

DIVISION 5 WATER COURT- JANUARY 2012 RESUME

Produced Nontributary Ground Water Notification List for Water Division Five

Pursuant to Rule 17.5.B.2 of the Produced Nontributary Ground Water Rules, 2 CCR 402-17 (“Rules”), the State Engineer is publishing this invitation to persons to be included on the Produced Nontributary Ground Water Notification List. According to Rule 17.5.B.2 of the Rules, the State Engineer must establish a Produced Nontributary Ground Water Notification List for each water division within the State of Colorado for the purposes of ensuring that water users within each water division receive adequate notice of proceedings held pursuant to the Rules. In order to establish such notification list, the State Engineer is directed, in January of each year, to cause to have published in the water court resume for each water division an invitation to be included on such notification list for the applicable water division.

Persons on the Produced Nontributary Ground Water Notification List shall be provided notice required pursuant to the Rules by either first-class mail, or, if a person so elects, by electronic mail. The Rules further describe the procedures to be followed by parties upon receiving notice of proceedings held pursuant to the Rules. The Rules are available on the Division of Water Resources website at: www.water.state.co.us.

If you would like to be included on the Produced Nontributary Ground Water Notification List for any Water Division, please contact the following for the appropriate form: Produced Nontributary Ground Water Notification List, Colorado Division of Water Resources, 1313 Sherman Street, Room 818, Denver, CO 80203, Phone: (303) 866-3581, Fax: (303) 866-3589, e-mail: NontribGw@state.co.us, or sign up on the Division of Water Resources website under the “News & Notification” tab at: www.water.state.co.us.

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 JANUARY 2012. *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.*

12CW1 GARFIELD COUNTY, COLORADO; *Application for Findings of Reasonable Diligence and to Make Water Rights Absolute; Name, address and telephone number of Applicant:* Gary M. Itao, please direct all correspondence to: SHERRY A. CALOIA, LLC, 1204 Grand Ave., Glenwood Springs, CO 81601, (970) 945-6067, scalioa@caloia.net. *Name of structure for which findings of reasonable diligence is sought:* Flying Hawaiian Ditch and Pond; *Date of original decree:* May 29, 2007 in Case No.: 05CW59, District Court, Water Division 5. *Location* Ditch is in the SW¼ SE¼ of Sec 24, T 6 S, R 92 W of the 6th P.M. at a point 4575 feet from the North section line and 2700 feet from the West section line, Garfield County, Colorado. *Source: the ditch diverts from an unnamed trib of Divide Creek trib to the Colorado River.* *Appropriation date:* March 1, 2001. *Date applied to beneficial use:* July 2010 by construction of ditch and use to fill Flying Hawaiian Pond, described below. *Amounts:* .01 c.f.s., conditional. *Uses:* to water trees, ornamental landscaping, and livestock all on the Applicant’s land located in Sec 24, T 6 S, R 92 W of the 6th P.M.; and to fill the Flying Hawaiian Pond for all decreed purposes. *Location:* the Pond is located in the SW¼ SE¼ of Sec 24, T 6 S, R 92 W of the 6th P.M. at a point 4525 feet from the North section line and 2760 feet from the West section line. *Source: the pond is filled with the Flying Hawaiian Ditch, trib to an unnamed trib to the Colorado River.* *Appropriation Date:* April 18, 2005. *Date applied to beneficial use:* July 2010 by construction of and filing of Pond with Flying Hawaiian Ditch described above and use for irrigation purposes. *Amount:* 2 acre feet conditional. *Uses:* to water trees, ornamental landscaping, and livestock all on the Applicant’s land located in the SW ¼ SE ¼ Sec 24, T 6 S, R 92 W of the 6th P.M. Dam length: 50 yards. Dam Height: 8 feet. Depth: 8 feet. Surface Area: 6000 square feet. Capacity: 2 acre feet. Dead Storage: 0. *Name and address of owner of land upon which point of diversion and pond are located:* Applicant. *The Application contains a detailed description of the work performed during the diligence period to develop the subject water rights and put them to beneficial use.* (5 pages).

YOU ARE HEREBY NOTIFIED THAT YOU HAVE until the last day of MARCH 2012 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: \$130.00) KATHY HALL, Water Clerk, Water Division 5; 109 8th Street, Suite 104 Glenwood Springs, CO 81601.

2. PURSUANT TO C.R.S., §37-92-302, AS AMENDED, YOU ARE NOTIFIED THAT THE FOLLOWING PAGES COMPRISE A RESUME OF THE APPLICATIONS AND AMENDED APPLICATIONS FILED WITH THE WATER CLERK FOR WATER DIVISION 5 DURING THE MONTH OF JANUARY 2012. *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.*

12CW02 (05CW98) IN SUMMIT COUNTY, COLORADO. APPLICATION FOR FINDING OF REASONABLE DILIGENCE. IN THE MATTER OF THE APPLICATION FOR WATER RIGHTS OF THE TOWN OF BRECKENRIDGE. DISTRICT COURT, WATER DIVISION NO. 5, STATE OF COLORADO, 109 8th Street, Suite 104, Glenwood Springs, CO 81601. 1. Name, address, and telephone number of Applicant: Town of Breckenridge (the “Town”), c/o Town Manager, PO Box 168, Breckenridge, CO 80424

(970) 453-2251. Direct all pleadings to: Glenn E. Porzak (#2793), Thomas W. Korver (#36924), Porzak Browning & Bushong LLP, 929 Pearl Street, #300, Boulder CO 80302 (303) 443-6800. 2. Names of Structure: Barton Creek Diversion. Type: Direct Flow. 3. Description of conditional water right: (a) Decree: May 5, 1992, Case No. 90CW277, District Court, Water Division No. 5 (the "Water Court"). Subsequent decrees confirming the exercise of reasonable diligence were entered by the Water Court in Case Nos. 98CW82 (June 8, 1999) and 05CW98 (January 30, 2006). (b) Location: The Barton Creek Diversion is located in the NE¼ SW¼ of Section 26, Township 6 South, Range 78 West of the 6th P.M., Summit County, Colorado, at a point in the South Barton Creek alluvium whence the SE corner of Section 35, Township 6 South, Range 78 West bears South 21° East 8,250 feet. This point is 2360 feet from the South section line and 2150 feet from the West section line of said Section 35, as shown on Exhibit A hereto. (c) Source: **South Barton Creek, tributary to the Blue River, tributary to the Colorado River.** (d) Appropriation date: July 10, 1990. (e) Amount: 0.85 cfs (380 gpm), conditional. (f) Uses: Domestic, storage, municipal, and commercial uses including the irrigation of approximately 2 acres of lawn and garden. 4. Detailed outline of work done to complete the project and apply water to beneficial use: The Town provides water service to customers in the upper Blue River Valley. The subject water right is necessary to meet the Town's demands for domestic, irrigation, recreation and other municipal uses within its service area, as that area continues to expand. The Town's needs for water, including the subject water right, is especially critical during the winter ski season when peak demands necessitate providing water for the tourists, day skiers, second homeowners and the workers who commute into the Town. The Town has engaged in numerous activities during the relevant period that demonstrate diligence toward the application of the water right to the decreed beneficial uses. The subject water right is part of the Town's integrated water supply system. The Town has incurred well over \$1.5 million in capital improvement expenditures to its water supply facilities, in investigating further such improvements and the use of additional water rights, and to develop water rights that will assist in providing a dependable legal and physical supply of water for the Town's service area and the subject water right specifically. All such expenditures are necessary steps in the development of the Town's integrated water supply system and the subject water right. Some of the specific activities demonstrating the Town's diligence include: A. The Town has spent \$375,000 to upgrade, maintain and repair the Town's Peak 7 area water system and Peak 7 Treatment Plant. The Peak 7 Treatment Plant is near the diversion point for the Barton Creek Diversion and the subject water right is being investigated as a possible source for the Peak 7 Treatment Plant. The activities performed by the Town includes work on the diversion structure on the North Fork of South Barton Creek, as well as on pipelines, hydrants, valves, tanks, pump stations and other infrastructure intended to maximize the Town's ability to utilize the Peak 7 Treatment Plant and the water rights that supply the Treatment Plant. B. The Town has also conducted field investigations regarding the diversion and transport of the subject water right. The Town has investigated routes and mechanisms by which the subject water right could be conveyed for use in the Town's water system and to the Peak 7 Treatment Plant specifically. C. The Goose Pasture Tarn is decreed as an alternate point of diversion for the subject water right. The Town has spent approximately \$1,070,000 to upgrade, maintain and repair the Goose Pasture Tarn dam, including the installation of piezometers for purposes of monitoring related to the dam, upgrades to the service spillway, installation of a seepage cutoff wall, and work on other infrastructure intended to secure the Goose Pasture Tarn dam and maximize the Town's use of water rights at the Goose Pasture Tarn. Goose Pasture Tarn is also a source of augmentation water for the subject water right. D. The Town has incurred significant funds in investigating and designing possible improvements to the Town's integrated water supply system that would allow the Town to maximize its existing water rights including the subject water right. Some of these expenditures include \$23,000 for design activities associated with new pipelines and over \$80,000 in staff time and legal and engineering expenses associated with said investigations. E. The Town is participating in the proposed remediation of water emanating from the Wellington Oro Mine, the waters from which discharge to the Blue River and contribute to the Town's integrated water supply system, including the subject water right. F. The Town has expended additional fees for engineering and legal services in developing, defending, and protecting the subject water right, all in addition to significant expenditures and efforts in the development, maintenance, and protection of its integrated system and portfolio of water rights. G. The Town has regularly monitored the filings of other water users. It has filed statements of opposition to, and has incurred legal and engineering costs in connection with numerous cases to protect its water rights. H. The Town continues to rely upon the subject water right to satisfy its projected growth and has no intention to abandon the subject water right. Specifically, the Town's permanent population grew from 1,285 in 1990 to 3,359 in 2005, and its peak population during that same period grew from 21,729 to 35,026. The Town routinely receives requests to provide service to additional residential and commercial development, and has committed to serve additional SFEs of permitted development. The Town's 2008 Comprehensive Plan projects a permanent population of 5,681 and a peak population of 44,169 by 2015. All of the above activities are necessary prerequisites to applying the subject conditional water right to the beneficial uses for which it was decreed. A map depicting the location of the Town of Breckenridge and its service area, which is the location of use of the subject water right, is attached as Exhibit B hereto. 5. Ownership: The Barton Creek Diversion structure is located in the White River National Forest on land owned by the United States of America, whose address as provided by Summit County records is c/o District Ranger, PO Box 620, Silverthorne, CO 80498-0620. The local address for the **USDA Forest Service White River National Forest provided by the Forest Service is Dillon Ranger District, 680 Blue River Parkway, Silverthorne, CO 80498.** WHEREFORE, the Town seeks a finding that it has exercised reasonable diligence with respect to the water right identified in paragraphs 2-3 above, and such other and further relief as this Court deems just and proper. (7 pages)

YOU ARE HEREBY NOTIFIED THAT YOU HAVE until the last day of MARCH 2012 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: \$130.00) KATHY HALL, Water Clerk, Water Division 5; 109 8th Street, Suite 104 Glenwood Springs, CO 81601.

3. PURSUANT TO C.R.S., §37-92-302, AS AMENDED, YOU ARE NOTIFIED THAT THE FOLLOWING PAGES COMPRISE A RESUME OF THE APPLICATIONS AND AMENDED APPLICATIONS FILED WITH THE WATER CLERK FOR WATER DIVISION 5 DURING THE MONTH OF JANUARY 2012. *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.*

