

DIVISION 5 WATER COURT- JUNE 2019 RESUME

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

19CW3065(12CW148, 05CW254) GARFIELD COUNTY, COLORADO. POODLE CREEK, TRIBUTARY TO THE COLORADO RIVER. Application for Findings of Reasonable Diligence. Applicants: Brian and Sheila Blythe, c/o Edward B. Olszewski, Esq., Olszewski, Massih & Maurer, P.C., P.O. Box 916, Glenwood Springs, CO 81602, (970) 928-9100. Structure: **Leonard Springs No. 1 First Enlargement.** Decrees (all structures): 10/14/2006, 05CW254, 3/17/2013, 12CW148. Location: The spring is located in Lot 4, in the Northwest ¼ of the Northwest ¼ of Section 1, Township 8 South, Range 96 West of the 6th P.M., at a point whence the Northwest Corner of said Section 1 bears N. 11°01'W. 329.4 feet. Source (all structures): Poodle Creek, tributary to the Colorado River. Approp. Date (all structures): 04/30/2000. Amount: 25 gpm, *conditional.* Uses: irrigation (7.5 acres from all springs referenced in application) and fire protection. Structure: **Leonard Springs No. 2.** Location: The spring is located in the Northwest ¼ of the Northwest ¼ of Section 1, Township 8 South, Range 96 West of the 6th P.M., at a point 10 feet east of the west section line and 310.5 feet south of the north section line of said Section 1. Amount: 25 gpm, *conditional.* Uses: irrigation (7.5 acres from all springs referenced in application), domestic (one seasonal dwelling) and fire protection. Structure: **Leonard Springs No. 3.** Location: The 19spring is located in the Northeast ¼ of the Northeast ¼ of Section 2, Township 8 South, Range 96 West of the 6th P.M., at a point 5,124.7 feet east of the west section line and 310.5 feet south of the north section line of said Section 2. Amount: 10 gpm, *conditional.* Uses: irrigation (7.5 acres from all springs referenced in application), domestic (one seasonal dwelling) and fire protection. Structure: **Leonard Springs No. 4.** Location: The spring is located in the Northeast ¼ of the Northeast ¼ of Section 2, Township 8 South, Range 96 West of the 6th P.M., at a point 4,969.4 feet east of the west section line and 155 feet south of the north section line of said Section 2. Amount: 25 gpm, *conditional.* Uses: irrigation (7.5 acres from all springs referenced in application), domestic (one seasonal dwelling) and fire protection. Structure: **Rader Spring, First Enlargement.** Location: The spring is located in the Northeast ¼ of the Northeast ¼ of Section 2, Township 8 South, Range 96 West of the 6th P.M., at a point 4,902.3 feet east of the west section line and 165.7 feet south of the north section line of said Section 2. Amount: 30 gpm, *conditional.* Uses: irrigation (7.5 acres from all springs referenced in application), domestic (one seasonal dwelling) and fire protection. Landowner Notification: All structures are located on lands owned by Applicants. A detailed outline of what has been done toward completion of the appropriation and application of water to a beneficial use as conditionally decree, including expenditures, during the previous diligence period is outlined in the Application. Applicants pray for a decree of this Court, finding the Applicants' have exercised reasonable diligence toward the development of the aforementioned water rights and any such other and further relief as the Court may deem appropriate. (7 pages with 1 map)

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

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

19CW3066 GARFIELD COUNTY. Division: 5, DISTRICT COURT, WATER DIVISION NO. 5, STATE OF COLORADO, 109 8th Street, Suite 104, Glenwood Springs, CO 81601. **APPLICATION FOR ALTERNATE PLACES OF STORAGE, PLAN FOR AUGMENTATION, ALTERNATE POINT OF DIVERSION, AND CORRECTION TO POINTS OF DIVERSION PURSUANT TO C.R.S. § 37-92-305(3.6) (c).** 1. Name and address of applicant: Exxon Mobil Corporation ("ExxonMobil"), P.O. Box 4358, CORP-MI-3006, Houston, TX 77210-4358, Direct all pleadings to: Glenn E. Porzak, Kristin H. Moseley, Cassidy L. Woodard, Porzak Browning & Bushong LLP, 2120 13th Street, Boulder, CO 80302. 2. Overview: In 2016, ExxonMobil obtained a decree in the District Court in and for Water Division 5, State of Colorado ("Water Court"), in Case No. 08CW199 ("08CW199 Decree") to change the place of use of its Colorado River basin water rights to also include locations within the Piceance Creek and Yellow Creek basins in Rio Blanco County. To better facilitate implementation of the 08CW199 Decree, ExxonMobil now seeks the rights to alternately store the water decreed for storage in the Middle Fork Reservoir, Davis Gulch Reservoir, East Middle Fork Reservoir, and Lower East Middle Fork Reservoir (collectively, the "Parachute Reservoirs") in each of the Parachute Reservoirs to maximize operational flexibility. By way of example and not limitation, the Middle Fork Reservoir could be enlarged to incorporate the storage rights associated with Davis Gulch Reservoir. ExxonMobil also seeks to alternately store the water right decreed to the Allenwater Creek Terminal Reservoir in the Allenwater Creek Terminal Reservoir – Hayes Gulch Alternate Place of Storage. To replace out-of-priority depletions, ExxonMobil further seeks to adjudicate a plan for augmentation for the Allenwater Creek Terminal Reservoir – Hayes Gulch Alternate Place of Storage using its contract water for Ruedi Reservoir as an augmentation source. Additionally, ExxonMobil requests an alternate point of diversion for the Mahaffey Pumping Plant and Pipeline and the Main Elk-Wheeler Gulch Pipeline. Pursuant to the decree in Water

