordered that an application for reasonable diligence be made during the month of March, 2019 to maintain these conditional water rights in full force and effect. By notice dated February 22, 2019, the Court extended the diligence due period through April 2019. 5. Decreed Locations (see Figure 1 hereto): 5.a. *Groff Ditch-Cottonwood Enlargement*: The headgate is located at a point on the east bank of Spring Creek in the NE $\frac{1}{4}$  NE $\frac{1}{4}$  of Section 36, T.4S., R.83W. of the 6th P.M. whence the E $\frac{1}{4}$  corner of said Section 36 bears S. 3° 30' E. 2,145 feet. 5.b. *Cottonwood Pump and Pipeline*: The headgate is located at a point on the north bank of the Eagle River in the SW $\frac{1}{4}$  SW $\frac{1}{4}$  of Section 31, T.4S., R.82W. of the 6th P.M. whence the SW corner of said Section 31 bears S. 5° W. 500 feet. 5.c. *Golf Course Pond No. 2*: Located in the SE $\frac{1}{4}$  NW $\frac{1}{4}$  of Section 31, T.4S., R.82W. of the 6th P.M., whence the W $\frac{1}{4}$  corner of said Section 31 bears S. 77° 45' W. 2,270 feet. 5.d. *Golf Course Pond No. 3*: Located in the NW $\frac{1}{4}$  SE $\frac{1}{4}$  of Section 31, T.4S., R.82W. of the 6th P.M., whence the S $\frac{1}{4}$  corner of said Section 31 bears S. 29° 30' W. 2,060 feet. 5.e. *Golf Course Pond No. 4*: Located in the SW $\frac{1}{4}$  SE $\frac{1}{4}$  of Section 31, T.4S., R.82W. of the 6th P.M., whence the S $\frac{1}{4}$  corner of said Section 31 bears S. 57° 15' W. 1,520 feet. 5.f. *Golf Course Pond No. 5*: Located in the SW $\frac{1}{4}$  SW $\frac{1}{4}$  of Section 32, T.4S., R.82W. of the 6th P.M., whence the SW corner of said Section 32 bears S. 48° W. 1,300 feet. 6. Decreed Sources of Water: 6.a. The source of water for the Groff Ditch-Cottonwood Enlargement is Spring Creek, a tributary of the Eagle River, a tributary of the Colorado River. 6.b. The source of water for the Cottonwood Pump and Pipeline is the Eagle River, a tributary of the Colorado River. 6.c. The sources of the Golf Course Ponds Nos. 2, 3, 4, and 5 are: Spring Creek via the Groff Ditch - Cottonwood Enlargement (1 c.f.s.); Burnison Creek via the Root Ditch (1.6 c.f.s.) decreed in Eagle County District Court, Civil Action No. 687; Deadhorse Gulch via the Root Ditch - Reynolds Enlargement (1 c.f.s.) decreed in Case No. 82CW341; and the Eagle River via the Cottonwood Pump and Pipeline (2 c.f.s.). The maximum height of the embankment for each reservoir is less than 10 feet. 7. Appropriation dates: July 13, 1990 for all of the conditional water rights herein. 8. Decreed amounts: 8.a. *Groff Ditch-Cottonwood Enlargement*: 0.2 c.f.s., conditional for purposes of irrigation; and 0.07 c.f.s., conditional for recreation and piscatorial uses. 8.b. *Cottonwood Pump and Pipeline*: 2.0 c.f.s., conditional. 8.c. *Golf Course Pond No. 2*: 2.0 a.f., conditional. 8.d. *Golf Course Pond No. 3*: 6.0 a.f., conditional. 8.e. *Golf Course Pond No. 4*: 20.0 a.f., conditional. 8.f. *Golf Course Pond No. 5*: 4.0 a.f., conditional. 9. Decreed uses of water: Irrigation, recreation and piscatorial uses. 10. Provide 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: Moneys have been expended for engineering, legal advice and litigation for the subject water rights and for planning, design and construction of various features of the Applicant's integrated raw water systems in the Spring Creek watershed which service the Cordillera golf courses and related facilities. Total expenditures on these efforts and associated work during the diligence period is estimated to be in excess of \$710,472.00. These amounts include expenditures for repair and maintenance of the pump house, pump station and irrigation lines for the golf course, and fees and costs for engineering and legal consultants during the diligence period. 11. Water applied to beneficial use: N/A. 12. Name and address 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. 12.a. *Groff Ditch-Cottonwood Enlargement*: JMCG Colorado LLC, 2668 Riviera Manor, Weston, Florida 33332. 12.b. *Cottonwood Pump and Pipeline*: Eagle County Colorado, P.O. Box 850, Eagle, Colorado 81631-0850. 12.c. *Golf Course Ponds Nos. 2, 3, 4, and 5*: Applicant. WHEREFORE, Applicant requests the Court to enter a decree and ruling entering a finding of reasonable diligence with respect to the conditional water rights decreed to the Groff Ditch-Cottonwood Enlargement, Cottonwood Pump and Pipeline, Golf Course Pond No. 2, Golf Course Pond No. 3, Golf Course Pond No. 4, and Golf Course Pond No. 5 in the amounts listed in paragraph 8., above. (7 pages, including 1 page of exhibits.)

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

**9. PURSUANT TO C.R.S., §37-92-302, AS AMENDED, YOU ARE NOTIFIED THAT THE FOLLOWING PAGES COMPRISE A RESUME OF THE APPLICATIONS AND AMENDED APPLICATIONS FILED WITH THE WATER CLERK FOR WATER DIVISION 5 DURING THE MONTH OF APRIL 2019. The water right claimed by this application may affect in priority any water right claimed or heretofore adjudicated within this division and owners of affected rights must appear to object and protest within the time provided by statute or be forever barred.**

**19CW3050 MESA COUNTY - COLORADO RIVER; Carol B. Scott; c/o John R. Pierce and Bruce Walters, Dufford, Waldeck, Milburn & Krohn, LLP, 744 Horizon Court, Suite 300, Grand Junction, CO 81506, (970) 248-5865; APPLICATION FOR FINDING OF REASONABLE DILIGENCE; Name and address of Applicant: Carol B. Scott; 823 26 Road; Grand Junction, CO 81506; Request**

for finding of diligence: Name of structure: Scott Spring; Describe conditional water right: Date of Original Decree: September 16, 2006; Case No.: 2005CW259; Subsequent decrees awarding diligence: Case No. 2012CW144; Legal description: NE/4 NE/4 of Section 21, Township 11 South, Range 96 West, 6<sup>th</sup> P.M. at a point 1,196 feet from the north section line and 1,198 feet from the east section line; Source of water: Surface flows and near-surface flows tributary to Mesa Creek, tributary to Plateau Creek, tributary to the Colorado River; Appropriation Date: May 1, 2004; Amount: 0.17 c.f.s. conditional; Use: Piscatorial, fire protection, wildlife watering, all subsequent to storage in the Scott Pond, and filling and continuously refilling the Scott Pond; Outline of work toward completion or for completion of the appropriation and application of water to a beneficial use as conditionally decreed, including expenditures, during the previous diligence period: Applicant made measurements at the Scott Spring in anticipation of developing the spring and the Scott Pond. Applicant determined that the reliable yield of the Scott Spring required modification of the Scott Pond design to reduce it from 6.1 a.f. to 4.0 a.f. Applicant concedes below to the cancellation of 2.1 a.f. of the conditional right for the Scott Pond, leaving 4.0 a.f. remaining conditional. Applicant requests a finding of diligence concerning the conditional right in the Scott Spring for the amount and uses described above; Request for finding of diligence: Name of structure: Scott Pond; Describe conditional water right: Date of Original Decree: September 16, 2006; Case No.: 2005CW259; Subsequent decrees awarding diligence: Case No. 2012CW144; Legal description: NW/4 NE/4 of Section 21, Township 11 South, Range 96 West, 6<sup>th</sup> P.M. at a point 1,025 feet from the north section line and 1,375 feet from the east section line; Source of water: Runoff from rainwater, snowmelt, as well as water from the Scott Spring, all tributary to Mesa Creek, tributary to Plateau Creek, tributary to the Colorado River; Appropriation Date: November 1, 2005; Amount: 6.1 a.f. conditional; Use: Piscatorial, fire protection, wildlife watering; Surface area of high-water line: 0.75 acres; Maximum height of dam: Less than 10 feet; Length of dam: 220 feet; Total capacity of reservoir: 6.1 a.f., all dead storage; Outline of work toward completion or for completion of the appropriation and application of water to a beneficial use as conditionally decreed, including expenditures, during the previous diligence period: Applicant made measurements at the Scott Spring in anticipation of developing the spring and the Scott Pond. Applicant determined that the reliable yield of the Scott Spring required modification of the Scott Pond design to reduce it from 6.1 a.f. to 4.0 a.f. Based on that modification, Applicant concedes to the cancellation of 2.1 a.f. of the conditional right for the Scott Pond, and requests a finding of diligence with regard to the remaining 4.0 a.f. (5 pages)

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**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 APRIL 2019. *The water right claimed by this application may affect in priority any water right claimed or heretofore adjudicated within this division and owners of affected rights must appear to object and protest within the time provided by statute or be forever barred.***

**19CW3051 PITKIN COUNTY; Application for Correction of Established but Erroneously Described Points of Diversion. Name of Applicant: Gateway of Snowmass Mesa Metropolitan District, c/o Integrated Mountain Group, Attn.: Bob Johnson, District Manager, please direct all correspondence to Applicant's attorney: Mary Elizabeth Geiger, Garfield & Hecht, P.C., 901 Grand Ave., Suite 201, Glenwood Springs, CO 81601, (970) 947-1936, [megeiger@garfieldhecht.com](mailto:megeiger@garfieldhecht.com). Decreed Water Rights for Which Correction is Sought: Name of Structure: **Oh-Be-Joyful Pond**. Original Decree: Case No. 87CW138, District Court in and for Water Division No. 5, entered on October 8, 1987; Case No. 96CW186, District Court in and for Water Division No. 5, entered on October 8, 1996, with regard to Applicant's uses. Legal Description as Described in Most Recent Decree: The point of diversion and place of storage is at a point whence the center corner of Section 34, Township 8 South, Range 86 West of the 6<sup>th</sup> P.M. bears South 8°0'0" West 310 feet, also described as 2280 feet from the North section line and 2550 feet from the West section line. **Source of Water: spring runoff, Snowmass Creek, tributary to the Roaring Fork River and the Gateway Mesa Wastewater Ditch, all tributary to the Colorado River.** Appropriation Date: September 1, 1962; December 8, 1991 (for Applicant's uses). Amount: 1.72 acre-feet, absolute, 1.3 acre-feet of which is for Applicant's uses for augmentation and exchange (which are the subject of pending Case No. 18CW3064, District Court in and for Water Division No. 5). Use: piscatorial and irrigation; augmentation and exchange. Remarks: Applicant maintains a written agreement with the owners of the piscatorial and irrigation water rights decreed to, and the land upon which the Oh-Be-Joyful Pond is located, for use of 1.3 acre-feet out of the pond for augmentation and exchange purposes, which water rights are owned by Applicant. The Oh-Be-Joyful Pond has been located in its current location since before the decree was entered in Case No. 87CW138, above. The field inspection report for that decree showed the Pond as being located 1850 feet from the North section line and 2600 feet from the West Section line of Section 34, Township 8 South, Range 86 West of the 6<sup>th</sup> P.M. See **Exhibit A** attached hereto. Recent survey information puts it 1680 feet from the North section line and 2650 feet from the West section line, thus within 200 feet of this original location; however, this recent survey reveals that the legal description of it being located at a point whence the center corner of Section 34, Township 8 South, Range 86 West of the 6<sup>th</sup> P.M. bears South 8°0'0" West 310 feet is clearly erroneous and has led to the erroneous PLSS description. The Oh-Be-Joyful Pond has historically, and continues to divert water at the "Actual Location" identified on Exhibit A.**



Such diversions of water at the pond were intended to be made pursuant to their decrees. Legal Descriptions of Corrected Point of Diversion: The Oh-Be-Joyful Pond's legal description of corrected point of diversion should be 1680 feet from the North section line and 2650 feet from the West section line of Section 34, Township 8 South, Range 86 West of the 6<sup>th</sup> P.M. (5 pages).

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**11. PURSUANT TO C.R.S., §37-92-302, AS AMENDED, YOU ARE NOTIFIED THAT THE FOLLOWING PAGES COMPRISE A RESUME OF THE APPLICATIONS AND AMENDED APPLICATIONS FILED WITH THE WATER CLERK FOR WATER DIVISION 5 DURING THE MONTH OF APRIL 2019. *The water right claimed by this application may affect in priority any water right claimed or heretofore adjudicated within this division and owners of affected rights must appear to object and protest within the time provided by statute or be forever barred.***

**19CW3052 GARFIELD COUNTY, ROARING FORK RIVER.** Application for Findings of Reasonable Diligence and to Make Conditional Water Right Partially Absolute. Richard D. Connor, c/o Mark E. Hamilton, Esq. and Tarn Udall, Esq., Holland & Hart LLP, 600 E. Main St., Suite 104, Aspen, CO, 81611, 970-925-3476, [mehamilton@hollandhart.com](mailto:mehamilton@hollandhart.com), [ctudall@hollandhart.com](mailto:ctudall@hollandhart.com). Name of structure: Marquis/Wallbank Well No. 4. Decree information: (1) Court: District Court, Water Division No. 5. (2) Case: 87CW100. (3) Date: November 2, 1987. (4) Subsequent decrees: 91CW174, 99CW29, 05CW165 and 12CW63. Location: SE¼ NE¼ of Section 23, Township 7 South, Range 88 West of the 6th P.M., at a point whence the East ¼ Corner of said Section 23 bears South 66°00' East a distance of 1,010 feet, in Garfield County, Colorado. This location is also described as being at a point approximately 2,220 feet from the N. section line and 950 feet from the E. sec. line of Sec. 23, T. 7 S., R. 88 W., 6th P.M. Source: Groundwater tributary to the Roaring Fork River, tributary to the Colorado River. Appropriation date: April 9, 1987. Amount: 7.0 g.p.m., absolute; 8.0 g.p.m., conditional. Uses: domestic and irrigation. Well Permit No.: 33586-F. Depth: 260 feet. Claim to make additional amount absolute: Date water applied to beneficial use: July 2015. Amount: 3.0 g.p.m. Use: domestic. Applicant seeks findings of reasonable diligence as to all remaining conditionally decreed amounts and uses. A detailed outline of activity during the diligence period is included in the Application. The subject water right is located upon Applicant's property. (4 pages)

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

**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 APRIL 2019. *The water right claimed by this application may affect in priority any water right claimed or heretofore adjudicated within this division and owners of affected rights must appear to object and protest within the time provided by statute or be forever barred.***

**19CW3053 (12CW158, 05CW220, 99CW136, 91CW245) EAGLE COUNTY – EAGLE RIVER WATER SHED, DRAWING FROM THE MORRISON AND ENTRADA FORMATIONS.** Bellyache Ridge Metropolitan District c/o Kevin L. Patrick, Esq. and John M. Sittler, Esq., Patrick, Miller & Noto, P.C., 229 Midland Ave., Basalt, CO 81621, (970) 920-1030. APPLICATION FOR FINDING OF REASONABLE DILIGENCE. Structure: Bellyache Ridge Well No. 3 (Well Permit No. 37756-F). Original decree: June 26, 1985, Case No. 3CW353, Division 5 Water Court. Legal Description: A point which bears 2,160 feet South from the North line and 2,615 feet West from the East line, all of Section 34, Township 4 South, Range 83 West, Eagle County, Colorado. Source: Non-tributary aquifer in the watershed of the Eagle River, drawing from the Morrison and Entrada formations. Appropriation date: August 27, 1983. Amount: 40 gpm; 25 gpm absolute and 15 gpm remaining conditional. Use: Municipal use and domestic use for residents in the Bellyache Ridge Metropolitan District, and such other functions as may properly be performed by the District pursuant to law. Well Depth: Approximately 450 ft. Applicant owns the land where water rights are located and put to use. A map of water rights and place of use is on file with the court as Exhibit A. A summary of diligence activities is on file with the court as Exhibit B.