12CW3 (00CW295) ROBERT AND KARIN WEBER, PMB 387, Box 3000, Edwards, Colorado 81632. Stephen C. Larson, Esq., David F. Bower, Esq., Johnson & Repucci LLP, 2521 Broadway, Suite A, Boulder, Colorado 80304. Application to Change Conditional Water Rights and Amend an Approved Plan for Augmentation, in **EAGLE COUNTY**. **Overview.** Applicants are the owners of a residential property located near the top of Warren Gulch, west of Edwards, Colorado, as shown on the general location map attached hereto as Exhibit A (the "Property"). The Property is landscaped and currently includes one pond that stores water for irrigation of the landscaping, as well as for fire protection, recreation and piscatorial uses. The Water Court decreed water rights for the Property in Case No. 00CW295, Water Division 5, including a conditional ground water right for one well, Weber Well No. 1, and conditional storage rights for two ponds, Weber Pond No. 1 and Weber Pond No. 2. The well was decreed for domestic use, as well as fire protection, irrigation of one acre of lawns and gardens, and to fill the ponds. The first pond was decreed for piscatorial and recreation uses, while the second pond was decreed for irrigation and filling the first pond. A Colorado River Water Conservancy District contract for 2.5 acre-feet/year provided water on the Colorado and Eagle Rivers to augment out-of-priority depletions arising from use of the water rights on the Property. Additionally, the second pond was to provide a redundant augmentation supply on Warren Gulch. However, Applicants no longer intend to build the second pond structure. As there are no senior water rights on Warren Gulch, a second pond on the Property for augmentation purposes is not needed. (The only other decreed water right in Warren Gulch, the Warren Gulch Ditch, was abandoned by order of the Water Court in Case No. 84CW218, Water Division 5.) Further, the other uses for a second pond on the Property no longer fit into Applicants' development plans. Accordingly, Applicants seek approval to: (a) change the water storage rights so as to (i) consolidate and reduce the decreed storage for Weber Pond No. 1 and Weber Pond No. 2 from 3.589 acre-feet/year to 0.75 acre-feet/year, (ii) locate the 0.75 acre-foot pond in the decreed location for Weber Pond No. 1, and (iii) associate the decreed uses for both ponds at this location; (b) operate the augmentation plan without the second pond; (c) re-allocate the approved depletions under the plan in order to comport with its actual operation (without exceeding the 2.5 acre-feet/year of available augmentation water). Subject to the foregoing, Applicants will abandon the remaining 2.893 acre-feet/year of water storage right decreed for the second pond. **CLAIM FOR CHANGE OF CONDITIONAL WATER RIGHTS. Decreed Conditional Water Rights for Which Change is Sought.** *Names of Structures.* Weber Pond No. 1. Weber Pond No. 2. *Original and Subsequent Decrees.* Weber Pond No. 1 and Weber Pond No. 2 were conditionally decreed on November 27, 2001 in Case No. 00CW295, Water Division 5. A subsequent decree awarding a finding of diligence on both structures was entered on August 27, 2009 in Case No. 07CW213, Water Division 5. *Decreed Legal Description of Structures.* Weber Pond No. 1 is decreed to be located in the Southwest 1/4 of the Southeast 1/4 of Section 4, Township 5 South, Range 83 West, of the 6th P.M., at a point 1,934 feet west of the east section line and 600 feet north of the south section line of said Section 4. Weber Pond No. 2 is decreed to be located in the Southwest 1/4 of the Southeast 1/4 of Section 4, Township 5 South, Range 83 West, of the 6th P.M., at a point 2,396 feet west of the East section line and 1,127 feet north of the South section line. *Decreed Sources of Water.* Weber Pond No. 1. Weber Well No. 1. **Surface runoff tributary to Warren Gulch, tributary to the Eagle River, tributary to the Colorado River.** Weber Pond No. 2. Surface runoff tributary to Warren Gulch, tributary to the Eagle River, tributary to the Colorado River. *Appropriation Date.* October 26, 2000. *Decreed Amounts.* Weber Pond No. 1. 0.389 acre-foot, conditional. Weber Pond No. 2. 3.2 acre-feet, conditional. *Decreed Rate of Fill.* Weber Pond No. 1. 0.25 cubic feet per second. Weber Pond No. 2. 0.25 cubic feet per second. *Decreed Uses.* Weber Pond No. 1. Fire protection, piscatorial and recreational. Weber Pond No. 2. Fire protection, irrigation of up to 1.0 acre, filling Weber Pond No. 1 and augmentation. **Detailed Description of Proposed Change.** Applicants seek to (i) consolidate and reduce the aggregate amount of decreed storage for Weber Pond No. 1 and Weber Pond No. 2, from 3.589 acre-feet/year to 0.75 acre-feet/year, (ii) locate the 0.75 acre-foot pond in the decreed location for Weber Pond No. 1, and (iii) associate the decreed uses and sources for both ponds at this location. If these changes are approved, Applicants will abandon the remaining 2.893 acre-feet/year of water storage right decreed for the second pond. These changes will not increase the contemplated draft of Weber Well No. 1 (the filling source for the pond). *Name of Storage Structures as Consolidated.* The reduced and combined storage structure for Weber Pond No. 1 and Weber Pond No. 2 shall be known as Consolidated Weber Pond, and it shall be located in the location decreed for the original Weber Pond No. 1. *Legal Description of Storage Structures as Consolidated.* Consolidated Weber Pond is located in the Southwest 1/4 of the Southeast 1/4 of Section 4, Township 5 South, Range 83 West, of the 6th P.M., at a point 1,934 feet west of the east section line and 600 feet north of the south section line of said Section 4. This is the location decreed in Case No. 00CW295 for Weber Pond No. 1 (which constitutes a portion of Consolidated Weber Pond). A map showing the location of Consolidated Weber Pond is attached hereto as Exhibit A. *Decreed Sources of Storage Structures as Consolidated.* The source for Consolidated Weber

Pond is Weber Well No. 1. As a part of and subject to the changes sought herein, Applicants will abandon the source of "surface runoff tributary to Warren Gulch" for filling the pond, since Consolidated Weber Pond sits atop a hill and is not in a location that permits it to capture surface runoff. Decreed Point of Diversion for Storage Structures as Consolidated. The diversion point for Consolidated Weber Pond is Weber Well No. 1, which is located in the Southwest 1/4 of the Southeast 1/4 of Section 4, Township 5 South, Range 83 West, of the 6th P.M., at a point 1,950 feet west of the east section line and 800 feet north of the south section line of said Section 4. In Case No. 00CW295, Weber Well No. 1 was decreed for this pond-filling purpose, along with domestic, fire protection, irrigation of up to 1.0 acre, and evaporative replacement. Rate of Fill of Storage Structures as Consolidated. 0.033 cubic feet per second. Decreed Appropriation Date. The appropriation date decreed in Case No. 00CW295 for Weber Pond No. 1 and Weber Pond No. 2, which together in a reduced configuration comprise Consolidated Weber Pond, is October 26, 2000. Volume of Storage Structures as Consolidated. 0.75 acre-feet, conditional. Decreed Uses for the Storage Structures as Consolidated. The uses decreed in Case No. 00CW295 for Weber Pond No. 1 and Weber Pond No. 2, which, together in a reduced configuration comprise Consolidated Weber Pond, are fire protection, piscatorial, recreation, augmentation and irrigation of up to one acre of lawns and gardens. Surface Area of Storage Structures as Consolidated. 0.15 acre. Remarks. Pending approval of the change set forth above, Applicants will abandon the remaining 2.893 acre-feet/year of water storage right decreed for Weber Pond No. 2, as well as the source of surface runoff. **AMENDMENT TO PLAN FOR AUGMENTATION. Previously Approved Plan for Augmentation for Which Amendment is Sought.** The plan for augmentation for which an amendment is requested was approved on November 27, 2001 in Case No. 00CW295, Water Division 5. **Description of Amendment to Plan for Augmentation.** The previously approved plan for augmentation provided for replacing out-of-priority consumptive use depletions from Weber Well No. 1 and Weber Pond No. 1 with water stored in Weber Pond No. 2 or via releases from either Reudi Reservoir, Homestake Reservoir, Wolford Mountain Reservoir and/or Eagle Park Reservoir pursuant to a contract with the Colorado River Water Conservation District (the "District"). Weber Pond No. 1 and Weber Pond No. 2, per this application, are being consolidated and reduced in aggregate size, to form Consolidated Weber Pond. Since Consolidated Weber Pond is filled only via Weber Well No. 1 and not surface runoff, the augmentation of Weber Well No. 1 will necessarily cover all of the depletions under this amended plan for augmentation and Consolidated Weber Pond itself (as opposed to the well that fills it) will not be an augmented structure. Moreover, the second pond is not needed because (i) Applicants' augmentation contract with the District is sufficient to augment all out-of-priority depletions from the water rights on the Property; and (ii) a source of augmentation water on Warren Gulch is not necessary. The plan for augmentation will also be amended to reallocate estimated depletions associated with the various uses. All other components of the plan for augmentation, including depletion factors, transit losses, and lagged depletion timing, remain the same as originally decreed. **Name of Structures to be Augmented.** Weber Well No. 1. Weber Well No. 1 is located in the Southwest 1/4 of the Southeast 1/4 of Section 4, Township 5 South, Range 83 West, of the 6th P.M., at a point 1,950 feet west of the east section line and 800 feet north of the south section line of said Section 4. The source of Weber Well No. 1 is groundwater tributary to Warren Gulch, tributary to the Eagle River, tributary to the Colorado River. **Water Rights to be Used for Augmentation.** Wolford Mountain Reservoir, Reudi Reservoir, Eagle Park Reservoir and/or Homestake Reservoir. The water rights for these reservoirs are more fully described by the District as follows: Wolford Mountain Reservoir (f/k/a Gunsight Pass Reservoir). Case No. 87CW283. Decree Date: November 20, 1989. Legal description of place of storage: The dam is located in the SW1/4 of the NE1/4 of Section 25, T. 2 N., R. 81 W., 6th P.M. The intersection of the dam axis with the right abutment will occur at a point which bears S. 54°54'20" E. a distance of 3,716.46 feet from the NW Corner of said Section 25. Source: Muddy Creek and its tributaries. Amount: 59,993 acre feet conditional; of this amount, 32,986 acre feet were made absolute for piscatorial and recreational uses by decree entered in Water Court Case No. 95CW251, and the full amount was made absolute for all purposes by decree entered in Water Court Case No. 02CW107. Appropriation Date: December 14, 1987. Use: All beneficial uses, including but not limited to domestic, municipal, agricultural and recreational uses, which uses satisfy the requirements of the Windy Gap Settlement made with the Municipal Subdistrict of the Northern Colorado Water Conservancy District; use to meet the water requirements of the inhabitants of the River District for all uses, including uses in the Middle Park area; and use to meet the terms of a lease agreement executed March 3, 1987 between the River District and the City and County of Denver. Case No. 95CW281. Decree Date: August 26, 1997. Legal description of place of storage: The dam is located in the SW1/4 of the NE1/4 of Section 25, T. 2 N., R. 81 W., 6th P.M. The as-built intersection of the dam axis (Sta. D19+35.61) with the West Access Road (Sta. WR50+55.05), as shown on the Colorado River Water Conservation District, Wolford Mountain Project, Ritschard Dam construction drawing "Dimensional Dam Layout" sheet 8 of 94, occurs at a point which bears S. 53°24'56" E. a distance of 3,395.51 feet from the NW Corner of said Section 25; the bearing of said dam axis from Sta. 19+35.61 to Sta. 0+00 being S. 75° 28' 29" E. Source: Muddy Creek and its tributaries. Amount: 6,000 acre feet conditional. Appropriation Date: January 16, 1995. Use: All beneficial uses by and for the benefit of the inhabitants of the Colorado River Water Conservation District, including but not limited to domestic, municipal, industrial, irrigation, agricultural, piscatorial and recreational; such uses will include environmental mitigation, including environmental mitigation requirements associated with the Wolford Mountain Project; such uses will be made directly or by substitution, augmentation, or exchange. None of the water stored in the exercise of the right will be delivered directly or by exchange, substitution, or otherwise for use outside of Colorado Water Division No. 5. Case No. 98CW237. Decree Date: July 6, 2000. Legal Description of place of storage: Same as for 95CW281. Source: Muddy Creek and its tributaries. Amount: 30,000 acre feet conditional with 15,895 acre feet being absolute for recreational and piscatorial and flood control. Appropriation Date: November 17, 1998. Use: Certain of the beneficial uses previously adjudicated