Court Case No. 00CW258 (“00CW258 Decree”), both water rights may divert alternately at the Dow Pumping Plant and Pipeline Alternate Point of Diversion 2. ExxonMobil wishes to alternately divert the Mahaffey Pumping Plant and Pipeline and the Main Elk-Wheeler Gulch Pipeline at the Dow Pumping Plant and Pipeline Alternate Point of Diversion 1 where a diversion structure has already been constructed and is currently operating. Finally, in preparing this Application, ExxonMobil became aware of three clerical errors in the UTM Coordinates for alternate points of diversion for the Dow Middle Fork Pipeline and the Dow East Middle Fork Pipeline. ExxonMobil seeks to update the UTM Coordinates for those points of diversion to accurately reflect their locations. **FIRST CLAIM FOR RELIEF: ESTABLISHING ALTERNATE PLACES OF STORAGE FOR THE PARACHUTE RESERVOIRS, 3.** ExxonMobil seeks to add alternate places of storage for the Parachute Reservoirs, described as follows: A. Middle Fork Reservoir and Middle Fork Reservoir – 1st Enlargement, i. Original Decrees: a. Middle Fork Reservoir: District Court in and for the County of Garfield, State of Colorado (“Garfield County District Court”), in Civil Action No. 4914 on November 10, 1966 (“Civil Action No. 4914”), b. Middle Fork Reservoir – 1st Enlargement: Water Court Case No. 79CW378 on May 30, 1980 (“79CW378 Decree”). ii. Legal Description: The West abutment of the dam was decreed in Civil Action No. 4914 as being located at a point whence the North quarter of Section 6, T. 5 S., R. 95 W. of the 6th P.M. bears N. 12° 10' W. 1,860 feet., a. Water Court Case No. 82CW369, dated March 18, 1985 (“82CW369 Decree”), decreed a new location which locates the West abutment of the dam at a point whence the East quarter corner of Section 1, T. 5 S., R. 96 W. of the 6th P.M. bears N. 37° 30' W. 3,900 feet. UTM Coordinates NAD 83, Zone 12, Northing: 4391313.8, Easting: 748826.5. See **Exhibit A**. iii. Source: Middle Fork of Parachute Creek, tributary to the Colorado River., iv. Appropriation Dates: a. Middle Fork Reservoir: September 17, 1959., b. Middle Fork Reservoir – 1st Enlargement: September 30, 1974. v. Amounts: a. Middle Fork Reservoir: 140 acre-feet, absolute, and 31.622 acre-feet, conditional., b. Middle Fork Reservoir – 1st Enlargement: 1,438.378 acre-feet, conditional. vi. Uses: irrigation, industrial, mining, retorting, refining, power, domestic, and all other uses necessary and related to the production of shale oil and its by-products. B. Davis Gulch Reservoir and Davis Gulch Reservoir – 1st Enlargement, i. Original Decree: a. Davis Gulch Reservoir: Civil Action No. 4914., b. Davis Gulch Reservoir – 1st Enlargement: 79CW378 Decree., ii. Legal Description: The Southwest end of the dam was decreed in Civil Action No. 4914 as being located at a point whence the North quarter corner of Section 12, T. 5 S., R. 96 W. of the 6th P.M. bears N. 31° 20' W. 1,230 feet., a. The 82CW369 Decree decreed a new location which locates the West abutment of the dam at a point whence the Southwest corner of Section 6, T. 5 S., R. 95 W. of the 6th P.M. bears N. 38° 25' E. 3,200 feet. UTM Coordinates NAD 83, Zone 12, Northing: 4390538.1, Easting: 747526.9. See **Exhibit A**, iii. Source: Davis Gulch, tributary to the Colorado River., iv. Appropriation Dates: a. Davis Gulch Reservoir: September 15, 1959., b. Davis Gulch Reservoir – 1st Enlargement: September 30, 1974., v. Amounts: a. Davis Gulch Reservoir: 6 acre-feet, absolute, and 198 acre-feet, conditional., b. Davis Gulch Reservoir – 1st Enlargement: 996 acre-feet, conditional., vi. Uses: irrigation, industrial, mining, retorting, refining, power, domestic, and all other uses necessary and related to the production of shale oil and its by-products. C. East Middle Fork Reservoir, i. Original Decree: Civil Action No. 4914., ii. Legal Description: The Northwest end of the dam was decreed as being located at a point whence the North quarter corner of Section 15, T. 5 S., R. 95 W. of the 6th P.M. bears N. 16° 17' E. 522 feet. UTM Coordinates AD83, Zone 12, Northing: 4389737.4, Easting: 753983.2. See **Exhibit A**, iii. Source: East Middle Fork of Parachute Creek, tributary to the Colorado River., iv. Appropriation Date: September 18, 1959., v. Amount: 130.558 acre-feet, conditional., vi. Uses: irrigation, industrial, mining, retorting, refining, power, domestic, and all other uses necessary and related to the production of shale oil and its by-products. D. Lower East Middle Fork Reservoir, i. Original Decree: Water Court Case No. 82CW88 on March 15, 1983., ii. Legal Location: The Lower East Middle Fork Reservoir dam is located in the W1/2 SE1/4 of Section 18, T. 5 S., R. 95 W. of the 6th P.M. and the north abutment of the dam is located at a point whence the Witness Corner for the Southwest corner of said Section 18 bears S. 64° 45' W. 3,600 feet. UTM Coordinates NAD83, Zone 12, Northing: 4388560.3, Easting: 749445.2. See **Exhibit A**, iii. Source: East Middle Fork of Parachute Creek, tributary to the Colorado River., iv. Appropriation Date: February 2, 1982., v. Amount: 6,200 acre-feet, conditional., vi. Uses: domestic, irrigation, industrial, mining, retorting, refining, power, and all other uses related to the production of shale oil and its by-products. 4. Structures decreed for storage in the Parachute Reservoirs: Pursuant to the 82CW369 Decree, the following structures have been decreed to store water in the Parachute Reservoirs, under certain terms and conditions described therein: A. The following described water rights originally decreed in Civil Action No. 4914: i. Dow Pumping Plant & Pipeline, a. Legal Description: being located at a point on the Northerly bank of the Colorado River, whence the East quarter corner of Section 6, T. 7 S., R. 95 W. of the 6th P.M. bears N. 13° 17' E. 753 feet. UTM Coordinates NAD83, Zone 12, Northing: 4372546.6, Easting: 755360.1. See **Exhibit B**, I. Alternate Point of Diversion 1: The alternate point of diversion decreed in Case No. W-2786 is located on the Northerly bank of the Colorado River at a point whence the East quarter corner of Section 6, T. 7 S., R. 95 W. of the 6th P.M. bears N. 35° 00' E. 1,880 feet. UTM Coordinates NAD 83, Zone 12, Northing: 4372300.5, Easting: 755085.0. See **Exhibit B**, II. Alternate Point of Diversion 2: The alternate point of diversion decreed in the 82CW369 Decree for 30 cfs is located at a point in Lot 9, Section 6, T. 7 S., R. 95 W. of the 6th P.M., Garfield County, Colorado, from which point the South quarter corner of Section 6 bears S. 69° 19' W. 1,327 feet. UTM Coordinates ZAD 83, Zone 12, Northing: 4372126.0, Easting: 755041.4. For ease of reference, but without changing the decreed location, this alternate point of diversion can be described as being located in the SW1/4 of the SE1/4 of Section 6, T. 7 S., R. 95 W. of the 6th P.M., at a point 1,380 feet West of the East section line and 564 feet North of the South section line of said Section 6, based on BLM PLSS mapping. See **Exhibit B**, b. Source: the Colorado River (and Green Mountain Reservoir), c. Appropriation Date: January 24, 1955., d. Amount: 20.2 cfs, absolute, and 94.8 cfs, conditional, which is the portion of the water right owned by ExxonMobil of the 178 cfs decreed to the Dow Pumping Plant and Pipeline., Uses: Irrigation,

