

DIVISION 5 WATER COURT- MAY 2022 RESUME

(This publication can be viewed in its entirety on the Colorado State Judicial website at: www.courts.state.co.us).

1. PURSUANT TO C.R.S., §37-92-302, AS AMENDED, YOU ARE NOTIFIED THAT THE FOLLOWING PAGES COMPRISE A RESUME OF THE APPLICATIONS AND AMENDED APPLICATIONS FILED WITH THE WATER CLERK FOR WATER DIVISION 5 DURING THE MONTH OF MAY 2022. *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.*

22CW3038 GARFIELD COUNTY. APPLICATION FOR AMENDMENT TO PLAN FOR AUGMENTATION. 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 or Joely R. Denking, KARP NEU HANLON, P.C., 201 14th Street, Suite 200, P.O. Drawer 2030, Glenwood Springs, CO 81602 (970) 945-2261. Amendment to Plan for Augmentation decreed in Case No. 07CW219. Date of original decree: October 11, 2010, in Case No. 07CW219, in the District Court in and for Water Division No. 5. The plan for augmentation in Case No. 07CW219 augmented out-of-priority depletions associated with diversions from the Silt Pipeline, Silt Pipeline First Enlargement, and Silt Wells No. 1-4 using water rights and historic depletion credits associated with the Last Chance (a.k.a. Loesh & Crann) Ditch and water purchased by contract from Ruedi Reservoir. The plan for augmentation was amended in Case No. 2013CW0052 to add the Silt Municipal Well Field as an augmented structure under the plan. The plan for augmentation covered depletions associated with domestic and irrigation EQRs within the Applicant's water service area, as detailed on Exhibit E of the decree in Case No. 07CW219. The plan for augmentation included historic consumptive use from the Last Chance Ditch (130 acre-feet) and Applicant's Ruedi Reservoir contracts water (217 acre-feet in Case No. 07CW219 and 83 acre-feet in Case No. 2013CW0052). Proposed Amendment: Applicant proposes to amend the plan for augmentation in Case No. 07CW219 to acknowledge that releases from Green Mountain Reservoir under the Historic Users Pool ("HUP") will offset obligations to provide augmentation water under the plan. The Applicant is a beneficiary of the HUP for 0.83 c.f.s. of diversions from the Colorado River pursuant to federal law because the Applicant perfected those water rights by beneficial use on or before October 15, 1977. Paragraph 8.B.iii is hereby added to the plan for augmentation as follows: Historic Users Pool Releases. Applicant is a beneficiary of releases from Green Mountain Reservoir ("HUP releases") pursuant to Senate Document No 80 75th Cong 1st. Sess. the Operating Principles of Green Mountain Reservoir and the Operating Policy for Green Mountain Reservoir published December 22, 1983, in the Federal Register Vol. 48 No. 247. Green Mountain Reservoir was originally decreed for 154,645 acre-feet in Civil Action No. 74 Summit County District Court on March 10, 1952, with an appropriation date of August 1st, 1935, for municipal, domestic, industrial, and all other beneficial purposes. In accordance with the Operating Policy published December 22, 1983, when the administration of water under the Colorado priority system would result in curtailment in whole or in part of a water right for irrigation or domestic uses within western Colorado which water right was perfected by use on or before October 15, 1977, water will be released without charge from the Green Mountain Reservoir 100,000 acre-foot power pool to the extent necessary to permit diversions to the full amount of said decrees, not to exceed 66,000 acre-feet of water per year. By October 15, 1977, 0.5 c.f.s. from the Silt Pipeline and 0.33 c.f.s. from the Silt Well No. 1 had been placed to beneficial use as confirmed by the decrees in Case Nos. W-3322 and W-3927. Accordingly, at times that HUP releases are made, Applicant shall not be required to make replacements under the plan for augmentation associated with diversions in the amount of 0.5 c.f.s. for the Silt Pipeline and 0.33 c.f.s. for Silt Well No. 1, including at decreed alternate points of diversion. Paragraphs 8.C. and 8.D. of the plan for augmentation are amended and restated as follows: C. Statement of Plan for Augmentation: i. General Description of Water Supply Operations and Plan: The purpose of this augmentation plan is to provide augmentation water from the Last Chance Ditch and Ruedi Reservoir to replace out-of-priority depletions associated with the diversion and use of the Silt Pipeline, Silt Pipeline First Enlargement, and Silt Well Nos. 1-4, and the Silt Municipal Well Field all of which are owned and operated by the Town. This includes direct flow of these water rights and storage for subsequent use. At times that HUP releases are made, Applicant shall not be required to make replacements under the plan for augmentation associated with diversions in the amount of 0.5 c.f.s. for the Silt Pipeline and 0.33 c.f.s. for Silt Well No. 1, including at decreed alternate points of diversion. The Town provides municipal water service within its boundaries and to adjacent and nearby areas. The Town's current water service area as of 2007, when the Application was filed in this case, is depicted on Exhibit D of the decree in Case No. 07CW219. The Town's potential future water service area is shown on Exhibit F of the decree in Case No. 07CW219. The primary sources of supply for municipal purposes are the Silt Pipeline, Silt Pipeline First Enlargement, Silt Well No. 1, and Silt Municipal Well Field, some of which are diverted at the Silt Raw Water Intake Structure, described in Section 7(D)(i)(a), above. Irrigation water for the Town's service area is diverted at the Lower Cactus Valley Ditch, described in Section 7(D)(i)(b), above. Silt Wells No. 2-4, described in Paragraph 6, above, will provide additional sources of municipal and irrigation water for the Town. Return flows from irrigation accrue to the Colorado River. Wastewater from domestic and municipal uses is treated at the Town's municipal wastewater treatment facility. The Town's current wastewater outfall is to the Colorado River downstream from its municipal intake at the Silt Raw Water Intake Structure. The Silt Pipeline, Silt Pipeline First Enlargement, Silt Well Nos. 1-4 and Silt Municipal Well Field will divert under their respective priorities when in priority, or when diversions are covered by HUP releases from Green Mountain Reservoir, to provide a municipal water supply to persons in the Town's water service area, as that area may be expanded in the future. The augmentation plan described below will replace out of priority depletions from these water rights. ii. Estimated Water Demands, Consumptive Uses, and Augmentation Requirements: Water demand within the Town consists of two types of EQRs: (1) Domestic and (2) Irrigation. A Domestic EQR has an annual demand of 0.40 acre-feet and a consumptive use of 0.02 acre-feet. Return flows from domestic use within the Town return to the Colorado River instantaneously. A monthly schedule of in-house diversions and depletions per EQR is attached as Exhibit E of the decree in Case No. 07CW219. An Irrigation EQR includes sprinkler irrigation of 3,500 square feet of lawn and garden and up to 3,000 gallons per month (100 percent depletion) for drip irrigation xeriscape. The consumptive use rate for the lawn and garden area is estimated at 2.46 acre-feet per acre. Assuming seventy percent (70%) irrigation efficiency, the annual lawn and garden irrigation demand is 0.2824 acre-feet and the annual consumptive use is 0.1977

acre-feet per irrigation EQR. The drip irrigation xeriscape has an annual demand and consumptive use of 0.0559 acre-feet per Irrigation EQR. Accordingly, the total annual irrigation demand is 0.3383 acre-feet and the total annual irrigation consumptive use is 0.2536 acre-feet per Irrigation EQR. Return flows from irrigation within the Town are lagged. The irrigation demand, depletion, schedule of lagged depletions, and net monthly depletions per EQR are shown on Exhibit E of the decree in Case No. 07CW219. It is the intent of the Applicants to incorporate all of the historic consumptive use from the Last Chance Ditch, 139.7 acre-feet, and all of the Town's prospective Ruedi Contract for 217 acre-feet into this plan for augmentation. Operation of Plan: The Silt Pipeline, Silt Pipeline First Enlargement, Silt Well Nos. 1–4, and Silt Municipal Well Field water rights will divert under their own priorities when they are in priority or when diversions are covered by HUP releases from Green Mountain Reservoir for the Silt Pipeline or Silt Well No. 1, including at decreed alternate points of diversion. When they are out of priority, depletions will be augmented and replaced by Last Chance Ditch historic consumptive use ("HCU") credits and water available under the Ruedi Contract. The Last Chance Ditch HCU credits available to the Town under this plan for augmentation are shown on Exhibit C of the decree in Case No. 07CW219 in the column labeled "Total Depletions." Positive values in this column represent historical depletions to the Colorado River which can be used to augment and replace out-of-priority depletions from the Town's uses of water under the Silt Pipeline, Silt Pipeline First Enlargement, Silt Well Nos. 1-4, and Silt Municipal Well Field water rights. Negative values in this column represent historical return flow amounts to the Colorado River during the nonirrigation season which will no longer accrue to the River when the Last Chance Ditch HCU credits are used under this plan for augmentation. Accordingly, the Town shall replace the lost return flow amounts (the negative values shown in the last column of Exhibit C of the decree in Case No. 07CW219), if and to the extent there is downstream call on the Colorado River during the non-irrigation season from a water right that historically relied on these return flows, with releases from Ruedi Reservoir under the Town's Ruedi Contract. Subject to the provisions of Paragraph 23 of this Decree, transit losses for releases from Ruedi Reservoir will be assumed to be ten percent (10%) of the amount released. The Town will develop accounting procedures acceptable to the Division Engineer to determine the time and amount of out-of-priority depletions from the Silt Pipeline, Silt Pipeline First Enlargement, Silt Well Nos. 1–4, and Silt Municipal Well Field water rights based upon the Domestic and Irrigation EQR's being supplied by those water rights. The Town will also develop accounting procedures acceptable to the Engineer to schedule the use of the Last Chance Ditch HCU credits and the release of Ruedi water to replace those out-of-priority depletions and the lost return flow amounts during the non-irrigation season. Names of landowners upon which structures are located: Applicant. (7 pp.)