for Wolford Mountain Reservoir in Case No. 87CW283, District Court for Colorado Water Division No. 5 (November 20, 1989 Judgment and Decree), and Case No. 95CW281, District Court for Colorado Water Division No. 5 (August 26, 1997 Judgment and Decree). Remarks: The Refill Right described herein will be exercised to provide supply for the Western Slope uses of water from Wolford Mountain Reservoir described above, including flood control, other operational purposes, and environmental mitigation and enhancement for the benefit of uses within the District. The Refill Right will not be used in conjunction with the Reservoir capacity (24,000 a.f.) which is allocated for the supply of water to the Denver Board of Water Commissioners under Applicant's contractual relationship with Denver, or the Reservoir capacity (6,000 AF) which is allocated for Colorado River endangered fish releases. Ruedi Reservoir. The River District holds Contracts No. 009D6C0111, 009D6C0118, and 039F6C0011 from the United States Bureau of Reclamation for 1,730 acre feet of annual supply from Ruedi Reservoir and may obtain additional contracts in the future. This water will be used in addition to and substitution for Wolford Mountain Reservoir water in appropriate circumstances where Ruedi water is physically equivalent to Wolford water. Legal description of place of storage: Ruedi Reservoir is located in Sections 7, 8, 9, 11 and 14 through 18, T. 8 S., R. 84 W., 6th P.M., in Eagle and Pitkin Counties. The dam axis intersects the right abutment at a point whence the SW corner of Section 7, T. 8 S., R. 84 W. of the 6th P.M. bears N. 82°10'W. a distance of 1,285 feet. Source: Fryingpan River. Civil Action No. 4613. Decree Date: June 20, 1958. Court: Garfield County District Court. Amount: 140,697.3 acre feet, reduced to 102,369 acre feet pursuant to order of the Water Court in Case No. W-789-76. The full amount was made absolute in Case No. 88CW85. Appropriation Date: July 29, 1957. Use: Domestic, municipal, irrigation, industrial, generation of electrical energy, stock watering and piscatorial. Case No. 81CW34. Decree Date: April 8, 1985. Court: District Court, Water Div. No. 5. Amount: 101,280 acre feet (refill); of this amount, 44,509 acre feet were made absolute in Case No. 95CW95 and 25,257 acre feet were made absolute in Case No. 01CW269, for a total of 69,766 acre feet absolute. Appropriation Date: Jan. 22, 1981. Use: Irrigation, domestic, municipal, generation of electrical energy, stock watering, industrial, piscatorial, recreation and maintenance of sufficient storage reserves to fulfill contractual obligations and provide stored water for recreation in times of drought. Eagle Park Reservoir. The River District's current supply consists of 2,000 shares of Class A, Series 2 stock in the Eagle Park Reservoir Company, which entitle the River District to the annual release and/or diversion of up to 200 acre feet from Eagle Park Reservoir more particularly described as follows: Eagle Park Reservoir, decreed by the Water Court in Cases No. 92CW340 and 93CW301, for a combined total capacity of 27,600 acre feet, with an appropriation date of March 16, 1991, for 5300 acre feet, and May 18, 1993, for 22,300 acre feet, together with the right to divert at the rate of 80 cfs under the August 10, 1956 appropriation date of the Pando Feeder Canal pursuant to the decree of the Water Court entered in Case No. 97CW288, for mining, milling, industrial, snowmaking, municipal, domestic, stock watering, recreation, fish and wildlife, irrigation, agricultural, exchange, replacement, augmentation and all other beneficial purposes. Eagle Park Reservoir is augmented by exchange by decree of the Water Court entered in Case No. 95CW348. The north abutment of the dam crest is located approximately 160 feet north of the south section line and 650 feet east of the west section line of Section 28, T. 7 S., R. 79 W., 6th P.M., Eagle County, Colorado. The source of Eagle Park Reservoir is the East Fork of the Eagle River including runoff, surface flow and seepage from the area above the reservoir and tributary thereto, and water tributary to Tenmile Creek a tributary of the Blue River. In addition to the tributary area upstream of the reservoir, the specific points of diversion into storage for Eagle Park Reservoir are as follows: The East Fork Interceptor Ditch, which has a capacity of 48 cfs and diverts from unnamed tributaries of the East Fork of the Eagle River at the following points, all of which are located in Eagle County, Colorado: 900 feet south of the north section line and 1100 feet west of the east section line of Section 5, T. 8 S., R. 79 W., 6th P.M. 1250 feet south of the north section line and 700 feet east of the west section line of Section 4, T. 8 S., R. 79 W., 6th P.M. 1200 feet north of the south section line and 800 feet east of the west section line of Section 33, T. 7 S., R. 79 W., 6th P.M. Runoff, surface flow, and seepage from the area above the East Fork Interceptor Ditch as it runs between the above-described points of diversion and Eagle Park Reservoir. The Chalk Mountain Interceptor Ditch, which has a capacity of 12 cfs and diverts runoff and seepage as it runs a distance of approximately 3.4 miles from Fremont Pass, located in the W1/2 of Section 11, T. 8 S., R. 79 W., 6th P.M., northwesterly along State Highway 91 and the South side of Robinson Tailing Pond, thence westerly to the south of Chalk Mountain Reservoir and Robinson Reservoir, thence northwesterly to Eagle Park Reservoir. The Chalk Mountain Interceptor Ditch diverts water from the headwaters of Tenmile Creek in Summit County and from the headwaters of the East Fork of the Eagle River in Eagle County. The East Interceptor Ditch, which has a capacity of 20 cfs and runs northeasterly from a point whence the northeast corner of Section 2, T. 8 S., R. 79 W., 6th P.M. bears North 7720' East a distance of 850 feet at the north fork of McNulty Creek, thence along the east side of Robinson and Tenmile Tailing Ponds into Supply Canal No.1 described below. The East Interceptor Ditch diverts water from the north fork of McNulty Creek and surface flow, seepage, and runoff from watersheds above it that are tributary to Tenmile Creek. The Supply Canal No. 1, which has a capacity of 10 cfs and diverts water from the following tributaries of Tenmile Creek at the following points: On the west bank of Humbug Creek at a point whence the southwest corner of Section 18, T. 7 S., R. 78 W. bears South 71°35' West a distance of 3250 feet. On the south bank of Mayflower Creek at a point whence the northeast corner of Section 24, T. 7 S., R. 79 W., 6th P.M. bears North 1655' East a distance of 2250 feet. Runoff, surface flow, and seepage from the area above the Supply Canal No. 1 as it runs between the above-described points of diversion and the Climax Mill. The Supply Canal No. 2, which has a capacity of 10 cfs and diverts water from the following tributaries of Tenmile Creek at the following points: On the west bank of Searle Creek at a point whence U.S.L.M. Kokomo bears South 45°58' East 3740 feet (located in the NW1/4 of the SE1/4 of Section 13, T. 7 S., R. 79 W., 6th P.M.). On the south bank of Kokomo Creek at a point whence U.S.L.M. Kokomo bears North 39°36' east 2635 feet (located in the SE1/4 of Section 22, T. 7 S., R. 79 W., 6th P.M.). Runoff, surface flow, and seepage from the area above the

Supply Canal No. 2 as it runs between the above-described points of diversion and the Climax Mill. The East Fork Pumping Plant, which has a capacity of 6 cfs and diverts from the East Fork of the Eagle River at a point in the SE1/4 NE1/4 of Section 32, T. 7 S., R. 79 W., 6th P.M. at a point whence the NE corner of said Section 32 bears N. 31°53' E. a distance of 2414 feet. Homestake Reservoir. Homestake Reservoir, also known as Elliott-Weers Reservoir, has capacity of 83,338.98 acre feet conditional, is located on Homestake Creek with a dam whence Homestake Peak bears S. 73°26' E. 10,477 feet from the easterly end thereof and S. 74°57' E. 13,347 feet from the westerly end thereof, said dam having a maximum height of 411.5 feet and a length of 3,380 feet. The sources of supply of said reservoir are Homestake Conduit (the sources of this conduit as herein above set forth), East Fork Conduit (the source of this conduit as herein above set forth), the Middle Fork of Homestakes Creek and Homestake Creek, and said reservoir has appropriated for storage 83,338.98 acre feet annually from said sources. Homestake Reservoir also conveys water from Homestake Conduit and East Fork Conduit to Homestake Tunnel. Existing Homestake Reservoir has a storage capacity of 43,504.7 acre feet absolute and is located on Homestake Creek with a dam whence the NW Corner of Section 31 T. 7 S., R. 80 W., 6th P.M. bears N. 58°30.6' E. 24,659 feet from the East dam abutment and N. 62°25.8' E. 25,746 feet from the West dam abutment, said dam has a maximum height of 265.0 feet and a length of 1996 feet. The sources of supply of said existing Homestake Reservoir are Homestake Conduit, East Fork Conduit, the Middle Fork of Homestake Creek and Homestake Creek. Existing Homestake Reservoir has appropriated 43,504.7 acre feet annually from said sources and also conveys water from Homestake Conduit and East Fork Conduit to Homestake Tunnel. **Complete Statement of Amended Plan for Augmentation.** Out of priority depletions from Weber Well No. 1 will be replaced via releases from Wolford Mountain Reservoir, Reudi Reservoir, Eagle Park Reservoir and/or Homestake Reservoir pursuant to Applicants' contract with the District. Demands and Depletions. The water demands requiring augmentation at the Property arise solely from pumping Weber Well No. 1 to fill Consolidated Weber Pond and to provide a domestic water supply to the Property. The water in the pond is used for irrigation and a circulating water feature connected to the pond. Thus, augmented uses are domestic, irrigation and pond filling (including filling to replace evaporative losses). Total consumptive use at the Property is estimated to be 2.16 acre-feet/year. Water demands and consumptive use depletions are summarized below. Domestic. As decreed in Case No. 00CW295: (a) water consumed by domestic uses is 15% of diversions with the remainder returning to ground water via a septic tank and leach field sewer system; (b) domestic demands are estimated to be 0.392 acre-feet/year; and (c) annual domestic depletions are estimated to be approximately 0.06 acre-feet/year. Irrigation. Irrigation demands for the one acre of landscaping are based on actual releases made from Consolidated Weber Pond for irrigation purposes and an estimated sprinkler application efficiency of 80% as decreed in Case No. 00CW295. Total demands for irrigation are estimated to be 1.0 acre-feet/year based upon actual accounting under the plan to date, and consumptive use for irrigation is calculated to be 0.8 acre-feet during the irrigation season of April through October. As set forth further below, if Applicant requires additional water for irrigation in any given year, Applicant may utilize unused augmentation water otherwise available to refill or replace evaporative losses from the Consolidated Weber Pond to compensate for such diversions. Replacing Evaporative Losses from Consolidated Weber Pond. Consumptive use associated with Consolidated Weber Pond consists of surface evaporation, plus system losses associated with a water feature connected to the pond. The net evaporation was calculated using procedures developed by the Colorado Division of Water Resources and decreed in the underlying Case No. 00CW295. Net evaporative depletions for Consolidated Weber Pond total 2.00 feet per year. The surface area of Consolidated Weber Pond, including a water feature connected to the pond, is 0.15 acre, resulting in an annual evaporation replacement of 0.30 acre-feet (0.15 acre × 2.00 ft). Additional system losses associated with the pond's circulating water feature equal approximately 0.25 acre-feet/ year. Finally, the fill volume of 0.75 acre-feet has been included in the annual demands in the event the pond is emptied and refilled for maintenance operations. Because pond maintenance does not occur every year, Applicant may utilize any unused augmentation water in any given year for further irrigation on the Property. Moreover, in the event that Applicant needs additional augmentation water for irrigation purposes in a given year, pond operations may be curtailed, including ceasing operating the pond's circulating water feature, in order to ensure that Applicant has sufficient augmentation water to replace out-of-priority depletions to prevent injury to vested water rights. Augmentation. Weber Well No. 1 is the only diversion point and source of water under this plan. Consumptive use depletions arising from Weber Pond No. 1 groundwater withdrawals will be augmented by releasing water from Reudi Reservoir, Homestake Reservoir, Wolford Mountain Reservoir and/or Eagle Park Reservoir pursuant to Applicants' water contract with the District. Transit Losses. Applicants' contract for 2.5 acre-feet/year with the District will cover total depletions of 2.18 acre-feet/year and the transit loss of 15% decreed in Case No. 00CW295. The contract amount assumes a downstream call is effective 100% of the year. Delayed Depletions. The timing of augmentation releases differs from the well pumping amounts due to the lagging effect of delayed groundwater depletions. As decreed in Case No. 00CW295, delayed groundwater depletions to the Eagle River are to be calculated at a constant rate throughout the year, based on the distance from the well to the river. Based upon the depletion factors decreed in Case No. 00CW295, the monthly augmentation releases under Applicants CRWCD contract are 0.204 acre-feet (2.5 acre-feet/year ÷ 12 months/year). Exchange. As decreed in Case No. 00CW295, Applicants will exchange District water from Applicants' points of diversion described in paragraph 7 above to the confluence of Warren Gulch and the Eagle River. **Name and Address of Landowner Upon which any New or Modified Diversion or Storage Structure is Located, Including Any Modification to the Storage Pool.** Consolidated Weber Pond, Weber Well No. 1 and all of the associated structures associated with this application are on land owned by Applicants. (13 Pages, including exhibit)
YOU ARE HEREBY NOTIFIED THAT YOU HAVE until the last day of MARCH 2012 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: \$130.00) KATHY HALL, Water Clerk, Water Division 5; 109 8th Street, Suite 104 Glenwood Springs, CO 81601.

4. PURSUANT TO C.R.S., §37-92-302, AS AMENDED, YOU ARE NOTIFIED THAT THE FOLLOWING PAGES COMPRISE A RESUME OF THE APPLICATIONS AND AMENDED APPLICATIONS FILED WITH THE WATER CLERK FOR WATER DIVISION 5 DURING THE MONTH OF JANUARY 2012. *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.*

12CW4 (05CW124, 98CW217 and 87CW392) IN SUMMIT COUNTY IN THE BLUE RIVER AND ITS TRIBUTARIES.

