

DIVISION 5 WATER COURT- OCTOBER 2017 RESUME

**1. PURSUANT TO C.R.S., §37-92-302, AS AMENDED, YOU ARE NOTIFIED THAT THE FOLLOWING PAGES COMPRISE A RESUME OF THE APPLICATIONS AND AMENDED APPLICATIONS FILED WITH THE WATER CLERK FOR WATER DIVISION 5 DURING THE MONTH OF OCTOBER 2017. *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.***

**17CW14 (09CW21) GARFIELD COUNTY-GROUNDWATER TRIBUTARY TO THE COLORADO RIVER.** Karen & Michael Meskin; 255 Coyote Trail; Rifle, CO 81650 (970)219-9373. Meskin Exempt Domestic Well-Application for Finding of Reasonable Diligence. Location: NE¼SE¼ of Sec. 33, T.6S., R.93W. of the 6<sup>th</sup> P.M. 2,250 ft. from the south sec. line and 400 ft. from the east sec. line. Appropriation: May 16, 1996. Amount: 15.0 g.p.m.(0.033 c.f.s.), conditional. Uses: ordinary household purposes inside not more than 3 single family dwellings, fire protection, irrigation of not more than 1 acre of lawns & gardens and watering domestic animals. An outline of work performed during the diligence period is included in the application.

**YOU ARE HEREBY NOTIFIED THAT YOU HAVE until the last day of DECEMBER 2017 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: \$158.00) 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 OCTOBER 2017. *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.***

**17CW3178 GRAND COUNTY, WATER DISTRICT NO. 5, APPLICATION FOR FINDING OF REASONABLE DILIGENCE** Name and Address of Applicant: Town of Kremmling, 200 Eagle Ave., P.O. Box 538, Kremmling, CO 80459, (970) 724-3249. c/o Stanley W. Cazier of Cazier & McGowan, P.O. Box 500, Granby, CO 80446, (970) 887-3376. Names of Structure: JONES RESERVOIR NO. 1 ENLARGEMENT. Decreed: September 13, 1967, CA 1416, Eagle County District Court. Legal Description: Jones Reservoir No. 1 Enlargement - lies across the channel of an unnamed creek on an axis which bears N. 73°15' W. from a point whence the NE Corner of Sec. 15, T1N, R81W of the 6<sup>th</sup> P.M., bears N. 59°15' E. 1304.14 feet. Source: Sheep Creek and seven unnamed creeks, all tributary to the Colorado River. Appropriation Date and Amount: September 14, 1966, 311.19 af. Use: All municipal uses, including domestic use, mechanical, manufacturing, generation of electric power, power generally, fire protection, sewage treatment, street sprinkling, watering of parks, lawns and grounds, maintaining adequate storage reserves, irrigation, replacement and the adjustment and regulation of the units of the Town of Kremmling water supply system within themselves and with other water users. The application contains a detailed outline of the work performed during the diligence period. (7 pages)

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**17CW3179 (REF NO. 02CW265 & 10CW62). EAGLE COUNTY, GROUNDWATER TRIBUTARY TO THE ROARING FORK AND COLORADO RIVERS.** Aspen Mountain View Homeowners' Association, a Colorado Nonprofit Corporation, c/o Tom Kinney, Esq., Western Slope Water Rights LLC, 0274 Crystal Park Drive, Redstone, Colorado 81623, (970) 510-0650. Application for Finding of Reasonable Diligence. Applicant requests entry of a decree in this case finding that it has shown reasonable diligence in completing the appropriation of tributary ground water pursuant to the following-described conditional water rights previously decreed by the Water Court in Case Nos. 79CW 150 and 70CW151, 84CW71, 88CW102, 94CW205, 02CW265 and 10CW62 and continuing all of the remaining subject conditional water rights in full force and effect for an additional 6-year diligence period. The conditional water rights, which are the subject of the application filed in this case are described as follows: (1) AMV Well No. 1, 0.112 cfs (50 gpm), conditional of which, 0.047 cfs (21 gpm) is absolute and 0.065 cfs (29 gpm) remains conditional and is subject to Applicant's request in this case to be continued conditional for another six-year diligence period, for the diversion of groundwater produced from the Pleistocene basalt formation in the watershed of the Roaring Fork River at a point located in the SW¼NW¼ of Section 22, Township 7 South, Range 87 West, 6<sup>th</sup> P.M., in unincorporated Eagle County, Colorado, at a point approximately 3,090 feet distant from the south section line and 4,090 feet distant from the east section line of said Sec. 22, which point is also described by the following UTM coordinates: 4,367,003m North; 319,193m East, for the previously decreed domestic

(including lawn irrigation), commercial and fire protection uses with an appropriation date of April 26, 1979; (2) AMV Well No. 2, 0.112 cfs (50 gpm) of which, 0.058 cfs (26 gpm) was previously awarded absolute by the Water Court and the remaining 0.0535 cfs (24 gpm) is subject to Applicant's request in this case to be continued conditional for another six-year diligence period, for the diversion of groundwater produced from the Pleistocene basalt formation in the watershed of the Roaring Fork River at a point located in the SW $\frac{1}{4}$ NW $\frac{1}{4}$  of Sec. 22, T. 7 S., R. 87 W., 6<sup>th</sup> P.M., in unincorporated Eagle County, Colorado, at a point approximately 2,487 feet distant from the north section line and 531 feet distant from the west section line of said Sec. 22, which point is also described by the following UTM coordinates: 4,366,915m North; 318,999m East, for the previously decreed domestic (including lawn irrigation), commercial and fire protection uses with an appropriation date of April 26, 1979; (3) AMV Well No. 4, 0.112 cfs (50 gpm) of which, 0.078 cfs (approx. 35 gpm) was previously awarded absolute by the Water Court and the remaining 0.0335 cfs (approx. 15 gpm) is requested to be continued conditional for another six-year diligence period, for the diversion of groundwater produced from the Pleistocene basalt formation in the watershed of the Roaring Fork River at a point located in the SE $\frac{1}{4}$ NW $\frac{1}{4}$  of Sec. 22, T. 7 S., R. 87 W., 6<sup>th</sup> P.M., in unincorporated Eagle County, Colorado, at a point approximately 2,820 feet distant from the south section line and 3,460 feet distant from the east section line of said Section 22, which point is also described by the following UTM coordinates: 4,366,845m North; 319,404m East, for the previously decreed domestic (including lawn irrigation), commercial and fire protection uses with an appropriation date of April 26, 1979. All of the above-described points of diversion are located within parcels or subdivision road rights-of-way owned and controlled by the Applicant. Applicant has provided evidence of the efforts, along with the associated costs, it has made towards diligently completing the appropriation of water under the subject conditional water rights during the preceding diligence period. Applicant requests that the subject remaining conditional water rights be continued in full force and effect for an additional six-year diligence period. (10 pages including map of diversion points and places of water use).

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**4. PURSUANT TO C.R.S., §37-92-302, AS AMENDED, YOU ARE NOTIFIED THAT THE FOLLOWING PAGES COMPRISE A RESUME OF THE APPLICATIONS AND AMENDED APPLICATIONS FILED WITH THE WATER CLERK FOR WATER DIVISION 5 DURING THE MONTH OF OCTOBER 2017. 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.**

**17CW3180**(09CW126, 02CW72). District Court, Water Division No. 5, State of Colorado, 109 8<sup>th</sup> Street, Suite 105, Glenwood Springs, CO 81601. Concerning the Application for Water Rights of The Town of Breckenridge in Summit County, Colorado. APPLICATION FOR FINDING OF REASONABLE DILIGENCE.1. Name, address, and telephone number of Applicant: Town of Breckenridge (the "Town") c/o Town Manager, P.O. Box 168, Breckenridge, CO 80424. (970) 453-2251. Direct all pleadings to: Glenn E. Porzak (#2793), Cassidy L. Woodard (#48824), Porzak Browning & Bushong LLP, 2120 13<sup>th</sup> Street, Boulder, CO 80302. 2. Names of structures: A. Breckenridge Pipeline. Type: Direct Flow. B. Swan River Water System. Type: Direct Flow. C. Swan River Reservoirs Nos. 1-5. Type: Reservoir. 3. Description of conditional water rights: A. Breckenridge Pipeline: This water right was decreed by the District Court in and for Water Division No. 5 ("Water Court") on March 19, 1985, in Case No. 83CW51, for 3.0 cfs with a January 2, 1980, appropriation date for municipal, domestic, industrial, commercial, firefighting and sewage treatment uses; a January 15, 1979, appropriation date for snowmaking uses; and a September 1, 1980, appropriation date for irrigation uses. Subsequent decrees confirming the exercise of reasonable diligence were entered in Case Nos. 89CW045 (November 14, 1989), 95CW226 (March 11, 1996), 02CW72 (September 3, 2003), and 09CW126 (October 20, 2011). The source of this water right is the Blue River, tributary to the Colorado River. The Breckenridge Pipeline is located at a point whence the SW corner of Section 5, Township 7 South, Range 77 West of the 6<sup>th</sup> P.M. lies North 02°41'39" East a distance of 3,026.64 feet. This point is in the NE $\frac{1}{4}$  of the SE $\frac{1}{4}$  of Section 7, Township 7 South, Range 77 West of the 6<sup>th</sup> P.M., at a point 2,240 feet from the south section line and 95 feet from the east section line of said Section 7. *See Exhibit A.* In Case No. 13CW3094, an alternate point of diversion was also decreed to divert the Breckenridge Pipeline water right at two additional alternate points. One alternate point of diversion is located on the west bank of the Blue River in the SW $\frac{1}{4}$  of the SE $\frac{1}{4}$  of Section 31, Township 5 South, Range 77 West of the 6<sup>th</sup> P.M. at a point 705 feet from the south section line and 1,625 feet from the east section line of said Section 31. Another alternate point of diversion is located on the east bank of the Blue River in the SW $\frac{1}{4}$  of the SE $\frac{1}{4}$  of Section 31, Township 5 South, Range 77 West of the 6<sup>th</sup> P.M. at a point 705 feet from the south section line and 1,605 feet from the east section line of said Section 31. B. Breckenridge Pipeline: This water right was decreed by the Water Court on August 15, 1984, in Consolidated Case Nos. 80CW444, 81CW107, 81CW487, and 81CW488 for 20 cfs with a January 2, 1980, appropriation date for municipal, domestic, industrial, commercial, firefighting, and sewage treatment uses; a January 15, 1979, appropriation date for snowmaking uses; and a September 1, 1980, appropriation date for irrigation uses. 2.9 cfs of the Breckenridge Pipeline was made absolute and 17.1 cfs remained conditional by decree dated May 30, 1990, in Case No. 88CW122. Subsequent decrees confirming the exercise of reasonable diligence were entered in Case Nos. 96CW140 (October 15, 1996), 02CW71 (September 3, 2003), and 09CW126 (October 20, 2011). The source and location of the

Breckenridge Pipeline water right are described in paragraph 3.A. above. In Case No. 84CW289, an alternate point of diversion was decreed for this water right at the Breckenridge Ski Area's diversion, which is located on the west bank of the Blue River at Maggie Pond in the NW1/4 of the NW1/4 of Section 6, Township 7 South, Range 77 West of the 6<sup>th</sup> P.M. near the confluence of the Illinois Gulch and the main stem of the Blue River. In Case No. 13CW3094, an alternate point of diversion was also decreed to divert the Breckenridge Pipeline water right at two additional alternate points. One alternate point of diversion is located on the west bank of the Blue River in the SW1/4 of the SE1/4 of Section 31, Township 5 South, Range 77 West of the 6<sup>th</sup> P.M. at a point 705 feet from the south section line and 1,625 feet from the east section line of said Section 31. Another alternate point of diversion is located on the east bank of the Blue River in the SW1/4 of the SE1/4 of Section 31, Township 5 South, Range 77 West of the 6<sup>th</sup> P.M. at a point 705 feet from the south section line and 1,605 feet from the east section line of said Section 31. C. Swan River Water System: This water right was decreed by the Water Court on March 19, 1985, in Case No. 83CW51 for 0.4 cfs for irrigation purposes, with an appropriation date of July 7, 1980. Subsequent decrees confirming the exercise of reasonable diligence were entered in Case Nos. 89CW045 (November 14, 1989), 95CW226 (March 11, 1996), 02CW72 (September 3, 2003), and 09CW126 (October 20, 2011). The source of this water right is the Swan River, tributary to the Blue River, tributary to the Colorado River. The point of diversion is located on the south bank of the Swan River within the Kimball Placer, Mineral Survey No. 1151, in the SW1/4 of the NW1/4 of Section 17, Township 6 South, Range 77 West of the 6<sup>th</sup> P.M., Summit County, Colorado, and being more particularly described as follows: Commencing at Corner No. 8 of said Kimball Placer; thence along the 8-7 line of said Kimball Placer South 66°07'00" East, a distance of 240.87 feet to the centerline of an existing 30 foot wide easement, whence Corner No. 7 of said Kimball Placer bears South 66°07'00" East 752.93 feet distant; thence along said centerline North 09°19'37" West a distance of 278.35 feet to the actual point of diversion. This point is in the SW1/4 of the NW1/4 of Section 17, Township 6 South, Range 77 West of the 6<sup>th</sup> P.M., at a point 2,210 feet from the north section line and 780 feet from the west section line of said Section 17. The UTM coordinates for this diversion point are NAD83, Zone 13S, Easting: 411592, Northing: 4376232. In Case No. 15CW3121, decreed by the Water Court on June 5, 2016, the Town obtained the right to alternately divert its Swan River Water System rights from an alternate point of diversion on Gold Run Gulch. The source of supply at this alternate point of diversion is Gold Run Gulch, tributary of the Swan River, tributary to the Blue River, tributary to the Colorado River. This alternate point of diversion is located in the SW1/4 of the SW1/4 of Section 17, Township 6 South, Range 77 West of the 6<sup>th</sup> P.M., at a point 225 feet from the west section line and 635 feet from the south section line of said Section 17. The UTM coordinates for this point are NAD83, Zone 13S, Easting: 411420, Northing: 4375479. See **Exhibit C. D. Swan River Water System**: This water right was decreed by the Water Court on March 19, 1985, in Consolidated Case Nos. 80CW444, 81CW107, 81CW487, and 81CW488 (The decree in the last diligence finding (Case No. 09CW126) incorrectly identified the original decree for this water right as Case No. 83CW51) for 3.0 cfs for irrigation purposes, with an appropriation date of July 7, 1980. 2.45 cfs of the Swan River Water System was made absolute by decree dated May 30, 1990, in Case No. 88CW122 and 0.55 cfs remained conditional. Subsequent decrees confirming the exercise of reasonable diligence were entered in Case Nos. 96CW140 (October 15, 1996), 02CW72 (September 3, 2003), and 09CW126 (October 20, 2011). The source, point of diversion, and alternate point of diversion of the Swan River Water System are described in paragraph 3.C. above. E. Swan River Reservoir No. 1: This water right was decreed by the Water Court on August 15, 1984, in Consolidated Case Nos. 80CW444, 81CW107, 81CW487, and 81CW488 for 13,600 acre-feet for municipal, irrigation, domestic, commercial, industrial, piscatorial, snowmaking, and wildlife preservation purposes, with an appropriation date of December 1, 1981. Subsequent decrees confirming the exercise of reasonable diligence for Swan River Reservoirs Nos. 1-5 were entered in Case Nos. 96CW140 (Oct. 15, 1996), 02CW72 (Sept. 3, 2003), and 09CW126 (Oct. 20, 2011). The source of this water right is the Swan River, tributary to the Blue River, tributary to the Colorado River. The center point of the dam is located at a point whence the SE corner of Section 17, Township 6 South, Range 77 West of the 6<sup>th</sup> P.M. bears S. 10°49'27" E. a distance of 2,643.58 feet. This point is in the NE1/4 of the SE1/4 of Section 17, Township 6 South, Range 77 West of the 6<sup>th</sup> P.M., at a point 2,570 feet from the south section line and 465 feet from the east section line of said Section 17. See **Exhibit B. F. Swan River Reservoir No. 2**: This water right was decreed by the Water Court on August 15, 1984, in Consolidated Case Nos. 80CW444, 81CW107, 81CW487, and 81CW488 for 13,600 acre-feet for municipal, irrigation, domestic, commercial, industrial, piscatorial, snowmaking, and wildlife preservation purposes, with an appropriation date of December 1, 1981. Subsequent decrees confirming the exercise of reasonable diligence for Swan River Reservoirs Nos. 1-5 were entered in Case Nos. 96CW140 (Oct. 15, 1996), 02CW72 (Sept. 3, 2003), and 09CW126 (Oct. 20, 2011). The south end of the dam axis is located at a point whence the SW corner of Section 16, Township 6 South, Range 77 West of the 6<sup>th</sup> P.M. bears S. 38°13'11" W. a distance of 3,987.04 feet. This point is in the SE1/4 of the NW1/4 of Section 16, Township 6 South, Range 77 West of the 6<sup>th</sup> P.M., at a point 1,630 feet from the north section line and 2,500 feet from the west section line of said Section 16. See **Exhibit B. G. Swan River Reservoir No. 3**: This water right was decreed by the Water Court on August 15, 1984, in Consolidated Case Nos. 80CW444, 81CW107, 81CW487, and 81CW488 for 11,800 acre-feet for municipal, irrigation, domestic, commercial, industrial, piscatorial, snowmaking, and wildlife preservation purposes, with an appropriation date of December 1, 1981. Subsequent decrees confirming the exercise of reasonable diligence for Swan River Reservoirs Nos. 1-5 were entered in Case Nos. 96CW140 (Oct. 15, 1996), 02CW72 (Sept. 3, 2003), and 09CW126 (Oct. 20, 2011). The center point of the dam is located at a point N. 79°36'42" W. a distance of 7,617.36 feet from the SE corner of Section 14, Township 6 South, Range 77 West of the 6<sup>th</sup> P.M. This point is in the SW1/4 of the SE1/4 of Section 15, Township 6 South, Range 77 West of the 6<sup>th</sup> P.M., at a point 1,280 feet from the south section line and 2,270 feet from the east section line of said Section 15. See **Exhibit B. H. Swan River Reservoir No. 4**: This water right was decreed by the Water Court on August 15, 1984, in Consolidated Case Nos. 80CW444, 81CW107, 81CW487, and 81CW488 for 11,800 acre-feet for

