

DIVISION 5 WATER COURT-JANUARY 2021 RESUME

1. PURSUANT TO C.R.S., §37-92-302, AS AMENDED, YOU ARE NOTIFIED THAT THE FOLLOWING PAGES COMPRISE A RESUME OF THE APPLICATIONS AND AMENDED APPLICATIONS FILED WITH THE WATER CLERK FOR WATER DIVISION 5 DURING THE MONTH OF JANUARY 2021. *The water right claimed by this application may affect in priority any water right claimed or heretofore adjudicated within this division and owners of affected rights must appear to object and protest within the time provided by statute or be forever barred.*

**2021CW3000 EAGLE COUNTY, COLORADO, UNNAMED TRIBUTARY TO THE FRYING PAN RIVER. APPLICATION FOR FINDING OF REASONABLE DILIGENCE.** Name and address of Applicant: Karinga Investments Limited, Warwick Mowbray, PO Box 1657, Basalt, Colorado 81621. Please direct all correspondence, motions and pleadings to Michael J. Sawyer, #32313, KARP NEU HANLON, P.C., 201 14th Street, Suite 200, P. O. Drawer 2030, Glenwood Springs, CO 81602 (970) 945-2261. Name of structure: **King Ranch Ditch No. 2.** Date of original decree: June 20, 1958 in Civil Action No. 4613 in the Garfield County District Court. Subsequent decrees awarding findings of diligence: Case No. 06CW160 on September 20, 2008 and Case No. 2014CW3105 on January 18, 2015. Legal description: The headgate and point of diversion of said ditch is located in Eagle County, Colorado, at a point on the Westerly bank of an unnamed tributary to the Frying Pan River whence the Northeast Corner of Section 7, Township 8 South, Range 85 West of the 6th P.M. bears North 81°37' East 2,624.9 feet. The King Ranch Ditch No. 2 is more particularly described as follows: In the NE1/4 of the NW1/4 of Section 7, Township 8 South, Range 85 West of the 6th P.M., at a point 388 feet from the North section line and 2,596 feet from the West section line of said Section 7. Source: **An unnamed tributary to the Frying Pan River, a tributary to the Roaring Fork River, a tributary to the Colorado River.** Appropriation date: March 29, 1957. Amount: 6.05 c.f.s., conditional. Amount owned by Applicant: 73.5% (which is approximately 4.45 c.f.s.). Uses: Piscatorial and aesthetic. The water right was originally decreed as piscatorial and "other beneficial uses". In Case No. 06CW160, the court directed applicant to gather evidence to support what "other beneficial uses" were. The applicant agreed to cancel "other beneficial uses" and substitute "aesthetic" as a more specific use. The court adopted this clarification for the applicant's interest of the water right. Claim for diligence: Applicant requests a finding of diligence for 6.05 c.f.s., conditional, for the King Ranch Ditch No. 2 for piscatorial and aesthetic purposes. Names and addresses of owners of land upon which the structure is located: Applicant. Diligence activities: The Application contains an exhibit depicting the location of the structures and a detailed outline of what has been done by Applicant during the diligence period toward or for completion of the appropriation and application of the conditional water rights to beneficial use as decreed, including expenditures which are on file with the Water Court (6 pp. with exhibits).

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

2. PURSUANT TO C.R.S., §37-92-302, AS AMENDED, YOU ARE NOTIFIED THAT THE FOLLOWING PAGES COMPRISE A RESUME OF THE APPLICATIONS AND AMENDED APPLICATIONS FILED WITH THE WATER CLERK FOR WATER DIVISION 5 DURING THE MONTH OF JANUARY 2021. *The water right claimed by this application may affect in priority any water right claimed or heretofore adjudicated within this division and owners of affected rights must appear to object and protest within the time provided by statute or be forever barred.*

**21CW3001 (2010CW137, 03CW202, and 95CW077) DISTRICT COURT, WATER DIVISION NO. 5, STATE OF COLORADO, 109 – 8th Street, Suite 104, Glenwood Springs, CO 81601. CONCERNING THE WATER RIGHTS OF THE TOWN OF DILLON IN THE BLUE RIVER AND ITS TRIBUTARIES IN SUMMIT COUNTY, APPLICATION FOR FINDING OF REASONABLE DILIGENCE,** Name, address, email address and telephone number of applicant: Town of Dillon, 275 Lake Dillon Drive, P.O. Box 8, Dillon, CO 80435, [ScottO@townofdillon.com](mailto:ScottO@townofdillon.com), 970-468-2403. Please send pleadings to: Steven P. Jeffers, Madoline Wallace-Gross, Lyons Gaddis Kahn Hall Jeffers Dworak & Grant, PC, 950 Spruce Street, Suite 1B, Louisville, CO 80027, (720) 726-3671 2. Name of Structures: The decreed conditional water rights involve exchanges from Clinton Gulch Reservoir to Town of Dillon Well Nos. 1 through 5, Silverthorne Well Nos. 1 and 2, Town of Dillon Straight Creek Diversion, Town of Dillon Laskey Gulch Diversion, the Old Dillon Reservoir and the Old Dillon Reservoir First Enlargement. A map showing the location of all structures is attached as **EXHIBIT A**. 3. Description of Conditional Water Rights for Augmentation Plan Exchanges: The decree approved exchanges from Clinton Gulch Reservoir to the structures described below in ¶3.D. as part of Dillon's plan for augmentation. A) Date of Original Decree: The District Court, Water Division No. 5 entered the original decree in Case No. 95CW077 on September 4, 1997. B) Subsequent Diligence Decrees: The District Court, Water Division No. 5 entered diligence decrees in Case No. 03CW202 on May 24, 2004, and in Case No. 10CW137 on January 19, 2015. The decree in Case No. 95CW077 approved conditional appropriative rights of exchange of water from Clinton Gulch Reservoir to nine structures described in ¶3.D. below as part of Applicant's plan for augmentation, and to the reservoirs described in ¶4 below with independent priorities. C) Legal Description for Exchange-From Points: i) For the Town of Dillon Well Nos. 1-5, Town of Dillon Straight Creek Diversion and the Town of Dillon Laskey Gulch Diversion, the decreed downstream terminus of the exchange is the confluence of the Blue River and Straight Creek. In the diligence decree in Case No. 10CW137, that confluence was described as located in the SE¼ SE¼ of §12, T5S, R78W of the 6th P.M. at a point 944 feet from the south line and 2,260 feet from the east line. ii) For the Silverthorne Well Nos. 1 and 2 the downstream terminus of the exchange is a point on the Blue River adjacent to the well sites described in ¶¶3.D.vi. and 3.D.vii. D) Legal Descriptions for Exchange-To Points: i) Town of Dillon Well No. 1 a) Decreed Location: In the NE¼ SW¼, §5, T5S, R77W, 6th P.M., at a point 1,850 feet from the south section line and 2,650 feet from the east section line. b) Decreed Capacity: 150 gpm. c) Decreed Amount: 230 acre-feet, CONDITIONAL. ii) Town of Dillon Well No. 2 a) Decreed Location: In the SE¼ SW¼, §5, T5S, R77W, 6th P.M., at a point 750 feet

from the south section line and 1,750 feet from the west section line. b) Decreed Capacity: 200 gpm. c) Decreed Amount: 325 acre-feet, CONDITIONAL. iii) Town of Dillon Well No. 3 a) Decreed Location: In the SE $\frac{1}{4}$  SW $\frac{1}{4}$ , §5, T5S, R77W, 6th P.M., at a point 650 feet from the south section line and 1,500 feet from the west section line. b) Decreed Capacity: 250 gpm. c) Decreed Amount: 300 acre-feet, CONDITIONAL. iv) Town of Dillon Well No. 4 a) Decreed Location: In the NE $\frac{1}{4}$  NE $\frac{1}{4}$ , §7, T5S, R77W, 6th P.M., at a point 850 feet from the north section line and 1,250 feet from the east section line. b) Decreed Capacity: 200 gpm. c) Decreed Amount: 325 acre-feet, CONDITIONAL. v) Town of Dillon Well No. 5 a) Decreed Location: In the SW $\frac{1}{4}$  NE $\frac{1}{4}$ , §7, T5S, R77W, 6th P.M., at a point 1,400 feet from the north section line and 2,000 feet from the east section line. b) Decreed Capacity: 200 gpm. c) Decreed Amount: 325 acre-feet, CONDITIONAL. The Town of Dillon Well Nos. 1-5 were all decreed in Case No. 87CW392, District Court, Water Division No. 5. The decreed source of water for each well is ground water tributary to Straight Creek. Each well is decreed for municipal use with an appropriation date of September 29, 1987. vi) Silverthorne Well No. 1 a) Decreed Location: At a point in the NE $\frac{1}{4}$  SW $\frac{1}{4}$ , §12, T5S, R78W, 6th P.M., which is 2,998 feet south of the north section line and 2,522 feet east of the west section line. b) Decreed Capacity: 0.667 cfs (300 gpm). vii) Silverthorne Well No. 2 a) Decreed Location: At a point in the NE $\frac{1}{4}$  SW $\frac{1}{4}$ , §12, T5S, R78W, 6th P.M., which is 3,198 feet south of the north section line and 2,062 feet east of the west section line. b) Decreed Capacity: 0.667 cfs (300 gpm). viii) Town of Dillon Straight Creek Diversion a) Decreed Location: At a point on the south bank of Straight Creek whence the SW corner of §4, T5S, R77W, 6th P.M. bears S18°13'W a distance of 2,650 feet. The decreed point is in the SW  $\frac{1}{4}$  NW  $\frac{1}{4}$  of said §4, at a point approximately 2,517 feet from the south line and 828 feet from the west line. b) Decreed Amount: This diversion point was decreed as an alternate point of diversion for 3.5 cfs of the Straight Creek Ditch, appropriation date April 18, 1899, and adjudication date of March 2, 1910, by the District Court, Water Division No. 5, in Case Nos. W-12, W-13, and W-402 entered on December 29, 1972. This structure was also decreed for diversion of 1.5 cfs CONDITIONAL with appropriation date of September 29, 1987, in Case No. 87CW392. ix) Town of Dillon Laskey Gulch Diversion a) Decreed Location: At a point on the right bank of Laskey Gulch, a tributary of Straight Creek, whence the W $\frac{1}{4}$  corner of §4, T5S, R77W, 6th P.M. bears S43°46'55"W a distance of 1457.90 feet. This point is in the SW  $\frac{1}{4}$  NW  $\frac{1}{4}$  of said §4, approximately 1,587 feet from the north line and 1,009 feet from the west line. b) Decreed Amount: This point was decreed as an alternate point of diversion for 3.5 cfs of the Straight Creek Ditch, appropriation date April 18, 1899, and adjudication date of March 2, 1910, by the District Court, Water Division No. 5, in Case Nos. W-12, W-13, and W-402 entered on December 29, 1972. E) Decreed Source of Water: The decreed source of water for all exchanges is Applicant's 200 shares out of 12,000 shares of stock in the Clinton Ditch and Reservoir Company, and Applicant's entitlement to annual releases of up to 20 acre-feet from Clinton Gulch Reservoir as described in ¶7 of the decree in Case No. 95CW077. Clinton Gulch Reservoir was conditionally decreed by this court in Case No. W-2559 for 4,250 acre-feet with an appropriation date of June 25, 1946, for industrial, domestic, irrigation, recreation and fish and wildlife purposes. The Clinton Gulch Reservoir water right was decreed absolute by this court in Case No. 79CW049 on August 31, 1979. This court also approved a use enlargement and second filling for Clinton Gulch Reservoir in the amount of 4,250 acre-feet, conditional, with an appropriation date of March 1, 1990, in Case No. 92CW065 for domestic, municipal, irrigation, industrial, snowmaking, recreation, fish and wildlife propagation and augmentation purposes. Clinton Gulch Reservoir is located in the SW $\frac{1}{4}$  NW $\frac{1}{4}$  of §25, T7S, R79W, 6th P.M., at a point whence the north quarter corner of said section 25 bears N33°51'50"E 2,840.44 feet. That location is approximately 2,260 feet from the north line and 900 feet from the west line. The source of water for Clinton Gulch Reservoir is Clinton Creek, tributary to Ten Mile Creek, tributary to the Blue River. F) Appropriation Date: July 21, 1992. G) Decreed Amount: 20 acre-feet per year, CONDITIONAL, at a rate of up to 5 cfs, CONDITIONAL, or the decreed capacity of each structure, whichever is less. H) Decreed Use: Water may be used by exchange for municipal use and for replacement of out-of-priority depletion from municipal use as described in ¶8 of the decree in Case No. 95CW077. 4. Description of Conditional Water Rights for Reservoir Exchanges: A) Date of Original Decree: The original decree was entered in Case No. 95CW077 on September 4, 1997. B) Subsequent Diligence Decrees: The District Court, Water Division No. 5 entered a diligence decree in Case No. 03CW202 on May 24, 2004, and entered a diligence decree in Case No. 10CW137 on January 19, 2015. C) Legal Description for Exchange-From Point (downstream terminus): The exchanges will operate from the confluence of the Blue River and Salt Lick Gulch, up Salt Lick Gulch to the point of diversion for the Dillon Ditch. The confluence of the Blue River and Salt Lick Gulch is located in the SW $\frac{1}{4}$  SE $\frac{1}{4}$  of §12, T5S, R78W of the 6th P.M. at a point approximately 1,017 from the south line and 2,946 from the west line. D) Legal Description for Exchange-To Points (upstream terminus): The reservoir exchanges allow Applicant to store water in Old Dillon Reservoir and the Old Dillon Reservoir First Enlargement at the following locations: a) The decreed location for Old Dillon Reservoir is in the SW $\frac{1}{4}$  SE $\frac{1}{4}$  of §13, T5S, R78W, 6th P.M. The southwest end of Dam No. 1 is located at a point whence the south quarter corner of §13, T5S, R78W, 6th P.M. bears S3°10'W 688 feet. The southwest end of Dam No. 2 is located at a point whence the south quarter corner of §13, T5S, R78W, 6th P.M. bears S63°10'W 811 feet. b) The decreed location for Old Dillon Reservoir First Enlargement is in the SW $\frac{1}{4}$  SE $\frac{1}{4}$  and the SE $\frac{1}{4}$  SW $\frac{1}{4}$  of §13, T5S, R78W, 6th P.M. The approximate location of the southwest end of Dam No. 1 will be at a point whence the south quarter corner of §13, T5S, R78W, 6th P.M. bears S27°30'E a distance of 600 feet. The approximate location of the southwest end of Dam No. 2 will be at a point whence the south quarter corner of said §13, T5S, R78W, 6th P.M. bears S64°30'W a distance of 250 feet. c) The upstream terminus of the Reservoir Exchanges is the headgate of the Dillon Ditch, with a capacity of 10 cfs, located on the south bank of Salt Lick Gulch, a/k/a Salt Lick Creek, at a point whence the SE corner of §14, T5S, R78W, 6th P.M. bears S81°58'E, a distance of 1,832 feet. The headgate is located in the SW $\frac{1}{4}$  SE $\frac{1}{4}$  of §14, approximately 260 feet from the south and 1,910 feet from the east line. E) Decreed Source: The source of water for the Dillon Ditch, Old Dillon Reservoir and its enlargement is Salt Lick Gulch, tributary to the Blue River. The source of water for the exchange is Clinton Gulch Reservoir from Clinton Creek, tributary to Ten Mile Creek, tributary to the Blue River. F) Appropriation Date: July 21, 1992. G) Decreed Amount: 20 acre-feet, CONDITIONAL, at a rate of up to 10 cfs, CONDITIONAL. H) Decreed Use: Municipal use within the Town of Dillon and such other areas as may be provided water by the Town of Dillon pursuant to agreement, augmentation, replacement and exchange.