Town of Dillon, 275 Lake Dillon Drive, P.O. Box 8, Dillon, Colorado 80435. (Steven P. Jeffers, Madoline Wallace-Gross, Lyons, Gaddis, Kahn & Hall, P.C., P.O. Box 978, Longmont, CO 80502-0978, (303) 776-9900) APPLICATION FOR FINDINGS OF REASONABLE DILIGENCE. 2. Name of conditional water rights for which findings of reasonable diligence are sought: Town of Dillon Well Nos. 1 through 5; Town of Dillon Straight Creek Diversion; and Old Dillon Reservoir to Town of Dillon Laskey Gulch Diversion and Town of Dillon Straight Creek Diversion Exchange. A map showing the general location of the structures is attached as EXHIBIT A. 3. Description of Conditional Water Rights: 3.1. Original Decree: Case No. 87CW392, District Court, Water Division No. 5, entered November 25, 1992. 3.2. Subsequent Diligence Decrees: Findings of reasonable diligence were made by decrees entered in Case No. 98CW217 on July 19, 1999 and Case No. 05CW124 on January 20, 2006. 4. Descriptions of Town of Dillon Well Nos. 1 through 5: 4.1. Decreed Locations: All wells are located in Summit County. 4.1.1. Town of Dillon Well No. 1: NE¼ SW¼, Section 5, Township 5 South, Range 77 West of the 6th P.M., at a point 1850 feet from the south section line and 2650 feet from the east section line of said Section 5. 4.1.2. Town of Dillon Well No. 2: SE¼ SW¼, Section 5, Township 5 South, Range 77 West of the 6th P.M., at a point 750 feet from the south section line and 1750 feet from the west section line of said Section 5. 4.1.3. Town of Dillon Well No. 3: SE¼ SW¼, Section 5, Township 5 South, Range 77 West of the 6th P.M., at a point 650 feet from the south section line and 1500 feet from the west section line of said Section 5. 4.1.4. Town of Dillon Well No. 4: NE¼ NE¼, Section 7, Township 5 South, Range 77 West of the 6th P.M., at a point 850 feet from the north section line and 1250 feet from the east section line of said Section 7. 4.1.5. Town of Dillon Well No. 5: SW¼ NE¼, Section 7, Township 5 South, Range 77 West of the 6th P.M., at a point 1400 feet from the north section line and 2000 feet from the east section line of said Section 7. 4.2. Decreed Source: Ground water tributary to Straight Creek for all wells. 4.3. Decreed Appropriation Date: September 29, 1987 for all wells. 4.4. Decreed Amounts: 4.4.1. Well No. 1: 150 gpm, 230 acre feet per year, conditional. 4.4.2. Well No. 2: 200 gpm, 325 acre feet per year, conditional. 4.4.3. Well No. 3: 250 gpm, 300 acre feet per year, conditional. 4.4.4. Well No. 4: 200 gpm, 325 acre feet per year, conditional. 4.4.5. Well No. 5: 200 gpm, 325 acre feet per year, conditional. 4.5. Decreed Use: Municipal for all wells. 4.6. Decreed Depths: Town of Dillon Well No. 1 is decreed for 45 feet. Town of Dillon Well Nos. 2 through 5 are decreed for 50 feet. 5. Description of Town of Dillon Straight Creek Diversion: 5.1. Decreed Location: A point on the south bank of Straight Creek whence the SW corner of Section 4, Township 5 South, Range 77 West of the 6th P.M., Summit County, bears S18°13'W a distance of 2650 feet. This diversion is also described as being in the NW ¼ SW ¼ of Section 4, Township 5 South, Range 77 West of the 6th P.M., at a point approximately 2517 feet from the south line and 828 feet from the west line. 5.1. Decreed Source: Straight Creek. 5.2. Decreed Appropriation Date: September 29, 1987. 5.3. Decreed Amount: 1.5 cfs, conditional. 5.4. Decreed Use: Municipal. 6. Description of Old Dillon Reservoir to Town of Dillon Laskey Gulch Diversion and Town of Dillon Straight Creek Diversion Exchange. 6.1. Downstream Terminus: Water will be released from Old Dillon Reservoir, which is located in the SW¼ SE¼ and SE¼ SW¼ of Section 13, Township 5 South, Range 78 West of the 6th P.M., Summit County, to the Blue River at or above the confluence of the Blue River and Salt Lick Gulch. The downstream terminus of the exchange is the confluence of the Blue River and Salt Lick Gulch, which is located in the SW¼ SE¼ of Section 12, Township 5 South, Range 78 West, 6th P.M. at a point approximately 1017 feet from the south line and 2946 feet from the west line of Section 12. 6.2. Upstream Termini: 6.2.1. Town of Dillon Straight Creek Diversion, described in ¶5.1 above. 6.2.2. Town of Dillon Laskey Gulch Diversion, which is located at a point on the right bank of Laskey Gulch, a tributary of Straight Creek, whence the W¼ corner of Section 4, Township 5 South, Range 77 West of the 6th P.M. in Summit County bears S43°46'55"W a distance of 1457.90 feet. This point is also described as being in the SW¼ NW¼ of Section 4, Township 5 South, Range 77 West of the 6th P.M. approximately 1587 feet from the north line and 1009 feet from the west line of Section 4. 6.3. Appropriation Date: September 29, 1987. 6.4. Decreed Amount: 5 cfs, conditional. 6.5. Decreed Use: Municipal. 6.6. Decreed Source: Water stored in Old Dillon Reservoir pursuant to decree entered in Civil Action 1803 by the District Court, Summit County on March 10, 1952. 7. Claim for Diligence, including Expenditures: The conditional water rights are part of an integrated water system for the Town of Dillon. In furtherance of the conditional water rights, Applicant has expended approximately \$962,396 during the diligence period on the following activities: 7.1. Completed environmental and hydrology studies, designed facilities and began construction for enlargement of Old Dillon Reservoir. 7.2. Applied for and/or obtained permits from the U.S. Forest Service, Army Corps of Engineers, Summit County, and other entities for enlargement of Old Dillon Reservoir. 7.3. Established a water authority to construct and operate the enlarged reservoir in cooperation with Summit County, Town of Silverthorne and Colorado River Water Conservation District. 7.4. Replaced the return structure from Town of Dillon Straight Creek Diversion delivery system back to Straight Creek. 7.5. Opposed other Water Court

applications that may affect the subject water rights. 7.6. Adjudicated Water Court cases including Case Nos. 07CW232, 10CW102 and 10CW137. 8. If a Claim to Make Absolute, Date Water Applied to Beneficial Use: Not applicable. 9. Names and addresses of owners of land on which structures are or will be located: 9.1. Town of Dillon Well No. 1: Dillon Valley East Condo Association, P.O. Box 10000, Silverthorne, CO 80498. 9.2. Town of Dillon Well Nos. 2 and 3: Straight Creek Ponds Owners Association, c/o Mountain Managers, P.O. Box 647, Frisco, CO 80443-0647. 9.3. Town of Dillon Well No. 4: Dillon Valley District, P.O. Box 669, Dillon, CO 80435. 9.4. Town of Dillon Well No. 5: Archdiocese of Denver, Real Estate Department, 1300 South Steele Street, Denver, CO 80210. 9.5. Dillon Straight Creek Diversion, Dillon Laskey Gulch Diversion and Old Dillon Reservoir: United States Forest Service, **Rocky Mountain Region**, 740 Simms St., Golden, CO 80401. WHEREFORE, Applicant respectfully requests the Court enter a decree finding that Applicant has exercised reasonable diligence in the development of the conditional water rights and continuing those conditional water rights for an additional six years. (7 pages)

YOU ARE HEREBY NOTIFIED THAT YOU HAVE until the last day of MARCH 2012 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: \$130.00) KATHY HALL, Water Clerk, Water Division 5; 109 8th Street, Suite 104 Glenwood Springs, CO 81601.

5. PURSUANT TO C.R.S., §37-92-302, AS AMENDED, YOU ARE NOTIFIED THAT THE FOLLOWING PAGES COMPRISE A RESUME OF THE APPLICATIONS AND AMENDED APPLICATIONS FILED WITH THE WATER CLERK FOR WATER DIVISION 5 DURING THE MONTH OF JANUARY 2012. *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.*

12CW5(05CW125, 99CW005 and 86CW330) IN SUMMIT COUNTY IN THE BLUE RIVER AND ITS TRIBUTARIES, Applicant: Town of Dillon, 275 Lake Dillon Drive, P.O. Box 8, Dillon, Colorado 80435. (Steven P. Jeffers, Madoline Wallace-Gross, Lyons, Gaddis, Kahn & Hall, P.C., P.O. Box 978, Longmont, CO 80502-0978, (303) 776-9900.) APPLICATION FOR FINDING OF REASONABLE DILIGENCE 2. Name of conditional water right for which a finding of reasonable diligence is sought: Old Dillon Reservoir to the Dillon Blue River Intake Exchange. A map showing the general location of the structures is attached as EXHIBIT A. 3. Description of Conditional Water Right: a. Original Decree: Case No. 86CW330, District Court, Water Division No. 5, entered January 5, 1993. b. Subsequent Diligence Decrees: Findings of reasonable diligence were made by decrees entered in Case No. 99CW05 on July 19, 1999 and Case No.05CW125 on February 1, 2006. c. Downstream Terminus: Water will be released from Old Dillon Reservoir, which is located in the SW¼ SE¼ and SE¼ SW¼ of Section 13, Township 5 South, Range 78 West of the 6th P.M., in Summit County, to the Blue River at or above the confluence of the Blue River and Salt Lick Gulch. The downstream terminus of the exchange is the confluence of the Blue River and Salt Lick Gulch, which is located in the SW¼ SE¼ of Section 12, Township 5 South, Range 78 West, 6th P.M, at a point approximately 1017 feet from the south line and 2946 feet from the west line of Section 12. d. Upstream Terminus: Dillon Blue River Intake, which will be located within the high waterline of Dillon Reservoir as the Blue River passes through Dillon Reservoir in the S½ SE¼ of Section 7, Township 5 South, Range 77 West, or the S½ SW¼ of Section 8, Township 5 South, Range 77 West, or the N½ NE¼ of Section 17, Township 5 South, Range 77 West, or the N½ NE¼ of Section 18, Township 5 South, Range 77 West of the 6th P.M., all in Summit County. e. Appropriation Date: May 6, 1986. f. Decreed Amount: 3.5 cfs with a maximum annual diversion of 250 acre feet, conditional. g. Decreed Use: Municipal. h. Decreed Source: Water stored in Old Dillon Reservoir pursuant to decree entered in Civil Action 1803 by the District Court, Summit County on March 10, 1952. 4. Claim for Diligence, including Expenditures: The conditional water right is part of an integrated water system for the Town of Dillon. In furtherance of the conditional water right, Applicant has expended approximately \$962,396 during the diligence period on the following activities: a. Completed environmental and hydrology studies, designed facilities and began construction for enlargement of Old Dillon Reservoir. b. Applied for and/or obtained permits from the U.S. Forest Service, Army Corps of Engineers, Summit County, and other entities for enlargement of Old Dillon Reservoir. c. Established a water authority to construct and operate the enlarged reservoir in cooperation with Summit County, Town of Silverthorne and Colorado River Water Conservation District. d. Replaced the return structure from Town of Dillon Straight Creek Diversion delivery system back to Straight Creek. e. Opposed other Water Court applications that may affect the subject water right. f. Adjudicated Water Court cases including Case Nos. 07CW232, 10CW102 and 10CW137. 5. If a Claim to Make Absolute, Date Water Applied to Beneficial Use: Not applicable. 6. Names and addresses of owners of land on which structures are or will be located: a. Dillon Blue River Intake: City and County of Denver, Denver Water Board, 1600 W. 12th Avenue, Denver, CO 80204. B. Old Dillon Reservoir: United States Forest Service, **Rocky Mountain Region**, 740 Simms St., Golden, CO 80401. WHEREFORE, Applicant respectfully requests the Court enter a decree finding that Applicant has exercised reasonable diligence in the development of the conditional water right and continuing the conditional water right for an additional six years. (5 pages)

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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: \$130.00) KATHY HALL, Water Clerk, Water Division 5; 109 8th Street, Suite 104 Glenwood Springs, CO 81601.

6. PURSUANT TO C.R.S., §37-92-302, AS AMENDED, YOU ARE NOTIFIED THAT THE FOLLOWING PAGES COMPRISE A RESUME OF THE APPLICATIONS AND AMENDED APPLICATIONS FILED WITH THE WATER CLERK FOR WATER DIVISION 5 DURING THE MONTH OF JANUARY 2012. *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.*

12CW6 (05CW126, 99CW06 and 86CW329) IN SUMMIT COUNTY IN THE BLUE RIVER AND ITS TRIBUTARIES, Applicant: Town of Dillon, 275 Lake Dillon Drive, P.O. Box 8, Dillon, Colorado 80435. (Steven P. Jeffers, Madoline Wallace-Gross, Lyons, Gaddis, Kahn & Hall, P.C., P.O. Box 978, Longmont, CO 80502-0978, (303) 776-9900. 1. Name of conditional water right for which a finding of reasonable diligence is sought: Dillon Blue River Intake. A map showing the general location of the structure is attached as EXHIBIT A. 2. Description of Conditional Water Right: a. Original Decree: Case No. 86CW329, District Court, Water Division No. 5, entered January 5, 1993. b. Subsequent Diligence Decrees: Findings of reasonable diligence were made by decrees entered in Case Nos. 99CW06 on July 19, 1999 and 05CW126 on February 1, 2006. c. Decreed Location: Within the high waterline of Dillon Reservoir as the Blue River passes through Dillon Reservoir in the S½ SE¼ of Section 7, Township 5 South, Range 77 West, or the S½ SW¼ of Section 8, Township 5 South, Range 77 West, or the N½ NE¼ of Section 17, Township 5 South, Range 77 West, or the N½ NE¼ of Section 18, Township 5 South, Range 77 West of the 6th P.M., all in Summit County. d. Appropriation Date: December 16, 1986. e. Decreed Amount: 5 cfs, conditional. f. Decreed Use: Municipal year-round use within the Town of Dillon. g. Decreed Source: Blue River. 3. Claim for Diligence, including Expenditures: The conditional water right is part of an integrated water system for the Town of Dillon. In furtherance of the conditional water right, Applicant has expended approximately \$962,396 during the diligence period on the following activities: a. Completed environmental and hydrology studies, designed facilities and began construction for enlargement of Old Dillon Reservoir. b. Applied for and/or obtained permits from the U.S. Forest Service, Army Corps of Engineers, Summit County, and other entities for enlargement of Old Dillon Reservoir. c. Established a water authority to construct and operate the enlarged reservoir in cooperation with Summit County, Town of Silverthorne and Colorado River Water Conservation District. d. Replaced the return structure from Town of Dillon Straight Creek Diversion delivery system back to Straight Creek. e. Opposed other Water Court applications that may affect the subject water right. f. Adjudicated Water Court cases including Case Nos. 07CW232, 10CW102 and 10CW137. 4. If a Claim to Make Absolute, Date Water Applied to Beneficial Use: Not applicable. 5. Names and addresses of owners of land on which the structure is or will be located: City and County of Denver, Denver Water Board, 1600 W. 12th Avenue, Denver, CO 80204. WHEREFORE, Applicant respectfully requests the Court enter a decree finding that Applicant has exercised reasonable diligence in the development of the conditional water right and continuing the conditional water right for an additional six years. (4 pages)

YOU ARE HEREBY NOTIFIED THAT YOU HAVE until the last day of MARCH 2012 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: \$130.00) KATHY HALL, Water Clerk, Water Division 5; 109 8th Street, Suite 104 Glenwood Springs, CO 81601.