YOU ARE HEREBY NOTIFIED THAT YOU HAVE until the last day of JULY 2022 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 MAY 2022. *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.*

22CW3039 MESA COUNTY. APPLICATION TO MAKE ABSOLUTE SURFACE WATER RIGHTS. 1. Applicant. Flying Triangle, LLLP, 60452 Highway 330 Collbran, Colorado 81624, carriebevan@live.com, 970-487-3207. Attorneys: John P. Justus, Brent A. Starnes, HOSKIN FARINA & KAMPF, Professional Corporation, 200 Grand Avenue, Suite 400, P.O. Box 40, Grand Junction, CO 81502. **2. Name of Structures:** Gunderson Ranch Ditch No.1, Gunderson Ranch Ditch No. 2, Gunderson Ranch Ditch No. 4. **3. Describe conditional water right (as to each structure) including the following information from previous decree:** a. Date of Original Decree: December 30, 2014, Case No. 2008CW205. Court: Garfield County District Court. b. List all subsequent decrees awarding findings of diligence: none. c. Legal Description of Structures. Gunderson Ranch Ditch No. 1, at a point in the NE1/4SW1/4 Section 13, Township 9 South, Range 94 West of the 6th P.M. approximately 1400 feet from the west line and 2500 feet from the south line of said Section 13, in Mesa County, Colorado; Gunderson Ranch Ditch No. 2, at a point in the SW1/4NW1/4 Section 13, Township 9 South, Range 94 West of the 6th P.M. approximately 900 feet from the west line and 1750 feet from the north line of said Section 13, in Mesa County, Colorado; Gunderson Ranch Ditch No. 4, at a point in the NE1/4SW1/4 Section 13, Township 9 South, Range 94 West of the 6th P.M. approximately 2500 feet from the west line and 2250 feet from the south line of said Section 13, in Mesa County, Colorado. e. Appropriation Date: December 31, 2008. f. Amount: Gunderson Ranch Ditch No. 1: 1.0 c.f.s.; Gunderson Ranch Ditch No. 2: 1.0 c.f.s.; Gunderson Ranch Ditch No. 4: 1.0 c.f.s. g. Uses: Irrigation of Applicant's land; **4. Outline of what has been done toward completion or for completion of the appropriation and application of water to a beneficial use as conditionally decreed, including expenditures, during the previous diligence period:** Applicant's predecessor made its Application for Conditional Surface Water rights in December 2008 in Case No. 08CW205 in District Court, Water Division No. 5, and the decree for conditional water rights with an appropriation date of December 31, 2008 was issued December 30, 2014. Applicant and its predecessors have utilized Gunderson Ranch Ditch No. 1, 2, and 4 since at least the 1940s. At the time of application in 2008 and decree in 2014, Applicant and its predecessor had already made expenditures and constructed all facilities necessary to apply the water to beneficial use and had been applying water to beneficial use for irrigation purposes. Since the initial application, Applicant has utilized water for irrigation on the parcels identified below, every year that water has been available at the points of diversion. Applicant has used 1.0 c.f.s. in each ditch, when it was available and until flows became insufficient. **5. Claim to make absolute in whole:** a. Date water applied to beneficial use: On information and belief, diversions have been made from Gunderson Ranch Ditch No. 1, No. 2, and No. 4 since the early 1900s and

applied to beneficial use for irrigation purposes since that time. While the diversion records maintained by the Colorado Division of Water Resources evidence diversions from Gunderson Ranch Ditch No. 1, 2, and 4 beginning in 2016, Applicant has personal knowledge of water being diverted from Gunderson Ranch Ditch No. 1, 2, and 4 and being applied to beneficial use for irrigation purposes since at least April 1, 2009. Amount: Gunderson Ranch Ditch No. 1: 1 c.f.s.; Gunderson Ranch Ditch No. 2: 1 c.f.s.; Gunderson Ranch Ditch No. 4: 1 c.f.s. Use: Irrigation b. Description of place where water is applied to beneficial use: Gunderson Ranch Ditch No. 1: Approximately 40 acres in the E1/2SW1/4 of Section 13, Township 9 South, Range 94 West of the 6th P.M., Gunderson Ranch Ditch No. 2: Approximately 40 acres in the S1/2NW1/4, and the N1/2SW1/4 of Section 13, Township 9 South, Range 94 West of the 6th P.M., Gunderson Ranch Ditch No. 4: Approximately 40 acres in the E1/2SW1/4, and the W1/2SE1/4 of Section 13, Township 9 South, Range 94 West of the 6th P.M. 6. **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, including any modification to the existing storage pool:** Applicant owns all the structures and land upon which the structures are located. There is no change to the existing structures or storage pool. Application is 5 pages in length.

YOU ARE HEREBY NOTIFIED THAT YOU HAVE until the last day of JULY 2022 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.

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22CW3040 PITKIN, EAGLE, SUMMIT, GARFIELD COUNTIES. Castle Creek, trib. to Roaring Fork River. Application for Approval of Plan for Augmentation Including Appropriative Right of Exchange. Applicant: Castle Creek Valley Ranch Lot 15, LLC. c/o Garfield & Hecht, P.C., 910 Grand Ave., Suite 201, Glenwood Springs, CO 81601, (970)947-1936. Structure and water rights to be augmented: Queen's Pond and Queen's Pond First Enlargement. Decree information: Case No. 86CW335, District Court, Water Division No. 5. Legal Description: The dam outlet of the Queen's Pond is located in Section 26, T. 10 S., R. 85 W. of the 6th P.M. at a point whence the Northeast Corner of Section 3, T. 10 S., R. 85 W. of the 6th P.M. bears N. 08°31' W. 22,702 feet. Appropriation Date: Queen's Pond: May 31, 1982. Queen's Pond First Enlargement: October 3, 1986. Amount: Queen's Pond: 0.03 acre-foot, absolute. Queen's Pond First Enlargement: 0.22 acre-foot, absolute. Source of Water: Queen's Gulch, tributary to Castle Creek, tributary to the Roaring Fork River, tributary to the Colorado River, via the Queen's Ditch and Queen's Ditch First Enlargement. Uses: Queen's Pond: irrigation and livestock watering. Queen's Pond First Enlargement: domestic, stockwatering, aesthetic, and piscatorial. Remarks: Irrigation diversions under Applicant's Queen's Ditch water right (Case No. 86CW336) are run through the pond. Those diversions and use of water are separate from the Queen's Pond and Queen's Pond First Enlargement water rights augmented under the plan applied for herein. Water rights to be used for augmentation: Basalt Water Conservancy District Supplies. Applicant has applied for a Water Allotment Contract with the Basalt Water Conservancy District ("BWCD" or the "District") for 0.3 acre-foot per year of storage or other augmentation water owned or controlled by BWCD. Pursuant to such Contract, BWCD will provide releases of augmentation water from the sources of supply described below. 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 used in this plan are in and to the Ruedi Reservoir, Green Mountain Reservoir, the Troy & Edith Ditch, and the Robinson Ditch. Information from previous decree for Ruedi Reservoir: Source: Fryingpan 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 SOLD, TRANSFERRED OR 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	0.1320	0.050	0.000	0.018	2.410	N/A
Edith Ditch 1st Enlg	673	4613	06/20/1958	07/01/1946	3.23	I	0.000	0.000	0.060	0.000	0.022	3.148	N/A
Troy Ditch Water System a.k.a. Lower Headgate	(2)	W-2281			15.50(3)	I, D, M, C, P	0.110	0.1320	0.520	0.275	0.190	14.273	412.89

- (1) Originally diverted from Miller Creek. All others originally diverted from 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
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.

4.1 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. 4.2. 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. Statement of plan for augmentation: Nature and Purpose of Plan. Applicant owns a parcel of land in Pitkin

County, Colorado, known as Lot 15 and PMH Lot 4, Castle Creek Valley Ranch, shown on the map attached to the application as Exhibit A. The purpose of the plan for augmentation is to augment out-of-priority evaporative depletions associated with decreed uses of the Queen's Pond and Queen's Pond First Enlargement, which is one structure, so that the pond may remain full throughout the year. Out-of-priority evaporation from the pond will be augmented by exchange using BWCD augmentation water described above. The plan will augment for a downstream senior water right call on the lower Roaring Fork River (below the confluence with the Fryingpan River) and/or Colorado River. Estimated Water Depletions. Depletions to be augmented under this plan consist solely of out-of-priority evaporation associated with decreed uses of the Queen's Pond and Queen's Pond First Enlargement. Evaporation is considered 100 percent depletive to the stream. Evaporation from the pond is depletive to Queen's Gulch, a tributary of Castle Creek. Queen's Pond and Queen's Pond First Enlargement has a surface area of 0.069 acre. Total evaporation losses for 0.069 acre of pond surface area are estimated to be 0.201 acre-foot per year, calculated using the annual gross evaporation from NOAA Technical Report NWS 33, distributed monthly based on the SEO Gravel Pit Guidelines (4/1/2011) and adjusted to remove evaporation during December through February to account for periods of ice-cover. The evaporation rate and schedule of monthly depletions are shown on Table 1 attached to the application. Augmentation Requirements. The Queen's Pond and Queen's Pond First Enlargement will operate under their respective water rights so long as they are in priority. At times when the Division Engineer enforces a valid administrative call by a senior water right located downstream of the confluence of the Fryingpan and Roaring Fork Rivers, out-of-priority evaporation from the pond will be replaced by exchange with water from Applicant's BWCD water allotment contract so that diversions to the Queen's Pond and Queen's Pond First Enlargement may continue, and the pond may remain full. Table 1 shows the anticipated schedule of monthly evaporation depletions and augmentation requirements for the Queen's Pond and Queen's Pond First Enlargement. Total annual depletions are expected to be 0.201 acre-foot, including 0.184 acre-foot of potential out-of-priority depletions that may occur under a call from downstream senior water rights on the Colorado River (Cameo Call) during the period from April 1st through mid-November. Applicant will augment out-of-priority evaporation using the BWCD augmentation water described above, according to the schedule of augmentation requirements set forth in Table 1. To satisfy its augmentation requirements, Applicant has applied for a BWCD water allotment contract for 0.3 acre-foot per year of the District's augmentation water. The contracted amount includes 10 percent of Applicant's augmentation requirements to cover transit losses associated with the delivery of water from the BWCD's augmentation water sources. If the Division Engineer enforces a valid administrative call by a senior water right located within the exchange reach (upstream of the Fryingpan and Roaring Fork River confluence), the pond will be allowed to draw-down by its rate of evaporation during the period of the call. Claim for Appropriative Rights of Exchange: At times when a valid senior call administered against the Queen's Pond and Queen's Pond First Enlargement originates downstream of the confluence of the Fryingpan River and Roaring Fork River, water may be released from the BWCD's augmentation supplies under Applicant's BWCD water allotment contract to satisfy the call. During such times, Applicant claims an appropriative right of exchange associated with water released under its water allotment contract. Locations: Exchange of Green Mountain Reservoir Water: the stream reaches associated with this exchange are shown on Exhibit B to the application. Upstream Terminus: Queen's Ditch headgate, located in the NW1/4 of the NE1/4 of Section 26, Township 10 S., Range 85 W. of the 6th P.M. UTM Zone 13N, NAD 83, Northing 4335792.0 meters and Easting 340491.0 meters. Downstream Terminus: Confluence of the Roaring Fork River and Colorado River, located in the SE1/4 of the NW1/4 of Section 9, Township 6 S., Range 89 W. of the 6th P.M. UTM Zone 13N, NAD 83, Northing 4380342.0 meters and Easting 299746.0 meters. Exchange of Ruedi Reservoir and/or Troy and Edith Ditch Water: The stream reaches associated with this exchange are shown on Exhibit B. Upstream Terminus: Queen's Ditch headgate, location described above. Downstream Terminus: Confluence of the Fryingpan River and Roaring Fork River, located in the SW1/4 of the SE1/4 of Section 7, Township 8 S., Range 86 W. of the 6th P.M. UTM Zone 13N, NAD 83, Northing 4359401.7 meters and Easting 324749.9 meters. Exchange of Robinson Ditch Water: The stream reaches associated with this exchange are shown on Exhibit B. Upstream Terminus: Queen's Ditch headgate, location described above. Downstream Terminus: Point of diversion of Robinson Ditch on the Roaring Fork River, located in the NW1/4 of the SE1/4 of Section 11, Township 8 S., Range 87 W. of the 6th P.M. UTM Zone 13N, NAD 83, Northing 4359863.0 meters and Easting 321622.0 meters. Date of Appropriation: May 25, 2022. How appropriation was initiated: Application for water allotment contract with BWCD for augmentation supply, formation of intent to appropriate water for the exchange, and completion and filing of application for appropriative right of exchange. Volume of Exchange: 0.184 acre-foot per year. Use: Replacement of evaporation associated with decreed uses of Queen's Pond and Queen's Pond First Enlargement. Name and address of owner or reputed owner of the land upon which a 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: Applicant owns the land on which the Queen's Pond and Queen's Pond First Enlargement and the Queen's Ditch (used to fill the pond) are located. Applicant requests the Court to issue a decree approving the plan for augmentation including appropriative right of exchange requested herein.