5. Claim for Diligence Including Expenditures: The conditional exchanges are part of an integrated water system for the Town of Dillon. Applicant claims diligence on all of the conditional exchanges and in furtherance thereof, has conducted the following activities and paid the associated costs: A) Prior to the current diligence period, Dillon acquired water supply contracts from the U.S. Bureau of Reclamation for water in Green Mountain Reservoir and an alternative source contract from the Colorado River Water Conservation District for water in Wolford Mountain Reservoir. Dillon has regularly made all required payments pursuant to those contracts. These contract water supplies provide Dillon with security for its storage of water in and exchanges from Old Dillon Reservoir. B) Dillon is a member of the Old Dillon Reservoir Water Authority (“ODR Water Authority”) that maintains, operates and accounts for storage in and releases from the Reservoir, including exchanges into and out of the Reservoir. The Authority has provided regular accounting reports to the Division Engineer for Water Division No. 5 and the U.S. Bureau of Reclamation on behalf of Dillon and the other members and works with both entities on accounting procedures. C) Dillon exchanged water from Clinton Gulch Reservoir to the Dillon Ditch for storage in Old Dillon Reservoir in the amount of 19.7 acre-feet in June and July 2015; 17.8 acre-feet between June and October 2016; and 19.7 acre-feet in May and June 2017. The maximum rate of exchange of 3.54 cfs occurred on July 2, 2015. Dillon also diverted by exchanged at a rate of 1.8 cfs on October 12, 2016, and at a rate of 2.6 cfs on May 2, 2017. Copies of Applicant’s Old Dillon Reservoir accounting sheets for those months are attached as **EXHIBIT B**. D) As a member of the Old Dillon Reservoir Water Authority, Dillon has paid its share of the continued operation, maintenance and repairs for the Dillon Ditch and Old Dillon Reservoir. Between 2015 and 2020, the total expenses for the Association was \$317,956. Dillon’s share of those expenses was approximately \$119,138. E) Dillon installed new communication and flow control equipment on its Straight Creek Diversion structure in 2017. F) Between 2017 and 2020, Dillon supported federal efforts to protect and preserve public lands in Summit County to protect the quality of its water supplies and participated in discussions involving CDOT projects to reduce sedimentation, to replace a bridge, and to protect water supplies against possible hazmat spills along I-70 in Summit County. G) Dillon, along with Summit County and Silverthorne, adjudicated findings of reasonable diligence for the enlargements of Old Dillon Reservoir in Case Nos. 18CW3125, 18CW3126, 18CW3127 and 18CW3128. H) Dillon obtained decrees for its water rights in Case Nos. 17CW3125, 17CW3126, 17CW3127, 17CW3128, 17CW3244, and 18CW3003. I) Dillon has participated as an objector in water court applications that could adversely affect the yield, feasibility, and utility of Old Dillon Reservoir and these conditional water rights, including Case Nos. 16CW3040, 17CW3018, and 17CW3009. 6. If a Claim to Make Absolute, Water Applied to Beneficial Use A) Date Water Applied to Beneficial Use: July 2, 2015 B) Amount: 19.7 acre-feet, at a maximum diversion rate of 3.54 cfs. C) Use: water was stored in Old Dillon Reservoir for all decree purposes. 7. Names and addresses of owners of land on which structures are or will be located: Town of Dillon Well No. 1: Dillon Valley East Condo Association, 325 Lake Dillon Drive, Suite 205, P.O. Box 4844, Dillon, CO 80435. Town of Dillon Well Nos. 2 and 3: Straight Creek Ponds Owners Association, 23024 US Highway 6, Suite 202, Keystone, CO 80435. Town of Dillon Well No. 4: Dillon Valley District, 1414 Straight Creek Drive, P.O. Box 3428, Dillon, CO 80435. Town of Dillon Well No. 5: Archdiocese of Denver, Real Estate Dept., 1300 South Steele Street, Denver, CO 80210. Town of Silverthorne Well Nos. 1 and 2: Town of Silverthorne, 264 Brian Avenue, P.O. Box 1309, Silverthorne, CO 80498. Dillon Blue River Intake: City and County of Denver, Denver Water Board, 1600 W. 12th Avenue, Denver, CO 80204-3412. Dillon Straight Creek Diversion, Dillon Laskey Gulch Diversion, Dillon Ditch and Old Dillon Reservoir: United States Forest Service, **Rocky Mountain Region, 1617 Cole Blvd, Building 17, Lakewood, CO 80401**. Clinton Gulch Reservoir: Clinton Ditch and Reservoir Company, c/o Vail Resorts Management Co., 390 Interlocken Crescent, 9th Floor, Broomfield, CO 80021. WHEREFORE, Applicant requests the Court to enter a decree finding that Applicant has made the Reservoir Exchanges from Clinton Gulch Reservoir to Dillon Ditch absolute in the amount of 19.7 acre-feet at a rate of 3.54 cfs, that Applicant has exercised reasonable diligence with respect to the remaining volume of 0.3 acre-feet and remaining exchange rate of 6.46 cfs of that conditional water right, and for all other conditional water rights in this application, and continuing all conditional water rights for another six years. (10 pages plus exhibits)

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**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 2021. The water right claimed by this application may affect in priority any water right claimed or heretofore adjudicated within this division and owners of affected rights must appear to object and protest within the time provided by statute or be forever barred.**

**21CW3002 (14CW3022, 07CW86, 00CW193, 94CW113) IN EAGLE COUNTY APPLICATION FOR FINDING OF REASONABLE DILIGENCE TOWN OF AVON (“Avon”) c/o Richard J. Mehren, Joshua Boissevain, Moses, Wittemyer, Harrison and Woodruff, P.C., 2595 Canyon Boulevard, Suite 300, Boulder, Colorado 80302** 2. Name of structure: Nottingham Reservoir (WDID 3703523). 3. Description of conditional water right: 3.1 Original decree: Case No. 94CW113, entered September 23, 1994, in the District Court for Water Division No. 5, Colorado. 3.2 Subsequent decrees: Subsequent findings of reasonable diligence and/or make absolute have been entered by the Division No. 5 Water Court: by decree dated April 16, 2001 in Case No. 00CW193, by decree dated February 18, 2008 in Case No. 07CW86, and by decree dated January 18, 2015 in Case No. 14CW3022 (made absolute 20.1 acre-feet for Nottingham Reservoir). 3.3 Legal description: The decreed location for Nottingham Reservoir is as follows: the point of intersection of the Nottingham Dam axis with the centerline of the easterly spillway is located in the SW1/4 of the NW1/4 of Section 8, Township 5

South, Range 81 West of the 6<sup>th</sup> P.M. at a point whence the northwesterly corner (BLM Brass Cap) of said Section 8 bears North 27°34'30" West 1800 feet. The decreed location of the Nottingham Reservoir may be supplemented as follows: the centroidal point of the Nottingham Reservoir is located in Section 8, Township 5 South, Range 81 West of the 6<sup>th</sup> P.M., at a distance of 1,395 feet from the northern section line and 675 feet from the western section line. A map showing the location of Nottingham Reservoir is attached as **Exhibit A**. 3.4 Source of water: **Nottingham Gulch, tributary to the Eagle River, tributary to the Colorado River**. 3.5 Appropriation date: The appropriation date for the irrigation and stock watering uses is August 1, 1940. The appropriation date for all other uses described in paragraph 3.7 below is May 31, 1994. 3.6 Amount: The amount of water decreed for irrigation and stock watering uses is 22 acre-feet, absolute. The amount of water decreed for all other uses described in paragraph 3.7 below is 22 acre feet (20.1 acre-feet is absolute; 1.9 acre-feet CONDITIONAL). 3.6.1 Remaining conditional amount: 1.9 acre-feet CONDITIONAL. 3.7 Uses: Irrigation, stock water, domestic, commercial, industrial, fire protection, sewage treatment, irrigation of open space, parks, lawns and gardens, recreation, fish and wildlife propagation, maintenance of adequate storage reserves and reservoir evaporation, augmentation, replacement, and exchange. 4. Detailed outline of work and expenditures toward completion of the appropriation and application of the water to beneficial use: 4.1 The remaining conditional portion of the subject water right, as described in paragraph 3 above, is referred to in this application as the "Subject Conditional Water Right." The diligence period for the Subject Conditional Water Right is January 2015 through January 2021 ("Diligence Period"). 4.2 During the Diligence Period, Avon has worked diligently to develop the Subject Conditional Water Right, complete the appropriation, and place the water to beneficial use, as demonstrated by the following representative but non-exhaustive list of activities and expenditures: 4.2.1 Avon has retained attorneys and incurred legal fees to assist in the protection and prosecution of the Town's water rights, including Nottingham Reservoir. 4.2.2 Avon has an annual budget of \$40,000 for the operation, maintenance, and repairs of its two dams, which includes Nottingham Reservoir. A part of that yearly budget amount covers a yearly inspection of Nottingham Reservoir to monitor for any erosion or damage to the dam that would require maintenance or repairs. 4.2.3 Avon has caused the absolute portion of the Nottingham Reservoir water right to be diverted, stored, and beneficially used in accordance with the relevant underlying decrees. Expenses were incurred in this regard during the Diligence Period. 4.3 The work performed and actions taken by Avon during the Diligence Period demonstrate Avon's continuing intent to develop the Subject Conditional Water Right. Avon has met all applicable standards in demonstrating reasonable diligence. 5. Name(s) and address(es) of owner(s) or reputed owners of the land upon which any new diversion or storage structure, or modification to any existing diversion or storage structure is or will be constructed or upon which water is or will be stored, including any modification to the existing storage pool: Traer Creek RP-LLC, P. O. Box 640, Vail, Colorado 81658 WHEREFORE, Avon requests that the Court enter a decree (i) granting this Application, (ii) finding that Avon has exercised reasonable diligence in developing the Subject Conditional Water Right during the Diligence Period, and (iii) continuing the Subject Conditional Water Right in full force and effect for an additional diligence period.

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**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 2021. *The water right claimed by this application may affect in priority any water right claimed or heretofore adjudicated within this division and owners of affected rights must appear to object and protest within the time provided by statute or be forever barred.***

**21CW3003 GARFIELD COUNTY. BABBISH GULCH, TRIB. TO FOUR MILE CREEK, TRIB. TO ROARING FORK RIVER, TRIB. TO COLORADO RIVER.** Application for Confirmation of Storage and Surface Water Rights and to Make Absolute, in Part. Applicant: Sunlight, Inc., c/o Scott Grosscup and Erika Gibson, Balcomb & Green, P.C., P.O. Drawer 790, Glenwood Springs, CO 81602; 970-945-6546. Summary: Applicant seeks confirmation that it has made portions of the Babbish Gulch Reservoir water right absolute at its alt. and changed places of storage, the Babbish Gulch Reservoir Pond No. 1 and Babbish Gulch Reservoir Pond No. 2. Applicant has also made the ponds' fill sources absolute at the Babbish Gulch Reservoir Pond No. 1 Feeder Ditch and the Babbish Gulch Reservoir Pond No. 2 Feeder Ditch. See maps attached as Exhibits A and B to application. Storage Water Right: Babbish Gulch Reservoir. Prior Decrees: 80CW546 and 81CW413 (consolidated), 85CW331, 93CW196, 96CW201 and 96CW202 (consolidated), 02CW368, 4CW131, 11CW111, 18CW3118, and 18CW3135 all in Dist. Court, Water Div. 5. Legal Desc.: SE1/4 SW1/4 Sec. 32, T. 7 S., R. 89 W., 6th P.M., also described in 11CW111 as being 3,385 ft. from the E. Sec. Line and 580 ft. from the S. Sec. Line of said Sec. 32. The reservoir priority may also be stored at changed and alt. locations, as decreed in 18CW3118 and 18CW3135. Approp. Date: 6/29/1981. Amt.: 52 AF, cond., of which 10 AF, cond. was changed to the Babbish Gulch Reservoir Pond No. 1 location described herein, and 4.33 AF is absolute at the Babbish Gulch Reservoir, Four Mile Snowmaking Pond Alt. location as decreed in 02CW368. Uses: Irr., snowmaking, mun., dom., fire prot., rec., aesthetics, and replacement and exchange uses. Source: This on-channel storage facility is located on Babbish Gulch, which is trib. to Four Mile Creek, trib. to the Roaring Fork River, trib. to the Colorado River. The reservoir can also be filled using the Sunlight Feeder Ditch, as decreed in 85CW331, and the Sunlight Feeder Ditch, Four Mile Creek Alt. Diversion Pt., as decreed in 02CW368. Decreed Change and Alt. Places of Storage: Babbish Gulch Reservoir Pond No. 1: The Court decreed this changed place of storage of the reservoir priority in 93CW196. Legal Desc.: NW1/4, Sec. 32, T. 7 S., R. 89 W., 6th P.M., beginning at a pt. whence the NW corner of said Sec. 32 bears N. 43 deg., 30 min. and 00 seconds W., 3,050 ft. to the mid-pt. of

the centerline of the dam; also described in 11CW111 as being 3,170 ft. from the E. Sec. Line and 3,015 ft. from the S. Sec. Line of said Sec. 32. Amt.: 10 AF, cond., of which 3.43 AF may also be stored at the Babbish Gulch Reservoir Pond No. 2 as an alt. place of storage decreed in 18CW3135. Max. Ht. of Dam: 12 ft.; Length of Dam: 450 ft.; Active Capacity: 9.5 AF; Dead Storage: 0.5 AF Source: Off-channel pond fed by a feeder ditch that diverts from Babbish Gulch, (trib. to Four Mile Creek, trib. to the Roaring Fork River) from a headgate located in the NE1/4 SW1/4, Sec. 32, T. 7 S., R. 89 W., 6th P.M., beginning at a pt. whence the NW corner of said Sec. 32 bears N. 39 deg., 00 min. and 00 seconds W. a distance of 3,410 ft. to the pt. of diversion; also described in 11CW111 as being 3,120 ft. from the E. Sec. Line and 2,590 ft. from the S. Sec. Line of said Sec. 32. Said headgate and ditch shall have a capacity of no more than 5.0 c.f.s. Babbish Gulch Reservoir Pond No. 2: The Court decreed this alt. place of storage in 18CW3135. Legal Desc.: NE1/4 SW1/4, Sec. 32, T. 7 S., R. 89 W., 6th P.M. UTM Zone 13, Northing 4363833 meters and Easting 297295 meters. Amt.: 10 AF, cond. Source: Babbish Gulch Reservoir Pond No. 2 Feeder Ditch, which diverts from Babbish Gulch, trib. to Four Mile Creek, trib. to the Roaring Fork River, trib. to the Colorado River. Babbish Gulch Reservoir, Four Mile Snowmaking Pond Alt.: The Court decreed this alt. place of storage in 02CW368. Legal Desc.: As corrected in 11CW111, the dam is situated in the SW1/4NE1/4, Sec. 32, T. 7 S., R. 89 W., 6th P.M., 2,382 ft. distant from the E. Sec. Line and 3,416 ft. distant from the S. Sec. Line of said Sec. 32; also described as UTM Zone 13, Northing 4364207 meters and Easting 297468.2 meters. Amt.: Up to 5 AF of which 4.33 AF was confirmed absolute for snowmaking in 11CW111 with 0.7 AF remaining cond. Source: Four Mile Creek at the Sunlight Feeder Ditch, Four Mile Creek Alt. Diversion, which diverts from Four Mile Creek, trib. to the Roaring Fork River, trib. to the Colorado River. Babbish Gulch Reservoir, Snowboard Park Reservoir Alt.: The Court decreed this alt. place of storage in 12CW368. Legal Desc.: SW1/4 SW1/4, Sec. 33, T. 7 S., R. 89 W., 6th P.M., more particularly described as beginning at the mid-pt. of the centerline of said dam whence the W. 1/4 corner of said Sec. 33 bears N. 24 deg., 08 min., 51 seconds W., a distance of 2,167.55 ft.; also described in 11CW111 as being 4,445 ft. from the E. Sec. Line and 655 ft. from the S. Sec. Line of said Sec. 33. Amt.: Up to 5.22 AF, cond. Source: Sunlight Alt. Pt. No. 1, which diverts from Four Mile Creek, trib. to the Roaring Fork River, trib. to the Colorado River. Remarks: Storage pursuant to the Babbish Gulch Reservoir right in any water year shall not exceed one fill in priority of the decreed 52 AF amt. in all of the decreed places of storage, taking into consideration water remaining in storage in such facilities from the prior water year as part of that one fill. Surface Water Right: Babbish Gulch Reservoir Pond No. 1 Feeder Ditch. Prior Decrees: 93CW196, 96CW201 and 96CW202 (consolidated), 02CW368, 04CW131, 11CW111, 18CW3118 and 18CW3135 all in Dist. Court, Water Div. 5. Legal Desc.: as changed in 19CW3062, a headgate located in the NE1/4 SW1/4, Sec. 32, T. 7 S., R. 89 W., 6th P.M., UTM Zone 13 NAD 83, Easting 297179 meters, Northing 4363890 meters. Source: Babbish Gulch, which is trib. to Fourmile Creek, trib. to the Roaring Fork River, a trib. to the Colorado River. Amt.: 5.0 c.f.s., cond. Use: to fill the Babbish Gulch Pond No. 1 for subsequent use. Approp. Date: 6/29/1981. Surface Water Right: Sunlight Feeder Ditch. Prior Decrees: 85CW331, 96CW201 and 96CW202 (consolidated), 96CW244, 02CW368, 04CW131 and 11CW111. Legal Desc.: The Pt. of diversion is located in the NE1/4SE1/4, Sec. 36, T. 7 S., R. 90 W., 6th P.M., at a pt. whence the E. 1/4 Corner of said Sec. 36 bears N. 20 deg. 45 min. 0 seconds E. 925 ft.; also described in 11CW111 as being 315 ft. from the E. Sec. Line and 1,755 ft. from the S. Sec. Line of said Sec. 36. The Sunlight Feeder Ditch priority may also be stored at alt. locations, described below. Source: Four Mile Creek, trib. to the Roaring Fork River, trib. to the Colorado River. Approp. Date: 9/25/1985. Amt.: 1.5 c.f.s., cond. Diversions at the Sunlight Feeder Ditch and its decreed alt. pts. of diversion shall not exceed 1.5 c.f.s. or such portion thereof that is in priority, and the volume of water applied to snowmaking shall not exceed 35 AF per year nor shall snowmaking water be applied to an area in excess of 70 acres (see paragraph 17.A. of 02CW368). Uses: Storage for snowmaking (see 85CW331), direct flow for snowmaking at the Sunlight Alt. Pt. No. 1 (see 96CW244) and direct flow for snowmaking or filling Babbish Gulch Reservoir or the Babbish Gulch Reservoir, Four Mile Snowmaking Pond Alt. for snowmaking uses (see 02CW368). Decreed Alt. Places of Diversion: Babbish Gulch Reservoir Pond No. 2 Feeder Ditch: The Court decreed this alt. pt. of diversion in 18CW3135. Legal Desc.: NE1/4SW1/4, Sec. 32, T. 7 S., R. 89 W., 6th P.M. UTM Zone 13, Northing 4363616 meters and Easting 297128 meters. Amt.: 1.5 c.f.s., cond. Source: Babbish Gulch, trib. to Four Mile Creek, trib. to the Roaring Fork River, trib. to the Colorado River. Uses: To divert water for the Babbish Gulch Reservoir Pond No. 2 for all uses decreed to the Sunlight Feeder Ditch. Sunlight Alt. Pt. No. 1: The Court decreed this alt. pt. of diversion in 96CW244. Legal Desc.: SW1/4NW1/4, Sec. 33, T. 7 S., R. 89 W., 6th P.M. at a pt. whence the SW corner of Sec. 33 bears S. 15 deg. 0 min., W. 2,900 ft.; also described in 11CW111 as being 4,720 ft. from the E. Sec. Line and 2,815 ft. from the S. Sec. line of said Sec. 33. Amt. and Use: 1.5 c.f.s., of which 0.8 c.f.s. is absolute for direct flow for snowmaking in the SW1/4, Sec. 33, T. 7 S., R. 89 W., 6th P.M. (see 11CW111). Sunlight Feeder Ditch, Four Mile Creek Alt. Diversion Pt.: The Court decreed this alt. pt. of diversion in 02CW368. Legal Desc.: a pump station located in the SW1/4 NE1/4, Sec. 32, T. 7 S., R. 89 W., 6th P.M. at a pt. 2,550 ft. from the E. Sec. Line and 2,100 ft. from the N. Sec. Line of Sec. 32. Amt. and Use: 1.5 c.f.s., of which 0.49 c.f.s. is absolute to fill Babbish Gulch Reservoir Snowmaking Pond Alt. and subsequent release for snowmaking (see 11CW111). First Claim to Make Absolute. Babbish Gulch Reservoir Pond No. 1: Date of beneficial use: 5/14/2018. Amt.: 6.57 AF, absolute. No amt. remains cond. at this changed place of storage under the Babbish Gulch Reservoir priority. Applicant changed 3.43 AF of this water right to the Babbish Gulch Reservoir Pond No. 2 as an alt. place of storage in 18CW3135, and is now claiming that amt. as absolute for the Babbish Gulch Reservoir Pond No. 2 in this Application. Use: Irr., snowmaking, mun., dom., fire prot., rec., aesthetics, and replacement and exchange uses. As-Built Location: the pond was built in the SE1/4 NW1/4, Sec. 32, T. 7 S., R. 89 W., 6th P.M. UTM Zone 13, NAD 83, Easting 297235 meters, Northing 4364076 meters, as depicted in Exhibit A to application. The pond is 190 ft. from the decreed location. Babbish Gulch Reservoir Pond No. 1 Feeder Ditch. Date of beneficial use: 5/14/2018. Amt.: 0.263 c.f.s., absolute. 4.737 c.f.s. remains cond. Uses: fill the Babbish Gulch Pond No. 1 for subsequent use. Second Claim to Make Absolute. Babbish Gulch Reservoir Pond No. 2. Date of Beneficial Use: 5/8 through 5/22, 2020. Amt.: 8.43 AF, absolute. The amt. claimed is in addition to the 4.33 AF of the Babbish Gulch Reservoir priority previously made absolute; 29.24 AF of the Babbish Gulch Reservoir priority will remain cond. Use: Irr., snowmaking, mun., dom., fire prot., rec., aesthetics, and replacement and exchange uses. Babbish

Gulch Reservoir Pond No. 2 Feeder Ditch. Date of beneficial use: 5/8/2020. Amt.: 0.269 c.f.s., absolute. 1.231 c.f.s. of the Sunlight Feeder Ditch priority remains cond. as to the claimed beneficial use. Use: To divert water for the Babbish Gulch Reservoir Pond No. 2 from Four Mile Creek for storage for snowmaking. Landownership CRS § 37-92-302(2)(b)(II): Babbish Gulch Reservoir: United States Forest Service, White River National Forest, 900 Grand Ave., Glenwood Springs, CO 81601; all other structures: Applicant. Pgs, 9, Exhibits 4.