municipal, industrial, mining, retorting, refining, power, domestic, and all other uses necessary and related to the production of shale oil and its by-products., ii. Dow Middle Fork Pipeline., a. Legal Description: being located at a point on the Westerly bank of the Middle Fork of Parachute Creek, whence the Southeast corner of Section 31, T. 4 S., R. 95 W. of the 6th P.M. bears N. 84° 30' E. 915 feet. UTM Coordinates NAD 83, Zone 12, Northing: 4393110.9, Easting: 749480.6. See **Exhibit B.**, I. Water Court Case No. 11CW184, dated August 10, 2014 (“11CW184 Decree”), decreed two alternate points of diversion which are located as follows: (1) Dow Middle Fork Pipeline Alternate Point 1: in the NW1/4 SW1/4 of Section 7, T. 5 S., R. 95 W. of the 6th P.M. at a point 2,350 feet from the South section line and 750 feet from the West section line of said Section 7. UTM Coordinates NAD 83, Zone 13, Northing: 4391026, Easting: 233416; and (2) Dow Middle Fork Pipeline Alternate Point 2: in the SW1/4 SW1/4 of Section 7, T. 5 S., R. 95 W. of the 6th P.M. at a point 750 feet from the South section line and 890 feet from the West section line of said Section 7. UTM Coordinates NAD 83, Zone 13, Northing: 4390537, Easting: 233441. See **Exhibit B.**, b. Source: Middle Fork of Parachute Creek, which is tributary to the Colorado River., c. Appropriation Date: October 20, 1954., d. Amount: 8.912 cfs, absolute, and 1.088 cfs conditional., e. Uses: industrial, mining, retorting, refining, power, domestic, and all other uses necessary and related to the production of shale oil and its by-products., f. Remarks: In Paragraphs 14 through 17, below, ExxonMobil seeks to correct an established but erroneously described point of diversion due to clerical error with regard to the UTM Coordinates for the Dow Middle Fork Pipeline Alternate Point 1 and Dow Middle Fork Pipeline Alternate Point 2, described in Paragraph 4.A.ii.a.I above., iii. Dow East Middle Fork Pipeline., a. Legal Description: The original point of diversion was decreed as being located at a point on the Northerly bank of the East Middle Fork of Parachute Creek, whence the Southeast corner of Section 10, T. 5 S., R. 95 W. of the 6th P.M. bears N. 78° 55' E. 137 feet. UTM Coordinates NAD 83, Zone 12, Northing: 4389909.0, Easting: 754791.2. See **Exhibit B.**, I. The alternate point of diversion decreed in W-1826 is located on the Northerly bank of the East Middle Fork of Parachute Creek, at a point whence the Southeast Corner of Section 18, T. 5 S., R. 95 W. of the 6th P.M. bears S. 21° 56' E. 1,913 feet. UTM Coordinates NAD 83, Zone 12, Northing: 4388689.8, Easting: 749848.1. See **Exhibit B.**, II. The 11CW184 Decree decreed the Dow East Middle Fork Pipeline Alternate Point 2 in the SW1/4 SW1/4 of Section 7, T. 5 S., R. 95 W. of the 6th P.M. at a point 750 feet from the South section line and 890 feet from the West section line of said Section 7. UTM Coordinates NAD 83, Zone 13 (meters), Northing: 4390537, Easting: 233441. See **Exhibit B.**, b. Source: East Middle Fork of Parachute Creek, tributary to the Colorado River., c. Appropriation Date: October 19, 1954., d. Amount: 6.46 cfs, absolute, and 13.54 cfs, conditional., e. Uses: industrial, mining, retorting, refining, power, domestic, and all other uses necessary and related to the production of shale oil and its by-products., f. Remarks: In Paragraphs 14 through 17, below, ExxonMobil seeks to correct an established but erroneously described point of diversion due to clerical error with regard to the UTM Coordinates for the Dow East Middle Fork Pipeline Alternate Point 2, described in Paragraph 4.A.iii.a.II above., B. Colony Spring No. 1, decreed by the Water Court in Case No. W-2141 for 0.45 cfs, absolute, for livestock water, industrial, domestic, irrigation, municipal, and oil shale coring uses, with a December 31, 1963, appropriation date. The source of this water right is Davis Gulch, tributary to the Middle Fork of Parachute Creek, and the point of diversion was decreed as being located in the SE1/4 NW1/4 of Section 1, T. 5 S., R. 96 W. of the 6th P.M. at a point whence the East quarter corner of said Section 1 bears S. 70° 00' 49" E. 3,581.01 feet. UTM Coordinates NAD 83, Zone 12, Northing: 4392561.3, Easting: 747058.3. See **Exhibit B.** 5. Description of the proposed alternate places of storage: A. ExxonMobil seeks to add alternate places of storage for the Parachute Reservoirs to allow the water storage rights associated with each reservoir to be stored alternately in each of the Parachute Reservoirs., B. Pursuant to the 08CW199 Decree, the water rights associated with the Parachute Reservoirs have been decreed for use in ExxonMobil’s operations in the Piceance Creek and Yellow Creek basins. Allowing the water storage rights associated with each reservoir to be stored alternately in each of the Parachute Reservoirs better facilitates ExxonMobil’s ability to physically implement the 08CW199 Decree., C. The 08CW199 Decree adjudicated a plan for augmentation for ExxonMobil to augment its storage in the Parachute Reservoirs and subsequent use of the associated water rights in the Piceance Creek and Yellow Creek basins. By this Application, except for the alternate places of storage for the Parachute Creek Reservoirs and the Allenwater Creek Terminal Reservoir, all terms and conditions of the 08CW199 Decree remain the same. **SECOND CLAIM FOR RELIEF: ALTERNATE PLACE OF STORAGE FOR THE ALLENWATER CREEK TERMINAL RESERVOIR AND PLAN FOR AUGMENTATION.** 6. ExxonMobil seeks to alternately store the water right decreed to the Allenwater Creek Terminal Reservoir in the Allenwater Creek Terminal Reservoir – Hayes Gulch Alternate Place of Storage, as described in Paragraph 7.A. below. ExxonMobil also seeks to augment out-of-priority diversions from the Allenwater Creek Terminal Reservoir – Hayes Gulch Alternate Place of Storage as filled by Mahaffey Pumping Plant and Pipeline and Main Elk-Wheeler Gulch Pipeline with water released pursuant to the contract with the United States Bureau of Reclamation from Ruedi Reservoir., 7. Description of water right to be alternately stored: A. Allenwater Creek Terminal Reservoir., i. Original Decree: Water Court Case No. 82CW354 on March 24, 1983., ii. Original Legal Description: The reservoir is located in the NW1/4 of Section 18, T. 6 S., R. 95 W. of the 6th P.M. The intersection of the dam axis with the centerline of Allenwater Creek is located at a point whence the Southwest corner of said Section 18 bears S. 23° 31' W. 4,035 feet. UTM Coordinates NAD 83, Zone 12, Northing: 4379508.3, Easting: 754201.3. See **Exhibit C.**, iii. Sources: Allenwater Creek, tributary to Hayes Gulch, which is tributary to the Colorado River. Pursuant to the decree entered by the Water Court in Case No. 84CW68 on October 15, 1986, the Allenwater Creek Terminal Reservoir may also be filled by the Mahaffey Pumping Plant and Pipeline and the Main Elk – Wheeler Gulch Pipeline water rights: a. Mahaffey Pumping Plant and Pipeline, originally decreed in Water Court Case No. 82CW349 on March 24, 1983. The Mahaffey Pumping Plant and Pipeline is located on the north bank of the Colorado River in the SW1/4 SE1/4 of Section 33, T. 6 S., R. 95 W. of the 6th P.M. in Garfield County, Colorado, at a point whence the Southwest corner of said Section 33 bears S. 85° 48' W. 3,140 feet. UTM Coordinates NAD 83, Zone 12, Northing: 4373690.1, Easting: 757947.9. The