municipal, irrigation, domestic, commercial, industrial, piscatorial, snowmaking, and wildlife preservation purposes, with an appropriation date of December 1, 1981. Subsequent decrees confirming the exercise of reasonable diligence for Swan River Reservoirs Nos. 1–5 were entered in Case Nos. 96CW140 (Oct. 15, 1996), 02CW72 (Sept. 3, 2003), and 09CW126 (Oct. 20, 2011). The center point of the dam is located at a point N. 74°12'56" W. a distance of 5,251.53 feet from the SE corner of Section 14, Township 6 South, Range 77 West of the 6<sup>th</sup> P.M. This point is in the NW1/4 of the SW1/4 of Section 14, Township 6 South, Range 77 West of the 6<sup>th</sup> P.M., at a point 1,450 feet from the south section line and 150 feet from the west section line of said Section 14. *See Exhibit B. I. Swan River Reservoir No. 5:* This water right was decreed by the Water Court on August 15, 1984, in Consolidated Case Nos. 80CW444, 81CW107, 81CW487, and 81CW488 for 9,100 acre-feet for municipal, irrigation, domestic, commercial, industrial, piscatorial, snowmaking, and wildlife preservation purposes, with an appropriation date of December 1, 1981. Subsequent decrees confirming the exercise of reasonable diligence for Swan River Reservoirs Nos. 1–5 were entered in Case Nos. 96CW140 (Oct. 15, 1996), 02CW72 (Sept. 3, 2003), and 09CW126 (Oct. 20, 2011). The northeast end of the dam is located at a point S. 40°06'17" E. a distance of 3,068.77 feet from the NW corner of Section 24, Township 6 South, Range 77 West of the 6<sup>th</sup> P.M. This point is in the SE1/4 of the NW1/4 of Section 24, Township 6 South, Range 77 West of the 6<sup>th</sup> P.M., at a point 2,340 feet from the north section line and 2,100 feet from the west section line of said Section 24. *See Exhibit B. 4. Detailed outline of work done to complete the project and apply water to beneficial use:* The water rights described in paragraph 3 above are part of an integrated water supply system for the Town, as confirmed in the decree in Case No. 95CW226. Work done on any component of the system advances the whole. A map of the Town's water service area is attached as **Exhibit D**. Evidence of the Town's diligence activities includes, but is not limited to, the following: A. On June 5, 2016, the Town obtained from the Water Court a decree in Case No. 15CW3121 allowing an alternative point of diversion for the Swan River Water System on Gold Run Gulch to irrigate the Town's golf course. In doing so, the Town incurred approximately \$6,600 in engineering fees, as well as approximately \$7,000 in legal fees. B. Since October 2012, the Town has spent approximately \$5.2 million on the development and construction of a second water treatment plant. The expenses incurred include costs for designing, engineering, surveying, environmental testing, permitting, excavating, and constructing this treatment plant, together with the associated legal fees. A second water treatment plant is essential to the Town's ability to provide enough water for future growth at full build-out. C. On June 9, 2015, the Town obtained from the Water Court a decree in Case No. 13CW3094 for a conditional water right, a change of water right, and approval of a plan for augmentation and exchange for the Breckenridge Pipeline and the Breckenridge Pipeline Enlargement. This decree provides the water supply for the second water treatment plant. Approximately \$222,000 has been spent in adjudicating this case. D. Between October 2011 and October 2017, the Town spent almost \$1.5 million on improvements and construction on Goose Pasture Tarn, the Town's primary source of storage water. Expenses incurred include costs for engineering, construction, consulting, and pest remediation. E. The Town spent approximately \$23,000 on its Water Distribution Model to determine the use of water in connection with the Town's current and future growth. F. The Town applied for and received decrees for a number of water rights, including a finding of diligence and storage of 2,500 acre-feet of water from the Goose Pasture Reservoir 1<sup>st</sup> Enlargement in McCain Reservoir (Case Nos. 13CW45 and 13CW47 decreed on September 11, 2014); a diligence finding for the Blue River Well No. 3, First Enlargement (Case No. 15CW3048 decreed on January 24, 2016); and a diligence finding and making of conditional water absolute for the Miners Creek Ditch (Case No. 17CW3000 decreed on June 18, 2017). G. All of the foregoing work and expenditures are necessary prerequisites to applying the subject conditional water rights to the beneficial use for which they are decreed. 5. Ownership: The Breckenridge Pipeline diversion structure and pipeline are mainly located on land owned by the Town. A portion of the land upon which the Breckenridge Pipeline is located is owned by Robin G. Theobald, P.O. Box 37, Breckenridge, CO 80424. Land upon which Maggie Pond is located is owned by Columbine Homeowners Association, C/O Blue River Management, P.O. Box 1952, Breckenridge, CO 80424 and Village at Breckenridge Acquisition Group, C/O Vail Resorts Management, 390 Interlock Cres, Suite 1000, Broomfield, CO 80021-8056. A portion of land upon which the Breckenridge Pipeline is located near the new water plant is owned by the Denver Board of Water Commissioners, 144 W. Colfax Ave., Denver, CO 80202. The Swan River Water System diversion structure is located on land owned by the Summit County Board of Commissioners, P.O. Box 68, Breckenridge, CO 80424. The center of the dam of the Swan River Reservoir No. 1 is located on land owned by the Summit Estates Homeowners Association, P.O. Box 4959, Breckenridge, CO 80424-4959. Swan River Reservoir No. 2 is located on land owned by the Kevin T. Smith Trust Dated 1/13/14, 2202 S. Milwaukee St., Denver, CO 80210-4830. Swan River Reservoir No. 3 is located on land owned by Robert D. Blass, P.O. Box 7626, Breckenridge, CO 80424-7626. The center of the dam of the Swan River Reservoir No. 4 is located on land owned by the Summit County Board of Commissioners, P.O. Box 68, Breckenridge, CO 80424. The center of the dam of the Swan River Reservoir No. 5 is located on land owned by Rock Island Land Company, LLC, P.O. Box 1012, Breckenridge, CO 80424. WHEREFORE, the Town seeks a finding that it has exercised reasonable diligence with respect to the water rights identified in paragraph 3 above and such other and further relief as this Court deems just and proper. (8 pages + exhibits)

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**17CW3181** DISTRICT COURT, WATER DIVISION NO. 5, COLORADO, STATE OF COLORADO, Garfield County Courthouse, 109 8th Street, Suite 104, Glenwood Springs, CO 81601. IN THE MATTER OF THE APPLICATION FOR WATER RIGHTS OF AMERICAN GYPSUM COMPANY LLC, IN **EAGLE COUNTY, COLORADO APPLICATION FOR FINDINGS OF REASONABLE DILIGENCE.** 1. Name, address and telephone number of applicant: American Gypsum Company LLC, P.O. 980, 740 Highway 6, Gypsum, Colorado 81637. (970)524-9700. Direct all pleadings to: Michael F. Browning, Porzak Browning & Bushong LLP, 2120 13<sup>th</sup> Street, Boulder, Colorado 80302. 2. Name of structures: American Gypsum Enlargement and American Gypsum Exchange Enlargement. 3. Description of conditional water rights: (a) Decree: Decreed by the District Court in and for Water Division No. 5 in Case No. 07CW125 on October 19, 2011. (b) Decreed locations: The American Gypsum Enlargement allows an additional 56 acre feet to be diverted at Eagle Gypsum Well Nos. 1, 2, and 3, Well F, and the American Gypsum Well Field as alternate and supplement points of diversion for the American Gypsum Enlargement. The decreed location of those structures is as follows: (i) Eagle Gypsum Well No 1 – In the NW1/4 NE1/4 of Section 5, T. 5 S., R. 85 W. of the 6<sup>th</sup> P.M. at a point whence the witness corner to the NW Corner of said Section 5 bears N. 70E05' W. a distance of 3034 feet. Said location is also 935 feet from the North line of said Section 5 and 2450 feet from the East line of said Section 5. (ii) Eagle Gypsum Well No. 2 -- In the NW1/4 NE1/4 of Section 5, T. 5 S., R. 85 W. of the 6<sup>th</sup> P.M. at a point whence the witness corner to the NW Corner of said Section 5 bears N. 67E54' W. a distance of 2869 feet. Said location is also 980 feet from the North line of said Section 5 and 2644 feet from the East line of said Section 5. (iii) Eagle Gypsum Well No. 3 -- In the NW1/4 NE1/4 of Section 5, T. 5 S., R. 85 W. of the 6<sup>th</sup> P.M. at a point whence the witness corner to the NW Corner of said Section 5 bears N. 72E02' W. a distance of 3204 feet. Said location is also 890 feet from the North line of said Section 5 and 2255 feet from the East line of said Section 5. (iv) Well F - In the NW1/4NE1/4 of Section 5, Township 5 South, Range 85 West of the 6<sup>th</sup> P.M. at a point 1175 feet from the North section line and 1990 feet from the East section line of said Section 5. (v) American Gypsum Well Field -- In the NW1/4NE1/4 of Section 5, Township 5 South, Range 85 West of the 6<sup>th</sup> P.M. beginning at a point 1,315 feet from the North section line and 1,730 feet from the East section line of said Section 5, thence North 02 degrees 11 minutes West a distance of 1,062.04 feet, thence due West a distance of 641.56 feet, thence due South a distance of 887.21 feet, thence South 75 degrees 41 minutes East a distance of 703.94 feet to the point of beginning. The American Gypsum Exchange Enlargement allows 66 acre feet of water to be exchanged over and above the 270 acre feet allowed to be exchanged under the Eagle Gypsum Exchange decreed in Case Nos. 89CW132, 91CW109 and 02CW391. The exchange reach is from the confluence of the Eagle River and Colorado River, up the Eagle River to the Eagle Gypsum Well Nos. 1, 2, and 3, Well F, and the American Gypsum Well Field described above and to the Eagle River Intakes. Eagle River Intake No. 1 will be located on the south bank of the Eagle River in the NE1/4NW1/4 of Section 5, Township 5 South, Range 85 West of the 6<sup>th</sup> P.M., at a point 765 feet from the North section line and 2,165 feet from the West section line of said Section 5. Eagle River Intake No. 2 will be located on the south bank of the Eagle River in the NW1/4NE1/4 of said Section 5, at a point 710 feet from the North section line and 1,785 feet from the East section line of said Section 5. (c) Source: Eagle River, a tributary of the Colorado River. (d) Appropriation date: June 29, 2007 as to both. (e) Amount: American Gypsum Enlargement – 56 acre feet a year. American Gypsum Exchange Enlargement – 66 acre feet per year. (f) Use: Industrial and landscape irrigation. 4. Detailed outline of work done to complete project and apply water to beneficial use: Applicant has undertaken the following specific activities within the last six years that demonstrate its diligence with regard to the subject conditional amounts: (a) The “exchange to” points for the subject exchange enlargement include Eagle Gypsum Well Nos. 1, 2 and 3, per the decree entered in Case No. 02CW391. Each such well was decreed for 1 cfs, with a combined instantaneous diversion rate of 1 cfs. In Case No. 12CW149, Applicant sought and obtained findings of reasonable diligence with respect to the pumping rates to these wells that remained conditional. (b) The “exchange to” points for the subject exchange enlargement include Well F and the American Gypsum Well Field, per the decree entered in Case No. 02CW391. In Case No. 11CW58, Applicant sought and obtained a decree making portions of the conditional water rights decreed to these structures absolute, and a finding of diligence with respect to their remaining conditional amounts. (c) Applicant has pending in Case No. 17CW3118 an application for diligence with respect to the underlying Eagle Gypsum Exchange. All diligence activities set forth in such application are claimed as diligence in this application. (d) Applicant continues to operate and improve the water supply system of which the exchange is an integral feature, and its wallboard manufacturing plant that is served by such system. Applicant still projects that the subject enlargements will be needed for industrial uses, including dust suppression, as the plant reaches full capacity. (e) Applicant has maintained in full force and effect contracts for 270 acre feet of water from each of Green Mountain Reservoir and Wolford Mountain Reservoir, which water would be the source of water for the American Gypsum Exchange Enlargement. Applicant also has continued its contract for 20 acre feet annually of water from Eagle Park Reservoir. (f) Applicant has also actively participated as an objector in other water court cases that could adversely affect its water rights, including those pending as Case Nos. 11CW201 and 14CW3167. 6. Ownership. Applicant owns all of the structures involved, and has current contracts/leases for the water to be exchanged. A map depicting the location of the structures involved in this application is attached as Exhibit A. WHEREFORE, Applicant requests that the Court enter a decree finding diligence with respect to the amounts decreed to the American Gypsum Enlargement and the American Gypsum Exchange Enlargement. (5 pages + exhibits)

**YOU ARE HEREBY NOTIFIED THAT YOU HAVE until the last day of DECEMBER 2017 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: \$158.00) 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 OCTOBER 2017. *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.***

**17CW3182 (11CW38, 98CW55) PITKIN COUNTY – CASTLE CREEK ALLUVIUM, TRIBUTARY TO CASTLE CREEK, TRIBUTARY OF ROARING FORK RIVER.** Stephen R. Colen and Helen S. Colen c/o Kevin L. Patrick, Esq. Patrick, Miller & Noto, P.C., 229 Midland Ave., Basalt, CO 81621 (970) 920-1030. APPLICATION FOR FINDING OF REASONABLE DILIGENCE.

**First Claim:** CCVR Well No. 5. Date of original decree: April 30, 1992. Case No. 90CW243, Division 5 Water Court. Legal: Section 23, Township 10 South, Range 85 West of the 6th P.M. whence the northwest corner of said Section 23 bears North 31°33'38" West 4974.42 feet. Map is on file with the court as Exhibit A. Source: Castle Creek alluvium, tributary to Castle Creek, tributary to Roaring Fork River. Appropriation date: July 24, 1989. Amount: 30 gpm conditional. Use: Domestic, irrigation, stockwatering and fire protection. Depth: 320 ft. **Second Claim:** CCVR Well No. 5B. Date of original decree: April 30, 1992. Case No. 90CW243, Division 5 Water Court. Legal: Section 23, Township 10 South, Range 85 West of the 6th P.M. whence the northwest corner of said Section 23 bears North 29°39'07" West 5089.91 feet. Map is on file with the court as Exhibit A. Source: Castle Creek alluvium, tributary to Castle Creek, tributary to Roaring Fork River. Appropriation date: July 24, 1989. Amount: 30 gpm conditional. Use: Irrigation and stockwatering. Depth: not drilled. A detailed description of the work done to complete appropriation, including expenditures, is on file with the court in Paragraph 4 of the Application. Applicant owns the land on which the above water rights are used.

**YOU ARE HEREBY NOTIFIED THAT YOU HAVE until the last day of DECEMBER 2017 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: \$158.00) 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 OCTOBER 2017. *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.***

**17CW3183 (11CW49, 04CW54 & 97CW240) EAGLE COUNTY – FRYING PAN RIVER, TRIBUTARY TO ROARING FORK RIVER.** Castle Ridge Co, LLC c/o Kevin L. Patrick, Esq. Patrick, Miller & Noto, P.C., 229 Midland Ave., Basalt, CO 81621 (970) 920-1030. APPLICATION FOR FINDING OF REASONABLE DILIGENCE. **First Claim:** F/L Well No. 1. Date of original decree: July 24, 1992. Case No. 90CW160, Division 5 Water Court. Legal: 1,700 feet from the South Section line and 2,600 feet from the East Section line, Section 1, Township 8 South, Range 86 West of the 6th P.M. (NWSE). Map is on file with the court as Exhibit A. Source: Frying Pan River, tributary to Roaring Fork River. Appropriation date: July 18, 1990. Amount: 15 gpm conditional. Use: Domestic, irrigation, stockwatering and fire protection. Depth: 400 ft. **Second Claim:** F/L Well No. 2. Date of original decree: July 24, 1992. Case No. 90CW160, Division 5 Water Court. Legal: 1,000 feet from the South Section line and 2,670 feet from the East Section line, Section 1, Township 8 South, Range 86 West of the 6th P.M. (SWSE). Map is on file with the court as Exhibit A. Source: Frying Pan River, tributary to Roaring Fork River. Appropriation date: July 18, 1990. Amount: 15 gpm conditional. Use: Domestic, irrigation, stockwatering and fire protection. Depth: not drilled. **Third Claim:** F/L Well No. 3. Date of original decree: July 24, 1992. Case No. 90CW160, Division 5 Water Court. Legal: 450 feet from the South Section line and 2,650 feet from the East Section line, Section 1 Township 8 South, Range 86 West of the 6<sup>th</sup> P.M. (SWSE). Map is on file with the court as Exhibit A. Source: Frying Pan River, tributary to Roaring Fork River. Appropriation date: July 18, 1990. Amount: 15 gpm conditional. Use: Domestic, irrigation, stockwatering and fire protection. Depth: not drilled. **Fourth Claim:** F/L Well No. 4. Date of original decree: July 24, 1992. Case No. 90CW160, Division 5 Water Court. Legal: 50 feet from the North Section line and 2,600 feet from the East Section line, Section 12, Township 8 South, Range 86 West of the 6th P.M. (NWNE). Map is on file with the court as Exhibit A. Source: Frying Pan River, tributary to Roaring Fork River. Appropriation date: July 18, 1990. Amount: 15 gpm conditional. Use: Domestic, irrigation, stockwatering and fire protection. Depth: not drilled. A detailed description of the work done to complete appropriation, including expenditures, is on file with the court in Paragraph 4 of the Application. Applicant owns the land on which the above water rights are used.

**YOU ARE HEREBY NOTIFIED THAT YOU HAVE** until the last day of **DECEMBER 2017** 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: \$158.00) 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 OCTOBER 2017. *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.***

**17CW3184 GRAND COUNTY – WATER DIVISION NO.5.** (1) Joseph P. Kaul and Catherine J. Kaul, 14189 W. Amherst Ave, Lakewood Co 80228, (303)887-4518 (2) c/o Stanley W Cazier, Cazier & McGowan, PO Box 500, Granby, Co 80446,(970) 887-3376. (3) **APPLICATION FOR FINDING OF REASONABLE DILIGENCE.** (4) Name of Structures: Kaul Well No.1 and Exchange. (5) Source: Ground water hydraulically connected to Granby Reservoir, tributary to the Colorado River. (6) Exchange Water/Rate: Granby Reservoir and/or Wolford Mountain Reservoir at a rate of 0.00025 cfs for total exchange not exceeding 0.2 af/yr pursuant to a Water Allotment Contract with Middle Park Water Conservancy District. (7) Exchange Reach: The Confluence Muddy Creek and the Colorado River in Sect 19, TIN, R80W, 6<sup>th</sup> P.M. at approximately 2000 feet West of the East line and 100 feet South of the North line and the Colorado River to the outlet of Lake Granby in Sect 11, T2N, R79W, 6<sup>th</sup> P.M. at approximately 850 feet West of the East line and 2275 feet North of the South line. (8) Location of Kaul Well No. 1: SW1/4SE1/4, Sect 24, T3N, R76W, 6<sup>th</sup> P.M., a distance of 800 feet from the South section line and a distance of 2400 feet from the East section line. (9) Original Appropriation Date: October 27, 2003. (10) Original Decree: January 14, 2005, Case No. 03CW225. (11) Additional Information: Applicants request a finding of diligence on the conditional appropriative right of exchange awarded in Case No. 03CW225. Listing of activities supporting diligence found in the Application. (19 pages.)

**YOU ARE HEREBY NOTIFIED THAT YOU HAVE** until the last day of **DECEMBER 2017** 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: \$158.00) KATHY POWERS, Water Clerk, Water Division 5; 109 8th Street, Suite 104 Glenwood Springs, CO 81601.

**9. PURSUANT TO C.R.S., §37-92-302, AS AMENDED, YOU ARE NOTIFIED THAT THE FOLLOWING PAGES COMPRISE A RESUME OF THE APPLICATIONS AND AMENDED APPLICATIONS FILED WITH THE WATER CLERK FOR WATER DIVISION 5 DURING THE MONTH OF OCTOBER 2017. *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.***

**17CW3185 Eagle County, Colorado, Muddy Creek and Alkali Creek, Eagle River, Colorado River.** 4 Eagle Ranch, LLC, c/o Dewayne Davis P.O. Box 70, Wolcott, CO 81655, direct all correspondence to Jeffrey J. Conklin, Karp Neu Hanlon, P.C., P.O. Drawer 2030, Glenwood Springs, CO 81602. **APPLICATION FOR FINDING OF REASONABLE DILIGENCE.** Date of original decree: March 24, 2005 in Case No. 01CW371. Subsequent decrees: Case No. 11CW45 entered on October 30, 2011. **First Claim: For Diligence for Underground Water Right. 4 Eagle Slough Diversion.** Location: Within a 300-foot radius of a point in the SW1/4 of the SE1/4 of Section 34, Township 3 South, Range 83 West of the 6th P.M. that is 200 feet north of South Section line and 2,100 feet west of the East Section line of Section 34. Source: Groundwater tributary to an unnamed tributary of Muddy Creek and Alkali Creek, tributary to the Eagle River, tributary to the Colorado River. Appropriation date: August 15, 2000. Amount and use: 1.997 c.f.s. conditional, for domestic, commercial, and stock watering; 0.003 c.f.s., absolute, for domestic, commercial, and stock watering. Remarks: The 4 Eagle Slough Diversion is permitted under Colorado Division of Water Resources Well Permit No. 66969-F. Out of priority depletions attributable to domestic and commercial use of 4 Eagle Slough Diversion water are replaced by the plan for augmentation approved in Case No. 01CW371 through the appropriative rights of exchange that are subject of the Second Claim and Third Claim. Landowner: City and County of Denver, c/o Board of Water Commissioners. **Second Claim: For Diligence for Appropriative Right of Exchange. Eagle Park Reservoir – 4 Eagle Slough Diversion Exchange.** Exchange reach location: Upper terminus: The point of diversion for the 4 Eagle Slough Diversion described above. Lower terminus: The confluence of the Eagle River and Alkali Creek generally located in the NE1/4 of the NE1/4 of Section 16, Township 4 South, Range 83 West of the 6th P.M. at a point approximately 1,045 feet south of the North Section line and 547 feet west of the East Section line of Section 16. Rate of exchange: 0.004 c.f.s., conditional. Appropriation date: August 15, 2000. Use: Augmentation of depletions attributable to domestic and commercial use of 4 Eagle Slough Diversion water. Operation of exchange: Under Applicant's water supply contract with the Colorado River Water Conservation District, Contract No. CW02036, and the plan for augmentation approved in Case No. 01CW371, all depletions for use of 4 Eagle Slough Diversion water are replaced by water released from either or a combination of Eagle Park

Reservoir and Homestake Reservoir. Water is exchanged from the lower terminus up Alkali Creek and Muddy Creek, from its confluence with Alkali Creek generally located in Section 3, Township 4 South, Range 83 West of the 6th P.M., then up the branches of the unnamed tributary to the actual point of diversion of the 4 Eagle Slough Diversion. **Third Claim: For Diligence for Appropriative Right of Exchange.** Homestake Reservoir – 4 Eagle Slough Diversion Exchange. Exchange reach location: Upper terminus: The actual point of diversion for the 4 Eagle Slough Diversion described above. Lower terminus: See lower terminus description for the Eagle Park Reservoir exchange described above. Rate of exchange: 0.004 c.f.s., conditional. Appropriation date: August 15, 2000. Use: Augmentation of depletions attributable to domestic and commercial use of 4 Eagle Slough Diversion water. Operation of exchange: See exchange operation description for the Eagle Park Reservoir exchange described above. Diligence: The Application contains a detailed outline of what has been done towards perfecting the appropriation of the subject conditional water rights. (8 pp. including exhibits).