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

**5. PURSUANT TO C.R.S., §37-92-302, AS AMENDED, YOU ARE NOTIFIED THAT THE FOLLOWING PAGES COMPRISE A RESUME OF THE APPLICATIONS AND AMENDED APPLICATIONS FILED WITH THE WATER CLERK FOR WATER DIVISION 5 DURING THE MONTH OF JANUARY 2021. *The water right claimed by this application may affect in priority any water right claimed or heretofore adjudicated within this division and owners of affected rights must appear to object and protest within the time provided by statute or be forever barred.***

**21CW3004 PITKIN COUNTY-CAPITOL CREEK, TRIB. TO SNOWMASS CREEK, TRIB. TO ROARING FORK RIVER, TRIB. TO COLORADO RIVER.** Application for Finding of Reasonable Diligence. Applicant: La Jolla Development Company d/b/a McCabe Ranch c/o Sara M. Dunn and Erika S. Gibson, Balcomb & Green, P.C. P.O. Drawer 790, Glenwood Springs, CO 81602; 970-945-6546. A map depicting the structure location is attached as Figure 1 to the application. Structure: McCabe Pond No. 22. Prior Decrees: Case No. 06CW128 and Case No. 14CW3092. Legal Description: The McCabe Pond No. 22 is located in the SE1/4 of the SW1/4 of Sec. 5, T. 9 S., R. 86 W., 6th P.M., the outlet of which is located at a pt. 484 ft. from the S. line of said Sec. 5 and 2,554 ft. from the E. line of said Sec. 5. Source: Capitol Creek, trib. to Snowmass Creek, trib. to the Roaring Fork River, trib. to the Colorado River. Date of Approp.: 5/8/2006. Amt.: 1.0 AF, cond. Use: Irr., rec., pisc., fire prot. and stock watering. Properties of Dam: Max. Height of Dam: 9 ft. Length of Dam: 100 ft. Total Capacity: 1.0 AF. Total Surface Area at Full Capacity: 0.2 acres. Active capacity and dead storage shall be determined upon making the subject water right absolute and installation of a low level outlet capable of releasing water from the pond via gravity flow. Name and Capacity of Ditch to fill Pond: Green Meadow Ditch, with an estimated capacity of 20.0 c.f.s. Remarks: The pond is filled in priority with water diverted from Capitol Creek through the Green Meadow Ditch. The approp. date for filling the pond is the same as the pond priority. The max. rate of fill for the pond is 0.5 c.f.s. Irr. from the pond occurs under the Applicant's Green Meadow Ditch water rights. The pond acts as a pump forebay to allow diversion of Green Meadow Ditch water flowing through the pond. The Applicant does not utilize the active capacity of the pond for irr. Integrated Water Supply System: Applicant requests confirmation that the McCabe Pond No. 22 is an integral feature of the existing and future water system to supply the McCabe Ranch. McCabe Ranch is a mixed-use development with an equestrian center, single-family residential lots, irrigated pastures and grazing lands. McCabe Ranch is supplied by multiple water supplies in addition to McCabe Pond No. 22, including wells springs, ponds and irr. ditches as illustrated on Figure 1 attached to application. The Green Meadow Ditch is the primary source of irr. on the McCabe Ranch and the source of water for the McCabe Pond No. 22. Because of this connection, the subject water right is a feature of the Applicant's water system. "When a project or integrated system is comprised of several features, work on one feature of the project or system shall be considered in finding that reasonable diligence has been shown in the development of water rights for all features of the entire project or system." C.R.S. § 37-92-301(4)(b). Diligence Activities: Examples of work done and expenditures made to establish diligence are on file with this court. Land ownership per C.R.S. § 37-92-302(2)(B)(II): Applicant. 5 pgs.; Exhibits 1.

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

**6. PURSUANT TO C.R.S., §37-92-302, AS AMENDED, YOU ARE NOTIFIED THAT THE FOLLOWING PAGES COMPRISE A RESUME OF THE APPLICATIONS AND AMENDED APPLICATIONS FILED WITH THE WATER CLERK FOR WATER DIVISION 5 DURING THE MONTH OF JANUARY 2021. *The water right claimed by this application may affect in priority any water right claimed or heretofore adjudicated within this division and owners of affected rights must appear to object and protest within the time provided by statute or be forever barred.***

**21CW3005 EAGLE COUNTY, EAGLE AND COLORADO RIVERS.** Application for Finding of Reasonable Diligence and to Make Partially Absolute. Gallegos Ventures, Inc., c/o Beattie Houpt & Jarvis, PO Box 1669, Basalt, 970-945-8659. Gallegos Well No. 1: Original decree entered 05/05/92 in 91CW80; subsequent decrees entered in 92CW341, 99CW98, 05CW174, and 12CW94. Decreed original point of diversion: in the NW¼SE¼ of Sec 15, T 4 S, R 83 W 6<sup>th</sup> PM, 2,350 ft from S Sec line and 2,250 ft from E Sec line. Decreed alternate point of diversion: (1) By decree entered 01/18/15, in 12CW94, the court approved an alternate point of diversion (known as Gallegos Pipeline No. 1), through which up to 35 gpm may be diverted, located on the N bank of the Eagle River in NW¼SE¼ of Sec 15, T 4 S, R 83 W 6<sup>th</sup> PM, 1,950 ft from S Sec line and 2,515 ft from E Sec line. Source: Gallegos Well No. 1: Groundwater trib to the Eagle and Colo Rivers; Gallegos Pipeline No. 1: Eagle River, trib to Colo River. Appropriation date: 04/02/91. Amounts and uses: 50 gpm, total: 15 gpm, absolute, and 35 gpm, conditional, for commercial, industrial, and irrigation purposes. Irrigated area is

within Applicant's property in NW¼SE¼ Sec 15, T 4 S, R 83 W of the 6<sup>th</sup> PM, 100 Yacht Club Drive, Wolcott, CO. Depth: 800 ft. 39.4 gpm applied to beneficial use on 07/11/17 for irrigation. Description of place of use where water is applied to beneficial use: Applicant's property. Gallegos Well No. 1 operates pursuant to augmentation plan previously approved in 91CW80 and amended in 02CW381. The Application on file with the court includes a list of activities demonstrating diligence. Owners of land: Gallegos Well No. 1: Applicant; Gallegos Pipeline No. 1: Joufflas Family, 113 Mira Monte Rd, Grand Junction, CO 81507. (5 pages)

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

**7. PURSUANT TO C.R.S., §37-92-302, AS AMENDED, YOU ARE NOTIFIED THAT THE FOLLOWING PAGES COMPRISE A RESUME OF THE APPLICATIONS AND AMENDED APPLICATIONS FILED WITH THE WATER CLERK FOR WATER DIVISION 5 DURING THE MONTH OF JANUARY 2021. *The water right claimed by this application may affect in priority any water right claimed or heretofore adjudicated within this division and owners of affected rights must appear to object and protest within the time provided by statute or be forever barred.***

**21CW3006 PITKIN COUNTY, IN THE ROARING FORK RIVER OR ITS TRIBUTARIES.** Application for Findings of Reasonable Diligence and to Make Water Rights Absolute. Juniper Asset Holdings, LLC, c/o Meghan N. Winokur, Reg No. 35973, Hayley K. Siltanen, Reg No. 54937, Holland & Hart LLP, 600 East Main Street, Suite 104, Aspen, CO 81611, 970-925-3476, mwinokur@hollandhart.com, hksiltanen@hollandhart.com. Name of Structure: K.N.C.B. Moore Ditch Extension ("subject water right"). Previous Decrees: The original decree for the subject water right was entered on September 30, 2007 in Case No. 05CW291, District Court, Water Division No. 5. A decree granting findings of reasonable diligence toward development of the subject water right was entered on January 18, 2015 in Case No. 13CW3048, District Court, Water Division No. 5. Legal Description: The point of diversion is located on the south bank of an unnamed tributary (sometimes referred to as Trentaz Gulch) at a point from which the SW corner of Section 26, Township 9 South, Range 85 West of the 6th P.M. bears South 8° 08' West 1304.32 feet (Pitkin County). A map showing the location of the subject water right is attached as **Exhibit A** to the Application and incorporated therein. Source: An unnamed tributary of the Roaring Fork River, sometimes referred to as Trentaz Gulch. Appropriation Date: October 13, 2005. Amount: 0.67 cubic feet per second ("cfs"), conditional (total amount decreed to the subject water right is 1.0 cfs). Uses: Fill and refill of Paul's Pond, Aspen Lake, Quinn's Corner Pond, Lizzy Pea's Pond and K Bear's Point Pond for subsequent aesthetic, piscatorial and recreational purposes. Remarks: Applicant is the owner of 0.67 cfs of the 1.0 cfs decreed to the subject water right. Costanera Partners LLC ("Costanera") is the owner of the remaining 0.33 cfs decreed to the subject water right, which was confirmed absolute in Case No. 20CW3029 by decree dated January 17, 2020 (Water Division 5). Integrated System: The subject water right is part of an integrated water supply for Applicant's property, together with the water rights decreed in Case No. 05CW293. See 13CW3048 Decree, ¶ 9. As such, "work on one feature of the project or system shall be considered in finding that reasonable diligence has been shown in the development of water rights of the entire project or system." C.R.S. § 37-92-301(4)(b). Claim for Finding of Diligence: A detailed outline of activities during the diligence period is included in the Application. Claim to Make Absolute: Applicant seeks to make the subject water right fully absolute based upon the following evidence demonstrating that the Applicant diverted water under the subject water right in priority and applied such water to beneficial use: First date water applied to beneficial use: May 27, 2010. On such date Michael Erion, P.E., of LRE Water measured and recorded a flow rate of 0.73 cfs in the K.N.C.B. Moore Ditch Extension diversion channel to Applicant's property using a portable 12-inch Cippoletti weir with a gage reading of 0.36 feet. There was no call on Trentaz Gulch, the Roaring Fork River below Maroon Creek, or the Colorado River in May of 2010. Amount claimed absolute: 0.67 cfs (Applicant's full ownership interest). Uses: Fill and refill of Paul's Pond and Aspen Lake for subsequent aesthetic, piscatorial and recreational purposes. Name and address 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: Applicant. (5 pages).

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

**8. PURSUANT TO C.R.S., §37-92-302, AS AMENDED, YOU ARE NOTIFIED THAT THE FOLLOWING PAGES COMPRISE A RESUME OF THE APPLICATIONS AND AMENDED APPLICATIONS FILED WITH THE WATER CLERK FOR WATER DIVISION 5 DURING THE MONTH OF JANUARY 2021. *The water right claimed by this application may affect in priority any water right claimed or heretofore adjudicated within this division and owners of affected rights must appear to object and protest within the time provided by statute or be forever barred.***

**21CW3007 (14CW3053, 07CW24, 00CW148, 89CW305), DISTRICT COURT, WATER DIVISION 5, COLORADO 109 8th Street, Suite 104 Glenwood Springs CO 81601, CONCERNING THE APPLICATION FOR WATER RIGHTS OF BCP-ARR WATER, LLC IN EAGLE COUNTY, COLORADO. APPLICATION FOR FINDING OF REASONABLE DILIGENCE. 1. Name, address, and telephone number of Applicant: BCP-ARR Water, LLC Attn: Chad Brue 1555 Blake Street, Suite 210 Denver, Colorado 80202. Please direct all correspondence and pleadings to: Dulcinea Z. Hanuschak, #44342 at Brownstein Hyatt Farber Schreck, LLP**

410 17<sup>th</sup> Street, Suite 2200 Denver, CO 80202 Phone: (303) 223-1100 Fax: (303) 223-1111 E-mail: dhanuschak@bhfs.com 2. Name of structure: Frost Creek Ditch No. 2 (the "Subject Water Right"). 3. Description of conditional water rights. 3.1. Date of original decree: June 16, 1994 in Case No. 89CW305 3.2. Subsequent decrees: 00CW148, 07CW24, 14CW3053. 3.3. Legal description: The location of the point of diversion is located 1575 feet from the north section line and 2650 feet from the west section line of Section 35 in the SE ¼ of the NW ¼, Sec. 35, T5S, R84W, 6th PM. The location of the subject water right is shown on the map attached as **Exhibit A**. 3.4. Source: **Frost Creek, tributary to Brush Creek, tributary to the Eagle River**. 3.5. Date of appropriation: December 14, 1989. 3.6. Amount: 1 c.f.s., conditional. 3.7. Uses: Irrigation of 40 acres, domestic, recreation, fire protection, swimming pools and water recreational uses, snowmaking, livestock watering, commercial, emergency service uses, open space and park uses, street and driveway cleaning, dust suppression, construction, car and other vehicle washing, restaurant, café, and lounge uses, health club, sauna, Jacuzzi, and spa uses, water fountains, school uses, day care uses, restroom uses, and such other beneficial uses that are attendant to the construction, operation, maintenance, replacement, and repair of a four season resort and this right is a part of an integrated water system to serve the Frost Creek PUD. 4. Detailed outline of activity during the diligence period. During the diligence period, Applicant has made substantial expenditures, including consultant, engineering, and legal costs, associated with developing the Frost Creek PUD, a residential development that includes lands on which Applicant will use the Subject Water Right, and for which the Subject Water Right is integrated into the overall, future water system for development. This following summary of Applicant's diligence activities is not exclusive and may be supplemented with additional evidence of these or of other diligence activities. 4.1. Applicant purchased the conditional water right on March, 2015 and subsequently re-negotiated the water service agreement through which the Town of Eagle provides extra-territorial water service to the Frost Creek Property at a cost of tens of thousands of dollars in legal and engineering fees. 4.2. Applicant pursued and obtained an amendment to the Frost Creek PUD on which the subject water right will be used. Applicant also developed two new residential neighborhoods on the property, Red Bluffs and Hunters View at a cost of approximately \$2 million. 4.3. Applicant spent approximately \$268,000 on landscaping and grading, irrigation supplies, and repairs and maintenance of water infrastructure on the Frost Creek property, including golf course irrigation improvements. 4.4. Applicant spent over \$171,000 on legal and engineering fees necessary to develop and protect its water rights in Water Court. 4.5. Applicant spent approximately \$109,000 in construction, engineering, and other costs associated with improvements to Brush Creek Road, which were required based on Applicants land use approvals and in order to accommodate existing water rights infrastructure. 4.6. Applicant spent approximately \$355,000 on planning costs associated with present and potential future re-development of the Frost Creek property. 5. The land on which the subject structures are located, on which the water will be stored, or on which water will be placed to beneficial use is owned by: Applicant. WHEREFORE, Applicant requests: 1. A finding of reasonable diligence as to all of the subject water rights; and 2. Such other relief as the Court deems just and proper. (4 pages + Exhibit)

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

**9. PURSUANT TO C.R.S., §37-92-302, AS AMENDED, YOU ARE NOTIFIED THAT THE FOLLOWING PAGES COMPRISE A RESUME OF THE APPLICATIONS AND AMENDED APPLICATIONS FILED WITH THE WATER CLERK FOR WATER DIVISION 5 DURING THE MONTH OF JANUARY 2021. *The water right claimed by this application may affect in priority any water right claimed or heretofore adjudicated within this division and owners of affected rights must appear to object and protest within the time provided by statute or be forever barred.***

**21CW3008 (14CW3061, 07CW25, 00CW149, 89CW306), DISTRICT COURT, WATER DIVISION 5, COLORADO 109 8th Street Suite 104 Glenwood Springs CO 81601. CONCERNING THE APPLICATION FOR WATER RIGHTS OF BCP-ARR WATER, LLC In the Eagle River or its Tributaries IN EAGLE COUNTY, COLORADO. APPLICATION FOR FINDING OF REASONABLE DILIGENCE** 1. Name, address, and telephone number of Applicant: BCP-ARR Water, LLC Attn: Chad Brue 1555 Blake Street, Suite 210 Denver, Colorado 80202. Please direct all correspondence and pleadings to: Dulcinea Z. Hanuschak, #44342 at Brownstein Hyatt Farber Schreck, LLP 410 17<sup>th</sup> Street, Suite 2200 Denver, CO 80202 Phone: (303) 223-1100 Fax: (303) 223-1111 E-mail: dhanuschak@bhfs.com 2. Name of structure: Gray Rock Spring No. 1 (the "Subject Water Right"). 3. Description of conditional water rights. 3.1. Date of original decree: August 8, 1994 in Case No. 89CW306. 3.2. Subsequent decrees: 00CW149, 07CW25, 14CW3061 (finding that 0.067 c.f.s. of the Subject Water Right was made absolute for irrigation use and finding reasonable diligence as to all remaining conditional uses). 3.3. Legal description: The location of the point of diversion is located 1650 feet from the south section line and 200 feet from the east section line of Section 26 in the NE ¼ of the SE ¼, Sec. 26, T5S, R84W, 6th PM. The location of the subject water right is shown on the map attached as **Exhibit A**. 3.4. Source: A spring tributary to Frost Creek, tributary to Brush Creek, tributary to the Eagle River. 3.5. Date of appropriation: December 31, 1940 (absolute for domestic use) and December 14, 1989 (conditional for all other uses). 3.6. Amount: .067 c.f.s. 3.7 Uses: Certain uses of the Subject Water Right have been made absolute and certain uses remain conditional. *Absolute uses*: irrigation of 40 acres; domestic. *Conditional uses*: recreation, fire protection, swimming pools and water recreational uses, snowmaking, livestock watering, commercial, emergency service uses, open space and park uses, street and driveway cleaning, dust suppression, construction, car and other vehicle washing, restaurant, café, and lounge uses, health club, sauna, Jacuzzi, and spa uses, water fountains, school uses, day care uses, restroom uses, and such other beneficial uses that are attendant to the construction, operation, maintenance, replacement, and repair of a four season resort and this right is a part of an integrated water system to serve the Frost Creek PUD. 4. Detailed outline of activity during the diligence period.