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

**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 APRIL 2019. *The water right claimed by this application may affect in priority any water right claimed or heretofore adjudicated within this division and owners of affected rights must appear to object and protest within the time provided by statute or be forever barred.***

**19CW3054 (10CW100, 02CW214, 95CW228, 91CW160, 81CW480) PITKIN COUNTY – OWL CREEK, SPRING CREEK AND WEST WILLOW CREEK, TRIBUTARIES TO ROARING FORK RIVER.** Owl Creek Ranch Homeowners' Association c/o Kevin L. Patrick, Esq. and John M. Sittler, Esq., Patrick, Miller & Noto, P.C., 229 Midland Ave., Basalt, CO 81621, (970) 920-1030. APPLICATION FOR FINDING OF REASONABLE DILIGENCE. Structures: Owl Creek Reservoir, as changed to the following places of storage: Owl Creek Pond Nos. 1, 1A, 2, 3, 4, 4B, 4C, 5, 5A, 5B, 5C, 6, 7, 7A, 7B, 7C, 8, 8A, 8B, 9A, 9B, 9C, 10, 10A, 10B. Original decree: December 21, 1989, Case No. 81CW480, Division 5 Water Court and October 25, 1993, 91CW160, Division 5 Water Court (change case). Legal Descriptions of Decreed Place of Storage: As changed in Case No. 95CW229: Pond 1 dam outlet is located in the SW1/4 NE1/4, Section 4, Township 10 South, Range 85 West of the 6th P.M., 1,832 feet South of North Section line, 2,491 feet West of East Section line. As changed in Case No. 95CW229: Pond 1A dam outlet is located in the NW ¼ NE ¼, Section 4, Township 10 South, Range 85 West of the 6<sup>th</sup> P.M., 1,177 feet South of the North Section line, 2,254 feet West of the East Section line. As changed in Case No. 02CW213: Pond 2 dam outlet is located in Lot 2 of Owl Creek Ranch, Section 4, Township 10 South, Range 85 West, 6<sup>th</sup> P.M., commencing at the Southeast corner of Section 33, the point of beginning; thence S. 70°19'38" W. a distance of 1795.43 feet to the centerline of the existing dam structure for Pond 2, the terminus. As changed in Case No. 02CW213: Pond 3 dam outlet is located in Lot 3 of Owl Creek Ranch, Section 4, Township 10 South, Range 85 West, 6<sup>th</sup> P.M., commencing at the Southeast corner of Section 33, the point of beginning; thence N. 27°37'10" W. a distance of 1513.44 feet to the centerline of the existing dam structure for Pond 3, the terminus. As changed in Case No. 02CW213: Pond 4 dam outlet is located in Lot 4 of Owl Creek Ranch, Section 4, Township 10 South, Range 85 West, 6<sup>th</sup> P.M., commencing at the Southeast corner of Section 33, the point of beginning; thence N. 36°20'06" W, for a distance of 2479.89 feet to the centerline of the existing dam structure for Pond 4, the terminus. As changed in Case No. 10CW99: Pond 4B overflow outlet is located in the NW1/4 of the SE1/4 of Section 33, Township 9 South, Range 85 West of the Sixth P.M. at a point 2120 feet from the East line and 1960 feet from the South line of said Section 33. As changed in Case No. 10CW99: Pond 4C overflow outlet is located in the NW1/4 of the SE1/4 of Section 33, Township 9 South, Range 85 West of the Sixth P.M. at a point 2350 feet from the East line and 2080 feet from the South line of said Section 33. As changed in Case No. 10CW99: Pond 5 overflow outlet is located in the SW1/4 of the SW1/4 of Section 33, Township 9 South, Range 85 West of the Sixth P.M. at a point 1040 feet from the West line and 650 feet from the South line of said Section 33. As changed in Case No. 10CW99: Pond 5A overflow outlet is located in the SE1/4 of the SW1/4 of Section 33, Township 9 South, Range 85 West of the 6th P.M., 1310 feet from the West line and 570 feet from the South line of Section 33. As changed in Case No. 10CW99: Pond 5B overflow outlet is situated in the SE1/4 of the SW1/4 of Section 33, Township 9 South, Range 85 West of the 6th P.M., 1410 feet from the West line and 480 feet from the South line of Section 33. As changed in Case No. 10CW99: Pond 5C overflow outlet is in the SE1/4 of the SW1/4 of Section 33, Township 9 South, Range 85 West of the 6th P.M., 1600 feet from the West line and 360 feet from the South line of Section 33. As changed in Case No. 91CW160: Pond 6 dam outlet is located in the NW 1/4 of NW 1/4, Section 4, T.10 South, R.85 West, 6<sup>th</sup> P.M. 150 feet south of north section line, 650 feet east of west section line. As changed in Case No. 95CW229: Pond 7 dam outlet is located in the NE1/4 of the NE1/4 of Section 5, Township 10 South, Range 85 West of the 6th P.M., 650 feet south of North section line, 75 feet west of the east section line. As changed in Case No. 02CW213: Pond 7A overflow outlet is located in Lot 7 of Owl Creek Ranch, Section 5, Township 10 South, Range 85 West of the 6th P.M., commencing at the Northeast corner of Section 5, the point of beginning; thence S. 07°05'39" W. a distance of 653.97 feet to the centerline of the existing overflow outlet ditch for Pond 7A, the terminus. As changed in Case No. 02CW213: Pond 7B overflow outlet is located in Lot 7 of Owl Creek Ranch, Section 5, Township 10 South, Range 85 West of the 6th P.M., commencing at the Northeast corner of Section 5, the point of beginning; thence S. 49°25'47" W. a distance of 504.11 feet to the centerline of the existing overflow outlet ditch for Pond 7B, the terminus. As changed in Case No. 10CW99: Pond 7C overflow outlet ditch is situated in the NW1/4, NW1/4, Section 4, Township 10 South, Range 85 West of the 6th P.M., 868 feet South of the Northerly section line and 316 feet East of the Westerly section line of Section 4, Township 9 South, Range 85 West of the 6th P.M. As changed in Case No. 95CW229: Pond 8 dam outlet is located in the NE1/4 NE1/4, Section 5, Township 10 South, Range 85 West of the 6th P.M., 227 feet South of the North Section line, 1,288 feet West of the East Section Line. As changed in Case No. 95CW229: Pond 8A dam outlet is located in the NE1/4 NE1/4, Section 5, Township 10 South, Range 85 West of the 6th P.M., 411 feet South of North Section line, 848 feet West of East Section line. As changed in Case No. 10CW99: Pond 8B dam outlet is located in the NE1/4 NE1/4, Section 5, Township 10 South, Range 85 West of the 6<sup>th</sup> P.M., 227 feet South of the North Section line, 2,288 feet West of the East Section Line. As changed in Case No. 02CW213: Pond 9A dam structure is located in Lot 9 of Owl Creek Ranch, Section 5, Township 10 South, Range 85 West of the 6th P.M., commencing at the Northeast corner of Section 5, the point of beginning; thence S. 63°00'32" W. a distance of 1906.51 feet to the centerline of the existing rock overflow outlet structure for Pond 9A, the terminus. As changed in Case No. 02CW213: Pond 9B dam structure is located in Lot 9 of Owl Creek Ranch, Section 5, Township 10 South, Range 85 West of the 6th P.M., commencing at the Northeast corner of Section 5, the point of beginning; thence S. 66°49'05" W. a distance of 2038.86 feet to the centerline of the existing rock overflow outlet structure for Pond 9B, the terminus. As changed in Case No. 02CW213: Pond 9C dam structure is situated

in Lot 9 of Owl Creek Ranch, Section 5, Township 10 South, Range 85 West of the 6th P.M., Pitkin County, commencing at the northeast corner of Section 5, the point of beginning; thence S. 61°36'17" W. a distance of 1707.03 feet to the centerline of the existing rock overflow outlet structure for Pond 9C, the terminus. As changed in Case No. 10CW99: Pond 10A overflow pipe for is situated in the SW1/4, NE1/4, Section 5, Township 10 South, Range 85 West of the 6th P.M., 1,997 feet South of the Northerly section line and 2,409 feet West of the Easterly section line of Section 5, Township 9 South, Range 85 West of the 6th P.M. As changed in Case No. 10CW99: Pond 10B overflow pipe for is situated in the SW1/4, NE1/4, Section 5, Township 10 South, Range 85 West of the 6th P.M., 1,579 feet South of the Northerly section line and 2,037 feet West of the Easterly section line of Section 5, Township 9 South, Range 85 West of the 6th P.M. Source: Owl Creek, Spring Creek, and West Willow Creek, tributaries to the Roaring Fork River. Appropriation date: November 1, 1974. Amount: 100 acre-feet (10 acre-feet allocated per lot). Use: Domestic, irrigation, recreation, fish, wildlife, all municipal uses, including without limitation, irrigation, domestic, manufacturing, commercial, industrial, mechanical, power generation, fire protection, fish and wildlife propagation, recreation, aesthetic and any and all beneficial uses, together with the right to reuse and/or totally consume the water in connection with any and all uses herein, provided that the right to reuse the water shall be limited to land treatment uses or any other use that can be made of said water prior to relinquishing control of it and its return to the natural stream. A table of the amounts and uses previously made absolute is included in the Application, on file with the court. A table of all remaining conditional amounts, and the subject of this diligence application, is included in the Application, on file with the court. Applicant is a homeowner association which represents the parties who own the land where water rights are located and put to use. A map of water rights and place of use is on file with the court as Figure 1. A summary of diligence activities is on file with the court as Exhibit A

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

**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 APRIL 2019. *The water right claimed by this application may affect in priority any water right claimed or heretofore adjudicated within this division and owners of affected rights must appear to object and protest within the time provided by statute or be forever barred.***

**19CW3055 PITKIN COUNTY, CASTLE CREEK, ROARING FORK RIVER.** Application for Findings of Reasonable Diligence. Jay and Linda Sandrich, c/o Mark E. Hamilton, Esq. and Tarn Udall, Esq., Holland & Hart LLP, 600 East Main Street, Suite 104, Aspen, CO 81611, 970-925-3476, [mehamilton@hollandhart.com](mailto:mehamilton@hollandhart.com), [ctudall@hollandhart.com](mailto:ctudall@hollandhart.com). Name of structure: CCVR Sup. Well No. 2B. Decree information: (1) Court: District Court, Water Division 5. (2) Case No: 90CW243. (3) Date: April 30, 1992. (4) Subsequent decrees: 93CW129, 98CW62, 05CW17, 11CW164. Location: Section 23, Township 10 South, Range 85 West of the 6th P.M. whence the northwest corner of Section 23, bears N. 44°58'00" W. 3730.28 feet, Pitkin County, Colorado. (Also described as being at a point within the SE¼ of the NW¼ of Section 23, Township 10 South, Range 85 West of the 6th P.M., at a point 2,540 feet from the North section line and 2,680 feet from the West section line of said Section 23, Pitkin County, Colorado). Source: Castle Creek alluvium and/or the Maroon formation, tributary to Castle Creek, tributary of the Roaring Fork River and its successor, the Colorado River. Appropriation date: July 24, 1989. Amount: 15 g.p.m. (0.067 c.f.s.), conditional; 15 g.p.m. (0.067 c.f.s.), absolute. Use: irrigation and stockwatering and as an alternate point of diversion for CCVR Well No. 2. Well Permit No.: 42098-F. Well Depth: 300 feet. A detailed outline of activity during the diligence period is included in the Application. The subject water right is located upon Applicant's property. (5 pages)

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

**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 APRIL 2019. *The water right claimed by this application may affect in priority any water right claimed or heretofore adjudicated within this division and owners of affected rights must appear to object and protest within the time provided by statute or be forever barred.***

**19CW3056 (10CW237) EAGLE COUNTY, Eagle River, tributary to the Colorado River.** Application for Finding of Reasonable Diligence. Applicants: William and Gritt Fleischer, P.O. Box 4000, Vail, CO 81658, c/o Garfield & Hecht, P.C., 901 Grand Ave., Suite 201, Glenwood Springs, CO 81601, (970)947-1936. Name and description of Water Rights: Bossow Pump No. 1. Original Decree: entered on May 7, 1997 in Case No. 96CW159, District Court, Water Div. No. 5. Subsequent decrees: entered on September 23, 2004, in Case No. 03CW092; and entered on April 15, 2013, in Case No. 10CW237. Legal description of point of diversion: in the NE¼ of

the SE¼ of Section 16, Township 4 South, Range 83 West of the 6<sup>th</sup> P.M., at a point 100 feet west of the east line and 2400 feet north of the south line of said Section 16. Source: Eagle River, tributary to the Colorado River. Date of appropriation: May 9, 1996. Amount: 0.25 c.f.s., absolute. Uses: Absolute Uses: Irrigation of 3.6 acres, livestock watering, storage, fire protection, and wildlife watering. Conditional Use: Irrigation of an additional 1.4 acres. Bossow Pump No. 2. Original decree: entered on May 7, 1997 in Case No. 96CW159, District Court, Water Div. No. 5. Subsequent decrees: entered on September 23, 2004, in Case No. 03CW092; entered on April 15, 2013, in Case No. 10CW237. Legal description of point of diversion: in the NE¼ of the SE¼ of Section 16, Township 4 South, Range 83 West of the 6<sup>th</sup> P.M., at a point approximately 2360 feet from the South section line and 80 feet from the East section line. Source: Eagle River, tributary to the Colorado River. Date of appropriation: May 9, 1996. Amount: 0.25 c.f.s., absolute. Uses: Absolute Uses: Irrigation of 3.6 acres, livestock watering, storage, fire protection, and wildlife watering. Conditional Use: Irrigation of an additional 1.4 acres. Remarks: the decreed point of diversion of the Bossow Pump No. 2 was changed in Case No. 10CW237. The application includes a detailed outline of what has been done toward or for completion of the appropriation and application of water to beneficial use as conditionally decreed. 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: Applicants. Applicants request the Court to enter a decree finding and concluding that Applicants have shown reasonable diligence in the development of the Bossow Pump Nos. 1 and 2 to irrigate an additional 1.4 acres of land and continuing such conditional use of the subject water rights throughout the next diligence period.