7. PURSUANT TO C.R.S., §37-92-302, AS AMENDED, YOU ARE NOTIFIED THAT THE FOLLOWING PAGES COMPRISE A RESUME OF THE APPLICATIONS AND AMENDED APPLICATIONS FILED WITH THE WATER CLERK FOR WATER DIVISION 5 DURING THE MONTH OF JANUARY 2012. *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.*

12CW7(05CW57) GARFIELD COUNTY- BOILER CREEK, TRIBUTARY TO EAST ELK CREEK, TRIBUTARY TO THE COLORADO RIVER. Golden Eagle Ranch, LLLP c/o Marjorie E. Chandler; P.O. Box 377; New Castle, CO 81647 (970)984-2728. Boiler Creek Ditch & Pump-Application to Make Absolute. Location: SE¼NE¼ of Sec. 6, T.5S, R.90W. of the 6th P.M. 2,200 ft. from the north sec. line and 100 ft. from the east sec. line. Appropriation: April 15, 1974. Amount: 0.125 cfs, absolute. Use: irrigation. An outline of work completed during the diligence period is included in the application. (9 pages)

YOU ARE HEREBY NOTIFIED THAT YOU HAVE until the last day of MARCH 2012 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: \$130.00) KATHY HALL, 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 JANUARY 2012. *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.*

12CW8 GRAND COUNTY. FRASER RIVER, TRIBUTARY TO THE COLORADO RIVER. Cornerstone Winter Park Holdings, LLC. c/o Patrick, Miller & Kropf, P.C., Ramsey L. Kropf, Esq. and Laura C. Makar, Esq. 730 E. Durant Ave., Suite 200, Aspen, CO 81611, (970) 920-1028. Application for Finding of Reasonable Diligence. Name of structure: Regis-Maryvale Sewage Effluent Pipeline and Ditch. Date of original decree: June 25, 1986. Case No.: 82CW418, District Court, Water Division No. 5. Subsequent diligence decrees: 92CW150, October 16, 1992; 98CW176, May 23, 1999; 05CW79, January 24, 2006. Decreed legal description: The point of diversion is located on the left bank of the Fraser River, whence the South ¼ Corner of Section 20, Township 1 South, Range 75 West of the 6th P.M., bears South 13° 15' West a distance of 1330 feet; Grand County, Colorado. Supplemental legal description: on the left bank of the Fraser River in the SW ¼ of the SE ¼, Section 20, Township 1 South, Range 75 West, of the 6th P.M. at a distance of 1,290 feet from the south section line and 2,310 feet from the east section line, Grand County. General description of place of use: Township 1 South, Range 75 West, 6th P.M., Grand County, Colorado: Section 20: S ½ SE ¼. Section 21: S ½ SW ¼. Section 28: SW ¼ NW ¼ and NW ¼ SW ¼. Section 29: N ½ NE ¼ and SE ¼ NE ¼. Source: The water source is the Fraser River, tributary to the Colorado River. Appropriation date: December 15, 1982. Amount: 3.0 c.f.s., conditional. Use: Irrigation of a golf course located on a portion of the property described above. A detailed outline of work toward completion of the appropriation and application of water to a beneficial use as conditionally decreed, including expenditures is on file with the court. The Town of Fraser owns the land upon which the diversion structure will be constructed. The Applicant owns the land upon which the water will be used. (6 pages)

YOU ARE HEREBY NOTIFIED THAT YOU HAVE until the last day of MARCH 2012 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: \$130.00) KATHY HALL, 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 JANUARY 2012. *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.*

12CW10 EAGLE COUNTY. SMITH CREEK. Challenge Aspen, c/o Patrick, Miller & Kropf, P.C., Kevin L. Patrick, Esq. and Laura C. Makar, Esq., 730 E. Durant Ave., Suite 200, Aspen, CO 81611, (970) 920-1028. APPLICATION FOR FINDING OF REASONABLE DILIGENCE AND TO MAKE CONDITIONAL WATER RIGHT ABSOLUTE. First Claim for Finding of Reasonable Diligence. Name of structure: Landmark Pond No. 1. Type: Pond. Description of conditional water right: Date of original decree: February 20, 1998; Case No.: 97CW213, District Court, Water Division No. 5. Subsequent diligence decrees: 04CW25, January 11, 2006. Decreed legal description (as changed in Case No. 04CW25): NE ¼ of the NE ¼, Section 5, Township 8 South, Range 84 West, of the 6th P.M. at a distance of 820 feet from the north section line and 880 feet from the east section line. General description of place of use: Challenge Aspen's Wilderness Ranch. Source: **Smith Creek, tributary of the Frying Pan River, tributary to the Roaring Fork River, tributary to the Colorado River.** Appropriation date: September 20, 1997. Amount: 4.0 acre feet, conditional. Pond information: Total capacity of pond: 4.0 acre-feet. Active capacity of pond: 4.0 acre-feet. Dead storage: 0.0 acre-feet. Maximum height of dam: 15 feet. Length of dam: 150 feet. Surface area of high water line: 0.50 acres. Use: Livestock and wildlife watering, fire protection, piscatorial, wetlands creation, with the right to fill and refill when in priority. Detailed outline of work toward completion of the appropriation and application of water to a beneficial use as conditionally decreed, including expenditures is on file with the Court. Applicant owns the land upon which structure is located and where water will be used. Second Claim for Finding of Reasonable Diligence: Name of structure: Landmark Pond No. 2. Type: Pond. Description of conditional water right: Date of original decree: February 20, 1998. Case No.: 97CW213, District Court, Water Division No. 5. Subsequent diligence decrees: 04CW25, January 11, 2006. Decreed legal description: NE ¼ of the NE ¼, Section 5, Township 8 South, Range 84 West, of the 6th P.M. at a distance of 1100 feet from the north section line and 600 feet from the east section line. General description of place of use: Challenge Aspen's Wilderness Ranch. Source: Smith Creek, tributary of the Frying Pan River, tributary to the Roaring Fork River, tributary to the Colorado River. Appropriation date: September 20, 1997. Amount: 4.0 acre feet, conditional. Pond information: Total capacity of pond: 4.0 acre-feet. Active capacity of pond: 4.0 acre-feet. Dead storage: 0.0 acre-feet. Maximum height of dam: 15 feet. Length of dam: 150 feet. Surface area of high water line: 0.50 acres. Use: Livestock and wildlife watering, fire protection, piscatorial, wetlands creation, with the right to fill and refill when in priority. Detailed outline of work toward completion of the appropriation and application of water to a beneficial use as conditionally decreed, including expenditures is on file with the Court.

Applicant owns the land upon which structure is located and where water will be used. Third Claim for Finding of Reasonable Diligence: Name of structure: Landmark Pond No. 3. Type: Pond. Description of conditional water right: Date of original decree: February 20, 1998. Case No.: 97CW213, District Court, Water Division No. 5. Subsequent diligence decrees: 04CW25, January 11, 2006. Decreed legal description (as changed in Case No. 04CW25): NE ¼ of the NE ¼, Section 5, Township 8 South, Range 84 West, of the 6th P.M. at a distance of 480 feet from the north section line and 500 feet from the east section line. General description of place of use: Challenge Aspen's Wilderness Ranch. Source: Smith Creek, tributary of the Frying Pan River, tributary to the Roaring Fork River, tributary to the Colorado River. Appropriation date: September 20, 1997. Amount: 4.0 acre-feet, conditional. Pond information: Total capacity of pond: 4.0 acre-feet. Active capacity of pond: 4.0 acre-feet. Dead storage: 0.0 acre-feet. Maximum height of dam: 15 feet. Length of dam: 150 feet. Surface area of high water line: 0.50 acres. Use: Livestock and wildlife watering, fire protection, piscatorial, wetlands creation, with the right to fill and refill when in priority. Detailed outline of work toward completion of the appropriation and application of water to a beneficial use as conditionally decreed, including expenditures is on file with the Court. Applicant owns the land upon which structure is located and where water will be used. Fourth Claim for Finding of Reasonable Diligence: Name of structure: Landmark Pond No. 4. Type: Pond. Description of conditional water right: Date of original decree: February 20, 1998. Case No. 97CW213, District Court, Water Division No. 5. Subsequent diligence decrees: 04CW25, January 11, 2006. Decreed legal description (as changed in Case No. 04CW25): SE ¼ of the NE ¼, Section 5, Township 8 South, Range 84 West, of the 6th P.M. at a distance of 1540 feet from the north section line and 660 feet from the east section line. General description of place of use: Challenge Aspen's Wilderness Ranch. Source: Smith Creek, tributary of the Frying Pan River, tributary to the Roaring Fork River, tributary to the Colorado River. Appropriation date: September 20, 1997. Amount: 4.0 acre-feet, conditional. Pond information: Total capacity of pond: 4.0 acre-feet. Active capacity of pond: 4.0 acre-feet. Dead storage: 0.0 acre-feet. Maximum height of dam: 15 feet. Length of dam: 150 feet. Surface area of high water line: 0.50 acres. Use: Livestock and wildlife watering, fire protection, piscatorial, wetlands creation, with the right to fill and refill when in priority. Detailed outline of work toward completion of the appropriation and application of water to a beneficial use as conditionally decreed, including expenditures is on file with the Court. Applicant owns the land upon which structure is located and where water will be used. Fifth Claim for Finding of Reasonable Diligence and to Make a Portion Absolute: Name of structure: Landmark Pond No. 5. Type: Pond. Description of conditional water right: Date of original decree: February 20, 1998. Case No.: 97CW213, District Court, Water Division No. 5. Subsequent diligence decrees: 04CW25, January 11, 2006. Decreed legal description: SE ¼ of the NE ¼, Section 5, Township 8 South, Range 84 West, of the 6th P.M. at a distance of 1400 feet from the north section line and 350 feet from the east section line. General description of place of use: Challenge Aspen's Wilderness Ranch. Source: Smith Creek, tributary of the Frying Pan River, tributary to the Roaring Fork River, tributary to the Colorado River. Appropriation date: September 20, 1997. Amount: 4.0 acre-feet, conditional. Pond information: Total capacity of pond: 4.0 acre-feet. Active capacity of pond: 4.0 acre-feet. Dead storage: 0.0 acre-feet. Maximum height of dam: As-built, 9 feet. Length of dam: 150 feet. Surface area of high water line: 0.50 acres. Use: Livestock and wildlife watering, fire protection, piscatorial, wetlands creation, with the right to fill and refill when in priority. Detailed outline of work toward completion of the appropriation and application of water to a beneficial use as conditionally decreed, including expenditures is on file with the Court. Claim to make absolute: Date water applied to beneficial use: May 29, 2001. Amount: 0.75 acre-feet. Use: Wildlife watering, fire protection, wetlands creation. Call records attached to application. Description of place of beneficial use: Challenge Aspen Wilderness Ranch. Applicant owns the land upon which structure is located and where water will be used. Sixth Claim for Finding of Reasonable Diligence and to Make a Portion Absolute: Name of structure: Landmark Pond No. 6. Type: Pond. Description of conditional water right: Date of original decree: February 20, 1998. Case No.: 97CW213, District Court, Water Division No. 5. Subsequent diligence decrees: 04CW25, January 11, 2006. Decreed legal description (as changed in Case No. 04CW25): SE ¼ of the NE ¼, Section 5, Township 8 South, Range 84 West, of the 6th P.M. at a distance of 1680 feet from the north section line and 570 feet from the east section line. General description of place of use: Challenge Aspen's Wilderness Ranch. Source: Smith Creek, tributary of the Frying Pan River, tributary to the Roaring Fork River, tributary to the Colorado River. Appropriation date: September 20, 1997. Amount: 4.0 acre-feet, conditional. Pond information: Total capacity of pond: 4.0 acre-feet. Active capacity of pond: 4.0 acre-feet. Dead storage: 0.0 acre-feet. Maximum height of dam: As-built, 8 feet. Length of dam: 150 feet. Surface area of high water line: 0.50 acres. Use: Livestock and wildlife watering, fire protection, piscatorial, wetlands creation, with the right to fill and refill when in priority. Detailed outline of work toward completion of the appropriation and application of water to a beneficial use as conditionally decreed, including expenditures is on file with the Court. Claim to make absolute: Date water applied to beneficial use: May 29, 2001. Amount: 0.5 acre-feet. Use: Wildlife watering, fire protection, wetlands creation. Call records attached to application. Description of place of beneficial use: Challenge Aspen Wilderness Ranch. Applicant owns the land upon which structure is located and where water will be used. Seventh Claim for Finding of Reasonable Diligence: Name of structure: Landmark Pond No. 7. Type: Pond. Description of conditional water right: Date of original decree: February 20, 1998. Case No.: 97CW213, District Court, Water Division No. 5. Subsequent diligence decrees: 04CW25, January 11, 2006. Decreed legal description (as changed in Case No. 04CW25): SE ¼ of the NE ¼, Section 5, Township 8 South, Range 84 West, of the 6th P.M. at a distance of 2490 feet from the north section line and 80 feet from the east section line. General description of place of use: Challenge Aspen's Wilderness Ranch. Source: Smith Creek, tributary of the Frying Pan River, tributary to the Roaring Fork River, tributary to the Colorado River. Appropriation date: September 20, 1997. Amount: 4.0 acre-feet, conditional. Pond information: Total capacity of pond: 4.0 acre-feet. Active capacity of pond: 4.0 acre-feet. Dead storage: 0.0 acre-feet. Maximum height of dam: 15 feet. Length of dam: 150 feet. Surface area of high water line: 0.50 acres.