During the diligence period, Applicant has made substantial expenditures, including consultant, engineering, and legal costs, associated with developing the Frost Creek PUD, a residential development that includes lands on which Applicant will use the Subject Water Right, and for which the Subject Water Right is integrated into the overall, future water system for development. This following summary of Applicant's diligence activities is not exclusive and may be supplemented with additional evidence of these or of other diligence activities. 4.1. Applicant purchased the conditional water right on March, 2015 and subsequently re-negotiated the water service agreement through which the Town of Eagle provides extra-territorial water service to the Frost Creek Property at a cost of tens of thousands of dollars in legal and engineering fees. 4.2. Applicant pursued and obtained an amendment to the Frost Creek PUD on which the subject water right will be used. Applicant also developed two new residential neighborhoods on the property, Red Bluffs and Hunters View at a cost of approximately \$2 million. 4.3. Applicant spent approximately \$268,000 on landscaping and grading, irrigation supplies, and repairs and maintenance of water infrastructure on the Frost Creek property, including golf course irrigation improvements. 4.4. Applicant spent over \$171,000 on legal and engineering fees necessary to develop and protect its water rights in Water Court. 4.5. Applicant spent approximately \$109,000 in construction, engineering, and other costs associated with improvements to Brush Creek Road, which were required based on Applicants land use approvals and in order to accommodate existing water rights infrastructure. 4.6. Applicant spent approximately \$355,000 on planning costs associated with present and potential future re-development of the Frost Creek property. 5. The land on which the subject structures are located, on which the water will be stored, or on which water will be placed to beneficial use is owned by: Applicant. WHEREFORE, Applicant requests: 1. A finding of reasonable diligence as to all of the subject water rights; and 2. Such other relief as the Court deems just and proper. (4 pages + Exhibit)

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

**10. PURSUANT TO C.R.S., §37-92-302, AS AMENDED, YOU ARE NOTIFIED THAT THE FOLLOWING PAGES COMPRISE A RESUME OF THE APPLICATIONS AND AMENDED APPLICATIONS FILED WITH THE WATER CLERK FOR WATER DIVISION 5 DURING THE MONTH OF JANUARY 2021. *The water right claimed by this application may affect in priority any water right claimed or heretofore adjudicated within this division and owners of affected rights must appear to object and protest within the time provided by statute or be forever barred.***

**21CW3009 GRAND COUNTY. APPLICATION FOR UNDERGROUND WATER RIGHTS AND APPROVAL OF A PLAN FOR AUGMENTATION 1. Name, Address, Phone Number, and E-Mail Address of Applicant.** Hill Industries, LLC c/o Thomas J. Hill, 67 GCR 4429, Grand Lake, Colorado 80447, Phone: (303) 434-7589, E-mail: tomhill@hillpet.com. Copies of all pleadings to: David F. Bower, Alison M. Lipman, Johnson & Repucci LLP, 850 W. South Boulder Road, Suite 100, Louisville, Colorado 80027. **2. Overview.** Applicant is the owner of ~10.8 acres of land located north of Granby Reservoir on Soda Creek. By this application, Applicant is claiming conditional underground water rights for three wells, which will be used to provide a domestic water supply, limited landscape irrigation, and a source of water for fire protection to the planned residential development on the property, The Reserve on Soda Creek. Applicant also seeks approval of a plan for augmentation and appropriate right of exchange to replace out-of-priority depletions associated with The Reserve on Soda Creek. A map of the subject property and proposed structures is attached hereto as **Figure 1. 3. Claim for Conditional Underground Water Right.** (a) Name of Well Structure. The Reserve on Soda Creek Well No. 1. (b) Permit Information. The Reserve on Soda Creek Well No. 1 has not been permitted or drilled as of the date of this application. (c) Approximate Location. SW1/4 of the SW1/4 of Section 23, Township 3 North, Range 76 West of the 6th P.M., at a point 10 feet from the south section line and 216 feet from the west section line (Zone 13, NAD83, Easting 424957.1 m, Northing 4450200.6 m). (d) Source. Groundwater underlying the subject property, tributary to Granby Reservoir and/or Soda Creek, tributary to the Colorado River. (e) Depth of Well. ~ 250 feet (estimated). (f) Appropriation Date. Date of application. (g) Amount. 0.22 cfs (100 gpm), conditional. (h) Uses. Municipal, domestic, commercial, irrigation, and fire protection. Irrigation will be for landscaping anywhere on the subject property. (i) Remarks. The location, depth, and amount claimed for The Reserve on Soda Creek Well No. 1 is estimated based on current development plans for the property and characteristics of the underlying aquifer and nearby wells. Applicant reserves the right to locate the well anywhere on the subject property. The final as-built location will be identified at the time that The Reserve on Soda Creek Well No. 1 is permitted and/or made absolute. **4. Claim for Conditional Underground Water Right.** (a) Name of Well Structure. The Reserve on Soda Creek Well No. 2. (b) Permit Information. The Reserve on Soda Creek Well No. 2 has not been permitted or drilled as of the date of this application. (c) Approximate Location. SW1/4 of the SW1/4 of Section 23, Township 3 North, Range 76 West of the 6th P.M., at a point 521 feet from the south section line and 400 feet from the west section line (Zone 13, NAD83, Easting 425015.2 m, 4450355.5 Northing m). (d) Source. Groundwater underlying the subject property, tributary to Granby Reservoir and/or Soda Creek, tributary to the Colorado River. (e) Depth of Well. ~ 250 feet (estimated). (f) Appropriation Date. Date of application. (g) Amount. 0.22 cfs (100 gpm), conditional. (h) Uses. Municipal, domestic, commercial, irrigation, and fire protection. Irrigation will be for landscaping anywhere on the subject property. (i) Remarks. The location, depth, and amount claimed for The Reserve on Soda Creek Well No. 2 is estimated based on current development plans for the property and characteristics of the underlying aquifer and nearby wells. Applicant reserves the right to locate the well anywhere on the subject property. The final as-built location will be identified at the time that the well is permitted and/or made absolute. **5. Claim for Conditional Underground Water Right.** (a) Name of Well Structure. The Reserve on Soda Creek Well No. 3. (b) Permit Information. The Reserve on Soda Creek Well No. 3 has not been permitted or drilled as of the date of this application. (c) Approximate Location. SW1/4 of the SW1/4 of Section 23, Township 3 North, Range 76 West of the 6th

P.M., at a point feet from the 287 south section line and 405 feet from the west section line (Zone 13, NAD83, Easting 425015.8 m, Northing 4450284.3 m). (d) Source. Groundwater underlying the subject property, tributary to Granby Reservoir and/or Soda Creek, tributary to the Colorado River. (e) Depth of Well. ~ 250 feet (estimated). (f) Appropriation Date. Date of application. (g) Amount. 0.22 cfs (100 gpm), conditional. (h) Uses. Municipal, domestic, commercial, irrigation, and fire protection. Irrigation will be for landscaping anywhere on the subject property. (i) Remarks. The location, depth, and amount claimed for The Reserve on Soda Creek Well No. 3 is estimated based on current development plans for the property and characteristics of the underlying aquifer and nearby wells. Applicant reserves the right to locate the well anywhere on the subject property. The final as-built location will be identified at the time that the well is permitted and/or made absolute. **6. Request for Approval of Plan for Augmentation.** (a) Name of Structures to be Augmented. (i) The Reserve on Soda Creek Well No. 1, as claimed in paragraph 3 above. (ii) The Reserve on Soda Creek Well No. 2, as claimed in paragraph 4 above. (iii) The Reserve on Soda Creek Well No. 3, as claimed in paragraph 5 above. (b) Water Rights to be Used for Augmentation. (i) Middle Park Contract Water, which will be provided by the Middle Park Water Conservancy District ("Middle Park") from supplies that Middle Park owns or controls in (1) Granby Reservoir pursuant to its Windy Gap allotment contract, (2) Wolford Mountain Reservoir, (3) the Sunset Ridge Pond, (4) and/or alternative storage structures. Applicant's application for a Middle Park contract is pending. (ii) Additional or Alternative Sources. Pursuant to C.R.S. § 37-92-305(8), Applicant reserves the right to use additional or alternative sources of water for replacement on a temporary or permanent basis, subject to approval by the Water Court and/or the State Engineer's Office. (c) Detailed Description of Plan for Augmentation. Applicant will replace all out-of-priority depletions from The Reserve on Soda Creek Wells with Middle Park Contract Water. Applicant's development plans currently call for 12 duplexes (24 single-family units) to be constructed on the property. Each duplex will have approximately 1,200 square-feet of landscaping and one hot tub. Based on these development plans, the total water demand is estimated to be approximately 8 acre-feet/year and the total depletion is estimated to be 0.6 acre-feet/year. A detailed description of Applicant's demands and depletions are set forth below. For the purpose of evaluating the amount of replacement water needed to operate the plan for augmentation, 100% of the depletions are assumed to be out-of-priority. (i) Projected Demands. The total indoor/household domestic demand for the development is estimated to be 7.6 acre-feet/year. The outdoor domestic and irrigation demand (e.g. landscaping and hot tubs) is assumed to be 0.2 acre-feet/year. (ii) Projected Depletions. Depletions from The Reserve on Soda Creek Wells will result in lagged depletions to Granby Reservoir and/or Soda Creek. Wastewater from the domestic use will be treated via a central sewage treatment facility operated by Three Lakes Water and Sanitation District. Accordingly, indoor/household domestic use is expected to be 5% consumptive. This results in an estimated depletion of 0.4 acre-feet/year. Landscape irrigation is assumed to be 95% consumptive and the hot tubs are assumed to be 100% consumptive, resulting in an anticipated depletion of 0.2 acre-feet/year. (d) Exchange Reach. Because some of the Middle Park Contract Water supplies are downstream of the points of depletion for The Reserve on Soda Creek Wells, the proposed plan for augmentation may at times operate by substitution and/or exchange. Therefore, to the extent necessary in order to properly operate this plan for augmentation, Applicant claims an appropriate right of exchange and/or exchange project right from the furthest downstream point where replacement water may be released into the Colorado River up to the further upstream point of depletion for The Reserve on Soda Creek Wells on Granby Reservoir and/or Soda Creek. The components of this exchange right are as follows: (i) Downstream Terminus. The confluence of Muddy Creek and the Colorado River, which is located in the NW1/4 of the NE1/4 of Section 19, Township 1 North, Range 80 West of the 6th P.M. (Zone 13, NAD 83, Easting 380748.2 m, Northing 4433448.3 m). (ii) Upstream Terminus. The furthest point upstream where depletions from The Reserve on Soda Creek Wells impact Granby Reservoir and/or Soda Creek, which is located in the SW1/4 of the SW1/4 of Section 23, Township 3 North, Range 76 West of the 6th P.M., at a point 779 feet from the south section line and 793 feet from the west section line (Zone 13, NAD83, Easting 425136.1 m, Northing 4450433 m). The upstream terminus may depend on the final as-built location of The Reserve on Soda Creek Wells. (iii) Exchange Rate. 0.00081 cfs. (iv) Date of Appropriation. Date of application. (v) Uses. Water will be exchanged to augment and replace out-of-priority depletions from the municipal, domestic, commercial, irrigation, and fire protection uses of The Reserve on Soda Creek Wells. (vi) Remarks. Applicant will only operate the requested exchange at such times when deliveries of the replacement water at the downstream exchange terminus will satisfy the downstream calling water right. **7. Integrated System**. All of the water rights and structures included in this application are components of an integrated water system. For the purposes of future diligence applications, work on one of the subject structures may be evidence of reasonable diligence on other structures in the system. **8. Name and Address of Landowner Upon which any New or Modified Diversion or Storage Structure is Located, Including Any Modification to the Storage Pool**. All of the subject structures are on land owned by Applicant. WHEREFORE, Applicant respectfully requests that the Court (1) grant the claim for underground water rights claimed in paragraphs 3–5 above; (2) find that there will be no injury to any owner of, or person entitled to use, water under a vested water right or conditionally decreed water right as a result of Applicant's requested plan for augmentation and exchange as described in paragraph 6 above; and (3) approve the plan for augmentation and exchange described in paragraph 6 above. (8 pages)  
**YOU ARE HEREBY NOTIFIED THAT YOU HAVE until the last day of MARCH 2021 to file with the Water Clerk a verified Statement of Opposition setting forth facts as to why this application should not be granted or why it should be granted in part or on certain conditions. A copy of such statement of opposition must also be served upon the applicant or the applicant's attorney and an affidavit or certificate of such service shall be filed with the Water Clerk, as prescribed by Rule 5, CRCP. (Filing Fee: \$192.00) KATHY POWERS, Water Clerk, Water Division 5; 109 8th Street, Suite 104 Glenwood Springs, CO 81601.**

**11. PURSUANT TO C.R.S., §37-92-302, AS AMENDED, YOU ARE NOTIFIED THAT THE FOLLOWING PAGES COMPRISE A RESUME OF THE APPLICATIONS AND AMENDED APPLICATIONS FILED WITH THE WATER CLERK FOR WATER DIVISION 5 DURING THE MONTH OF JANUARY 2021. The water right claimed by this application**

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

**21CW3010 PITKIN COUNTY, IN THE ROARING FORK RIVER OR ITS TRIBUTARIES.** Application for Findings of Reasonable Diligence and to Make Water Rights Absolute in Part. Juniper Asset Holdings, LLC, c/o Meghan N. Winokur, Reg No. 35973, Hayley K. Siltanen, Reg No. 54937, Holland & Hart LLP, 600 East Main Street, Suite 104, Aspen, CO 81611, 970-925-3476, mwinokur@hollandhart.com, hksiltanen@hollandhart.com. Name of structures: Paul's Pond and Aspen Lake ("subject water rights"). Previous Decrees: The original decree for the subject water rights was entered on October 2, 2007 in Case No. 05CW293, District Court, Water Division No. 5. A decree granting findings of reasonable diligence toward development of the subject water rights was entered on January 18, 2015 in Case No. 13CW3049, District Court, Water Division No. 5. Legal Description: Paul's Pond: The centerline of the dam is located in the SW 1/4 of the SW 1/4, Section 26, Township 9 South, Range 85 West of the Sixth P.M., at a point approximately 1301 feet north of the south Section Line and 25 feet east of the west Section Line of said Section 26 (Pitkin County). A map showing the location of Paul's Pond is attached as **Exhibit A** to the Application and incorporated therein. Aspen Lake: The centerline of the dam is located in the SE 1/4 of the SE 1/4, Section 27, Township 9 South, Range 85 West of the Sixth P.M., at a point approximately 1356 feet north of the south Section Line and 180 feet west of the east Section Line of said Section 27 (Pitkin County). A map showing the location of Aspen Lake is attached as **Exhibit A** to the Application and incorporated therein. Source: An unnamed tributary of the Roaring Fork River, sometimes referred to as Trentaz Gulch. Appropriation Date: October 13, 2005. Amounts: Paul's Pond: 0.69 acre-feet, conditional, with the right to fill and refill whenever water is physically and legally available. Aspen Lake: 2.70 acre-feet, conditional, with the right to fill and refill whenever water is physically and legally available. Uses: Aesthetic, piscatorial and recreational. Integrated System: The subject water rights are part of an integrated water supply for Applicant's property, together with the water rights decreed in Case No. 05CW291. See 13CW3049 Decree, ¶ 10. As such, "work on one feature of the project or system shall be considered in finding that reasonable diligence has been shown in the development of water rights of the entire project or system." C.R.S. § 37-92-301(4)(b). Claim for Finding of Diligence: A detailed outline of activities during the diligence period is included in the Application. Claim to Make Absolute in Part: Applicant seeks to make the subject water rights absolute in part for all decreed uses based upon the following evidence: First date the subject water rights were captured, possessed and controlled at the decreed storage structure locations: May 27, 2010. On such date Michael Erion, P.E., of LRE Water observed Paul's Pond and Aspen Lake to be constructed and full; such ponds were being filled and refilled by the K.N.C.B. Moore Ditch Extension. There was no call on Trentaz Gulch, the Roaring Fork River below Maroon Creek, or the Colorado River in May of 2010. Amounts claimed absolute: Paul's Pond: 0.53 acre-feet, as shown on the stage-area-capacity table attached to the Application as **Table 1**. Aspen Lake: 1.75 acre-feet, as shown on the stage-area-capacity table attached to the Application as **Table 2**. Remaining conditional amounts: Paul's Pond: 0.16 acre-feet. Aspen Lake: 0.95 acre-feet. Uses: The subject water rights should be made absolute to the extent of their constructed capacity for all decreed purposes (aesthetic, piscatorial and recreational) pursuant to C.R.S. § 37-92-301(4)(e) ("A decreed conditional water storage right shall be made absolute for all decreed purposes to the extent of the volume of the appropriation that has been captured, possessed, and controlled at the decreed storage structure."). Names(s) and address(es) of owner(s) or reputed owners of the land upon which any new diversion or storage structure, or modification to any existing diversion or storage structure is or will be constructed or upon which water is or will be stored: Applicant. (5 pages).