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

**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 APRIL 2019. *The water right claimed by this application may affect in priority any water right claimed or heretofore adjudicated within this division and owners of affected rights must appear to object and protest within the time provided by statute or be forever barred.***

**19CW3057(12CW125), PITKIN COUNTY, TRIBUTARY TO THE ROARING FORK RIVER:** Joint Application to Make Water Right Absolute or for Findings of Reasonable Diligence. Aspen Village Metropolitan District ("Aspen Village"), c/o Douglas M. Sinor, Trout Raley, 1120 Lincoln Street, Suite 1600, Denver, CO 80203, (303) 861-1963, and Roaring River Ranch, LLC ("RRR"), c/o Christopher L. Thorne and Mark E. Hamilton, Holland & Hart LLP, 555 17th Street, Suite 3200, Denver, CO 80202, (303) 295-8488, (collectively, "Co-Applicants"), request approval of Joint Application To Make Conditional Water Right Absolute or For Findings of Reasonable Diligence ("Application"). In support, Co-Applicants state as follows: 1. Name, address, and telephone number of Co-Applicants: Roaring River Ranch, LLC c/o Mr. Richard Kinder, 2929 Lazy Lane Boulevard, Houston, TX 77019 (713) 529-0922; Aspen Village Metropolitan District, 0133 Prospector Road, Suite 4210, Aspen, CO 81611, (970) 925-3475. 2. Name of Structure: Aspen Village Storage Reservoir. 3. Information From Previous Decree. a. Date of Original Decree: The original decree in Case No. 81CW432, District Court, Water Division No. 5, was entered on April 22, 1983. b. Subsequent Findings of Diligence: Findings of reasonable diligence were made on January 16, 1998 in Case No. 93CW28, on July 14, 2006 in Case No. 04CW14, and on March 14, 2013 in Case No. 12CW125 (in which portions of the water right were also made absolute, as described in more detail below). c. In Case No 07CW52 (Water Div. 5), Co-Applicants filed a joint application for changes of water rights, seeking an alternate place of storage for the Aspen Village Storage Reservoir in two ponds on Roaring River Ranch and an alternate point of diversion for filling the Aspen Village Storage Reservoir at the Pines Grove Pipeline on the Roaring Fork River. The decree entered in Case No. 07CW52 granted an alternate place of storage for the Aspen Village Storage Reservoir in Pond Nos. 2 and 3 of the RRR Pond System as described in paragraph 3.d below. The decree also granted an alternate point of diversion for filling the Aspen Village Storage Reservoir as described in paragraph 3.e below. d. Location of Reservoir: The decreed location of the proposed reservoir is in Section 6, Township 9 South, Range 85 West of the 6th P.M., the center of the embankment being South 76 degrees, 40 minutes East 4,216 feet from a brass cap set for the west 1/4 corner of said section 6. The Aspen Village Storage Reservoir, as constructed, consists of a portion of larger pond system that contains three ponds and an interconnecting stream channel, known as the Roaring River Ranch Pond System ("RRR Pond System"), which is depicted on the location map attached to the Application as Exhibits A-1 and A-2. The decree in Case No. 07CW52 (Water Div. 5) granted alternative places of storage for the Aspen Village Storage Reservoir in Pond Nos. 2 and 3 of the RRR Pond System, which are located within the decreed location for the Aspen Village Storage Reservoir. The legal descriptions for Pond Nos. 2 and 3 are as follows: i. Roaring River Ranch Pond No. 2 ("Pond No. 2"): The center of Pond No. 2 is located at a point in the NE 1/4 of the SE 1/4 of Section 6, Township 9 South, Range 85 West of the 6th P.M., approximately 1400 feet from the South section line and 1000 feet from the East section line. Pond No. 2 has a total storage volume of 1.66 acre-feet, including active storage of 1.55 acre-feet. ii. Roaring River Ranch Pond No. 3 ("Pond No. 3"): The center of Pond No. 3 is located at a point in the NE 1/4 of the SE 1/4 of Section 6, Township 9 South, Range 85 West of the 6th P.M., approximately 1575 feet from the South section line and 1225 feet

from the East section line. Pond No. 3 has a total storage volume of 2.08 acre-feet, including active storage of 1.84 acre-feet. *e. Source:* Brush Creek, tributary to the Roaring Fork River, through the Brush Creek Ditch. Pursuant to the decree granted to Co-Applicants in Case No. 07CW52 (Water Div. 5), the Aspen Village Storage Reservoir may also be filled through the Pines Grove Pipeline. *f. Appropriation date:* November 21, 1981. *g. Amount:* 5.0 acre-feet. RRR owns the right to 3.05 acre-feet, and Aspen Village owns the right to 1.95 acre-feet. With respect to RRR's portion of the water right, 3.05 acre-feet was made absolute for recreation and fire protection uses in Case No. 12CW125. The water right remains conditional for the remaining 1.95 acre feet of recreation and fire protection use (for Aspen Village), and for the full 5 acre feet for all other decreed uses. *h. Use:* Irrigation, municipal, commercial, domestic, fire protection, and recreation, either directly or by exchange, and for operation of the plan for augmentation decreed in Case No. 81CW432. Except that in Case No. 04CW14 (Div. 5) use by exchange and municipal use were cancelled for RRR's portion of the water right. *i. Remark:* The Aspen Village Storage Reservoir was intended, in part, to provide for storage and release of water for augmentation of out-of-priority winter depletions from the Aspen Village Wells pursuant to the plan for augmentation decreed in Case No. 81CW432. Water may be stored in the Aspen Village Storage Reservoir for this purpose under the priority decreed to the Aspen Village Storage Reservoir water right or the Brush Creek Ditch water rights that were changed for augmentation use in Case No. 81CW432. Additional capacity in and uses for the RRR Pond System were decreed in Case Nos. 03CW137 and 03CW138 (Water Div. 5). A small portion of Pond No. 2 of the RRR Pond System was previously decreed absolute for 0.25 acre-feet as a part of the Pines Grove Pond System in Case No. 02CW28 (originally decreed in Case No. 94CW80). 4. Claim to make absolute: During the most recent diligence period, Co-Applicants diverted and stored for beneficial use 3.74 acre-feet of water pursuant to the Aspen Village Storage Reservoir water right in the RRR Pond System. This is the current maximum storage volume of Ponds No. 2 and 3 combined. A date, among others, when water was diverted into storage up to the current maximum amount of 3.74 acre-feet for the decreed beneficial uses was May 1, 2014. See supporting documentation in the Resource Engineering, Inc. April 29, 2019 letter attached to the Application as Exhibit B. Pursuant to C.R.S. 37-92-301(4)(e), because Co-Applicants have captured, possessed and controlled 3.74 acre feet of water under the Aspen Village Storage Reservoir water right at the decreed storage structures, this additional amount of the water right should be made absolute for all decreed purposes. 5. Detailed outline of what has been done toward completion of the appropriation and application of water to a beneficial use as conditionally decreed. Co-Applicants seek findings of reasonable diligence with respect to any remaining amounts and uses of the Aspen Village Reservoir water right not previously made absolute, or not made absolute pursuant to section 4 of the Application. A detailed outline of steps to complete the appropriation taken by Co-Applicants within the latest 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: The RRR Pond System serving as the Aspen Village Storage Reservoir is located on land owned by Applicant, Roaring River Ranch LLC.

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

**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 APRIL 2019. *The water right claimed by this application may affect in priority any water right claimed or heretofore adjudicated within this division and owners of affected rights must appear to object and protest within the time provided by statute or be forever barred.***

**19CW3058 EAGLE COUNTY, SOURCE: GROUNDWATER AND SURFACE DRAINAGE TRIB. TO TRAVIS CREEK, TRIB. TO EAGLE RIVER, TRIB. TO COLORADO RIVER. APPLICATION FOR FINDING OF REASONABLE DILIGENCE AND TO CONFIRM ABSOLUTE, IN PART.** Applicants: Wolcott Springs Road, LLC and KVL Holdings, Inc., a California Corporation c/o Sara M. Dunn, Erika S. Gibson, Balcomb & Green, P.C., P.O. Drawer 790, Glenwood Springs, CO 81602, 970-945-6546. Structure: Irons Well Nos. 2 and 3, underground water rights. Prior Decrees: Case No. 96CW358-B on 4/20/98. Diligence decrees in Cases No. 04CW58, 04CW64 (consol.), and 12CW98, Water Div. 5. Legal: Irons Well No. 2: NW1/4 SE1/4, Sec. 27, T. 4 S., R. 83 W., 6th P.M., 2,740 ft. from N. Sec. line and 2,520 ft. from E. Sec. line. Irons Well No. 3: SW1/4 NE1/4, Sec. 27, T. 4 S., R. 83 W., 6th P.M., 2,275 ft. from N. Sec. line and 2,280 ft. from E. Sec. line. Depths: Irons Well No. 2 is 235 ft. deep; and Irons Well No. 3 is 221 ft. deep. Approp. Date: 9/27/96. Amt: 15 g.p.m, conditional, per well not to exceed 0.75 a.f. annually per well. Uses: Dom., fire prot., and irr., of lawns and gardens. The number of acres to be irr. is an avg. of 5,500 sq. ft. per lot for Lots 1, 2, and 3, in the Iron Oaks Subdiv. Total irr. for the three lots combined shall not exceed 16, 500 sq. ft. Remarks: Each applicant owns one well and one pond corresponding to the Iron Oaks Subdivision Lot that they own. The collective ownership of the wells and ponds is governed by a plan for aug. decreed in 96CW358-B and amended in 13CW3103 that is to be administered according to an Agmt. for the Op. and Admin. of the Iron Oaks Subdivision Lots 1, 2, and 3 Water System. The Agmt. outlines the responsible parties for compliance with the terms and conditions for use of the wells and ponds under the amended plan for aug. Structures: Irons Pond Nos. 2 and 3, storage water rights. Legal: Irons Pond No. 2: SW1/4 NE1/4, Sec. 27, T. 4 S., R. 83 W., 6th P.M., 2,600 ft. from N. Sec. line and 2,300 ft. from E.

Sec. line. Irons Pond No. 3: SW1/4 NE1/4, Sec. 27, T. 4 S., R. 83 W., 6th P.M., 2,150 ft. from N. Sec. line and 2,050 ft. from E. Sec. line. Approp. Date: 9/27/96. Amt: 1.6 a.f. per pond, cond., all active storage. Uses: Aug., aesthetic, pisc., fire prot., and irr. The number of acres to be irr. is limited to 7,000 sq. ft. of lawns and garden per lot for Lots 1, 2, and 3. Pond Characteristics: Surface area will not exceed 0.22 acres, and the dams will be approx., 7 ft. high and 110 ft. long. A detailed outline of diligence activities and expenditures is included in the Application on file with the Water Court. ABSOLUTE CLAIM. Structure: Irons Well No. 3. Date Applied to Ben. Use: 4/1/15. Amt: 15 g.p.m. Use: Dom., fire prot., and irr. of lawn and garden. (7 pgs., 4 exhs.)