YOU ARE HEREBY NOTIFIED THAT YOU HAVE until the last day of JULY 2022 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.

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 MAY 2022. *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.

22CW3042 EAGLE COUNTY. Application for Conditional Ground Water Right, Change to Alternate Point of Diversion, and Plan for Augmentation. Applicant: Red Mountain Ranch Partnership, LLLP, c/o Balcomb & Green, P.C., P.O. Drawer 790, Glenwood Springs, CO 81602; 970-945-6546. In this Application, Applicant requests confirmation of: a junior conditional groundwater water right for the Red Mountain Farm Well Field in the amt. of 2.448 cfs for the winter irr. of a comm. nursery and tree farm and the year-round indoor comm. uses in the warehouse; an alternate point of diversion (“APOD”) for a portion of the Applicant’s Warren Ditch Water Rights historically used on the parcel, from the ditch to the Red Mountain Farm Well Field, and a plan for aug. to allow the Red Mountain Farm Well Field to operate without injury to water rights holders in the Eagle River or CO River watersheds. First Claim Conditional Groundwater Right. Name of Water Right: Red Mountain Farm Well Field. Legal description: The Red Mountain Farm Well Field will consist of up to five (5) wells located within the 27.994 acres of land known as Red Mountain Ranch Parcel L (“Parcel L”), lying within T. 4 S., R. 84 W. of the Sixth P.M., and being further described as 21401 US Highway 6 as recorded in the Eagle Cty. Records at Reception No. 201914373. Source: **Groundwater, tributary to the Eagle River.** Depth: Up to 100 ft. Date of Approp.: 05/31/2022. How Approp. was Initiated: Filing of the application. Amt. Claimed: 2.448 cfs, conditional. Uses: Year-round indoor comm., outdoor winter irr. Remarks: Applicant proposes to divert water from the Red Mountain Farm Well Field under this new conditional right to provide for year-round indoor comm. demands, and to provide for outdoor winter irr. of a nursery and tree farm. Seasonality of the outdoor irr. was defined as the period between October 15 and May 15 in Case No. 84CW659. Out-of-priority depletions will be augmented pursuant to the Third Claim for relief via contract water from the CRWCD from Eagle Park Reservoir. The wells comprising the Red Mountain Farm Well Field will be located within Parcel L as depicted in Figure 1 on file with the Water Ct. Second Claim Surface Water Rights – Change in Point of Diversion. Name of Structure: Warren Ditch. Information From Previous Decrees: The Warren Ditch water rights associated with Parcel L were originally Decreed in CA 294, CA 963, and CA 1193 in Eagle Cty. Dist. Ct. They were then changed in Case No. 84CW659 to dom., irr., industrial, comm. and muni. uses. The Table below shows each water right in the Warren Ditch, the amt. included in Case No. 84CW659, and the pro-rata amt. allocated to the APOD requested in this application.

Case No.	Water Right	Adj Date	Appr Date	Priority No.	Decreed Amount (cfs)	Amount Included 84CW659 Decree (cfs) 416 AF	APOD Pro- in Rata Amount (cfs) 35.26 AF
CA294	Warren	1889-12-17	1885-04-20	32	3.700	3.179	0.269
CA294	Warren 1st Enl	1889-12-17	1889-10-09	95	2.400	2.074	0.176
CA294	Warren 2nd Enl	1889-12-17	1889-10-09	96	1.600	1.375	0.117
CA446	Warren 3rd Enl	1907-06-04	1901-10-01	235	0.936	0.000	0.000
CA963	Warren 4th Enl	1936-10-03	1922-10-01	450	11.830	8.825	0.748
CA1193	Warren 5th Enl	1958-07-23	1952-04-30	534	15.000	13.425	1.138
					Total	35.466	28.878

Decreed Point of Diversion: The Warren Ditch diverts from the NW side of the Eagle River in the NW ¼ of the SE ¼ of Sec. 24, T. 4 S., R. 84 W., of the 6th P.M. Source: Eagle River, tributary to the CO River. Decreed Uses: dom., irr., industrial, comm. and muni. as decree in Case No. 84CW659. Amt. to be Changed: 2.448 cfs. Historical Use: The Warren Ditch water rights to be changed to the APOD at the Red Mountain Ditch Well Field are based on the historical consumptive use from the historic irri. of 20.38 acres within Parcel L as quantified in Case No. 84CW659. The area of historic use is depicted in Figure 2 on file with the Water Ct. Proposed Change: Applicants are requesting a change to an alternate point of diversion for a portion of their interests in the Warren Ditch to the Red Mountain Farm Well Field as depicted in Figure 1 on file with the Water Ct. There will be no change in the place or time of use of the Warren Ditch Water Rights as they will continue to be applied for summer irri. use on up to 20.38 acres on Parcel L. The only change sought is to the new point of diversion at the Red Mountain Well Field, rather than the Warren Ditch. The Red Mountain Well Field will consist of up to five (5) wells located within the 27.994 acres of Parcel L, lying within T. 4 S., R. 84 W. of the 6th P.M., and being further described as 21401 US Highway 6 as recorded in the Eagle Cty. Records at Reception No. 201914373. Remarks: The Applicant’s interests in the Warren Ditch Water Rights diverted from the Red Mountain Well Field will continue to divert under their respective priorities to provide for the summer season (as defined in 84CW659 May 15 to October 15) irri. of up to 20.38 acres on Parcel L, while the new outdoor winter season irri. and indoor year-round comm. uses in the warehouse will occur under a 2022 priority date and be augmented per the First and Third Claims for Relief. Lagged depletions have been accounted for and will be augmented as detailed in the Third Claim for Relief below. Third Claim Plan for Aug. Name of structure to be augmented: The Red Mountain Farm Well Field, described above. Water rights to be used for aug.: Applicant will replace out-of-priority lagged depletions from winter season irr. and year-round comm. use from the new point of diversion at the Red Mountain Farm Well Field pursuant to a contract with the CRWCD. Prior to the entry of a ruling or decree, Applicant will provide evidence to the Ct. of the existence of a CRWCD contract for the required amt. of aug. water required to account for the lagged depletions. The Red Mountain Farm Wellfield’s water uses will be augmented during an administrative call by releases from the CRWCD’s CO River and Eagle River Supply Sources as described in the application and available on CRWCD’s website www.crwcd.org and include Wolford Mountain Reservoir, Ruedi Reservoir, Eagle Park Reservoir the Exchange Supply. Statement of Plan for Aug.: Water Demands: Applicant is developing a comm. nursery and tree farm operation on Parcel L E. of Eagle, CO. A portion of the Applicant’s Warren Ditch Water Rights associated with Parcel L will subsequently be diverted from the APOD at the Red Mountain Farm Well Field, rather than the Warren Ditch. This plan replaces those

out-of-priority lagged depletions occurring from the new junior uses of winter irr. of the nursery and tree farm and for year-round indoor comm. uses in the warehouse as detailed in the First Claim for Relief. A complete engineering report detailing the plan for aug. is in Exh. A on file with the Water Ct. Operation of the Plan: Applicant will replace out of priority depletions through the purchase of CRWCD contract water stored in the Eagle Park Reservoir from the aug. sources identified above. The Applicant assumed a year-round call on the CO River from the Shoshone Powerplant and the "Cameo Call" collection of senior rights diverting in DeBeque Canyon upstream from Grand Junction. The Applicant will meet calls against its out-of-priority diversions and depletions by having water released from the CRWCD's sources in amts., including transit losses, to fully replace those depletions. A table depicting augmented stream depletions is attached in Table 1 on file with the Water Ct. and reflects an annual total of 2.064 a.f. However, the Applicant will secure 2.271 a.f. of CRWCD contract water in order to accommodate transit losses. Calls originating on the Eagle River will also be augmented via CRWD contract water coming from the Eagle Park Reservoir. Names and addresses of owners or reputed owners of the land upon which any new diversion or storage structure or modification to any existing diversion or storage structure is or will be constructed: The Applicant owns Parcel L, the situs of the Red Mountain Farm Well Field. WHEREFORE, the Applicant prays for a decree confirming a conditional groundwater right, the change to an alternate point of diversion, and plan for aug. as described herein. (11 pages of original application, Exh. A, Table 1, & Figures 1-2)

YOU ARE HEREBY NOTIFIED THAT YOU HAVE until the last day of JULY 2022 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 MAY 2022. *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.*