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

**12. PURSUANT TO C.R.S., §37-92-302, AS AMENDED, YOU ARE NOTIFIED THAT THE FOLLOWING PAGES COMPRISE A RESUME OF THE APPLICATIONS AND AMENDED APPLICATIONS FILED WITH THE WATER CLERK FOR WATER DIVISION 5 DURING THE MONTH OF JANUARY 2021. The water right claimed by this application may affect in priority any water right claimed or heretofore adjudicated within this division and owners of affected rights must appear to object and protest within the time provided by statute or be forever barred.**

**21CW3011 GRAND COUNTY. APPLICATION FOR UNDERGROUND WATER RIGHTS, STORAGE RIGHTS, AND APPROVAL OF A PLAN FOR AUGMENTATION 1. Name, Address, Phone Number, and E-Mail Address of Applicants.** John Robert Ryan Revocable Trust, dated the 19th day of July, 2011, and Ashleigh Warren Ryan Revocable Trust, dated the 19th day of July, 2011, 10200 GCR 3, Parshall, Colorado 80468, Phone: (303) 931-7378, E-mail: ryan.associates@gmail.com. Copies of all pleadings to: David F. Bower, Johnson & Repucci LLP, 850 W. South Boulder Road, Suite 100, Louisville, Colorado 80027, Phone: (303) 442-1900, E-mail: dfbower@j-rllaw.com. **2. Overview.** Applicants are the owner of 780 acres of land located south of Williams Fork Reservoir on Skylark Creek. By this application, Applicants are claiming conditional underground water rights for two wells, which will be used to provide a domestic water supply to the residence and planned chapel and silent retreat center on the property. Applicants also seek approval of a plan for augmentation to replace out-of-priority depletions associated with the two wells. Augmentation water will be provided by reservoirs located on the property as claimed in this case. A map of the subject property and proposed structures is attached hereto as **Exhibit A**. **3. Claim for Conditional Underground Water Right.** (a) Name of Well Structure. House and Chapel Well. (b) Permit Information. The House and Chapel Well is currently permitted under Well Permit No. 308532-A, Receipt No. 10003415. (c) Location. NE1/4 of the SE1/4 of Section 1, Township 2 South, Range 79 West of the 6th P.M., at a point 120 feet from the north section line and 1,020 feet from the east section line (Zone 13, NAD83, Easting 399749 m, Northing 4418020 m). (d) Source.

Groundwater underlying the subject property, tributary to Skylark Creek, tributary to the Williams Fork, tributary to the Colorado River. (e) Depth of Well. 220 feet. (f) Appropriation Date. Date of application. (g) Amount. 0.033 cfs (15 gpm), conditional. (h) Uses. Domestic, commercial, irrigation, and fire protection. Irrigation will be for landscaping anywhere on the subject property. (i) Remarks. The House and Chapel Well will be re-permitted after the plan for augmentation is approved in this matter. **4. Claim for Conditional Underground Water Right**. (a) Name of Well Structure. Hermitage Well. (b) Permit Information. The Hermitage Well has not been permitted or drilled as of the date of this application. (c) Approximate Location. SW1/4 of the SE1/4 of Section 1, Township 2 South, Range 79 West of the 6th P.M., at a point 75 feet from the south section line and 75 feet from the west section line (Zone 13, NAD83, Easting 399213 m, Northing 4417585 m). (d) Source. Groundwater underlying the subject property, tributary to Skylark Creek, tributary to the Williams Fork, tributary to the Colorado River. (e) Depth of Well. ~ 220 feet (estimated). (f) Appropriation Date. Date of application. (g) Amount. 0.1 cfs (45 gpm), conditional. (h) Uses. Domestic, commercial, irrigation, and fire protection. Irrigation will be for landscaping anywhere on the subject property. (i) Remarks. The location, depth, and amount claimed for the Hermitage Well is estimated based on current development plans for the property and characteristics of the underlying aquifer and nearby wells. Applicants reserve the right to locate the well anywhere on the subject property. The final as-built location will be identified at the time that the well is permitted and/or made absolute. **5. Claim for Conditional Use Enlargement Storage Right**. (a) Name of Storage Structure. McCandliss Reservoir. (b) Name of Water Right. McCandliss Reservoir Augmentation and Refill Right. (c) Location. SE1/4 of the SW1/4 of Section 6, Township 2 South, Range 78 West of the 6th P.M., at a point 1,500 feet from the west section line and 600 feet from the south section line (Zone 13, NAD83, Easting 400498 m, Northing 4417692 m). (d) Source. The South Fork of Skylark Creek, tributary to Skylark Creek, tributary to the Williams Fork, tributary to the Colorado River. (e) Name and Rate of Filler Structure. McCandliss Reservoir is an on-channel storage structure. In addition to filling from native flows tributary to the South Fork of Skylark Creek, McCandliss Reservoir can fill from Skylark Creek via the McCandliss Feeder Ditch at a diversion rate of 3.25 cfs. The McCandliss Feeder Ditch point of diversion is located in the NW1/4 of the NE1/4 of Section 12, Township 2 South, Range 79 West of the 6th P.M., at a point approximately 1,600 feet from the east section line and 1,000 feet from the north section line (Zone 13, NAD83, Easting 399497 m, Northing 4417192 m). (f) Appropriation Date. Date of application. (g) Amount. 25 acre-feet, conditional, with the right to fill and refill in priority. (h) Existing Decreed Uses. Irrigation, recreation, and fish and wildlife. (i) Additional Proposed Uses. Augmentation and replacement. (j) Other Relevant Decrees. (i) Civil Action No. 632. McCandliss Reservoir was originally decreed in Civil Action No. 632, Grand County District Court, dated July 9, 1934, for 23.24 acre-feet, for irrigation purposes. The Civil Action No. 632 decree recognized that the reservoir had been partially completed to a height of six or eight feet (of the 13 feet proposed completed height) and beneficially used for irrigation. Pursuant to the Order of Abandonment dated June 14, 2006, “any and all remaining conditional aspects of the McCandliss Reservoir in [Civil Action No. 632], which may include, but not be limited to 23.24 af, conditional” was ordered cancelled. The records of the State Engineer’s Office now state that the original Civil Action No. 632 right has been cancelled in its entirety; however, based on the decree and order, it appears that the right may have only been cancelled for the amount not in storage on July 9, 1934 and/or otherwise not put to beneficial use prior to the cancellation order. (ii) Case No. 98CW293. In addition to any right that may remain decreed to the structure from Civil Action No. 632, McCandliss Reservoir was decreed the conditional Skylark Creek Storage Right in Case No. 98CW293, Water Division 5, dated August 27, 2001, for 25 acre-feet, conditional, for irrigation, recreation, and fish and wildlife uses, with an appropriation date of October 16, 1998. The Skylark Creek Storage Right has been continued by the diligence decrees entered in Case No. 07CW153, dated January 29, 2009, and Case No. 15CW3004, dated August 14, 2016. (k) Remarks. The McCandliss Reservoir Augmentation and Refill Right claimed in this seeks to use McCandliss Reservoir for augmentation and replacement purposes in connection with the plan for augmentation claimed in this case, as well as any other future additional augmentation and replacement requirements for the subject property. In addition, the McCandliss Reservoir Augmentation and Refill Right will be used to allow the reservoir to be refilled for irrigation, recreation, and fish and wildlife purposes, so that the reservoir can be kept full for its *in situ* purposes when in-priority. **6. Claim for Conditional Storage Right**. (a) Name of Storage Structure. Ryan Reservoir. (b) Name of Water Right. Ryan Reservoir Augmentation and Recreation Right. (c) Approximate Location. NW1/4 of the SW1/4 of Section 31, Township 1 South, Range 78 West of the 6th P.M., at a point 900 feet from the west section line and 1,530 feet from the south section line (Zone 13, NAD83, Easting 400318 m, Northing 4418479 m). (d) Name and Rate of Filler Structure. Ryan Reservoir will be an on-channel storage structure that will fill from native flows tributary to Skylark Creek. (e) Appropriation Date. Date of application. (f) Amount. 10 acre-feet, conditional, with the right to fill and refill in priority. (g) Proposed Uses. Recreation, fish and wildlife, and augmentation and replacement. (h) Remarks. The Ryan Reservoir is primarily intended to be used for recreation and fish and wildlife habitat. In the event that Applicant needs to augment out-of-priority depletions from the property, either under this plan for augmentation or any future plan for augmentation for the property, water can also be released from the reservoir for that purpose. The amount claimed is based on Applicants’ estimate of the maximum amount of storage that will be achieved at this location; however, the final dimensions and capacity of the Ryan Reservoir are still being determined. Applicants reserve the right to locate the Ryan Reservoir anywhere on the subject property, with the lowest downstream location estimated to be in the SW1/4 of the NE1/4 of Section 31, Township 1 South, Range 78 West of the 6th P.M., and the furthest upstream location estimated to be in the SE1/4 of the SE1/4 of Section 1, Township 2 South, Range 79 West of the 6th P.M. The final as-built location will be identified at the time that the Ryan Reservoir right is made absolute. **7. Request for Approval of Plan for Augmentation**. (a) Name of Structures to be Augmented. (i) House and Chapel Well, as claimed in paragraph 3 above. (ii) Hermitage Well, as claimed in paragraph 4 above. (b) Water Rights to be Used for Augmentation. (i) McCandliss Reservoir Augmentation and Refill Right, as claimed in paragraph 5 above. (ii) Ryan Reservoir Augmentation and Recreation Right, as claimed in paragraph 6 above. (iii) Additional or Alternative Sources. Pursuant to C.R.S. § 37-92-305(8), Applicants reserve the right to use additional or alternative sources of water for replacement on a temporary or permanent basis, subject to approval by the Water Court and/or the State Engineer’s

Office. (c) Detailed Description of Plan for Augmentation. Applicants will replace all out-of-priority depletions from the House and Chapel Well and the Hermitage Well with water from McCandliss Reservoir stored under the McCandliss Reservoir Augmentation and Refill Right and/or Ryan Reservoir stored under the Ryan Reservoir Augmentation and Recreation Right. Applicants' current development plans for the property include a residential house and/or retreat center, a chapel, a machine shop, 16 small cabins, and other outbuildings and structures. In addition, there is estimated to be 5,000 square-feet of landscaping. Based on these development plans, the total water demand is estimated to be 2.6 acre-feet/year and the total depletion is estimated to be 0.5 acre-feet/year. A detailed description of Applicants' demands and depletions are set forth below. For the purpose of evaluating the amount of replacement water needed to operate the plan for augmentation, 100% of the depletions are assumed to be out-of-priority. (i) Projected Demands. The total indoor water demand for the property is estimated to be 2.4 acre-feet/year. The landscaping irrigation demand is assumed to be 0.22 acre-feet/year. (ii) Projected Depletions. Indoor water use is expected to be 10% consumptive, resulting in an estimated depletion of 0.24 acre-feet/year. Landscape irrigation is assumed to be 100% consumptive, resulting in an anticipated depletion of 0.22 acre-feet/year. **8. Integrated System**. All of the water rights and structures included in this application are components of an integrated water system. For the purposes of future diligence applications, work on one of the subject structures may be evidence of reasonable diligence on other structures in the system. **9. Name and Address of Landowner Upon which any New or Modified Diversion or Storage Structure is Located, Including Any Modification to the Storage Pool**. All of the subject structures are on land owned by Applicants except the McCandliss Feeder Ditch. The McCandliss Feeder Ditch is located on land owned by the United States of American, c/o USDA Forest Service, Arapaho and Roosevelt National Forests, 2150 Centre Avenue, Building E, Fort Collins, Colorado 80526. WHEREFORE, Applicants respectfully request that the Court (1) grant the claim for underground water rights as set forth in paragraphs 3–4 above; (2) grant the claim for storage rights as set forth in paragraphs 5–6 above; (3) find that there will be no injury to any owner of, or person entitled to use, water under a vested water right or conditionally decreed water right as a result of Applicants' requested plan for augmentation as described in paragraph 7 above; and (4) approve the plan for augmentation set forth in paragraph 7 above. (9 pages) **YOU ARE HEREBY NOTIFIED THAT YOU HAVE until the last day of MARCH 2021 to file with the Water Clerk a verified Statement of Opposition setting forth facts as to why this application should not be granted or why it should be granted in part or on certain conditions. A copy of such statement of opposition must also be served upon the applicant or the applicant's attorney and an affidavit or certificate of such service shall be filed with the Water Clerk, as prescribed by Rule 5, CRCP. (Filing Fee: \$192.00) KATHY POWERS, Water Clerk, Water Division 5; 109 8th Street, Suite 104 Glenwood Springs, CO 81601.**

**13. PURSUANT TO C.R.S., §37-92-302, AS AMENDED, YOU ARE NOTIFIED THAT THE FOLLOWING PAGES COMPRISE A RESUME OF THE APPLICATIONS AND AMENDED APPLICATIONS FILED WITH THE WATER CLERK FOR WATER DIVISION 5 DURING THE MONTH OF JANUARY 2021. *The water right claimed by this application may affect in priority any water right claimed or heretofore adjudicated within this division and owners of affected rights must appear to object and protest within the time provided by statute or be forever barred.***

**21CW3012 GARFIELD COUNTY, COLORADO, COLORADO RIVER APPLICATION TO MAKE CONDITIONAL WATER RIGHT ABSOLUTE, OR, ALTERNATIVELY, FOR FINDING OF REASONABLE DILIGENCE. Name and address of Applicant**: Town of Silt, Colorado, c/o Town Administrator, P.O. Box 70, Silt, CO 81625. Please direct all correspondence, motions and pleadings to Michael J. Sawyer, KARP NEU HANLON, P.C., 201 14th Street, Suite 200, P.O. Drawer 2030, Glenwood Springs, CO 81602 (970) 945-2261. **FIRST CLAIM: APPLICATION TO MAKE CONDITIONAL WATER RIGHT ABSOLUTE, OR ALTERNATIVELY, FINDING FOR REASONABLE DILIGENCE. Name of structure**: *Silt Well No. 1*. **Date of original decree**: August 14, 1979 in Case No. W-3927, in the District Court in and for Water Division No. 5. **Subsequent decrees awarding findings of diligence**: 83CW177, 87CW144, 93CW151, 99CW232, 06CW204, and 14CW3104. **Legal description**: Location decreed in Case No. W-3927: The original point of diversion approved for the Silt Well No. 1 in Case No. W-3927 was in the SE ¼ of the NW ¼ of Section 10, Township 6 South, Range 92 West of the 6th P.M., at a point 2,400 feet from the North section line and 1,900 feet from the West section line of Section 10. Decreed location as changed in Case No. 93CW152: A point in the SE ¼ of the NE ¼ of Section 10, Township 6 South, Range 92 West of the 6th P.M. whence the Northeast corner of said Section 10 bears N. 17°54'32" E. 2,471.20 feet. Alternate point of diversion decreed in Case No. 05CW19: A point in the S ½ of the NE ¼ of Section 9, Township 6 South, Range 92 West of the 6th P.M. whence the northeast corner of said Section 9 bears N. 35°41'37" E. a distance of 2,620.27 feet and the Southeast corner of said Section 9 bears S. 26°21'28" E. a distance of 3,583.70 feet. This location is also described as being located 3,211 feet from the South section line and 1,529 feet from the East section line of said Section 9. An exhibit depicting the locations of the decreed locations of the Silt Well No. 1 is on file with the Water Court. **Remarks as to location**: The change of water right in 93CW152 permitted the 0.385 c.f.s. of water appropriated under the Silt Well No. 1 water right to be diverted as a surface water diversion through the Silt Pipeline at the point of diversion decreed therefor in Case No. 85CW195 pursuant to a change request. That point of diversion is located as described in paragraph 2.C.ii. **Source**: Colorado River. **Appropriation date**: July 5, 1977. **Amount**: 0.033 c.f.s., conditional, out of 0.385 c.f.s. total decreed to the Silt Well No. 1 in Case No. W-3927. **Remarks as to conditional and absolute amounts**: Of the 0.385 c.f.s. of water awarded to the Silt Well No. 1 in Case No. W-3927, 0.33 c.f.s. was awarded absolute status and 0.055 c.f.s. was awarded conditional status. In Case No. 83CW177, an additional 0.022 c.f.s. was awarded absolute status. As a result, the Silt Well No. 1 water right was 0.033 c.f.s., conditional, and 0.352 c.f.s., absolute, when the Application was filed in Case No. 14CW3104. **Uses**: Domestic, municipal, industrial, and commercial purposes. **Claim to Make Absolute: Date additional water first applied to beneficial use**: No later than May 2, 2020. **Amount of water applied to beneficial use**: 0.033 c.f.s., conditional, for domestic, municipal, industrial, and commercial purposes. **Description of place where water has been applied to beneficial use**: Within Applicant's water service area. **Claim for Reasonable Diligence**: The Applicant requests a finding of diligence for 0.033 c.f.s., conditional, for the Silt Well No. 1 for domestic,

municipal, industrial, and commercial purposes. An exhibit containing a detailed outline of what has been done towards the development of the conditional water right, including expenditures is on file with the Water Court. Names and addresses of owners of land upon which structures are located: Applicant. Integrated Water System: As found in Case No. 06CW204, the Silt Well No. 1 is a component to the Applicant's integrated municipal water supply system, which includes the Silt Pipeline, the Silt Pipeline, First Enlargement, the Silt Well Nos. 2-4, the Silt/Last Chance Ditch – Lower Cactus Valley Ditch Exchange. Pursuant to C.R.S. §37-92-301(4)(b), when an integrated water system is comprised of several features, work on one feature of the project or system shall be considered in finding that reasonable diligence has been shown in the development of water rights for all features of the entire system. Remarks: The Silt Pipeline was made absolute for 0.0695 c.f.s. in Case No. 15CW3108. As reflected in paragraph 19 of the decree in that case, the Silt Pipeline is absolute for the total amount of 1.50 c.f.s. for use in Applicant's municipal water service area. (10pp including exhibits).