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

**18. PURSUANT TO C.R.S., §37-92-302, AS AMENDED, YOU ARE NOTIFIED THAT THE FOLLOWING PAGES COMPRISE A RESUME OF THE APPLICATIONS AND AMENDED APPLICATIONS FILED WITH THE WATER CLERK FOR WATER DIVISION 5 DURING THE MONTH OF APRIL 2019. The water right claimed by this application may affect in priority any water right claimed or heretofore adjudicated within this division and owners of affected rights must appear to object and protest within the time provided by statute or be forever barred.**

**19CW3059** (12CW103, 04CW155, 05CW67, 05CW90, 98CW157, 98CW28, 98CW29, 99CW81, 99CW268, 99CW269 and 99CW270) APPLICATION FOR FINDING OF REASONABLE DILIGENCE AND TO MAKE CONDITIONAL WATER RIGHTS ABSOLUTE, IN **EAGLE COUNTY**. Applicant: G. Jouflas Ranches, LLC c/o Greg Jouflas, 113 Mira Monte Rd., Grand Junction, CO 81507. Email: [gjouflas@me.com](mailto:gjouflas@me.com) Please direct all pleadings and correspondence to Applicant's attorney: William H. Caile, Holland & Hart LLP, 555 17th Street, Suite 3200, P.O. Box 8749, Denver, CO 80201-8749. Telephone No.: (303) 295-8000. Email Address: [whcaile@hollandhart.com](mailto:whcaile@hollandhart.com)3. Names of Structures: A. Springs: Jouflas Spring Nos. 15, 23, 29, 36, 44, 45, 50, and 51; George Jouflas Spring Nos. 1 and 2; O.W. Spring. B. Wells: Wyatt Well Nos. 775(2) and 782(8); Vail Spring Well Nos. 1, 2, 3, and 4. C. Ponds: Jouflas Pond; Greg Jouflas Pond; John Jouflas Pond; Miranda Pond; Dry Lake; George Jouflas Pond. Maps depicting the location of the subject conditional water rights are on file with the Court as Exhibits A-1 and A-2. 4. Previous Decree Finding Reasonable Diligence: Case No. 12CW103, Water Division 5, decree dated March 12, 2013. 5. Description of Conditional Water Rights from Previous Decree: A. Jouflas Spring Nos. 15, 23, 29, 36, 44, 45, 50 and 51 (hereinafter, the "Jouflas Springs"): i. Original Decree: Case No. 91CW155, Water Division 5, February 10, 1992. Diligence decrees were previously entered in Case No. 98CW28, Consolidated Case No. 04CW155, and Case No. 12CW103 (Water Division 5). ii. Location:

STRUCTURE	TOWNSHIP, RANGE, SECTION QUARTER	DISTANCE FROM SOUTH SECTION LINE	DISTANCE FROM EAST SECTION LINE
Jouflas Spring No. 15 See Exhibit A-2	4 S 83 W S 16 SWSE	1100	1850
Jouflas Spring No. 23 See Exhibit A-2	4 S 83 W S 20 NENE	5100	1000
Jouflas Spring No. 29 See Exhibit A-2	4 S 83 W S 22 NWNE	4250	2550
Jouflas Spring No. 36 See Exhibit A-1	4 S 83 W S 27 SWSW	150	4400
Jouflas Spring No. 44 See Exhibit A-1	4 S 83 W S 28 NESE	1700	540
Jouflas Spring No. 45 See Exhibit A-1	4 S 83 W S 28 SWNE	2750	1600
Jouflas Spring No. 50 See Exhibit A-1	4 S 83 W S 34 NWNW	4200	4200
Jouflas Spring No. 51 See Exhibit A-1	4 S 83 W S 34 NWNW	4650	4100

iii. Source: Springs tributary to Eagle River or unnamed tributaries to Eagle River, tributary to the Colorado River. iv. Appropriation Date: August 15, 1991. v. Remaining Conditional Amounts:

STRUCTURE	AMOUNT REMAINING CONDITIONAL
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Jouflas Spring No. 15	0.5 cubic feet per second (“c.f.s.”) for domestic, commercial, and irrigation; 0.3 c.f.s. for wildlife; 0.333 c.f.s. for storage, fire protection, recreation, and piscatorial. This spring fills the Margaret Pond adjudicated in Case No. 94CW82.
Jouflas Spring No. 23	1.5 c.f.s. for domestic and irrigation; 1.467 c.f.s. for wildlife; 1.4 c.f.s. for storage, fire protection, commercial, recreation, piscatorial. This spring fills Trail Pond adjudicated in Case No. 94CW82.
Jouflas Spring No. 29	1.0 c.f.s. for domestic; 0.967 c.f.s. for wildlife, storage, fire protection, commercial, recreation, piscatorial, and irrigation. This spring is used at the Lazy J Ranch and the Vail Rod and Gun Club and fills a pond.
Jouflas Spring No. 36	0.5 c.f.s. for domestic, fire protection, commercial, recreation, piscatorial, storage, and irrigation; 0.429 c.f.s. for wildlife. This spring fills a small stock pond.
Jouflas Spring No. 44	0.5 c.f.s. for domestic, fire protection, commercial, recreation, piscatorial, storage, and irrigation; 0.467 c.f.s. for wildlife.
Jouflas Spring No. 45	1.5 c.f.s. for domestic, commercial, recreation, and irrigation; 1.367 c.f.s. for wildlife; 1.4 c.f.s. for piscatorial, storage, recreation, and fire protection. This spring fills Miranda Pond adjudicated in Case No. 91CW154.
Jouflas Spring No. 50	1.5 c.f.s. for domestic, commercial, recreation, piscatorial, and irrigation; 1.467 c.f.s. for wildlife; 1.493 c.f.s. for storage and fire protection. This spring fills Upper and Lower Travis Pond, decreed in Case No. 94CW82.
Jouflas Spring No. 51	1.0 c.f.s. for domestic, commercial, recreation, piscatorial, and irrigation; 0.967 c.f.s. for wildlife; 0.993 c.f.s. for storage and fire protection. This spring fills Upper and Lower Travis Pond, decreed in Case No. 94CW82.

vi. Decreed Conditional Uses: Domestic, fire protection, commercial, recreation, piscatorial, storage, wildlife, and irrigation. B. Wyatt Well Nos. 775(2) and 782(8): i. Original Decree: Case No. W-3895, Water Division No. 5, April 15, 1982. Diligence Decrees were previously entered in Case Nos. 86CW110, 92CW68, 98CW157, Consolidated Case No. 04CW155, and Case No. 12CW103 (Water Division No. 5). ii. Location: (1) Wyatt Well No. 775(2): located at SE $\frac{1}{4}$ NW $\frac{1}{4}$  of Sec. 27, T4S, R83W of the 6th P.M. at a point whence the NE Corner of said Sec. 27 bears N. 65°09'19" E. 3,845.97 feet. Also described as being in the SE 1/4 of the NW 1/4 of Sec. 27, T. 4S, R. 83 W. of the 6th P.M., at a point 1670 feet from the North Section Line and 1800 Feet from the West Section Line of said Section 27. See Exhibit A-2. (2) Wyatt Well No. 782(8): located at SW $\frac{1}{4}$ SW $\frac{1}{4}$  of Sec. 22, T4S, R83W of the 6<sup>th</sup> P.M. at a point whence the SE Corner of said Sec. 22 bears S. 76°29'04" E. 5,278.31 feet. Also described as being in the SW 1/4 of the SW 1/4 of Sec. 22, T. 4S, R. 83W of the 6th P.M., at a point 1160 feet from the South Section Line and 120 Feet from the West Section Line of said Section 22. See Exhibits A-1 and A-2. iii. Decreed Source and Depth: (1) Wyatt Well No. 775(2): Depth is 140 feet; ground water tributary to Travis Creek, tributary to Eagle River. (2) Wyatt Well No. 782(8): Depth is 60 feet; **ground water tributary to the Eagle River, tributary**

**to Colorado River.** iv. Appropriation Date: (1) Wyatt Well No. 775(2): April 26, 1978. (2) Wyatt Well No. 782(8): June 11, 1978. v. Amount: 0.033 cfs for each well. vi. Decreed Conditional Uses: (1) Wyatt Well No. 775(2): Domestic, irrigation, commercial. (2) Wyatt Well No. 782(8): Domestic, irrigation. vii. The right to withdraw water from the Subject Wells is subject to the terms and conditions of the Decree in Case No. W-3895, Water Division No. 5, including without limitation paragraph 14 of said Decree. C. Joufflas Pond, Greg Joufflas Pond, John Joufflas Pond, Miranda Pond, and Dry Lake: i. Original Decree: Case No. 91CW154, Water Division 5, February 10, 1992. Diligence Decrees were previously entered in Case No. 98CW29, Consolidated Case No. 04CW155, and Case No. 12CW103 (Water Division 5). ii. Location: All following structures are located in Township 4 S., R. 83 W. of the 6<sup>th</sup> P.M. in Eagle County, Colorado:

STRUCTURE	SECTION	DISTANCE FROM SOUTH SECTION LINE	DISTANCE FROM EAST SECTION LINE
Joufflas Pond See Exhibits A-1 & A-2	28	4700	2050
Greg Joufflas Pond See Exhibit A-2	27	1900	3450
John Joufflas Pond See Exhibit A-2	16	3000	3250
Miranda Pond See Exhibit A-1	28	3050	1700
Dry Lake See Exhibit A-2	16	650	2600

iii. Source: Tributary to the Eagle River. The constructed ponds are filled as follows: (1) Dry Lake: local runoff and spring seepage. (2) Miranda Pond: Holland Creek (the pond is on channel). iv. Appropriation Date: August 15, 1991. v. Conditional Amounts and Uses: (1) Joufflas Pond: 37 acre-feet (“AF”) conditional for domestic, livestock watering, fire protection, commercial, recreation, piscatorial, storage and wildlife uses. (2) Greg Joufflas Pond: 21 AF conditional for domestic, livestock watering, fire protection, commercial, recreation, piscatorial, storage and wildlife uses. (3) John Joufflas Pond: 22 AF conditional for domestic, livestock watering, fire protection, commercial, recreation, piscatorial, storage and wildlife uses. (4) Miranda Pond: 5.0 AF conditional for domestic and commercial uses; 0.9 AF conditional for piscatorial, storage, livestock watering, recreation, fire protection, and wildlife uses (in Case No. 98CW29, 4.1 AF was decreed absolute for piscatorial, storage, livestock watering, recreation, fire protection, and wildlife uses). (5) Dry Lake: 20 AF conditional for domestic and commercial uses (in Case No. 98CW29, 20 AF was decreed absolute for piscatorial, storage, livestock watering, recreation, fire protection, and wildlife uses). D. Vail Spring Well Nos. 1, 2, 3, and 4: i. Original Decree: Case No. W-4013, Water Division 5, January 7, 1983. Diligence decrees were previously entered in Case Nos. 87CW026 A, B, C and D, 93CW019, 99CW81, Consolidated Case No. 04CW155, and Case No. 12CW103 (Water Division 5). ii. Location: (1) Vail Springs Well No. 1 is located at a point in the SE¼ of Section 15, T. 4 S., R.83 W. of the 6<sup>th</sup> P.M., from whence the SE Corner of said Sec. 15 bears S. 45°00’ E., a distance of 85 feet. Also described as being located in the SE 1/4 of Sec. 15, T. 4S, R. 83W of the 6<sup>th</sup> P.M. at a point 60 feet from the South Section Line and 60 feet from the East Section Line of said Section 15. See Exhibit A-2. (2) Vail Springs Well No. 2 is located at a point in the SE¼ of Sec. 15, T. 4 S., R. 83 W. of the 6<sup>th</sup> P.M., from whence the SE Corner of said Sec. 15 bears S. 59°30’ E., a distance of 740 feet. Also described as being located in the SE 1/4 of Sec. 15, T. 4S, R. 83W of the 6<sup>th</sup> P.M. at a point 360 feet from the South Section Line and 640 feet from the East Section Line of said Section 15. See Exhibit A-2. (3) Vail Springs Well No. 3 is located at a point in the SE¼ of Sec. 15, T. 4 S., R. 83 W. of the 6<sup>th</sup> P.M., from whence the SE Corner of said Sec. 15 bears S. 03°30’ E., a distance of 700 feet. Also described as being located in the SE 1/4 of Sec. 15, T. 4S, R. 83W of the 6<sup>th</sup> P.M. at a point 700 feet from the South Section Line and 50 feet from the East Section Line of said Section 15. See Exhibit A-2. (4) Vail Springs Well No. 4 is located at a point in the SE¼ of Sec. 15, T. 4 S., R. 83 W. of the 6<sup>th</sup> P.M., from whence the SE Corner of said Sec. 15 bears S. 19°30’ E., a distance of 1300 feet. Also described as being located in the SE 1/4 of Sec. 15, T. 4S, R. 83W of the 6<sup>th</sup> P.M. at a point 1220 feet from the South Section Line and 450 feet from the East Section Line of said Section 15. See Exhibit A-2. iii. Source: Tributary to Eagle River. iv. Amount: 0.44 cfs for each well. v. Appropriation date is May 13, 1993. vi. Decreed Conditional Uses: Domestic, irrigation, municipal, commercial, fish and wildlife propagation, livestock watering, recreational and fire protection purposes. A substantial portion of Applicant’s property has been annexed into the Eagle River Water & Sanitation District. The municipal use of the Vail Spring Well Nos. 1-4 may only be made absolute by or through a municipality. E. George Joufflas Spring Nos. 1 and 2: i. Original Decree: Case No. 93CW149, Water Division No. 5, November 8, 1993. Diligence decrees were previously entered in Case No. 99CW268, Consolidated Case No. 04CW155, and Case No. 12CW103 (Water Division 5). ii. Location: (1) George Joufflas Spring No. 1 is located in Sec. 15, T. 4 S., R. 83 W., of the 6<sup>th</sup> P.M., at a point 350 feet West of the East Section line and 1550 feet North of the South Section line of said Sec. 15. See Exhibit A-2. (2) George Joufflas Spring No. 2 Joufflas Spring No. 2 is located in Sec. 15, T. 4 S., R. 83 W. of the 6<sup>th</sup> P.M., at a point 750 feet West of the East line and 1480 feet North of the South Section line of said Sec. 15. See Exhibit A-2. iii. Source: Springs tributary to an unnamed tributary of the Eagle River. iv. Appropriation Date: May 13, 1993. v. Amount: (1) George Joufflas Spring No. 1: 1.5 cfs, conditional. (2) George Joufflas Spring No. 2: 0.5 cfs, conditional. vi. Decreed Conditional Uses: Domestic, livestock, fire protection, commercial, recreation, piscatorial, storage and creation of 18 acres of wetlands. F. George