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**10. PURSUANT TO C.R.S., §37-92-302, AS AMENDED, YOU ARE NOTIFIED THAT THE FOLLOWING PAGES COMPRISE A RESUME OF THE APPLICATIONS AND AMENDED APPLICATIONS FILED WITH THE WATER CLERK FOR WATER DIVISION 5 DURING THE MONTH OF OCTOBER 2017. *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.***

**17CW3186 GARFIELD COUNTY** 1. Brent Baker and Gena Baker, 253 Tamarisk Trail, Parachute CO 81635, by Aaron R. Clay, P.O. Box 38, Delta CO 81416, 970-874-9777. APPLICATION FOR FINDING OF REASONABLE DILIGENCE 2. Name of Structure: **Radar Spring a/k/a Rader Spring.** 3. Date of Original Decrees: September 9, 2002 Case No. 00CW093; Diligence granted in case 08CW124; 4. Legal Description: NE1/4NE1/4, Section 2, Township 8 South, Range 96 West, 6<sup>th</sup> P.M., approximately 4902.3 feet east of the west section line and 165.7 feet south of the north section line of said Section 2. 5. Amount and Uses: .067 c.f.s. (30 gpm) conditional for irrigation, domestic, and fire protection. 6. Source of Water: spring tributary to an unnamed gulch tributary to the Colorado River. 7. The Application sets forth an outline of work performed during the diligence period. No claim of absolute use is made.

**YOU ARE HEREBY NOTIFIED THAT YOU HAVE until the last day of DECEMBER 2017 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: \$158.00) KATHY POWERS, Water Clerk, Water Division 5; 109 8th Street, Suite 104 Glenwood Springs, CO 81601.**

**11. PURSUANT TO C.R.S., §37-92-302, AS AMENDED, YOU ARE NOTIFIED THAT THE FOLLOWING PAGES COMPRISE A RESUME OF THE APPLICATIONS AND AMENDED APPLICATIONS FILED WITH THE WATER CLERK FOR WATER DIVISION 5 DURING THE MONTH OF OCTOBER 2017. *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.***

**17CW3187 EAGLE COUNTY, COLORADO RIVER ALLUVIUM.** Application for Finding of Reasonable Diligence, Richard Mayne, c/o Balcomb & Green, P.C. Post Office Drawer 790, Glenwood Springs, CO 81602. Summary of Application: The Applicant seeks a finding of reasonable diligence in the development of his conditional water rights, Siloam Springs Well Field No. 4 and Siloam Springs Pump and Pipeline No. 4 as decreed in Case No. 03CW218. The subject water rights are located on Lot 4 of the Siloam Springs Subdivision (the "Subdivision"). A map depicting the general location of the property is attached to the Application as Exhibit A. The Applicant was the developer of the Subdivision and has since conveyed four of the five lots (Lots 1, 2, 3, and 5) along with the associated water rights decreed in Case No. 03CW218. Applicant retains ownership of Lot 4, on which the subject conditional water rights are located. Structure: **Siloam Springs Well No. 4.** Decree Information: Case No. 03CW218 entered on 3/3/2005 in District Court, Water Division 5 and Case No. 11CW46 entered on 10/30/2011 in District Court, Water Division 5. Legal: As more particularly described and confirmed in Case No. 11CW46, the well is a constructed monitoring hole (Permit No. 258737) that is 40 ft. deep and located on Lot 4 of the Siloam Springs Subdivision in the SW1/4 SW1/4, Sec. 6, T. 5 S., R. 86 W. of the 6th P.M., a distance of 60 ft. from the S. sec. line and 625 ft. from the W. sec. line. Appropriation Date: 9/30/2003. Amnt.: 15 g.p.m. conditional. Use: Domestic water for a single-family residence and irrigation of approximately 500 sq. ft. Legal Description of Irrigated Acreage: Lawns and gardens within the Siloam Springs Subdivision located in Tract 37, Sec. 6 and 7, T. 5 S., R. 86 W. of the 6th P.M. and in Sec. 12, T. 5 S., R. 87 W. of the 6th P.M. and in Tract 44, Sec. 6, T. 5 S., R. 86 W., 6th P.M., Eagle County, Colorado. See map attached to the Application of file with the Court as Exhibit A. Remarks: The well is located in the



Siloam Springs Well Field, which consists of five groundwater rights located within the Subdivision and described in Case No. 03CW28 as a parcel of land located in Tract 37 in Sec. 6 and 7, T. 5 S., R. 86 W., 6th P.M. and in Sec. 12, T. 5 S., R. 87 W. of the 6th P. M. and in Tract 44 in Sec. 6, T. 5 S., R. 86 W., 6th P.M., Eagle County, Colorado, more particularly described as follows: Beginning at a brass cap found at Angle Point 1 of said Tract 37; Thence S. 300 ft. along the easterly line of said Tract 37 to the centerline of the Colorado River; Thence S. 49° E. 37' 09" W. 667.08 ft. along said centerline; Thence N. 83° 38' 22" W. 1095.72 ft. to the southerly right-of-way line of Interstate 70; Thence N. 66° 12' 30" E. 902.90 ft. along said right-of-way line; Thence N. 59° 25' 30" E. 516.30 feet along said right-of-way line; Thence N. 50° 57' 30" E. 722.10 ft. along said right-of-way line; Thence N. 43° 36' 00" E. 77.00 ft. along said right-of-way line; Thence departing said right-of-way line, S. 45° 30' 00" E. 300.00 ft. to the centerline of the Colorado River; Thence S. 57° 45' 02" W. 592.96 ft. to the True Point of Beginning, containing 17.493 acres, more or less . Surface Structures: **Siloam Springs Pump and Pipeline No. 4.** Decree Information: Case No. 03CW218 entered on 3/3/2005 in District Court, Water Division 5 and Case No. 11CW46 entered on 10/30/2011 in District Court, Water Division 5. Legal Description: The structure will divert from the right, or north bank, of the Colorado River in T. 5 S., R. 85 W. of the 6th P.M., at a point whence the southwest corner of Sec. 6, bears S. 82° 13' 37" W., a distance of 753 ft. Appropriation Date: 9/30/2003. Amnt.: 15 g.p.m. (0.033 c.f.s.), conditional. Use: Irrigation of approximately 5,000 sq. ft. of lawn and garden. Legal Description of Irrigated Acreage: Lawns and gardens within the Siloam Springs Subdivision located in Tract 37, Sec. 6 and 7, T. 5 S., R. 86 W. of the 6th P.M. and in Sec. 12, T. 5 S., R. 87 W. of the 6th P.M. and in Tract 44, Sec. 6, T. 5 S., R. 86 W., 6th P.M., Eagle County, Colorado. See map attached to the Application as Exhibit A. Name and address of owner or reputed owner 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. Detailed outline of what has been done toward completion or for completion of the Approp. and application of water to a beneficial use as conditionally decreed, including expenditures is included in the Application on file with the water court. (6 pgs, 1 exhibit).

**YOU ARE HEREBY NOTIFIED THAT YOU HAVE until the last day of DECEMBER 2017 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: \$158.00) KATHY POWERS, Water Clerk, Water Division 5; 109 8th Street, Suite 104 Glenwood Springs, CO 81601.**

**12. PURSUANT TO C.R.S., §37-92-302, AS AMENDED, YOU ARE NOTIFIED THAT THE FOLLOWING PAGES COMPRISE A RESUME OF THE APPLICATIONS AND AMENDED APPLICATIONS FILED WITH THE WATER CLERK FOR WATER DIVISION 5 DURING THE MONTH OF OCTOBER 2017. *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.***

**17CW3188 (10CW259, 02CW62, 94CW247) ROUTT COUNTY – ELK CREEK, RED DIRT CREEK, EGERIA CREEK, TRIBUTARY TO COLORADO RIVER.** King Creek Ranch Agricultural of Wyoming, LLC & Leroy Kirby, c/o Scott C. Miller, Esq., Patrick, Miller & Noto, P.C., 229 Midland Ave., Basalt, CO 81621 (970) 920-1030. APPLICATION FOR FINDING OF REASONABLE DILIGENCE. **First Claim:** Grimes-Brooks Reservoir Second Enlargement Refill Right. Date of original decree: October 12, 1988. Case No. 87CW384, Division 5 Water Court. Legal: S½ SW¼ of Section 4, SE¼ SE¼ of Section 5, and the N½ NW¼ of Section 9, all in Township 1 South, Range 84 West of the 6<sup>th</sup> P.M., and the initial point of survey of said Reservoir which is a point on the Northeasterly end of the dam at a high water line is located at a point whence the North Quarter Corner of Section 10, Township 1 South, Range 84 West of the 6<sup>th</sup> P.M. bears North 86°42' East, 6,335 feet. Map is on file with the court as Exhibit A. Source: Elk Creek through Grimes-Brooks Feeder Ditch No. 2; Red Dirt Creek through the Grimes-Brooks Feeder Ditch No. 2; and Egeria Creek through the Grimes Brooks Intake Ditch, all tributary to the Colorado River. Appropriation date: August 31, 1985. Amounts and Uses: 26 acre-feet for domestic and hydroelectric; 298 acre-feet for irrigation of 140 acres, wildlife, piscatorial and recreation. A detailed description of the work done to complete appropriation, including expenditures, is on file with the court as Exhibit B. Applicant owns the land on which the above water rights are used.

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**13. PURSUANT TO C.R.S., §37-92-302, AS AMENDED, YOU ARE NOTIFIED THAT THE FOLLOWING PAGES COMPRISE A RESUME OF THE APPLICATIONS AND AMENDED APPLICATIONS FILED WITH THE WATER CLERK FOR WATER DIVISION 5 DURING THE MONTH OF OCTOBER 2017. *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.***

**17CW3189 (REF NO. 09CW193). GRAND COUNTY. 1. Applicant:** Mark Klingenmeier, 1049 Southbury Pl., Highlands Ranch, CO 80129 (303) 744.5599 c/o Bernard F. Gehris, Burns Figa & Will, P.C., 6400 S. Fiddlers Green Cir., Ste 1000 Greenwood Village, CO 80111 (303) 796-2626. Application for Finding of Reasonable Diligence. **2. Structures and Legal Descriptions:** **A.** Klingenmeier Pond: Centerline of Dam is located in the SE1/4 of the NW1/4 of Section 36, T2N, R82W of the 6th P.M., Grand County, Colorado, 1850 feet from the west line and 1740 feet from the north line of said Section 36. **B.** Klingenmeier Diversion: Located in the SE1/4 of the NW1/4 of Section 36, T2N, R82W of the 6th P.M., Grand County, Colorado, 2125 feet from the west line and 2400 feet from the north line of said Section 36. **C.** Klingenmeier Spring: Located in the SE1/4 of the NW1/4 of Section 36, T2N, R82W of the 6th P.M., Grand County, Colorado, 2025 feet from the west line and 1915 feet from the north line of said Section 36. **3. Original Decree:** **A.** Case No.: 09CW193 **B.** Decree Date: October 20, 2011 **D.** Source: Crazy Man Creek, tributary to Pass Creek, tributary to Muddy Creek, tributary to the Colorado River; and natural seeps, springs, surface runoff, seepage, and groundwater tributary thereto. Klingenmeier Pond is filled by the Klingenmeier Diversion and natural drainage into the Pond. **E.** Appropriation Dates for all structures June 1, 1971 for absolute uses and December 31, 2009 for all conditional uses. **F.** Decreed Amounts: **1)** Klingenmeier Pond: 20.0 acre-feet (absolute for recreation, piscatorial, and aesthetics; conditional for other decreed uses listed below), together with one annual refill (conditional). **2)** Klingenmeier Diversion: 2.0 c.f.s. absolute for recreation and piscatorial and conditional for other decreed uses (listed below) except irrigation; and 0.25 c.f.s. conditional for irrigation. **3)** Klingenmeier Spring: 1 g.p.m. (absolute for domestic and lawn irrigation; conditional for other decreed uses listed below). **G.** Conditionally Decreed Uses: **1)** Pond: irrigation (including agricultural and lawn irrigation), domestic, stock watering, commercial, wildlife conservation associated with the surface of the Pond, fire protection, flood control, substitution, replacement, and exchange. **2)** Diversion: irrigation (including agricultural and lawn irrigation), domestic, stock watering, commercial, wildlife conservation associated with the surface of the Pond, fire protection, substitution, replacement, and exchange. **3)** Spring: Recreation, piscatorial, stock watering, commercial, wildlife conservation, fire protection, substitution, replacement, and exchange. **4. Outline of Diligence:** A complete list of diligence activities and expenditures is included in the application on file with the court. The work performed is evidence of Applicant's continuing intent to develop his conditional water rights. Applicant intends to develop the conditional water rights as decreed to all structures. Full development of these conditional water rights by Applicant is feasible, and there is no intent to abandon any of the conditional water rights. **5. Ownership:** Marguerite E. Klingenmeier owns most of the land upon which the water structures are located and the above-described location of beneficial use. Samuel J. Dreith owns land upon which a small portion of the Pond and its outlet structure are located.

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**14. PURSUANT TO C.R.S., §37-92-302, AS AMENDED, YOU ARE NOTIFIED THAT THE FOLLOWING PAGES COMPRISE A RESUME OF THE APPLICATIONS AND AMENDED APPLICATIONS FILED WITH THE WATER CLERK FOR WATER DIVISION 5 DURING THE MONTH OF OCTOBER 2017. *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.***

**17CW3190 (10CW126, 03CW27, 96CW257, 90CW125).** J. Scott Bradley, 309 Quito Place, Castle Rock, Colorado 80108. Attorneys for Applicant: Stephen C. Larson, Michael S. Davidson, Johnson & Repucci LLP, 2521 Broadway, Suite A, Boulder, Colorado 80304; Telephone: (303) 442-1900. Application for Finding of Reasonable Diligence in **GRAND COUNTY**. Overview. Applicant requests a finding of reasonable diligence with respect to the Indian Springs water rights described herein. A map depicting the location of the subject water rights is attached hereto as Exhibit A. Original and Subsequent Decrees. The original decree for the subject water rights was entered on October 22, 1990 in Case No. 90CW125. The water rights were continued as conditional by the decrees entered Case No. 96CW257 entered on February 26, 1997, Case No. 03CW27 entered on May 19, 2004, and Case No. 10CW126 entered on October 27, 2011. Description of Conditional Water Rights. Names and Locations of Structures. *Indian Springs Diversion No. 1:* Sec. 14, T1S, R76W, at a point 700 feet West of the East line of said section and 300 feet South of the North line of said section. *Indian Springs Diversion No. 2:* Sec. 11, T1S, R76W, of the 6<sup>th</sup> P.M., located at a point 1750 feet West of the East line of said section and 2550 feet North of the South line of said section. *Indian Springs Diversion No. 3:* Sec. 11, T1S, R76W, of the 6<sup>th</sup> P.M., at a point 2000 feet West of the East section line of said section and 1500 feet of the North section line of said section. Sources. Return flow runoff and seepage tributary to Crooked Creek, tributary to Fraser River, tributary to Colorado River. Appropriation Date. April 25, 1990. Amounts and Uses. *Indian Springs Diversion No. 1:* 0.5 cfs, conditional for irrigation uses. *Indian Springs Diversion No. 2:* 0.5 cfs, conditional for irrigation uses. *Indian Springs Diversion No. 3:* 0.25 cfs, conditional for irrigation uses. Claim for Finding of Reasonable Diligence. Applicant seeks to continue as conditional the water rights decreed in Case No. 90CW125 which have not yet been made absolute. During the subject diligence period, the following activities have been performed to put the subject water rights to beneficial use: The Indian Springs water right is delivered to Applicant's property via the Rich Ditch. Applicant has expended thousands of dollars during the diligence period on maintenance and improvements of the Rich

Ditch, including negotiating Rich Ditch maintenance agreements with other parties in the ditch, in part to facilitate delivery of its Indian Springs water rights to Applicant's property via the Rich Ditch. Applicant expended over \$140,000 in engineering fees during the diligence period to protect his right to divert the subject water rights in the Rich Ditch, including to engineer improvements to the Rich Ditch and to oppose statements of opposition filed by other parties in Division 5 Water Court in Case Nos. 06CW280 and 16CW3036; and to analyze the potential value of the subject water rights for the purposes of dedication to Tabernash Meadows Water & Sanitation District as part of a potential water service agreement with or inclusion within the District. Applicant expended approximately \$26,000 in legal fees during the diligence period to protect the subject water rights by opposing statements of opposition filed by other parties in Division 5 Water Court in Case Nos. 06CW280 and 16CW3036. Applicant has incurred approximately \$10,000 in legal fees to analyze the potential value of the subject water rights for the purposes of dedication to Tabernash Meadows Water & Sanitation District as part of a potential water service agreement with or inclusion within the District. Additionally, Applicant has met with the local water commissioner to discuss utilization of the Indian Springs water rights. Name and Address of Landowner upon which any New or Modified Diversion or Storage Structure is Located, Including any Modification to the Storage Pool. All of the structures are on land owned by Applicant. 5 pages.