22CW3043 ROUTT COUNTY. APPLICATION FOR CHANGE OF WATER RIGHT TO CHANGE THE POINT OF DIVERSION.
Name and address of Applicant: Charles F. Perry Ranch LLC, Perry Pipeline, LLC, PO Box 213, Toponas, Colorado 80479. Please direct all correspondence, motions, and pleadings to Michael J. Sawyer or Joely R. Denking, KARP NEU HANLON, P.C., 201 14th Street, Suite 200, P.O. Drawer 2030, Glenwood Springs, CO 81602 (970) 945-2261. Name of structure: **Skinner Ditch.** Date of original decree: November 14, 1894, in Case No. CA-295, in Eagle County District Court. Subsequent decrees awarding findings of diligence: July 2, 1974, Case No. W-2147 in and for Water Division 5 decreed an alternate point of diversion at the Highland No. 1 Ditch. Legal description: Original point of diversion decreed in Case No. CA-295, The Southwest bank of Skinner Creek at a point where the old Bear River Road Crosses said Creek, whence the Northwest Corner of the NE ¼ SE ¼ of Section 12, Township 1 North, Range 84 West of the 6th PM, bears North 60°08'43" East 1313.02 feet. Decreed alternate point of diversion from Case No. W-2147: Highland No. 1 Ditch located in the NW ¼ SW ¼ of Section 1, Township 1 North, Range 84 West of the 6th PM, at a point whence the Southwest Corner of said Section 1 bears South 02°25' West 2445.5 feet. Source: **Skinner Creek, tributary to Toponas Creek, tributary to the Colorado River.** Appropriation date: May 10, 1887, absolute. Amount and uses: Case No. W-2147 granted 0.25 c.f.s. of the absolute water right of 0.70 c.f.s. to be changed from irrigation to irrigation, domestic, and livestock water uses based on historic use of 0.25 c.f.s. the water for domestic and livestock uses. Applicant owns 0.35 c.f.s. of the original 0.70 c.f.s. decreed for irrigation and at least 50% of the 0.25 c.f.s. for domestic and livestock uses ("Perry Interest"). Proposed change: Applicant proposes a changed point of diversion of the Perry Interest in the Skinner Ditch water right from the alternate point of diversion (Highland No. 1 Ditch) on Skinner Creek decreed in Case No. W-2147 (the "W-2147 Point of Diversion") to a downstream point on Skinner Creek. The proposed changed point of diversion for the Perry Interest is located in the SE 1/4 of the NW 1/4 of Section 12, Township 1 North, Range 84 West of the 6th P.M. A more accurate location of the changed point of diversion is UTM Zone 13, NAD83 coordinates 349616.5 Easting and 4437132.2 Northing. The flow rate for the Perry Skinner Ditch water right is 0.35 c.f.s. for irrigation, and up to 0.125 c.f.s. is also used for domestic and livestock water. The proposed change will not result in injury to other water users. There are no intervening water rights between the W-2147 Point of Diversion and the new proposed changed point of diversion, the diversion flow rate at the changed point of diversion will be limited to the amount of water legally and physically available at the W-2147 Point of Diversion, and the water right will continue to be used at the changed point of diversion for its decreed uses on the Applicant's property. A map depicting the location of the structures to be decreed is on file with the Water Court (5 pp. with exhibits)

YOU ARE HEREBY NOTIFIED THAT YOU HAVE until the last day of JULY 2022 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 MAY 2022. *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.

22CW3045 MESA COUNTY – PLATEAU CREEK. RLA Trust, c/o Nathan A. Keever, Dufford Waldeck, 744 Horizon Court, Suite 300, Grand Junction, CO 81506, (970) 241-5500; Application to Make Absolute in Part and Finding of Reasonable Diligence; Name and contact information for Applicant: RLA Trust, PO Box 10, Grand Junction CO 81502; Request to Make Absolute; Structure: Roadside Seeps; Original Decree: 2007CW112; August 31, 2009; Division 5 Water Court; Subsequent decrees awarding findings of diligence: 2015CW11, June 5, 2016; Division 5 Water Court; Source of Water: Plateau Creek, tributary to Colorado River; Location: Southwest ¼ Northeast ¼ of Section 14, Township 10 South, Range 96 West of the Sixth Principal Meridian 2,765 feet from the South section line and 2,486 from the East section line of said Section 14. (UTM Coordinates: Northing 4341765N Easting 752885E; Zone 12). The decrees in case numbers 07CW112 and 15CW011 contain a typographical error incorrectly listing the location as the Southwest ¼ Northwest ¼ of Section 14, Township 10 South, Range 96, West. The correct location is the Southwest ¼ Northeast ¼ of Section 14, Township 10 South, Range 96 West of the Sixth Principal Meridian. The decree sets out the correct distances from the section lines.; Appropriation Date: April 30, 2004; Amount: 2.5 g.p.m. conditional. Per the decree in Case No. 07CW112, the amount was 14.36 g.p.m. The court cancelled 11.86 g.p.m. water right in the 15CW011 decree. However, the court inadvertently attributed the cancellation of 11.86 g.p.m. to Pat's Springs instead of the Roadside Seeps. The Report of the Division Engineer Summary of Consultation filed December 4, 2015, correctly attributes the 11.86 g.p.m. cancellation to Roadside Seeps.; Use: Irrigation of not more than one (1) acre.; Outline of Work Completed: Water runs into a ditch through installed pipes. Water is applied to pasture through a collection ditch, to pipes, then furrows in the field.; Date water applied to beneficial use: July 2021; Amount of water applied for beneficial use: 2.5 g.p.m.; Name and address of owner of land on which structure is located: Applicants; Request to Make Absolute and Finding of Diligence; Structure: Pat's Spring; Original Decree: 2007CW112; August 31, 2009; Division 5 Water Court; Subsequent decree awarding findings of diligence: 2015CW11, June 5, 2016; Division 5 Water Court; Source of Water: Plateau Creek, tributary to Colorado River; Location: Southwest ¼ Northeast ¼ of Section 14, Township 10 South, Range 96 West of the Sixth Principal Meridian 2,930 feet from the South section line and 2,332 from the East section line of said Section 14. (UTM Coordinates: Northing 4341804N Easting 752927E; Zone 12). The decrees in case numbers 07CW112 and 15CW011 contain a typographical error incorrectly listing the location as the Southwest ¼ Northwest ¼ of Section 14, Township 10 South, Range 96, West. The correct location is the Southwest ¼ Northeast ¼ of Section 14, Township 10 South, Range 96 West of the Sixth Principal Meridian. The distances from the South and East section lines were correct in the decree.; Appropriation Date: October 31, 2006; Amount remaining conditional: 7.0 g.p.m. remaining conditional; Use: Irrigation of lawn and garden and irrigation of up to five acres of pasture and fields.; Outline of Work Completed: Water is collected underground and piped to a 1400-gallon cistern. A licensed plumber installed a pump on top of the cistern to move the water to the lawn and garden areas in 2021. The fittings include faucets for running hoses to sprinklers for the upper adjoining pasture.; If claim to make absolute in part – Pat's Spring; Date water applied to beneficial use: July 2021; Amount: 17.0 g.p.m.; Use: Irrigation of lawn and garden and irrigation of up to five acres of pasture and fields.; Name and address of owner of land on which structure is located: Applicant (5 pages)

YOU ARE HEREBY NOTIFIED THAT YOU HAVE until the last day of JULY 2022 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 MAY 2022. *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.*

22CW3046 EAGLE COUNTY, GROUND WATER TRIBUTARY TO THE EAGLE RIVER, TRIBUTARY TO THE COLORADO RIVER. Application for findings of UNDERGROUND WATER RIGHT AND PLAN FOR AUGMENTATION WITH APPROPRIATIVE RIGHT OF EXCHANGE. 15290 Highway 6, LLC c/o Johnston Van Arsdale Martin PLLC, 305 Gold Rivers Court, Ste 200 Basalt, 81621., (970) 922-2122. Summary: Applicant owns 3.04 acres of land in Eagle County at 15290 Highway 6; the property is currently served by a permitted exempt well under Permit No. 282346. Applicant plans to develop the property and expand use of the well beyond the limitations of the exempt well permit to serve four dwelling units, each with lawn irr., a veterinary barn and kennel, one acre of irr. for trees, shrubs, and native pasture, and an onsite wastewater treatment system; these features are collectively referred to as the "Project." Applicant requests a cond. underground water right for the Brock Well for the Project's water demands and seeks approval of a plan for aug., including appropriative right exchange, to aug. the well's out-of-priority depl. First claim; underground water right: **Brock Well.** *Legal description of p.o.d.:* SW1/4 NW1/4 of Sec. 6, T5S, R84W 6th P.M. UTM : Zone 13 NAD83, Easting 340580, Northing 4390239. *Source:* groundwater trib. to the Eagle River, trib. to the Colorado River. *See Figs. 1 and 2 of Ex. A.* *Amount:* 20 g.p.m., cond., with total demand up to 4.0 af per year. *Depth:* 156 ft. *Uses:* dom., irr., watering of dom. animals and livestock, and comm. purposes. *Number of acres proposed to be irrigated:* 1.1 acres. *Location of acreage proposed to be irrigated:* Applicant's property located in the SW1/4 NW1/4 of Sec. 6, T5S, R84W 6th P.M., and designated as the "Coleman Tract" lying in a portion of Tract 46A in Eagle County. *See Fig. 1 of Ex. A.* *Date of approp.:* 5/31/22. *How approp. was initiated:* Formation of intent to appropriate and filing of this App. *Landowner:* Applicant. *Remarks:* The well currently operates under Permit No. 282346 and is limited to ordinary household