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

**14. PURSUANT TO C.R.S., §37-92-302, AS AMENDED, YOU ARE NOTIFIED THAT THE FOLLOWING PAGES COMPRISE A RESUME OF THE APPLICATIONS AND AMENDED APPLICATIONS FILED WITH THE WATER CLERK FOR WATER DIVISION 5 DURING THE MONTH OF JANUARY 2021. *The water right claimed by this application may affect in priority any water right claimed or heretofore adjudicated within this division and owners of affected rights must appear to object and protest within the time provided by statute or be forever barred.***

**21CW3013 EAGLE AND PITKIN COUNTIES. KELLY CREEK, SALT CREEK, TRIB. TO BRUSH CREEK, TRIB. TO EAGLE RIVER, TRIB. TO COLORADO RIVER. Application for Surface Water Rights and Amendment of Plan of Aug. Including Approp. Right of Exchange.** Applicant: The Robert and Cheryl Balgley Living Trust dated February 3, 2017, c/o Sara M. Dunn and Margaret L. Casey, Balcomb & Green, P.C., P.O. Drawer 790, Glenwood Springs, CO 81602; 970-945-6546. Summary of Application: Applicant requests absolute and conditional water rights for the Boles Pump and Pipeline to add irrigation as a beneficial use and approval of an amendment to the plan for aug. including appropriate right of exchange decreed in Case No. 06CW272, District Court, Water Division No. 5. First Claim: Surface Water Right. Structure: **Boles Pump and Pipeline Use Enlargement**, a surface diversion. Legal Description: NE1/4 SE1/4, Sec. 29, T. 5 S., R. 83 W., 6th P.M., 160 ft. W. of the E. Sec. Line and 2570 ft. N. of the S. Sec. Line of Sec. 29. See Figure 1, Location Map attached to application. Source: Salt Creek, trib. to Brush Creek, trib. to the Eagle River, trib. to the Colorado River. Date of Approp.: 5/1/2008. How Approp. was Initiated: By formation of requisite intent to appropriate water for the claimed beneficial uses and field investigations of site, installation of irrigation infrastructure and placing a portion of the water right to beneficial use. Date Water Applied to Beneficial Use: 5/15/2008. Amt.: 0.16 c.f.s. (72 g.p.m) absolute; and 0.06 c.f.s. (28 g.p.m.) cond. Uses: Irr. of up to 5 acres of landscaping and native vegetation areas. Historically, Applicant and its predecessor have irrigated 0.52 acres of landscaped areas and areas critical for fire prot. purposes. Applicant and its predecessor have irrigated an additional 2.62 acres of natural vegetation areas when water was physically and legally available in priority. Legal description of irrigated acreage: E. 1/2 of the SE1/4 of Sec. 29, T. 5 S., R. 83 W., 6th P.M., as depicted on Figures 2 and 3, attached to application. Remarks: The Boles Pump and Pipeline was previously decreed for 0.22 c.f.s. for fire prot., and to fill and re-fill the Boles Pond for subsequent use for fish and wildlife and rec. in the Boles Pond. Applicant is requesting a use enlargement to add irr. to the uses previously decreed to the Boles Pump and Pipeline. Second Claim: Request to Amend Plan for Aug. Including Approp. Rights of Exchange. Structures to be Augmented: **Boles Pond, Boles Pump and Pipeline, Taylor Ditch Boles Enlargement and Boles Reservoir.** Statement of Plan for Aug. including Proposed Amendment Thereto: Applicant is the owner of the Boles Pond, Boles Pump and Pipeline and Taylor Ditch Boles Enlargement. These structures are augmented by the Boles Plan for Aug. approved in Case No. 06CW272, District Court, Water Division No. 5. Applicant seeks to amend the plan for aug. to include replacement water for out of priority depletions associated with irr. of 0.52 acres of critical landscaping with the Boles Pump and Pipeline Use Enlargement and to add additional Eagle River sources of replacement water pursuant to a contract with the Colorado River Water Conservation District. The Boles Pond stores water for fire suppression and serves as a water feature on the property. The Boles Pond is filled and refilled by the Boles Reservoir, the Taylor Ditch Boles Enlargement and the Boles Pump and Pipeline. The plan for aug. provides replacement water for out of priority diversion by the Boles Pump and Pipeline and Taylor Ditch Boles Enlargement to fill the Boles Reservoir and the Boles Pond and to replace evap. losses from the surface of the Boles Pond. Replacement water is provided from Wolford Mountain Reservoir or Ruedi Reservoir via exchange and pursuant to a contract with the Colorado River Water Conservation District. Local calls on Salt Creek, Brush Creek and the Eagle River are satisfied by releases from the Boles Reservoir. The aug. plan further allows flow through water to occur from operation of the Boles Pump & Pipeline. Applicant currently does not allow water to flow through the pond, and uses the Boles Pump & Pipeline to replace evap. from the pond surface. If Applicant does begin to use the Boles Pump & Pipeline for flow through, the water will be returned to Salt Creek via pipeline to avoid transit losses. Applicant requests to amend the plan for aug. to include additional sources of replacement water on the Eagle River above its confluence with Brush Creek, including Eagle Park Reservoir and Homestake Reservoir as further described herein, pursuant to a contract with the Colorado River Water Conservation District for these additional replacement supplies. These additional sources of replacement water can be utilized by exchange. Therefore, Applicant is also requesting a cond. approp. right of exchange extending from the upstream pts. of depletion described above to the confluence of Brush Creek and the Eagle River for the Eagle Park Reservoir and Homestake Reservoir sources. Additional water rights to be used for aug.: **Eagle River Supply Sources.** Eagle Park Reservoir Company owns and operates the Eagle Park Reservoir Project

located in the headwaters of the Eagle River. The River District is a shareholder in the Reservoir Company and is entitled to yield from the Eagle Park Reservoir Project and exchange supplies provided by Aurora and Colorado Springs. The water delivered to or for the benefit of the River District's contractors as "Eagle River Supplies" will be based upon the following water rights. 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 AF 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 AF, with an Approp. date of 3/16/1991, for 5,300 AF, and 5/18/1993, for 22,300 AF, together with the right to divert at the rate of 80 cfs under the 8/10/1956 Approp. date of the Pando Feeder Canal pursuant to the decree of the Water Court entered in Case No. 97CW288, for mining, milling, ind., snowmaking, mun., dom., stock watering, rec., fish and wildlife, irr., agricultural, exchange, replacement, aug. and all other beneficial purposes. Eagle Park Reservoir is augmented by exchange by decree of the Water Court entered in Case No. 95CW348. The N. abutment of the dam crest is located approx 160 ft. N. of the S. Sec. line and 650 ft. E. of the W. Sec. line of Sec. 28, T. 7 S., R. 79 W., 6th P.M., Eagle County, Colorado. The source of Eagle Park Reservoir is the E. Fork of the Eagle River including runoff, surface flow and seepage from the area above the reservoir and trib. thereto, and water trib. to Tenmile Creek a trib. of the Blue River. In addition to the trib. area upstream of the reservoir, the specific pts. of diversion into storage for Eagle Park Reservoir are as follows: The E. Fork Interceptor Ditch, which has a capacity of 48 cfs and diverts from unnamed tributaries of the E. Fork of the Eagle River at the following pts., all of which are located in Eagle County, Colorado: 900 ft. S. of the N. Sec. line and 1100 ft. W. of the E. Sec. line of Sec. 5, T. 8 S., R. 79 W., 6th P.M.; 1250 ft. S. of the N. Sec. line and 700 ft. E. of the W. Sec. line of Sec. 4, T. 8 S., R. 79 W., 6th P.M.; 1200 ft. N. of the S. Sec. line and 800 ft. E. of the W. Sec. line of Sec. 33, T. 7 S., R. 79 W., 6th P.M. Runoff, surface flow, and seepage from the area above the E. Fork Interceptor Ditch as it runs between the above- described pts. 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 approx. 3.4 miles from Fremont Pass, located in the W1/2 of Sec. 11, T. 8 S., R. 79 W., 6th P.M., northwesterly along State Highway 91 and the S. side of Robinson Tailing Pond, thence westerly to the S. 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 E. Fork of the Eagle River in Eagle County. The E. Interceptor Ditch, which has a capacity of 20 cfs and runs Northeasterly from a pt. whence the N.E. corner of Sec. 2, T. 8 S., R. 79 W., 6th P.M. bears N. 77°20' E. a distance of 850 ft. at the N. fork of McNulty Creek, thence along the E. side of Robinson and Tenmile Tailing Ponds into Supply Canal No.1 described herein. The E. Interceptor Ditch diverts water from the N. fork of McNulty Creek and surface flow, seepage, and runoff from watersheds above it that are trib. 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 pts.: On the W. bank of Humbug Creek at a pt. whence the S.W. corner of Sec. 18, T. 7 S., R. 78 W. bears S. 71°35' W. a distance of 3,250 ft. On the S. bank of Mayflower Creek at a pt. whence the N.E. corner of Sec. 24, T. 7 S., R. 79 W., 6th P.M. bears N. 16°55' E. a distance of 2,250 ft. Runoff, surface flow, and seepage from the area above the Supply Canal No. 1 as it runs between the above-described pts. 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 pts.: On the W. bank of Searle Creek at a pt. whence U.S.L.M. Kokomo bears S. 45°58' E. 3740 ft. (located in the NW1/4 of the SE1/4 of Sec. 13, T. 7 S., R. 79 W., 6th P.M.). On the S. bank of Kokomo Creek at a pt. whence U.S.L.M. Kokomo bears N. 39°36' E. 2635 ft. (located in the SE1/4 of Sec. 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 pts. of diversion and the Climax Mill. The E. Fork Pumping Plant, which has a capacity of 6 cfs and diverts from the E. Fork of the Eagle River at a pt. in the SE1/4 NE1/4 of Sec. 32, T. 7 S., R. 79 W., 6th P.M. at a pt. whence the NE corner of said Sec. 32 bears N. 31°53' E. a distance of 2,414 ft. The Eagle Park Reservoir Company must first receive the permission of Climax Molybdenum Company to use the E. Fork Interceptor Ditch, Supply Canal No. 1 and Supply Canal No. 2 described above to divert water into Eagle Park Reservoir. Nevertheless, the firm yield of the River District's supply is not dependent on the use of those facilities. Exchange Supply. Pursuant to a Memorandum of Understanding dated effective as of 4/21/1998 (the "MOU") among the City of Aurora, the City of Colorado Springs, the River District, Climax Molybdenum Company, Vail Associates, Inc., the Upper Eagle Regional Water Authority, and the Eagle River Water & Sanitation District; and the Water Exchange Agreement dated 6/17/1998 among Aurora, Colorado Springs, and the Eagle Park Reservoir Company, Aurora and Colorado Springs agreed to make up to 500 AF of water available for W. Slope use from facilities owned and operated by Aurora and Colorado Springs in exchange for up to 800 AF of replacement water from the W. Slope participants. The River District's 100 shares of Class B stock in the Eagle Park Reservoir Company entitle the River District to up to 100 AF per year of consumptive beneficial use water to be derived from fully consumable water annually diverted by and/or stored in the following structures owned and controlled by Aurora and Colorado Springs: Homestake Project. Homestake Reservoir, also known as Elliott-Weers Reservoir, was decreed by the Eagle County District Court in Civil Action No. 1193 for 83,338.98 AF cond., 43,504.7 AF of which is now absolute. This reservoir is located on Homestake Creek with a dam being located whence the NW Corner of Sec. 31, T. 7 S., R. 80 W., 6th P.M. bears N. 58°30.6' E. 24,659 ft. from the E. dam abutment and N. 62°25.8' E. 25,746 ft. from the W. dam abutment. The sources of supply of said Reservoir are the E. Fork of Homestake Creek, the Middle Fork of Homestake Creek and Homestake Creek. Camp Hale Project. Aurora and Colorado Springs may provide to the River District water released from those surface and ground water storage rights sought by Aurora and Colorado Springs in Cases No. 88CW449 and 95CW272, District Court for Colorado Water Division No. 5. River District Contractors' use of aug. water from Homestake Reservoir made available through contract or other arrangement with the Eagle Park Reservoir Company shall be dependent upon the continued existence of, and conditions set forth in, the Water Exchange Agreement dated 6/17/1998 between the Cities of Aurora and Colorado Springs and the Eagle Park Reservoir Company, together with any modifications thereto, or constraints thereon, as may be necessitated by the decree entered in Case No. 98CW270, Water Division No. 5. Additional Information for Homestake

Project. The detailed descriptions of the structures decreed by the Eagle County District Court in Civil Action No. 1193 for the Homestake Project are set forth herein. French Creek Intake: 60.1 cfs, S. 82°18.3' E. 20988 ft. to NW corner Sec. 31, T. 7 S., R. 80 W. Fancy Creek Intake: 38.6 cfs, N. 85°10.5' E. 25280 ft. to NW corner Sec. 31, T. 7 S., R. 80 W.; Missouri Creek Intake: 39.8 cfs, N. 77°12.4' E. 28800 ft. to NW corner Sec. 31, T. 7 S., R. 80 W.; Sopris Creek Intake: 41.3 cfs, N. 74°7.6' E. 29848 ft. to NW corner Sec. 31, T. 7 S., R. 80 W. *E. Fork Conduit.* The E. Fork Conduit diverts water from the E. Fork of Homestake Creek pursuant to its Approp. of 70.8 c.f.s. absolute and 189.2 c.f.s. cond. therefrom and conveys these waters to Homestake Reservoir for conveyance to Homestake Tunnel or storage in the reservoir, said E. Fork Conduit having a capacity of 260 c.f.s. and total length of approx 3,093 ft. The pt. of diversion of said conduit is on E. Fork Homestake Creek at a pt. whence the N.W. corner of Sec. 31, T. 7 S., R. 80 W. bears N. 55°40.5' E., 22,917 ft. *Homestake Tunnel.* Homestake Tunnel under the Continental Divide for the conveyance of water into the Arkansas River Basin with its intake located at a pt. under Homestake Reservoir whence the N.W. corner of Sec. 10, T. 9 S., R. 81 W., 6th P.M. bears S. 15°27'08" E. 26,173.03 ft. appropriates a max. amt. of 10 c.f.s. cond. of water seeping and percolating into Homestake tunnel from former Water District No. 37 areas and 300 c.f.s. absolute from Middle Fork of Homestake Creek, at its said northerly portal, its pt. of diversion; said tunnel has a length of 27,400 ft. and a capacity of 700 cubic ft. per second of time. The tunnel will convey out of former Water District No. 37 up to 700 c.f.s. of waters appropriated by the tunnel from the Middle Fork of Homestake Creek, together with water appropriated by the tunnel from the Homestake Creek and E. Fork Conduits and Homestake Reservoir, to an outlet at a pt. from where the N.W. corner of Sec. 10, T. 9 S., R. 81 W., 6th P.M. bears N. 6°40'52" E., a distance of 2,173.54 ft. Homestake Reservoir. Homestake Reservoir, also known as Elliott-Weers Reservoir, has a capacity of 83,338.98 AF cond., is located on Homestake Creek with a dam whence Homestake Peak bears S. 73°26' E. 10,477 ft. from the Easterly end thereof and S. 74°57' E. 13,347 ft. from the westerly end thereof, said dam having a max. height of 411.5 ft. and a length of 3,380 ft. The sources of supply of said reservoir are Homestake Conduit (the sources of this conduit as herein above set forth), E. 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 AF annually from said sources. Homestake Reservoir also conveys water from Homestake Conduit and E. Fork Conduit to Homestake Tunnel. Existing Homestake Reservoir has a storage capacity of 43,504.7 AF absolute and is located on Homestake Creek with a dam whence the NW Corner of Sec. 31 T. 7 S., R. 80 W., 6th P.M. bears N. 58°30.6' E. 24,659 ft. from the E. dam abutment and N. 62°25.8' E. 25,746 ft. from the W. dam abutment, said dam has a max. height of 265.0 ft. and a length of 1996 ft. The sources of supply of said existing Homestake Reservoir are Homestake Conduit, E. Fork Conduit, the Middle Fork of Homestake Creek and Homestake Creek. Existing Homestake Reservoir has appropriated 43,504.7 AF annually from said sources and also conveys water from Homestake Conduit and E. Fork Conduit to Homestake Tunnel. Operation of Amended Plan for Aug. including Approp. Right of Exchange: The water demands requiring aug. include the filling of the Boles Pond and replacement of evap. losses from the Boles Pond and irr. of 0.52 acres of landscaping as set forth in Table 1, attached to application. Boles Reservoir will be filed in priority pursuant to the decree in Case No. 06CW272 or by exchange when the Boles Exchange is in priority. The Boles Exchange reach decreed in Case No. 06CW272 extends from the confluence of the Roaring Fork River and the Colorado River (downstream terminus) up to the pt. of diversion for the Taylor Ditch Boles Enlargement and the pt. of diversion for the Boles Pump and Pipeline (upstream termini). The Boles Exchange is decreed for a max. rate of 1.0 c.f.s. with a date of Approp. of 12/29/2006. The Boles Exchange will be operated when the exchange is in priority and the augmented water rights are subject to a downstream call that can be satisfied by releases from Wolford Reservoir, or Ruedi Reservoir. The Boles Eagle River Exchange, described in full herein, will be operated when the exchange is in priority and the augmented water rights are subject to a downstream call that can be satisfied by releases from the Eagle Park Reservoir or Homestake Reservoir pursuant to a contract with the Colorado River Water Conservation District. In the event of local calls on Salt Creek or Brush Creek, or when the Boles Exchange and Boles Eagle River Exchange are out of priority, Applicant will curtail all out of priority diversions from the Taylor Ditch Boles Enlargement and will release water stored in the Boles Reservoir to replace out of priority diversions from the Boles Pump and Pipeline and satisfy said calls. Applicant will augment 100% of the out-of-priority diversions rather than out-of-priority depletions associated with the Boles Pump and Pipeline for all of its uses, including irr. of the 0.52 acres of critical landscaping. Boles Eagle River Exchange, an Approp. right of exchange as a component of an aug. plan. Lower Terminus: The confluence of the Eagle River and Brush Creek; SE/4, NE/4 of Sec. 6, T. 5 S., R. 84 W., 6th P.M. Upper Termini: The pt. of diversion for the Taylor Creek Ditch Boles Enlargement in the SE1/4 NE1/4, Sec. 33, T. 5 S., R. 83 W., 6th P.M. at a pt. 2,800 ft. E. of the W. Sec. Line and 1000 ft. S. of the N. Sec. Line of Sec. 33; and the pt. of diversion for the Boles Pump and Pipeline in the NE1/4 NE1/4, Sec. 29, T. 5 S., R. 83 W., 6th P.M. at a pt. 360 ft. W. of the E. Sec. Line and 2570 ft. N. of the S. Sec. Line of Sec. 29. Date of Approp.: 6/30/2019. Amt.: 1.0 c.f.s., cond. Remarks: See Figure 1, attached to application depicting the exchange reaches. Names and addresses of owners or reputed owners of the land upon which any new or existing diversion or storage structure, or modification to any existing diversion or storage structure is or will be constructed or upon which water is or will be stored, including any modification to the existing storage pool: Applicant.