Use: Livestock and wildlife watering, fire protection, piscatorial, wetlands creation, with the right to fill and refill when in priority. Detailed outline of work toward completion of the appropriation and application of water to a beneficial use as conditionally decreed, including expenditures is on file with the Court. Applicant owns the land upon which structure is located and where water will be used. Eighth Claim for Finding of Reasonable Diligence. Name of structure: Landmark Pond No. 8. Type: Pond. Description of conditional water right: Date of original decree: February 20, 1998. Case No.: 97CW213, District Court, Water Division No. 5. Subsequent diligence decrees: 04CW25, January 11, 2006. Decreed legal description: SW ¼ of the NW ¼, Section 4, Township 8 South, Range 84 West, of the 6th P.M. at a distance of 2250 feet from the north section line and 400 feet from the west section line. General description of place of use: Challenge Aspen's Wilderness. Source: Smith Creek, tributary of the Frying Pan River, tributary to the Roaring Fork River, tributary to the Colorado River. Appropriation date: September 20, 1997. Amount: 4.0 acre-feet, conditional. Pond information: Total capacity of pond: 4.0 acre-feet. Active capacity of pond: 4.0 acre-feet. Dead storage: 0.0 acre-feet. Maximum height of dam: 15 feet. Length of dam: 150 feet. Surface area of high water line: 0.50 acres. Use: Livestock and wildlife watering, fire protection, piscatorial, wetlands creation, with the right to fill and refill when in priority. Detailed outline of work toward completion of the appropriation and application of water to a beneficial use as conditionally decreed, including expenditures is on file with the Court. Applicant owns the land upon which structure is located and where water will be used. (15 pages)

YOU ARE HEREBY NOTIFIED THAT YOU HAVE until the last day of MARCH 2012 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: \$130.00) KATHY HALL, Water Clerk, Water Division 5; 109 8th Street, Suite 104 Glenwood Springs, CO 81601.

10. PURSUANT TO C.R.S., §37-92-302, AS AMENDED, YOU ARE NOTIFIED THAT THE FOLLOWING PAGES COMPRISE A RESUME OF THE APPLICATIONS AND AMENDED APPLICATIONS FILED WITH THE WATER CLERK FOR WATER DIVISION 5 DURING THE MONTH OF JANUARY 2012. *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.*

12CW11 MESA COUNTY, EAST SALT CREEK, COLORADO RIVER. Gilbert Angelotti, 515 E. Carefree Hwy #1045, Phoenix AZ 85085, 970-596-5780, gangelotti@cs.com; Applicant's counsel: Mark A. Hermundstad, Williams, Turner & Holmes, P.C., PO Box 338, Grand Junction, CO 81502, 970-242-6262, mherm@wth-law.com. **Application for Finding of Reasonable Diligence.** Structures: Deaton Feeder Ditch Alternate No. 1, Deaton Feeder Ditch Alternate No. 2, Deaton Wildlife Pond No. 1. Description: *Deaton Feeder Ditch Alternate No. 1:*, Original Decree: May 31, 1999, Case No. 98CW11, District Court, Water Division 5; Subsequent decrees: January 11, 2006, in Case No. 05CW99; Legal Description: As set forth in the original decree, the point of diversion is located N. 82°01'23" E. 2307.79 feet from the West 1/4 Corner of Section 22, Township 9 South, Range 103 West, 6th P.M. This point is also described in Case No. 05CW99 as being located in the SW1/4 NW1/4 SE1/4 of said Section 22, 1900 feet from the South section line and 2,450 feet from the East section line. Source: East Salt Creek, tributary to the Colorado River, Appropriation Date: February 4, 1998; Amount: 0.75 c.f.s., conditional; Use: Irrigation, wildlife habitat and fire protection purposes. *Deaton Feeder Ditch Alternate No. 2:* Original Decree: May 31, 1999, Case No. 98CW11, District Court, Water Division 5; Subsequent decrees: January 11, 2006, in Case No. 05CW99; Legal Description: As set forth in the original decree, the point of diversion is located S. 66°30'53" E. 1788.36 feet from the West 1/4 Corner of Section 22, Township 9 South, Range 103 West, 6th P.M. This point is also described in Case No. 05CW99 as being located in the NW1/4 SW1/4 NE1/4 of said Section 22, 2,300 feet from the South section line and 1,600 feet from the East section line. Source: East Salt Creek, tributary to the Colorado River; Appropriation Date: February 4, 1998; Amount: 0.75 c.f.s., conditional; Use: Irrigation, wildlife habitat and fire protection purposes. *Deaton Wildlife Pond No. 1:* Original Decree: May 31, 1999, Case No. 98CW11, District Court, Water Division 5; Subsequent decrees: January 11, 2006, in Case No. 05CW99; Legal Description: As set forth in the original decree, the pond is located S. 32° E. 3,490 feet from the Corner common to Sections 15, 16, 21 and 22, Township 9 South, Range 103 West, 6th P.M. This point is also described in Case No. 05CW99 as being located in the SW1/4 NW1/4 SE1/4 of said Section 22, 1,700 feet from the South section line and 2,500 feet from the East section line. Source: East Salt Creek, tributary to the Colorado River; Appropriation Date: February 4, 1998; Amount: 1.75 acre feet., conditional; Use: Irrigation, wildlife habitat and fire protection purposes. 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 is contained in the Application. Name and address of landowner: Applicant. (6 pages)

YOU ARE HEREBY NOTIFIED THAT YOU HAVE until the last day of MARCH 2012 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: \$130.00) KATHY HALL, Water Clerk, Water Division 5; 109 8th Street, Suite 104 Glenwood Springs, CO 81601.

11. PURSUANT TO C.R.S., §37-92-302, AS AMENDED, YOU ARE NOTIFIED THAT THE FOLLOWING PAGES COMPRISE A RESUME OF THE APPLICATIONS AND AMENDED APPLICATIONS FILED WITH THE WATER CLERK FOR WATER DIVISION 5 DURING THE MONTH OF JANUARY 2012. *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.*

12CW12 SUMMIT COUNTY; BLUE RIVER. Charles B. Fox, c/o Michael J. Sawyer, Esq., Karp Neu Hanlon, P.C., 201 14th Street, Suite 200, Glenwood Springs, CO 81601. Application for Finding of Reasonable Diligence. Name of structure: Fox Pump and Pipeline. Date of original decree: 3/3/1992, Case No. 90CW347, District Court, Water Div. #5. Subsequent decrees awarding findings of diligence: Case No. 98CW38 entered on 4/16/ 1999 and Case No. 05CW66 entered on 1/5/ 2006. Decreed legal description: A point on the right bank of the Blue River in the SE ¼ of the NE ¼ of Sec. 19, T. 3 S., R. 78 W., 6th P.M. at a point 1500 feet from the N section line and 300 feet from the E section line of said Sec. 19. Source: Blue River. Appropriation date: 12/15/1990. Amount: 0.4 cfs, conditional. Uses: Irrigation. Depth: N/A. The application provides a detailed outline of what has been done towards the development of the conditional water rights, including expenditures (Exhibit A). Name and address of owner of land upon which structure is located: Applicant. A water rights location map is attached to the application as Exhibit B. (6 pages)

YOU ARE HEREBY NOTIFIED THAT YOU HAVE until the last day of MARCH 2012 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: \$130.00) KATHY HALL, 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 JANUARY 2012. *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.*

12CW13 GARFIELD COUNTY, COLORADO RIVER. Application for Finding of Reasonable Diligence. Silt Water Conservancy District, c/o Jefferson V. Houpt, Beattie, Chadwick & Houpt, 932 Cooper Ave, Glenwood Springs, (970) 945-8659. Structure: Silt Pump Canal, First Enlargement. Original decree was entered 11/05/92 in Case No. 92CW014, and subsequent decrees entered in Case Nos. 98CW212, 01CW047 & 05CW155. Location: The intake or headgate is located in Garfield County at a point on the northerly bank of the Colorado River, whence the section corner common to Sec 2, 3, 10 and 11, T 6 S, R 92 W, 6th P.M. bears N 69°55' W, 7,455 ft. The alternate point of diversion approved in Case No. 01CW047 is located at a point which bears S 00°47'54" E, 2,679.96 ft from N¼ corner of Sec 12, T 6 S, R 92 W, 6th P.M. The line from the N¼ corner to NE corner of said Sec 12 is considered to bear N 89°45'00" E and is the bearing basis of this structure location in Garfield County. Source: Colorado River. Appropriation date: 02/13/92. Amount: 10 c.f.s., conditional. Use: Industrial, irrigation, municipal and domestic. Owners of land: United States Bureau of Reclamation, 2764 Compass Drive, Suite 106, Grand Junction, CO 81506; Brent Peterson and Sandra Hannigan, PO Box 965, New Castle, CO 81647-0965. (6 pages).

YOU ARE HEREBY NOTIFIED THAT YOU HAVE until the last day of MARCH 2012 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: \$130.00) KATHY HALL, 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 JANUARY 2012. *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.*

12CW14 SUMMIT COUNTY, BLUE RIVER OR ITS TRIBUTARIES. Application for Water Rights of: McCullough Gulch Reserve, L.L.C. Applicant: McCullough Gulch Reserve, L.L.C., 50 Marland Road, Colorado Springs, Colorado 80906, 719-633-9494. Applicants Attorneys: Peter D. Nichols, Ema I. G. Schultz, Trout, Raley, Montañño, Witwer & Freeman, P.C., 1120 Lincoln Street, Suite 1600, Denver, Colorado 80203, 303-861-1963. 2. Name of structure: McCullough Gulch Reserve Well No. 5, McCullough Gulch Reserve Well No. 6, McCullough Gulch Reserve Well No. 7. 3. Description of conditional water rights: A. McCullough Gulch Reserve Well No. 5. i. Date of Original Decree: February 22, 2006. Case No.: 04CW171. Court: Water Division No. 5. ii. There are no subsequent Decrees awarding findings of diligence. iii. Legal description: McCullough Gulch Reserve Well