source is the Colorado River and its tributaries and releases from Main Elk Reservoir. The Mahaffey Pumping Plant and Pipeline was decreed for 60 cfs, conditional, with a June 9, 1981, appropriation date for irrigation, domestic, municipal, and industrial uses. Pursuant to the 00CW258 Decree, this water right can alternately divert at the Dow Pumping Plant and Pipeline Alternate Point of Diversion 2, as decreed in the 82CW369 Decree, described in Paragraph 4.A.i.a.II. above., b. Main Elk-Wheeler Gulch Pipeline, originally decreed in Civil Action No. 4914. Pursuant to Paragraph 8(b) of the decree entered in Case No. 14CW3003, dated December 28, 2014, ExxonMobil agrees that it will not utilize the original point of diversion decreed in Civil Action No. 4914 to divert the Main-Elk Wheeler Gulch Pipeline water right. Instead, ExxonMobil will utilize one of two alternate points of diversion: (1) as decreed in Water Court Case No. 82CW350, the Mahaffey Pumping Plant and Pipeline as described in Paragraph 7.A.iii.a. above or (2) as decreed in the 00CW258 Decree, the Dow Pumping Plant and Pipeline Alternate Point of Diversion 2, as decreed in the 82CW369 Decree, described in Paragraph 4.A.i.a.II. above. The source is Main Elk Creek, tributary to the Colorado River. The Main Elk-Wheeler Gulch Pipeline was decreed for 40 cfs, conditional, with a June 19, 1963, appropriation date for irrigation, domestic, municipal, and industrial uses., iv. Appropriation Date: October 1, 1982., v. Amount: 160 acre-feet, conditional., vi. Uses: irrigation, domestic, municipal, and industrial. 8. Description of alternate place of storage: A. Allenwater Creek Terminal Reservoir – Hayes Gulch Alternate Place of Storage., i. Legal Description: The location of the low level outlet is in the SW1/4 of the NE1/4 of Section 6, T. 7 S., R. 95 W. of the 6th P.M. at a point 2,454 feet South of the North section line and 2,045 feet West of the East section line of said Section 6. UTM Coordinates NAD 83, Zone 12, Northing: 4372806.7, Easting: 754779.1. See **Exhibit C**. 9. Description of plan for augmentation: A. Water right to be augmented: i. Allenwater Creek Terminal Reservoir – Hayes Gulch Alternate Place of Storage as filled by Mahaffey Pumping Plant and Pipeline and Main Elk-Wheeler Gulch Pipeline, described in Paragraphs 7 and 8, above, and 11 through 13, below., B. Source of augmentation water: i. Ruedi Reservoir, decreed in the Garfield County District Court in Civil Action No. 4613 for domestic, municipal, irrigation, industrial, generation of electrical energy, stockwatering, and piscatorial uses, with an appropriation date of July 29, 1957. By subsequent order of the Water Court entered in Case No. W-789-76, the decreed amount of this reservoir has been fixed at 102,369 acre-feet. Ruedi Reservoir is located in Sections 7, 8, 9, 11, and 14 thru 18, T. 8 S., R. 84 W. of the 6th P.M., in Eagle and Pitkin Counties, and derives its water supply from the Fryingspan River. By Water Service Agreement dated May 13, 1982, with the United States Bureau of Reclamation (“Contract No. 2-07-70-W0544”), ExxonMobil has the right to call for the release of up to 6,000 acre-feet annually from Ruedi Reservoir. By Amendment No. 1 dated October 21, 2013, ExxonMobil and the United States Bureau of Reclamation agreed to continue Contract No. 2-07-70-W0544 in perpetuity as a repayment contract. 10. Plan for augmentation: By this Application, ExxonMobil seeks to augment out-of-priority storage in the Allenwater Creek Terminal Reservoir – Hayes Gulch Alternate Place of Storage, described in Paragraph 9.A. above, with releases made from Ruedi Reservoir, as described in Paragraph 9.B. above. If a call comes on from the Colorado River, ExxonMobil will replace out-of-priority diversions under ExxonMobil’s Mahaffey Pumping Plant & Pipeline or ExxonMobil’s Main Elk-Wheeler Gulch Pipeline by releasing its Ruedi Reservoir contract water. **THIRD CLAIM FOR RELIEF: ALTERNATE POINT OF DIVERSION FOR THE MAHAFFEY PUMPING PLANT AND PIPELINE AND THE MAIN ELK-WHEELER GULCH PIPELINE.** 11. In the 00CW258 Decree, the Mahaffey Pumping Plant and Pipeline and the Main Elk-Wheeler Gulch Pipeline were decreed to alternately divert at the Dow Pumping Plant and Pipeline Alternate Point of Diversion 2, described in Paragraph 4.A.i.a.II, above. To maximize operational flexibility and allow diversions at a structure already constructed on ExxonMobil land, ExxonMobil now seeks to add an additional alternate point of diversion for both structures at the Dow Pumping Plant and Pipeline Alternate Point of Diversion 1. In doing so, ExxonMobil does not seek any modifications to the original point of diversion for the Dow Pumping Plant and Pipeline or to the Dow Pumping Plant and Pipeline Alternate Point of Diversion 2. 12. Decreed water rights for which alternate point of diversion is sought: A. Mahaffey Pumping Plant and Pipeline: described in Paragraph 7.A.iii.a, above., B. Main Elk-Wheeler Gulch Pipeline: described in Paragraph 7.A.iii.b, above. 13. Alternate point of diversion: A. Dow Pumping Plant and Pipeline Alternate Point of Diversion 1: described in Paragraph 4.A.i.a.I, above. See **Exhibit D**. **FOURTH CLAIM FOR RELIEF: CORRECTION TO POINTS OF DIVERSION PURSUANT TO C.R.S. § 37-92-305(3.6)(c).** 14. In drafting this Application, ExxonMobil noticed clerical errors in the UTM Coordinates decreed in the 11CW184 Decree for the Dow Middle Fork Pipeline Alternate Point 1, the Dow Middle Fork Pipeline Alternate Point 2, and the Dow East Middle Fork Pipeline Alternate Point 2. The clerical errors originated in the 11CW184 Decree when ExxonMobil inadvertently used the UTM Coordinates for NAD 83, Zone 13 when the UTM Coordinates for NAD 83, Zone 12 should have been used. The metes and bounds legal descriptions for all three points of diversion were correct as decreed. ExxonMobil seeks to correct the clerical errors in the UTM Coordinates pursuant to C.R.S. § 37-92-305(3.6)(c) without changing the physical location of the points of diversion. 15. Decreed rights for which corrections are sought: A. Dow Middle Fork Pipeline Alternate Point 1: described in Paragraph 4.A.ii.a.I. above., B. Dow Middle Fork Pipeline Alternate Point 2: described in Paragraph 4.A.ii.a.I. above., C. Dow East Middle Fork Pipeline Alternate Point 2: described in Paragraph 4.A.iii.a.II. above. 16. Established but erroneously described UTM Coordinates for points of diversion: A. Dow Middle Fork Pipeline Alternate Point 1: UTM Coordinates NAD 83, Zone 13 Northing: 4391026, Easting: 233416., B. Dow Middle Fork Pipeline Alternate Point 2: UTM Coordinates NAD 83, Zone 13 Northing: 4390537, Easting: 233441, C. Dow East Middle Fork Pipeline Alternate Point 2: UTM Coordinates NAD 83, Zone 13 Northing: 4390537, Easting: 233441. 17. Corrected UTM Coordinates for points of diversion: A. Dow Middle Fork Pipeline Alternate Point 1: UTM Coordinates NAD 83, Zone 12 Northing: 4390417.6, Easting: 748390.3. See **Exhibit B**., B. Dow Middle Fork Pipeline Alternate Point 2: UTM Coordinates NAD 83, Zone 12 Northing: 4389986.0, Easting: 748442.0. See **Exhibit B**. C. Dow East Middle Fork Pipeline Alternate Point 2: UTM Coordinates NAD 83, Zone 12 Northing: 4389986.0, Easting: 748442.0. See **Exhibit B**. 18. ExxonMobil is the owner of the land upon which the new diversion or storage structures are located.

WHEREFORE, ExxonMobil seeks entry of a final decree that (1) approves the alternate places of storage requested for the Parachute Reservoirs; (2) approves the Allenwater Creek Terminal Reservoir – Hayes Gulch Alternate Place of Storage; (3) finds that as a result of the subject plan of augmentation described in Paragraphs 9 and 10, above, there will be no injury to any owner of or persons entitled to use water under a vested water right or decreed conditional water right; (4) approves the alternate point of diversion for the Mahaffey Pumping Plant and Pipeline and the Main Elk-Wheeler Gulch Pipeline; (5) approves the correction of UTM Coordinates for points of diversion due to clerical error pursuant to C.R.S. § 37-92-305(3.6)(c) described in Paragraphs 14 to 17, above; and (6) provides such other and further relief as may be appropriate and consistent with this pleading. (14 pages + 4 exhibits)