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**15. PURSUANT TO C.R.S., §37-92-302, AS AMENDED, YOU ARE NOTIFIED THAT THE FOLLOWING PAGES COMPRISE A RESUME OF THE APPLICATIONS AND AMENDED APPLICATIONS FILED WITH THE WATER CLERK FOR WATER DIVISION 5 DURING THE MONTH OF OCTOBER 2017. *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.***

**17CW3191 SUMMIT COUNTY;** Application for Finding of Reasonable Diligence for Conditional Water Right; 1. Applicant: Jeffery and Carol Hjort Family Revocable Trust, PO Box 9836, Breckenridge, CO 80424 2. Name of structure: Well No. SE-53. 3. Description of the Conditional Water Right: a) Date of Original Decree: Case No. 90CW245 entered March 28, 1991 by Water Court, Division 5: b) Subsequent decrees awarding findings of diligence: Case No. 97CW52, decree entered July 9, 1997; Case No. 03CW110, decree entered November 4, 2004, Case No. 10CW283, decree entered October 27, 2011. c) Legal Description: NW ¼ of the NW ¼ of Section 21, Township 6 South; Range 77 West of the 6<sup>th</sup> P.M., Summit County, Colorado at a point 800 feet from North section line and 1000 feet from West section line of said Section 21, Summit County, Colorado. The Location of the well is shown on EXHIBIT A. d) Source: Alluvium and fractured bedrock tributary to the Swan River. e) Appropriation Date: October 30, 1989. Amount: 0.033 cfs. (15 g.p.m.) conditional f) Use: Household use only in a single-family dwelling. g) Depth: Not available. 4. Provide a detailed outline of what has been done toward completion or for completion of the appropriation and application of water to a beneficial use as conditionally decreed, including expenditures: The well will be located on lot 53 of the Summit Estates subdivision, which Applicant owns. Economic conditions during the diligence period have not allowed Applicant to develop a residence on the lot, including construction of the subject well. The subdivision in which Lot 53 is located is zoned as, and is subject to restrictive covenants limiting the lots' use to, residential development for single family homes. Applicant paid annual assessments for the property to the homeowners' association of approximately \$800 per year (approximately \$4,800 total during the diligence period). Applicant also made annual payments of property taxes for the subject property during the diligence period of approximately \$6,000 per year (approximately \$36,000 total during the diligence period). A portion of the taxes goes to the Colorado River Water Conservation District and the Middle Park Water Conservancy District, which are important in maintaining water rights for the property. The valuation of the subject property and taxes paid reflect the property's ability to be developed, which depends on the water supply provided by the subject water right. Well No. SE-53 continues to be included in the plan for augmentation approved in the decree in Case No. 88CW032. Applicant continued to maintain the property by removal of dead trees and other maintenance activities. Applicant also hired undersigned counsel to assist Applicant in filing this application and the well permit application. 5. If a claim to make absolute, water applied to beneficial use: Applicant has not made any portion of the subject water right absolute to date. Applicant reserves the right to claim all or a portion of the subject water right absolute in this case without amending this application if Applicant constructs the well and applies water to beneficial use prior to entry of a decree in this case. 6. Names and addresses of owners of land on which structures are located: Applicant. WHEREFORE, Applicant requests the Court to find that Applicant has been diligent in developing the conditional water right and is entitled to continue the conditional water right for an additional six years.

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**CRCP. (Filing Fee: \$158.00) KATHY POWERS, Water Clerk, Water Division 5; 109 8th Street, Suite 104 Glenwood Springs, CO 81601.**

**16. PURSUANT TO C.R.S., §37-92-302, AS AMENDED, YOU ARE NOTIFIED THAT THE FOLLOWING PAGES COMPRISE A RESUME OF THE APPLICATIONS AND AMENDED APPLICATIONS FILED WITH THE WATER CLERK FOR WATER DIVISION 5 DURING THE MONTH OF OCTOBER 2017. *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.***

**17CW3192** (10CW182, 03CW165, 03CW163, 96CW270, 96CW231, 89CW218, 87CW309). DISTRICT COURT, WATER DIVISION 5, STATE OF COLORADO, 109 Eighth Street, Suite 104, Glenwood Springs, CO 81601. IN THE MATTER OF THE APPLICATION FOR WATER RIGHTS OF THE UPPER EAGLE REGIONAL WATER AUTHORITY IN THE EAGLE RIVER AND ITS TRIBUTARIES IN **EAGLE COUNTY, COLORADO. APPLICATION FOR FINDING OF REASONABLE DILIGENCE** 1. Name, mailing address, email address, and telephone number of applicant: Upper Eagle Regional Water Authority, c/o Manager, 846 Forest Road, Vail, CO 81657. Direct all pleadings to: Porzak Browning & Bushong LLP, Glenn E. Porzak (#2793), Kristin H. Moseley (#28678), Cassidy L. Woodard (#48824) 2120 13<sup>th</sup> Street, Boulder, CO 80302, (303) 443-6800. E-mail: gporzak@pbblaw.com; kmoseley@pbblaw.com; cwoodard@pbblaw.com. 2. Names of structures: A. Cordillera Reservoirs Nos. 1 – 6. B. SCR Diversion Point No. 1. 3. Description of conditional water rights: A. Cordillera Reservoirs Nos. 1–6: i. Original decree: Decreed by the District Court in and for Water Division No. 5 (“Water Court”) in Case No. 87CW309 on July 22, 1988. They were continued in full force and effect in Water Court Case Nos. 87CW309, 96CW231, 03CW163, and 10CW182. ii. Locations: The decreed locations of the reservoirs are as follows, which are depicted on the attached **Exhibit A:** a. Cordillera Reservoir No. 1 is located in Section 12, T5S, R83W of the 6th P.M., the approximate center of said reservoir being located at a point 1,763 feet south of the north section line and 3,472 feet west of the east section line in the SE1/4 of the NW1/4 of said section; b. Cordillera Reservoir No. 2 is located in Section 12, T5S, R83W of the 6th P.M., the approximate center of said reservoir being located at a point 1,334 feet south of the north section line and 2,850 feet west of the east section line in the SW1/4 of the NE1/4 of said section; c. Cordillera Reservoir No. 3 is located in the Section 1, T5S, R83W of the 6th P.M., the approximate center of said reservoir being located at a point 123 feet north of the south section line and 450 feet east of the west section line in the SW1/4 of the SW1/4 of said section; d. Cordillera Reservoir No. 4 is located in Section 1, T5S, R83W of the 6th P.M., the approximate center of said reservoir being located at a point 985 feet north of the south section line and 1,830 feet west of the east section line in the SW1/4 of the SE1/4 of said section; e. Cordillera Reservoir No. 5 is located in Section 12, T5S, R83W of the 6th P.M., the approximate center of said reservoir being located at a point 1,453 feet north of the south section line and 1,982 feet east of the west section line in the NE1/4 of the SW1/4 of said section; and f. Cordillera Reservoir No. 6 is located in Section 14, T5S, R83W of the 6th P.M., the approximate center of said reservoir being located at a point 1,380 feet south of the north section line and 2,350 feet west of the east section line in the NW1/4 of the NE1/4 of said section. iii. Sources: Unnamed intermittent tributary of Squaw Creek, a tributary of the Eagle River, groundwater decreed in Case No. 86CW153, and Squaw Creek. iv. Appropriation date: November 19, 1987. v. Amounts: 10 acre-feet, conditional, for each reservoir. For Cordillera Reservoirs Nos. 1–5, each reservoir is decreed as an alternate storage site for each of the other four reservoirs. By the decree of the Water Court entered on July 15, 1997, in Case No. 96CW231, 7.5 acre-feet of the 10 acre-feet awarded conditionally to Cordillera Reservoir No. 1 was decreed absolute and unconditional for irrigation, augmentation, replacement, exchange, stock watering, recreation, and fire protection purposes; 2.5 acre-feet of the 10 acre-feet originally decreed to Cordillera Reservoir No. 1 was continued as conditional for irrigation, augmentation, replacement, exchange, stock watering, recreation, and fire protection purposes; and 10.0 acre-feet was continued as conditional, for domestic, commercial, lodge, restaurant, and health club purposes. The water rights decreed to Cordillera Reservoirs Nos. 2 through 6 have been continued as conditional for all originally decreed purposes, most recently in Case No. 10CW312. vi. Decreed uses: Irrigation, domestic, augmentation, replacement, exchange, stock watering, commercial, lodge, restaurant, health club, recreation, and fire protection purposes. These water rights were incorporated as sources of augmentation water into the decree in Case No. 87CW310, and they were included as sources of water supply and augmentation water as amended and/or changed in Case No. 89CW217 on October 11, 1990, in Case No. 91CW78 on January 3, 1992, in Case No. 95CW41 on March 11, 1996, in Case No. 97CW280 on August 28, 1998, in Case No. 99CW170 on March 23, 2000, and in Case No. 00CW11 on August 14, 2000. B. SCR Diversion Point No. 1: i. Original decree: Decreed by the Water Court in Case No. 89CW218 on October 11, 1990. It was continued in full force and effect in Water Court Case Nos. 89CW218, 96CW270, 03CW165, and 10CW182. ii. Locations: SCR Diversion Point No. 1 is located on West Lake Creek at a point whence the NE corner of Section 7, T5S, R82W of the 6th P.M. bears North 88°15’ East at a distance of 1,100 feet, which is depicted on the attached **Exhibit B.** By virtue of the decrees entered in Cases Nos. 91CW78, 97CW280, and 01CW123, SCR Diversion Point No. 1 may be alternately diverted at, stored in, and/or used to augment directly or by exchange the following: a. The Metcalf Headgate, located on the North Bank of the Eagle River in the SE1/4 of the SW1/4 of Section 7, T5S, R81W of the 6th P.M., approximately 870 feet from the south section line and 1,485 feet from the west section line, at a point from which the SE Corner of the SW1/4 of said Section 7 bears S. 53°00’40” E. 1,446 feet (“Metcalf Headgate”); b. The Raw Water Booster Pump Headgate, which is located at a point on the North Bank of the Eagle River in the NW1/4 of the NW1/4 of Section 12, T5S, R82W, of the 6th P.M., approximately 1,165 feet from the north section line and 480 feet from the west section line, at a point from which the SW Corner of the NW1/4 of Section 12, T5S, R82W of the 6th P.M. bears S. 18°01’34” W. 1,551.13 feet (“Raw Water Booster Pump

Headgate”); c. The Edwards Drinking Water Facility, which is located on the North Bank of the Eagle River at a point in the NW1/4 of the SW1/4 of Section 4, T5S, R82W of the 6th P.M., approximately 1,393 feet from the south section line 654 feet from the west section line, at a point from which the SW Corner of said Section 4 bears South 25° 8’ 58” West 1,539.12 feet (“Edwards Drinking Water Facility”); and d. UERWA Pipeline Point A, located on Lake Creek in the SE1/4 of the NE1/4 of Section 6, T5S, R82W of the 6th P.M., approximately 1,700 feet from the north section line and 410 feet from the east section line, at a point whence the NE Corner of said Section 6 bears N. 14° 30’ E. a distance of 1,750 feet, in Eagle County, Colorado (“UERWA Pipeline Point A”). iii. Source: West Lake Creek and Squaw Creek, tributary to the Eagle River. iv. Appropriation date: May 5, 1989. v. Amount: 5 cfs, conditional. By decrees of the Water Court entered in Case Nos. 96CW270, 03CW165, and 10CW182, the water right decreed to SCR Diversion Point No. 1 was continued for all originally decreed purposes. vi. Decreed uses: Irrigation, domestic, augmentation, replacement, exchange, storage, stock watering, commercial, municipal, club, recreation, and fire protection purposes. This water right was included as a source of supply in the amended augmentation plans decreed in Case No. 91CW78 on January 3, 1992, in Case No. 95CW41 on March 11, 1996, in Case No. 97CW280 on August 28, 1998, in Case No. 99CW170 on March 23, 2000, and in Case No. 00CW11 on August 14, 2000. 4. Detailed outline of work done to complete project and apply water to beneficial use: a. The Authority operates an integrated municipal water system of which the subject water rights are an integrated component. Work done on any component of the system advances the whole. During the diligence period, the Authority has spent in excess of \$20.1 million in capital costs on the integrated water system. b. Specifically, the Authority expended more than \$4.7 million on water infrastructure improvements that impact this application in the following ways: i. Throughout the Cordillera Metropolitan District, the Authority spent more than \$371,300 on water distribution system improvements; ii. The Authority spent more than \$107,500 on a study to comply with Stage 2 Disinfection Byproduct Regulations in the Cordillera portion of the water system; iii. More than \$1 million was spent developing and adjudicating the Lake Creek water rights, which are served by UERWA Pipeline A, an alternate point of diversion for the SCR Diversion Point No. 1 in this application. The Authority, in Case No. 17CW3167, filed an application for a finding of diligence on the UERWA Pipeline A on August 30, 2017; iv. More than \$86,500 was spent on improvements to the Fenno Wells, including a study on an expansion of the Well House Facility to add treatment capacity and to improve controls and automation, which Cordillera Reservoir Nos. 1–6 could be used to augment; v. The Authority expended more than \$587,200 on infrastructure improvements at the Edwards Drinking Water Facility, which is an alternate point of diversion, storage, and source of augmentation for SCR Diversion Point No. 1, including replacement of membrane filters, improvements to the Edwards Drinking Water Facility raw water diversion, pretreatment improvements, and miscellaneous controls and security improvements; and vi. More than \$2.5 million was spent on improvements at the Avon Drinking Water Facility, which is an alternate point of diversion at SCR Diversion Point No. 1 via the Metcalf Ditch and Raw Water Booster Pump Headgate, including treatment improvements, electrical improvements, miscellaneous controls and security improvements, and improvements to the raw water delivery system. b. In *Upper Eagle Regional Water Authority v. Wolfe*, 371 P.3d 681, 682 (Colo. 2016), a case directly involving the SCR Diversion Point No. 1, the Colorado Supreme Court held that “where there is no evidence of waste, hoarding, or other mischief, and no injury to the rights of other water users, the owner of a portfolio of water rights is entitled to select which of its different, in-priority conditional water rights it wishes to first divert and make absolute.” Thus, the Authority is entitled to continue to request findings of reasonable diligence for the SCR Diversion Point No. 1 as a senior conditional water right. c. The Authority has spent considerable time and money during the diligence period on legal and engineering fees associated with its water rights. 5. Name and addresses of owners of land upon which any new diversion or storage structure or modified existing or storage structure is or will be located: There are no new structures that are the subject of this application. Nevertheless, the following own land upon which the relevant structures are or will be located: a. Cordillera Reservoir No. 1 – Cordillera Metropolitan District, 408 Carterville Rd., Cordillera, CO 81632-6293. b. Cordillera Reservoir No. 2 - Leonard P. & Leslie C. Culicchia, 426 Granada Gln, Cordillera, CO 81632-6251. c. Cordillera Reservoir No. 3 – Cordillera Metropolitan District, Ken Sikora & Terrill Q. Trumble, 408 Carterville Rd., Edwards CO 81632-6251. d. Cordillera Reservoir No. 4 – CSMN Investments LLC, Noah Nordheimer, 5400 Bradley Blvd., Bethesda, MD 20814-1002. e. Cordillera Reservoir No. 5 - Cordillera Metropolitan District, 408 Carterville Rd., Cordillera, CO 81632-6293. f. Cordillera Reservoir No. 6 - Cordillera Metropolitan District, 408 Carterville Rd., Cordillera, CO 81632-6293. g. Metcalf Headgate – Christine M. Morrison & Raymond N. Didier, P.O. Box 99, Avon, CO 81620-0099. h. Raw Water Booster Pump Headgate - Eagle River Water & Sanitation District, 846 Forest Road, Vail, CO 81657. i. Edwards Drinking Water Facility - Eagle River Water & Sanitation District, 846 Forest Road, Vail, CO 81657. j. UERWA Pipeline Point A – Southfork Meadows Homeowners Association, Inc., 2077 N. Frontage Rd. W, Suite D, Vail, CO 81657-3908. k. SCR Diversion Point No. 1 - Judith D. Pyle 1995 Revocable Trust, 7780 Elmwood Ave., Suite 200, Middleton, WI 53562-5407. WHEREFORE, the Authority requests that the Court enter a finding of reasonable diligence for all of the water rights described herein. (8 pages + exhibits)

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**17CW3193 MESA COUNTY, UNNAMED DRAW TRIBUTARY TO THE CONFLUENCE OF LITTLE CREEK AND GROVE CREEK, TRIBUTARY TO PLATEAU CREEK A TRIBUTARY OF THE COLORADO RIVER.** Application for Findings of Reasonable Diligence. Laramie Energy, LLC, c/o Sara M. Dunn, BALCOMB & GREEN, P.C., P.O. Drawer 790, Glenwood Springs, CO 81602, Telephone: (970) 928-3467, Email: sarad@balcombgreen.com. Claim for Finding of Reasonable Diligence. Structure: Micale Commercial Well. Original Decree: 3/12/1996; Case No. 92CW271; District Court, Water Division No. 5. Subsequent decrees: Entered 9/28/04 in Case No. 02CW61 and 10/20/2011 in Case No. 10CW232 both in the District Court, Water Division No. 5. Legal: located in the NW1/4 NW1/4 of Sec. 18, T. 10 S., R. 94 W., 6<sup>th</sup> P.M., at a point S. 56 degrees 46'34" E., 1413.44 ft. from the NW corner of said Sec. 18, approx. 1200 ft. from the W. Sec. line and 800 ft. from the N. Sec. line and otherwise described as 1280 ft. E. of the W. Sect. Line and 660 ft. S. of the N. Sec. Line of said Sec. 18. Depth: 15 ft. Date of initiation of Approp.: 8/15/1995. Amnt: 100 g.p.m. (0.22 c.f.s.) absolute; 77.39 AF/yr (10.54 AF/yr absolute and 66.85 AF/year cond.). Uses: Domestic and irrigation of lawn and garden (up to 2000 SF per residence) for 150 single family residences. Remarks: The Micale Commercial Well is part of an integrated water system with YT Reservoir, the YT Reservoir Ditch and the Rockwell Ditch which were decreed as augmentation sources for the Micale Commercial Well in Case No. 92CW271. Attached to the Application filed with the Court as Exhibit A is a map of the Micale Commercial Well and the location of the places of use by the shareholders of the Ranch Domestic Water Company. A detailed outline of what has been done toward completion or for completion of the appropriation and application of water to a beneficial use as conditionally decreed, including expenditures is included in the Application on file with the Water Court. Name and Address of Owner or reputed owner 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. (5 pgs, 1 Ex.)

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**17CW3194** (Previous Case No. 07CW164) Carbondale Investments LLC, 5121 Park Lane Dallas, Texas 75220 Telephone: (214) 600-0000, Wayne F. Forman, Esq., Dulcinea Z. Hanuschak, Esq., Brownstein Hyatt Farber Schreck, LLP, 410 17th Street, Suite 2200, Denver, CO 80202 Telephone: 303.223.1100 Fax: (303) 223-1111, E-mail: [wforman@bhfs.com](mailto:wforman@bhfs.com); [dhanuschak@bhfs.com](mailto:dhanuschak@bhfs.com) and Roaring Fork Water and Sanitation District, P.O. Box 1002 Glenwood Springs, CO 80162 Telephone: (970) 945-2144, Balcomb & Green, P.C., Scott Grosscup, #35871, 818 Colorado Avenue, P.O. Box 790, Glenwood Springs, CO 81602 Phone: (970) 945-6546, Fax: (970) 945-8902, Email: grosscup@balcombgreen.com **APPLICATION FOR FINDINGS OF REASONABLE DILIGENCE, IN GARFIELD, PITKIN, SUMMIT AND EAGLE COUNTIES.** 2. The water rights that are the subject of this Application are intended to serve the development of 280 acres of land located in Garfield County, Colorado (the "Development"). A map and legal description of such property is attached as **Exhibits A and B**, respectively. **I. CONDITIONAL WATER RIGHT – CORYELL RANCH ROARING FORK DIVERSION RIVER EDGE ENLARGEMENT** 3. Name of Structure: Coryell Ranch Roaring Fork Diversion River Edge Enlargement. 4. Description of Conditional Water Right. A. Date of Original Decree: October 26, 2011; Case No. 07CW164; District Court, Water Division No. 5. B. Subsequent decrees awarding findings of diligence: None. C. Location of Point of Diversion: The Coryell Ranch Roaring Fork Diversion River Edge Enlargement will be diverted at the point of diversion of the Coryell Ranch Roaring Fork Diversion, located on the West bank of the Roaring Fork River in the NE¼NE¼, Section 29, Township 7 South, Range 88 West, 6<sup>th</sup> P.M., at a point whence the NE corner of said Section 29 bears North 53°18' East, a distance of 1,357.4 feet. The point of diversion can also be described as being 846 feet from the North Section line and 1,068 feet from the East Section line of said Section 29. D. Locations of Alternate Points of Diversion: Applicants seek approval to divert up to 1.25 c.f.s. at the following alternate points of diversion owned and operated by the District as alternate points of diversion to the Coryell Ranch Roaring Fork Diversion River Edge Enlargement: Aspen Glen Well Nos. 1 through 7 ("Aspen Glen Wells"); Coryell Ranch Well Nos. 1 through 14 ("Coryell Ranch Wells"); Robertson Ditch; and Posy Pump and Pipeline. Diversions hereunder may be in addition to all or part of the 0.5 c.f.s. allotment of the Basalt Conduit water right under the decree in Case No. 01CW187. The maximum total rate of diversion through the alternate points of diversion under the Coryell Ranch Roaring Fork Diversion River Edge Enlargement

water right and through the REC Well Field and REC Roaring Fork Diversion described below in Paragraphs 5 and 7, respectively, under the decree entered in Case No. 07CW164 shall be 1.25 c.f.s. The total diversions under the decrees in Cases No. 01CW187, 07CW164 and 08CW198 shall be 1.75 c.f.s. The water right applied for herein may be diverted at any one or any combination of said alternate points of diversion; provided, however, that until such time as the Development is included into the District pursuant to an agreement between Carbondale and the District, Carbondale shall be entitled to exercise these rights only at the REC Roaring Fork Diversion and REC Well Field as alternate points of diversion, and in that case, the District shall not exercise the Coryell Ranch Roaring Fork Diversion River Edge Enlargement or its alternate points. The locations of the Aspen Glen Wells, Coryell Ranch Wells, Coryell Ranch Roaring Fork Diversion, Robertson Ditch, and Posy Pump and Pipeline are shown on **Exhibit C**. (1) The Aspen Glen Wells are located in Township 7 South, Range 88 West, 6<sup>th</sup> P.M., in Garfield County, Colorado, and are described as follows: (a) Aspen Glen Well No. 1 located in the SE<sup>1</sup>/<sub>4</sub>SW<sup>1</sup>/<sub>4</sub>, Section 20, 660 feet from the South section line and 1,555 feet from the West section line of said Section 20. (b) Aspen Glen Well No. 2 located in the NW<sup>1</sup>/<sub>4</sub>NE<sup>1</sup>/<sub>4</sub>, Section 29, 768 feet from the North section line and 2,200 feet from the East section line of said Section 29. (c) Aspen Glen Well No. 3 located in the NW<sup>1</sup>/<sub>4</sub>NE<sup>1</sup>/<sub>4</sub>, Section 29, 508 feet from the North section line and 1,794 feet from the East section line of said Section 29. (d) Aspen Glen Well No. 4 located in the NW<sup>1</sup>/<sub>4</sub>NE<sup>1</sup>/<sub>4</sub>, Section 29, 788 feet from the North section line and 2,462 feet from the East section line of said Section 29. (e) Aspen Glen Well No. 5 located in the NW<sup>1</sup>/<sub>4</sub>NE<sup>1</sup>/<sub>4</sub>, Section 29, 703 feet from the North section line and 2,038 feet from the East section line of said Section 29. (f) Aspen Glen Well No. 6 located in the NW<sup>1</sup>/<sub>4</sub>NE<sup>1</sup>/<sub>4</sub>, Section 29, 393 feet from the North section line and 2,270 feet from the East section line of said Section 29. (g) Aspen Glen Well No. 7 located in the NE<sup>1</sup>/<sub>4</sub>NW<sup>1</sup>/<sub>4</sub>, Section 29, 447 feet from the North section line and 2,627 feet from the West section line of said Section 29. (2) The Coryell Ranch Wells also are located in Township 7 South, Range 88 West of the 6<sup>th</sup> P.M. and are described as follows:

Well No.	Quarter Quarter Location in Section 29	Distance from North line of Section 29	Distance from East Line of Section 29
1	NE NE	1268.54	1021.95
2	SW NE	1849	2064.12
3	SE NE	2086.54	86.95
4	SE NE	1808.54	301.95
5	SE NE	1508.54	486.95
6	NE NE	1218.54	666.95
7	NE NE	928.54	966.95
8	NW NE	774	1284.12
9	SW NE	1469	1294.12
10	SW NE	1609	1604.12
11	SW NE	1739	1839.12
12	NW NE	879	1619.12
13	SE NE	1733.54	831.95
14	SE NE	1873.54	971.95

(3) The Robertson Ditch has a point of diversion located on the Westerly bank of the Roaring Fork River at a point whence the SE corner of Section 12, Township 7 South, Range 89 West, Sixth P.M. Bears North 27°56' West 2,788.14 feet. This structure can also be described as a point within the NW<sup>1</sup>/<sub>4</sub> of the SE<sup>1</sup>/<sub>4</sub>, Section 18, Township 7 South, Range 88 West, 6<sup>th</sup> P.M. 1,509 feet from the South line and 1123 feet from the West line of said Section 18, with its source from the Roaring Fork River. (4) The Posy Pump and Pipeline has a point of diversion located in Government Lot 17 of Section 1, Township 7 South, Range 89 West of the 6<sup>th</sup> P.M. at a point whence the Northwest Corner of said Section 1 bears North 57°02'42" West a distance of 3799.13 feet. This structure can also be described as a point within NW<sup>1</sup>/<sub>4</sub> of the SE<sup>1</sup>/<sub>4</sub>, Section 1, Township 7 South, Range 89 West of the 6<sup>th</sup> P.M., 2300 feet from the South line and 2290 feet from the East line of said Section 1, with its source from the Roaring Fork River. E. Source: The source of water for the Coryell Ranch Roaring Fork Diversion River Edge Enlargement is the Roaring Fork River. The source of water for the Aspen Glen Wells and Coryell Ranch Wells is groundwater tributary to the Roaring Fork River. The source of water for the Robertson Ditch and Posy Pump and Pipeline is the Roaring Fork River. F. Appropriation: (1) Date of initiation of appropriation: September 27, 2007. (2) Date water applied to beneficial use: N/A. G. Amount: 1.25 c.f.s., conditional. H. Decreed use: Domestic and municipal purposes, including but not limited to, fire protection uses and park and landscape irrigation on up to four acres of land within the Development. I. Name and address of owners of land on which structures are located: The District has contractual or easement rights to the Coryell Ranch Roaring Fork Diversion River Edge Enlargement and all the alternate points of diversion. **II. CONDITIONAL UNDERGROUND WATER RIGHT -- REC WELL FIELD** 5. Name of structure: REC Well Field. 6. Description of Conditional Underground Water Right. A. Date of Original Decree: October 26, 2011; Case No. 07CW164; District Court, Water Division No. 5. B. Subsequent decrees awarding findings of diligence: None. C. Locations of Alternate Points of Diversion: The REC Well Field consists of that portion of the Development, excluding a Conservation Easement area granted to the Roaring Fork Conservancy, located in the W<sup>1</sup>/<sub>2</sub> of Section 7, Township 7 South, Range 88 West of the 6<sup>th</sup> P.M., the E<sup>1</sup>/<sub>2</sub> of Section 12, Township 7 South, Range 89 West of the 6<sup>th</sup> P.M., and the SE<sup>1</sup>/<sub>4</sub> of Section 1, Township 7 South, Range 89 West of the 6<sup>th</sup> P.M. The

Applicant may develop up to ten wells within the REC Well Field and each of these wells is claimed as an alternate point of diversion. D. Source: Groundwater tributary to the Roaring Fork River. E. Appropriation: (1) Date of initiation of appropriation: December 31, 2008. (2) Date water applied to beneficial use: N/A. F. Amount: 1.25 c.f.s., conditional. G. Decreed use: Domestic and municipal purposes, including but not limited to, fire protection uses and park and landscape irrigation on up to four acres of land within the Development. H. Name and address of owners of land on which structures are located: Carbondale and its affiliate, Garfield County Commercial Investments LLC. **III. CONDITIONAL WATER RIGHT – REC ROARING FORK DIVERSION** 7. Name of structure: REC Roaring Fork Diversion. 8. Description of Conditional Water Right. A. Date of Original Decree: October 26, 2011; Case No. 07CW164; District Court, Water Division No. 5. B. Subsequent decrees awarding findings of diligence: None. C. Location of Point of Diversion: The REC Roaring Fork Diversion is located on the East bank of the Roaring Fork River in the NW¼ of the NW¼ of Section 18, Township 7 South, Range 88 West, 6<sup>th</sup> P.M., 1,206 feet from the North and 434 feet from the West lines of said Section 18. D. Source: Roaring Fork River. E. Appropriation: (1) Date of initiation of appropriation: December 31, 2008. (2) Date water applied to beneficial use: N/A. F. Amount: 1.25 c.f.s., conditional. G. Decreed use: Domestic and municipal purposes, including but not limited to, fire protection uses and park and landscape irrigation on up to four acres of land within the Development. H. Name and address of owners of land on which structures are located: The REC Roaring Fork Diversion is located within the Development on land owned by Carbondale. **IV. CONDITIONAL APPROPRIATIVE RIGHT OF EXCHANGE** 9. Description of Conditional Appropriative Right of Exchange. A. Date of Original Decree: October 26, 2011; Case No. 07CW164; District Court, Water Division No. 5. B. Subsequent decrees awarding findings of diligence: None. C. The appropriative right of exchange facilitates Carbondale's contract to use water stored in Green Mountain Reservoir for use in the Roaring Fork River to augment out-of-priority depletions caused by diversions under the River Edge Enlargement water right through the alternate points of diversion. Green Mountain Reservoir is an on-channel reservoir located on the Blue River, tributary to the Colorado River, approximately 16 miles Southeast of the Town of Kremmling, Summit County, Colorado, in all or parts of Sections 11, 12, 13, 14, 15, and 24 of Township 2 South, Range 80 West, and Sections 17, 18, 19, 20, 21, 28, 29 and 34, Township 2 South, Range 79 West, 6<sup>th</sup> P.M. Augmentation water may be released from Green Mountain Reservoir and delivered to the confluence of the Colorado and Roaring Fork Rivers. The reach of the exchange is between the confluence of the Colorado and the Roaring Fork Rivers and any of the points of diversion described in paragraph 4.D., above, including the REC Well Field and the REC Roaring Fork Diversion, up to the Coryell Ranch Well No. 3, which is the farthest upstream alternate point of diversion. The rate of the exchange is the rate of diversion under the River Edge Enlargement water right, up to 1.25 c.f.s., minus return flows to the particular reach. The appropriation date of the exchange shall be administered as September 27, 2007. D. Legal Description of Exchange Reach and Rate of Exchange. The exchange decreed herein is segmented into two reaches, a diversion amount reach and a depletion amount reach, as follows: (1) If the District provides water and wastewater service to the Development, the upstream diversion amount reach is located from the furthest upstream point of diversion for the Aspen Glen Wells and Coryell Ranch Wells in the SE¼ of the NE¼ of Section 29, Township 7 South, Range 88 West of the 6<sup>th</sup> P.M., 2,086.54 feet from the North section line and 86.95 feet from the East section line, downstream to the location of the outfall of the District's wastewater treatment plant located on the left (West) bank of the Roaring Fork River in the SE¼ of the SE¼ Section 18, Township 7 South, Range 89 West, 6<sup>th</sup> P.M., 337 feet from the South section line and 237 feet from the East section line. The rate of the exchange in this reach is 1.25 c.f.s. (2) If Carbondale provides water and wastewater service to the Development, the upstream diversion amount reach is located from the REC Roaring Fork Diversion described above to the discharge from the Carbondale wastewater treatment plant to the Roaring Fork River, which will occur at one of the following two locations: (a) the confluence of Cattle Creek and the Roaring Fork River in the NW¼ of the NW¼ Section 1, Township 7 South, Range 88 West, 6<sup>th</sup> P.M., 1,197 feet from the North section line and 852 feet from the East section line; or (b) a point in the NW¼ of the NW¼ Section 18, Township 7 South, Range 89 West, 6<sup>th</sup> P.M., 1,160 feet from the North section line and 420 feet from the West section line. The rate of the exchange in this reach is 1.25 c.f.s. (3) If the District provides water and wastewater service to the Development, the downstream depletion amount reach is located from the outfall of the District's wastewater treatment plant, which is located on the left (West) bank for the Roaring Fork River in the SE¼ of the SE¼ Section 12, Township 7 South, Range 89 West, 6<sup>th</sup> P.M., 337 feet from the South section line and 237 feet from the East section line, downstream to the confluence of the Colorado and the Roaring Fork Rivers in the SE¼ of the NW¼, Section 9, Township 6 South, Range 89 West of the 6<sup>th</sup> P.M., 2,150 feet from the North section line and 2,286 feet from the West section line. The rate of exchange in this reach is 0.80 c.f.s., the rate of diversion under the Coryell Ranch Roaring Fork Diversion River Edge Enlargement water right, up to 1.25 c.f.s., minus the discharge at the outfall of the applicable wastewater treatment plant minus the return flow from up to 4 acres of irrigation. (4) If Carbondale provides water and wastewater service to the Development, the downstream depletion amount reach is located from the downstream-most point of discharge to the Roaring Fork River from the Carbondale wastewater treatment plant, which is at the confluence of Cattle Creek and the Roaring Fork River in the NW¼ of the NW¼ Section 1, Township 7 South, Range 88 West, 6<sup>th</sup> P.M., 1,197 feet from the North section line and 852 feet from the East section line, downstream to said confluence of the Colorado and Roaring Fork Rivers. The rate of the exchange in this reach is 0.80 c.f.s., the rate of diversion under the REC Roaring Fork Diversion water right, up to 1.25 c.f.s., minus the discharge at the outfall of the Carbondale wastewater treatment plant minus the return flows from up to 4 acres of irrigation. **V. DILIGENCE ACTIVITIES** 10. Detailed outline of work done toward completion of the appropriation: During the relevant diligence period, Carbondale has expended an extraordinary amount of time, money and effort on land use and water rights matters towards the Development on which the subject conditional water rights are to be used. In fact, Carbondale has expended nearly \$3 million on legal, engineering and on-the-ground efforts to obtain approvals necessary to develop the property and place the subject



conditional water rights to beneficial use. Among the particular activities undertaken by Carbondale are the following: A. Carbondale engaged 8140 Partners, an engineering and land planning firm which, together with legal counsel Brownstein Hyatt Farber Schreck (“Brownstein”), successfully pursued rezoning of a substantial portion of the property to a residential/mixed use PUD with Garfield County. Carbondale incurred approximately \$815,000 with 8140 Partners in this effort during the relevant diligence period. B. Carbondale also pursued an amendment of its PUD in order to relocate the primary access point to the proposed Development and sought to rezone for commercial development the portion of the property owned by Carbondale’s affiliate, Garfield County Commercial Investments LLC, lying between the Rio Grande Trail and State Highway 82. In that effort, Carbondale engaged the Brownstein firm, HDR Engineering, Garfield & Hecht, P.C. (“G&H”), Galloway and Company, a land planning firm, and EIS Solutions, a consulting firm, for a total cost in excess of \$1 million. That effort included conducting detailed traffic analyses and obtaining an access permit on SH82 from CDOT, conducting a survey on the desirability of the commercial development, conducting and presenting a legal analysis of Garfield County Land Development Code rezoning criteria, and presenting supporting evidence and information at public hearings before the County Planning Commission and Board of County Commissioners. C. Carbondale negotiated with the Roaring Fork Transit Authority staff to obtain a revised access plan consistent with the PUD and proposed amended PUD. Carbondale incurred legal and engineering fees through Brownstein, HDR and G&H on this effort, and reimbursed RFTA approximately \$10,000 for its costs of this effort. D. With the assistance of Brownstein and Resource Engineering, a water resource consulting firm, Carbondale successfully changed the point of the diversion of its Staton Ditch water rights to a point located within the Development, in Case No. 13CW19. E. Carbondale successfully pursued diligence applications for complementary conditional water rights to be used on the Development in Cases No. 14CW3139, 3140, and 3141. F. Carbondale paid the Basalt Water Conservancy District approximately \$73,000 for contract water rights to be used in connection with the augmentation plan for the Development. G. Carbondale paid in excess of \$400,000 for property and project management during the relevant diligence period. H. Carbondale negotiated a pre-inclusion agreement with the Roaring Fork Water and Sanitation District and collaborated with the district over the design features of a proposed water and wastewater system to serve the Development. In addition to paying for its own legal and engineering consultants, Carbondale reimbursed the District approximately \$38,000 for its participation in this effort. I. Carbondale paid the Thompson Glen Ditch Company over \$28,000 in assessments in connection with Carbondale’s Glenwood Ditch water stock, which are to be used for irrigation and augmentation in connection with the development of the property. J. Carbondale engaged Miller Rosenbluth as district counsel to organize and obtain approval of the Cattle Creek Metropolitan District for purposes of financing infrastructure to serve the Development. Carbondale has engaged G&H for ongoing representation of the district. 11. If claim to make absolute: N/A 12. Name(s) and address(es) of owners or reputed owners of the land upon which any new diversion or storage structure, or modification to any existing diversion or storage structure is or will be constructed or upon which water is or will be stored. All structures are located within the Development or on land owned by the Applicants, or upon which the District has contractual or easement rights. WHEREFORE, the Applicants, request that the Court enter decree: A. Finding that Applicants have been reasonably diligent in the steady application of effort to complete the appropriation of the conditional water rights in a reasonably expedient and efficient manner under the facts and circumstances and continuing the following conditional water rights in full force and effect: 1. Coryell Ranch Roaring Fork Diversion River Edge Enlargement; 2. REC Well Field; 3. REC Roaring Fork Diversion; 4. Appropriative Right of Exchange. B. Granting such other relief as the Court deems just and proper.

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**19. PURSUANT TO C.R.S., §37-92-302, AS AMENDED, YOU ARE NOTIFIED THAT THE FOLLOWING PAGES COMPRISE A RESUME OF THE APPLICATIONS AND AMENDED APPLICATIONS FILED WITH THE WATER CLERK FOR WATER DIVISION 5 DURING THE MONTH OF OCTOBER 2017. *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.***

**17CW3195 GARFIELD COUNTY, COLORADO RIVER ALLUVIAL GROUNDWATER.** Rippy Exemption Water Association; c/o Toucan Land Company, RLLLP; P.O. Box 2198; Glenwood Springs, CO 81602. Direct all correspondence to Michael J. Sawyer, Karp Neu Hanlon, P.C., P.O. Drawer 2030, Glenwood Springs, CO 81602. **APPLICATION TO MAKE CONDITIONAL WATER RIGHTS ABSOLUTE, IN PART, FOR FINDING OF REASONABLE DILIGENCE, AND FOR CHANGE OF WATER RIGHTS TO ADD ALTERNATE POINTS OF DIVERSION.** Date of original decree: November 28, 1984, in Case No. 82CW145. Subsequent decrees: February 27, 1989, in Case No. 88CW371; March 9, 1995, in Case No. 94CW227; May 31, 2004, in Case No. 01CW050; and October 27, 2011, in Case No. 10CW143. **First Claim: Make Underground Water Right Absolute, In Part, and For Diligence.** Rippy Well No. 3. Location: A point in the NE1/4 of the SE1/4 of Section 5, Township 6 South, Range 91 West of the 6th P.M., at a point 2,063 feet north of the South Section line and 50 feet west of the East Section line of said Section 5. Source: Alluvial groundwater tributary to the Colorado River. Appropriation date: January 1, 1970. Amount and use: 0.067 c.f.s., conditional, for domestic use; 0.01 c.f.s., conditional, for commercial and irrigation uses; and 0.057 c.f.s., absolute,

for commercial and irrigation uses, as approved in Case No. 01CW050. Remarks: When the Rippy Well No. 3 cannot divert under its own priority, it can continue diversions under the plan for augmentation approved in Case No. 82CW145, as such plan for augmentation was amended in Case No. 01CW50. During the irrigation season, the changed Ware and Hinds Ditch priorities described in the Decree in Case No. 82CW145 can be diverted at the Rippy Well No. 3 to the extent of 10.08 acre-feet of depletions, whereas non-irrigation season depletions are replaced to the extent of 2 acre-feet through releases from either Green Mountain Reservoir or Ruedi Reservoir under Applicant's augmentation supply contract with West Divide Water Conservancy District, Contract #011031BMT. Claim to make absolute, in part: Date additional water first applied to beneficial use: No later than July 30, 2016. Amount and use: 0.01 c.f.s. for commercial and irrigation uses. Description of place where water has been applied to beneficial use: The Adair Rippy Subdivision, a/k/a Rippy Subdivision Development, located in Section 5, Township 6 South, Range 91 West of the 6<sup>th</sup> P.M. Diligence: The Application contains a detailed outline of what has been done towards perfecting the appropriation of any balance of the Rippy Well No. 3 water right not approved absolute. Landowner: Toucan Land Company, RLLLP. **Second Claim: Application for Change of Water Rights to Add Alternate Points of Diversion.** *Rippy Well No. 1, Rippy Well No. 2, and Rippy Well No. 3.* Location: *Rippy Well No. 1:* A point in the NE1/4 of the SE1/4 of Section 5, Township 6 South, Range 91 West of the 6<sup>th</sup> P.M. at a point 1,773 feet north of the South Section line and 215 feet west of the East Section line of said Section 5. *Rippy Well No. 2:* A point in the NE1/4 of the SE1/4 of Section 5, Township 6 South, Range 91 West of the 6<sup>th</sup> P.M. at a point 1,913 feet north of the South Section line and 50 feet west of the East Section line of said Section 5. *Rippy Well No. 3:* As described for First Claim above. Source: Alluvial groundwater tributary to the Colorado River, for Rippy Well No. 1 and Rippy Well No. 2. See First Claim. Appropriation date: January 1, 1970, for each of the Rippy Well No. 1 and Rippy Well No. 2. See First Claim. Amount and use: 0.067 c.f.s., conditional, for commercial, domestic, and irrigation uses, for each of the Rippy Well No. 1 and Rippy Well No. 2. See First Claim. Amount of water Applicant desires to divert at the alternate points: The cumulative amount decreed to the Rippy Well No. 1, Rippy Well No. 2, and Rippy Well No. 3 water rights, which amount is 0.201 c.f.s. Proposed change: Applicant desires the point of diversion development and use flexibility that would be provided by approving each of the Rippy Well No. 1, Rippy Well No. 2, and Rippy Well No. 3 decreed points of diversion as an alternate point of diversion for the full, cumulative amount decreed for the Rippy Well No. 1, Rippy Well No. 2, and Rippy Well No. 3 water rights. The Rippy Well No. 1, Rippy Well No. 2, and Rippy Well No. 3 water rights will divert out of priority at either or a combination of those decreed points of diversion under the plan for augmentation approved in Case No. 82CW145, as amended in Case No. 01CW50, as generally described under for First Claim above. Landowner: Toucan Land Company, RLLLP, as to all structures. **Third Claim: Make Underground Water Right Absolute, In Part, and For Diligence.** *Rippy Well No. 1.* Location, source, appropriation date, amount and use: See Second Claim above. Claim to make absolute, in part: Date additional water first applied to beneficial use: No later than July 30, 2016. Amount and use: 0.01 c.f.s. for commercial and irrigation uses. Description of place where water has been applied to beneficial use: The Adair Rippy Subdivision, a/k/a Rippy Subdivision Development, located in Section 5, Township 6 South, Range 91 West of the 6<sup>th</sup> P.M. Diligence: The Application contains a detailed outline of what has been done towards perfecting the appropriation of any balance of the Rippy Well No. 1 water right not approved absolute. Landowner: See Second Claim above. **Fourth Claim: Diligence for Underground Water Right.** *Rippy Well No. 2.* Location, source, appropriation date, amount and use: See Second Claim above. Remarks: See First Claim above. Diligence: The Application contains a detailed outline of what has been done towards perfecting the appropriation of the Rippy Well No. 2 water right. Landowner: See Second Claim above. (15 pp., including Exhibits).