Joufflas Pond. i. Original Decree: Case No. 93CW150, Water Division 5, November 8, 1993. Diligence decrees entered in Case No. 99CW269, Consolidated Case No. 04CW155, and Case No. 12CW103 (Water Division 5). ii. Location: The point of storage is in Sec. 15, T. 4 S., R. 83 W. of the 6<sup>th</sup> P.M.; the center of the pond is at a point 600 feet West of the East Section line and 1700 feet North of the South Section line of said Sec. 15. See Exhibit A-2. iii. Source: George Joufflas Spring Nos. 1 and 2, tributary to the Eagle River. iv. Appropriation Date: May 13, 1993. v. Amount: 25 acre-feet. vi. Decreed Conditional Uses: Domestic, livestock, fire protection, commercial, recreation, piscatorial, storage, wildlife and wetlands creation. G. O.W. Spring: i. Original Decree: Case No. W-4008, Water Division No. 5, October 7, 1979. Diligence decrees were previously entered in Case Nos. 83CW208, 87CW177, 93CW168, 99CW270, Consolidated Case No. 04CW155, and Case No. 12CW103 (Water Division 5). In Case No. 12CW103, the O.W. Spring water right was made absolute for in the amount of 0.044 cfs for domestic, commercial and irrigation uses. ii. Location: The point of diversion is located in the NW<sup>1</sup>/<sub>4</sub>NW<sup>1</sup>/<sub>4</sub> of Sec. 22, T. 4 S., R. 83 W. of the 6<sup>th</sup> P.M. at a point whence the NE Corner of said Sec. 22 bears N. 88°30' E. 3930 feet. Also described as being located in the NW 1/4 of the NW 1/4 of Sec. 22, T. 4S, R. 83W of the 6th P.M., at a point 190 feet from the North Section Line and 1340 feet from the West Section Line of said Section 22. See Exhibit A-2. iii. Source: Spring tributary to Holland Creek, tributary to the Eagle River. iv. Appropriation Date: September 28, 1978. v. Amount: 0.044 cfs. vi. Remaining Decreed Conditional Uses: Municipal, fish and wildlife propagation, and recreation. A substantial portion of Applicant's property has been annexed into the Eagle River Water & Sanitation District. The municipal use of the O.W. Spring may only be made absolute by or through a municipality. 6. Integrated System: Pursuant to the decrees in Consolidated Case No. 04CW155, Case No. 12CW103, and various other decrees for the Joufflas water rights, the subject water rights are individual components of an integrated water system (including a number of springs, ponds, wells, ditches, and water supply plans) for Applicant's property. "When a project or integrated system is comprised of several features, work on one feature shall be considered in finding that reasonable diligence has been shown in the development of water rights for all features of the entire project or system." C.R.S. § 37-92-301(4)(b). 7. Detailed outline of work done towards completion of the appropriations and application of water to beneficial uses. During the most recent diligence period, Applicant has continued to take steps to diligently develop the conditional water rights including, without limitation, the activities described below. This list is not intended to be comprehensive and may be supplemented by additional evidence. A. Applicant has continually maintained, expanded and improved the ditches, diversion structures, and outlet works associated with the subject ponds and springs. Without limiting the foregoing, during the diligence period Applicant has replaced several culverts, repaired outlet works, and cleaned out ponds, spillways and ditches associated with the subject water rights. B. Applicant has developed and maintained several of the subject ponds for piscatorial purposes, including periodic re-stocking as necessary to maintain fish populations. Applicant has used the stocked ponds as a commercial, daily-use fishing operation and/or has leased the ponds periodically for such uses. C. Applicant investigated the potential development of a well nontributary to the Eagle River, but tributary to the Colorado River near Burns, to serve domestic uses and to provide supplemental water supply for ponds on the western portion of Applicant's property including Dry Lake and John Joufflas Pond. D. Applicant has marketed and negotiated to sell certain land and water rights owned by Applicant which included water rights that are part of the integrated water supply system. E. Applicant and its attorneys monitored new water rights applications and activities of other appropriators and filed statements of opposition and participated in several water court proceedings in order to protect the water rights contained herein and the integrated system of which they are a part. F. Applicant has prosecuted applications for finding reasonable diligence and obtained water court decrees for other conditional water rights owned by Applicant that are components of the integrated system. G. Applicant engaged the services of water resources engineering consultants for advice with respect to the above described activities and associated water rights matters. Without limiting the foregoing, Resource Engineering, Inc. conducted a water resources site investigation which included many of the water rights that are the subject of this application. H. Applicant engaged the services of attorneys to provide legal advice in connection with the above-described activities and associated water rights matters. I. Total expenditure in time and money for all of the above work during the diligence period is difficult to estimate but is conservatively estimated to be in excess of \$70,000. 8. Claim to make conditional water rights absolute. A. Miranda Pond: In Case No. 98CW29, 4.1 acre-feet was decreed absolute for piscatorial, storage, livestock watering, recreation, fire protection, and wildlife uses. Pursuant to C.R.S. § 37-92-301(4)(e), Applicant requests a finding that the Miranda Pond water right has been made absolute for all decreed uses in the amount of 4.1 acre-feet. The pond was filled and full on or before June 1, 2014. There was no downstream call on the Eagle River or the Colorado River in May and June 2014. See Exhibit B (Colorado River Calls) and Exhibit C (Eagle River Calls) on file with the Court. Any remaining conditional amounts and uses for this water right should be continued in full force and effect. B. Dry Lake: In Case No. 98CW29, 20 acre-feet was decreed absolute for piscatorial, storage, livestock watering, recreation, fire protection, and wildlife uses. Pursuant to C.R.S. § 37-92-301(4)(e), Applicant requests a finding that the Dry Lake water right has been made absolute for all decreed uses in the full amount of 20 acre-feet. The pond was filled and full on or before June 1, 2014. There was no downstream call on the Eagle River or the Colorado River in May and June 2014. See attached Exhibit B and Exhibit C. 9. Name and address of owner of the land upon which any new diversion of storage structure, or modification to any existing diversion or storage structure is or will be constructed upon which water is or will be stored, including any modification to the existing storage pool: A. Applicant. B. Wyatt Well No. 782(8): Vail Corporation c/o The Fixed Assets Department, 390 Interlocken Crescent, Suite 1000, Broomfield, CO 80021, C. Wyatt Well No. 775(2): Steven M. Fischer and Paula M. Denissen, P.O. Box 276, Wolcott, CO 81655-0276 D. Vail Springs Well No. 2: Mervyn Lapin Revocable Trust, Mervyn Lapin Trustee, 232 W. Meadow Dr., Vail, CO 81657.

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

**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 APRIL 2019. *The water right claimed by this application may affect in priority any water right claimed or heretofore adjudicated within this division and owners of affected rights must appear to object and protest within the time provided by statute or be forever barred.***

**19CW3060 EAGLE COUNTY, SWEETWATER CREEK.** Application for Findings of Reasonable Diligence. Hell's Gate Ranch LLC c/o Mark E. Hamilton, Esq. and Tarn Udall Esq., HOLLAND & HART LLP, 600 E. Main St., Suite 104, Aspen, CO 81611, (970) 925-3476, [mehamilton@hollandhart.com](mailto:mehamilton@hollandhart.com), [ctudall@hollandhart.com](mailto:ctudall@hollandhart.com). *Orig. decree information:* Case No. 07CW258, District Court, Water Division 5, approved March 13, 2013. *Structures:* 1. Cow Camp Spring; Location: NE1/4 of Sec. 1, T. 4 S., R. 87 W. of the 6<sup>th</sup> P.M., 390 ft from the N. section line, 5430 ft from the W. section line; Amount: 1.0 c.f.s. cond. Uses: irrigation of up to 20 acres of property shown on Figure 1, filling the Plateau Pond, Kristin Pond, Tracy Pond, Hollow Pond, Dana Pond, Cowboy Camp 1 Pond, and/or Cowboy Camp 2 Pond, all as described below, for subsequent decreed uses for such Ponds.; Source: naturally flowing springs or seeps trib. to Sweetwater Creek, trib. to the Colo. Riv.; Approp. date: 04/20/2007. 2. Elk Camp Spring; Location: SE1/4 of Sec. 36, T. 3 S., R. 87 W. of the 6<sup>th</sup> P.M., 970 ft from the S. section line, 1300 ft from the E. section line; Amount: 1.0 c.f.s., cond.; Uses: irrigation of up to 10 acres of property shown on Figure 1, filling the Plateau Pond, Kristin Pond, Tracy Pond, and/or Dana Pond, all described below, for subsequent decreed uses for such Ponds; Source: naturally flowing springs or seeps trib. to Sweetwater Creek, trib. to the Colo. Riv.; Approp. date: 04/20/2007. 3. Gate Diversion; Location: NW1/4 of Sec. 6, T. 4 S., R. 86 W. of the 6<sup>th</sup> P.M., 210 ft from the N. section line, 3900 ft from the E. section line; Amount: 1.0 c.f.s., cond.; Uses: irrigation of up to 10 acres of property shown on Figure 1, filling the Gate Pond, as described below, for subsequent decreed uses for such Pond; Source: Sweetwater Creek; Approp. date: 04/20/2007. 4. Dugout Cabin Diversion; Location: SW1/4 of Sec. 31, T. 3 S., R. 86 W. of the 6<sup>th</sup> P.M., 20 ft from the S. section line, 4000 ft from the E. section line. Amount: 1.0 c.f.s., cond.; Uses: irrigation of up to 5 acres of property shown on Figure 1, filling the Dugout Pond and/or the Gate Pond, both described below, for subsequent decreed uses for such Ponds; Source: Sweetwater Creek; Approp. date: 04/20/2007. 5. Beth Diversion; Location: NW1/4 of Sec. 6, T. 4 S., R. 86 W. of the 6<sup>th</sup> P.M., 610 ft from the N. section line, 3620 ft from the E. section line; Amount: 1.0 c.f.s., cond.; Uses: irrigation of up to 5 acres; filling the Beth Pond described below for subsequent decreed uses for such Pond; Source: Sweetwater Creek; Approp. date: 04/20/2007. 6. Big Tree Diversion; Location: NW1/4 of Sec. 1, T. 4 S., R. 87 W. of the 6<sup>th</sup> P.M., 1090 ft from the N. section line, 4460 ft from the W. section line; Amount: 0.25 c.f.s., absolute for irrigation of 6.13 acres; 0.75 c.f.s., cond. for irrigation of up to 13.87 acres and pond filling; Uses: irrigation of up to 20 acres of property shown on Figure 1, filling the Plateau Pond, Kristin Pond, Tracy Pond, Hollow Pond, Dana Pond, Brody Pond, Gage Pond, Hadlee Pond, Big Tree Pond, Kevin Pond, Cowboy Camp 1 Pond, Cowboy Camp 2 Pond, and/or the Best Pond, all described below, for subsequent decreed uses for such Ponds; Source: unnamed gulch trib. to Sweetwater Creek; Approp. dates: April 20, 2007 (irrigation and pond filling); May 13, 1953 (irrigation). 7. Gate Pump & Pipeline; Location: NW1/4 of Sec. 6, T. 4 S., R. 86 W. of the 6<sup>th</sup> P.M., 810 ft from the N. section line, 3530 ft from the E. section line; Amount: 1.0 c.f.s., cond.; Uses: irrigation of up to 5 acres of property shown on Figure 1, filling the Gate Pond described below for subsequent decreed uses for such Pond; Source: Sweetwater Creek; Approp. date: 04/20/2007; 8. Relocated HMS Ditch, Second Enlargement; Location: a point on the Southerly bank of Sweetwater Creek whence the corner common to Secs. 9, 10, 15 and 16, T. 3 S., R. 97 W. of the 6<sup>th</sup> P.M. bears North 30°24' E. 554.7 ft.; Amount: 2.67 c.f.s., cond.; Uses: filling Plateau Pond, Kristin Pond, Tracy Pond, The Hollow Pond, Dana Pond, Brody Pond, Gage Pond, Hadlee Pond, Big Tree Pond, Donald Pond, Kevin Pond, Cowboy Camp 1 Pond, Cowboy Camp 2 Pond, Beth Pond identified below for subsequent decreed uses for such Ponds; Source: Sweetwater Creek; Approp. date: 04/20/2007; 9. Plateau Pond; Location: the center of the dam is in the SW1/4 of Sec. 31, T. 3 S., R. 86 W. of the 6<sup>th</sup> P.M., 260 ft from the S. section line, 5270 ft from the E. section line; Amount: 2.0 a.f., cond.; Rate of diversion for filling reservoir: 1.0 c.f.s.; Reservoir Characteristics: dam height: <10 ft, length: approx. 150 ft, surface area: 0.25 acres, capacity: 2.0 acre-feet, all dead; Uses: irrigation of up to 5 acres, fire protection, piscatorial, wildlife propagation, recreation, aesthetic; Source: Elk Camp Spring, Cow Camp Spring, Big Tree Diversion and Sweetwater Creek (via Relocated HMS Ditch, Second Enlargement), all trib. to the Colo. Riv.; Approp. date: 04/20/2007; 10. Kristin Pond; Location: the center of the dam is in the SE1/4 of Sec. 36, T. 3 S., R. 87 W. of the 6<sup>th</sup> P.M., 1680 ft from the S. section line, 320 ft from the E. section line; Amount: 12.0 a.f., cond.; Rate of diversion for filling reservoir: 1.0 c.f.s.; Reservoir Characteristics: height: <10 ft, length: approx. 220 ft, surface area: 1.6 acres, capacity: 12.0 acre-feet, all dead; Uses: irrigation of up to 10 acres, fire protection, piscatorial, wildlife propagation, recreation, aesthetic; Source: Elk Camp Spring, Cow Camp Spring, Big Tree Diversion and Sweet Water Creek (via Relocated HMS Ditch, Second Enlargement), which are all trib. to the Colo. Riv.; Approp. date: 04/20/2007. 11. Tracy Pond; Location: the center of the dam is in the NW1/4 of Sec. 6, T. 4 S., R. 86 W. of the 6<sup>th</sup> P.M., 80 ft from the N. section line, 380 ft from the W. section line; Amount: 7.0 a.f., cond.; Rate of diversion for filling reservoir: 1.0 c.f.s.; Reservoir Characteristics: height: <10 ft, length: approx. 250 ft, surface area: 1.0 acres, capacity: 7.0 acre-feet, all dead; Uses: irrigation