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

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

19CW3068 Applicant: The Piney Valley Ranches Trust ("PVRT"), c/o Daniel J. Leary, Trustee, P.O. Box 9429, Avon, Colorado 81620, Phone: (970) 949-6776. Attorneys for PVRT: Richard A. Johnson, David F. Bower, Michael S. Davidson, Johnson & Repucci LLP, 850 W. South Boulder Road, Suite 100, Louisville, Colorado 80027, Phone: (303) 442-1900. Application for Change of Water Rights to Add Alternate Points of Diversion and Correct Legal Descriptions of Decreed Points of Diversion in **EAGLE COUNTY**. Description of Water Rights for Which Change is Sought. Name of Structure. Ashlock Ditch. Original and Subsequent Decrees. Original Right. The Ashlock Ditch was originally decreed in the amount of 1.8 cfs, absolute, on November 20, 1890, by the Eagle County District Court, Water District 52 (Original Adjudication). The Original Right is decreed to divert off Piney Creek. Enlargement Right. An enlargement of the Ashlock Ditch was decreed in the amount of 4.05 cfs, absolute, on August 30, 1946, in Civil Action 1038, Eagle County District Court, Water District 52. Besides enlarging the Original Right decreed to divert off Piney Creek (referred to in the decree as Headgate No. 1), the Enlargement Right added a second headgate decreed to divert off Spring Creek (referred to in the decree as Headgate No. 2). Correction of Legal Description of Original Right. The legal description of the Ashlock Ditch from the Original Adjudication was corrected by the decree entered on June 26, 1996, in Case No. 95CW131, Water Division 5. Decreed Points of Diversion. Original Right (as Corrected in Case No. 95CW131). The headgate of the Ashlock Ditch is decreed as located on the west bank of Piney Creek at a point whence the SW corner of the SE1/4 of Section 6, Township 3 South, Range 82 West, bears 737 feet South 38° West. Enlargement Right (as Decreed in Civil Action 1038). Headgate No. 1. Headgate No. 1 of the ditch is decreed as located on the South or left bank of Piney Creek at a point whence the South Quarter corner of Section 6, Township 3 South, Range 82 West of the 6th P.M. bears South 53°40' West 880 feet. Headgate No. 2. Headgate No. 2 of the ditch is decreed as located on the West or left bank of Spring Creek at a point whence the South Quarter corner of Section 6, Township 3 South, Range 82 West of the 6th P.M. bears South 33°49' West 545 feet. Decreed Source. Original Right. Piney Creek. Enlargement Right. Headgate No. 1. Piney Creek. Headgate No. 2. Spring Creek. Appropriation Dates. Original Right. August 27, 1889. Enlargement Right. July 16, 1923. Total Amount Decreed to Structure. Original Right. 1.8 cfs, absolute. Enlargement Right. 4.05 cfs, absolute, in aggregate, with the following rate limitations on each headgate: Headgate No. 1. 2.95 cfs, absolute. Headgate No. 2. 4.05 cfs, absolute. Decreed Use. Irrigation. Amount of Water that PVRT Intends to Change to Alternate Points of Diversion. PVRT seeks the right to use the alternate points of diversion described below as additional points of diversion for the full amount decreed to the Ashlock Ditch as set forth above. Detailed Description of Proposed Changes. Complete Statement of Change. PVRT seeks to change the Ashlock Ditch water rights to include two alternate points of diversion on Piney Creek, approximately 2,653.0 and 4,492.8 feet downstream of the location of the headgate described in Case No. 95CW131. Water diverted under the Ashlock Ditch rights will continue to be used for irrigation purposes at the historical place of use. The combined flow rate and amount diverted from both the existing points of diversion and the alternate points of diversion will not exceed the total flow rate permitted to be diverted under the Ashlock Ditch rights, and the rate limitations imposed on Headgate Nos. 1 and 2 in Civil Action 1038 shall remain the same. As the time, place, and use of the Ashlock Ditch will not change as a result of the requested alternate points of diversion, this change will not result in injury to any owner of or person entitled to use water under a vested water right or a decreed conditional water right. A map showing the location of the subject structures and the cases in which they were decreed is attached hereto as Exhibit A. In addition, PVRT has discovered two additional corrections that need to be made to the previous decrees for the Ashlock Ditch water rights, as more particularly set forth below. Addition of Alternate Points of Diversion. The claimed alternate points of diversion for the Ashlock Ditch water rights are as follows: South Rickstrew Intake. The South Rickstrew alternate point of diversion is located in the NE1/4 SW1/4, Section 6, Township 3 South, Range 82 West, 6th P.M., at a point approximately 1,833 feet east of the west section line and 2,078 feet north of the south section line (Zone 13 north, NAD83, Easting 361293.3m, Northing 4409073.3m). North Rickstrew Intake. The North Rickstrew alternate point of diversion is located in the SW/4 NW1/4, Section 6, Township 3 South, Range 82 West, 6th P.M., at a point approximately 1,193 feet east of the west section line and

1,776 feet south of the north section line (Zone 13 north, NAD83, Easting 361110.9m, Northing 4409549.2m). Corrections to Previous Decrees. PVRT also seeks to have the following corrections recognized for the previous Ashlock Ditch decrees as follows: Headgate No. 1. The Original Right decreed in the Original Adjudication and the Enlargement Right decreed in Civil Action 1038 have different legal descriptions for the point of diversion from Piney Creek (a/k/a Headgate No. 1). In Case No. 95CW131, the legal description for the Original Right was corrected, but the decree did not similarly correct the legal description for the Enlargement Right. Accordingly, by this application, PVRT seeks to correct the decree for the Ashlock Ditch entered in Case No. 95CW131 to make clear that the correction to the legal description for the point of diversion from Piney Creek applies to both the Original Right and the Enlargement Right. Headgate No. 2. The decree entered in Civil Action 1038 states that Headgate No. 2 is located on and diverts from Spring Creek. However, this appears to be a clerical error, as USGS mapping and the Division of Water Resources' records indicate that the decreed legal description of Headgate No. 2 is actually located on Edwards Draw, directly across Piney Creek from Spring Draw. Accordingly, PVRT seeks to correct the decreed source of water for Headgate No. 2 to be Edwards Draw. Name of Landowner upon which any New or Modified Diversion Structure is Located. The South Rickstrew Intake and North Rickstrew Intake points of diversion are located on land owned by PVRT. 7 pages

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

19CW3069 EAGLE COUNTY, EAGLE RIVER, COLORADO RIVER. Application for Underground Water Right, Approval of Plan for Augmentation and a Conditional Appropriative Right of Exchange. Applicant: Eagle Rock Aggregates, Inc., c/o Chris Fedrizzi, Owner, P.O. Box 4260, Eagle, CO 81631, c/o Edward B. Olszewski, Esq., Olszewski, Massih & Maurer, P.C., P.O. Box 916, Glenwood Springs, CO 81602, (970) 928-9100. Background Information. Applicant seeks to adjudicate a well and plan for augmentation for a gravel operation near the Town of Gypsum. The Tower Pit will not expose groundwater; the pit will utilize a commercial well in order to withdraw water required for dust control, truck washing, domestic uses, irrigation uses and the initial fill of storage tanks which will be used to store water for the aforementioned uses. The Plan for Augmentation is needed in order to secure a legal supply of water for the delayed impacts caused by well pumping for the Tower Pit operations. First Claim for Underground Water Right. Name of Well: Tower Pit Well. A monitoring well permit (No. 313115) has been obtained in order to locate water on the property. No wells were located within the 600-foot spacing requirement. Legal Description: SW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 3, Township 5 South, Range 85 West of the 6th Principal Meridian. Source: Eagle River, tributary to the Colorado River. Depth: 123 feet. Approp. Date: 05/20/2019. Well withdraws tributary groundwater in the amount of 20 gpm. Annual amount claimed: 15.48 af. Uses or Proposed Uses: dust control, truck washing, domestic uses, irrigation uses and the initial fill of storage tanks. Irrigation: 0.25 acre. Legal description of irrigated acreage: Irrigated area will generally be located around the office buildings on Applicant's property. Non-irrigation: dust control, truck washing, domestic uses, and the initial fill of storage tanks. Landowners: Applicant. Claim for Approval of Plan for Augmentation. Structure: Tower Pit Well. Water rights to be used for augmentation: Ruedi Reservoir, Wolford Mountain Reservoir, and/or the CRWCD's Eagle River Supply Sources pursuant to a water supply contract between Applicant and the CRWCD. Ruedi Reservoir. Source: Frying Pan River, tributary to Colorado River. Legal Description: On-channel reservoir located in Sections 7, 8, 9, 11, and 14 through 18, Township 8 South, Range 84 West, 6th P.M. Adjudication date: 07/20/1958. Approp. Date: 07/29/1957. Case No.: C.A. 4613. Court: Garfield County District Court. Decreed Amount: 102,369 af. Uses: Generation of electric energy, domestic, municipal, piscatorial, industrial, irrigation and stock watering. Wolford Mountain Reservoir. The CRWCD owns and operates Wolford Mountain Reservoir (f/k/a Gunsight Pass Reservoir) which has the following water rights: Case No. 87CW283. Decree Date: 11/20/1989. Legal description of place of storage: The dam is located in the SW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 25, T. 2 N., R. 81 W., 6th P.M. The intersection of the dam axis with the right abutment will occur at a point which bears W. 54°54'20" E. a distance of 3,716.46 feet from the NW Corner of said Section 25. Source: Muddy Creek and its tributaries Amount: 59,993 af conditional; of this amount, 32,986 af were made absolute for piscatorial and recreational uses by decree entered in Water Court Case No. 95CW251. Approp Date: 12/14/1987. Use: All beneficial uses, including but not limited to domestic, municipal, agricultural and recreational uses, which uses satisfy the requirements of the Windy Gap Settlement made with the Municipal Subdistrict of the Northern Colorado Water Conservancy District; use to meet the water requirements of the inhabitants of the River District for all uses, including uses in the Middle Park area; and use to meet the terms of a lease agreement executed March 3, 1987 between the River District and the City and County of Denver. Case No. 95CW281. Decree Date: 08/26/1997. Legal description of place of storage: The dam is located in the SW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 25, T. 2 N., R. 81 W., 6th P.M. The as-built intersection of the dam axis (Sta. D19+35.61) with the West Access Road (Sta. WR50+55.05), as shown on the CRWCD, Wolford Mountain Project, Ritschard Dam construction drawing "Dimensional Dam Layout" sheet 8 of 94, occurs at a