purposes inside one single-family dwelling. Applicant will amend the well permit to include the uses requested in the App. Second claim: plan for aug. Structure to be augmented: Brock Well, as claimed in the App. No other water rights divert from this structure. Description of the plan for aug. Applicant has applied for a water allotment contract with the Colorado River Water Conservation District (CRWCD) in the amount 1.2 af of Eagle River Supply and 1.5 af of Colorado River Supply. The contract will ensure all out-of-priority depl. from use of Brock Well will be replaced and no senior downstream water rights will be injured. The contract total assumes a 10% transit loss and contract releases from July through Sept. to satisfy overlapping calls on the Eagle and Colorado Rivers. Releases from the Colorado River Supply will aug. out-of-priority depl. by exchange of water up the Eagle River to the pt. of depletion for the Brock Well. The Brock Well will operate under its junior priority at times when there is no downstream call on the Eagle River or the Colorado River below its conf. with the Eagle River. *River admin.:* Downstream calls on the Eagle River could originate from the instream flow right extending from the conf. with Brush Creek to the conf. with the Colorado River and on the Colorado River from the Shoshone Power Plant in Glenwood Canyon and the “Cameo” water rights near Grand Junction. This plan for aug. assumes senior downstream water rights on the Colorado River call for seven (7) days in May, nineteen (19) days in June, and all of July through April and on the Eagle River for up to fifteen (15) days in July and all of Aug. through Sept.. *Water demands:* Water demands for the Project, the specific features of which are detailed below, require 3.88 af of annual water supply. See **Table 1 of Ex. B** for annual and monthly demand requirements. Annual consumptive demands total 2.01 af, with monthly consumptive requirements provided in provided in **Table 2 of Ex. B**. Indoor dom. uses are assumed to be 10% consumptive, kennel uses 15% consumptive, bluegrass lawn irr. uses 90% consumptive, and pasture grass hillslope irr. uses 80% consumptive. The Project features are: Four (4) dwelling units, including: three (3) 1,200 s.f. units and one (1) modular unit. Each unit will have up to 1,000 s.f. of watered bluegrass lawn. One (1) veterinary barn and kennel with an average daily occupancy of ten (10) animals and max. daily occupancy of twenty (20) animals. Up to one (1) acre of irrigated trees, shrubs and native/pasture grass along the hillslope on the south side of Applicant’s property. An onsite wastewater treatment system (OWTS) for the treatment of wastewater from the dwelling units and the veterinary barn and kennel. *Aug. requirements:* Total estimated out-of-priority depl. associated with the demands from the Brock Well are provided in **Table 4 of Ex. B**. At full buildout, the Project could result in up to 0.95 af of out-of-priority depl. to a senior downstream instream flow right on the Eagle River and 1.74 af of out-of-priority depl. to senior downstream rights on the Colorado River. Releases from the Eagle River Supply in July, August, and Sept. will satisfy calls on both the Eagle and Colorado Rivers, therefore only 0.79 af of out-of-priority depl. to calls on the Colorado River require aug. from the Colorado River Supply. Applicant’s engineer performed a Glover analysis to determine total depl. to the Eagle River from 3.88 af of pumping from the Brock Well and three Glover analyses to determine the total accretions to the Eagle River resulting from return flows from the OWTS, bluegrass lawn irr., and hillslope pasture grass irr.. Net lagged depl. to the Eagle River total 2.01 af, a summary of which is provided in **Table 3 of Ex. B**. *Plan operation:* When a valid call is placed on the Eagle River below the Brock Well, water will be released from the CRWCD’s upstream Eagle River Supply and directly replace depl. to the Eagle River. When there is a valid call on the Colorado River below its conf. with the Eagle River, water will be released from Eagle River Supply (or substitute Colorado River Supply at the discretion of the CRWCD when there is no Eagle River call) in July, August, and Sept. and from the Colorado River Supply in Oct. through July. Water rights to be used for aug.: CRWCD’s decreed water storage supplies under Applicant’s water allotment contract. See **Ex. C** for a complete list of the CRWCD’s aug. sources. *Colorado River Supply.* Mountain Reservoir and Ruedi Reservoir. *Eagle River Supply.* Eagle Park Reservoir or Homestake Reservoir and other supplies available to the CRWCD as a shareholder in the Eagle Park Reservoir Co. Third claim: appropriative right of exchange. Name of exchange: Brock Exchange *Summary:* Applicant’s plan for aug. will operate by exchange for the Colorado River Supply. The exchange reach extends from the conf. of the Colorado and Roaring Fork Rivers (with Ruedi Reservoir releases) and from the conf. of the Colorado and Eagle Rivers (with Wolford Mountain Reservoir releases) to the pt. of depletion from the Brock Well, as shown on **Fig. 3 of Ex. A**. *Upstream terminus:* pt. of depletion of the Brock Well located in the SW1/4 NW1/4 of Sec. 6, T5S, R84W 6th P.M. UTM: Zone 13 NAD83, Easting 340616, Northing 4390373. *Downstream termini:* Conf. of the Colorado and Roaring Fork Rivers, which is located in the SE1/4 NW1/4 of Sec. 9, T6S, R89W 6th P.M., at a pt. approx. 2,200 ft from the N sec. line and 2,350 ft from the W sec. line of said Sec. 9. Conf. of the Colorado and Eagle Rivers, which is located in the SW1/4 NE1/4 of Sec. 5, T5S, R86W 6th P.M., at a pt. approx. 2,400 ft from the N sec. line and 1,900 ft from the E sec. line of said Sec. 5 *Approp. date:* 5/31/22. *How approp. was initiated:* formation of intent to appropriate the exchange and filing of the App. *Max. rate of exchange:* 0.008 c.f.s. up to 1.74 af/year. (7 pages, 3 exhibits) **YOU ARE HEREBY NOTIFIED THAT YOU HAVE until the last day of JULY 2022 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 MAY 2022. 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.

21CW3030 WATER DIVISION 5 - CONCERNING THE APPLICATION FOR WATER RIGHTS OF EAGLE RIVER WATER & SANITATION DISTRICT AND UPPER EAGLE REGIONAL WATER AUTHORITY IN EAGLE, GRAND AND PITKIN COUNTIES, COLORADO. REVISED AMENDED APPLICATION FOR WATER RIGHTS, CHANGE OF WATER RIGHTS, AND APPROVAL OF PLAN FOR AUGMENTATION AND EXCHANGE. 1. Name and Address of the Applicants:

Eagle River Water & Sanitation District (“District”), Upper Eagle Regional Water Authority (“Authority”), c/o General Manager, 846 Forest Road, Vail, CO 81657. Copies of All Pleadings to: Kristin H. Moseley, Michael W. Daugherty, Daniel J. Condren, SOMACH SIMMONS & DUNN, P.C., 1155 Canyon Blvd., Suite 110, Boulder, CO 80302, Telephone: (303) 449-2834. **2. Description of the Water Rights to be Adjudicated and Augmented:** A. Bolts Eagle River Diversion: (1) Points of Diversion: (a) Bolts Eagle River Diversion No. 1: To be located on the west bank of the Eagle River in the NE¼ of the NE¼ of Section 11, Township 6 South, Range 81 West, 6th P.M., at a point 190 feet from the East section line and 610 feet from the North section line. A supplemental description for this location is the following UTM coordinates: UTM NAD 83 Zone 13N, Easting 379309, Northing 4378339. (b) Bolts Eagle River Diversion No. 2: To be located on or adjacent to the Eagle River in an unsurveyed portion of Eagle County that, when surveyed, will likely be in the NE¼ of the NE¼ of Section 11 of Township 6 South, Range 81 West, of the 6th P.M., Eagle County, Colorado, at a point 5,465 feet West of the line common to Range 80 and 81 West, and 7,265 feet South of the line common to Townships 5 and 6 South. A supplemental description for this location is the following UTM coordinates: UTM NAD 83 Zone 13N, Easting 379306, Northing 4378410. (c) Bolts Eagle River Diversion No. 3: To be located on or adjacent to the Eagle River in an unsurveyed portion of Eagle County that, when surveyed, will likely be in the NW¼ of the SW¼ of Section 1 of Township 6 South, Range 81 West, of the 6th P.M., Eagle County, Colorado, at a point 4,000 feet from the North section line and 4,465 feet from the East section line. A supplemental description for this location is the following UTM coordinates: UTM NAD 83 Zone 13N, Easting 379627, Northing 4379404. (d) Bolts Eagle River Diversion No. 4: To be located within a reach of the Eagle River within 500 feet downstream or upstream of a point in the NW¼ of the SW¼ of Section 1, Township 6 South, Range 81 West, of the 6th P.M., Eagle County, Colorado, at a point 473 feet east of the west section line and 2,408 feet north of the south section line. A supplemental description for this location is the following UTM coordinates: UTM NAD 83 Zone 13N, Easting 379533, Northing 4379258. (e) Minturn Eagle River Diversion: to be located within a reach of the Eagle River within 1,000 feet downstream or upstream of a point described as located in the SE¼ of the SW¼ of Section 36, Township 5 South, Range 81 West of the 6th P.M., at a point 1,328 feet from the South section line and 2,193 feet from the West section line. The Minturn Eagle River Diversion will be a surface diversion or a headgate well. A supplemental description of the above-described point is the following UTM coordinates: UTM NAD 83 Zone 13N, Easting 379197, Northing 4381033. A map of the Bolts Eagle River Diversion alternate points of diversion is attached as Figure 1. (2) Source: Eagle River, tributary to the Colorado River. (3) Diversion Amounts: 2 cfs, conditional at any one or combination of the alternate points described above for diversion from the Eagle River. (4) Appropriation Date: March 12, 2021. (5) Claimed Uses: Municipal, domestic, irrigation (including watering of lawns, landscaping, parks and grounds), recreation, industrial, commercial, fire protection, construction, street sprinkling, piscatorial, augmentation, replacement, substitution and exchange, with the right for reuse and successive use to extinction. (6) Location of Use: The Battle North development and within the Town of Minturn service area (as it may expand over time). A map showing the Town of Minturn current and anticipated water service area (including the Battle North development) is attached hereto as Figure 2. B. Minturn Eagle River Diversion, 1st Enlargement: To be located within a reach of the Eagle River within 1,000 feet downstream or upstream of a point described as located in the SE¼ of the SW¼ of Section 36, Township 5 South, Range 81 West of the 6th P.M., at a point 1,328 feet from the South section line and 2,193 feet from the West section line. The Minturn Eagle River Diversion will be a surface diversion or headgate well. A supplemental description of the above-described point is the following UTM coordinates: UTM NAD 83 Zone 13N, Easting 379197, Northing 4381033. (1) Source: Eagle River, tributary to the Colorado River. (2) Diversion Amounts: 4 cfs, conditional. (3) Appropriation Date: March 31, 2022. (4) Claimed Uses: Municipal, domestic, irrigation (including watering of lawns, landscaping, parks and grounds), recreation, industrial, commercial, fire protection, construction, street sprinkling, piscatorial, augmentation, replacement, substitution and exchange, with the right for reuse and successive use to extinction. (5) Location of Use: The Battle North development and within the Town of Minturn service area (as it may expand over time), as depicted on Figure 2. C. Dowd Junction Water Rights: Up to three wells or surface diversions located within 1,000 feet radially from a point on the west bank of the Eagle River that is approximately 2,485 feet from the east section line and 2,005 feet from the north section line of Section 22, Township 5 South, Range 81 West of the 6th P.M. A supplemental description of the above-described point is the following UTM coordinates: UTM NAD 83 Zone 13, Easting 376093, Northing 4385066. (1) Source: Eagle River, tributary to the Colorado River. (2) Diversion Amounts: 2 cfs, conditional at any one or combination of the alternate points described above for diversion from the Eagle River. (3) Appropriation Date: March 31, 2022. (4) Claimed Uses: Municipal, domestic, irrigation (including watering of lawns, landscaping, parks and grounds), recreation, industrial, commercial, fire protection, construction, street sprinkling, piscatorial, augmentation, replacement, substitution and exchange, with the right for reuse and successive use to extinction. (5) Location of Use: The Battle North development and within the Town of Minturn service area (as it may expand over time), as depicted on Figure 2. **3. Description of Decreed Water Rights to be Augmented:** A. The Minturn Municipal Diversion: Decreed to the Town of Minturn by the Water Court in and for Water Division No. 5 (“Water Court”) in the Corrected Decree in Case No. 07CW225, entered on November 11, 2011, *nunc pro tunc* October 5, 2010, with an appropriation date of December 19, 2007, for aesthetics, piscatorial, recreational, domestic, irrigation, commercial, industrial and municipal purposes at a diversion rate of 8 cfs conditional, at any one or combination of the following diversion points: (1) Minturn Water System Ditch: Located at a point on the Westerly bank of Cross Creek from whence the section corner common to Sections 35 and 36 of Township 5 South, Range 81 West of the 6th P.M., bears North 38°43’20” East a distance of 2531.38 feet. A supplemental description for this location is the following GPS Coordinates: Lat. 39.561318 N, Long 106.419787 W. (2) Minturn Water System Ditch Diversion Structure No. 2: Located on the right (east) bank of Cross Creek at a point approximately 9,748 feet west of the line common to Range 80 and 81 West and 1,967 feet South of the line common to Townships 5 and 6 South of the 6th P.M. A supplemental description for this location is the following GPS Coordinates: Lat 39.561356 N. Long. 106.419239 W. (3) Bolts Ditch Headgate: Located at a point on Cross Creek from whence the SW corner of Section 35, Township 5 South, Range 81 West of the 6th P.M., bears North 28 degrees West 6,350 feet. The GPS coordinates for the point of diversion have