of up to 10 acres, fire protection, piscatorial, wildlife propagation, recreation, aesthetic; Source: Elk Camp Spring, Cow Camp Spring, and Big Tree Diversion (each described above), and Sweetwater Creek (via Relocated HMS Ditch, Second Enlargement), which are all trib. to the Colo. Riv.; Approp. date: 04/20/2007. 12. The Hollow Pond; Location: the center of the dam is in the SE1/4 of Sec. 36, T. 3 S., R. 87 W. of the 6<sup>th</sup> P.M., 470 ft from the S. section line, 700 ft from the E. section line; Amount: 2.2 a.f., cond.; Rate of diversion for filling reservoir: 1.0 c.f.s.; Reservoir Characteristics: height: <10 ft., length: approx. 150 ft, surface area: 0.35 acres, capacity: 2.2 acre-feet, all dead; Uses: irrigation of up to 10 acres of property shown on Figure 1, fire protection, piscatorial, wildlife propagation, recreation, aesthetic; Source: Cow Camp Spring, and Big Tree Diversion (each described above), and Sweetwater Creek (via Relocated HMS Ditch, Second Enlargement), which are all trib. to the Colo. Riv.; Approp. date: 04/20/2007. 13. Dana Pond; Location: the center of the dam is in the SE1/4 of Sec. 36, T. 3 S., R. 87 W. of the 6<sup>th</sup> P.M., 180 ft from the S. section line, 1590 ft from the E. section line; Amount: 8.0 a.f., cond.; Rate of diversion for filling reservoir: 1.0 c.f.s.; Reservoir Characteristics: height: <10 ft, length: approx. 450 ft, surface area: 0.80 acres, capacity: 8.0 acre-feet, all dead; Uses: irrigation of up to 10 acres of property shown on Figure 1, fire protection, piscatorial, wildlife propagation, recreation, aesthetic; Source: Elk Camp Spring, Cow Camp Spring, and Big Tree Diversion (each described above), and Sweetwater Creek (via Relocated HMS Ditch, Second Enlargement), which are all trib. to the Colo. Riv.; Approp. date: 04/20/2007. 14. Brody Pond; Location: the center of the dam is in the NE1/4 of Sec. 1, T. 4 S., R. 87 W. of the 6<sup>th</sup> P.M., 980 ft from the N. section line, 6450 ft from the W. section line; Amount: 5.0 a.f., cond.; Rate of diversion for filling reservoir: 1.0 c.f.s.; Reservoir Characteristics: height: <10 ft, length: approx. 350 ft, surface area: 0.55 acres, Capacity: 5.0 acre-feet, all dead; Uses: irrigation of up to 5 acres, fire protection, piscatorial, wildlife propagation, recreation, aesthetic; Source: Big Tree Diversion (described above) and Sweetwater Creek (via Relocated HMS Ditch, Second Enlargement), which are all trib. to the Colo. Riv.; Approp. date: 04/20/2007. 15. Gage Pond; Location: the center of the dam is in the NE1/4 of Sec. 1, T. 4 S., R. 87 W. of the 6<sup>th</sup> P.M., 1500 ft from the N. section line, 5090 ft from the W. section line; Amount: 5.0 a.f., cond.; Rate of diversion for filling reservoir: 1.0 c.f.s.; Reservoir Characteristics: height: <10 ft, length: approx. 150 ft, surface area: 0.55 acres, capacity: 5.0 acre-feet, all dead; Uses: irrigation of up to 5 acres, fire protection, piscatorial, wildlife propagation, recreation, aesthetic; Source: Big Tree Diversion and Sweetwater Creek (via Relocated HMS Ditch, Second Enlargement), which are all trib. to the Colo. Riv.; Approp. date: 04/20/2007. 16. Hadlee Pond; Location: the center of the dam is in the NE1/4 of Sec. 1, T. 4 S., R. 87 W. of the 6<sup>th</sup> P.M., 1230 ft from the N. section line, 6060 ft from the W. section line; Amount: 1.75 a.f., cond.; Rate of diversion for filling reservoir: 1.0 c.f.s.; Reservoir Characteristics: height: <10 ft, length: approx. 150 ft, surface area: 0.25 acres, Capacity: 1.75 acre-feet, all dead; Uses: irrigation of up to 5 acres of property shown on Figure 1, fire protection, piscatorial, wildlife propagation, recreation, aesthetic; Source: Big Tree Diversion (described above), and Sweetwater Creek (via Relocated HMS Ditch, Second Enlargement), which are all trib. to the Colo. Riv.; Approp. date: 04/20/2007. 17. Big Tree Pond; Location: the center of the dam is in the NW1/4 of Sec. 1, T. 4 S., R. 87 W. of the 6<sup>th</sup> P.M., 1090 ft from the N. section line, 4690 ft from the W. section line; Amount: 1.50 a.f., cond.; Rate of diversion for filling reservoir: 1.0 c.f.s.; Reservoir Characteristics: height: <10 ft, length: approx. 150 ft, surface area: 0.25 acres, Capacity: 1.5 acre-feet, all dead; Uses: irrigation of up to 5 acres of property, fire protection, piscatorial, wildlife propagation, recreation, aesthetic; Source: Big Tree Diversion and Sweetwater Creek (via Relocated HMS Ditch, Second Enlargement), which are all trib. to the Colo. Riv.; Approp. date: 04/20/2007. 18. Donald Pond; Location: the center of the dam is in the NE1/4 of Sec. 1, T. 4 S., R. 87 W. of the 6<sup>th</sup> P.M., 450 ft from the N. section line, 5170 ft from the W. section line; Amount: 0.50 a.f., cond.; Rate of diversion for filling reservoir: 1.0 c.f.s.; Reservoir Characteristics: height: <10ft, length: approx. 150 ft, surface area: 0.10 acres, capacity: 0.5 acre-feet, all dead; Uses: irrigation of up to 5 acres, fire protection, piscatorial, wildlife propagation, recreation, aesthetic; Source: Big Tree Diversion (described above), and Sweetwater Creek (via Relocated HMS Ditch, Second Enlargement), which are all trib. to the Colo. Riv.; Approp. date: 04/20/2007. 19. Kevin Pond; Location: the center of the dam is in the NE1/4 of Sec. 1, T. 4 S., R. 87 W. of the 6<sup>th</sup> P.M., 120 ft from the N. section line, 4890 ft from the W. section line; Amount: 1.50 a.f., cond.; Rate of diversion for filling reservoir: 1.0 c.f.s.; Reservoir Characteristics: height: <10 ft, length: approx. 150 ft, surface area: 0.25 acres, Capacity: 1.5 acre-feet, all dead; Uses: irrigation of up to 5 acres, fire protection, piscatorial, wildlife propagation, recreation, aesthetic; Source: Big Tree Diversion (described above), and Sweetwater Creek (via Relocated HMS Ditch, Second Enlargement), trib. to the Colo. Riv.; Approp. date: 04/20/2007. 20. Cowboy Camp 1 Pond; Location: the center of the dam is in the NE1/4 of Sec. 1, T. 4 S., R. 87 W. of the 6<sup>th</sup> P.M., 40 ft from the N. section line, 6180 ft from the W. section line; Amount: 0.85 a.f., cond.; Rate of diversion for filling reservoir: 1.0 c.f.s.; Dam information: height:<10 ft, length: approx.120 ft, surface area: 0.15 acres, Capacity: 0.85 acre-feet, all dead; Uses: irrigation of up to 5 acres of property shown on Figure 1, fire protection, piscatorial, wildlife propagation, recreation, aesthetic; Source: Big Tree Diversion (described above), Sweetwater Creek (via Relocated HMS Ditch, Second Enlargement) and Cow Camp Spring (described above), which are all trib. to the Colo. Riv.; Approp. date: 04/20/2007. 21. Cowboy Camp 2 Pond; Location: the center of the dam is in the NE1/4 of Sec. 1, T. 4 S., R. 87 W. of the 6<sup>th</sup> P.M., 60 ft from the N. section line, 6270 ft from the W. section line; Amount: 1.30 a.f., cond.; Rate of diversion for filling reservoir: 1.0 c.f.s.; Dam information: height:<10 feet, length: approx. 90 feet, surface area: 0.20 acres, Capacity: 1.30 acre-feet, all dead; Uses: irrigation of up to 5 acres, fire protection, piscatorial, wildlife propagation, recreation, aesthetic; Source: Big Tree Diversion (described above), Sweetwater Creek (via Relocated HMS Ditch, Second Enlargement) and Cow Camp Spring (described above), which are all trib. to the Colo. Riv.; Approp. date: 04/20/2007. 22. Beth Pond; Location: the center of the dam is in the NW1/4 of Sec. 6, T. 4 S., R. 87 W. of the 6<sup>th</sup> P.M., 1000 ft from the N. section line, 3330 ft from the E. section line; Amount: 6.40 a.f., cond.; Rate of diversion for filling reservoir: 1.0 c.f.s.; Dam information: height: <10 ft, length: approx. 200 ft, surface area: 0.90 acres, Capacity: 6.4 acre-feet, all dead; Uses: irrigation of up to 5 acres of property shown on Figure

1, fire protection, piscatorial, wildlife propagation, recreation, aesthetic; Source: Big Tree Diversion (described above), Sweetwater Creek (via Relocated HMS Ditch, Second Enlargement) and Beth Diversion (described above), which are all trib. to the Colo. Riv.; Approp. date: 04/20/2007. 23. Dugout Cabin Pond; Location: the center of the dam is in the NW1/4 of Sec. 6, T. 4 S., R. 86 W. of the 6<sup>th</sup> P.M., 200 ft from the N. section line, 3800 ft from the E. section line; Amount: 1.45 a.f., cond.; Rate of diversion for filling reservoir: 1.0 c.f.s.; Dam information: height: <10 ft, length: approx. 150 ft, surface area: 0.25 acres, Capacity: 1.45 acre-feet, all dead; Uses: irrigation of up to 5 acres of property shown on Figure 1, fire protection, piscatorial, wildlife propagation, recreation, aesthetic; Source: Dugout Diversion, which is trib. to the Colo. Riv.; Approp. date: 04/20/2007. 24. Gate Pond; Location: the center of the dam is in the NW1/4 of Sec. 6, T. 4 S., R. 86 W. of the 6<sup>th</sup> P.M., 500 ft from the N. section line, 3520 ft from the E. section line; Amount: 5.20 a.f., cond.; Rate of diversion for filling reservoir: 1.0 c.f.s.; Dam information: height: <10 ft, length: approx. 170 ft, surface area: 0.70 acres, Capacity: 5.20 acre-feet, all dead; Uses: irrigation of up to 5 acres of property shown on Figure 1, fire protection, piscatorial, wildlife propagation, recreation, aesthetic; Source: Gate Diversion, Dugout Cabin Diversion and Gate Pump & Pipeline (all described above), which are all trib. to the Colo. Riv. Approp. date: 04/20/2007. Applicant seeks findings of reasonable diligence and that all conditionally decreed amounts and uses for all above-described water rights be continued in full force and effect for an additional diligence period. A detailed outline of activities and expenditures during the diligence period is included in the Application. All structures are located upon Applicant's property except the headgate of the Relocated HMS Ditch, which is located upon property owned by Hope Kapsner, 1864 Sweetwater Road, Gypsum, CO 81637. (20 pages)

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

**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 APRIL 2019. *The water right claimed by this application may affect in priority any water right claimed or heretofore adjudicated within this division and owners of affected rights must appear to object and protest within the time provided by statute or be forever barred.***

**19CW3061 PITKIN COUNTY. HUNTER CREEK, TRIBUTARY TO ROARING FORK RIVER.** StarView Holdings, LLC, c/o Craig V. Corona, Esq., Corona Water Law, 420 E. Main Street, Suite 210B, Aspen, CO 81611, (970) 948-6523. APPLICATION FOR STORAGE WATER RIGHTS AND AUGMENTATION PLAN. **FIRST CLAIM: FOR STORAGE WATER RIGHT.** Name: SkyPond 1. Legal description: Easting 339384.1, Northing 4347339.9, Zone 13 North, NAD83. Street Address: 1525 Star Mesa Drive, Snowmass CO, 81611, Parcel No. 264322100001. Source: Hunter Creek via the Red Mountain Ditch; also surface runoff, and precipitation, tributary to the Roaring Fork River, tributary to the Colorado River. Ditch used for filling: Red Mountain Ditch. Capacity: 24 cfs. Legal Description of Red Mountain Ditch point of diversion: Easting 344603, Northing 4341066, Zone 13 North, NAD83. Appropriation. Date: August 1, 1991. How appropriation was initiated: A prior configuration of the pond was constructed, filled, and used. Amounts claimed: Total: 1.5 acre-feet, conditional for all uses; with the right to fill and re-fill in priority. Diversion Rate for Filling: 0.375 cfs. Uses: Recreation, piscatorial, fish and wildlife habitat, fire protection, augmentation, irrigation, and aesthetic. Remark: SkyPond 1 can also be used as an irrigation control structure for diversions under Applicant's Red Mountain Ditch water rights. Surface area of high-water line: 0.332 acres. Vertical height of dam: 10 feet. Length of dam in feet: 135 feet. Total capacity of reservoir in acre-feet: 1.5 acre-feet. Active capacity: 1.5 acre-feet. Dead Storage: 0 acre-feet. Place of use: Applicant's property described above. The headgate of the Red Mountain Ditch is located on property owned by Thomas D. McCloskey, Jr. and Bonnie P. McCloskey, 2300 Red Mountain Rd., Aspen, CO 81611. **SECOND CLAIM: FOR STORAGE WATER RIGHT.** Name: SkyPond 2. Legal description: Easting 339367.1, Northing 4347349.4, Zone 13 North, NAD83. Street Address: 1525 Star Mesa Drive, Snowmass CO, 81611, Parcel No. 264322100001. Source: Hunter Creek, via the Red Mountain Ditch; also surface runoff and precipitation tributary to the Roaring Fork River, tributary to the Colorado River. Ditch used for filling: Red Mountain Ditch. Capacity: 24 cfs. Legal Description of Red Mountain Ditch point of diversion: Easting 344603, Northing 4341066, Zone 13 North, NAD83. Appropriation. Date: Date application filed. How appropriation was initiated: Filing the application in this case. Amounts claimed: Total: 0.15 acre-feet, conditional for all uses, with the right to fill and re-fill in priority. Diversion Rate for Filling: 0.375 cfs. Uses: Recreation, piscatorial, fish and wildlife habitat, fire protection, augmentation, irrigation, and aesthetic. Remark: SkyPond 2 can also be used as an irrigation control structure for diversions under Applicant's Red Mountain Ditch water rights. Surface area of high water line: 0.055 acres. Vertical height of dam: 6 feet. Length of dam in feet: 105 feet. Total capacity of reservoir in acre-feet: 0.15 acre-feet. Active capacity: 0.15 acre-feet. Dead Storage: 0 acre-feet. Place of use: Applicant's property described above. The headgate of the Red Mountain Ditch is located on property owned by Thomas D. McCloskey Jr. and Bonnie P. McCloskey, 2300 Red Mountain Rd., Aspen, CO 81611. **THIRD CLAIM: FOR STORAGE WATER RIGHT.** Name: SkyPond 3. Legal description: Easting 339362.2, Northing 4347362.0, Zone 13 North, NAD83. Street Address: 1525 Star Mesa Drive, Snowmass CO, 81611, Parcel No. 264322100001. Source: Hunter Creek, via the Red Mountain Ditch; also surface runoff, and precipitation, tributary to the Roaring Fork River, tributary to the Colorado River. Ditch used for filling:

Red Mountain Ditch. Capacity: 24 cfs. Legal Description of Red Mountain Ditch point of diversion: Easting 344603, Northing 4341066, Zone 13 North, NAD83. Appropriation. Date: Date application filed. How appropriation was initiated: Filing the application in this case. Amounts claimed: 0.02 acre-feet, conditional for all uses, with the right to fill and re-fill in priority. Diversion Rate for Filling: 0.375 cfs. Uses: Recreation, piscatorial, fish and wildlife habitat, fire protection, augmentation, irrigation, and aesthetic. Remark: SkyPond 3 can also be used as an irrigation control structure for diversions under Applicant's Red Mountain Ditch water rights. Surface area of high water line: 0.022 acres. Vertical height of dam: 2 feet. Length of dam in feet: 50 feet. Total capacity of reservoir in acre-feet: 0.02 acre-feet. Active capacity: 0.02 acre-feet. Dead Storage: 0. Place of use: Applicant's property described above. The headgate of the Red Mountain Ditch is located on property owned by Thomas D. McCloskey Jr. and Bonnie P. McCloskey, 2300 Red Mountain Rd., Aspen, CO 81611. **FOURTH CLAIM: FOR STORAGE WATER RIGHT.** Name: SkyPond 4. Legal description: Easting 339440.7, Northing 4347010.3, Zone 13 North, NAD83. Street Address: 1525 Star Mesa Drive, Snowmass CO, 81611, Parcel No. 264322100001. Source: Hunter Creek, via the Red Mountain Ditch; also surface runoff, and precipitation, tributary to the Roaring Fork River, tributary to the Colorado River. Ditch used for filling: Red Mountain Ditch. Capacity: 24 cfs. Legal Description of Red Mountain Ditch point of diversion: Easting 344603, Northing 4341066, Zone 13 North, NAD83. Appropriation. Date: August 1, 1991. How appropriation was initiated: A prior configuration of the pond was constructed, filled, and used. Amounts claimed: 0.07 acre-feet, conditional for all uses, with the right to fill and re-fill in priority. Diversion Rate for Filling: 0.375 cfs. Uses: Recreation, piscatorial, fish and wildlife habitat, fire protection, augmentation, irrigation, and aesthetic. Remark: SkyPond 4 can also be used as an irrigation control structure for diversions under Applicant's Red Mountain Ditch water rights. Surface area of high-water line: 0.044 acres. Vertical height of dam: 4 feet. Length of dam in feet: 36 feet. Total capacity of reservoir in acre-feet: 0.07 acre-feet. Active capacity: 0.06 acre-feet Dead Storage: 0.01 acre-feet. Place of use: Applicant's property described above. The headgate of the Red Mountain Ditch is located on property owned by Thomas D. McCloskey Jr. and Bonnie P. McCloskey, 2300 Red Mountain Rd., Aspen, CO 81611. **FIFTH CLAIM: FOR STORAGE WATER RIGHT.** Name: SkyPond 5. Legal description: Easting 339415.9, Northing 4347024.8, Zone 13 North, NAD83. Street Address: 1525 Star Mesa Drive, Snowmass CO, 81611, Parcel No. 264322100001. Source: Hunter Creek, via the Red Mountain Ditch; also surface runoff, and precipitation, tributary to the Roaring Fork River, tributary to the Colorado River. Ditch used for filling: Red Mountain Ditch. Capacity: 24 cfs. Legal Description of Red Mountain Ditch point of diversion: Easting 344603, Northing 4341066, Zone 13 North, NAD83. Appropriation. Date: August 1, 1991. How appropriation was initiated: A prior configuration of the pond was constructed, filled, and used. Amounts claimed: Total: 0.17 acre-feet, conditional for all uses, with the right to fill and re-fill in priority. Diversion Rate for Filling: 0.375 cfs. Uses: Recreation, piscatorial, fish and wildlife habitat, fire protection, augmentation, irrigation, and aesthetic. Remark: SkyPond 5 can also be used as an irrigation control structure for diversions under Applicant's Red Mountain Ditch water rights. Surface area of high water line: 0.086 acres. Vertical height of dam: 2 feet. Length of dam in feet: 85 feet. Total capacity of reservoir in acre-feet: 0.17 acre-feet. Active capacity: 0.13 acre-feet Dead Storage: 0.04 acre-feet. Place of use: Applicant's property described above. The headgate of the Red Mountain Ditch is located on property owned by Thomas D. McCloskey, Jr. and Bonnie P. McCloskey, 2300 Red Mountain Rd., Aspen, CO 81611. **SIXTH CLAIM: FOR STORAGE WATER RIGHT.** Name: SkyPond 6. Legal description: Easting 339402.5, Northing 4347034.2, Zone 13 North, NAD83. Street Address: 1525 Star Mesa Drive, Snowmass CO, 81611, Parcel No. 264322100001. Source: Hunter Creek, via the Red Mountain Ditch; also surface runoff, and precipitation, tributary to the Roaring Fork River, tributary to the Colorado River. Ditch used for filling: Red Mountain Ditch. Capacity: 24 cfs. Legal Description of Red Mountain Ditch point of diversion: Easting 344603, Northing 4341066, Zone 13 North, NAD83. Appropriation. Date: August 1, 1991. How appropriation was initiated: A prior configuration of the pond was constructed, filled, and used. Amounts claimed: 1.17 acre-feet, conditional for all uses, with the right to fill and re-fill in priority. Diversion Rate for Filling: 0.375 cfs. Uses: Recreation, piscatorial, fish and wildlife habitat, fire protection, augmentation, irrigation, and aesthetic. Remark: SkyPond 6 can also be used as an irrigation control structure for diversions under the Red Mountain Ditch water rights. Surface area of high-water line: 0.191 acres. Vertical height of dam: N/A, excavated. Length of dam in feet: N/A, excavated. Total capacity of reservoir in acre-feet: 1.17 acre-feet. Active capacity: 0 acre-feet. Dead Storage: 1.17 acre-feet. Place of use: Applicant's property described above. The headgate of the Red Mountain Ditch is located on property owned by Thomas D. McCloskey, Jr. and Bonnie P. McCloskey, 2300 Red Mountain Rd., Aspen, CO 81611. **SEVENTH CLAIM: FOR STORAGE WATER RIGHT.** Name: SkyPond 7. Legal description: Easting 339453.0, Northing 4346956.0, Zone 13 North, NAD83. Street Address: 1525 Star Mesa Drive, Snowmass CO, 81611, Parcel No. 264322100001. Source: Hunter Creek, via the Red Mountain Ditch; also surface runoff, and precipitation, tributary to the Roaring Fork River, tributary to the Colorado River. Ditch used for filling: Red Mountain Ditch. Capacity: 24 cfs. Legal Description of Red Mountain Ditch point of diversion: Easting 344603, Northing 4341066, Zone 13 North, NAD83. Appropriation. Date: August 1, 1991. How appropriation was initiated: A prior configuration of the pond was constructed, filled, and used. Amounts claimed: 0.28 acre-feet, conditional for all uses, with the right to fill and re-fill in priority. Diversion Rate for Filling: 0.375 cfs. Uses: Recreation, piscatorial, fish and wildlife habitat, fire protection, augmentation, irrigation, and aesthetic. Remark: SkyPond 7 can also be used as an irrigation control structure for diversions under Applicant's Red Mountain Ditch water rights. Also, SkyPond 7 may be split into three smaller ponds for which the total surface area and volume will not exceed the claimed surface area and volume for SkyPond 7. Surface area of high water line: 0.039 acres. Vertical height of dam: N/A, excavated. Length of dam in feet: N/A, excavated. Total capacity of reservoir in acre-feet: 0.28 acre-feet. Active capacity: 0 acre-feet Dead Storage: 0.28 acre-feet. Place of use: Applicant's property described above. The headgate of the Red Mountain Ditch is located on property owned by Thomas D. McCloskey, Jr. and

Bonnie P. McCloskey, 2300 Red Mountain Rd., Aspen, CO 81611. **EIGHTH CLAIM: PLAN FOR AUGMENTATION.** Name of structures to be augmented: SkyPonds 1-7. Legal Description: See above. Appropriation Dates: See above. Amount: See above. The total amount of surface area for which evaporation replacement will be augmented is 0.769 acres. Source: See above. Hunter Creek via Red Mountain Ditch; surface runoff and precipitation. Uses: Recreation, piscatorial, fish and wildlife habitat, fire protection, augmentation, irrigation, and aesthetic. Water rights to be used for augmentation: reservoir releases pursuant to Applicant's contract with the Basalt Water Conservancy District; SkyPonds 1-7. **Basalt Water Conservancy District augmentation supplies: Green Mountain Reservoir:** Source: Blue River, tributary of Colorado River. Legal description: located approximately 16 miles Southeast of the Town of Kremmling in Summit County, Colorado, and more particularly in all or parts of Sections 11, 12, 13, 14, 15, and 24 of Township 2 South, Range 80 West, and in Sections 17, 18, 19, 20, 21, 28, 29, and 34, Township 2 South, Range 79 West of the 6th P.M. Adjudication Date: October 12, 1955. Appropriation Date: August 1, 1935. Case Nos.: 2782, 5016, and 5017, Court: United States District Court, District of Colorado and Case No. 88CW022, District Court, Water Division No. 5. Decreed Amount: 154,645 acre feet and a refill right in the amount of 3,856 acre feet absolute and 150,789 acre feet, conditional. Decreed Uses: in accordance with paragraph 5(a), (b), and (c) of the section entitled "Manner of Operation of Project Facilities and Auxiliary Facilities" in Senate Document 80. **Ruedi Reservoir:** Source: Frying Pan River, tributary of Colorado River. Legal description: an on-channel reservoir located in Sections 7, 8, 9, 11, and 14 through 18, Township 8 South, Range 84 West of the 6th P.M. The reservoir is located in portions of Eagle and Pitkin Counties. Adjudication Date: June 20, 1958. Appropriation Date: July 29, 1957. Case No.: C.A. 4613, Garfield County District Court. Decreed Amount: 102,369 acre feet (Originally decreed for 140,697.3 acre feet; reduced to 102,369 acre feet in Case No. W-789-76). Decreed Uses: generation of electric energy, domestic, municipal, industrial, irrigation, piscatorial, and stock watering. Refill: By decree of the Water Court in Case No. 81CW34, Ruedi Reservoir was decreed a refill right in the amount of 101,280 acre feet, conditional. In Water Court Case No. 95CW95, 44,509 acre feet of the refill right was made absolute. In Water Court Case No. 01CW269, an additional 25,257 acre feet of the refill right was made absolute, for a total of 69,766 acre feet absolute in the refill right. **Information from previous decrees for Troy Ditch and Edith Ditch rights:**

STRUCTURE	PRIORITY	COURT CASE NO.	ADJ DATE	APP DATE	DECREED AMOUNT (CFS)	USE (4)	AMOUNT SOLD, TRANSFERRED OR RESERVED					AMOUNT REMAINING (10)	
							(5)	(6)	(7)	(8)	(9)	CFS	AF
Troy Ditch (1)	370	3082	08/25/1936	05/01/1906	5.10	I	0.000	0.000	0.095	0.064	0.035	4.906	N/A
Troy Ditch 1st Enlg	427	3082	08/25/1936	05/01/1928	10.80	I	0.000	0.000	0.200	0.134	0.073	10.393	N/A
Troy Ditch 2nd Enlg	669	4613	06/20/1958	06/01/1942	6.20	I	0.000	0.000	0.115	0.077	0.042	5.966	N/A
Edith Ditch	353	3082	08/25/1936	05/01/1904	2.72	I	0.110	0.1320	0.050	0.000	0.018	2.410	N/A
Edith Ditch 1st Enlg	673	4613	06/20/1958	07/01/1946	3.23	I	0.000	0.000	0.060	0.000	0.022	3.148	N/A
Troy Ditch Water System aka Lower Headgate	(2)	W-2281			15.50(3)	I,D,M,C,P	0.110	0.1320	0.520	0.275	0.190	14.273	412.89

- (1) Originally diverted from Miller Creek. All others originally diverted from Frying Pan River.
- (2) Alternate point for all priorities of Troy and Edith Ditches.
- (3) Combined amount limited to 15.5 cfs and 453 AF of consumptive use, 300 AF of which can be stored.
- (4) I = Irrigation, D = Domestic, M = Municipal, C = Industrial and P = Piscatorial.
- (5) Transferred to Edith Ditch Well in Case No. 80CW1 with 1.0 AF.
- (6) Transferred to three springs on Cap K Ranch in Case No. 82CW189 (1.29 AF assumed to be included).
- (7) Deeded to George Yates with 15.4 AF in 1983. 0.2 cfs and 10.60 cfs was included in Case No. 82CW357 for Ruedi South Shores augmentation plan.
- (8) Deeded to Joan Wheeler in 1987 for diversion at the Troy Ditch 1st and 2nd Enlargement (16.9 AF assumed to be included).
- (9) Reserved for augmentation of Cap K Ponds with 5.52 AF. Case No. 91CW220.
- (10) A total of 40.11 AF of the original 453.00 AF has been sold or transferred.

The Troy and Edith augmentation water can be delivered to the Frying Pan, Roaring Fork or Colorado Rivers by by-passing water at the headgate on the Frying Pan River. Information from previous decrees for Robinson Ditch rights:

STRUCTURE	DECREED AMOUNT/ cfs	AMOUNT OWNED BY BWCD (cfs) <sup>(1)</sup>	ADJ. DATE	APP. DATE	PRIORITY	CASE NO. <sup>(2)</sup>
ON ROBINS DITCH	5.00	1.21	05/1 1/1889	06/1 5/1882	38	132
ON ROBINS DITCH	2.50	0.60	05/1 1/1889	04/1 5/1886	140	132
ON ROBINS DITCH	2.00	0.48	05/1 1/1889	11/1 5/1886	167	132
ON ROBINS DITCH	10.70	2.59	12/2 9/1903	04/2 5/1899	C 212	1061
ON ROBINS DITCH	20.06	4.85	08/2 5/1936	04/2 5/1900	326	3082

(1) The BWCD owns 441 shares of Class 1 stock issued by the Robinson Ditch Company. The said 441 shares equal 24.16% of the total shares and are associated with 9.73 cfs of the 40.26 cfs decreed to the Robinson Ditch.

(2) District Court in and for Garfield County

Legal Description of Point of Diversion: The point of diversion as decreed is located on the North bank of the Roaring Fork River one-half mile below the mouth of Sopris Creek in Section 11, T. 8 S., R. 87 West, 6th P.M. Historic Use: Irrigation of approximately 137.2 acres of hay and pasture under BWCD's interest in the Robinson Ditch water rights. In Case No. 93CW319, the Court decreed that 360 acre feet of annual consumptive-use credits are associated with said irrigation. In that case, the Court also decreed a change of use of BWCD's Robinson Ditch rights to include augmentation. BWCD makes the credits available to contract allottees for use pursuant to an approved substitute supply plan or decree of Court. Information from previous decrees for Favre Domestic Pipeline: This water right is used only for Blue Creek depletions.