**YOU ARE HEREBY NOTIFIED THAT YOU HAVE until the last day of DECEMBER 2017 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: \$158.00) KATHY POWERS, Water Clerk, Water Division 5; 109 8th Street, Suite 104 Glenwood Springs, CO 81601.**

**20. PURSUANT TO C.R.S., §37-92-302, AS AMENDED, YOU ARE NOTIFIED THAT THE FOLLOWING PAGES COMPRISE A RESUME OF THE APPLICATIONS AND AMENDED APPLICATIONS FILED WITH THE WATER CLERK FOR WATER DIVISION 5 DURING THE MONTH OF OCTOBER 2017. *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.***

**17CW3196 EAGLE COUNTY. RED CREEK, TRIB. TO GYPSUM CREEK, TRIB. TO EAGLE RIVER, TRIB. TO THE COLORADO RIVER.** Application for Finding of Reasonable Diligence and to Make Water Right Absolute. Applicants: Barbara F. and Richard E. Wenninger, c/o Balcomb & Green, P.C., PO Drawer 790, Glenwood Springs, CO 81602; 970-945-6546. Summary: Applicants request a finding of reasonable diligence for and to make absolute the cond. water right decreed in Case No. 11CW70 on 11/17/2011 for the Wenninger Hydropower Diversion. Structure: Wenninger Hydropower Diversion. Legal Description: The pt. of diversion is located in Sec. 32, T. 6 S., R. 84 W., 6th PM, at a pt. 50 ft. from the S. Sec. line and 2,550 ft. from the E. Sec. line of said Sec. 32. Source: Red Creek, tributary to Gypsum Creek, tributary to Eagle River, tributary to the Colorado River. Approp. Date: 8/10/2010. Use: Power generation. Amt: 2.0 cubic ft. per second (c.f.s.), cond. Place of Use: the hydroelectric power plant located in Sec. 32, T. 6 S., R. 84 W., 6th PM, at a pt. approx. 2,100 ft. from the S. Sec. Line and 1,387 ft. from the E. Sec. Line of said Sec. 32. A map depicting the point of diversion, place of use, and point of return is on file with the Court as Exhibit A. A complete list of

diligence activities and expenditures is also on file with the Court. Claim to Make Absolute: Date applied to beneficial use: Aug 2011. Amt: 2.0 c.f.s. Uses: power generation. Land Ownership: The headgate for the diversion structure and a portion of the pipe to convey the subject water right are located on property owned by Red Creek Ranch, a sole proprietorship c/o Carol Collins whose address is 1115 Hornsilver Dr., Vail, CO 81657. Applicants operate the diversion and pipeline pursuant to a deeded easement of record from the landowner. The hydropower turbine where the subject water right is placed to beneficial use and the pt. at which the subject water right is returned to Red Creek are located on property owned by Applicants. 5 pgs.

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**21. PURSUANT TO C.R.S., §37-92-302, AS AMENDED, YOU ARE NOTIFIED THAT THE FOLLOWING PAGES COMPRISE A RESUME OF THE APPLICATIONS AND AMENDED APPLICATIONS FILED WITH THE WATER CLERK FOR WATER DIVISION 5 DURING THE MONTH OF OCTOBER 2017. *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.***

**17CW3197 (05CW10) EAGLE COUNTY – GYPSUM CREEK, TRIBUTARY TO EAGLE RIVER, TRIBUTARY TO COLORADO RIVER.** Cotton Ranch Metropolitan District and the Town of Gypsum c/o Kevin L. Patrick, Esq. and John M. Sittler, Esq. Patrick, Miller & Noto, P.C., 229 Midland Ave., Basalt, CO 81621 (970) 920-1030. APPLICATION TO MAKE ABSOLUTE AND FOR FINDING OF REASONABLE DILIGENCE. **First Claim:** Cotton Ranch Diversion. Date of original decree: January 11, 1999. Case No. 95CW347, Division 5 Water Court. Legal: Cotton Ranch Diversion may be diverted from the following points of diversion: Grundell Brothers Ditch: NE1/4 of the NE1/4 of Section 18, Township 5 South, Range 85 West of the 6th P.M., at a point approximately 500 feet from the east section line and 200 feet from the north section line of said Section 18; A.F. Grundell Ditch: SE1/4 of the SE1/4 of Section 7, Township 5 South, Range 85 West of the 6th P.M., at a point approximately 380 feet from the east section line and 620 feet from the south section line of said Section 7; Ulin Ditch: SW1/4 of the NW1/4 of Section 8, Township 5 South, Range 85 West of the 6th P.M., at a point approximately 720 feet from the west section line and 2,050 feet from the north section line of said Section 8; Chatfield and Bartholomew Ditch: NW1/4 of the SE1/4 of Section 18, Township 5 South, Range 85 West of the 6th P.M., at a point approximately 1,885 feet from the east section line and 1,650 feet from the south section line of said Section 18. Map is on file with the court as Exhibit A. Source: Gypsum Creek, tributary to Eagle River, tributary to Colorado River. Appropriation date: August 31, 1994. Amount: 3.0 c.f.s. conditional. Use: Domestic, irrigation, commercial, firefighting, augmentation and replacement, recreational, piscatorial and wildlife uses. Claim for absolute: Beneficial Use: March 19, 2014. Amount: 3.0 c.f.s. Use: Irrigation on golf course, to fill ponds for all other decreed beneficial uses except domestic. Diversion records and description of place of use are on file with the court as Exhibits B and C. **Second Claim:** Cotton Pond, First Enlargement. Date of original decree: January 11, 1999. Case No. 95CW347, Division 5 Water Court. Legal: SW1/4 of the NW1/4 of Section 8, Township 5 South, Range 85 West of the 6th P.M., at a point approximately 1,050 feet from the west section line and 1,850 feet from the north section line of said Section 8. Map is on file with the court as Exhibit A. Source: Cotton Ranch Diversion and tributaries of Gypsum Creek and Eagle River. Appropriation date: August 31, 1995. Amount: 9 acre-feet conditional. Use: Domestic, commercial, fire protection, augmentation and replacement uses. **Third Claim:** Cotton Ranch Pond No. 3. Date of original decree: January 11, 1999. Case No. 95CW347, Division 5 Water Court. Legal: NE1/4 of the NW1/4 of Section 8, Township 5 South, Range 85 West of the 6th P.M., at a point approximately 1,950 feet from the west section line and 880 feet from the north section line of said Section 8. Map is on file with the court as Exhibit A. Source: Cotton Ranch Diversion and Gypsum Creek and Eagle River. Appropriation date: August 31, 1995. Amount: 4.986 conditional. Use: Domestic, irrigation, commercial, fire protection, augmentation and replacement, recreational, piscatorial and wildlife uses **Fourth Claim:** Cotton Ranch Pond No. 4. Date of original decree: January 11, 1999. Case No. 95CW347, Division 5 Water Court. Legal: SE1/4 of the NE1/4 of Section 7, Township 5 South, Range 85 West of the 6th P.M., at a point approximately 400 feet from the east section line and 1,500 feet from the north section line of said Section 7. Map is on file with the court as Exhibit A. Source: Cotton Ranch Diversion and Gypsum Creek and Eagle River. Appropriation date: August 31, 1995. Amount: 1.61 acre-feet conditional. Use: Domestic, irrigation, commercial, fire protection, augmentation and replacement, recreational, piscatorial and wildlife uses. Claim for absolute: Amount: 1.22 acre-feet. Use: Irrigation, recreational, piscatorial and wildlife. Diversion records and description of place of use are on file with the court as Exhibits B and C. A detailed description of the work done to complete appropriation, including expenditures, is on file with the court in Paragraph 4 of the Application. Land where water rights are located or will be put to beneficial use are owned by: Cotton Ranch, LLC, c/o Vince Cook, P.O. Box 1930, Denver, Colorado 80206; Cotton Ranch Metropolitan District, c/o Robertson and Marchetti, P.C., 28 Second Street, Suite 203, Edwards, Colorado 81632; Cotton Ranch Golf Club, Inc., c/o Vince Cook, P.O. Box 1930, Denver, Colorado 80206; Sky Legend, LLC, c/o Ross Graves, P.O. Box 1959, Gypsum, Colorado 81632; and Cotton Ranch Homeowners Association, P.O. Box 2036, Edwards, CO 81632.

**YOU ARE HEREBY NOTIFIED THAT YOU HAVE until the last day of DECEMBER 2017 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: \$158.00) KATHY POWERS, Water Clerk, Water Division 5; 109 8th Street, Suite 104 Glenwood Springs, CO 81601.**

**22. PURSUANT TO C.R.S., §37-92-302, AS AMENDED, YOU ARE NOTIFIED THAT THE FOLLOWING PAGES COMPRISE A RESUME OF THE APPLICATIONS AND AMENDED APPLICATIONS FILED WITH THE WATER CLERK FOR WATER DIVISION 5 DURING THE MONTH OF OCTOBER 2017. *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.***

**17CW3198 MESA COUNTY, COLORADO. SOURCE: MUDDY GULCH, TRIBUTARY TO PLATEAU CREEK, A TRIBUTARY OF THE COLORADO RIVER.** Application for Surface Water Right. Laramie Energy, LLC, c/o Sara M. Dunn, Esq., Balcomb & Green, P.C., Post Office Drawer 790, Glenwood Springs, CO 81602. Telephone: 970-945-6546. Email: sarad@balcombgreen.com. **FIRST CLAIM FOR SURFACE WATER RIGHT.** Red Mountain Spring. Legal description: Spring collection system located in the NW1/4, SE1/4 of Sec. 1, T. 10 S., R. 95 W., 6th P.M. at a point 2465 ft. from the S. Sec. Line and 2411 ft. from the E. Sec. Line. The Red Mountain Spring Outlet Pipe is located in the NW1/4, SE1/4 of Sec. 1, T. 10 S., R. 95 W., 6th P.M. at a point 2514 ft. from the S. Sec. Line and 2331 ft. from the E. Sec. Line. See Map attached to the Application as Figure 1. Amount: 15 g.p.m., conditional. Use: Irrigation, stock and wildlife watering within Tract A of My Way Ranch Phase I Subdivision. See Correction Plat for My Way Ranch Phase I Subdivision, attached to the Application as Figure 2. Approp. Date: 11/1/15. How appropriation was initiated: Prior to Applicant's ownership the Red Mountain Spring was channelized into a ditch flowing into the property known as the YT Ranch and sub-irrigated areas adjacent to Muddy Gulch. Drainage tiles for the spring were installed to protect North Ouray Court and Scott Loop roads and the water was directed into a pipe which drains into the historical ditch at a location within Lot 7 of the My Way Subdivision. Applicant purchased Lot 7 and the adjacent Tract A ranch property where the water historically sub-irrigated areas adjacent to Muddy Gulch. Upon its purchase of the property, Applicant began the process of cleaning and repairing the irrigation delivery system within YT Ranch including Tract A, and engaged the services of Colorado River Engineering to map irrigated areas and recommend improvements to the irrigation delivery system. Date water applied to beneficial use: Not applicable. Name and address of owner or reputed owner of the land upon which any new diversion structure, or modification to any existing diversion structure is or will be constructed: The near surface structure is located adjacent to Ouray Court on property owned by the My Way Ranch Homeowners Association c/o Elizabeth Recks and the location where the water daylights and will be beneficially used is owned by Applicant. (4 pgs, 2 Figures).

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**23. PURSUANT TO C.R.S., §37-92-302, AS AMENDED, YOU ARE NOTIFIED THAT THE FOLLOWING PAGES COMPRISE A RESUME OF THE APPLICATIONS AND AMENDED APPLICATIONS FILED WITH THE WATER CLERK FOR WATER DIVISION 5 DURING THE MONTH OF OCTOBER 2017. *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.***

**17CW3199 GARFIELD COUNTY, SPRINGS TRIBUTARY TO COLORADO RIVER.** Keralsa, LLC, Sherick Enterprises, LLC, TNS Property, LLC and Toucan Land Company RLLP, collectively d/b/a Rippy Exemption Water Association, c/o James W. Giese, P.C., 2139 N. 12th Street, Suite 10, Grand Junction, CO 81501, (970) 245-9227. Rippy Well Nos. 1, 2, and 3- Application for Finding of Reasonable Diligence and To Make Absolute in Whole or in Part. Locations: Rippy Well No. 1 is located in the NE1/4 SE1/4 of Section 5, Township 6 South, Range 91 West of the 6th P.M. at a point 1773 feet North of the South line and 215 feet West of the East line of said Section 5. Rippy Well No. 2 is located in the NE1/4 SE1/4 of Section 5, Township 6 South, Range 91 West of the 6th P.M. at a point 1913 feet North of the South line and 50 feet West of the East line of said Section 5. Rippy Well No. 3 is located in the NE1/4 SE1/4 of Section 5, Township 6 South, Range 91 West of the 6th P.M. at a point 2063 feet North of the South line and 50 feet West of the East line of said Section 5. Amounts 0.067 c.f.s. for each well. In Case No. 01CW050, the Court entered a decree making absolute 0.057 c.f.s. (25.7 g.p.m.) of the 0.067 c.f.s. decreed to the Rippy Well No. 3 and reasonable diligence in the development of the remaining conditional portion of this water right. Rippy Wells Nos. 1 and 2 remain conditional for their full decreed amounts and uses. Use: irrigation, commercial and domestic. Applicants own the land on which the wells are located.

**YOU ARE HEREBY NOTIFIED THAT YOU HAVE until the last day of DECEMBER 2017 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: \$158.00) KATHY POWERS, Water Clerk, Water Division 5; 109 8th Street, Suite 104 Glenwood Springs, CO 81601.

**24. PURSUANT TO C.R.S., §37-92-302, AS AMENDED, YOU ARE NOTIFIED THAT THE FOLLOWING PAGES COMPRISE A RESUME OF THE APPLICATIONS AND AMENDED APPLICATIONS FILED WITH THE WATER CLERK FOR WATER DIVISION 5 DURING THE MONTH OF OCTOBER 2017. 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.**

**17CW3200 GARFIELD COUNTY APPLICATION FOR FINDING OF DILIGENCE** 1. Name, address, telephone number(s) (residence and business) of applicant(s): CB Minerals Company, LLC, c/o Angela Poulten, 8717 Delgany Ave., Apt. 215, Playa Del Rey, CA 90293, Tel: (310) 823-5233 c/o Wayne F. Forman, Esq., Brownstein Hyatt Farber Schreck LLP, 410 Seventeenth Street, 22<sup>nd</sup> Floor, Denver, CO 80202, Tel: 303-223-1100. 2. Name of structure: (well, spring, ditch, reservoir): Coal Ridge Pump and Pipeline. 3. Describe conditional water right (as to each structure) giving the following from the Referee's Ruling and Judgment and Decree: A. Date of Original Decree: July 9, 1984 Case No. 83CW367 Court: District Court, Water Division No. 5. B. Diligence Decrees: 10CW116 entered on October 2, 2011; 02CW233 entered on April 6, 2004; 95CW003 entered on April 15, 1996; 88CW231 entered on January 9, 1989. C. Legal description: include distance and bearing from established government section corner or quarter corner; or distances from section lines, and indicate ¼ ¼, section number, township, range and meridian; include map. The location may include UTM coordinates based on Zone 13 and NAD27(CONUS) datum. In urban areas, include street address, lot, block, and subdivision: Required Description: The point of diversion is located on the South bank of the Colorado River in Garfield County, NE ¼ of the SE ¼, Section 35, T.5S., R.90W. of the 6<sup>th</sup> P.M., at a point 1840 feet North of the South Line and 1,260 feet West of the East Line of said Section 35. D. Source: **Colorado River**. E. Appropriation Date: September 14, 1983, Amount: 2.0 c.f.s., conditional. F. Use: Municipal, commercial, industrial, domestic, irrigation and recreation. G. Depth: (if well): N/A 4. Provide a detailed outline of what has been done toward completion or for completion of the appropriation and application of water to a beneficial use as conditionally decreed, including expenditures: (add additional sheets if necessary) CB Minerals Company, LLC and its affiliate NCIG Financial Inc. (jointly, "CB/NCIG"), own land, mineral rights and water rights in Garfield County, including the subject conditional water rights for the Coal Ridge Pump and Pipeline, that are decreed and are intended for use for energy development and/or a mixed-use residential project (the "Project"). The water rights decreed for the Project include the conditional water rights for the Coal Ridge Pump and Pipeline and the Coal Ridge Reservoir and a substantial portion of the absolute water rights decreed for the Vulcan Ditch. During the relevant diligence period, CB Minerals and NCIG have expended in excess of \$300,000 in outside attorney and consultant fees and have expended thousands of hours of uncompensated time analyzing and protecting the subject conditional water rights and the Vulcan Ditch water rights (which have a common point of diversion at the Coal Ridge Pump and Pipeline conditional water right) and expending efforts to market and sell the properties and water rights. Applicant's specific efforts to analyze, protect and market these properties and water rights during the relevant diligence period include the following: a. CB/NCIG have participated through their counsel, Brownstein Hyatt Farber Schreck LLP, in reviewing and objecting to the water rights applications that could adversely affect the availability of water to the Project and in providing support for efforts to market the property. CB/NCIG have expended in excess of \$20,500 in this effort during the relevant diligence period. b. CB/NCIG have engaged the law firm of Davis Graham & Stubbs to assist with the sale of the subject properties for energy development. CB/NCIG incurred in excess of \$100,000 for legal fees in this effort. c. CB/NCIG have expended hundreds of thousands of dollars and thousands of hours identifying and negotiating with potential buyers on the acquisition of the Project, including the subject conditional water rights. During the relevant diligent period, a number of buyers have been interested in acquiring the Project including Quadra Energy, Linc Energy, Independent Energy Partners, Roaring Fork Properties, Castle Springs Energy and others. The Project is currently listed with Olsson Associates and a significant effort is underway to market the property. d. CB/NCIG also have had to spend considerable time and money maintaining and managing the properties and water rights comprising the Project. For example, they engaged J.E. Stover & Associates to renew the DRMS permit for the mining operation on the property and have conducted inspections and field reports required to maintain the validity of the permit. In addition, CB/NCIG contracted for the removal of a sediment pond in the property at a cost of approximately \$100,000. In connection with the reclamation of a portion of the property north of the mine, water diverted pursuant to the Coal Ridge Pump and Pipeline conditional water right was diverted and beneficially used, but the amount and rate of diversions were not recorded. e. During a portion of the diligence period, the property has been leased for irrigation. 5. If claim to make absolute: N/A 6. Name(s) and address(es) of owner(s) of the land on which structure is or will be located, upon which water is or will be stored, or upon which water is or will be placed to beneficial use. CB Minerals Company, LLC, c/o Angela Poulten, 8717 Delgany Ave., Apt. 215, Playa Del Rey, CA 90293.