No. 5 has not been constructed. As decreed in Case No. 04CW171, the legal description of the lot on which this well will be installed and used is depicted in Exhibit A and described as follows: A tract of land located primarily in the NW1/4 SW1/4 of unsurveyed Section 30, T7S, R77W, Sixth P.M. in the Town of Blue River, Summit County, Colorado, being a portion of the Dot Placer, USMS No. 13358, said tract being more particularly described as follows: Beginning at a point on the 4-1 line of said Dot Placer, whence corner 1 bears N19°07'40"E 80.70 feet distant; thence S64°08'08"E a distance of 1245.18 feet to a point on the Westerly right-of-way line of Colorado State Highway 9; thence S29°59'10"W along said right-of-way line a distance of 526.03 feet; thence continuing along said Westerly right-of-way line 39.97 feet along the arc of a curve to the right, having a central angle of 00°25'34" and a radius of 5374.21 feet; thence N70°55'53"W a distance of 1129.69 feet to a point on said 4-1 line of the Dot Placer; thence N19°07'40"E along said 4-1 line a distance of 703.00 feet the point of beginning, containing 17.19 acres, more or less. This location can also be described as: Lot 5, McCullough Gulch Reserve, According to the Plat Filed June 28, 2005 under Reception No. 793405, County of Summit, State of Colorado. i. Source: Groundwater tributary to the Blue River, tributary to the Colorado River. ii. Appropriation Date: December 18, 2001. Amount: 15 gpm instantaneous production, 0.33 acre-feet per year total production, and 0.04 AF per year consumptive use (conditional). iii. Use: in-house domestic purposes only. Domestic wastewater shall be processed in on-site septic/leach field systems. iv. Depth: McCullough Gulch Reserve Well No. 5 has not been constructed. B. McCullough Gulch Reserve Well No. 6 i. Date of Original Decree: February 22, 2006. Case No.: 04CW171. Court: Water Division No. 5. ii. There are no subsequent Decrees awarding findings of diligence. iii. Legal description: McCullough Gulch Reserve Well No. 6 has not been constructed. As decreed in Case No. 04CW171, the legal description of the lot on which this well will be installed and used is depicted in Exhibit B and described as follows: A tract of land being a portion of the Dot Placer and a portion of the '97 Placer, both USMS 13358, located primarily in the NW1/4 SW1/4 of unsurveyed Section 30, T7S, R77W, Sixth P.M., in the Town of Blue River, Summit County, Colorado, said tract being more particularly described as follows: Beginning at Corner No. 1 of said Dot and '97 Placers, thence N17°55'35"E along the 1-4 line of said '97 Placer a distance of 162.30 feet; thence S72°18'56"E a distance of 1321.41 feet to a point on the Westerly right-of-way line of Colorado State Highway 9; thence S29°59'10"W along said Westerly right-of-way line a distance of 430.00 feet; thence N64°08'08"W a distance of 1245.18 feet to a point on the 4-1 line of said Dot Placer; thence N19°07'40"E along said 4-1 line a distance of 80.70 feet to the point of beginning, containing 9.81 acres, more or less. This location can also be described as: Lot 6, McCullough Gulch Reserve, According to the Plat Filed June 28, 2005 under Reception No. 793405, County of Summit, State of Colorado. iv. Source: Groundwater tributary to the Blue River, tributary to the Colorado River. v. Appropriation Date: December 18, 2001. Amount: 15 gpm instantaneous production, 0.33 acre-feet per year total production, and 0.04 AF per year consumptive use (conditional). vi. Use: in-house domestic purposes only. Domestic wastewater shall be processed in on-site septic/leach field systems. vii. Depth: McCullough Gulch Reserve Well No. 6 has not been constructed. C. McCullough Gulch Reserve Well No. 7. i. Date of Original Decree: February 22, 2006. Case No.: 04CW171. Court: Water Division No. 5. ii. There are no subsequent Decrees awarding findings of diligence. iii. Legal description: McCullough Gulch Reserve Well No. 7 has not been constructed. As decreed in Case No. 04CW171, the legal description of the lot on which this well will be installed and used is depicted in Exhibit C and described as follows: A tract of land being a portion of the '97 Placer, USMS 13358 located primarily in NW1/4 SW1/4 of unsurveyed Section 30, T7S, R77W, Sixth P.M., in the Town of Blue River, Summit County, Colorado, said tract being more particularly described as follows: Beginning at a point on the 1-4 line of said '97 Placer, whence corner 1 of said Placer bears S17°55'35"W 162.30 feet distant; thence N17°55'35"E along said 1-4 line a distance of 53.52 feet to the Southwest corner of Lot 9 of the 97' South Subdivision a platted subdivision in said Town of Blue River; thence S72°04'25"E a distance of 401.65 feet to the SE corner of said Lot 9; thence N29°02'03"W a distance of 291.12 feet to the NE corner of said Lot 9, also being a point on the right-of-way line of Aspen Meadow Circle a platted right-of-way; thence 157.08 feet along said right-of-way line and along the arc of a curve to the left, having a central angle of 180°00'00", a radius of 100.00 feet and a chord which bears N21°00'00"E 100.00 feet distant; thence N21°00'00"E continuing along said right-of-way line a distance of 1.46 feet to the SW corner of Lot 8, said '97 South Subdivision; thence S72°04'25"E along the South line extended of said Lot 8, 97' South Subdivision a distance of 1188.09 feet to a point on the Westerly right-of-way line of Colorado State Highway 9; thence Southerly along said right-of-way line 122.53 feet along the arc of a curve to the right, having a central angle of 12°13'50", a radius of 574.01 feet and a chord which bears S23°52'15"W 122.30 feet distance; thence S29°59'10"W continuing along said right-of-way line a distance of 231.36 feet; thence N72°18'56"W a distance of 1321.41 feet to the point of beginning, containing 8.83 acres, more or less. This location can also be described as: Lot 7, McCullough Gulch Reserve, According to the Plat Filed June 28, 2005 under Reception No. 793405, County of Summit, State of Colorado. iv. Source: Groundwater tributary to the Blue River, tributary to the Colorado River. v. Appropriation Date: December 18, 2001. Amount: 15 gpm instantaneous production, 0.33 acre-feet per year total production, and 0.04 AF per year consumptive use (conditional). vi. Use: in-house domestic purposes only. Domestic wastewater shall be processed in on-site septic/leach field systems. vii. Depth: McCullough Gulch Reserve Well No. 7 has not been constructed. 4. Detailed outline of what has been done toward completion of the appropriation and application of water to a beneficial use as conditionally decreed, including expenditures: A. The water rights which are the subject of this application serve three lots in a seven lot subdivision in Summit County, Colorado. During the diligence period, two of the adjoining lots were sold by McCullough Gulch Reserve, L.L.C. Sales of lots within the subdivision increase the salability of the lots and water rights in this application. B. During the diligence period, McCullough Gulch Reserve L.L.C. has maintained the leases with Vidler Water Company to provide augmentation water for the wells in this application. McCullough Gulch Reserve L.L.C. has expended approximately \$11,039 to maintain the water leases in good standing. C. During the

diligence period, the lots served by the water rights in this application have consistently been marketed and listed as available for purchase. McCullough Gulch Reserve L.L.C has actively maintained the real estate listings, including re-evaluating the listing price and lowering that price for one of the three lots served by a well in this application. D. During the diligence period, McCullough Gulch Reserve L.L.C. has also expended approximately \$1,957,994 in fees and costs to establish and maintain the subdivision that contains the lots served by water rights in this application. Such costs include, but are not limited to, initial construction costs, paving costs, wetlands and soil studies, and power and transformer costs. E. During the diligence period, McCullough Gulch Reserve L.L.C. has expended legal fees to prepare to create a home owners association for the seven lot subdivision. The home owners association cannot be established until 3 subdivision lots have been sold. At the time of this filing, McCullough Gulch Reserve L.L.C. has sold 2 lots. 5. Name and address of owner of the land upon which any structure is or will be located, and upon which water will be placed to beneficial use: Applicant. (7 pages)

YOU ARE HEREBY NOTIFIED THAT YOU HAVE until the last day of MARCH 2012 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: \$130.00) KATHY HALL, 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 JANUARY 2012. *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.*

12CW15 (91CW076)(98CW007)(2004CW208) EAGLE COUNTY - IN THE EAGLE RIVER AND ITS TRIBUTARIES. Cordillera Golf Club, LLC, a Delaware limited liability company, c/o Cathy Kulzer, Vice President, Director of Operations and Development, P.O. Box 988, Edwards, Colorado 81632, c/o Harvey W. Curtis, Esq., Harvey W. Curtis & Associates, 8310 South Valley Highway, Suite 230, Englewood, Colorado 80112, Telephone: (303) 292-1144. **APPLICATION FOR FINDING OF REASONABLE DILIGENCE AND TO MAKE PORTIONS OF CONDITIONAL WATER RIGHTS ABSOLUTE. 2. Names of structures:** Stag Gulch Diversion Point No. 1, Stag Gulch Diversion Point No. 2, Stag Gulch Diversion Point No. 3, Stag Gulch Diversion Point No. 4, Stag Gulch Diversion Point No. 5, Eagle River Diversion Point No. 1, SCR Diversion Point No. 5, and SCR Diversion Point No. 6. **3. Describe conditional water rights giving the following from the Judgment and Decree:** a. **Date of original decree:** January 3, 1992, Case Number 91CW076, Water Division No. 5, State of Colorado. b. **Location of the Structures** (see Exhibit A hereto): i. Stag Gulch Diversion Point No. 1 is located on Stag Gulch, a tributary of Squaw Creek, a tributary of the Eagle River, at a point located in Section 14, Township 5 South, Range 83 West of the 6th P.M., from which the NW corner of said Section 14 bears N. 21 degrees 45 minutes W. a distance of approximately 3,500 feet. ii. Stag Gulch Diversion Point No. 2 is located on Stag Creek, a tributary of Squaw Creek, a tributary of the Eagle River, at a point located in Section 14, Township 5 South, Range 83 West of the 6th P.M., from which the NW corner of said Section 14 bears N. 06 degrees W. a distance of approximately 1,660 feet. iii. Stag Gulch Diversion Point No. 3 is located on Stag Creek, a tributary of Squaw Creek, a tributary of the Eagle River, at a point located in Section 15, Township 5 South, Range 83 West of the 6th P.M., from which the NE corner of said Section 15 bears N. 09 degrees E. a distance of approximately 2,450 feet. iv. Stag Gulch Diversion Point No. 4 is located on Red Draw, a tributary of Squaw Creek, a tributary of the Eagle River, at a point located in Section 15, Township 5 South, Range 83 West of the 6th P.M., from which the NE corner of said Section 15 bears N. 62 degrees E. a distance of approximately 1,650 feet. v. Stag Gulch Diversion Point No. 5 is located on Red Draw, a tributary of Squaw Creek, a tributary of the Eagle River, at a point located in Section 10, Township 5 South, Range 83 West of the 6th P.M., from which the SE corner of said Section 10 bears S. 34 degrees 15 minutes E. a distance of approximately 420 feet. vi. Eagle River Diversion Point No. 1 is located on the south bank of the Eagle River at a point described as follows: at a point from which the Southeast corner of Section 36, Township 4 South, Range 83 West of the 6th P.M. bears S. 56 degrees 00 minutes E. a distance of approximately 3,840 feet. vii. SCR Diversion Point No. 5 is located at or below the headgate of the Dora B. Ditch, at a point on Squaw Creek described as follow: a point in the NE1/4 of the SE1/4 of Section 2, Township 5 South, Range 83 West of the 6th P.M. from which the Southeast corner of Section 2 bears S. 09 degrees 15 minutes E. a distance of approximately 2,250 feet. viii. SCR Diversion Point No. 6 is located at or below the headgate of the Henderson Ditch, at a point on Squaw Creek described as follow: a point in the SE1/4 of the SE1/4 of Section 2, Township 5 South, Range 83 West of the 6th P.M. from which the Southeast corner of Section 2 bears S. 44 degrees 30 minutes E. a distance of approximately 1,200 feet. A pump, pipeline, headgate or other appropriate and adequate diversion structure has been or will be constructed at each of the above locations to establish the diversion at each of the above locations of 5 c.f.s. of water from the above-named source at each above location. c. **Decreed Sources of the Water:** The sources of water are Stag Gulch, Red Draw, and Squaw Creek, all tributary to the Eagle River, and the Eagle River itself, all as more particularly described in paragraph 2.b., above. d. **Decreed Appropriation Date:** April 26, 1990. e. **Decreed Amounts of Water:** i. *Stag Gulch Diversion Point No. 1:* 5 c.f.s., conditional. ii. *Stag Gulch Diversion Point No. 2:* 5 c.f.s., conditional. iii. *Stag Gulch Diversion Point No. 3:* 5 c.f.s., conditional. iv. *Stag Gulch Diversion Point No. 4:* 5 c.f.s., conditional. v.