been confirmed to be Lat. 39.550483 N, Long. 106.421317 W., including the following Bolts Ditch Headgate Alternate Points of Diversion decreed in Case No. 16CW3124: (a) Arminda Ditch Headgate: Located on the east (right) bank of Cross Creek at a point whence the SW Corner of Section 36, Township 5 South, Range 81 West, 6th P.M., bears North 27°38' East 2,718 feet. (b) Bolts Ditch Pumpstation No. 1: Located within 500 feet upstream or downstream of a point on the east (right) bank of Cross Creek that is approximately 9,178 feet west of the line common to Range 80 and 81 West and 4,001 feet South of the line common to Townships 5 and 6 South of the 6th P.M. (c) Bolts Ditch Pumpstation No. 2: Located within 500 feet upstream or downstream of a point on the east (right) bank of Cross Creek that is approximately 8,911 feet west of the line common to Range 80 and 81 West and 3,692 feet South of the line common to Townships 5 and 6 South of the 6th P.M. (4) Maloit Park Diversion Structure: To be located within 500 feet upstream or downstream of a point on the right bank of Cross Creek that is approximately 9,131 feet west of the line common to Range 80 and 81 West and 1,238 feet south of the line common to Townships 5 and 6 South of the 6th P.M., in Eagle County. (5) Lower Cross Creek Diversion Structure: To be located within 500 feet upstream or downstream of a point on the right bank of Cross Creek that is approximately 357 feet east of the west section line and 93 feet north of the south section line of Section 36, Township 5 South, Range 81 West of the 6th P.M., in Eagle County. (6) Minturn Well No. 3 Enlargement: Located in the NW1/4 of the NW1/4, Section 2, Township 6 South, Range 81 West of the 6th P.M., at a point 950 feet from the North line and 1200 feet from the West line. (7) Minturn Well No. 4 Enlargement: Located in the SE1/4 of the SE1/4 of Section 35, Township 5 South, Range 81 West of the 6th P.M., at a point 66 feet from the South line and 430 feet from the East line. B. The following water rights decreed by the Water Court to the Town of Minturn in Case No. 05CW263, with an appropriation date of December 20, 2005, for municipal purposes at a cumulative maximum rate of diversion of 2.5 cfs: (1) Minturn Wellfield No. 1: In the alluvium within 100 feet on either side of a reach of Cross Creek commencing at a point described as 1,177 feet south and 1,440 feet west of the southwest corner of Section 36, Township 5 South, Range 81 West and continuing downstream along Cross Creek (100 feet on either side), to a point near the confluence of Cross Creek and the Eagle River described as 1,174 feet north and 1,965 feet east of the southwest corner of Section 36, Township 5 South, Range 81 West. Minturn Well Field No. 1 is located in areas where the Section lines, Township and Range have not been mapped by the United States Geological Service ("USGS"). Thus, the location of Well Field No. 1 is described above in terms of distances from the nearest mapped Section lines on the USGS Minturn Quadrangle map dated 1987. The Well Field No. 1 may also be described as beginning at a point with UTM coordinates approximately 378118 Easting and 4380283 Northing, and continuing downstream along Cross Creek to the confluence with the Eagle River with UTM coordinates approximately 379172 Easting and 4381014 Northing. (2) Minturn Well Field No. 2: In the alluvium within 100 feet on either side of a reach of the Eagle River commencing at a point described as 1,580 feet south and 1,727 feet west of the southeast corner of Section 36, Township 5 South, Range 81 West and continuing downstream along the Eagle River (100 feet on either side), to a point 7, 325 feet south and 2,677 feet west of the southeast corner of Section 36, Township 5 South, Range 81 West. Minturn Well Field No. 2 is located in areas where the Section lines, Township and Range have not been mapped by the USGS. Thus, the location of Well Field No. 2 is described above in terms of distances from the nearest mapped Section lines on the USGS Minturn Quadrangle map dated 1987. The Well Field No. 2 may also be described as beginning at a point with UTM coordinates approximately 379329 Easting and 4378407 Northing, and continuing downstream along the Eagle River to a point with UTM coordinates approximately 379652 Easting and 4380103 Northing. A map of the foregoing decreed diversion points is attached hereto as **Figure 3. 4. Description of Change of Water Rights: A. Summary of Change Requested**: The purpose of this change is to expand the place of use for augmentation purposes of the consumptive use credits ("HCU Credits") associated with the water rights identified in Exhibit A ("Gore Creek Rights"). The historic consumptive use values of the Gore Creek Rights were previously quantified by the Water Court in Case Nos. W-2256 and 79CW124 and decreed for municipal, augmentation and other uses. The historic consumptive use values determined in Case Nos. W-2256, W-2664, and 79CW124 are *res judicata* in this action as the Water Court ruled in its Order dated August 16, 1984. Here, the District and Authority seek to change the place of use for augmentation purposes of the HCU Credits to include the District's and Authority's service areas, as shown on Figures 5 and 6, as well as the service areas of the Town of Minturn and the Battle North development, as shown on Figure 2, including as those service areas may expand from time to time. B. **Names of Structures**: Gore Creek Rights, identified in Exhibit A. (1) **Original & Subsequent Decrees**: (a) Original Adjudications: See Exhibit A. (i) In Case No. W-2256, the Water Court for Water Division No. 5 decreed a change of Gore Creek Rights, on August 20, 1975. (ii) In Case No. W-2664, the Water Court for Water Division No. 5 decreed a change of Gore Creek Rights, on October 2, 1976. (iii) In Case No. 79CW124, the Water Court for Water Division No. 5 decreed a change of Gore Creek Rights, on April 29, 1981. (iv) In Case No. 82CW328, the Water Court for Water Division No. 5 established the HCU Credit account associated with the Gore Creek Rights, on August 6, 1987. (2) **Legal Descriptions**: See Exhibit A. (3) **Sources**: See Exhibit A. (4) **Appropriation Dates**: See Exhibit A. (5) **Decreed Amounts**: See Exhibit A. (6) **Uses**: (a) As to the Gore Creek Rights changed in Case No. W-2256, "municipal purposes (including domestic, commercial, industrial, irrigation, recreation, artificial snowmaking, fish and wildlife propagation and all other beneficial uses)." See W-2256 Decree at p. 8, ¶ 5. (b) As to the Gore Creek Rights changed in Case No. 79CW124, "municipal purposes (including domestic, commercial, industrial, irrigation, recreation, artificial snowmaking, fish and wildlife propagation and all other beneficial uses)." See Case No. 79CW124 Decree at p. 8, ¶ 6. (c) As to the Gore Creek Rights changed in Case No. W-2664, "municipal purposes" including augmentation, exchange, and storage. See Case No. W-2664 at p. 3, ¶ 8.e and p. 4, ¶ 11. (d) As to the Gore Creek Rights, all of which were changed in Case No. 82CW328, "augmentation, exchange, direct use, reuse, and successive use to extinction and disposition for all municipal purposes." See Case No. 82CW328 Decree at p. 15, ¶ 8(C). (7) **Amount of Water to be Changed**: The Court previously changed and quantified the historic consumptive use of the Gore Creek Rights in Case Nos. W-2256, W-2664, 79CW124, and 82CW328. The historic consumptive use values established for Case Nos. W-2256, W-2664, and 79CW124 are *res judicata* in this action as the Water Court ruled in its Order dated August 16, 1984. The monthly distribution of the availability of the 337.6acre-feet of HCU credits is as follows:

Table 1 - Maximum Annual Availability of Historic Consumptive Use Water (Units = Acre-feet)

Ditch	Decree	May	Jun	Jul	Aug	Sep	Oct	Total
Katsos	W-2256	1.5	5.4	4.7	3.1	3.1	1.2	19.0
Main Gore	79CW124	2.0	7.3	6.4	4.2	4.2	1.9	26.0
Buffehr and Rose and 1 st Enl.	79CW124	5.3	19.4	17.0	11.1	11.1	4.9	68.8
Black Gore	79CW124	3.4	12.5	10.9	7.2	7.2	3.0	44.2
Bryant Lower and 1st Enl.	W-2664 & 79CW124	13.8	50.6	44.4	29.1	29.1	12.6	179.6
TOTALS		26.0	95.2	83.4	54.7	54.7	23.6	337.6