**YOU ARE HEREBY NOTIFIED THAT YOU HAVE until the last day of DECEMBER 2017 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: \$158.00) KATHY POWERS, Water Clerk, Water Division 5; 109 8th Street, Suite 104 Glenwood Springs, CO 81601.**

**25. 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 OCTOBER 2017. 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.**

**17CW3201 GARFIELD COUNTY APPLICATION FOR FINDING OF DILIGENCE** 1. Name, address, telephone number(s) (residence and business) of applicant(s): CB Minerals Company, LLC, c/o Angela Poulten, 8717 Delgany Ave., Apt. 215, Playa Del Rey, CA 90293, Tel: (310) 823-5233, c/o Wayne F. Forman, Esq., Brownstein Hyatt Farber Schreck LLP, 410 Seventeenth Street, 22<sup>nd</sup> Floor, Denver, CO 80202, Tel: 303-223-1100. 2. Name of structure: (well, spring, ditch, reservoir): Coal Ridge Reservoir. 3. Describe conditional water right (as to each structure) giving the following from the Referee's Ruling and Judgment and Decree: A. Date of Original Decree: July 9, 1984 Case No. 83CW368 Court: District Court, Water Division No. 5. B. Diligence Decrees: 10CW117 entered on October 30, 2011; 02CW234 entered on April 6, 2004; 94CW282 entered on August 15, 1996; 88CW232 entered on November 7, 1988. C. Legal description: include distance and bearing from established government section corner or quarter corner; or distances from section lines, and indicate  $\frac{1}{4}$   $\frac{1}{4}$ , section number, township, range and meridian; include map. The location may include UTM coordinates based on Zone 13 and NAD27(CONUS) datum. In urban areas, include street address, lot, block, and subdivision: **Required Description:** The center of the dam axis is located in Garfield County, SW  $\frac{1}{4}$  of the SE  $\frac{1}{4}$ , Section 35, T.5S., R.90W. of the 6<sup>th</sup> P.M., at a point 210 feet North of the South Line and 1,900 feet West of the East Line of said Section 35. D. Source: Colorado River. E. Appropriation Date: September 14, 1983 Amount: Storage of 2,000 acre feet per year, conditional. F. Use: Municipal, commercial, industrial (including coal mining), domestic, irrigation and recreation. G. Depth: (if well): N/A. 4. Provide a detailed outline of what has been done toward completion or for completion of the appropriation and application of water to a beneficial use as conditionally decreed, including expenditures: (add additional sheets if necessary)

CB Minerals Company, LLC and its affiliate NCIG Financial Inc. (jointly, "CB/NCIG"), own land, mineral rights and water rights in Garfield County, including the subject conditional water rights for the Coal Ridge Pump and Pipeline, that are decreed and are intended for use for energy development and/or a mixed-use residential project (the "Project"). The water rights decreed for the Project include the conditional water rights for the Coal Ridge Pump and Pipeline and the Coal Ridge Reservoir and a substantial portion of the absolute water rights decreed for the Vulcan Ditch. During the relevant diligence period, CB Minerals and NCIG have expended in excess of \$300,000 in outside attorney and consultant fees and have expended thousands of hours of uncompensated time analyzing and protecting the subject conditional water rights and the Vulcan Ditch water rights (which have a common point of diversion at the Coal Ridge Pump and Pipeline conditional water right) and expending efforts to market and sell the properties and water rights. Applicant's specific efforts to analyze, protect and market these properties and water rights during the relevant diligence period include the following: a. CB/NCIG have participated through their counsel, Brownstein Hyatt Farber Schreck LLP, in reviewing and objecting to the water rights applications that could adversely affect the availability of water to the Project and in providing support for efforts to market the property. CB/NCIG have expended in excess of \$20,500 in this effort during the relevant diligence period. b. CB/NCIG have engaged the law firm of Davis Graham & Stubbs to assist with the sale of the subject properties for energy development. CB/NCIG incurred in excess of \$100,000 for legal fees in this effort. c. CB/NCIG have expended hundreds of thousands of dollars and thousands of hours identifying and negotiating with potential buyers on the acquisition of the Project, including the subject conditional water rights. During the relevant diligent period, a number of buyers have been interested in acquiring the Project including Quadra Energy, Linc Energy, Independent Energy Partners, Roaring Fork Properties, Castle Springs Energy and others. The Project is currently listed with Olsson Associates and a significant effort is underway to market the property. d. CB/NCIG also have had to spend considerable time and money maintaining and managing the properties and water rights comprising the Project. For example, they engaged J.E. Stover & Associates to renew the DRMS permit for the mining operation on the property and have conducted inspections and field reports required to maintain the validity of the permit. In addition, CB/NCIG contracted for the removal of a sediment pond in the property at a cost of approximately \$100,000. In connection with the reclamation of a portion of the property north of the mine, water diverted pursuant to the Coal Ridge Pump and Pipeline conditional water right was diverted and beneficially used, but the amount and rate of diversions were not recorded. e. During a portion of the diligence period, the property has been leased for irrigation. 5. If claim to make absolute: N/A 6. Names(s) and address(es) of owner(s) of the land on which structure is or will be located, upon which water is or will be stored, or upon which water is or will be placed to beneficial use. All structures are to be located on lands owned by the following: U.S. Bureau of Land Management Colorado State Office 2850 Youngsfield Street Lakewood, Colorado 80215.

**YOU ARE HEREBY NOTIFIED THAT YOU HAVE until the last day of DECEMBER 2017 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: \$158.00) KATHY POWERS, Water Clerk, Water Division 5; 109 8th Street, Suite 104 Glenwood Springs, CO 81601.**

**26. 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 OCTOBER 2017. 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.**

**17CW3202 GARFIELD COUNTY. DOLAN GULCH, TRIB. TO MITCHELL CREEK, TRIB. TO THE COLORADO RIVER AND MITCHELL CREEK, TRIB. TO THE COLORADO RIVER.** Application for Change of Water Right. Applicant: 1541 Mitchell Creek, LLC, c/o Balcomb & Green, P.C., P.O. Drawer 790, Glenwood Springs, CO 81602; 970-945-6546. Summary of Application: Applicant requests the Ct. to recognize the Storm King Reservoir Pool as an add'l place of storage under the Applicant's Storm King Reservoir No. 1 water right, orig. decreed in Case No. W-2554. The Storm King Reservoir Pool is located on Applicant's property known as the Storm King Ranch (the "Property" or the "Ranch"). See **Figure 1** for a map depicting the location of the Ranch and the subject water rights. Name of Structure: **Storm King Reservoir No. 1.** Orig. decree: Case No. W-2554 entered on 6/6/1977 in Dist. Ct., Water Division 5. Subsequent Decrees: Cases No. 83CW84, 87CW58, 01CW34, 10CW203 and 10CW204. All decrees entered in Dist. Ct., Water Division 5. Source: Dolan Gulch, trib. to Mitchell Creek, trib. to the Colorado River and Mitchell Creek, trib. to the Colorado River. Approp. Date: 9/25/1974. Amt. and Uses: 160 a.f. decreed for dom., mun., irr., ind. and pisc. purposes, distributed as follows: 7.15 a.f., absolute, for irr. with 152.85 a.f. remaining cond. (see Case No. 10CW204); 9.55 a.f., absolute, for pisc. use with 150.45 a.f. remaining cond. (see Cases No. 87CW58 and 10CW204); and 160 a.f., cond., for dom., mun. and ind. uses. Legal Description: The dam is located in the NW1/4, NW1/4, Sec. 34, T. 5 S., R. 89 W., 6th P.M. The intersec. of the dam and Dolan Creek is at a pt. whence the N.W. corner of said Sec. 34 bears N. 06 deg. 00' W. 1,100 ft. This may also be described as being located in the NW1/4 NW1/4, Sec. 34, T. 5 S., R. 90 W., 6<sup>th</sup> P.M., at a pt. 521 ft. from the N. Sec. line and 125 ft. from the W. Sec. line of said Sec. 34. Alt. Places of Storage: In Case No. 10CW203, the Ct. recognized the following locations as alt. places of storage for the Storm King Reservoir No. 1. All locations are supplied by Dolan Gulch, which is trib. to Mitchell Creek, trib. to the Colorado River. Storm King Ranch Pond No. 1 is also supplied by Mitchell Creek, which is trib. to the Colorado River. Dolan Gulch Upper Reservoir: Legal Description: NW1/4 NW1/4, Sec. 28, T. 5 S., R. 90 W., 6th P.M. at a pt. 933 ft. from the N. Sec. line and 726 ft. from the W. Sec. line of said Sec. 28. Amt. and Uses: Up to 25 a.f., of which 2.98 a.f. is considered absolute for irr. and pisc. uses. Storm King Ranch Pond No. 1: Legal Description: SE1/4 SE1/4, Sec. 28, T. 5 S., R. 90 W., 6th P.M. at a pt. 570 ft. from the S. Sec. line and 560 ft. from the E. Sec. line of said Sec. 28. Amt. and Uses: Up to 2.5 a.f., of which 0.15 a.f. is considered absolute for irr. and pisc. uses. Storm King Ranch Pond No. 2: Legal Description: SE1/4 SE1/4, Sec. 28, T. 5 S., R. 90 W., 6th P.M. at a pt. 409 ft. from the S. Sec. line and 696 ft. from the E. Sec. line of said Sec. 28. Amt. and Uses: Up to 5 a.f., of which 0.38 a.f. is considered absolute for irr. and pisc. uses. Storm King Ranch Pond No. 3: Legal Description: SE1/4 SE1/4, Sec. 28, T. 5 S., R. 90 W., 6th P.M. at a pt. 769 ft. from the S. Sec. line and 781 ft. from the E. Sec. line of said Sec. 28. Amt. and Uses: Up to 3 a.f., of which 0.45 a.f. is considered absolute for irr. and pisc. uses. Storm King Ranch Pond No. 4: Legal Description: SE1/4 SE1/4, Sec. 28, T. 5 S., R. 90 W., 6th P.M. at a pt. 702 ft. from the S. Sec. line and 750 ft. from the E. Sec. line of said Sec. 28. Amt. and Uses: Up to 2 a.f., of which 0.02 a.f. is considered absolute for irr. and pisc. uses. Storm King Ranch Pond No. 5: Legal Description: SE1/4 SE1/4, Sec. 28, T. 5 S., R. 90 W., 6th P.M. at a pt. 661 ft. from the S. Sec. line and 673 ft. from the E. Sec. line of said Sec. 28. Amt. and Uses: Up to 5 a.f., of which 0.04 a.f. is considered absolute for irr. and pisc. uses. Description of Proposed Change – Add'l Place of Storage: Applicant requests to add a place of storage for the Storm King Reservoir No. 1 in the following structure: **Storm King Reservoir Pool.** Legal Description: SE1/4 SE1/4, Sec. 28, T. 5 S., R. 89 W., 6th P.M. at a pt. 725 ft. from the S. Sec. line and 985 ft. from the E. Sec. line. See map in **Figure 1**. Source: Dolan Gulch, which is trib. to Mitchell Creek and trib. to the Colorado River. Amt. of Storm King Reservoir No. 1 that may be stored at this alt. place of storage: Up to 0.3 a.f. Present capacity is 0.19 a.f. Use: Dom. Contemplated Draft: The Storm King Reservoir No. 1 was decreed for 160 a.f. for dom., mun., irr., ind., and pisc. purposes, deriving water from Dolan Gulch. Applicant's requested change contemplates use of up to 0.3 a.f. of the cond. portion of this right at and through the add'l place of storage. The add'l place of storage claimed herein is upstream from the Storm King Reservoir No. 1—as are the decreed alt. places of storage described above. The Storm King Ranch Pool is filled using water from Dolan Gulch that could otherwise be captured and stored by the Storm King Reservoir No. 1 at its orig. decreed location. There are no intervening water rights, and no injury will result from this change. Name and address of owner of the land upon which any structure is or will be located, upon which water is or will be stored, or upon which water is or will be placed to beneficial use: Applicant. A map showing the locations of the structures is attached as **Figure 1**.

**YOU ARE HEREBY NOTIFIED THAT YOU HAVE until the last day of DECEMBER 2017 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: \$158.00) KATHY POWERS, Water Clerk, Water Division 5; 109 8th Street, Suite 104 Glenwood Springs, CO 81601.**

**27. 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 OCTOBER 2017. 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.**

**17CW3203 MESA COUNTY - COLORADO RIVER;** HT, LLC; c/o John R. Pierce, Dufford, Waldeck, Milburn & Krohn, LLP, 744 Horizon Court, Suite 300, Grand Junction, CO 81506, (970) 248-5865; Application to Make Conditional Water Right Absolute and Request for Finding of Reasonable Diligence; Name, mailing address, and telephone number of applicant: HT, LLC; 1150 River Drive; Aspen, CO 81611; (970) 920-3619; Request to make conditional water right absolute and for finding of diligence: Name of structure: HT Pit Well Pump Station (Well Permit No. 81347-F); Describe conditional water right: Original Decree: October 26, 2011; Case No. 09CW195, Division 5; Legal description: NE/4 of the SE/4 of Section 9, T1N, R3W, Ute Meridian, at a point that is 2,450 feet from the south section line and 510 feet from the east section line; Source of water: Groundwater tributary to the Colorado River; Appropriation Date: July 1, 1996; Amount: 700 g.p.m., conditional, with annual diversions not to exceed 338 a.f. This amount relates solely to the amount pumped for irrigation use and does not include evaporative depletions from the pit, which are exempt from the prior appropriation system under C.R.S §37-90-137(1)(b); Use: Irrigation of 58 acres consisting of three fields, all within T1N, R3W, Ute P.M. The first field is located in the NE/4 NW/4 SE/4 of Section 9. The second field is located in the SE/4 of NW/4 of SE/4 of Section 9. The third field is located in the SW/4 of SW/4 of NW/4 of Section 10; Depth: 6 feet; Surface area of pit well: 6.1 acres; Outline of work toward completion or for completion of the appropriation and application of water to a beneficial use as conditionally decreed, including expenditures: During the diligence period Applicant obtained a well permit for the HT Pit Well Pump Station and has placed the HT Pit Well Pump Station to beneficial use; If claim to make absolute in whole or in part: Date water applied to beneficial use: September 18, 2017; Amount: 700 g.p.m., with annual diversions not to exceed 338 a.f.; Use: Irrigation; Name and address of owner of land upon which diversion is located: Applicant; Request for finding of diligence: Name of structure: Deerwalker Pump; Describe conditional water right: Original Decree: October 26, 2011; Case No. 09CW195, Division 5; Subsequent decrees awarding findings of diligence: NA; Legal description: SW/4 NW/4 of Section 10, T1N, R3W, Ute Meridian, at a point that is 2,125 feet from the north section line and 840 feet from the west section line; Source of water: Colorado River; Appropriation Date: November 6, 2009; Amount: 0.5 c.f.s., conditional; Use: Irrigation of 5 acres located in the SW/4 NW/4 of Section 10, T1N, R3W, Ute P.M. Livestock watering of up to 37 head of cattle and 6 horses; Outline of work toward completion or for completion of the appropriation and application of water to a beneficial use as conditionally decreed, including expenditures: Applicant has installed a pump and necessary infrastructure to place the Deerwalker Pump to beneficial use for irrigation; If claim to make absolute in whole or in part: Date water applied to beneficial use: June 1, 2017; Amount: 0.5 c.f.s.; Use: Irrigation (use for livestock watering will remain conditional). (4 pages)

**YOU ARE HEREBY NOTIFIED THAT YOU HAVE until the last day of DECEMBER 2017 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: \$158.00) KATHY POWERS, Water Clerk, Water Division 5; 109 8th Street, Suite 104 Glenwood Springs, CO 81601.**

**28. 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 OCTOBER 2017. 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.**

**17CW3204 PITKIN COUNTY, ROARING FORK RIVER.** Board of County Commissioners of Pitkin County, Colorado c/o Laura Makar, Assistant County Attorney, 123 Emma Rd., Ste. 204, Basalt, CO 81621, (970) 920-5190. APPLICATION FOR FINDING OF REASONABLE DILIGENCE. Name of structure: Aspen-Pitkin County Exchange. Type: Exchange. Original Decree: Case No.: 99CW306, District Court, Water Division 5, Colorado, January 31, 2005. Subsequent decree: 11CW6, District Court, Water Division 5, Colorado, October 30, 2011. Legal description: Three maps illustrating the location of the Airport Exchange are on file with the court. The appropriative right of exchange will operate on the Roaring Fork River between the Airport property and the downstream confluence of the Roaring Fork River with the Fryingpan River by releases from Ruedi Reservoir, the location of which is located in parts of Sections 7, 8, 9, 11, 14, 15, 16, 17 and 18, Township 8 South, Range 84 West of the 6<sup>th</sup> P.M. in Pitkin and Eagle Counties, Colorado. The dam is located in the NW1/4 of Section 18, Township 8 South, Range 84 West of the 6<sup>th</sup> P.M. The initial point of survey of the dam is on the right abutment thereof at a point whence the southwest corner of Section 7, Township 8 South, Range 84 West of the 6<sup>th</sup> P.M. bears North 68°58' West a distance of 1126 feet. Exchange-From Point: The confluence of the Fryingpan River and Roaring Fork River which is currently located in Section 7, Township 8 South, Range 86 West, of the 6<sup>th</sup> P.M. Exchange-To Point: Section 2, Township 10 South, Range 85 West, of the 6<sup>th</sup> P.M., at a point approximately 1,350 feet south of the north section line and 1,850 feet east of the west section line. Source: Ruedi Reservoir, pursuant to a water allotment contract with the Basalt Water Conservancy District. Appropriation Date: December 29, 1999. Amount: 25 acre-feet per year, conditional; 0.14 c.f.s., conditional maximum exchange rate. Use: Augmentation and replacement by exchange of depletions to the Roaring Fork River. A detailed



outline of what has been done toward completion of the appropriation is on file with the Court. Name and address of owner of the land upon which structure is located and upon which water will be used: Applicant.