Stag Gulch Diversion Point No. 5: 5 c.f.s., conditional. vi. *Eagle River Diversion Point No. 1:* By decree dated January 18, 2006, in Case No. 2004CW208, 1.6 c.f.s. of the 5 c.f.s. decreed conditional to the Eagle River Diversion Point No. 1 was made absolute for the following uses: irrigation, storage, recreation, golf course hazard, piscatorial, and fire protection purposes. The remaining amount decreed to the Eagle River Diversion Point No. 1 of 3.4 c.f.s., conditional, for irrigation, storage, recreation, golf course hazard, piscatorial, and fire protection purposes, and 5 c.f.s., conditional, for all other decreed purposes listed in paragraph 3.f., below, is the subject of this application. vii. *SCR Diversion Point No. 5:* 5 c.f.s., conditional. viii. *SCR Diversion Point No. 6:* 5 c.f.s., conditional. f. Decreed Uses of the Water: Irrigation, domestic, replacement, exchange, storage, stockwatering, commercial, golf course hazard, recreation, piscatorial and fire protection purposes. As part of said uses, each structure's use will include use as a supplemental source of water as further described in Applicants' decreed plans of augmentation in Cases Nos. 91CW077 and 91CW078, as amended. 4. **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 the decreed augmentation plans utilizing the subject water rights, and for planning, design and construction of various features of the Applicant's integrated raw water systems in the Squaw 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 \$1,034,584.05. 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. Project-specific diligence on the subject water rights during the diligence period includes the purchase by the Applicant of the subject water rights and the lands on which the water will be used by Quit Claim Deed from Kensington Partners, Stag Gulch Partners, and Galena Partners, dated June 26, 2009, and recorded at Reception Number 200912620 of the Eagle County, Colorado records. A copy of this deed was attached to the Notice of Transfer of Conditional Water Rights, filed January 25, 2012 in Case No. 2004CW208. As described in greater detail below, during the diligence period, Applicant diverted 2.23 c.f.s. in priority at the Eagle River Diversion Point No. 1 and placed the water to beneficial use. Engineering work performed on Applicant's integrated water systems during the diligence period included the following: Tabulation and preparation of monthly water usage and water rights accounting for the Mountain, Summit, and Short golf courses; Monitoring streamflow and snowpack data to assist with water resource operations and water right planning; Assisting with Green Mountain Reservoir contract allotment notifications and water delivery schedules; Providing technical, engineering, and water right consulting services related to ditch operations and diversion facilities, including monitoring of ditch diversions and surface water diversions and deliveries; Providing technical analyses for water right planning and water right operations, including hydrologic evaluations of streamflow data and water right administration; and Performing field investigations, including ditch evaluations and improvements, hydrologic studies, water resource measurements and observations. 5. **Water applied to beneficial use:** Applicant requests that the Court decree the following water rights have been made absolute: a. On September 20, 2010, and at other times during the diligence period, 2.23 c.f.s. was diverted at the Eagle River Diversion Point No. 1, and placed to beneficial use by Applicant. Therefore, by this application, Applicant claims an additional 0.63 c.f.s. absolute for said water right for the following uses: irrigation, storage, recreation, golf course hazard, piscatorial, and fire protection purposes. A copy of Applicants' accounting showing the above diversions is attached hereto as Exhibit B. 6. 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. 7. **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:** a. Stag Gulch Diversion Points Nos. 2, 4, and 5: Applicant. b. Stag Gulch Diversion Point No. 1: Sonia A. Brady, P.O. Box 833489, Richardson, TX 75083-3489. c. Stag Gulch Diversion Point No. 3: Cordillera Metropolitan District, 0408 Carterville Road, Cordillera, CO 81632. Diversion structures owned by Applicant have been constructed for Eagle River Diversion Point No. 1, SCR Diversion Point No. 5, and SCR Diversion Point No. 6. WHEREFORE, Applicant requests the Court to enter its decree and ruling as follows: A. To make absolute an additional 0.63 c.f.s. of the 5 c.f.s. originally decreed conditional to the Eagle River Diversion Point No. 1 in Case No. 91CW076, for a total of 2.23 c.f.s. absolute for irrigation, storage, recreation, golf course hazard, piscatorial, and fire protection purposes; and to enter a finding of reasonable diligence with respect to the remaining 2.77 c.f.s. of the conditional water right decreed to the Eagle River Diversion Point No. 1 for irrigation, storage, recreation, golf course hazard, piscatorial and fire protection purposes; B. To enter a finding of reasonable diligence with respect to 5 c.f.s. decreed to Eagle River Diversion Point No. 1 for domestic, replacement, exchange, stockwatering, and commercial purposes; and C. To enter a finding of reasonable diligence with respect to the conditional water rights decreed to the Stag Gulch Diversion Point No. 1, Stag Gulch Diversion Point No. 2, Stag Gulch Diversion Point No. 3, Stag Gulch Diversion Point No. 4, Stag Gulch Diversion Point No. 5, SCR Diversion Point No. 5, and SCR Diversion Point No. 6 for the purposes listed in paragraph 3.f., above. (9 pages, including 2 pages of exhibits.)

YOU ARE HEREBY NOTIFIED THAT YOU HAVE until the last day of MARCH 2012 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: \$130.00) KATHY HALL, 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 JANUARY 2012. *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.*

12CW17 GARFIELD COUNTY. Alluvium of an unnamed tributary of Garfield Creek, Tributary to the Colorado River. Robert and Velma Ragle, 3200 County Road 312, New Castle, CO 81647 (970) 984-3409. Direct all pleadings to: Gregory J. Hall, Esq., The Hall Law Firm, LLC, P.O. Box 3402, Glenwood Springs, CO 81602 (970) 945-4550. APPLICATION FOR FINDING OF REASONABLE DILIGENCE OR TO MAKE CONDITIONAL WATER RIGHT ABSOLUTE. Name of structure: Ragle Well No. 1. Date of original decree: December 2, 1998, Case No. 98CW83, District Court, Water Division 5. Subsequent diligence decrees: Case No. 04CW229, January 11, 2006. Legal Description: Ragle Well No. 1 is located in Section 22, Township 6 South, Range 91 West of the 6th P.M., at a point 2,350 feet from the south section line and 1,700 feet from the east section line of said section 22. Date of appropriation: May 12, 1998. Amount: 15 g.p.m. (0.033 c.f.s.), conditional. Uses: Domestic in-house use in two single family dwellings, fire protection, watering of four head of livestock, and irrigation of 4,356 square feet of lawn/garden. Outline of efforts toward diligent appropriation: During the diligence period, the Applicants engaged an excavating company to modify the existing Ragle Reservoir No. 1, the augmentation source, to comply with the requirements for a non-jurisdictional water impoundment structure. Applicants lowered the height of Ragle Reservoir No. 1 and replaced and re-aligned the outlet pipe. The total expenditures for the reservoir construction and modification work is approximately \$5,000.00. In addition, the Applicants have applied the conditional water right to beneficial use in one single family dwelling, watered four head of livestock and irrigated 4,356 square feet of lawn/garden. Applicants own the land upon which the structures are located. (5 pages)

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16. PURSUANT TO C.R.S., §37-92-302, AS AMENDED, YOU ARE NOTIFIED THAT THE FOLLOWING PAGES COMPRISE A RESUME OF THE APPLICATIONS AND AMENDED APPLICATIONS FILED WITH THE WATER CLERK FOR WATER DIVISION 5 DURING THE MONTH OF JANUARY 2012. *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.*

07CW183 PITKIN COUNTY- Amended Application to Make Absolute A Conditional Water Right. 1. Name, address and phone number of applicant: United States of America, Department of Interior, Bureau of Land Management, Colorado River Valley Field Office, c/o Kristen C. Guerriero, Special Assistant United States Attorney, Office of the Solicitor, Department of the Interior, Rocky Mountain Region, 755 Parfet St., Suite 151, Lakewood, CO 80215, Telephone (303) 231-5353, extension 551. **2. Name of structures:** Mallard Reservoir #1, Mallard Reservoir #2, Mallard Reservoir #3, Mallard Reservoir #4 **3. Describe conditional water right:** Date of Original Decree: 10/15/2001 Case Number: 00 CW 072 Court: District Court, Water Division 5, Colorado Location: Mallard Reservoir #1 – NW ¼, NE ¼, Section 16, T8S R87W, Sixth P.M., at a point 320 feet south of the north section line and 1450 feet west of the east section line. Mallard Reservoir #2 – NE¼, NE ¼, Section 16, T8S R87W, Sixth P.M., at a point 450 feet south of the north section line and 620 feet west of the east section line. Mallard Reservoir #3 – NW ¼, NW ¼, Section 15, T8S R87W, Sixth P.M., at a point 640 feet south of the north section line and 300 feet east of the west section line. Mallard Reservoir #4 – SW ¼, NW ¼, Section 15, T8S R87W, Sixth P.M., at a point 950 feet south of the north section line and 490 feet east of the west section line. Source: **Savoy Gulch, tributary to Roaring Fork River/Colorado River** Appropriation Date: July 15, 2000 Amount: Mallard Reservoir #1 – 9.5 acre feet, conditional; Mallard Reservoir #2 – 0.1 acre feet, conditional; Mallard Reservoir #3 – 0.5 acre feet, conditional; Mallard Reservoir #4 – 0.1 acre feet, conditional; Use: livestock watering, wildlife watering and habitat, fishery, recreation, and fire suppression. **4. Corrected legal description:** The original conditional water right decree for Mallard Reservoir 4 contained an incorrect ¼ ¼ section. The original decree legal description for Mallard Reservoir #4 was NW ¼, NE ¼, Section 15, T8S R87W, Sixth P.M., at a point 950 feet south of the north section line and 490 feet east of the west section line. This application seeks to correct the legal description as follows: Mallard Reservoir #4 – SW ¼, NW ¼, Section 15, T8S R87W, Sixth P.M., at a point 950 feet south of the north section line and 490 feet east of the west section line. The original conditional water right decree for Mallard Reservoir #2 contained an incorrect distance in feet west of the east section line. The application seeks to correct the legal description as follows: Mallard Reservoir #2 - NE¼, NE ¼, Section 16, T8S R87W, Sixth P.M., at a point 450 feet south of the north section line and 620 feet west of the east section line. **5. Provide a detailed outline of what has been done toward completion or for completion of the appropriation and application of water to beneficial use as conditionally decreed, including**

expenditures: BLM constructed the reservoirs in October 2001. Mallard Reservoirs #2, #3, and #4 did not fill to capacity until 2003 because dry weather conditions produced limited runoff. Mallard Reservoir #1 was filled to capacity by diversions from Mallard Spring #1 (decreed in case number 00 CW 270) and Vasten Homestead Spring (decreed in case number 93 CW 260). The stored water was placed to the beneficial uses authorized by the conditional decree in 2003. The dimensions of the constructed reservoirs are as follows: Mallard Reservoir #1 Surface area at high water line: 3.0 acres Maximum dam height: 9.5 feet Dam length: 50.0 feet Active capacity: 0.0 acre feet Dead capacity: 9.5 acre feet Mallard Reservoir #2 Surface area at high water line: 0.10 acres Maximum dam height: 4.0 feet Dam length: 50.0 feet Active capacity: 0.0 acre feet Dead capacity: 0.1 acre feet Mallard Reservoir #3 Surface area at high water line: 0.20 acres Maximum dam height: Not applicable – water directed into natural depression Dam length: Not applicable – water directed into natural depression Active capacity: 0.0 acre feet Dead capacity: 0.1 acre feet Mallard Reservoir #4 Surface area at high water line: 0.10 acres Maximum dam height: 4.0 feet Dam length: 50.0 feet Active capacity: 0.0 acre feet Dead capacity: 0.1 acre feet **6. Name and address of owner of land on which structures are located:** United States Department of Interior, Bureau of Land Management, Colorado River Valley Field Office, 2300 River Frontage Road, Silt, CO 81652. (6 pages)

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17. PURSUANT TO C.R.S., §37-92-302, AS AMENDED, YOU ARE NOTIFIED THAT THE FOLLOWING PAGES COMPRISE A RESUME OF THE APPLICATIONS AND AMENDED APPLICATIONS FILED WITH THE WATER CLERK FOR WATER DIVISION 5 DURING THE MONTH OF JANUARY 2012. *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.*

10CW270 GRAND COUNTY- COLORADO RIVER. Carl L. Rahne; P.O. Box 35; Bond, CO 80423 (970)653-4229. Rahne Colorado River Ditch- Amended Application to Make Absolute and For Change of Water Right. The original application requested court to make absolute Amount: 0.3 cfs, conditional. Use: irrigation. Appropriation: Oct. 25, 2002. Decreed location: SW¼SE¼ of Sec. 28, T.1S, R.82W., 6th P.M., 1, 420 ft. from S. sec. line and 289 ft. from W. sec. line. Applicant amends application to correct the legal description to reflect its actual diversion point. Proposed legal description: SW¼SE¼ of Sec. 28, T.1S, R.82W., 6th P.M., 1,088 ft. from S. sec. line and 1,951 ft. from E. sec. line. The Application includes an outline of work completed during the diligence period. (11 pages)

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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 JANUARY 2012. *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.*

11CW193 EAGLE COUNTY – Burnison Creek aka Beard Creek, Tributary to Eagle River, Tributary to Colorado River. FIRST AMENDED APPLICATION FOR FINDING OF REASONABLE DILIGENCE. *Applicant Information:* Gail Newman, P.O. Box K, Vail, CO 81657, c/o Robert M. Noone, Esq., The Noone Law Firm, P.C., P.O. Drawer 39, Glenwood Springs, CO 81602. *Prior Diligence Decrees* entered in Case No. 2001CW339 and 85CW615 (*See*, most recent Decree entered May 5, 2006). The Applicant stipulates that the applicable diligence deadline is May 30, 2012. *Description of Conditional Right Subject to Amendment:* The Burnison No. 2 Ditch Second Enlargement: Location: SE¼,NW¼, Sec. 32, Twp. 4S, R.82W, 6th P. M., on west bank of Burnison Cr. whence the SW corner of Sec. 32 bears S38°30'W 3600 ft. Source: Spring tributary to Burnison Cr. aka Beard Cr., trib. to the Eagle R., trib. to the Colo. R. Appr. Date: June 30, 1984. Conditional Amount/Use: 0.4 cfs cond. for irrigation, commercial, domestic, livestock watering, storage, and augmentation purposes. See Amended Application on file for additional information. (6 pages, 1 Ex.)

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CRCP. (Filing Fee: \$130.00) KATHY HALL, Water Clerk, Water Division 5; 109 8th Street, Suite 104 Glenwood Springs, CO 81601.