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

**15. PURSUANT TO C.R.S., §37-92-302, AS AMENDED, YOU ARE NOTIFIED THAT THE FOLLOWING PAGES COMPRISE A RESUME OF THE APPLICATIONS AND AMENDED APPLICATIONS FILED WITH THE WATER CLERK FOR WATER DIVISION 5 DURING THE MONTH OF JANUARY 2021. *The water right claimed by this application***



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

**21CW3014 PITKIN COUNTY COLORADO, SNOWMASS CREEK APPLICATION FOR WATER STORAGE RIGHT, APPLICATION FOR SURFACE WATER RIGHT, AND PLAN FOR AUGMENTATION.** Name and address of Applicant: Q4 Snowmass Ranch, LLC, 16479 North Dallas Parkway, Suite 400, Addison, TX 75001. Please direct all correspondence, motions and pleadings to Michael J. Sawyer, KARP NEU HANLON, P.C., 201 14th Street, Suite 200, P.O. Drawer 2030, Glenwood Springs, CO 81602 (970) 945-2261. **FIRST CLAIM: APPLICATION FOR WATER STORAGE RIGHT.** Name of structure: *Q4 Ranch Pond No. 1.* Legal description: NW ¼ of the SW ¼ of Section 23, Township 9 South, Range 86 West of the 6th P.M. The centerline of the dam at the outlet is located at UTM NAD83 coordinates 4346880.1 Northing and 329839.7 Easting. Located on Parcel 1, David Christensen Property Split, according to the Plat thereof recorded May 9, 1980 in Plat Book 9 at Page 47 as Reception No. 223906, in the County of Pitkin. 6458 Snowmass Creek Road, Snowmass, CO 81654. Source of Fill: Q4 Ranch Ditch, 0.25 c.f.s., diverting from Snowmass Creek, tributary to the Roaring Fork River, tributary to the Colorado River. Appropriation date: December 31, 1991. How appropriation was initiated: Construction of the Pond. Amount: 2.2 acre feet, absolute, with the right to fill and refill in priority. Uses: piscatorial, recreation, augmentation, fire protection, and as a pumping forebay for irrigation using the Applicant's senior water rights in the Lutz Ditch. Surface area of high water line: 0.52 acre. Vertical height of dam: 9 feet. Length of dam: Approximately 520 feet. Total capacity of reservoir: 2.2 acre feet. Active capacity: 2.0 acre feet. Dead storage: 0.2 acre feet. Remarks: The Applicant is not claiming the pond as an operational irrigation control structure and is augmenting out-of-priority evaporative depletions. Date water applied to beneficial use: May 31, 2020. **SECOND CLAIM: APPLICATION FOR SURFACE WATER RIGHT.** Name of structure: *Q4 Ranch Ditch.* Legal description: The point of diversion of the Q4 Ranch Ditch is located in the NW 1/4 of the SW 1/4 of Section 23, Township 9 South, Range 86 West of the 6th P.M. A more accurate location of the point of diversion for the Q4 Ranch Fill Ditch is UTM Zone 13, NAD83 coordinates 4346858.1 Northing and 329782.0 Easting. Located on Parcel 1, David Christensen Property Split, according to the Plat thereof recorded May 9, 1980 in Plat Book 9 at Page 47 as Reception No. 223906, in the County of Pitkin. 6458 Snowmass Creek Road, Snowmass, CO 81654. Source: Snowmass Creek, tributary to the Roaring Fork River, tributary to the Colorado River. Appropriation date: December 31, 1991. How appropriation was initiated: Construction of Ditch. Amount: The flow rate for the Q4 Ranch Ditch water right is 0.25 c.f.s. Absolute. Uses: piscatorial, recreation, augmentation, fire protection, freshening flows and the fill and refill of the Q4 Ranch Pond No. 1. Remarks: Uses of water from the Q4 Ranch Ditch will occur in the Q4 Ranch Pond No. 1. Date water applied to beneficial use: May 31, 2020. **THIRD CLAIM APPLICATION FOR APPROVAL OF PLAN FOR AUGMENTATION INCLUDING EXCHANGE.** The Applicant requests approval of a plan for augmentation including exchange as more fully described herein. Name of structures to be augmented: *Q4 Ranch Pond No. 1, Q4 Ranch Ditch,* as described above, (collectively, the "Augmented Water Rights"). Water rights to be used for augmentation: Applicant is applying for a Water Supply Contract with the Basalt Water Conservancy District ("the District") for 4.8 acre feet per year of augmentation water to replace out-of-priority depletions associated with use of water from the Augmented Water Rights, plus ten percent to cover transit losses. The District's augmentation water supply sources are described below. District's Sources of Supply: In Case No. 02CW77, Decree 2 of 2, the Court confirmed the District may use the following water rights for augmentation, including by exchange, pursuant to the District's Umbrella Plan. These District water rights are in and to the Ruedi Reservoir, Green Mountain Reservoir, the Troy & Edith Ditch, the Robinson Ditch, and the Favre Domestic Pipeline. Information from previous decree for Ruedi Reservoir: Source: Fryngpan River, tributary of Colorado River. Legal Description: An on-channel reservoir located in Sections 7, 8, 9, 11, and 14 through 18, Township 8 South, Range 84 West of the 6th P.M. The reservoir is located in portions of Eagle and Pitkin counties. Adjudication Date: June 20, 1958. Appropriation Date: July 29, 1957. Case No.: C.A. 4613. Court: Garfield County District Court. Decreed Amount: 102,369 AF (Originally decreed for 140,697.3 AF; reduced to 102,369 AF in Case No. W-789-76). The full amount was made absolute in Case No. 88CW85. Decreed Uses: Generation of electric energy, domestic, municipal, piscatorial, industrial, and irrigation. Refill: By decree of the Water Court in Case No. 81CW34, Ruedi Reservoir was decreed a refill right in the amount of 101,280 AF, conditional. In Water Court Case No. 95CW95, 44,509 AF of the refill right was made absolute. In Water Court Case 01CW269, an additional 25,257 AF of the refill right was made absolute, for a total of 69,766 AF absolute in the refill right. District Interest: The District holds contract numbers 2-07-70-W0546, 009D6C0014, 039F6C0012 and 139D6C0099 with the United States Bureau of Reclamation. These four contracts collectively entitle the District to delivery of 1790 AF of water annually from the regulatory capacity of Ruedi Reservoir, subject to the terms and conditions of the contracts between the District and Bureau of Reclamation. Information from previous decree for Green Mountain Reservoir: Source: Blue River, tributary of Colorado River. Legal Description: Located approximately 16 miles Southeast of the Town of Kremmling in Summit County, Colorado, and more particularly in all or parts of Sections 11, 12, 13, 14, 15, and 24 of Township 2 South, Range 80 West, and in Sections 17, 18, 19, 20, 21, 28, 29, and 34, Township 2 South, Range 79 West of the 6th P.M. Adjudication Date: October 12, 1955. Appropriation Date: August 1, 1935. Case Nos.: 2782, 5016, and 5017. Court: United States District Court, District of Colorado. Decreed Amount: 154,645 AF. Decreed Uses: In accordance with paragraph 5(a), (b), and (c) of the section entitled "Manner of Operation of Project Facilities and Auxiliary Facilities" in Senate Document 80. District Interest: The District holds Contract No. 8-07-60-W0727 with the United States Bureau of Reclamation. This contract entitles the District to delivery of 1000 AF of water annually from the marketable yield of Green Mountain Reservoir, subject to the terms and conditions of the contracts between the District and Bureau of Reclamation. Information from previous decrees for Troy Ditch and Edith Ditch rights:

Structure	Priority	Case No.	Adj. Date	App. Date	Decreed Amount (CFS.)	Use (4)	AMOUNT TRANSFERRED OR SOLD, RESERVED					AMOUNT REMAINING FOR DISTRICT (10)	
							(5)	(6)	(7)	(8)	(9)	CFS	AF
Troy Ditch (1)	370	3082	08/25/1936	05/01/1906	5.10	I	0.000	0.000	0.095	0.064	0.035	4.906	N/A
Troy Ditch 1st Enlg	427	3082	08/25/1936	05/01/1928	10.80	I	0.000	0.000	0.200	0.134	0.073	10.393	N/A
Troy Ditch 2nd Enlg	669	4613	06/20/1958	06/01/1942	6.20	I	0.000	0.000	0.115	0.077	0.042	5.966	N/A
Edith Ditch	353	3082	08/25/1936	05/01/1904	2.72	I	0.110	0.132	0.050	0.000	0.018	2.410	N/A
Edith Ditch 1st Enlg	673	4613	06/20/1958	07/01/1946	3.23	I	0.000	0.000	0.060	0.000	0.022	3.148	N/A
Troy Ditch Water System a.k.a. Lower Headgate	(2)	W-2281			15.50(3)	I, D, M, C, P	0.110	0.132	0.520	0.275	0.190	14.273	412.89

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

In Case No. W-2281, Division 5, the Court decreed that 453 AF of annual consumptive-use credits were available to these ditches, and that 300 AF could be stored in an unnamed reservoir. Applicant owns 412.89 AF of the 453 AF and makes the water rights available to contract allottees for use pursuant to an approved substitute supply plan or decree of Court. This Court changed the use of the 412.89 AF to include augmentation and exchange in Case Nos. 98CW26 and 98CW89 (Consolidated). The Troy and Edith augmentation water can be delivered to the Fryingpan, Roaring Fork or Colorado rivers by bypassing water at the headgate on the Fryingpan River.

Information from previous decrees for Robinson Ditch rights:

STRUCTURE	DECREED AMOUNT/ (CFS)	AMOUNT OWNED BY DISTRICT (CFS)(1)	ADJ. DATE	APP. DATE	PRIORITY	CASE NO. (2)
ROBINSON DITCH	5.00	1.21	05/11/1889	06/15/1882	38	132
ROBINSON DITCH	2.50	0.60	05/11/1889	04/15/1886	140	132
ROBINSON DITCH	2.00	0.48	05/11/1889	11/15/1886	167	132
ROBINSON DITCH	10.70	2.59	12/29/1903	04/25/1899	212C	1061

STRUCTURE	DECREED AMOUNT/ (CFS)	AMOUNT OWNED BY DISTRICT (CFS)(1)	ADJ. DATE	APP. DATE	PRIORITY	CASE NO. (2)
ROBINSON DITCH	20.06	4.85	08/25/1936	04/25/1900	326	3082

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

(2) District Court in and for Garfield County

Legal Description: The point of diversion, as decreed, is located on the North bank of the Roaring Fork River one-half mile below the mouth of Sopris Creek in Section 11, Township 8 South, Range 87 West, 6th P.M. Historical Use: Irrigation of approximately 137.2 acres of hay and pasture under District’s interest in the Robinson Ditch water rights. In Case No. 93CW319, the Court decreed that 360 AF of annual consumptive-use credits are associated with said irrigation. In that case, the Court also decreed a change of use of District’s Robinson Ditch rights to include augmentation. The District makes the credits available to contract allottees for use pursuant to an approved substitute supply plan or decree of Court. The District applies the credits principally to the augmentation of Blue Creek and the Roaring Fork River. Information from previous decrees for Favre Domestic Pipeline rights:

(1)

STRUCTURE	AMOUNT <sup>1</sup> (CFS)	ADJ. DATE	APP. DATE	PRIORITY	CASE NO. <sup>2</sup>
FAVRE DOM. PL. SP. NO. 1	0.50	06/20/1958	08/11/1937	649	4613
FAVRE DOM. PL. SP. NO. 2	0.50	06/20/1958	04/15/1912	666	4613

Amount: Each spring is decreed for 0.50 cfs, but the use of both has a combined limit of 0.50 cfs

(2) District Court in and for Garfield County

Legal Description: Favre Domestic Pipeline - Spring No. 1: Located at a point whence the E1/4 corner, Section 34, Township 7 South, Range 87 West, 6th P.M. bears South 34 degrees 26' East, 890.9 feet. Favre Domestic Pipeline - Spring No. 2: Located at a point whence the E1/4 corner, Section 34, Township 7 South, Range 87 West, 6th P.M. bears South 37 degrees 24' East 721.4 feet. Source: Blue Creek, which is tributary to Roaring Fork River. Decreed Use: Domestic and augmentation. Historical Use: The District owns the Favre Domestic Pipeline rights. The springs historically provided a majority of the domestic water supply for El Jebel, a community of 364 Equivalent Residential Units (“EQR”), consisting of 291 single-family residential units, irrigation of 12.5 acres of lawn and landscape, and commercial development. In Case No. 93CW319, the Court decreed that 142.82 AF of historical consumptive-use credits were available to Blue Creek as a result of such historical use; and that 67.2 AF of historical consumptive-use credits were available to the Roaring Fork River as a result of such historical use. In 93CW319, the Court also decreed a change of use of said credits to include augmentation. The District makes the credits available to contract allottees for use pursuant to an approved substitute supply plan or decree of Court. Statement of Plan for Augmentation, Estimated water demands, consumptive uses and augmentation requirements: The Q4 Ranch Ditch will be used to fill and refill, and to provide freshening flows through, the Q4 Ranch Pond No. 1. Out-of-priority evaporative depletions from the Q4 Ranch Pond No. 1 will be replaced by releases from District’s sources of supply in accordance with the summary of depletions and augmentation supply contained in Table 1 of the application. In the event of a valid administered local call on Snowmass Creek or the Roaring Fork River between the confluences with the Fryingpan River and Snowmass Creek, the Q4 Ranch Ditch will continue to deliver freshening flows to the Q4 Ranch Pond No. 1. Water levels in the Q4 Ranch Pond No. 1 will be lowered commensurate with the evaporation rate and water released to Snowmass Creek in accordance with rate shown on Table 1 to the application. The consumptive use of water for the Q4 Ranch Pond No. 1 associated with 0.52 acre of surface area is 100% consumptive to Snowmass Creek. The annual net evaporation rate is calculated at 3.19 acre feet per surface acre for an annual evaporative depletion of 1.66 acre feet. The monthly distribution and calculation of gross annual water evaporation is in accordance with the Office of the State Engineer’s Policy 2004-3, and does not take credit for effective precipitation. A portion of the evaporative depletions will occur at times when there is no call on the Colorado River system. Of the total estimated evaporative depletion, 1.19 acre feet (including 10% transit loss) of water will be replaced from the District’s water supplies to augment out-of-priority depletions. Transit loss associated with the delivery of augmentation water from the District is estimated to be ten percent. Description of augmentation exchange reaches: This plan will operate by exchange between the decreed locations for the District’s sources of supply and the location of the Q4 Ranch Ditch. **FOURTH CLAIM: APPLICATION FOR APPROPRIATIVE RIGHT OF EXCHANGE.** The Applicant requests an appropriative right of exchange more fully described below: The Plan for Augmentation will operate by exchange of BWCD contract water from the District’s Sources of Supply described in Sections 4D-4H, including Ruedi Reservoir and Green Mountain Reservoir. Lower Termini: Green Mountain Reservoir: The lower terminus of the exchange is at the confluence of the Roaring Fork River and the Colorado River for use of Green Mountain Reservoir water. The confluence of the Roaring Fork River and the Colorado River is located in the SE ¼ of the NW ¼ of Section 9, Township 6 South, Range 89 West, in the 6th P.M. at a point 2200 feet from the north section line, and 2350 feet from the west section line. UTM Zone 13, NAD83 coordinates Easting 299759, Northing 4380329. Ruedi Reservoir, Troy Ditch and Edith Ditch, Robinson Ditch, Favre Domestic Pipeline: The lower terminus of the exchange

is at the confluence of the Frying Pan River and the Roaring Fork River for the use of Ruedi Reservoir, Troy Ditch and Edith Ditch, Robinson Ditch, Favre Domestic Pipeline. The confluence of the Frying Pan River and the Roaring Fork River is located in the SW1/4 SE1/4 of Section 7, Township 8 S., Range 86 W. of the 6th P.M., at a point 647 feet from the South section line and 1,475 feet from the East section line (Eagle and Pitkin Counties; UTM NAD83 Zone 13 X = 324739m E; Y = 4359437m N). Upper Terminus: Q4 Ranch Ditch: described above. Source: Snowmass Creek, Roaring Fork River, tributary to the Colorado River. Rate of the exchange: 0.018 c.f.s. Date of appropriation of the exchange: July 31, 2020. How appropriation initiated: Applicant directed engineer to develop plan for augmentation for Q4 Ranch Pond No. 1. Names and addresses of owners of land upon which structures are located: Applicant. The following exhibits are on file with the Water Court: a map depicting the location of the structures to be decreed (Figure 1), and a table describing the consumptive use and augmentation requirements under the plan for augmentation (Table 1) (13 pp. with exhibits). **YOU ARE HEREBY NOTIFIED THAT YOU HAVE until the last day of MARCH 2021 to file with the Water Clerk a verified Statement of Opposition setting forth facts as to why this application should not be granted or why it should be granted in part or on certain conditions. A copy of such statement of opposition must also be served upon the applicant or the applicant's attorney and an affidavit or certificate of such service shall be filed with the Water Clerk, as prescribed by Rule 5, CRCP. (Filing Fee: \$192.00) KATHY POWERS, Water Clerk, Water Division 5; 109 8th Street, Suite 104 Glenwood Springs, CO 81601.**

**16. PURSUANT TO C.R.S., §37-92-302, AS AMENDED, YOU ARE NOTIFIED THAT THE FOLLOWING PAGES COMPRISE A RESUME OF THE APPLICATIONS AND AMENDED APPLICATIONS FILED WITH THE WATER CLERK FOR WATER DIVISION 5 DURING THE MONTH OF JANUARY 2021. *The water right claimed by this application may affect in priority any water right claimed or heretofore adjudicated within this division and owners of affected rights must appear to object and protest within the time provided by statute or be forever barred.***