point which bears S. 53°24'56" E. a distance of 3,395.51 feet from the NW Corner of said Section 25; the bearing of said dam axis from Sta. 19+35.61 to Sta. 0+00 being S. 75° 28' 29" E. Source: Muddy Creek and its tributaries. Amount: 6,000 af conditional. Approp. Date: 01/16/1995. Use: All beneficial uses by and for the benefit of the inhabitants of the CRWCD, including but not limited to domestic, municipal, industrial, irrigation, agricultural, piscatorial and recreational; such uses will include environmental mitigation, including environmental mitigation requirements associated with the Wolford Mountain Project; such uses will be made directly or by substitution, augmentation, or exchange. None of the water stored in the exercise of the right will be delivered directly or by exchange, substitution, or otherwise for use outside of Colorado Water Division No. 5. Case No. 98CW237: Decree Date:07/06/2000. Legal Description of place of storage: See 95CW281. Source: Muddy Creek and its tributaries. Amount:30,000 af conditional with 15,895 AF being absolute for recreational and piscatorial and flood control. Approp. Date:11/17/1998. Use: Certain of the beneficial uses previously adjudicated for Wolford Mountain Reservoir in Case No. 87CW283, District Court for Colorado Water Division No. 5 (11/20/1989 Judgment and Decree), and Case No. 95CW281, District Court for Colorado Water Division No. 5 (08/26/1997 Judgment and Decree). 87CW283. The reservoir will be used to satisfy the requirements of the Windy Gap Settlement made with the Municipal Subdistrict of the Northern Colorado Water Conservancy District. This will involve all uses, including but not limited to domestic, municipal, agricultural, and recreational uses. The reservoir will also be used to meet the water requirements of the inhabitants of the River District for all uses, including uses in the Middle Park area. 95CW281: All beneficial uses by and for the benefit of the inhabitants of the CRWCD, including but not limited to domestic, municipal, industrial, irrigation, agricultural, piscatorial and recreational; such uses will include environmental mitigation, including environmental mitigation requirements associated with the Wolford Mountain Reservoir Project; such uses will be made directly or by substitution, augmentation, or exchange. Remarks: The Refill Right described herein will be exercised to provide supply for the Western Slope uses of water from Wolford Mountain Reservoir described above, including flood control, other operational purposes, and environmental mitigation and enhancement for the benefit of uses within the District. The Refill Right will not be used in conjunction with the Reservoir capacity (24,000 a.f.) which is allocated for the supply of water to the Denver Board of Water Commissioners under the River District's contractual relationship with Denver, or the Reservoir capacity (6,000 AF) which is allocated for Colorado River endangered fish releases. 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 03/16/1991, for 5,300 af, and 05/18/1993, for 22,300 af, together with the right to divert at the rate of 80 cfs under the 08/10/1956 approp. date of the Pando Feeder Canal pursuant to the decree of the Water Court entered in Case No. 97CW288, for mining, milling, industrial, snowmaking, municipal, domestic, stock watering, recreation, fish and wildlife, irrigation, agricultural, exchange, replacement, augmentation and all other beneficial purposes. Eagle Park Reservoir is augmented by exchange by decree of the Water Court entered in Case No. 95CW348. The north abutment of the dam crest is located approximately 160 feet north of the south section line and 650 feet east of the west section line of Section 28, T. 7 S., R. 79 W., 6th P.M., Eagle County, Colorado. The source of Eagle Park Reservoir is the East Fork of the Eagle River including runoff, surface flow and seepage from the area above the reservoir and tributary thereto, and water tributary to Tenmile Creek a tributary of the Blue River. In addition to the tributary area upstream of the reservoir, the specific points of diversion into storage for Eagle Park Reservoir are as follows: The East Fork Interceptor Ditch, which has a capacity of 48 cfs and diverts from unnamed tributaries of the East Fork of the Eagle River at the flowing points, all of which are located in Eagle County, Colorado: 900 feet south of the north section line and 1100 feet west of the east section line of Section 5, T. 8 S., R. 79 W., 6th P.M. 1250 feet south of the north section line and 700 feet east of the west section line of Section 4, T. 8 S., R. 79 W., 6th P.M. 1200 feet north of the south section line and 800 feet east of the west section line of Section 33, T. 7 S., R. 79 W., 6th P.M. Runoff, surface flow, and seepage from the area above the East Fork Interceptor Ditch as it runs between the above-described points of diversion and Eagle Park Reservoir. The Chalk Mountain Interceptor Ditch, which has a capacity of 12 cfs and diverts runoff and seepage as it runs a distance of approximately 3.4 miles from Fremont Pass, located in the W1/2 of Section 11, T. 8 S., R. 79 W., 6th P.M., northwesterly along State Highway 91 and the South side of Robinson Tailing Pond, thence westerly to the south of Chalk Mountain Reservoir and Robinson Reservoir, thence northwesterly to Eagle Park Reservoir. The Chalk Mountain Interceptor Ditch diverts water from the headwaters of Tenmile Creek in Summit County and from the headwaters of the East Fork of the Eagle River in Eagle County. The East Interceptor Ditch, which has a capacity of 20 cfs and runs northeasterly from a point whence the northeast corner of Section 2, T. 8 S., R. 79 W., 6th P.M. bears North 77°20' East a distance of 850 feet at the north fork of McNulty Creek, thence along the east side of Robinson and Tenmile Tailing Ponds into Supply Canal No.1 described below. The East Interceptor Ditch diverts water from the north fork of McNulty Creek and surface flow, seepage, and runoff from watersheds above it that are tributary to Tenmile Creek. The Supply Canal No. 1, which has a capacity of 10 cfs and diverts water from the following tributaries of Tenmile Creek at the following points: On the west bank of Humbug Creek at a point whence the southwest corner of Section 18, T. 7 S., R. 78 W. bears South 71°35' West a distance of 3,250 feet. On the south bank of Mayflower Creek at a point whence the northeast corner of Section 24, T. 7 S., R. 79 W., 6th P.M. bears North 16°55' East a distance of 2,250 feet. Runoff, surface flow, and seepage from the area above the Supply Canal No. 1 as it runs between the above-described