C. Detailed Description of Proposed Change: Change in Place of Use: In Case No. 82CW328, Vail Valley Consolidated Water District established an HCU Credit account derived from the Gore Creek Rights. To the extent use of the HCU Credits is limited to what was Vail Valley’s service area, the District and Authority now seek to expand the place of use for augmentation purposes of the HCU Credits to include the District’s and Authority’s service areas, as shown on Figures 5 and 6, as well as the Town of Minturn’s service area and the Battle North development service area, as shown on Figure 2. D. Remarks: This claim is limited to expanding the place of use of the HCU Credits for augmentation purposes. The previous quantification of the HCU Credits is not at issue in this application. The amount of the HCU Credits available to the District and Authority and included in this application is described above in Table 1. **5. Description of the Water Rights to be Used for Augmentation Directly or by Exchange:** A. HCU Credits: Up to 100 acre-feet of the 337.6 acre-feet of the HCU Credits described above in paragraph 4. B. Contract Water: A total of 65 acre feet of contract water from the Colorado River Water Conservation District (the “Colorado River District”), which is derived from (1) Wolford Mountain Reservoir (as decreed for storage by the Colorado River District in Case Nos. 87CW23, 95CW284, and 98CW237 or additional storage water right decrees that may be obtained by the Colorado River District in the future); and/or (2) the Colorado River District’s contractual rights to water deliveries from Ruedi Reservoir (further described below). The specific contracts are as follows: up to 60 acre-feet of water per year under Contract Nos. CW02020, CW03005, CW08010 and CW08011 with the Colorado River Water Conservation District (the “Colorado River District”). 25 acre-feet of this amount is controlled by the District, 35 acre-feet of this amount is controlled by the Authority, and 5 acre-feet of this amount is controlled by the Town of Minturn, pursuant to Colorado River District Contract No. CW10001. Contract Nos. CW08010 and 08011 also provide that water supplied under such contracts may also derive from other supplies that the Colorado River District may acquire suitable for use in its Water Marketing Program. (1) Wolford Mountain Reservoir is decreed as follows: (a) Case No. 87CW283: Date: November 20, 1989. Legal description of point of diversion or place of storage: The dam is located in the SW¼ of the NE¼ of Section 25, T. 2 N., R. 81 W., 6th P.M. The intersection of the dam axis with the right abutment will occur at a point which bears S. 54°54'20" E. a distance of 3,716.46 feet from the NW Corner of said Section 25. Source: Muddy Creek and its tributaries. Amount: 59,993 acre-feet conditional; of this amount, 32,986 acre-feet have been made absolute for piscatorial and recreational uses by decree entered in Water Court Case No. 95CW281. Appropriation Date: December 14, 1987. Decreed Use: All beneficial uses, including but not limited to domestic, municipal, agricultural and recreational uses. (b) Case No. 95CW281: Date: August 26, 1997. Legal description of point of diversion or place of storage: The dam is located in the SW¼ of the NE¼ of Section 25, T. 2 N., R. 81 W., 6th P.M. The as-built intersection of the dam axis (Sta. D19+35.61) with the West Access Road (Sta. WR50+55.05), as shown on the Colorado River Water Conservation District, Wolford Mountain Project, Ritschard Dam construction drawing " Dimensional Dam Layout" sheet 8 of 94, occurs at a point which bears S. 53°24'56" E. a distance of 3,395.51 feet from the NW Corner of said Section 25; the bearing of said dam axis from Sta. 19+35.61 to Sta. 0+00 being S. 75° 28' 29" E. Source: Muddy Creek and its tributaries. Amount: 6,000 acre-feet conditional. Appropriation Date: January 16, 1995. Decreed Use: All beneficial uses by and for the benefit of the inhabitants of the Colorado River Water Conservation District, including but not limited to domestic, municipal, industrial, irrigation, agricultural, piscatorial and recreational; such uses will include environmental mitigation, including environmental mitigation requirements associated with the Wolford Mountain Project; such uses will be made directly or by substitution, augmentation, or exchange. (c) Case No. 98CW237: Decree Date: July 6, 2000. Legal Description of place of storage: Same as for 95CW281. Source: Muddy Creek and its tributaries. Amount: 30,000 acre-feet conditional with 15,895 acre-feet being absolute for recreational and piscatorial and flood control. Appropriation Date: November 17, 1998. Use: Certain of the beneficial uses previously adjudicated for Wolford Mountain Reservoir in Case No. 87CW283, District Court for Colorado Water Division No. 5 (November 20, 1989 Judgment and Decree), and Case No. 95CW281, District Court for Colorado Water Division No. 5 (August 26, 1997 Judgment and Decree). The Colorado River District holds Contracts No. 009D6C0111, 009D6C0118, 039F6C0011, and 078D6C0106 from the United States Bureau of Reclamation for 6,730 acre-feet of annual supply from Ruedi Reservoir and may obtain additional contracts in the future. Ruedi Reservoir is located in Sections 7, 8, 9, 11 and 14 through 18, T. 8 S., R. 84 W., 6th P.M., in Eagle and Pitkin Counties. The dam axis intersects the right abutment at a point whence the SW corner of Section 7, T. 8 S., R. 84 W. of the 6th P.M., bears N. 82°10'W. a distance of 1,285 feet. The source is the Fryingpan River. (2) Ruedi Reservoir is decreed as follows: (a) Civil Action No. 4613: Decree Date: June 20, 1958. Court: Garfield County District Court. Amount: 140,697.3 acre-feet, reduced to 102,369 acre-feet pursuant to order of the Water Court in Case No. W-789-76. The full amount was made absolute in Case No. 88CW85. Appropriation Date: July 29, 1957. Use: Domestic, municipal, irrigation, industrial, generation of electrical energy, stock watering and piscatorial. (b) Case No. 81CW34: Decree Date: April 8, 1985. Court: District Court, Water Div. No. 5. Amount: 101,280 acre-feet (refill); of this amount, 44,509 acre-feet were made absolute in Case No. 95CW95 and 25,257 acre-feet were made absolute in Case No. 01CW269, for a total of 69,766

acre-feet absolute. Appropriation Date: Jan. 22, 1981. Use: Irrigation, domestic, municipal, generation of electrical energy, stock watering, industrial, piscatorial, recreation and maintenance of sufficient storage reserves to fulfill contractual obligations and provide stored water for recreation in times of drought. C. Eagle Park Reservoir: Up to 160 acre-feet per year cumulative from the District and Authority's Eagle Park Reservoir, Homestake Reservoir and Bolts Lake supplies. Eagle Park Reservoir is decreed by the Water Court in Case Nos. 92CW340 and 93CW301 for a combined total capacity of 27,600 acre-feet, with an appropriation date of March 16, 1991, for 5,300 acre-feet, and May 18, 1993, for 22,300 acre-feet, together with the right to divert at the rate of 80 cfs under the August 10, 1956 appropriation date of the Pando Feeder Canal pursuant to the decree of the Water Court 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. 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. Eagle Park Reservoir is augmented by exchange by decree of the Water Court in Case No. 95CW348. Eagle Park Reservoir Company has made absolute 3,301 acre-feet of the original 5,300 acre-feet by decree of the Water Court entered in Case No. 13CW11. 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: (1) The East Fork Interceptor Ditch: which has a capacity of 48 cfs and diverts from unnamed tributaries of the East Fork of the Eagle River at the following points, all of which are located in Eagle County, Colorado: (a) 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. (b) 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. (c) 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. (d) 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. (2) 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. (3) 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. (4) 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: (a) On the west bank of Humbug Creek at a point whence the southwest corner of Section 18, T. 7 S., R. 78 W. bears South 71°35' West a distance of 3250 feet. (b) 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 2250 feet. (c) 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. (5) 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: (a) 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 NW¼ of the SE¼ of Section 13, T. 7 S., R. 79 W., 6th P.M.). (b) 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 SE¼ of Section 22, T. 7 S., R. 79 W., 6th P.M.). (c) 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. (6) 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 SE¼ NE¼ of Section 32, T. 7 S., R. 79 W., 6th P.M. at a point whence the NE corner of said Section 32 bears N. 31°53' E. a distance of 2414 feet. The East Fork Pumping Plant is augmented by exchange by decree of the Water Court in Case No. 03CW211. D. Homestake Reservoir: Up to 160 acre-feet per year cumulative from the District and Authority's Eagle Park Reservoir, Homestake Reservoir and Bolts Lake supplies. The right to the annual release of this Homestake Reservoir water is obtained pursuant to the 2004 Water Exchange Agreement dated June 21, 2004, among the City of Aurora, the Eagle Park Reservoir Company, the Colorado River Water Conservation District, the Authority, the District, and Vail Associates, Inc., as modified by the Consolidated Water Exchange Agreement dated as of January 5, 2010, among the Cities of Aurora and Colorado Springs and the Eagle Park Reservoir Company, the Colorado River Water Conservation District, the Authority, the District, and Vail Associates, Inc. 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 acre-feet conditional, 43,504.7 acre-feet 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 (i) French Creek, Fancy Creek, Missouri Creek, and Sopris Creek via the Homestake Conduit (aka Missouri Tunnel); (ii) East Fork of Homestake Creek via the East Fork Conduit; and (iii) Middle Fork of Homestake Creek. Homestake Reservoir also conveys water from the Homestake Conduit and the East Fork Conduit to Homestake Tunnel. E. Bolts Lake: Up to 160 acre-feet per year cumulative from the District and Authority's Eagle Park Reservoir, Homestake Reservoir and Bolts Lake supplies. The Bolts Lake application is pending in Water Court Case No. 21CW3029. (1) Legal Description: The existing off-channel reservoir is located in Homestead Entry Survey No. 40, Homestead Entry No. 021, containing a portion of the W½ of Section 1 and the E½ of Section 2, Township 6 South, Range 81 West of the 6th P.M. Eagle County, Colorado, and in Homestead Entry Survey No. 41, Homestead Entry No. 022, containing a portion of the SW¼ of Section 1, S½ of Section 2, N½ of Section 11 and NW¼ of Section 12, Township 6 South, Range 81 West of the 6th P.M., Eagle County, Colorado. The enlarged Bolts