**21CW3015 EAGLE COUNTY, SQUAW CREEK, EAGLE RIVER.** APPLICATION FOR FINDINGS OF REASONABLE DILIGENCE. Colorow at Squaw Creek Homeowners Association, Inc., c/o Mark E. Hamilton, Esq., and Hayley K. Siltanen, Esq., Holland & Hart LLP, 600 E. Main St., Ste. 104, Aspen, CO 81611-1991, (970) 429-6890, mehamilton@hollandhart.com, hksiltanen@hollandhart.com. 2. Names of Structures: Shapiro Reservoir No. 1 and Shapiro Pump and Pipeline (the "subject water rights"). 3. Description of Conditional Water Rights: A. Shapiro Reservoir No. 1: *i. Date of original decree*: 6/11/1980 in Case No. 79CW260, Water Div. 5. *ii. Subsequent decrees awarding findings of diligence*: Case No. 84CW61, decree dated 9/17/1984; Case No. 88CW103, decree dated 8/24/1988; Case No. 94CW85, decree dated 9/23/1994; Case No. 00CW167, decree dated 2/20/2001; Case No. 07CW37, decree dated 6/7/2008; and Case No. 14CW3077, decree dated 1/18/2015, all in Water Div. 5. *iii. Legal description*: The intersection of the dam's centerline and the existing channel of Squaw Creek is located at a point whence the S. Quarter Corner of Sec. 13, T. 5 S., R. 83 W. of the 6th P.M., bears S.37°00'E. 3,050 ft. This location is also described as: NW1/4SW1/4 of Sec. 13, T. 5 S., R. 83 W. of the 6th P.M., at a point approx. 2400 ft. from the S. section line and 700 ft. from the W. section line of said Sec. 13, Eagle County, Colorado. The location of Shapiro Reservoir No. 1 is also shown on the map attached to the Application as Exhibit A. *iv. Source*: Squaw Creek, tributary to the Eagle River. *v. Appropriation date*: 9/26/1979. *vi. Amount*: 6.94 acre-feet, conditional. *vii. Uses*: domestic, commercial, irrigation, livestock water, recreation, and piscatorial. B. Shapiro Pump and Pipeline: *i. Date of original decree*: 6/11/1980 in Case No. 79CW338, Water Div. 5. *ii. Subsequent decrees awarding findings of diligence*: Case No. 84CW62, decree dated 9/17/1984; Case No. 88CW104, decree dated 8/29/1988; Case No. 94CW86, decree dated 9/28/1994; Case No. 00CW167, decree dated 2/20/2001; Case No. 07CW37, decree dated 6/7/2008; and Case No. 14CW3077, decree dated 1/18/2015, all in Water Div. 5. *iii. Legal description*: The point of diversion on Squaw Creek is located at a point whence the S. Quarter Corner of Sec. 13, T. 5 S., R. 83 W. of the 6th P.M. bears S.37°00'E. 2,875 ft. This location is also described as: NW1/4SW1/4 of Sec. 13, T. 5 S., R. 83 W. of the 6th P.M., at a point approx. 2270 ft. from the S. section line and 800 ft. from the W. section line of said Sec. 13, Eagle County, Colorado. The location of Shapiro Pump and Pipeline is also shown on the map attached to the Application as Exhibit A. *iv. Source*: Squaw Creek, tributary to the Eagle River. *v. Appropriation date*: 12/5/1979. *vi. Amount*: 0.50 c.f.s., conditional. *vii. Uses*: domestic, commercial, irrigation, livestock water, recreation, and piscatorial. 4. Outline of what has been done toward completion of the appropriation and application of water to a beneficial use as conditionally decreed: A detailed outline of activity during the diligence period is included in the Application. 5. Name(s) and address(es) of owner(s) or reputed owners of the land upon which any new diversion or storage structure, or modification to any existing diversion or storage structure is or will be constructed or upon which water is or will be stored, including any modification to the existing storage pool: A. Applicant; and B. Rachel and David Viele, P.O. Box 36, Vail, CO 81658-0036. (7 pages)

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

**17. PURSUANT TO C.R.S., §37-92-302, AS AMENDED, YOU ARE NOTIFIED THAT THE FOLLOWING PAGES COMPRISE A RESUME OF THE APPLICATIONS AND AMENDED APPLICATIONS FILED WITH THE WATER CLERK FOR WATER DIVISION 5 DURING THE MONTH OF JANUARY 2021. *The water right claimed by this application may affect in priority any water right claimed or heretofore adjudicated within this division and owners of affected rights must appear to object and protest within the time provided by statute or be forever barred.***

**21CW3016 PITKIN COUNTY – SNOWMASS CREEK OR ITS TRIBUTARIES.** PATAK RANCH LLC c/o Paul L. Noto, Esq., Patrick, Miller & Noto, P.C., 229 Midland Ave., Basalt, CO 81621 (970) 920-1030. APPLICATION FOR SURFACE WATER RIGHTS, WATER STORAGE RIGHT, AND APPROVAL OF PLAN FOR AUGMENTATION INCLUDING EXCHANGE **First Claim: For Surface Water Rights** Name of structure: Patak Pump and Pipeline. Legal description: SW1/4, SE1/4 of Section 27, Township 9 South, Range 86 West of the 6<sup>th</sup> P.M., at a point 785 feet North of the South section line and 1,940 feet West of the East section line in Pitkin County. On file with the court as **Exhibit A**. Amount Claimed: 0.19 c.f.s. (85 g.p.m.), conditional. Uses or Proposed Uses: Irrigation, fire protection, and to fill and refill Patak Pond for subsequent irrigation, recreation, fire protection, piscatorial, and aesthetic uses. Remarks: Applicant will divert water through the Patak Pump and Pipeline when water is legally and physically available in priority. When diversions under the Patak Pump and Pipeline are out-of-priority, Applicant will augment depletions with water released under a water allotment contract with the Basalt Water Conservancy District and the augmentation plan described in the Third Claim below or curtail diversions in the event of a local call. The Patak Pump and Pipeline is a component part of an integrated water supply plan for the property shown on file with the court as **Exhibit A**. **Second Claim: for Storage Water Right** Name of structure: Patak Pond. Legal Description: SW1/4, SE1/4 of Section 27, Township 9 South, Range 86 West of the 6<sup>th</sup> P.M. at a point 1,094 feet North of the South section line and 1,494 feet West of the East section line in Pitkin County. On file with the court as **Exhibit A**. Amount Claimed: 2.40 a.f., conditional. Uses or Proposed Uses: Irrigation, fire protection, recreation, aesthetic, and piscatorial. Remarks: The Patak Pond is a component part of an integrated water supply plan for the property shown on file with the court as **Exhibit A**. **Third Claim: For Approval of Plan for Augmentation** Name of structures to be augmented: Patak Pump and Pipeline and Patak Pond. Location of the structures: See First and Second Claims above. Water rights to be used for augmentation: Applicant applied for a water allotment contract from the Basalt Water Conservancy District (“BWCD”), under which the following water rights will be made available for augmentation of Applicant’s water uses involved in this plan: Green Mountain Reservoir: Legal description: NE ¼, SE ¼, Section 15, Township 2 South, Range 80 West of the 6<sup>th</sup> P.M., approximately 2312 feet from the South section line and 992 feet from the East section line (Summit County). UTM coordinates: Northing 4414928, Easting 386227.9, Zone 13. Note: The distances from section lines and UTM coordinates were obtained from the Division of Water Resources’ CDSS database and/or Aquamap program. Source: Blue River, tributary to the Colorado River. Ruedi Reservoir: Legal description: NW ¼, NW ¼, Section 18, Township 8 South, Range 84 West of the 6<sup>th</sup> P.M., approximately 324 feet from the North section line and 984 feet from the West section line (Eagle and Pitkin Counties). UTM coordinates: Northing 4358646, Easting 343227.7, Zone 13. Note: The distances from section lines and UTM coordinates were obtained from the Division of Water Resources’ CDSS database and/or Aquamap program. Source: Frying Pan River, tributary to the Colorado River. Troy Ditch and Edith Ditch Legal descriptions: Troy Ditch: NW ¼, NE ¼, Section 14, Township 8 South, Range 84 West of the 6<sup>th</sup> P.M., approximately 285 feet from the South section line and 967 feet from the East section line (Pitkin County). UTM coordinates: Northing 4356860, Easting 350640, Zone 13. Note: Distances from section lines and UTM coordinates were obtained from the Division of Water Resources’ CDSS database and/or Aquamap program. When Aquamap converts the UTM coordinates, the quarter coordinates are SE ¼, SE ¼. Edith Ditch: SW ¼, SW ¼, Section 12, Township 8 South, Range 84 West of the 6<sup>th</sup> P.M., approximately 326 feet from the South section line and 981 feet from the West section line (Eagle County). UTM coordinates: Northing 4358454, Easting 351278.1, Zone 13. Note: Distances from section lines and UTM coordinates were obtained from the Division of Water Resources’ CDSS database and/or Aquamap program. Source: The Troy and Edith augmentation water can be delivered to the Frying Pan, Roaring Fork, or Colorado River by by-passing water at the headgate on the Frying Pan River. Robinson Ditch: Legal description: NW ¼, SE ¼, Section 11, Township 8 South, Range 87 West, of the 6<sup>th</sup> P.M., approximately 2307 feet from the South section line and 2309 feet from the East section line (Eagle County). **Fourth Claim: For Appropriative Right of Exchange** Name of structure: Patak Ranch Exchange. Location: Downstream termini: The points of replacement on the Roaring Fork and Colorado Rivers of the BWCD’s water rights listed in paragraph 21, on file with the court. Rate: 0.152 c.f.s., conditional. Volume: Up to 9.4 acre-feet, conditional. Plan of operation: The plan for augmentation described in the Third Claim above includes an appropriative right of exchange of the augmentation water released under Applicant’s BWCD Water Allotment Contract, extending from the lower termini to the upper terminus described in paragraph 25, on file with the court. Applicant will operate the Patak Ranch Exchange only when it is in priority. The Patak Ranch Exchange is a component part of an integrated water supply plan for Applicant’s property shown on file with the court as **Exhibit A**. Applicant respectfully requests the Water Court to enter a ruling and decree approving the conditional water rights and plan for augmentation including exchange claimed in this Application. **YOU ARE HEREBY NOTIFIED THAT YOU HAVE until the last day of MARCH 2021 to file with the Water Clerk a verified Statement of Opposition setting forth facts as to why this application should not be granted or why it should be granted in part or on certain conditions. A copy of such statement of opposition must also be served upon the applicant or the applicant’s attorney and an affidavit or certificate of such service shall be filed with the Water Clerk, as prescribed by Rule 5, CRCP. (Filing Fee: \$192.00) KATHY POWERS, Water Clerk, Water Division 5; 109 8th Street, Suite 104 Glenwood Springs, CO 81601.**

**18. PURSUANT TO C.R.S., §37-92-302, AS AMENDED, YOU ARE NOTIFIED THAT THE FOLLOWING PAGES COMPRISE A RESUME OF THE APPLICATIONS AND AMENDED APPLICATIONS FILED WITH THE WATER CLERK FOR WATER DIVISION 5 DURING THE MONTH OF JANUARY 2021. *The water right claimed by this application may affect in priority any water right claimed or heretofore adjudicated within this division and owners of affected rights must appear to object and protest within the time provided by statute or be forever barred.***

**20CW3032 MESA COUNTY - FIRST AMENDED APPLICATION FOR CONDITIONAL SURFACE WATER RIGHT, ABSOLUTE GROUNDWATER RIGHT, AND CONDITIONAL WATER STORAGE RIGHT. 1.Name, mailing address, email address and telephone number of applicant: Lawrence W. Brach,1035 Q ½ Road, Mack, CO 81525, [larry@brachtrucking.com](mailto:larry@brachtrucking.com), (970)**

260-0103. Attorneys: John P. Justus, Karoline M. Henning, Hoskin Farina & Kampf, Professional Corporation, 200 Grand Avenue, Suite 400, Post Office Box 40, Grand Junction, Colorado 81502-0040. APPLICATION FOR CONDITIONAL SURFACE WATER RIGHT. 2. Name of structure: Brach Wastewater Ditch. 3. Legal description of each point of diversion: a. Location information in UTM format: Easting 166812 Northing 4353055 Zone 13 (NAD 83). The street address of the property where the diversion structure will be located is 1760 10 Road, Mack, Colorado 51525. Attached as Exhibit A to the application is an 8 ½ x 11 inch map illustrating the approximate location of the point of diversion for the Brach Wastewater Ditch. b. Legal Description Using the Public Land Survey System (PLSS) (Optional): The Brach Wastewater Ditch will be located in the NE1/4 of the NW1/4 of Section 7, Township 2 North, Range 3 West of the Ute Principal Meridian. 4. Source: Surface runoff and irrigation wastewater tributary to East Salt Creek, Tributary to Salt Creek, tributary to the Colorado River. 5. Appropriation: a. *Date of appropriation:* March 3, 2020. B. *How appropriation was initiated:* By formation of intent to appropriate paired with the filing of this application. 6. Amount claimed. Conditional 4 cubic feet per second of time (“cfs”). 7. List All Proposed Uses: Applicant proposes to use water diverted by the Brach Wastewater Ditch to irrigate the approximately 50 acres located in the NW ¼ of Section 7, Township 2 North, Range 3 West of the Ute Principal Meridian, and shown in the figure attached as Exhibit A to the application. APPLICATION FOR ABSOLUTE GROUNDWATER RIGHT. 8. Name of Well Structure: Jim’s Pond, Well Permit Number 65612-F. 9. Location of Structure: Jim’s Pond is an existing 16’ deep pit well that exposes groundwater with dimensions of ~ 136’ in length, ~ 56’ in width. a. *Location information in UTM format:* NAD 83, Zone 13, 166407 E, 4352928 N. Source of the UTM coordinates is DWR Map Viewer. The street address of the property where Jim’s Pond is located is 1760 10 Road, Mack, Colorado 51525. Exhibit A to the Application is a figure illustrating the approximate location of Jim’s Pond. b. *Legal Description Using the Public Land Survey System (PLSS):* Located in the SW1/4 of the NW1/4, Section 7, Township 2 North, Range 33 West, Ute P.M. 10. Source of Water: **Groundwater tributary to East Salt Creek, tributary to Salt Creek, tributary to the Colorado River, which is exposed by the Jim’s Pond.** 11. Appropriation: a. *Date of appropriation:* April 9, 2007. b. *How appropriation was initiated:* By the submission of an application for a gravel pit well permit application to the Colorado Division of Water Resources, and subsequent use. 12. Amount Claimed: a. *Amount claimed in gallons per minute:* 200 gallons per minute, absolute. b. *Amount claimed in acre feet annually:* 19 acre feet annually, absolute. 13. Augmentation: Jim’s Pond is not proposed to operate under a plan for augmentation at this time as the area is not administered as being overappropriated and unappropriated water is available for withdrawal. 14. Proposed Uses: Evaporation of groundwater exposed by Jim’s Pond is estimated by the Applicant, based on a surface area of 0.1 acres, to be 0.44 acre-feet per year; Recreation, wildlife and fire protection; and Irrigation of approximately 5 acres of lawns and land around the home located in the NW ¼ of Section 7, Township 2 North, Range 3 West of the Ute Principal Meridian, and shown in the figure attached as Exhibit A to this Application. APPLICATION FOR CONDITIONAL WATER STORAGE RIGHT. 15. Names of Reservoir: Brach Wastewater Pond. 16. Legal description of location of dam centerline. a. *Location information in UTM format:* NAD 83, Zone 13, 166244 E, 4352918 N. The street address of the property where the storage structure will be located is 1760 10 Road, Mack, Colorado 51525. Source of the UTM coordinates is DWR Map Viewer. Exhibit A to the Application is a figure illustrating the approximate location of the Brach Wastewater Pond. b. *Legal Description Using the Public Land Survey System (PLSS):* Located in the SW1/4 of the NW1/4, Section 7, Township 2 North, Range 33 West, Ute P.M. 17. Source(s): Surface runoff and irrigation wastewater tributary to East Salt Creek, Tributary to Salt Creek, tributary to the Colorado River. 18. Point of Diversion: The Brach Wastewater Diversion described in paragraph 3 of this Application. 19. Appropriation: a. *Date of appropriation:* March 3, 2020. b. *How appropriation was initiated:* By formation of intent to appropriate paired with the filing of this application. 20. Amount claimed: a. *Amount of Storage Claimed for Brach Wastewater Pond:* 27.5 acre-feet, together with the right to fill, refill, and subsequently refill in priority. b. *Claimed rates of diversion in cubic feet per second (cfs) for filling:* 4 cfs. 21. List All Uses: Irrigation of approximately 50 acres located in the NW ¼ of Section 7, Township 2 North, Range 3 West of the Ute Principal Meridian, and shown in the figure attached as Exhibit A to the Application, recreational use, and fish and wildlife. 22. Pond Dimensions. a. *Surface area of high water line:* ~3.45 Acres. b. *Vertical height of dam in feet measured vertically from the elevation of the lowest point of the natural surface of the ground where that point occurs along the longitudinal centerline of the dam up to the crest of the emergency spillway of the dam:* ~8 feet. c. *Length of dam in feet:* ~600 feet. d. *Total capacity of reservoir:* ~27.5 acre feet. 23. Name(s) and address(es) of owner(s) or reputed owner(s) of the land upon which any new or existing diversion or storage structure, or modification to any existing diversion or storage structure is or will be constructed or upon which water is or will be stored, including any modification to the existing storage pool. Applicant is the owner of the lands on which all structures identified in this Application are located. Application is six pages in length. **YOU ARE HEREBY NOTIFIED THAT YOU HAVE until the last day of MARCH 2021 to file with the Water Clerk a verified Statement of Opposition setting forth facts as to why this application should not be granted or why it should be granted in part or on certain conditions. A copy of such statement of opposition must also be served upon the applicant or the applicant’s attorney and an affidavit or certificate of such service shall be filed with the Water Clerk, as prescribed by Rule 5, CRCP. (Filing Fee: \$192.00) KATHY POWERS, Water Clerk, Water Division 5; 109 8th Street, Suite 104 Glenwood Springs, CO 81601.**