points of diversion and the Climax Mill. The Supply Canal No. 2, which has a capacity of 10 cfs and diverts water from the following tributaries of Tenmile Creek at the following points: On the west bank of Searle Creek at a point whence U.S.L.M. Kokomo bears South 45°58' East 3740 feet (located in the NW1/4 of the SE1/4 of Section 13, T. 7 S., R. 79 W., 6th P.M.). On the south bank of Kokomo Creek at a point whence U.S.L.M. Kokomo bears North 39°36' east 2635 feet (located in the SE1/4 of Section 22, T. 7 S., R. 79 W., 6th P.M.). Runoff, surface flow, and seepage from the area above the Supply Canal No. 2 as it runs between the above-described points of diversion and the Climax Mill. The East Fork Pumping Plant, which has a capacity of 6 cfs and diverts from the East Fork of the Eagle River at a point in the SE1/4 NE1/4 of Section 32, T. 7 S., R. 79 W., 6th P.M. at a point whence the NE corner of said Section 32 bears N. 31°53' E. a distance of 2,414 feet. The Eagle Park Reservoir Company must first receive the permission of Climax Molybdenum Company to use the East 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 04/21/1998 among the Cities of Aurora and 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 06/17/1998 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 West Slope use from facilities owned and operated by Aurora and Colorado Springs in exchange for up to 800 af of replacement water from the West 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 conditional, 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 Section 31, T. 7 S., R. 80 W., 6th P.M. bears N. 58°30.6' E. 24,659 feet from the East dam abutment and N. 62°25.8' E. 25,746 feet from the West dam abutment. The sources of supply of said Reservoir are the East Fork of Homestake Creek, the Middle Fork of Homestake Creek and Homestake Creek. 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 augmentation 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 June 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: Structure, Amount & Legal: 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. East Fork Conduit. The East Fork Conduit diverts water from the East Fork of Homestake Creek pursuant to its appropriation of 70.8 cubic feet per second of time absolute and 189.2 cubic feet per second of time conditional therefrom and conveys these waters to Homestake Reservoir for conveyance to Homestake Tunnel or storage in the reservoir, said East Fork Conduit having a capacity of 260 cubic feet per second of time and total length of approximately 3,093 feet. The point of diversion of said conduit is on East Fork Homestake Creek at a point whence the Northwest corner of Section 31, T. 7 S., R. 80 W. bears N. 55°40.5' E., 22,917 feet. Homestake Tunnel. Homestake Tunnel under the Continental Divide for the conveyance of water into the Arkansas River Basin with its intake located at a point under Homestake Reservoir whence the Northwest corner of Section 10, T. 9 S., R. 81 W., 6th P.M. bears S. 15°27'08" E. 26,173.03 feet appropriates a maximum amount of 10 cubic feet per second of time conditional of water seeping and percolating into Homestake tunnel from former Water District No. 37 areas and 300 cubic feet per second of time absolute from Middle Fork of Homestake Creek, at its said Northerly portal, its point of diversion; said tunnel has a length of 27,400 feet and a capacity of 700 cubic feet per second of time. The tunnel will convey out of former Water District No. 37 up to 700 cubic feet per second of time 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 East Fork Conduits and Homestake Reservoir, to an outlet at a point from where the Northwest corner of Section 10, T. 9 S., R. 81 W., 6th P.M. bears N. 6°40'52" E., a distance of 2,173.54 feet. Homestake Reservoir. Homestake Reservoir, also known as Elliott-Weers Reservoir, has capacity of 83,338.98 af conditional, is located on Homestake Creek with a dam whence Homestake Peak bears S. 73°26' E. 10,477 feet from the easterly end thereof and S. 74°57' E. 13,347 feet from the westerly end thereof, said dam having a maximum height of 411.5 feet and a length of 3,380 feet. The sources of supply of said reservoir are Homestake Conduit (the sources of this conduit as herein above set forth), East Fork Conduit (the source of this conduit as herein above set forth), the Middle Fork of Homestake 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 East 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 Section 31 T. 7 S., R. 80 W., 6th P.M. bears N. 58°30.6' E. 24,659 feet from the East dam abutment and N. 62°25.8' E. 25,746 feet from the West dam abutment, said dam has a maximum height of 265.0 feet and a length of 1,996 feet. The sources of supply of said existing Homestake Reservoir are Homestake Conduit, East Fork Conduit, the Middle Fork of Homestake Creek and Homestake

Creek. Existing Homestake Reservoir has appropriated 43,504.7 af annually from said sources and also conveys water from Homestake Conduit and East Fork Conduit to Homestake Tunnel. Landowners: Ruedi Reservoir: United States Department of Interior, Bureau of Reclamation, Eastern Colorado Area Office, 11056 West County Road 18E, Loveland, CO 80537-9711; Wolford Mountain Reservoir and Eagle Park Reservoir, CRWCD, 201 Centennial St., Suite 204, Glenwood Springs, CO 81601. Statement of plan for augmentation. Water Demands. The total annual diversions quantified for the various demands associated with the gravel mining operations totals 15.48 af. The consumption was quantified to be 15.08 af annually. The diversion and depletion information associated with the Tower Pit operations are provided in the attached Table 1. All water utilized for dust control and truck washing is considered 100% consumptive and will be fully replaced. The water demands for the gravel pit operation: DUST CONTROL Dust control will be required as the Tower Pit is directly north of the Eagle County Airport. Airport operations cannot be adversely impacted by dust from the gravel pit. Dust control was assumed to be performed on 6 acres at any given time. The water requirement for dust control was determined using the gross evaporation rate from NOAA TR-33 of 3.58 feet per year. It was assumed that if the gross evaporation rate is being covered, that dust is being controlled to a reasonable level. Dust control is assumed to be 100% consumptive and the requirement totals 14.08 af annually. TRUCK WASHING The water requirement for truck washing was calculated on the assumption that 650 gallons per day would be required for 20 production days per month from March 1st through November 15th. Truck washing is also assumed to be 100% consumptive and totals 0.34 af annually. DOMESTIC Domestic water for employees was quantified assuming 10 employees each using 35 gallons per day for 26 days per month. The diversion was quantified to be 0.34 af per year and domestic usage was assumed to be 15% consumptive. The annual replacement is 0.05 af for domestic uses. IRRIGATION It was assumed that a small amount of irrigation would be conducted around the office buildings. The diversion amount was quantified assuming 0.25 acres would be irrigated. The irrigation water requirement was taken from a nearby water conservancy district umbrella augmentation plan for elevations between 6,000 and 6,500 feet of 1.93 feet per year and assuming an irrigation efficiency of 80% for sprinkler irrigation. The diversion was quantified to be 0.60 af per year while the depletion was quantified to be 0.48 af per year. STORAGE TANK On-site storage will be utilized to hold water until it is needed for the described uses above. The Tower Pit will have 40,000 gallons of water storage available; therefore, an initial fill of these tanks was included. This equates to 0.12 af of water and is assumed to be 100% consumptive. Once the tanks have been filled, the water requirements are assumed to be covered under the other uses described. The tanks will be filled to meet the demands quantified. Lagged Well Depletions and Glover Analysis. Because water will be withdrawn from a well, the lagged depletions from well pumping must be considered in order to determine the proper timing, location and quantity of replacements to be made. A lagged depletion analysis was conducted utilizing the drill log (attached) for a monitoring well utilized to locate water on the property under Permit 313115 and the Glover Method. Results of the Glover Analysis are included in Table 2 and shows that lagged depletions can occur for 4 months after the initial pumping of the well. Table 2