**YOU ARE HEREBY NOTIFIED THAT YOU HAVE until the last day of DECEMBER 2017 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: \$158.00) KATHY POWERS, Water Clerk, Water Division 5; 109 8th Street, Suite 104 Glenwood Springs, CO 81601.**

**29. 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 OCTOBER 2017. 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.**

**17CW3205 GARFIELD COUNTY. DOLAN GULCH, TRIB. TO MITCHELL CREEK, TRIB. TO THE COLORADO RIVER.** Application for Finding of Reasonable Diligence and to Make Cond. Water Right Absolute, in Part. Applicant: 1541 Mitchell Creek, LLC, c/o Balcomb & Green, P.C., P.O. Drawer 790, Glenwood Springs, CO 81601; 970-945-6546. Summary of Application: Applicant requests a finding of reasonable diligence for its cond. water rights in the Box Canyon Spring Water Supply System a/k/a Hermitage Ditch First Enlargement, Thompson Ditch First Enlargement, and Storm King Reservoir No. 1. In addition, Applicant requests confirmation that the Box Canyon Spring Water Supply System and the Storm King Reservoir No. 1 have been made absolute, in part. The subject water rights serve Applicant's property known as the Storm King Ranch (the "Property" or the "Ranch"). See **Figure 2** for a map depicting the location of the Ranch and the subject water rights. Name of Structure: **Box Canyon Spring Water Supply System a/k/a Hermitage Ditch First Enlargement.** Orig. Decree: Case No. W-2554 entered on 6/6/1977 in Dist. Ct., Water Division 5. Subsequent Decrees: Cases No. 79CW61, 83CW84, 87CW58, 01CW34 and 10CW204. All decrees entered in Dist. Ct., Water Division 5. Legal Description: The pt. of diversion is located in the NW1/4, SE1/4, Sec. 28, T. 5 S., R. 89 W., 6th P.M. at a pt. whence the S.E. corner of said Sec. 28 bears S. 17 deg. 00' E. 2,400 ft. This may also be described as: NW1/4 SE1/4, Sec. 28, T. 5 S., R. 89 W., 6th P.M. at a pt. 761 ft. from the E. Sec. line and 2,281 ft. from the S. Sec. line of said Sec. 28. Source: Dolan Gulch, trib. to Mitchell Creek, trib. to the Colorado River. Approp. Date: 9/25/1974. Amt. and Uses: 2.0 c.f.s. decreed for dom., mun., irr., ind. and pisc. purposes, distributed as follows: 2.0 c.f.s., absolute, for irr. and pisc. uses (see Cases No. 79CW61 and 87CW58); and 2.0 c.f.s., cond., for dom., mun., and ind. uses. Name of Structure: **Thompson Ditch First Enlargement.** Orig. Decree Case No. W-2554, 6/6/1977 in Dist. Ct., Water Division 5. Subsequent Decrees: Cases No. 83CW84, 86CW12, 87CW58, 01CW34, and 10CW204. All decrees entered in Dist. Ct., Water Division 5. Legal Description: Storm King Ranch Mitchell Creek decreed pt. of diversion is located in Sec. 34, T. 5 S., R. 89 W., 6th P.M. whence the N.W. corner of said Sec. 34 bears N. 26 deg. 18' 15" W. 1,602.84 ft. This changed pt. of diversion was decreed in Case No. 86CW12. The location may also be described as: NW1/4 NW1/4, Sec. 34 T. 5 S., R. 89 W., 6th P.M. at a pt. 754 ft. from the W. Sec. line and 1,421 ft. from the N. Sec. line of said Sec. 34. Source: Mitchell Creek, trib. to the Colorado River. Approp. Date: 9/25/1974. Amt. and Uses: 2.3 c.f.s., cond., decreed for dom., mun., irr., ind., and pisc. purposes. Name of Structure: **Storm King Reservoir No. 1.** Orig. decree: Case No. W-2554, 6/6/1977 in Dist. Ct., Water Division No. 5. Subsequent Decrees: Cases No. 83CW84, 87CW58, 01CW34, 10CW203 and 10CW204. All decrees entered in Dist. Ct., Water Division 5. Source: Dolan Gulch, trib. to Mitchell Creek, trib. to the Colorado River and Mitchell Creek, trib. to the Colorado River. Approp. Date: 9/25/1974. Amt. and Uses: 160 a.f. decreed for dom., mun., irr., ind. and pisc. purposes, distributed as follows: 7.15 a.f., absolute, for irr. with 152.85 a.f. remaining cond. (see Case No. 10CW204); 9.55 a.f., absolute, for pisc. use with 150.45 a.f. remaining cond. (see Cases No. 87CW58 and 10CW204); and 160 a.f., cond., for dom., mun. and ind. uses. Legal Description: The dam is located in the NW1/4, NW1/4, Sec. 34, T. 5 S., R. 89 W., 6th P.M. The intersec. of the dam and Dolan Creek is at a pt. whence the N.W. corner of said Sec. 34 bears N. 06 deg. 00' W. 1,100 ft. This may also be described as: NW1/4 NW1/4, Sec. 34, T. 5 S., R. 90 W., 6th P.M., at a pt. 521 ft. from the N. Sec. line and 125 ft. from the W. Sec. line of said Sec. 34. Alt. Places of Storage: In Case No. 10CW203, the Ct. recognized the following locations as alt. places of storage for the Storm King Reservoir No. 1. All locations are supplied by Dolan Gulch, which is trib. to Mitchell Creek, trib. to the Colorado River. Storm King Ranch Pond No. 1 is also supplied by Mitchell Creek, which is trib. to the Colorado River. Dolan Gulch Upper Reservoir: Legal Description: NW1/4 NW1/4, Sec. 28, T. 5 S., R. 90 W., 6th P.M. at a pt. 933 ft. from the N. Sec. line and 726 ft. from the W. Sec. line of said Sec. 28. Amt. and Uses: Up to 25 a.f., of which 2.98 a.f. is considered absolute for irr. and pisc. uses. Storm King Ranch Pond No. 1: Legal Description: SE1/4 SE1/4, Sec. 28, T. 5 S., R. 90 W., 6th P.M. at a pt. 570 ft. from the S. Sec. line and 560 ft. from the E. Sec. line of said Sec. 28. Amt. and Uses: Up to 2.5 a.f., of which 0.15 a.f. is considered absolute for irr. and pisc. uses. Storm King Ranch Pond No. 2: Legal Description: SE1/4 SE1/4, Sec. 28, T. 5 S., R. 90 W., 6th P.M. at a pt. 409 ft. from the S. Sec. line and 696 ft. from the E. Sec. line of said Sec. 28. Amt. and Uses: Up to 5 a.f., of which 0.38 a.f. is considered absolute for irr. and pisc. uses. Storm King Ranch Pond No. 3: Legal Description: SE1/4 SE1/4, Sec. 28, T. 5 S., R. 90 W., 6th P.M. at a pt. 769 ft. from the S. Sec. line and 781 ft. from the E. Sec. line of said Sec. 28. Amt. and Uses: Up to 3 a.f., of which 0.45 a.f. is considered absolute for irr. and pisc. uses. Storm King Ranch Pond No. 4: Legal Description: SE1/4 SE1/4, Sec. 28, T. 5 S., R. 90 W., 6th P.M. at a pt. 702 ft. from the S. Sec. line and 750 ft. from the E. Sec. line of said Sec. 28. Amt. and Uses: Up to 2 a.f., of which 0.02 a.f. is considered absolute for irr. and pisc. uses.

**Storm King Ranch Pond No. 5:** Legal Description: SE1/4 SE1/4, Sec. 28, T. 5 S., R. 90 W., 6th P.M. at a pt. 661 ft. from the S. Sec. line and 673 ft. from the E. Sec. line of said Sec. 28. Amt. and Uses: Up to 5 a.f., of which 0.04 a.f. is considered absolute for irr. and pisc. uses. A complete list of diligence activities and expenditures is on file with this Ct. Claim to make Absolute: **Box Canyon Spring Water Supply System a/k/a Hermitage Ditch First Enlargement.** Applicant requests confirmation that the Box Canyon Spring Water Supply System, as described above, has been made absolute, in part. Amt. to Be Made Absolute: 15 g.p.m. (0.033 c.f.s.) for dom. uses, and 12 g.p.m (0.027 c.f.s.) for ind. use in the on-site car wash. Amt. to Remain Cond.: 1.967 c.f.s. for dom. use; 1.973 c.f.s for ind. use; and 2.0 c.f.s for mun. use. Date Applied to Beneficial Use: Various dates between 1/1/2017 and 8/31/2017. Records at the Division of Water Resources indicate there were no senior calls during this period that would have resulted in curtailment of the Box Canyon Spring Water Supply System. Place of Use: The Ranch's main lodge, kitchen house, guesthouse, office, log cabin, and the on-site car wash facility on the Storm King Ranch as depicted in **Figure 2. Storm King Reservoir No. 1.** Applicant requests confirmation that the Storm King Reservoir No. 1, as described above, has been made absolute, in part, at its orig. decreed location and at the add'l place of storage claimed in Case No. 17CW3202 (Storm King Reservoir Pool). The Storm King Reservoir Pool is located off-channel. A map showing the location of the structure is attached as **Figure 1. Storm King Reservoir No. 1.** Legal Description: As described above. Amt. to Be Made Absolute: 2.4 a.f. for irr. use. **Storm King Reservoir Pool.** Legal Description: SE1/4 SE1/4, Sec. 28, T. 5 S., R. 89 W., 6th P.M. at a pt. 725 ft. from the S. Sec. line and 985 ft. from the E. Sec. line. Surface Area: 0.03 acres. Dam Height and Length: not applicable; this is an excavated structure. Amt. to Be Made Absolute: 0.19 a.f. (61,000 gallons) for dom. use. Amt. to Remain Cond.: 159.81 a.f. for dom. use; 150.45 a.f. for irr. and pisc. uses; and 160 a.f. for mun. and ind. uses. Date Applied to Beneficial Use: Various dates between 1/1/2017 and 8/31/2017. Records at the Division of Water Resources indicate there were no senior calls during this period that would have resulted in curtailment of the Storm King Reservoir No. 1. Name and address of owner of the land upon which any structure is or will be located, upon which water is or will be stored, or upon which water is or will be placed to beneficial use: Applicant. A map showing the location of the structures is attached as **Figure 1.**

**YOU ARE HEREBY NOTIFIED THAT YOU HAVE until the last day of DECEMBER 2017 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: \$158.00) KATHY POWERS, Water Clerk, Water Division 5; 109 8th Street, Suite 104 Glenwood Springs, CO 81601.**

**30. 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 OCTOBER 2017. 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.**

**17CW3206 MESA AND GARFIELD COUNTIES - COLORADO RIVER;** #10 Enterprises, L.L.C.; c/o John R. Pierce, Dufford, Waldeck, Milburn & Krohn, LLP, 744 Horizon Court, Suite 300, Grand Junction, CO 81506, (970) 248-5865; Application To Make Conditional Underground Water Right Absolute, Request For Finding Of Diligence, And Application For Absolute Underground Water Right; Name, address, and telephone number of applicant: #10 Enterprises, L.L.C.; High Lonesome Ranch; P.O. Box 88; DeBeque, CO 81630; (970) 208-9302; Request for finding of diligence: Name of structure: Paul Pond; Describe conditional water right: Date of Original Decree: January 31, 1995; Case No.: 94CW186; Subsequent decrees awarding diligence: 01CW29 and 10CW169; Legal description: 940 feet from the west section line and 954 feet from the south section line of Section 30, Township 5 South, Range 100 West of the 6th P.M.; Source of water: Surface runoff from the Paul Spring, tributary to Lissa Creek, tributary to Roan Creek, tributary to the Colorado River; Appropriation Date: August 12, 1994; Amount: 7.5 a.f., conditional; Use: Livestock watering and wildlife watering, both directly from the pond, piscatorial and fire protection; Outline of work toward completion or for completion of the appropriation and application of water to a beneficial use: Applicant has partially constructed the Paul Pond and has impounded water for beneficial use; Request for finding of diligence: Name of structure: Cooper Pond No. 1; Describe conditional water right: Date of Original Decree: January 31, 1995; Case No.: 94CW186; Subsequent decrees awarding diligence: 01CW29 and 10CW169; Legal description: 611 feet from the east section line and 262 feet from the south section line of Section 31, Township 5 South, Range 100 West of the 6th P.M.; Source of water: Surface runoff from unnamed tributary to Roan Creek, tributary to the Colorado River; Appropriation Date: August 12, 1994; Amount: 7.25 a.f., conditional; Use: Livestock watering and wildlife watering, both directly from the pond, piscatorial and fire protection; Outline of work toward completion or for completion of the appropriation and application of water to a beneficial: Applicant has partially constructed the Cooper Pond No. 1 and has impounded water for beneficial use; If claim to make absolute in whole or in part: Date water applied to beneficial use: August 30, 2011; Amount: 0.10 a.f., absolute, for a total of 0.35 a.f. absolute and 7.15 a.f. remaining conditional.; Use: Livestock watering and wildlife watering, both directly from the pond, piscatorial and fire protection; Request for finding of diligence: Cooper Pond No. 2; Name of structure: Cooper Pond No. 2; Describe conditional water right: Date of Original Decree: January 31, 1995; Case No.: 94CW186; Subsequent decrees awarding diligence: 01CW29 and 10CW169; Legal description: 499 feet from the east line and 137 feet from the south line of Section 31, Township 5 South, Range 100 West of the 6th P.M.; Source of water: Surface runoff including water from the Cooper

Spring, tributary to Roan Creek, tributary to the Colorado River; Appropriation Date: August 12, 1994; Amount: 8.00 a.f., conditional; Use: Livestock watering and wildlife watering, both directly from the pond, piscatorial and fire protection; Outline of work toward completion or for completion of the appropriation and application of water to a beneficial use: Applicant has partially constructed Cooper Pond 2 and has impounded water for beneficial use; If claim to make absolute in whole or in part: Date water applied to beneficial use: August 30, 2011; Amount: 1.07 a.f., absolute and 6.93 a.f. remaining conditional; Use: Livestock watering and wildlife watering, both directly from the pond, piscatorial and fire protection; Request for finding of diligence: Name of structure: Buck Pond No. 1; Describe conditional water right: Date of Original Decree: January 31, 1995; Case No.: 94CW186; Subsequent decrees awarding diligence: 01CW29 and 10CW169; Legal description: 3,196 feet from the west section line and 415 feet from the south section line of Section 11, Township 6 South, Range 101 West of the 6th P.M. Source of water: Runoff water from the Buck Spring No. 1, tributary to Buck Canyon Creek, tributary to Roan Creek, tributary to the Colorado River; Appropriation Date: August 12, 1994; Amount: 7.5 a.f., conditional; Use: Livestock watering and wildlife watering, both directly from the pond, piscatorial and fire protection; Outline of work toward completion or for completion of the appropriation and application of water to a beneficial use: Applicant has partially constructed Buck Pond No. 1 and has impounded water for beneficial use; If claim to make absolute in whole or in part: Date water applied to beneficial use: August 30, 2011; Amount: 0.28 acre-feet (“a.f.”), absolute, for a total of 0.78 a.f. absolute and 7.22 a.f. remaining conditional; Use: Livestock watering and wildlife watering, both directly from the pond, piscatorial and fire protection; Request for finding of diligence: Name of structure: Buck Pond No. 2; Describe conditional water right: Date of Original Decree: January 31, 1995; Case No.: 94CW186; Subsequent decrees awarding diligence: 01CW29 and 10CW169; Legal description: 3,300 feet from the west section line and 700 feet from the south section line of Section 11, Township 6 South, Range 101 West of the 6th P.M.; Source of water: Runoff water from the Buck Spring No. 1, tributary to Buck Canyon Creek, tributary to Roan Creek, tributary to the Colorado River; Appropriation Date: August 12, 1994; Amount: 8.0 a.f., conditional; Use: Livestock watering and wildlife watering, both directly from the pond, piscatorial and fire protection; Outline of work toward completion or for completion of the appropriation and application of water to a beneficial use: Applicant is developing its pond system in phases. The current phase is focused on the construction and improvement of Cooper Pond Nos. 1 and 2, Buck Pond No. 1, and Prospect Pond Nos. 1 and 2; Request for finding of diligence: Name of structure: Elk Pond No. 1; Describe conditional water right: Date of Original Decree: January 31, 1995; Case No.: 94CW186; Subsequent decrees awarding diligence: 01CW29 and 10CW169; Legal description: 1,467 feet from the east section line and 1,394 from the north section line of Section 24, Township 6 South, Range 101 West of the 6th P.M.; Source of water: Surface runoff from the Mud Spring, tributary to Roan Creek, tributary to the Colorado River; Appropriation Date: August 12, 1994; Amount: 7.5 a.f., conditional; Use: Livestock watering and wildlife watering, both directly from the pond, piscatorial and fire protection; Outline of work toward completion or for completion of the appropriation and application of water to a beneficial use: Applicant is developing its pond system in phases. The current phase is focused on the construction and improvement of Cooper Pond Nos. 1 and 2, Buck Pond No. 1, and Prospect Pond Nos. 1 and 2; Request for finding of diligence: Name of structure: Elk Pond No. 2; Describe conditional water right: Date of Original Decree: January 31, 1995; Case No.: 94CW186; Subsequent decrees awarding diligence: 01CW29 and 10CW169; Legal description: 1,500 feet from the east section line and 1,311 feet from the north section line of Section 24, Township 6 South, Range 101 West of the 6th P.M.; Source of water: Surface runoff from the Mud Spring, tributary to Roan Creek, tributary to the Colorado River; Appropriation Date: August 12, 1994; Amount: 7.5 a.f., conditional; Use: Livestock watering and wildlife watering, both directly from the pond, piscatorial and fire protection; Outline of work toward completion or for completion of the appropriation and application of water to a beneficial use: Applicant is developing its pond system in phases. The current phase is focused on the construction and improvement of Cooper Pond Nos. 1 and 2, Buck Pond No. 1, and Prospect Pond Nos. 1 and 2; Request for finding of diligence: Name of structure: Prospect Pond No. 1; Describe conditional water right: Date of Original Decree: January 31, 1995; Case No.: 94CW186; Subsequent decrees awarding diligence: 01CW29 and 10CW169; Legal description: 557 feet from the west section line and 1,085 feet from the north section line of Section 24, Township 6 South, Range 101 West of the 6th P.M.; Source of water: Surface runoff from Prospect Spring No. 1, tributary to Big Salt Wash, tributary to the Colorado River; Appropriation Date: August 12, 1994; Amount: 8.5 a.f., conditional; Use: Livestock watering and wildlife watering, both directly from the pond, piscatorial and fire protection; Outline of work toward completion or for completion of the appropriation and application of water to a beneficial use: Applicant has installed a 24-inch pipe to improve dam and overflow in anticipation of enlarging the pond in the spring of 2018; Request for finding of diligence: Name of structure: Prospect Pond No. 2; Describe conditional water right: Date of Original Decree: January 31, 1995; Case No.: 94CW186; Subsequent decrees awarding diligence: 01CW29 and 10CW169; Legal description: 623 feet from the west section line and 1,073 feet from the north section line of Section 24, Township 6 South, Range 101 West of the 6th P.M.; Source of water: Surface runoff from Prospect Spring No. 1, tributary to Big Salt Wash, tributary to the Colorado River; Appropriation Date: August 12, 1994; Amount: 8.5 a.f., conditional; Use: Livestock watering and wildlife watering, both directly from the pond, piscatorial and fire protection; Outline of work toward completion or for completion of the appropriation and application of water to a beneficial use: Applicant has installed a 24-inch pipe to improve dam and overflow in anticipation of enlarging the pond in the spring of 2018; Request for finding of diligence: Name of structure: Bear Pond; Describe conditional water right: Date of Original Decree: January 31, 1995 Case No.: 94CW186; Subsequent decrees awarding diligence: 01CW29 and 10CW169; Legal description: 580 feet from the west section line and 940 feet from the north section line of Section 25, Township 6 South, Range 101 West of the 6th P.M.; Source of water: Surface runoff tributary to Big Salt Wash, tributary to the Colorado River; Appropriation Date: August 12, 1994; Amount: 7.5 a.f., conditional; Use: Livestock watering and wildlife watering, both directly from the pond, piscatorial and fire protection.; Outline of work toward completion or for completion of the

appropriation and application of water to a beneficial use: Applicant is developing its pond system in phases. The current phase is focused on the construction and improvement of Cooper Pond Nos. 1 and 2, Buck Pond No. 1, and Prospect Pond Nos. 1 and 2; WHEREFORE, Applicant requests to make conditional rights absolute and a finding of reasonable diligence as set out above. Applicant further requests a finding of diligence with regard to any existing conditional water rights in the structures described in this application which may have been omitted from the descriptions above. (11 pages)

**YOU ARE HEREBY NOTIFIED THAT YOU HAVE until the last day of DECEMBER 2017 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: \$158.00) KATHY POWERS, Water Clerk, Water Division 5; 109 8th Street, Suite 104 Glenwood Springs, CO 81601.**