Lake will be located in the E½ of Section 2, Township 6 South, Range 81 West and the W½ of Section 1, Township 6 South, Range 81 West of the 6th P.M., Eagle County, Colorado. All section and portions are projected, as this area is unsurveyed. (2) Source: Eagle River and Cross Creek, a tributary of the Eagle River, tributary to the Colorado River. (3) Dam Location: The approximate coordinates of the center of the proposed Bolts Lake dam is Lat. 39° 33' 22.828" N, Long. 106° 24' 11.831" W. (4) Points of Diversion: Water will be diverted at the following alternate points of diversion on Eagle River and Cross Creek to fill Bolts Lake: (a) Bolts Eagle River Diversion No. 1: to be located on the west bank of the Eagle River in the NE¼ of the NE¼ of Section 11, Township 6 South, Range 81 West, 6th P.M., at a point 190 feet from the East section line and 610 feet from the North section line. A supplemental description for this location is the following UTM coordinates: UTM NAD 83 Zone 13N, Easting 379309, Northing 4378339. (b) Bolts Eagle River Diversion No. 2: to be located on or adjacent to the Eagle River in an unsurveyed portion of Eagle County that, when surveyed, will likely be in the NE¼ of NE¼ of Section 11 of Township 6 South, Range 81 West, of the 6th P.M., Eagle County, Colorado, at a point 5,465 feet West of the line common to Range 80 and 81 West, and 7,265 feet South of the line common to Townships 5 and 6 South. A supplemental description for this location is the following UTM coordinates: UTM NAD 83 Zone 13N, Easting 379306, Northing 4378410. (c) Bolts Eagle River Diversion No. 3: to be located on or adjacent to the Eagle River in an unsurveyed portion of Eagle County that, when surveyed, will likely be in the NW¼ of SW¼ of Section 1 of Township 6 South, Range 81 West, of the 6th P.M., Eagle County, Colorado, at a point 4,000 feet from the North section line and 4,465 feet from the East section line. A supplemental description for this location is the following UTM coordinates: UTM NAD 83 Zone 13N, Easting 379627, Northing 4379404. (d) Bolts Ditch Headgate: located at a point on Cross Creek from whence the SW corner of Section 35, Township 5 South, Range 81 West of the 6th P.M., bears North 28 degrees West 6,350 feet. The GPS coordinates for the point of diversion have been confirmed to be Lat. 39.550483 N, Long. 106.421317 W. A supplemental description for this location is the following UTM coordinates: UTM NAD 83 Zone 13N, Easting 377878, Northing 4378828. (e) Bolts Ditch Headgate Alternate Diversion Points located as follows: (i) Arminda Ditch Headgate: located on the east (right) bank of Cross Creek at a point whence the SW Corner of Section 36, Township 5 South, Range 81 West, 6th P.M., bears North 27°38' East 2,718 feet. A supplemental description for this location is the following UTM coordinates: UTM NAD 83 Zone 13N, Easting 378061, Northing 4380023. (ii) Bolts Ditch Pumpstation No. 1: located within 500 feet upstream or downstream of a point on the east (right) bank of Cross Creek that is approximately 9,178 feet west of the line common to Range 80 and 81 West and 4,001 feet South of the line common to Townships 5 and 6 South of the 6th P.M. A supplemental description for this location is the following UTM coordinates: UTM NAD 83 Zone 13N, Easting 378194, Northing 4379414. (iii) Bolts Ditch Pumpstation No. 2: located within 500 feet upstream or downstream of a point on the east (right) bank of Cross Creek that is approximately 8,911 feet west of the line common to Range 80 and 81 West and 3,692 feet South of the line common to Townships 5 and 6 South of the 6th P.M. A supplemental description for this location is the following UTM coordinates: UTM NAD 83 Zone 13N, Easting 378285 Northing 4379530. (f) Maloit Park Diversion Structure to be located within 500 feet upstream or downstream of a point on the right bank of Cross Creek that is approximately 9,131 feet west of the line common to Range 80 and 81 West and 1,238 feet south of the line common to Townships 5 and 6 South of the 6th P.M., in Eagle County. A supplemental description for this location is the following UTM coordinates: UTM NAD 83 Zone 13N, Easting 378226, Northing 4380272. (g) Lower Cross Creek Diversion Structure to be located within 500 feet upstream or downstream of a point on the right bank of Cross Creek that is approximately 357 feet east of the west section line and 93 feet north of the south section line of Section 36, Township 5 South, Range 81 West of the 6th P.M., in Eagle County. A supplemental description for this location is the following UTM coordinates: UTM NAD 83 Zone 13N, Easting 378636, Northing 4380656. (5) Diversion Rates, Volumetric Limit: 30 cfs, conditional at any one or combination of the alternate points described above for diversions from Cross Creek; 50 cfs, conditional at any one or combination of the alternate points described above for diversion from the Eagle River. In addition to these diversion rate limits, water diverted at the points of diversion described above will be subject to a cumulative annual volumetric limit of 2,420 acre-feet, the amount of a fill and refill of the storage right. (6) Appropriation Date: March 12, 2021. (7) Amount: 1,210 acre-feet, conditional, together with the right to refill in the amount of 1,210 acre-feet. (8) Claimed Uses: Municipal, domestic, irrigation (including watering of lawns, landscaping, parks and grounds), recreation, industrial, commercial, fire protection, construction, street sprinkling, piscatorial, augmentation, replacement, substitution and exchange, with the right for reuse and successive use to extinction. F. Minturn's Eagle Park Reservoir and Homestake Reservoir Supplies: Up to 70 acre-feet per year cumulative from the Minturn's Eagle Park Reservoir and Homestake Reservoir supplies pursuant to Contract Numbers CW19006 and CW10002 with the Colorado River District. Eagle Park Reservoir supplies are described in Paragraph 5(C) above, and Homestake Reservoir supplies are described in Paragraph 5(D) above. **6. Description of the Plan for Augmentation and Exchange**: By this application, the District and the Authority seek approval of this plan for augmentation, including exchange, to replace all out-of-priority depletions associated with the diversion of the water rights described in paragraphs 2 and 3 above on a year-round basis up to a maximum of 214 consumptive acre-feet from its supplies and up to an additional 75 consumptive acre-feet from Minturn's augmentation supplies for use at the Battle North development and within the Town of Minturn service area (as it may expand over time). At times when such depletions are out of priority, the District and Authority will replace such out of priority depletions in accordance with the following plan for augmentation and exchange: A. Augmentation Plan. To permit the requested out of priority depletions, the District and Authority propose to either: (1) use the District's HCU Credits described in paragraph 5.A. above in an amount up to 100 consumptive acre-feet; (2) cause the release of or otherwise commit to the Colorado River up to 65 acre-feet of water per year from Wolford Mountain Reservoir described in paragraph 5.B(1) and/or Ruedi Reservoir described in paragraph 5.B.(2)) above; (3) cause the release of or otherwise commit to the Eagle River up to 160acre-feet of water per year cumulative from the District and Authority's Eagle Park Reservoir supplies described in paragraph 5.C.above, Homestake Reservoir supplies described in paragraph 5.D. above and Bolts Lake supplies described 5.E. above, or a combination thereof; and (4) up to 70 acre-feet of water per year cumulative from Minturn's Eagle Park Reservoir and Homestake Reservoir contract supplies described in paragraph 5(f) above. B. Consumptive Use Assumptions: For purposes of determining the

consumptive use resulting from the out-of-priority diversions augmented herein, the following assumptions shall be used: (1) The consumptive use of in-building municipal diversions shall be 5%. (2) The consumptive use of lawn irrigation diversions shall be 85%.

C. Exchange Plan Reach and Rate: The District and Authority seek approval of a plan to augment by exchange out of priority depletions from the water rights described in paragraphs 2 and 3 above, when augmented by the water rights described in paragraph 5 above. (1) The downstream terminus of the exchange involving the District's HCU Credits described in paragraph 5.A. shall be the confluence of Gore Creek and the Eagle River. (2) The downstream terminus of the exchange involving Wolford Mountain Reservoir water is the confluence of the Colorado River and the Eagle River. (3) The downstream terminus of the exchange involving Ruedi Reservoir water is the confluence of the Roaring Fork River and the Colorado River. (4) The downstream terminus of the exchanges involving Eagle Park and Homestake Reservoir water shall be the confluence of Cross Creek and the Eagle River for the Cross Creek diversion points, described in paragraph 3. (5) The upstream terminus of the subject exchanges are the points of diversion described in paragraphs 2 and 3 above. The maximum rate of the exchange is 1 cfs, conditional, to the water rights and/or structures identified in paragraph 2 and 3 above. A map showing the subject exchange reaches, including Wolford Mountain Reservoir and Ruedi Reservoir, is attached hereto as Figure 4.

D. Priority Date: The District and Authority seek a March 12, 2021 priority date in connection with the subject plan for exchange.

E. In Priority Diversions: The water rights described above in paragraphs 2 and 3 shall be entitled to divert when they are in priority. The sources of augmentation and exchange water described in paragraph 5 need only be utilized when the water rights and structures described in paragraphs 2 and 3 are out of priority.

F. Point of Augmentation Water Replacement: The District and Authority will provide replacement of depletions at or above the point of a senior calling right.

G. Return Flows: In-building wastewater will be centrally collected and treated at wastewater treatment plants in Avon and Edwards. Return flows from irrigation use will accrue to the Eagle River.

H. Reuse of Replacement Supplies: The District and Authority retain the right to reuse of all replacement augmentation supplies exceeding depletions that accrue at or below the Avon Wastewater Treatment Plant resulting from the water rights being augmented herein. Such reuse shall occur throughout the District's and Authority's service areas, as those service areas may expand from time to time. The District's current service area is depicted and described on the attached Figure 5, and the Authority's current service area is depicted and described on the attached Figure 6.

I. Depletion Assumptions: Applicants will augment depletions to the Eagle and Colorado Rivers above the point of call, as follows: (1) Below the Eagle River Diversion points and above Cross Creek, depletions equal diversions. (2) Between Cross Creek and Gore Creek, depletion equals diversion minus return flows from irrigation and conveyance losses. (3) Between Gore Creek and the Avon Wastewater Treatment Plant, depletion equals diversion minus return flows from irrigation and conveyance losses; and (4) Between the Avon Wastewater Treatment Plant and the confluence of the Eagle and Colorado Rivers, depletion equals diversions minus return flows from irrigation, conveyance losses and treated wastewater effluent.

7. Terms and Conditions: A. So as to ensure proper operation of the subject plan for augmentation and exchange, the District and Authority will install and maintain such measuring devices and implement such accounting procedures as may be required by the State or Division Engineers to administer the terms of the decree entered in this case.

B. The proposed exchanges will only operate when in priority and will not operate when any intervening water right within the exchange reach that is senior to the priority of the exchanges places a call that is recognized and administered by the Division Engineer. The Division Engineer's administration of a call is a water matter subject to review by the Water Court. Nothing herein will change any measurement obligation, if any, of any other water user.

8. Name and Address of Owner of the Land Upon Which a 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: Please see the attached Exhibit B.

WHEREFORE, the District and Authority request that this Court enter a decree which: 1. Confirms the conditional water rights described in paragraph 2 above; 2. Approves the change of water rights described in paragraph 4 above; 3. Approves the plan for augmentation and exchange described in paragraph 6 above; and 4. Finds that as a result of the subject plan for augmentation and exchange, 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.

YOU ARE HEREBY NOTIFIED THAT YOU HAVE until the last day of JULY 2022 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.