Month	Unit Response Function
1	40%
2	40%
3	15%
4	6%

Monthly lagged depletions occur in each month based on the quantified water demands. The monthly replacement schedule is provided in Table 3 and will be utilized for scheduling of reservoir releases. In order to replace the out-of-priority lagged depletions associated with well pumping for gravel mining operations, a water contract has been obtained from the CRWCD. This contract will provide replacement water from either Ruedi Reservoir, Wolford Mountain Reservoir, or the CRWCD's Eagle River Supplies depending on the location of the Administrative Call. Landowner: Applicant. Remarks: Applicant will be submitting a substitute water supply plan to the State Engineer's Office concurrently with this Application. Claim for a Conditional Appropriative Rights of Exchange. Applicant claims conditional appropriative rights of exchange: 1) from the confluence of the Colorado and Roaring Fork Rivers to the point of diversion for the Tower Pit Well ("Roaring Fork Exchange"); and 2) from the confluence of the Colorado and Eagle Rivers to the point of diversion for the Tower Pit Well ("Eagle River Exchange"). Roaring Fork River Exchange. Legal Description for the exchange from the confluence of the Colorado and Roaring Fork Rivers to the points of diversion for the Tower Pit well (to be exercised with Ruedi Reservoir releases): Upper terminus: Tower Pit Well, as described above. Lower terminus: located at the confluence of the Roaring Fork and Colorado Rivers located in the SE 1/4 of the NW 1/4 of Section 9, T. 6 S., R 89 W., of the 6th P.M. at a point 2,940 feet from the east section line, and 3,150 feet from the south section line. Eagle River Exchange. Legal Description for the exchange from the confluence of the Colorado and Eagle Rivers to the points of diversion for the Tower Pit Well (to be exercised with Wolford Mountain Reservoir releases). Upper terminus: Tower Pit Well, as described above. Lower terminus: located at the confluence of the Eagle and Colorado Rivers located in the SW 1/4 of the NE 1/4 of Section 5, T. 5 S., R 86 W., of the 6th P.M. at a point 2,100 feet from the east section line, and 2,880 feet from the south section line. Rate of exchanges: 0.33 cfs, conditional, limited to 15.48 af per year. Approp. Date: 06/01/2019. How appropriation was initiated: The appropriation was initiated by formation of intent to adjudicate the exchange as claimed herein. (17 pages, incl. maps & figures)

YOU ARE HEREBY NOTIFIED THAT YOU HAVE until the last day of AUGUST 2019 to file with the Water Clerk a verified Statement of Opposition setting forth facts as to why this application should not be granted or why it should be granted in part or on certain conditions. A copy of such statement of opposition must also be served upon the applicant or the applicant's attorney and an affidavit or certificate of such service shall be filed with the Water Clerk, as prescribed by Rule 5, CRCP. (Filing

Fee: \$192.00) KATHY POWERS, Water Clerk, Water Division 5; 109 8th Street, Suite 104 Glenwood Springs, CO 81601.

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

19CW3070 PITKIN COUNTY – TRIBUTARIES TO WOODY CREEK, TRIBUTARY TO ROARING FORK RIVER AND COLORADO RIVER. Neal Shear and Jacqueline Shear c/o Kevin L. Patrick, Esq. and John M. Sittler, Esq., Patrick, Miller & Noto, P.C., 229 Midland Ave., Basalt, CO 81621, (970) 920-1030. APPLICATION FOR STORAGE WATER RIGHT, APPROPRIATIVE RIGHT OF EXCHANGE, CHANGE OF WATER RIGHT AND PLAN FOR AUGMENTATION. **First Claim (Storage):** Shear Pond. Legal Description: NW¼, SW¼, Section 23, Township 9 South, Range 85 West, of the 6th P.M., 1,825 feet from the South section line and 880 feet from the West section line. Source: Run-off and precipitation occurring on-site, tributary to Woody Creek, Roaring Fork River, and Colorado River via Red Mountain Ditch, Priority No. 205: SW¼, SW¼, Section 5, Township 10 South, Range 84 West, of the 6th P.M., 659 feet from the South section line and 763 feet from the West section line. A map of Red Mountain Ditch, diversion structure for filling Shear Pond, is on file with the court as Exhibit B. Date of Appropriation: May 25, 2002 by survey, development of pond design, formulation of intent to appropriate water to the uses claimed and construction of pond. Date applied to beneficial use: September 28, 2004. Amount and uses: 0.401 acre-feet, inclusive of recycling system, absolute for aesthetic, piscatorial, wildlife, recreation, fire protection and irrigation purposes. Rate of diversion: natural precipitation and run-off and 0.004 c.f.s. of Applicants' 0.375 c.f.s. of Red Mountain Ditch, Priority No. 205, will be stored to offset evaporative losses. Surface area high water line: 0.08 acres. Max dam height: 10 feet. Dam length: 90 ft. Total capacity: 0.401 acre-feet (all active). **Second Claim (Exchange):** Shear Appropriative Exchange. Legal Description: Downstream terminus: The headgate and/or reservoir release points described for the water rights owned or controlled by the BWCD described in paragraph 22 of Application. Upper exchange terminus: NW¼, NW¼, Section 23, Township 9 South, Range 85 West of the 6th P.M., 785 feet from the North section line and 1,149 feet from the West section line. A map of exchange reach is on file with the court as Exhibit C. Source: water rights owned or controlled by the BWCD described in paragraph 22 of Application. Date of Appropriation: June 28, 2019 by field inspection, formulation of intent and to apply water to beneficial use, and application to BWCD for Inclusion and Allotment Contract. Amount and uses: 0.0006 c.f.s. conditional for exchange in plan for augmentation described in Third Claim of Application. **Third Claim (Aug Plan):** Structure to be augmented: Shear Pond. Legal Description: See First Claim. Legal descriptions of water rights used for augmentation: Red Mountain Ditch, Priority No. 205: See First Claim; BWCD Allotment Contract for 0.08 acre-foot: Green Mountain Reservoir located in the NE¼, SE¼, Section 15, Township 2 S., Range 80 W. of the 6th P.M., 2312 feet from the South section line and 992 feet from the East section line; Ruedi Reservoir located in the NW¼, NW¼, Section 18, Township 8 South, Range 84 West, of the 6th P.M., 324 feet from the North section line and 984 feet from the West section line; Troy Ditch located in the NW¼, NE¼, Section 14, Township 8 S., Range 84 W. of the 6th P.M., 285 feet from the South section line and 967 feet from the East section line; Edith Ditch located in the SW¼, SW¼, Section 12, Township 8 S., Range 84 W. of the 6th P.M., 326 feet from the South section line and 981 feet from the West section line; Robinson Ditch located in the NW¼, SE¼, Section 11, Township 8 S., Range 87 W. of the 6th P.M., 2307 feet from the South section line and 2309 feet from the East section line. A complete statement of the plan for augmentation is included in the Application, on file with the court. Calculations are included in Tables 1 and 2, on file with the court. **Fourth Claim (Change of Water Right):** Red Mountain Ditch, Priority No. 205, as described in First and Third Claims. Amount for change: 0.004 c.f.s. Proposed change: Change 0.004 c.f.s. of Applicant's 0.375 c.f.s. from irrigation use to augmentation for evaporative losses from Shear Pond and its recycling system described in the plan for augmentation and in more detail in the Application on file with the court. A map of water rights and place of use is on file with the court as Exhibit A. Applicants own the land where water rights are located and where water is or will be put to beneficial use.

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

19CW9 (10CW255) SUMMIT COUNTY- ALLUVIUM, FRACTURED BEDROCK TRIBUTARY TO THE SWAN RIVER TRIBUTARY TO THE COLORADO RIVER. Arthur G. Blomberg - 840 Race St., Denver, CO 80206 (303)570-9067. Well No. SE-45 – Application to Make Absolute in Whole or in Part. Location: SE¼SW¼ of Sec. 16, T.6S., R.77W. of the 6th P.M. 900 ft. from

the south sec. line and 1,830 ft. from the west sec. line. Appropriation: Oct. 30, 1989 Amount: 4.0 g.p.m., absolute. Use: Household use in a single-family dwelling. An outline of work completed during the diligence period is included in the application.

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