STRUCTURE	AMOUNT <sup>1</sup>	ADJ. DATE	APP. DATE	PRIORITY	CASE NO. <sup>2</sup>
FAVRE DOM. PL. SP. NO. 1	0 0.5	06/20/1 958	08/11/1 937	649	4613
FAVRE DOM. PL. SP. NO. 2	0 0.5	06/20/1 958	04/15/1 912	666	4613

(1) Amount: Each spring is decreed for 0.50 cfs, but the use of both has a combined limit of 0.50 cfs. (2) District Court in and for Garfield County Legal Description: Favre Domestic Pipeline - Spring No. 1: Located at a point whence the E¼ corner, Section 34, Township 7 South, Range 87 West, 6th P.M. bears South 34E26' East, 890.9 feet. Favre Domestic Pipeline - Spring No. 2: Located at a point whence the E¼ corner, Section 34, Township 7 South, Range 87 West, 6th P.M. bears South 37¼24' East 721.4 feet. Blue Creek, which is tributary to Roaring Fork River. Decreed Use: Domestic and augmentation. Historic Use: BWCD owns the Favre Domestic Pipeline right. The Springs historically provided a majority of the domestic water supply for El Jebel, a community of 364 EQRs, consisting of two hundred and ninety-one single family residential units (mostly mobile homes), irrigation of 12.5 acres of lawn and landscape, and commercial development. In Case No. 93CW319, the Court decreed that 142.82 acre feet of historical consumptive-use credits were available to Blue Creek as a result of such historic use; and that 67.2 acre feet of historical consumptive-use credits were available to the Roaring Fork River as a result of such historical use. In 93CW319, the Court also decreed a change of use of said credits to include augmentation. BWCD makes the credits available to contract allottees for use pursuant to an approved substitute supply plan or decree of Court. Applicant does not intend to change a water right to provide a source of augmentation. Complete statement of plan for augmentation: Applicant applies for this plan for augmentation to address calls from water rights on the mainstem of the Colorado River and on the mainstem of the Roaring Fork River below its confluence with the Fryingpan River with supplies provided by the

Basalt Water Conservancy District. In addition, Applicant seeks to address calls from water rights between the confluence of the Roaring Fork River and Fryingpan River and the pond locations with releases from the ponds. At times when calls from the mainstem of the Colorado River or the Roaring Fork River (from below the Fryingpan confluence) would otherwise cause curtailment of Applicant's diversions to the ponds for evaporation replacement, Applicant will cause the release of water pursuant to its contract with the Basalt Water Conservancy District to address such calls. For calls from between the confluence of the Roaring Fork River and the Fryingpan River and the location of the ponds that would affect diversions to the ponds, Applicant may release water from one or more of the ponds to address such calls. Water released from the ponds exits Applicant's property via a natural gulch and is then conveyed in the Salvation Ditch to Woody Creek. The table attached to the Application as **Exhibit B** lists the depletions for the augmented uses and the estimated out-of-priority depletions requiring augmentation with Basalt District supplies. Based on these estimated calculations, Applicant will require 2.9 acre-feet, total, of contract release water to augment these uses vis-à-vis mainstem calls. Applicant reserves the right to revise these estimates, if necessary, as the case develops without re-publishing. Applicant does not estimate the frequency of calls from water rights between the Fryingpan and Roaring Fork confluence and the location of the ponds that could be augmented by release from SkyPonds 1-7. If calls occur from water rights in that reach, and if water is available for release from the ponds, Applicant may augment evaporation replacement by pond release. Otherwise, Applicant will operate as described below. At times when there is a valid senior call from above the point of replacement for the Basalt Water Conservancy District contract water releases that is recognized and administered by the Division Engineer (a "Local Call"), Applicant will either augment such a call by pond releases as described previously (if the call is from the reach addressed therein) or cease diverting water from the Red Mountain Ditch for the storage water rights and their uses claimed herein. Applicant may transfer water from one pond or ponds during a Local Call to maintain the levels of the other ponds. During times of a mainstem call, but no Local Call or of a Local Call junior to the date of filing this application, Applicant will divert for the storage water rights and their uses claimed herein by exchange in priority at a rate of up to 0.375 cfs. During irrigation season, irrigation deliveries under Applicant's Red Mountain Ditch water rights may be temporarily held in the ponds under the Division of Water Resources "72-Hour Rule" and will be tracked with daily accounting. Applicant owns the property upon which any new diversion or storage structure, or any 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. Additional or alternate replacement supplies. In accordance with C.R.S. § 37-92-305(8)(c), or any subsequent amendment or revision thereof, Applicant may use additional or alternative sources of water for augmentation, substitution, replacement, and exchange pursuant to the decree entered upon this Application in the manner allowed by statute in place at the time Applicant seeks to use such additional or alternate replacement supplies. Applicant shall comply with all procedures required by such statute before using such additional or alternate supplies in this plan for augmentation. The Pitkin County RICD. The Pitkin County Recreational In-Channel Diversion ("Pitkin County RICD") was decreed in Case No. 2010CW305, District Court, Water Division 5, and is located on the Roaring Fork River upstream of the confluence of the Roaring Fork River and the Frying Pan River. The storage water rights sought by this Application will not be subject to call by the Pitkin County RICD as they are either senior to the Pitkin County RICD or are encompassed within the subordination agreement set forth in the decree in Case No.2010CW305, District Court, Water Division 5. **NINTH CLAIM: FOR APPROPRIATIVE EXCHANGE.** Name of exchange: StarView 2019 Exchange. Legal description of point of diversion: Upstream Terminus: Applicant will divert water at the point of diversion for the Red Mountain Ditch, previously described, and deliver it to Applicant's ponds. Downstream termini: Applicant will replace otherwise out-of-priority depletions from the diversions described previously by release of reservoir water pursuant to its Basalt Water Conservancy District contract. The points of replacement and, therefore, the downstream termini for the exchange will be the confluence of the Colorado River with the Roaring Fork River and the confluence of the Roaring Fork River with the Fryingpan River depending on the source of reservoir release. The confluence of the Roaring Fork River and the Colorado River is more particularly described as being located in the SE ¼, NW ¼ of Section 9, Township 6S, Range 89W of the 6<sup>th</sup> P.M. at a point approximately 2,200 feet from the North Section Line and 2,350 feet from the West Section Line of said Section 9. Easting 299767, Northing 4380328, Zone 13 North, NAD83. The confluence of the Roaring Fork and Fryingpan Rivers is more particularly described as being located in the SW ¼ of the SE ¼ of Section 7, T8S, R86W, in the 6<sup>th</sup> P.M. at a point 1,440 feet from the East section line, and 750 feet from the South section line. Easting 324752, Northing 4359438, Zone 13 North, NAD83. Source: Hunter Creek for upstream diversions. Colorado River and Fryingpan River for replacement sources to downstream points. Appropriation. Date of Appropriation: Date application filed. How appropriation initiated: filing the application in this case. Date water applied to beneficial use: N/A. Amount claimed: up to 0.375 cfs, 2.52 acre-feet annually, conditional. The rate associated with evaporation replacement and ditch loss is 0.026 cfs. Uses: Exchange to replace evaporation depletions from ponds for subsequent use for recreation, piscatorial, fish and wildlife habitat, fire protection, augmentation, irrigation, and aesthetic. Applicant owns the property 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. **TENTH CLAIM: FOR APPROPRIATIVE EXCHANGE.** Name of exchange: StarView 2019 Exchange II. Legal description of point of diversion: Upstream Terminus: Applicant will divert water at the point of diversion for the Red Mountain Ditch and deliver it to Applicant's ponds. The point of diversion for the Red Mountain Ditch is described above. Downstream termini: Applicant will replace otherwise out-of-priority depletions from the diversions described previously by release of stored water from the SkyPonds 1-7. The point of replacement and, therefore, the downstream terminus for the exchange will be the confluence of Woody Creek and the Roaring Fork River, more particularly described



as being located in the NE ¼ of the NW ¼ of Section 16, T9S, R85W, in the 6<sup>th</sup> P.M. at a point 311 feet from the West section line, and 134 feet from the North section line. Easting 336853, Northing 4349199, Zone 13 North, NAD83. Source: Hunter Creek for upstream diversions. Water stored in SkyPonds 1-7 for replacement to downstream points. Appropriation. Date of Appropriation: Date application filed. How appropriation initiated: filing the application in this case. Date water applied to beneficial use: N/A. Amount claimed: up to 0.375 cfs, 2.52 acre-feet annually, conditional. The rate associated with evaporation replacement and ditch loss is 0.026 cfs. Uses: Exchange to replace evaporation depletions from ponds for subsequent use for recreation, piscatorial, fish and wildlife habitat, fire protection, augmentation, irrigation, and aesthetic. Applicant owns the property 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. More information is included in the application which can be obtained from the court or by contacting Craig Corona, Esq. at (970) 948-6523; [cc@craigcoronalaw.com](mailto:cc@craigcoronalaw.com).

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

**21. PURSUANT TO C.R.S., §37-92-302, AS AMENDED, YOU ARE NOTIFIED THAT THE FOLLOWING PAGES COMPRISE A RESUME OF THE APPLICATIONS AND AMENDED APPLICATIONS FILED WITH THE WATER CLERK FOR WATER DIVISION 5 DURING THE MONTH OF APRIL 2019. *The water right claimed by this application may affect in priority any water right claimed or heretofore adjudicated within this division and owners of affected rights must appear to object and protest within the time provided by statute or be forever barred.***

**13CW37** Application for Finding of Reasonable Diligence of Oscar S. Wyatt, Jr. and The Constance C. Cox Trust, in **EAGLE COUNTY**. 1. Name and Address of Applicants: Oscar S. Wyatt, Jr., 3355 West Alabama, Ste. 500, Houston, TX 77098; and Constance C. Cox Trust, 2999 Pacific Avenue #5, San Francisco, CA 94115; both c/o Law Office of John G. Nelson, 1624 Market Street, Ste. 202, Denver, CO 80202. 2. Name of Structure: Wyatt Well 781(1). 2. Description of Conditional Water Right: Date of original decree: April 15, 1982. Case Number: W3895 (Diligence 86CW110, 90CW91, 97CW98, and 04CW135). Legal Description of diversion point: S/E ¼, N/E ¼, Section 27, Township 4 South, Range 83 West, 6th P.M., Eagle County, Colorado, at a point whence the Northeast Corner of said Section 27 bears N. 22°59'49" E. a distance of 2,027.06 feet. Source: **groundwater tributary to Travis Creek, tributary to the Eagle River**. Appropriation Date: April 24, 1978. Amount: 0.033 cfs, conditional. Decreed uses: domestic and irrigation. Depth of well: 125 feet. 4. Description of what has been done toward completion of the appropriation and application of water to beneficial use: The Applicants have investigated alternatives for development of the water right; obtained bids and estimates from drilling contractors to construct the well; filed an application for a well permit and paid the necessary fee; and prepared for the drilling of the well. The Applicants anticipate that the well will be drilled during Summer 2013 or as soon thereafter as the necessary approvals can be obtained. WHEREFORE, Applicants respectfully request that the conditional water right described above be continued in full force and effect in accordance with the original decree.

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

**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 APRIL 2019. *The water right claimed by this application may affect in priority any water right claimed or heretofore adjudicated within this division and owners of affected rights must appear to object and protest within the time provided by statute or be forever barred.***

**13CW62 (06CW205) MESA COUNTY-MESA CREEK TRIBUTARY TO PLATEAU CREEK TRIBUTARY TO THE COLORADO RIVER.** John M. Pettus; P.O. Box 152; Mesa, CO 81643. (970)268-5678. Mesa Creek Lodge Pump & Pipeline-Application for Finding of Reasonable Diligence. Location: SE¼SE¼ of Sec. 19, T.10S, R.96W. of the 6<sup>th</sup> P.M. 800 ft. from the south sec. line and 290 ft. from the east sec. line. Appropriation: Sept. 9, 2006. Amount: 0.03 c.f.s., conditional. Use: irrigation. The case contains a list of activities completed during the diligence period.

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

**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 APRIL 2019. *The water right claimed by this application may affect in priority any water right claimed or heretofore adjudicated within this division and owners of affected rights must appear to object and protest within the time provided by statute or be forever barred.***

**17CW1 MESA COUNTY – PRECIPITATION AND STORMWATER RUNOFF TRIBUTARY TO THE COLORADO RIVER.** Golden Gate SET Petroleum Partners; 1491 Hwy. 6 & 50; Fruita, CO 81524 (970)858-7146. Golden Gate Retention Pond-Application for Absolute Storage Right. Location: UTM: E691889.1 N4338782.0 Z12. Appropriation: Jan. 6, 2017. Amount: 0.74 a.f., absolute. Uses: Water retained in pond and evaporates. Applicant states water right for depletion due to evaporation; Working with Water Commissioner; Application prepared and calculations completed by Registered Professional Engineer.

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

**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 APRIL 2019. *The water right claimed by this application may affect in priority any water right claimed or heretofore adjudicated within this division and owners of affected rights must appear to object and protest within the time provided by statute or be forever barred.***

**18CW9 (11CW129) MESA COUNTY- UNNAMED TRIBUTARY TO LIMEKIN GULCH TRIBUTARY TO THE COLORADO RIVER.** Larry Crispell; P.O. Box Box 1491; Breckenridge, CO 80424. (970)485-2417. Crispell Diversion #1, Crispell Diversion #2, Crispell Pond #1 and Crispell Pond #2 – Application for Finding of Reasonable Diligence. Location: Crispell Diversion #1- SE¼NW¼ of Sec. 23, T.11S, R.101W. of the 6<sup>th</sup> P.M. 2,700 ft. from the south sec. line and 3,350 ft. from the east sec. line. Crispell Diversion #2- SE¼NW¼ of Sec. 23, T.11S, R.101W. of the 6<sup>th</sup> P.M. 3, 250 ft. from the south sec. line and 4,050 ft. from the east sec. line. Crispell Pond #1 - SE¼NW¼ of Sec. 23, T.11S, R.101W. of the 6<sup>th</sup> P.M. 2,800 ft. from the south sec. line and 3,250 ft. from the east sec. line. Crispell Pond #2 - SE¼NW¼ of Sec. 23, T.11S, R.101W. of the 6<sup>th</sup> P.M. 3,300 ft. from the south sec. line and 3,850 ft. from the east sec. line. Appropriation for all structures: Aug. 15, 2011. Amounts and Uses: Crispell Diversion #1 and Crispell Diversion- 0.5 c.f.s, conditional, each, for irrigation; Crispell Pond #1 and Crispell Pond #2 – 1.75 a.f., conditional, each, for irrigation, wildlife, piscatorial and stock water. An outline of work completed during the diligence period is included in the application.

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